

ORDINANCE NO. 99- 3

AN ORDINANCE AMENDING THE ELMORE COUNTY PLANNING AND ZONING ORDINANCE PROVIDING: A NEW DEFINITION OF ORIGINAL LOT OF RECORD, CREATION OF NEW LOTS OF RECORDS BY CERTAIN LOT SPLITS, REQUIRING A LOT FRONTAGE TO DEPTH RATIO, REQUIRING DEEDED OR DIRECT ACCESS TO HIGHWAY DISTRICT ROADS, AND PROVIDING FOR CERTAIN EXEMPTIONS.

WHEREAS, Title 67, Chapter 65 of the Idaho Code and Article 12, Section 2 of the Idaho Constitution provide authority for Elmore County to adopt land use and regulation ordinances to protect the health, safety, and welfare of their citizens, and

WHEREAS, the Board of Commissioners of Elmore County adopted the Elmore County Planning and Zoning Ordinance of 1994, and

WHEREAS, the Planning and Zoning Commissioners of Elmore County after notice and hearing, recommended certain amendments to the Planning and Zoning Act, and the Board of Commissioners after notice and hearing requested the Planning and Zoning Commissioners to reword the same, and Planning and Zoning has recommended certain changes in wording and clarification, and the Board of Commissioners has approved the same:

BE IT ORDAINED BY THE BOARD OF THE COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO, IN LAWFUL MEETING ASSEMBLED:

SECTION 1. That Chapter 1, Article II-1, Section B.2-1 of the Elmore County Zoning and Development Ordinance defining Original Lot of Record be changed to read:

Original Lot of Record: A lot, tract, parcel, or contiguous piece of ground under single ownership that was of record in the Elmore County Recorders Office prior to June 28, _____, 1999, the effective date of these amendments to the Elmore County Subdivision Ordinance Amendment. Provided, in addition, that in any lot split after the effective date of this ordinance resulting in lots of forty (40) or more acres, each parcel of forty (40) or more acres shall each constitute a new, Original Lot of Record.

SECTION 2. That Chapter 2 Subdivision Article III-2, Section A.3-2 General Rules, Subsection 1.A.3-2, paragraph 1 of the Elmore County Zoning and Development Ordinance be changed to read:

Division of original lot of record: any division of an original lot of record into more than two lots with any lot less than 40 acres requires approval of the Commission (See exemption below). Provided, if the division does not result in any new lot of fewer than 40 acres, Commission approval is not needed for the division. However, the split must meet all applicable

requirements of this Ordinance. Furthermore, if the division involves a lot that has been previously split from an original lot of record, the requirements of the subdivision ordinance and platting shall only apply to the new division. A subdivision without platting may be approved by the Commission for a parcel division into three or four lots provided no new roads are involved and the subdivision meets the requirements of Section E. 3-2 below regarding Letters of Information.

SECTION 3. That Chapter 1 Subdivision Article III-2, paragraph 2 of Subsection 1.A.3-2 be changed to read within the brackets in the last sentence:

[An original lot of record is a contiguous lot or parcel of land under single ownership as of June 28, 1999 the date of these amendments to the ordinance or a split resulting in a parcel of forty (40) or more acres occurring after the enactment of this ordinance . (See Article II, Section B, Definitions, for Original Lot of Record).]

SECTION 4. That three new paragraphs in Subsection 1.A.3-2 of Chapter 1 Subdivision Article III-2 of the Elmore County Zoning and Development Ordinance, be added that will read as follows:

Any proposed lot split within an Airport Hazard Zone shall be controlled by the requirements and limitations set for in Article IX-1 of this Ordinance.

All lots must have either direct or deeded access to Highway District approved roads. All lots of less than five (5) acres must have a maximum three (3) to one (1) ratio between depth and frontage on a Highway District approved road. If the lot has access to a Highway District approved road by deeded easement, such easement shall be recorded with the Elmore County Clerk, must be for a minimum thirty (30) foot width and shall be appurtenant to the real property. Except, for good cause and in exceptional circumstances such as terrain limitations, the Commission may approve a variance from the frontage ratio requirement for splits which do not require platting or a letter of information.

The following examples are provided as guidance and illustration of the above general principles. They are included for illustrative purposes only, are not binding on the Commission, and do not constitute a representation that any specific land division would be approved or permitted. Applicants must comply with all applicable provisions and requirements of the zoning ordinance.

Example 1 The property owner has 160 acres and would like to split it into four (4) 40 acre plots. Commission approval is not needed for the split to occur.

Example 2 The property owner has 160 acres he would like to split into two (2) tracts of 20 acres and two (2) tracts of 60 acres.. A Letter of Information is the minimum requirement.

SECTION 5. REPEAL OF CONFLICTING ORDINANCES. Those sections of the Elmore County Planning and Zoning Ordinance and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. SAVINGS CLAUSE. In the event any of the above-entitled Sections are declared unconstitutional and/or unlawful, each Section thereof shall be declared independent of the other and any sections of this Ordinance not declared unconstitutional and/or unlawful shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

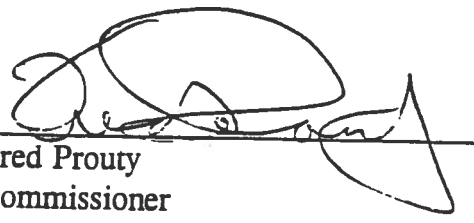
PASSED, Under suspension of the rules, at a regular meeting of the Elmore County Board of County Commissioners in the City of Mountain Home, County of Elmore, State of Idaho, held on the 28th day of June, 1999, upon which roll call vote was duly taken and said Ordinance duly passed by a unanimous vote as an Ordinance of Elmore County, Idaho.

Attest:

Hail D. Best
Clerk of the Board of
County Commissioners

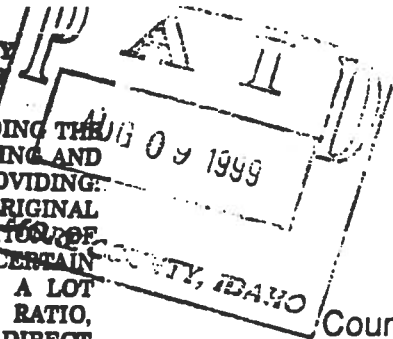
Larry E. Rose
Larry Rose
Chairman, Elmore County Board of
Commissioners

Don Reynolds
Don Reynolds
Commissioner



Fred Prouty
Commissioner

ELMORE COUNTY
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LOT OF RECORD, CREATING
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LOT SPLITS, REQUIRING A LOT
FRONTAGE TO DEPTH RATIO,
REQUIRING DEEDED OR DIRECT
ACCESS TO HIGHWAY DISTRICT
ROADS, AND PROVIDING FOR CER-
TAIN EXEMPTIONS.

WHEREAS, Title 67, Chapter 65 of
the Idaho Code and Article 12, Section 2
of the Idaho Constitution provide
authority for Elmore County to adopt
land use and regulation ordinances to
protect health, safety, and welfare of
their citizens, and

WHEREAS, the Board of
Commissioners of Elmore County
adopted the Elmore County Planning
and Zoning Ordinance of 1994, and

WHEREAS, the Planning and Zoning
Commissioners of Elmore County after
notice and hearing, recommended cer-
tain amendments to the Planning and
Zoning Act, and the Board of
Commissioners after notice and hearing
requested the Planning and Zoning
Commission to reword the same, the
Planning and Zoning has recommended
certain changes in wording and clarifi-
cation, and the Board of Commissioners
has approved the same.

BE IT ORDAINED BY THE BOARD
OF THE COUNTY COMMISSIONERS
OF ELMORE COUNTY, IDAHO, IN
LAWFUL MEETING ASSEMBLED:

The following is a list of sections con-
tained in the Ordinance. A copy of the
entire Ordinance is available on request
at the Recorder's Office, Elmore County,
Idaho.

SECTION 1. That Chapter 1, Article
II-1, Section B.2-1 of the Elmore County
Zoning and Development Ordinance

SECTION 2. That Chapter 2
Subdivision Article III-2, Section A.3-2
General Rules, Subsection 1.A.3-2,
paragraph 1 of the Elmore County
Zoning and Development Ordinance

SECTION 3. That Chapter 1
Subdivision Article III-2, paragraph 2 of
Subsection 1.A.3-2

SECTION 4. That three new para-
graphs in Subsection 1.A.3-2 of Chapter
1 Subdivision Article III-2 of the Elmore
County Zoning and Development
Ordinance be added

SECTION 5. Repeal of Conflicting
Ordinances

SECTION 6. Savings Clause

SECTION 7. Effective Date

One Publication July 7, 1999.

Affidavit of Publication

County of Elmore }
STATE OF IDAHO } ss.

I, Coleen W. Swenson, do solemnly swear that
I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, pub-
lished once a week at MOUNTAIN HOME, IDAHO,
that the notice attached hereto and which is a part
of publication thereof; was published in said news-
paper for

1 consecutive weeks, the first publi-

cation having been made on 7th day of

July, 1999, and the last publi-

cation having been made on the 7th day of

July, 1999; every Wednesday

issue of the paper during the period and time of
publication and that the notice was published in the
newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN
HOME NEWS has been continuously and uninter-
ruptedly published in said Elmore County during a
period of 78 consecutive weeks prior to the first
publication of the attached notice.

Subscribed and sworn to me this 7th day of

July, 1999

Notary Public