

ORDINANCE NO. 2018- 03

AN ORDINANCE AMENDING AND RESTATING IN IT'S ENTIRETY THE ELMORE COUNTY ZONING AND DEVELOPMENT ORDINANCE, TITLE 6, 7, 8, 9, 10 & 11, ELMORE COUNTY CODE TO PROVIDE FOR REGULATIONS INCLUDING AN ORDINANCE, PURPOSE, INTERPRETATION AND ENACTMENT, DEFINITIONS, APPEALS, ENFORCEMENT, OIL & GAS, VARIANCES, TIME EXTENSIONS, APPLICATION PROCEDURES, AUTHORITY AND DUTIES OF THE GROWTH AND DEVELOPMENT DIRECTOR, HEARING EXAMINER, PLANNING AND ZONING COMMISSION JURISDICTION AND DUTIES, ZONING AND OVERLAY DISTRICTS, NON CONFORMING PROPERTY, FARM DEVELOPMENT RIGHT, STANDARD REGULATIONS, FIRE PREVENTION AND WILD FIRE MITIGATION STANDARDS AND REGULATIONS, FLOOD HAZARD REQUIREMENTS, NUISANCE, AREA OF CRITICAL CONCERN, HILLSIDE DEVELOPMENTS, MINOR LAND DIVISION, PROPERTY BOUNDARY ADJUSTMENTS, PUBLIC AND PRIVATE ROADS, MASTER SITE PLAN REQUIREMENTS, LANDSCAPING, PARKING REQUIREMENTS, TEMPORARY USE, WELLHEAD PROTECTION, ACCESSORY USES, CONDITIONAL USE PERMITS, SUBDIVISIONS, DEVELOPMENT AGREEMENTS, PLANNED COMMUNITIES, PLANNED UNIT DEVELOPMENTS, PLANNED UNIT DEVELOPMENT DISTRICTS, SURETY AGREEMENTS, CONFINED ANIMAL FEEDING OPERATIONS, COMMON DRIVEWAYS, FLAG LOTS, AIRPORT HAZARD ZONES, FAMILY BURIAL GROUNDS, MAYFIELD TOWNSITE PLANNED COMMUNITY ZONING ORDINANCE, CLUSTER SUBDIVISIONS, MOUNTAIN HOME AREA OF IMPACT, GLENNS FERRY AREA OF IMPACT

WHEREAS, Title 67, Chapter 65 of the Idaho Code (“Local Land Use Planning Act”) and Article 12, Section 2 of the Idaho Constitution provides authority for Elmore County to adopt land use and regulation ordinances to protect the health, safety, and welfare of their citizens;

WHEREAS, the Board of Commissioners of Elmore County (the “Board”) adopted the 2004 Comprehensive Growth and Development Plan on August 9, 2004, which comprehensive plan was subsequently amended on December 3, 2007 and August 17, 2011 (the “Comprehensive Plan”);

WHEREAS, the Board adopted the Elmore County Zoning and Development Ordinance on March 21, 2012 and amended September 19, 2012, July 24, 2014 and September 28, 2016 (“Existing Zoning Ordinance”);

WHEREAS, the Elmore County Land Use and Building Department along with the Elmore County Planning and Zoning Commission have proposed certain changes to the Existing Zoning Ordinance in the form of an amendment and restatement of the Existing Zoning Ordinance in the form attached hereto on Exhibit A (the “Amended and Restated Elmore County Zoning and Development Ordinance”), which exhibit is made a part hereof as if fully set forth herein. The Amended and Restated Elmore County Zoning and Development Ordinance, among

other things, corrects certain errors contained in the Existing Zoning Ordinance, adds a new chapter regarding regulation and development of cluster subdivisions;

WHEREAS, the Elmore County Planning and Zoning Commission conducted public hearing on February 21, 2018 and April 4, 2018 and offered a written recommendation of approval to the Board on April 6, 2018 in compliance with both the Local Land Use Planning Act and the Existing Zoning Ordinance for consideration for the adoption of the Amended and Restated Elmore County Zoning and Development Ordinance;

WHEREAS, The Elmore County Board of Commissioners conducted a public hearing on May 18, 2018 in compliance with both the Local Land Use Planning Act and Zoning Ordinance for consideration in amending and restating in its entirety the Existing Zoning Ordinance into the Amended and Restated Elmore County Zoning and Development Ordinance;

WHEREAS, The Elmore County Board of Commissioners has determined the Amended and Restated Elmore County Zoning and Development Ordinance is not in conflict with the Comprehensive Plan.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE ELMORE COUNTY BOARD OF COMMISSIONERS:

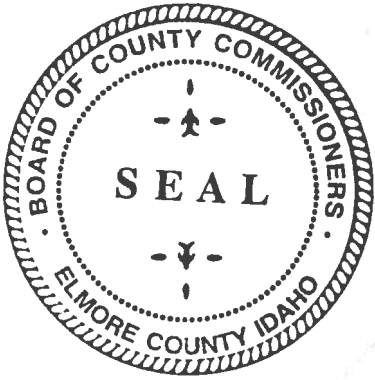
SECTION 1. ADOPTION OF THE AMENDED AND RESTATED ELMORE COUNTY ZONING AND DEVELOPMENT ORDINANCE: The Amended and Restated Elmore County Zoning and Development Ordinance is hereby adopted as the new and amended and restated Elmore County Zoning and Development Ordinance.

SECTION 2. REPEAL OF CONFLICTING ORDINANCES. The Existing Zoning Ordinance is hereby repealed and replaced in its entirety with the Amended and Restated Elmore County Zoning and Development Ordinance. Additionally, any other ordinance of Elmore County, Idaho which are in conflict with the terms of the Amended and Restated Elmore County Zoning and Development Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect and be in force after its passage, approval and publication as required by law. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Idaho Code § 31-715A may be published.

[Signatures on following page]

Dated this 18th day of May, 2018.



ELMORE COUNTY BOARD OF COMMISSIONERS

By: Wesley R. Wootan
Wesley R. Wootan, Chairman

By: Albert Hofer
Albert Hofer, Commissioner

By: Franklin Corbus
Franklin Corbus, Commissioner

ATTEST:

Barbara Steele

Barbara Steele, Elmore County Clerk

Exhibit A

[Attach the Amended and Restated Elmore County Zoning and Development Ordinance]