

Fremont County, Idaho – Development Code

(Last accessed: October 8, 2020)

Division 5.3 - Agricultural Resources and The Farm Economy

5.17 Protecting Agricultural Operations

5.18 Agricultural Industries

5.19 Protecting Irrigation Systems

5.20 Weed Control

5.17 Protecting Agricultural Operations

Development of other uses in the County shall not interfere with existing agricultural operations, including the normal operation of dairies, feedlots, potato cellars, and other agricultural activities that may, at times, be perceived as a nuisance by inhabitants of nearby residences. I.C. 22-4503 states that agricultural operations are not and cannot become a nuisance to surrounding nonagricultural activities except in the case of improper or negligent operation, or in the case of confined animal feeding operations (see FCDC 5.18).

1. Agricultural Waiver. All Class I and Class II permits shall include a legal declaration or plat note waiving all common law claims of nuisance caused by permitted, accepted, and customary agricultural operations conducted in accordance with federal, state, and local laws. These agricultural activities normally and ordinarily produce noise, dust, smoke, and other conditions at all hours of the day and across all seasons. The waiver shall preclude all rights to complain, object, harass, or interfere in the legal agricultural activities in the neighborhood, community, and County.

HISTORY: Adopted by Ord. 2011-04 on 6/27/2011

5.18 Agricultural Industries

While the protection of existing agricultural operations is an important goal of this Ordinance, it is also recognized that new agribusiness applications could have an adverse impact on existing nonagricultural uses.

1. Confined Animal Feeding Operations (CAFO). See FCDC Appendix X.

HISTORY: Adopted by Ord. 2011-04 on 6/27/2011; Amended by Ord. 2016-04 on 7/11/2016

5.19 Protecting Irrigation Systems

All Applications including or adjoining irrigated lands, or including or adjoining any irrigation works (diversions, head gates, canals, pumps, drains, etc.) shall be reviewed by the responsible irrigation entity. No application shall be permitted to adversely impact the operation of any irrigation system and all Applications shall comply with the specific performance standards established here.

1. Subdivision of Irrigated Lands: Delivery of Water. All subdivisions shall demonstrate compliance with I.C. 31-3805, as amended. When either a subdivision within the meaning of

chapter 13, title 50, Idaho Code, or a subdivision subject to this Ordinance, and all or any part of said subdivision would be located within the boundaries of an existing irrigation district or other canal company, ditch association, or like irrigation water delivery entity, hereinafter called "irrigation entity" for the purposes of this chapter, no subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land will be accepted, approved, and recorded unless:

a. The water rights appurtenant and the assessment obligation of the lands in said subdivision which are within the irrigation entity have been transferred from said lands or excluded from an irrigation entity by the owner thereof; or by the person, firm or corporation filing the subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land; or

b. The owner or person, firm or corporation filing the subdivision plat or amendment to a subdivision plat or any other plat or map recognized by the city or county for the division of land has provided for underground tile or other like satisfactory underground conduit for lots of one (1) acre or less, or a suitable system for lots of more than one (1) acre which will deliver water to those landowners within the subdivision who are also within the irrigation entity, with the following appropriate approvals:

i. For proposed subdivisions within the incorporated limits of a city, the irrigation system must be approved by the city zoning authority or the city council, as provided by city ordinance, with the advice of the irrigation entity charged with the delivery of water to said lands.

ii. For proposed subdivisions located outside incorporated cities but within a negotiated area of city impact pursuant to chapter 65, title 67, Idaho Code, or within one (1) mile outside the incorporated limits of any city, both city and county zoning authorities and city council and county commissions must approve such irrigation system in accordance with section 50-1306, Idaho Code. In addition, the irrigation entity charged with the delivery of water to said lands must be advised regarding the irrigation system.

iii. For proposed subdivisions located outside an area of city impact in counties with a zoning ordinance, the delivery system must be approved by the appropriate county zoning authority, and the county commission with the advice of the irrigation entity charged with the delivery of water to said lands.

iv. For proposed subdivisions located outside an area of city impact in counties without a zoning ordinance, such irrigation system must be approved by the board of county commissioners with the advice of the irrigation entity charged with the delivery of water to said lands.

2. a. In the event that the provisions of either Parts 1,a or 1,b have not been complied with, the assessments of the irrigation entity for operation, maintenance, construction, and other valid charges permitted by statute shall in no way be affected. Any person, firm or corporation or any other person offering such lots in such subdivision for sale, or selling such lot shall, prior to the sale, advise the purchaser in writing as follows:

i. That suitable water deliveries have not been provided; and

ii. That the purchaser of the lot must remain subject to all assessments levied by the irrigation entity; and

iii. That the individual purchaser shall be responsible to pay such legal assessments; and

iv. That the assessments are a lien on the land within the irrigation entity; and

v. That the purchaser may at a future date petition the appropriate irrigation entity for exclusion from the irrigation district.

b. A disclosure statement executed by the purchasers and duly acknowledged, containing the representations required in this Part, shall be obtained by the seller at the time of receipt of the earnest money from the purchaser, and affixed to the proposed sales contract and a copy thereof shall be forwarded to the appropriate irrigation entity.

HISTORY: Adopted by Ord. 2011-04 on 6/27/2011

5.20 Weed Control

As required by I.C. 22-2407, it shall be the duty and responsibility of all landowners to control noxious weeds on their land and property. Applicants shall demonstrate continuing compliance with this performance standard.

HISTORY: Adopted by Ord. 2011-04 on 6/27/2011

Link to Code Text: https://fremont.municipalcodeonline.com/book?type=development#name=Division_5.3_-_Agricultural_Resources_And_The_Farm_Economy