

## CHAPTER 6

### AP-40 AGRICULTURAL PRODUCTION ZONE

Sections:

- 6.1.0 Purpose
- 6.2.0 Permitted uses
- 6.3.0 Permitted accessory uses
- 6.4.0 Conditional uses
- 6.5.0 Development standards

**6.1.0 PURPOSE.** The Agricultural Production 40 Zone is designed to maintain the agricultural economy of the county by reserving the farmlands that are used for farming and that are suited to such use. The County Comprehensive Plan designates the County's Agricultural Lands. A majority of land in this Zoning District lacks access to irrigation water and emphasizes the County's Rangeland and/or Dry Land farming practices.

Residential Subdivisions are not compatible with the intent of the Agricultural Production 40 Zone. Short Plats may be permitted for farm labor housing or where the landowner wishes to sell the farm (\* see definition of farm) and keep the house or in cases where deemed appropriate by the Board of County Commissioners.

**6.2.0 PERMITTED USES.** The following uses are permitted in the AP-40 Zone:

1. One single-family dwelling.
2. Agriculture, floriculture, horticulture, general farming, dairies, poultry and/or egg production, livestock farming including hog or swine raising, subject to the following head count numbers and requirements (see "farm" definition):
  - a. Dairies (milking cows): 500
    - i. Dairy separation standard: No more than two (2) operations that are greater in size than 1300 (milking cow head count) shall be located within an operations two (2) mile buffer. The buffer area shall be a two (2) mile radius from each operation's center of primary animal confinement as defined by the Franklin Conservation District.
  - b. Feedlots: 1000
  - c. Poultry and/or egg production: 10,000
  - d. Hog or swine raising (sows): 100
  - e. All of the above mentioned head count numbers may be exceeded upon the approval of a conditional and/or special use permit with the exception of the Dairy separation standard listed above *in* 6.2.0(2)(a)(i).
3. Agricultural produce stands for products grown on the premises when located not less than twenty (20) feet from any public street or highway.

4. Commercial and private stables, riding academies, including farrier and training, and including caretakers' quarters. This provision shall provide for all animals listed in the permitted animal unit definition.
5. Veterinary clinic.
6. Nurseries and greenhouses.
7. Rural retail businesses associated with agricultural products grown or produced on-site (subject to the criteria listed in the Use Regulations Chapter).

**6.3.0 PERMITTED ACCESSORY USES.** The following uses shall be permitted as accessory in the AP-40 Zone:

1. Accessory uses, buildings, and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use.
2. One animal unit shall be allowed for each full ten thousand square foot increment of land within the same parcel minus the area set aside for the minimum effective lot size for the dwelling on the lot (12,000 square feet); provided that all barns, barnyards, chicken houses, or corrals shall be located not less than twenty-five feet from a public roadway and not less than ten feet from any adjoining or abutting property held under separate ownership. This requirement only applies to parcels that are less than twenty (net) acres in size, and may be waived upon the approval of a conditional/special use permit.
3. Home Occupations.
4. Accessory dwellings.

**6.4.0 CONDITIONAL USES.** The following additional uses may be permitted subject to securing a Conditional Use Permit/Special Use Permit:

1. Stone quarries, sand and gravel pits.
2. Commercial feed mills and canneries.
3. Permanent airstrips used by agricultural aerial applicators (crop dusting) - including helicopters. Also including private airstrips.
4. Schools and churches (including elementary, junior high, high schools, kindergarten, day care centers and mini-day care programs).
5. Power plants, pumping plants, substations and transmission lines.
6. Cemeteries, crematoriums or mausoleums.
7. Public and quasi-public buildings.
8. Dog kennels.
9. Amusement parks or similar uses providing there is a minimum of twenty (20) acres.
10. Non-motorized recreational trails and similar facilities.
11. Gun, rifle, and archery clubs/ranges.
12. Group homes or therapeutic centers.
13. Processing (industrial or manufacturing plants) of agricultural products that are not produced or grown on-site.

14. Contractors (parking and storage of equipment/materials that does not meet the intent of the Home Occupation Chapter).
15. All Farm Family or Farm Labor Housing for Permanent Hired Help consisting of five (5) or more dwelling units (\* see definition of farm).
  - a. On-site farm labor housing and housing for permanent hired help – means housing (conventional – site built or FAH) located:
    - i. Upon the same lot or parcel or farm unit as the residence of the employer(s), or upon land adjoining the lot or parcel or farm unit upon which the residence of the employer is located, provided it does not exceed one (1) mile in distance from the residence of the employer(s); and/or
    - ii. All farm labor housing for migrant laborers shall be located on-site as referenced above.
  - b. Permanent hired help – means salaried employees who are hired by the farmer and are employed for a minimum of nine (9) months of the year.
16. Wineries.
17. Landscape gardening and storage area for equipment and materials.
18. Off-site agricultural services (i.e. spraying, trucking, farriering of goods and commodities).
19. Hunting and fishing clubs/camps.
20. Commercial livestock sales yard(s).
21. Temporary asphalt batch plants.
22. Rural retail businesses associated with agricultural products grown or produced off-site (subject to the criteria listed in the Use Regulations Chapter).
23. Commercial rodeo arenas.

**6.5.0 DEVELOPMENT STANDARDS.** The following dimensional standards shall apply.

1. Minimum Lot Area: 40 acres (see # 6 for special provisions/exceptions).
2. Density: One dwelling unit per lot/parcel (see # 6 special provision/exceptions).
3. Minimum Yard Setbacks (Primary):
  - a. Front: No building shall be located closer than twenty-five (25) feet from a road right-of-way, or fifty-five (55) feet from the centerline of the adjoining road or whichever is greater.
  - b. Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building, PROVIDING that the side yard on a corner lot shall not be less than twenty-five (25) feet wide, or fifty-five (55) feet wide from the centerline of an existing/future road, access easement, or whichever is greater.
  - c. Rear: There shall be a rear yard having a minimum depth of twenty-five (25) feet.
4. Minimum Yard Setbacks (Accessory):

- a. Front: No building shall be located closer than twenty-five (25) feet from a road right-of-way, or fifty-five (55) feet from the centerline of the adjoining road or whichever is greater.
  - b. Side: There shall be a side yard of not less than ten (10) feet in width on each side of a building. (See Site Design Standards Chapter for Corner Lot setback requirements).
  - c. Rear: There shall be a rear yard having a minimum depth of ten (10) feet.
5. Height: Thirty-five (35) feet (primary and accessory).
- a. Height limitations shall not apply to barns, silos, water towers or other farm buildings and structures. Projections such as chimneys, domes, spires, elevator shaft housings, towers, aerials, flagpoles, and other similar objects not used for human occupancy are likewise not subject to height limitations of this ordinance.
6. Special provisions/exceptions:
- a. Innovative Agricultural Short Plats shall:
    - i. Comply with the Purpose of the Agricultural Production 40 Zoning District.
    - ii. Comply with a minimum lot size of 1 acre.
    - iii. Consist of no more than 4 lots. This includes no more than 3 lots/parcels that are less than 40 acres in size. The remaining farm lot/parcel shall comply with the required Density Standard.
    - iv. Comply with a Density Standard of 1:40. For each lot/parcel that is less than 40 acres in size in a short plat application there shall be a minimum of 40 acres set aside in the main farm lot/parcel.
  - b. Housing for Family Members and Permanent Hired Help.
    - i. In the Agricultural Production 40 Zone, four (4) dwelling units may be placed on the property of the landowner without a public hearing for family members or permanent hired help where said housing relates to the farming operation of the landowner. This provision shall not be interpreted as farm labor housing/camps. The owner of the property is to submit a site plan for review and approval.
    - ii. Any selling or transferring of the property and houses at a later date where the legal description has been modified from the original parcel would require that the property be legally subdivided in accordance with the applicable subdivision ordinance and that appropriate lot sizes and yard requirements be met.