

**CHAPTER 2 –FARM DEVELOPMENT RIGHT**

**Sections:**

- 10-2-1: Purpose**
- 10-2-2: Farm Development Right**
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**Section 10-2-1: Purpose**

The purpose of this Chapter is to describe the basic development rights associated with agricultural zoning on land within Elmore County.

**Section 10-2-2: Farm Development Right**

- A. Purpose: This regulation allows owners of a qualifying property as determined by the Director in the agricultural zoning district to create one (1) residential parcel for conveyance without platting. If the qualifying property is decreased below the minimum property size as a result of granting the farm development right, the remainder of the qualifying property shall still be considered a conforming property/original parcel of record.
- B. Applicability: This regulation shall apply to any property that meets all of the following criteria:
  - 1. The property is within the agricultural zoning district;
  - 2. The property shall be a minimum of forty (40) acres of contiguous property under one ownership or control unless reduced by the result of a government action; and
  - 3. The property shall be approved to a maximum of one (1) farm development right.
  - 4. Parcels approved prior to the effective date of this Ordinance subject to the one (1) acre lot regulations or one (1) acre parcel regulations shall be considered farm development rights.

**Section 10-2-3: Process**

- A. Application: An application and fees shall be submitted to the Director on forms provided by the Department.
- B. Required Findings: The Director shall make the following findings in order to approve, or approve with conditions, the farm development right:
  - 1. The proposed farm development right meets the applicability requirements of Section 10-2-2 subsection B; and
  - 2. The proposed farm development right complies with the standards listed in Section 10-2-4.
- C. Tentative Approval Requirements: Upon tentative approval of the application by the Director subject to the regulations of this Ordinance, the applicant or owner shall have one year to complete all of the following tasks:
  - 1. Record with the Clerk a Record of Survey; and
  - 2. Execute and record the necessary deeds to convey the farm development right parcel; and
  - 3. Verify taxes have been paid from the Treasurer; and
  - 4. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the Director.
- D. Final Approval Requirements: Upon determination by the Director that the farm development right is in conformance with the requirements outlined in the tentative approval letter and that all requirements were satisfied prior to the one (1) year expiration date, then the Director shall issue a letter stating that the farm development right has received final approval.

#### **Section 10-2-4: Standards**

- A. A farm development right parcel shall meet the following minimum standards:
  - 1. The farm development right parcel is between one (1) acre and three (3) acres in size and meets the other required dimensional standards established by this Ordinance; and
  - 2. The farm development right parcel can provide adequate access and frontage as required by this Ordinance; and

3. If the qualifying property has more than one (1) permanent dwelling, the farm development right parcel shall contain one (1) of the extra dwellings. This standard shall not apply to temporary living quarters; and
  4. The proposed farm development right division shall maximize to the greatest extent possible the preservation of prime agricultural soils; and
  5. The farm development right parcel shall be located on the portion of the property that causes the least disruption of agriculture on the remainder of the qualifying property while still meeting the standards of this section.
- B. As part of the application, an applicant may request an increase in property size to a maximum of three (3) acres to accommodate one of the following:
1. Additional property is needed to support an individual wastewater treatment system; or
  2. The farm development right parcel separates an existing dwelling (either principal permitted or other) from the qualifying property and such dwelling cannot obtain proper street frontage or setback requirements unless granted a larger property size; or
  3. When the property under consideration for the farm development right parcel is separated by a barrier that prevents the use of the qualifying property as one (1) unit.
  4. The property will maintain the preservation of prime agricultural soils.
  5. Maintain certain agricultural exemptions on the farm development right.

