



MADISON COUNTY ORDINANCE 502

AN ORDINANCE AMENDING, CHAPTER 117-53, UNDER GENERAL STANDARDS (3) REMOVING HILLSIDE STANDARDS AND UNDER RESIDENTIAL STANDARDS AMENDING SITE DEVELOPMENT FROM 16 ACRES TO AVERAGE LOT SIZE OF 5 ACRES, OF THE MADISON COUNTY CODE AND ESTABLISHING AN EFFECTIVE DATE HEREON.

WHEREAS, Madison County may amend its adopted codes or provisions from time to time; and,

WHEREAS, the Madison County Planning and Zoning Commission held a public hearing on or about the 14th day of May 2025, at the Commissioner's room located in the Madison County Courthouse, Rexburg Idaho, to consider the amendment of section 117-53 changing the density from 16-acre average lot size, to 5-acre average lot size; and dropping the hillside standards section as requirements within the zone in the Madison County Unified Development Code.

WHEREAS, on or about the 9th day of June 2025, the Madison County Planning and Zoning Commission recommended to the Board of Madison County Commissioners to approve the amendment of section 117- 53 and changing the density from 16-acre average lot size, to 5-acre average lot size; and dropping the hillside standards section as requirements within the zone in the Madison County Unified Development Code.

WHEREAS, the Madison County Board of County Commissioners accepted and adopted the Madison County Planning and Zoning Commission's recommendations to amend section 117-53, and changing the density from 16-acre average lot size, to 5-acre average lot size; and dropping the hillside standards section as requirements within the zone in the Madison County Unified Development Code on or about the 9th day of June 2025.

WHEREAS, Madison County, having considered submitted comments and testimony from the public, having determined that it is in the best interest of the public to adopt this proposed amendment to Madison County Code; and,

WHEREAS, the Madison County Board of County Commissioners now desire to adopt this ordinance to reflect these changes as seen in Appendix A.

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

The amendment of section 117-53 under general standards (3) changing the density from 16-acre average lot size to 5-acre average lot size; and dropping the hillside standards section as requirements within the zone in the Madison County Unified Development Code have been adopted hereon.

PASSED AND ADOPTED THIS 9th day of June 2025.

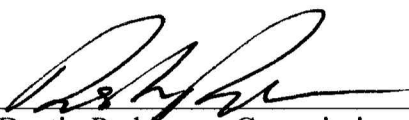
BOARD OF COMMISSIONERS
MADISON COUNTY, IDAHO



Todd Smith, Chairman

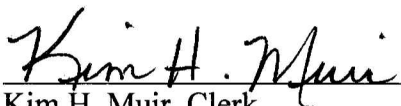


Brent Mendenhall, Commissioner



Dustin Parkinson, Commissioner

ATTEST:



Kim H. Muir, Clerk

APPENDIX A

Sec 117-53 Agriculture/Recreation (A/R) Zone

1. *Scope and purpose.*

1. The provisions of this section apply to the Agriculture/Recreation (A/R) Zone. The Agriculture/Recreation (A/R) Zone is established to provide for areas in the county in which agricultural pursuits can continue, while also allowing for recreational, vacation, and second-home developments and activities. The A/R zone is designed and intended to protect both agricultural and recreational users from encroachment of urban development. Other uses in addition to agricultural and recreational uses may be permitted in the A/R zone, but shall be accessory uses incidental to agricultural and recreational uses, and should not change the basic agricultural/recreational character of the zone.
 2. The purpose of the A/R zone is to:
 1. Conserve and protect farms and ranches;
 2. Allow for orderly growth in appropriate locations and at appropriate intensities in rural areas;
 3. Prevent agricultural/recreational land use conflicts;
 4. Provide for well-planned and managed recreational, vacation and second-home uses;
 5. Protect natural habitat, floodplains, viewsheds, wildlife migration corridors, wetlands and other sensitive lands;
 6. Preserve and protect open spaces;
 7. Promote healthy forestry, farming, and grazing and protect natural resources;
 8. Protect agricultural/recreational users from encroachment of urban development;
 9. Promote motorized paths and high density trails in accordance with BLM and USFS regulations;
 10. Preserve access to public lands and waters; and
 11. Preserve opportunities for passive recreational activities such as hiking, bird watching, fishing and hunting.
 3. Land in the A/R zone is subject to the provisions of Idaho Code, title 22, Ch. 45 (Idaho Code, § 22-4501 et seq.) and Idaho Code, title 52 (Idaho Code, § 52-101 et seq.). Land in this zone may be partitioned and sold for bona fide agricultural purposes without being subject to the subdivision review and approval requirements of this part, and land uses in this zone shall not deprive owners of any privileges of production. Subdivision of land in this zone for the purpose of changing the land use from agriculture to another use shall be subject to the requirements of this chapter and all other applicable county ordinances.
 4. All public or governmental lands within the county may be included within the county A/R zone but will continue to be managed by the respective agencies with all rules, regulations and policies administered by those agencies.
- #### 2. *Application.*
- This zone applies to lands currently zoned for agriculture, which have been out of agricultural production for 1 year and are not receiving funding from Federal Farm Bill's Conservation Reserve Program (CRP).
- #### 3. *Uses.*
- Permitted and conditional uses in the A/R zone are identified in section 117-51, land use table.
- #### 4. *General standards.*
1. *Subdivision of land.* Upon the fifth division of any parcel of land within the A/R zone designation, all

land within the parcel, including parcels previously divided from the original, shall be platted pursuant to the provisions of chapter 115. All subdivisions containing 8 or more lots, including parcels previously divided from the original and the residual parcel, shall adhere to the standards of chapter 115, article VII, large-scale development.

2. *Preservation of natural features.* For all development projects in the A/R zone, the developer shall leave construction areas as pristine and natural as possible and shall restore and replant with native vegetation any area disturbed by construction activities. Where practicable, the following specific areas shall be left undeveloped and undisturbed:
 1. Unique or fragile areas such as geologic features or wetlands.
 2. Areas of natural vegetation, including unique landscapes, large individual trees, stands of trees.
 3. Areas of significant value to wildlife.
 4. Historically significant structures or sites; and
 5. Natural drainages or watercourses.
3. ~~*Hillside standards.*~~
 1. ~~Hillsides and ridgelines shall be protected and left undeveloped as much as is practicable. No structure may be constructed on slopes greater than a 30 percent grade. The highest feature of all structures shall be located a minimum of 20 feet below the nearest identifiable crest, or set back 100 feet, unless the commission determines that an alternative location with less than the 20-foot minimum on the parcel would be less visible and better comply with these standards.~~
~~Development shall not:~~
 1. ~~Result in an adverse visual impact;~~
 2. ~~Stand in contrast to the surrounding landscape patterns and features; or~~
 3. ~~Serve as a visual focal point.~~
 2. ~~Determination of visual impacts. Development shall not result in an adverse visual impact. In determining whether a specific development would result in an adverse visual impact, the commission shall consider the following:~~
 1. ~~The degree to which view of development from roads is screened by existing vegetation, topography and existing structures at all times of day or night;~~
 2. ~~The contributing and detracting background features in the view of the proposed development; and/or~~
 3. ~~The distance to development from a vantage point.~~
4. *Public lands buffer.* Each building site bordering state or federal lands shall maintain a 300-foot buffer zone which shall remain undeveloped.
5. *Permitted fences and walls.* Visibility shall be maintained in fencing to preserve views and rural character, and fencing within areas of wild land/urban interface can have detrimental impacts on wildlife. Therefore, all fencing in the A/R zone shall adhere to the following standards and restrictions:
 1. *Generally.* Both internal and perimeter fencing on sites containing wildlife habitat shall be kept to a minimum necessary to contain livestock and domestic animals and to provide privacy. No fencing is the strongly preferred option.
 2. *Perimeter fences.* Perimeter fencing of lots is prohibited, except if necessary for containment of livestock. Such fencing shall be constructed according to the standards below.

3. *Interior fences.* Interior fences may be constructed within the building envelope, as outlined in subsection (e) of this section, of each lot to control domestic pets and animals according to the standards in subsection (d)(5)d of this section. Interior fencing shall be restricted to the smallest area practicable within the building envelope.
 4. *Wire fencing.* Wire fencing for containment of livestock in or adjacent to critical wildlife habitat areas such as migration corridors shall have 4 strands or less. The top wire should be a 12.5-gauge twisted barbless or similar type at a maximum height of 42 inches. The middle strands, which may be barbed, should be located a minimum of 12 inches below the top wire to prevent entanglement when animals jump over the fence. The bottom strand should be barbless and a minimum of 16 inches from the ground.
 5. *Rail fencing.* Rail fencing shall have 3 rails or less and shall not exceed 42 inches in height above ground level, 12 inches in width (top view), and the lower rail shall be a minimum of 16 inches from the ground. Solid wood fencing shall generally be limited to areas within the building envelope.
 6. *Solid or privacy fencing and walls.* Solid fences or walls are limited to 5 feet in height and restricted to the identified building envelope.
6. *Roads and trails.*
1. *Responsibility for upkeep, maintenance and plowing of all privately owned roads.* Landowners are responsible for maintaining or keeping privately owned access roads open during winter months. The county is not required to plow roads not previously maintained by the county, nor will any plowing be allowed on state designated snowmobile trails. The county is not responsible for emergency response to areas in the winter months where privately owned access roads are not maintained/plowed.
 2. *Connections and access.* Cul-de-sacs and inward-facing development designs are discouraged. New roads and trails shall demonstrate their ability to clearly connect to adjacent development, and to existing and planned road networks as identified in the Comprehensive Plan.
7. *Sewage and utilities.*
1. *Sewer.* All structures within 500 feet of an existing sewer line shall connect to the sewer. If any portion of a development or subdivision falls within 500 feet of an existing sewer line, the entire development shall connect to the sewer system. All sewage disposal systems shall meet all Eastern Idaho Public Health Department standards. Additional requirements may be made by the commission if deemed necessary to protect the health, safety and welfare of the public. Homes without plumbing shall have a sewage containment and disposal system approved by the Eastern Idaho Public Health Department.
 2. *Solid waste disposal.* The county will not be responsible for garbage collection. Open burning of trash or other burns shall be cleared by the county fire department prior to the beginning of burning. Burn barrels are not allowed for the disposal of household trash.
 3. *Utilities.* All structures within 500 feet of existing water or sewer lines shall connect to these services. All electrical, heating and water systems shall meet county building code standards. The burning of coal is prohibited. All plumbing shall be inspected and cleared by the state. All small water systems shall be inspected and cleared by the Eastern Idaho Public Health Department. The term "small-water system" is defined by the Department of Environmental Quality and Environmental Protection Agency as any water system that has more than 15 connections, or services more than an average of 25 people per day for at least 60 days of the year. A permit is required for the drilling of private wells. Habitable buildings larger than 750 square feet in size shall have plumbed water. Internal fire suppression systems are recommended for all homes,

because of the distance from emergency response services and the risk of forest or wild land fire.

8. *Drainage.* Suitable drainage systems for surface runoff from within or upstream of building lots, including a sediment settling system, shall be part of each site plan. Existing natural drainage channels shall be used whenever possible, and the site plan shall minimize soil erosion. No impervious surfaces may be used outside of the building envelope. Development within natural drainage channels is prohibited.

5. *Residential standards.*

1. *Site development standards.*

1. *Lot area/minimum parcel size.* All single-family dwelling unit developments shall maintain an average lot size of 5 acres, ~~overall density of 1 unit per 16 acres~~, with a minimum lot size of 1 ~~acre~~. The clustering of individual lots is encouraged, but subject to design review and approval.
2. *Lot siting and dimensions.*
 1. *Siting.* Each lot shall contain a satisfactory building site which is properly related to the topography. Each building site shall be situated as to not intrude on the views of others as far as is practicable.
 2. *Dimensions.* Each building site shall identify a 1 acre building envelope within which all development will take place. Individual wells and sewer systems may fall outside of the 1 acre building envelope, subject to approval by the administrator and commission.
3. *Setbacks.*
 1. *Front setback.* All buildings and structures shall be set back at least 30 feet from the road right-of-way line.
 2. *Side setback.* Minimum side setbacks shall be 10 feet from property line. The minimum setback from accessory buildings and structures shall be the same as for main buildings, except that all accessory buildings and structures shall be located either flush with, or behind, the front face of the dwelling. On corner lots, the side setback from the street for any building shall not be less than 30 feet. Accessory buildings on corner lots shall be set back from the side property lines a distance of not less than 10 feet.
 3. *Rear setback.* For interior lots, all buildings and structures shall be set back from the rear property line a distance of at least 40 feet. Accessory buildings shall be set back at least 25 feet from the rear property line.
 4. *Exceptions.* Some setback exceptions exist for specific architectural features, as outlined in section 101-10.

2. *Building design standards.*

1. *Bulk and mass.* Maximum building footprint is 5,000 square feet for all main buildings, and 2,500 square feet for all accessory buildings.
2. *Building height.* Maximum building height is 35 feet as measured from the highest elevation of the building, including chimneys, to the lowest adjacent grade surface. Buildings shall be designed in such a way as to protect views, and minimize encroachment into the views of other buildings and building sites, as much as is practicable.
3. *Architectural character.*
 1. *Building materials.* Preferred exterior building materials are those that are natural such as wood, stone, concrete, and brick. All structures shall be constructed of fire resistant materials. Class B roof assembly or fire treated wood (2003 IBC 1505 or current adopted

version), is required.

2. *Colors.* Preferred exterior building colors include earth toned colors with brighter colored accents if desired.
3. *Styles.* Preferred architectural styles include rustic, western, and alpine looking architecture. This may include the use of large wood timbers or logs.

6. *Commercial standards.*

1. *Site development standards.*

1. *Building siting.* Each commercial development shall contain a satisfactory building site which is properly related to the topography. Each building site shall be situated as to not intrude on the views of others as far as is practicable.
2. *Setbacks.* All commercial structures shall be set back from public rights-of-way and property lines as follows:
 1. *Front setback.* All buildings and structures shall be set back at least 40 feet from the road right-of-way line.
 2. *Side setback.* Minimum side setbacks shall be 10 feet from property line. The minimum setback from accessory buildings and structures shall be the same as for main buildings, except that all accessory buildings and structures shall be located either flush with, or behind, the front face of the dwelling. On corner lots, the side setback from the street for any building shall not be less than 40 feet. Accessory buildings on corner lots shall be set back from the side property lines a distance of not less than 10 feet.
 3. *Rear setback.* For interior lots, all buildings and structures shall be set back from the rear property line a distance of at least 50 feet. Accessory buildings shall be set back at least 25 feet from the rear property line.
 4. *Exceptions.* Some setback exceptions exist for specific architectural features, as outlined in section 101-10.

2. *Building design standards.*

1. *Bulk and mass.* Maximum building footprint is 10,000 feet for all main buildings, and 5,000 feet for all accessory buildings. Specialty structures with requirements for building footprint sizes larger than the maximum building footprint may be accommodated through a conditional use permit.
2. *Building height.* Maximum buildings height is 45 feet as measured from the highest elevation of the building, including chimneys, to the lowest adjacent grade surface. Buildings shall be designed in such a way as to protect views and minimize encroachment into the views of other buildings and building sites, as much as is practicable.
3. *Architectural character.*
 1. *Building materials.* Preferred exterior building materials are those that are natural such as wood, stone, concrete, and brick. All structures shall be constructed of fire resistant materials. Class B roof assembly or fire treated wood (2003 IBC 1505 or current adopted version), is required.
 2. *Colors.* Preferred exterior building colors include earth-toned colors with brighter colored accents, if desired.
 3. *Styles.* Preferred architectural styles include rustic, western and alpine lodge looking architecture. This may include the use of large wood timber or logs, and stone.

4. *Fenestration.* Buildings shall have a minimum 70:30 ratio of solid to void on front and side facades. Reflective glass is prohibited.
 4. *Building orientation.* Buildings should be oriented towards public streets and rights-of-way, and have at least 1 public entrance at the front of the building.
7. *Open space.*
 1. *Minimum open space.*
 1. *Developments smaller than 8 units.* A minimum of 50 percent of each lot or total project area shall be preserved as open space.
 2. *Developments 8 units or larger in size.* A minimum of 50 percent of the total project area shall be preserved as open space. Of this required open space, 25 percent shall be comprised of community open space, and 40 percent shall be comprised of natural open space.
 3. *Community amenities.* All subdivisions and development shall provide for the reasonable accommodation of any community amenities or recreational features identified in the Comprehensive Plan, and shall ensure open access to public lands and waters.
 2. *Uses allowed in open space.* The land uses allowed in qualifying community open space and natural open space areas are defined in subsection 115-54(d).
8. *Wildfire protection.* The homeowner is responsible for all fire prevention and safety. In remote areas, fire department equipment may take considerable time to respond to a fire. Specific fire protection measures and requirements include:
 1. *Access.* Provide a roadway for access of large fire trucks and a turnaround area with a 50-foot radius, or a hammerhead drive, for firefighting equipment. Provide a defensible space, at least 30 feet wide around structures to allow firefighters to work between structures and a wildfire.
 2. *Firewood storage.* Firewood storage shall be at least 30 feet from any structure or be covered with a fireproof material.
 3. *Propane tanks.* Propane tanks shall be located at least 30 feet from structures. Tanks may be either buried under ground, or located above ground with a 10-foot-wide cleared and maintained area around the location of the tank.
 4. *Building materials.* Buildings shall be constructed with fire resistant materials. All roofed structures shall have class B roof assembly or fire-treated wood (2003 IBC 1505 or current adopted version).
 5. *Open burning.* Open burning is by permit only and shall be cleared by the county fire department prior to any burn only, following all restrictions and recommendations.
 6. *Burn barrels.* Burn barrels are not allowed for the burning of household trash.
 7. *Landscaping.* *Minimize the amount of wild land vegetation around structures.* This includes the removal of all dead wood, dry grass and other flammable material. Either an irrigated or green landscape shall be maintained around buildings and other flammable structures, or where landscaped with native species, brush and wild plants shall be cleared away from structures as outlined in this subsection.
9. *Public access.* Any development within the A/R zone shall maintain public access to state and federal lands, and other specific publicly owned areas having unique historical, geological, recreational, cultural or scenic value.