

MADISON COUNTY ORDINANCE NO.: _____

AN ORDINANCE AMENDING THE MADISON COUNTY CODE, TO REQUIRE A SURVEY INSTRUMENT FOR ALL LAND ACTIONS AND CLARIFY ONE RESIDENCE PER SIXTEEN ACRES AS DENSITY IN AGRICULTURAL ZONES WITHIN MADISON COUNTY CONTAINED IN THE MADISON COUNTY UNIFIED DEVELOPMENT CODE, CHAPTER 115, ARTICLE II, SECTION 115-28, AND CHAPTER 117, ARTICLE III, SECTION 117-52; AND TO REPEAL ALL ORDINANCES AND RESOLUTIONS IN CONFLICT HERETO; AND PROVIDING AN EFFECTIVE DATE HEREFOR.

WHEREAS, Madison County has codified the Madison County Code in 2012 and have made changes from time to time; and,

WHEREAS, Madison County Code, Part II, Unified Development Code, provides procedures for subdivision approvals in Madison County per Chapter 115, Article II, section 115-27; and,

WHEREAS, per Madison County Code, only subdivisions require any kind of survey instrument, leaving administrative land division options to be completed only with legal descriptions. This leaves the Madison County Assessor's Office and GIS departments in a bind as they try and determine how parcels fit, and there is no assurance as to accuracy; and,

WHEREAS, Madison County's neighboring counties, namely Fremont, Jefferson and Teton, require a survey instruments to be submitted with every kind of land action, and that such surveys be accomplished by licensed surveyors or engineers, who adhere to State of Idaho standards; and,

WHEREAS, Madison County Code, Part II, Unified Development Code, provides for certain density requirements in Agricultural Zones, per Chapter 117, Article III, section 117-52(e); and,

WHEREAS, Madison County has found that further clarification is needed as to the density requirement for Agricultural Zones, as exists in other zones, namely, the Transitional Agricultural Zone; and,

WHEREAS, the Board of County Commissioners finds it necessary to amend the Madison County Code previously implemented by Madison County, to specifically require a survey instrument by a certified land surveyor or engineer for all land actions; and,

WHEREAS, the Board of County Commissioners finds it necessary to amend the Madison County Code previously implemented by Madison County, to specifically state a density requirement in Agricultural Zones to be an average of one dwelling unit per sixteen acres; and,

WHEREAS, the Board of County Commissioners finds it necessary to now act in

WORKING DRAFT FOR PLANNING & ZONING COMMISSION SEPT. 22, 2021

accordance herewith.

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

1. That Madison County Code, Part II, Unified Development Code, Chapter 115, Article II, section 115-28, entitled “Application requirements []” be amended as follows:

Sec. 115-28. Application requirements.

The following are required for applications for any land action, including but not limited to all land divisions, administrative land splits, subdivisions, short plats, small scale developments, establishment or relocation of easements, right of ways, and the establishment or relocation of property boundaries:

...

(21) For every land action as stated herein, a survey instrument is required. All surveys and survey instruments will be drafted by an Idaho licensed surveyor or engineer, and the surveyor or engineer will adhere to all established Idaho state standards for accuracy.

2. That Madison County Code, Part II, Unified Development Code, Chapter 117, Article III, section 117-52, entitled “Agricultural (AG) Zone” is hereby amended as follows:

Sec. 117-52. Agricultural (AG) Zone.

(e) *Area / density requirements.*

...

(3) There is no minimum lot area requirement, but overall development density shall be an average of 1 dwelling unit per 16 acres.

(4) Deed restricted parcels resulting from administrative splits shall be restricted as a matter density integrity. If the zoning on the property is changed in the future, the deed restriction may be removed and land may be further divided in compliance with the zoning and subdivision code in place at the time of the proposed division.

3. That this ordinance shall take effect and be in force from and after its passage and approval, and shall repeal and any other Resolution(s) or Ordinance(s) in conflict herewith.

ADOPTED by the Board of County Commissioners of Madison County this _____ day of _____, 2021.

APPROVED:

Todd Smith, Chairman

Brent Mendenhall, Commissioner

Douglas Smith, Commissioner

ATTEST:

Kim Muir, County Clerk