



## **Instructions for Completing the Agricultural Land Division Application**

Important Note: Under no circumstance may any parcel created as a result of this application be less than five (5) acres in size.

### Application Steps

1. **FEE:** A \$130.00 per survey fee must accompany the completed application. (*Non-Refundable*).
2. Attach a copy of warranty deed for affected property.
3. Complete the application cover sheet. The "Applicant" information is only necessary if the application is being processed by someone other than the property owner.
4. Read and complete the Agricultural Use Statement attached to the cover sheet. Important: Read the definition of "agricultural use" closely. This application can only be used if your property qualifies under this definition.
5. Sign and have notarized the Agricultural Use Statement form on page 2.
6. Cause the property to be surveyed by a professional land surveyor. Said survey shall clearly label the agricultural parcel and residential parcel (if applicable) and follow other standard survey practices.
7. Prepare new deeds and legal descriptions for all parcels that result from the agricultural land division, including any remainder piece that may contain an existing dwelling.
8. Submit a draft copy of the Agricultural Use Statement, survey, deeds and legal descriptions to Development Services for final review and verification. A final approval letter will be issued authorizing the land division.
9. Once you have received your approval letter, you must then record the following items at the Gem County Clerk's Office:
  - a. Survey
  - b. New deed and legal description for the residential parcel
  - c. New deed and legal description for the new agricultural parcel attached to the Signed and notarized Agricultural Use Statement



## AGRICULTURAL USE STATEMENT<sup>1</sup>

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### GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 South McKinley, Emmett, Idaho 83617

phone (208) 365-5144 • fax (208) 365-2499 • [www.gemcounty.org](http://www.gemcounty.org)

I/we, \_\_\_\_\_, hereby state that my/our real property, as described **in the attached property description** in Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, is currently and solely being used for agricultural purposes and will be maintained as agricultural land. There are no existing dwelling units on the newly created agricultural parcel(s). I understand that the definition of an "agricultural use" in Gem County is defined as farming, dairying, pasturage, cultivation, tillage, horticulture, floriculture, silviculture, viticulture, vermiculture, animal poultry, and fish husbandry as the principal land use and the necessary accessory uses of packing, treating, or storing the produce. Agricultural uses do not include commercial riding stables, racetracks, slaughterhouses, factories, works for reduction of animal matter or commercial poultry, kennels or feed lots. Incidental retailing of goods on the premises of goods and products raised on the premises is considered as being within the definition of agriculture.

By signing this statement I understand that no building permits for any structure other than an agricultural building will be granted on the property (unless and until the property changes zoning or is approved through the subdivision process). I also understand that if my property is divided under the auspices of "bona fide agricultural land<sup>2</sup>" and is claiming exemption from the Gem County Subdivision Ordinance, new recorded descriptions are still required to be created for the new agricultural parcels.

\_\_\_\_\_  
Owner #1 Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner #2 Signature

\_\_\_\_\_  
Date

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<sup>1</sup>Before this document is recognized as exempting any land division from the Gem County Subdivision Ordinance, it must be recorded along with the coordinating legal descriptions at the Gem County Clerk's Office before it is accepted by the Development Services Department.

<sup>2</sup> Gem County Code 12-2-2: Definitions: A "bona fide division or partition of agricultural land for agricultural purposes" shall mean the division of land into lots, all of which are five (5) acres or larger, and maintained as agricultural lands without development (building permit) capability.

