

ORDINANCE NO. 297

AN ORDINANCE CREATING ADMINISTRATIVE PERMITS AND DECLARING THE PURPOSE THEREOF; ESTABLISHING WHAT ACTIVITIES REQUIRE ADMINISTRATIVE PERMITS; PROVIDING EXEMPTIONS FOR LAND DIVISIONS; PROVIDING FOR OTHER EXEMPTIONS; PROVIDING FOR APPLICATION FORMS; ESTABLISHING APPLICATION FEES; PROVODING FOR SITE INSPECTIONS; ESTABLISHING PERMIT PROCEDURES; AND, SETTING FORTH THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, IDAHO, AS FOLLOWS:

1. This ordinance provides for the issuance of Administrative Permits. This Administrative permit procedure provides for the prompt review of minor developments, while assuring they have no significant adverse impact on environmental quality, neighboring uses, or public facilities and services.

i. "Minor Development" is defined to mean any one time division of any land parcel, creation of any single access to county roadways, or construction of any agricultural building.

2. An administrative permit shall be required for:

- A. Any lot split;
- B. Any access to a county roadway.

3. Exemptions for Land Divisions. Exemptions of a land division does not exempt development of the parcel created from compliance with this ordinance.

- A. No permit shall be required for any land division that results from the settlement of an estate or a court decree for the distribution of specific parcels of property.
- B. No permit shall be required for any land division that results from a condemnation proceeding or the voluntary sale or gift of land for a public purpose.
- C. No permit shall be required for platting a cemetery.
- D. No permit shall be required for any land division in which all resulting parcels are 160 acres or more acres in size. The creation of parcels between 20 and 160 acres in size for agricultural purposes only shall also be exempt from the requirement for a permit, but the further division or the development of any such parcel shall be preceded or accompanied by an application for a lot split.
- E. No permit shall be required for the adjustment of unplatted property lines in which no new parcel is created and no nonconforming lot, parcel, use, or structure results.

4. Applications for Administrative Permits. Applications for administrative permits shall be submitted on forms provided by the County for other zoning or like permits, and shall be completed and other information provided as otherwise provided by county ordinance for zoning or like permits.

5. Application Fees. Application fees shall be established by resolution of the Board.

6. Site Inspection. The filing of an application permit constitutes permission for the county to conduct inspections of the proposed site during its consideration of the application. The administrator may delay consideration of any application when inclement weather or a snow pack prevents a useful on-site inspection.

7. Administrative Permit Procedure. The administrative permit procedure shall be as follows:

- A. The applicant shall file a properly completed permit application form, the required supporting materials, and the required application fee with the administrator.
- B. The administrator shall determine whether the proposed minor development is in compliance with the comprehensive plan and this ordinance. If the proposed minor development complies, the application for a permit shall be approved. If the proposed development does not comply the application for a permit shall be denied. Conditions may be attached to approval of any permit.
- C. The administrator shall notify the developer of the decision within 10 days, which notice shall be in writing, and is complete upon mailing to the address provided by the developer.
- D. The administrator's decision on a proposed administrative permit may be appealed to the commission using the appeals procedure provided in Ordinance No. _____.
- E. Upon finding that an administrative permit application poses a significant adverse impact on environmental quality, neighboring land uses, or public facilities and services, the administrator may refer any application for an administrative permit to the commission. The commission may, upon confirming the administrator's findings, require that the applicant for an administrative permit be converted to an application for a different permit, as specified by the commission. Such referrals shall be placed on the agenda of the next regular commission meeting. Such a referral by the administrator, and/or determination by the commission requiring a different permit, shall not be subject to appeal.

8. Effective Date. This ordinance shall be in full force and effect from and after its passage and publication, all as provided by law.

PASSED THIS _____ DAY OF _____, 2006.

**BOARD OF COUNTY COMMISSIONERS
MADISON COUNTY, IDAHO**

ROGER MUIR, COMMISSION CHAIRMAN

RALPH ROBISON, COMMISSIONER

ROBERT HANSEN, COMMISSIONER

ATTEST:

MARILYN R. RASMUSSEN, CLERK