

ORDINANCE NO 2007-03

AN ORDINANCE AMENDING FREMONT COUNTY CODE ORDINANCE 92-01, AMENDING THE FREMONT COUNTY DEVELOPMENT CODE, ADDING A NEW SUBSECTION VI. QQ TO PROVIDE FOR PROTECTING AGRICULTURAL LANDS AND OPEN SPACE; TO REPLACE SUBSECTION VII.Q, WITH NEW LANGUAGE TO PROVIDE FOR PROTECTING AGRICULTURAL LANDS AND OPEN SPACE; ADDING A NEW SECTION III.O PROVIDING FOR THE PLANNING AND ZONING COMMISSION AND THE BOARD OF COUNTY COMMISSIONERS TO ALLOW AN APPLICANT TO MAKE CHANGES, MODIFICATIONS, ALTERATIONS OR CONDITIONS; TO AMEND SUBSECTION UU OF CHAPTER XIV, ENTITLED OPEN SPACE; AND TO ESTABLISH AN EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, FREMONT COUNTY, IDAHO THAT CHAPTERS III, VI, VII, AND XIV FREMONT COUNTY CODE, ARE HEREBY AMENDED AS FOLLOWS:

SECTION 1: Fremont County Development Code § III.O is added as follows:

Hearing Procedures shall include the following: 12. In the event that the proposal cannot be approved as submitted, the commission/board shall inform the applicant of changes, modifications, alterations, or conditions that would likely result in favorable consideration at a subsequent hearing, and shall table the proposal until a revised proposal is re-submitted. The applicant shall have 90 days to re-submit a revised proposal.

SECTION 2: Fremont County Development Code § VI.QQ is added as follows:

Chapter VI, Paragraph QQ shall read: Protecting Agricultural Lands and Open Space. Protecting productive cropland and open space shall be encouraged. -2/+2(5)

- 1) A property that is deemed to be Productive Croplands shall **NOT** be blocked from moving forward in the subdivision process.
  - a. A property deemed to be Productive Croplands by **BOTH** the LE component and the SA component shall be given a score of -2, and shall be considered Productive Croplands for purposes of density as defined by the FCDC. If, after the application of bonus points defined in Paragraph "d" below, the property ultimately scores a 0, it shall **NO longer** be considered Productive Croplands for purposes of density as defined by the FCDC.
  - b. A property deemed to be Productive Croplands **ONLY** by the LE component and **NOT** by the SA component shall be given a score of -1, and shall **NO longer** be considered Productive Croplands for purposes of density as defined by the FCDC.
  - c. A property deemed **NOT** to be Productive Croplands by the LE component shall be given a score of 0 (No component SA shall be required).

- d. A property that includes generous amounts of open space and/or clustering shall be awarded from +1 to +2 bonus points, allowing a maximum score of +2. Bonus points shall be based on the **highest** qualifying element as shown below:
1.  $\geq 50\%$  of the development rights **transferred** from the site (+1)
  2.  $\geq 50\%$  of the development rights **forfeited** in perpetuity (+2)
  3. site uses clustering as defined in the FCDC (+1)
  4.  $\geq 35\%$  of the site is **contiguous** open space (+1)
  5.  $\geq 60\%$  of the site is **contiguous** open space (+2)

SECTION 3: Fremont County Development Code § VII.Q is hereby amended as follows:

*Chapter VII, Paragraph Q shall read: Protecting Agricultural Lands and Open Space. Protecting productive cropland and open space shall be encouraged. -2/+2(5).*

1. A property that is deemed to be Productive Croplands shall **NOT** be blocked from moving forward in the subdivision process.
- a. A property deemed to be Productive Croplands by **BOTH** the LE component and the SA component shall be given a score of -2, and shall be considered Productive Croplands for purposes of density as defined by the FCDC. If, after the application of bonus points defined in Paragraph "d" below, the property ultimately scores a 0, it shall **NO longer** be considered Productive Croplands for purposes of density as defined by the FCDC.
  - b. A property deemed to be Productive Croplands **ONLY** by the LE component and **NOT** by the SA component shall be given a score of -1, and shall **NO longer** be considered Productive Croplands for purposes of density as defined by the FCDC.
  - c. A property deemed **NOT** to be Productive Croplands by the LE component shall be given a score of 0 (No component SA shall be required).
  - d. A property that includes generous amounts of open space and/or clustering shall be awarded from +1 to +2 bonus points, allowing a maximum score of +2. Bonus points shall be based on the **highest** qualifying element as shown below:
    1.  $\geq 50\%$  of the development rights **transferred** from the site (+1)
    2.  $\geq 50\%$  of the development rights **forfeited** in perpetuity (+2)
    3. site uses clustering as defined in the FCDC (+1)
    4.  $\geq 35\%$  of the site is **contiguous** open space (+1)
    - 5)  $\geq 60\%$  of the site is **contiguous** open space (+2)

SECTION 4: Fremont County Development Code § XIV.UU is hereby amended to add the following:

UU. Open Space shall be defined as all land designated as unbuildable within a proposal, whether owned in common or by individual landowners, and shall include the land within each proposed lot **OUTSIDE** of any designated building envelope which shall be perpetually restricted.

SECTION: 5 Fremont County Development Code, Land Evaluation Site Assessment System is hereby amended as follows:

Question 1, Is land use within 0.5 miles of this sit substantially agricultural.

- a. 90% or more - 5 points
- b. 75-89% - 4 points
- c. 55-74 % - 3 points
- d. 35-54% - 2 points
- e. 21-34% - 1 points
- f. 20% or less - 0 points

Question 2. Is land use directly adjacent to this site substantially agricultural.

- a. 90% or more - 5 points
- b. 75-89% - 4 points
- c. 55-74% - 3 points
- d. 34 - 54% - 2 points
- e. 21-34% - 1 point
- f. 0 20% or less - 0 points

Question 3. Would conversion of this site to non-agricultural uses generate traffic conflicts with slow-moving agricultural machinery or trucks

access to agricultural support facilities, OR would conversion of the site to non-agricultural uses result in conflict with stock driveways or the movement of livestock along public roads

- a. Definite potential for major conflict (conversion to non-agricultural use would be at or near critical points of access to storage or processing facilities or intersections. - 5 points
- b. Some potential traffic conflict on roads routinely used by farm machinery or trucks, or along stock driveways - 1 to 4 points
- c. No additional traffic conflicts between roads serving this site already serve predominantly non-agriculture - 0 points

Question 4

Number of dwelling units or recorded building lots with 0.5 miles

- a. 0 dwelling units - 5 points
- b. 1-9 dwelling units
- c. 10-19 dwelling units
- d. 20-29 dwelling units

- e. 30-39 - dwelling units
- f. 40 + dwelling units - 0 points

Question 5.

Site Size

- a. 320 + acres - 5 points
- b. 240-319 acres 4 points
- c. 160-239 acres - 3 point
- d. 41-79 points - 1point
- e 0 -4- acres - 0 points

Question 6. Does this site contain or adjoin irrigation of drainage structures on which other croplands depend, and with the conversion to a non-agriculture use could interfere?

- a. Conversion definitely would interfere with irrigation or drainage structures on which other croplands depends - 5 points
- b. Conversion could interfere with irrigation or drainage structures on which other croplands depend - 1 to 4 points, depending on the situation
- c. Conversion would not interfere with irrigation or drainage structures on which other cropland depend - 0 points

Section 6: Amend Table C-1 of the Land Evaluation Site Assessment System as adopted by Fremont County as set forth in Exhibit 1, of this Ordinance.

Section 7: This ordinance shall become effective upon publication.

APPROVED THIS 11<sup>th</sup> DAY OF June, 2007

Board of Fremont County Commissioners

By: Paul Romrell  
Paul Romrell, Chairman

ATTEST:

Abbie Mae  
Abbie Mae, Fremont County Clerk

Table C-1 -- Fremont County Soil Mapping Units, by Farmland Group, Land Capability Class, and Average Productivity Index

Outside the High Altitude Farmland Group (in which all soil mapping units used for pasture are listed), this table contains only soil mapping units for which cropland is listed as a "major use" in the soil survey. Small areas of other soil mapping units may sometimes be farmed. See page C-2 for the treatment of such areas when calculating LESA scores.		Irrigated croplands - small areas of soil mapping units that are usually dry-farmed may be irrigated			non-irrigated croplands - small areas of soils that are usually irrigated may be dry-farmed		
map symbol	soil mapping unit	farmland group	LCC	API	farmland group	LCC	API
10	Bootjack silty clay loam, 0-1% slopes				High Altitude	Vw	--
45	Diston loamy sand, 1-4% slopes	5B	IVe	63		VIIe	
46	Diston-Grassyridge complex, 1-4% slopes	5B	IVe	63		VIIe	
18	Eginbench loamy fine sand, 0-2% slopes	1A	IVe	100			
49	Engett, bedrock substratum-Engett-Blacksan complex 1-6% slopes	3A	IVe	400		VIIe	
21	Fourme loam, 0-4% slopes	High Altitude	VIc	--	High Altitude	VIc	--
22	Grassyridge sand, 2-20% slopes	5C	IVe	63		VIIe	
23	Grassyridge sand, bedrock substratum, 1-4% slopes	5A	IVe	74		VIIe	
24	Greentimber-Marystown-Robinee silt loams, 1-4% slopes	4A	IIIe	75	1A	IIIc	92
25	Greys-Robana silt loams, 1-4% slopes				5A	IVc	61
26	Greys-Robana silt loams, 4-12% slopes				5B	IVe	51
27	Greys-Robana silt loams, 12-20% slopes				5B	IVe	54
28	Greys-Turnerville, 1-4% slopes				5A	IVc	61
37	Jipper fine sandy loam, 1-6% slopes	3C	IIIe	65	2	IVe	58
38	Jipper-Nayrib-Stipe complex, 1-8% slopes	3C	IVe	65	2	IVe	58
39	Jipper-Ririe complex, 1-8% slopes	3B	IIIe	82		IVe	
40	Jipper-Ririe-Kucera complex	3B	IIIe	82		VIIe	
48	Kucera-Lostine very fine sandy loams, 1-4% slopes	2A	IIIe	82		IIIc	
49	Kucera-Lostine silt loams, 0-2% slopes	2A	IIIe	82		IIIc	
50	Kucera-Lostine silt loams, 2-4% slopes	2A	IIIe	82	3A	IIIc	70
51	Kucera-Lostine silt loams, 4-8% slopes	2B	IVe	74	3B	IVe	56
52	Kucera-Lostine silt loams, 8-12% slopes	2B	IVe	74	3B	IVe	56
53	Kucera-Sarilda very fine sandy loams, 1-4%	2A	IIIe	82		IIIe	
54	Kucera-Sarilda silt loams, 2-6%	2A	IIIe	82		IIIc	
55	Kucera, bedrock substratum-Lostine silt loams, 1-6% slopes	2A	IIIe	82	3A	IIIe	70
56	Kucera, bedrock substratum-Sarilda silt loams, 1-4% slopes	2A	IIIe	82			
57	Labenzo silt loam, 0-1% slopes	1B	IIIc	79			

LCC = Land Capability Class. API = Average Productivity Index. Mapping units shown in bold type are classified as "prime farmland" by the Natural Resources Conservation Service. An "I" after the mapping unit name indicates that the soil must be irrigated to be prime.

58	Lavacreek-Rin complex, 6-20% slopes	6B	IVe	44	4B	IVc	53
62	Lostine silt loam, 1-4% slopes	4A	IIIe	75	1A	IIIc	92
63	Lostine-Marotz-Marystown silt loams, 8-12%	4B	IVe	67	1B	IVe	83
64	Lostine-Marystown silt loams, 4-8% slopes	4B	IIIe	67	1B	IIIe	83
65	Malm fine sandy loam, 1-6% slopes - I	5B	IVe	63		VIe	
69	Marotz silt loam, 1-4% slopes	4A	IVe	75	1A	IIIc	92
70	Marotz silt loam, 4-8% slopes	4B	IVe	67	1B	IIIc	83
71	Marotz-Marystown-Lostine silt loams, 12-20% slopes				4B	IVe	83
72	Marystown silt loam, 1-4% slopes	4A	IIIe	75	1A	IIIe	92
73	Marystown silt loam, 4-8% slopes	4B	IIIe	67	1B	IIIe	83
74	Marystown silt loam, 8-12% slopes	4B	IVe	67	1B	IVe	83
75	Marystown-Lostine silt loams, 1-4% slopes	4A	IIIe	75	1A	IIIc	92
76	Marystown-Robinlee-Rexburg, hardpan substratum silt loams, 1-4% slopes	4A	IIIe	75	1A	IIIc	92
77	Modkin loamy sand, 1-4% slopes	5A	IVe	71		VIIe	
78	Modkin, loamy sand, 4-20% slopes	5C	IVe	63		VIIe	
80	Mayrib-Stipe-Jipper, clayey substratum complex, 1-6% slopes	3B	IIIe	82	2	IVe	58
83	Raynoldson gravelly loam, 2-15% slopes				High Altitude	VIe	--
84	Rexburg-Ririe silt loams, 1-4% slopes	2A	IIIe	82	3A	IIIc	70
85	Rexburg-Ririe silt loams, 4-12% slopes	2B	IVe	74	3B	IIIe	56
86	Rexburg-Ririe silt loams, 12-20% slopes				3B	IVe	56
87	Rexburg-Ririe silt loams, bedrock substratums, 1-4% slopes	2A	IIIe	82	3A	IIIc	70
88	Rexburg-Ririe silt loams, bedrock substratums, 4-12% slopes	2B	IVe	74	3B	IIIe	56
89	Rexburg-Ririe silt loams, bedrock substratums, 12-20% slopes				3B	IVe	56
90	Rexburg, hardpan substratum-Rexburg silt loams, 1-4% slopes	2A	IIIe	82	3A	IIIc	70
91	Rexburg, hardpan substratum-Rexburg silt loams, 4-12% slopes	2B	IVe	74	3B	IIIe	56
92	Rin silt loam, 1-4% slopes	6A	IVc	52	4A	IVc	64
93	Rin silt loam, 4-12% slopes	6B	IVe	44	4B	IVe	53
94	Rin silt loam, 12-20% slopes				4B	IVe	53
95	Rin-Kucera silt loams, 4-12% slopes	6B	IVe	44	4B	IVe	53
96	Rin-Lantonia silt loams, 1-4% slopes				4A	IVc	64

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97	Rin-Lantonia silt loams, 4-12% slopes				4B	IVe	53
98	Rin-Vadnais loams, 1-4% slopes				4A	IVc	64
100	Robana-Rin silt loams, 1-4% slopes				5A	IVc	61
101	Robana-Rin silt loams, 4-12% slopes				5B	IVe	51

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102	<b>Robinlee-Marystown silt loams, 1-4% slopes</b>	4A	IIIe	75	1A	IIIc	92
106	<b>Sadorus-Kucera complex, 1-6% slopes</b>	2A	VIe	82	3A	VIe	70
108	<b>Sarilda-Rock outcrop complex, 1-6% slopes</b>	2A	IVe	82	3A	IVe	70
109	Sawtelpeak silty clay, 0-2% slopes	High Altitude	Vw	--		Vw	
121	St. Anthony gravelly sandy loam, 0-4% slopes	1B	IIIe	79		VIc	
122	<b>Stipe-Jipper fine sandy loams, 1-6% slopes</b>	3A	IIIe	88		IVe	
128	<b>Tepete-Bootjack complex, 0-1% slopes</b>				High Altitude	Vw	--
129	Tetonia-Lantonia silt loams, 1-4% slopes				4A	IVe	64
130	Tetonia-Lantonia silt loams, 4-12% slopes				4B	IVe	53
131	Tetonia-Lantonia silt loams, 12-20% slopes				4B	IVe	53
132	Tetonia-Rin silt loams, 4-12% slopes				4B	IVe	53
133	Tetonia-Rin silt loams, 12-20% slopes				4B	IVe	53
134	Tetonia-Ririe silt loams, 1-4% slopes	6A	IIIe	52	4A	IIIc	64
135	Tetonia-Ririe silt loams, 4-12% slopes	6B	IVe	44	4B	IIIe	53
136	Tetonia-Ririe silt loams, 12-20% slopes				4B	IVe	53
146	<b>Wolverine fine sand, 4-15% slopes</b>	1C	IVe	71		VIe	
147	<b>Wolverine fine sand, bedrock substratum, 4-15% slopes</b>	1C	IVe	71		VIe	

LCC = Land Capability Class. API = Average Productivity Index. Mapping units shown in bold type are classified as "prime farmland" by the Natural Resources Conservation Service. An "I" after the mapping unit name indicates that the soil must be irrigated to be prime.