

CHAPTER 11

CONFINED ANIMAL FEEDING OPERATION

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9-11-1: **APPLICABILITY:** This chapter shall apply to all confined animal feeding operations located in Cassia County.

9-11-2: **REGULATIONS/SETBACKS:** In addition to all other regulations specified in this title, all new confined animal feeding operations (CAFOs) shall comply with the following setbacks and other provisions:

- A. B Zones: All new CAFOs shall be located outside the defined areas of impact of any incorporated municipality within Cassia County as identified on the zoning map of Cassia County (B zones).
- B. Subdivisions: The closest inside edge of the retaining wall of any new CAFO waste lagoon, or other structures containing liquid waste, and the outside edge of any composting yard of any new CAFO shall be located at least one thousand three hundred twenty feet (1,320') from any legally platted subdivision or planned

unit development with visible improvements such as a highway district or county approved and accepted road.

- C. Dwellings: The closest inside edge of the retaining wall of any new CAFO waste lagoon or other structure containing liquid waste, or the outside edge of any composting yard for the waste generated from a confined animal feeding operation shall be located at least one thousand three hundred twenty feet (1,320') from any existing dwelling, church, school or any other building designed for human occupancy, not located within the designated CAFO site.
- D. Property Line: The closest inside edge of the retaining wall of the waste lagoon, or other structures containing liquid waste, and the outside edge of any composting yard of any new CAFO shall be located at least four hundred feet (400') inside the existing property lines of the designated CAFO site.
- E. Corrals: The outside edge of all corrals of any new CAFO shall be located at least four hundred feet (400') from the nearest existing dwelling, church, school, or any other building used for human occupancy, not located within the designated CAFO site.
- F. Proximity to Right of Way: Any structure confining animals in a CAFO, whether barn, corral, or other structure, must have external boundaries no less than one hundred feet (100') from the external boundary of any public right of way.
- G. Health Authority: Locations of waste lagoons, corrals, wells, and septic systems of any new CAFO shall conform to state of Idaho and health authority regulations and specifications.
- H. Lights: lights for all new CAFOs shall be placed and shielded to direct the light source down onto and inside the property lines of the CAFO.
- I. Floodway: The external boundary of a CAFO shall not be less than one thousand three hundred twenty feet (1,320') from any floodway as defined by the Cassia County flood damage prevention ordinance¹ and accompanying map.
- J. Water: No CAFO shall be located within an area that is a high water table area or wetland area in regards to the water table level as determined by a soil survey map from the natural resources conservation service (NRCS).
- K. Proximity to Well: No barn, corral or other structure in which livestock are confined in a CAFO, or any lagoon or other structure containing liquid waste generated from a CAFO, or the outside edge of any composting yard for the waste generated from a CAFO, shall be located nearer than four hundred feet

¹ Cassia County Code, Title 12

(400') from any well not located within the boundaries of the designated CAFO site.

- L. Proximity to Residential Agricultural, Agricultural Residential, or Buffer Zones: Any structure confining animals in a CAFO, whether barn, corral, or other structure, must have external boundaries no less than five thousand two hundred eighty feet (5,280') from the external boundary of any land in Cassia County that is zoned Residential Agricultural, Agricultural Residential or Buffer Zone.
- M. All barns, corrals or other structures in which livestock are confined in a CAFO, or any lagoon or other structure containing liquid waste generated from a CAFO, or any composting or manure stacking yard for the waste generated from a CAFO, shall be located within the boundaries of the designated CAFO site. *[Amended Ord. No. 2009-04-01, 04-14-2009.]*

9-11-3: **PERMITTED DENSITIES FOR CAFOS:** New CAFOs that exceed two (2) animal units per acre in livestock density or that consist of one hundred (100) animal units or more shall be deemed to constitute a large CAFO for regulation purposes, unless otherwise specified herein. Concentration of livestock within new CAFOs shall not exceed two (2) animal units per acre in any zone and the overall size of the new CAFO operations within specific zones shall be limited as follows:

- A. CAFOs Located Within Buffer (B) Zones, Outdoor Recreation (OR) Zones, or Historical Preservation (HP) Zones: Any CAFO, in which at least part of the proposed site is within the B Zone, OR Zone, or HP Zone, shall be considered a large CAFO. New CAFOs, any part of which is in these designated zones, shall not be permitted or located within the B zones, OR zones or HP zones.
- B. CAFOs Located Within Residential Agricultural (RA) Zone or Industrial Commercial (IC) Zone: New CAFOs, any part of which is located within the RA Zone or IC Zone, that consist of ten (10) animal units or more shall be considered to constitute a large CAFO for these zones. All CAFOs, any part of which is located within either of these zones, shall not exceed two (2) animal units per acre in livestock density, or one hundred fifty (150) animal units in overall size of operation.
- C. CAFOs Located Within Agricultural Residential (AR) Zone: New CAFOs, any part of which is located within the AR Zone, that consist of fifty (50) animal units or more shall be considered to constitute a large CAFO. All CAFOs, any part of which is located within this zone, shall not exceed two (2) animal units per acre in livestock density, or one thousand (1000) animal units in overall size of operation.

- D. CAFOs Located Within the Multiple Use (MU) Zone: New CAFOs located within the MU Zone that consist of one hundred (100) animal units or more shall be considered to constitute a large CAFO. All CAFOs, any part of which is located within the MU zone, shall not exceed two (2) animal units per acre in livestock density, or five thousand (5,000) animal units in overall size.
- E. CAFOs Located Within the Prime Agricultural (AP) Zone: New CAFOs located entirely within the AP Zone that consist of one hundred (100) animal units or more shall be considered to constitute a large CAFO. All CAFOs located entirely within the AP zone shall not exceed two (2) animal units per acre in livestock density, or seven thousand five hundred (7,500) animal units in overall size.
- F. In the instance of a proposed CAFO being located in more than one zone within Cassia County, then the maximum overall size of animal units for the operation shall be that amount associated with the most restrictive zone as listed hereinabove. All acreages for proposed CAFOs and for calculation of animal unit per acre livestock density shall be within the jurisdictional boundaries of Cassia County. *[Amended Ord. No. 2009-04-01, 04-14-2009.]*

9-11-4: **Repealed.** *[Ord. No. 2009-04-01, 04-14-2009.]*

9-11-5: **LOCATION:**

- A. Proximity To Property Line: On parcels containing less than twenty (20) acres where the numbers of livestock do not exceed the animal unit restrictions for the zone in which they are located and where livestock are permitted, the barn, corral, pen, coop, or hutch for the keeping of livestock shall not be located closer than four hundred feet (400') from the nearest dwelling, church, school, or other building used for human occupancy other than buildings owned by the owner of the CAFO. Pastured animals may graze to the fence line. However, pastured animals that are watered or supplemented with any feed shall not be watered or fed in an area located closer than four hundred feet (400') from the property line.
- B. Location Of Facilities: On any lot on which livestock are permitted, the location of the facilities necessary to house, feed, or care for such animals shall comply with all regulations in regards to setbacks contained in this title.

9-11-6: **APPLICATION FOR NEW CAFO PERMIT:** Owners of real property upon which a new confined animal feeding operation will be established must file an application for such CAFO with the office of the zoning administration for Cassia administration for Cassia County, Idaho, upon a form approved by the Cassia County Planning and Zoning Commission. The application for a new CAFO permit must be in writing and shall contain the following information:

- A. Personal Information: Complete names, addresses and telephone numbers of every owner of real property within the proposed confined animal feeding operation. If applicant is not the owner of real property within the proposed site of operation, applicant shall also disclose complete names, addresses and telephone numbers of all applicants, and shall furthermore state and clarify their interest(s) in the proposal.
- B. Legal Description: The complete legal description of the real property contained within the confined animal feeding operation, including the number of acres for each description and the geographic information system (GIS) data and global positioning satellite (GPS) data in digital file format that meets County mapping department's requirements for each parcel.
- C. Uses of Property: A statement of the current and historical uses of the real property described in the application.
- D. Zoning: The present zoning district designation of all real property within the CAFO.
- E. Description Of Operation: A narrative description describing the proposed CAFO, including the species of animals that will be confined, the number of animals that will be confined and a description of the structures and other facilities that will be required to confine, feed and care for the animals and remove the solid and liquid waste produced from the CAFO.
- F. Boundary Map: A map showing the boundaries of the real property comprising the confined animal feeding operation, including any real property within one mile of any external boundary of the confined animal feeding operation. The map, which must be drawn to a scale of not less than eight inches (8") to the mile, must show the following:
 - 1. Land Uses: Existing land uses;
 - 2. Water Bodies: Existing ditches, canals, live streams or other bodies of water;

3. Wells: Wells (domestic or agricultural) within a one mile radius of any proposed barn, corral, lagoon, other structure for containing liquid waste, feed storage area or feed storage structure associated with the proposed CAFO;
 4. Structures: The dimensions and locations of barns, corrals, lagoons, other structures for containing liquid waste, compost yards, feed storage areas, and feed storage structures on the proposed CAFO site;
 5. Residences and Roads: The location of all residences, other buildings intended for human occupancy, and all public roads on the CAFO site and within a one mile radius of the CAFO boundaries;
 6. Distances: The map must show the following distances expressed to the nearest ten feet (10'):
 - a. External Boundaries To Residences: Distances from external boundary lines of the confined animal feeding operation to residences or other buildings intended for human occupancy outside the CAFO boundaries.
 - b. Lagoons: Distances from lagoons to external boundary lines of the confined animal feeding operation area and to all residences or other buildings intended for human occupancy shown on the map.
 - c. External Boundaries To Highways: Distances from external boundary lines of the confined animal feeding operation to public highways or floodways.
- G. Topographical Map: A separate topographical map shall be submitted showing elevation contours at intervals of not less than twenty feet (20'), or at such other intervals as approved by the zoning administrator.
- H. Waste Management: A narrative concerning the waste management aspect of the CAFO site, including, but not limited to, the exact means and methods by which the applicant proposes to dispose of liquid and solid waste generated from the confined animal feeding operation. The narrative statement shall include a description of the means and methods by which the applicant will ensure that solid and liquid waste will not escape the boundaries of the confined animal feeding operation, or enter the waters of the United States of America. *[Amended Ord. No. 2009-04-01, 04-14-2009.]*
- I. Water Rights: A writing from the department of water resources of the state of Idaho, including a profile of all water rights necessary for the operation of the confined animal feeding operation or, if those rights have not yet been granted,

proof that an application for transfer or other suitable application has been filed with the department of water resources which, if granted, would allow sufficient water rights to permit a lawful operation of the new confined animal feeding operation.

- J. Repealed. *[Ord. No. 2009-04-01, 04-14-2009.]*
- K. Statement Of Compliance: A notarized statement that the applicant will, as a condition of permit approval, construct and operate the confined animal feeding operation and nutrient management plan acres in keeping with the lawful directives of the state of Idaho department of agriculture or state of Idaho department of environmental quality with respect to location and construction of lagoons, the application of liquid and solid waste from the CAFO and other matters within the jurisdiction of the department of agriculture or DEQ. *[Amended Ord. No. 2009-04-01, 04-14-2009.]*
- L. Comment Letters: Applicant shall supply proof that letters have been requested from the highway districts having jurisdiction over public roads shown within or immediately adjacent to the CAFO site as designated on the previously described map and from any canal company owning ditches or canals that are within or immediately adjacent to the CAFO site as designated on the previously described map, as well as any utility company or other easement holders of record pertaining to land within or abutting the designated CAFO site. Response letters from highway districts, canal companies, utility companies or other easement holders should recommend conditions that the Commission should consider imposing as conditions of approval, or provide written comments otherwise relative to the proposal.
- M. Lighting: The map accompanying the application must show the location of all corral or yard lights, and the application shall otherwise demonstrate that the lights have been designed to reflect downward and onto the CAFO to prevent escape of light and glare outside the boundaries of the CAFO area.
- N. Demonstration Of Setback Compliance: Compliance with all setback rules under this chapter must be demonstrated.
- O. Neighboring Property Owners: A list of names and addresses of all property owners owning real property located within one mile of the external boundaries of the CAFO.

- P. County Weed Plan: A plan developed in conjunction with the Cassia County Weed Department setting forth suitable methods, managements and practices for controlling weeds on and involved with the proposed development herein. Weeds shall be defined by state of Idaho noxious weed statutes, laws and regulations. (Ord. 2011-08-01, 8-25-2011.)
- Q. Fee: A nonrefundable fee, in an amount set by the county, must be included with any application for a new CAFO. (re-lettered by Ord. 2011-08-01, 8-25-2011.)
- R. Until all items listed herein are submitted to the satisfaction of the zoning administrator, any application made with the zoning department is deemed only to be lodged, but not to be filed. Applications shall be considered and determined based upon the regulations existing as of the date of filing of the application, unless otherwise provided for by action of the Board of County Commissioners. (Ord. 2011-08-01, 8-25-2011.)

9-11-7: **OTHER AGENCIES OF GOVERNMENT:** It is recognized that CAFOs governed by this chapter are subject to the scrutiny and regulation of other governmental agencies including, but not limited to, the department of agriculture for the state of Idaho, the department of environmental quality for the state of Idaho, environmental protection agency of the United States of America, and the Idaho state department of water resources. In order to commence operation, the owners or operators of a new CAFO must comply with the laws, rules and regulations administered by those other agencies and remain in compliance therewith. It is not the intention of this chapter to impose a redundant set of regulations on CAFOs, but rather, it is intended that new CAFO owners demonstrate an ability to comply with those laws, rules and regulations as a condition of the issuance of a permit under this chapter.

9-11-8: **APPLICATION REFERRAL TO COMMISSION, HEARING PROCESS, AND DECISION PROCESS:** The zoning administrator shall review every application submitted under this chapter. If the administrator determines that the application is complete the administrator shall refer the application to the planning and zoning commission for a hearing on the CAFO application.

A. Hearing:

1. Prior to the hearing of a new CAFO application:

- i. A written notice shall be published by the applicant at least 30 days prior to the date of hearing; and
 - ii. Notice shall be posted on the premises by the applicant not less than one (1) week prior to hearing; and
 - iii. Written notice shall also be sent at least 30 days prior to the date of hearing by the applicant by U.S. Mail, First Class Postage Prepaid, to every person listed by the applicable county tax assessor as owning real property located within one mile of any external boundary of the CAFO described in the application notifying such persons and the public that:
 - a. Submittal: A new application for confined animal feeding operation permit has been received;
 - b. Date: The date upon which the application was received by the county;
 - c. Name And Address: The names and addresses of all of the applicants;
 - d. Legal Description: The exact legal description of the real property comprising the proposed CAFO;
 - e. Nature of Operation: The nature of the proposed confined animal feeding operation: and
 - f. Animal Units: The number of animal units that will be confined thereon.
2. The notice shall further state that a public hearing will be held prior to the issuance of the permit and give the date, time and place of such hearing. The applicant shall prepare and file, with the planning and zoning secretary, at least two (2) days prior to the hearing, an affidavit of publication, posting and mailing indicating that the notice given is in compliance with subsections A and B of this section.
- B. Support Or Objection: All persons to whom notice is mailed shall be advised in that notice that they and others who can establish that their substantial rights would be affected by the approval or denial of the permit may file written objections or supporting statements with the planning and zoning commission secretary no later than ten (10) days prior to the hearing setting forth in that writing that person's support or objection to the issuance of the new CAFO permit.

1. Written objections shall set forth each requirement of law (local, state or federal) which the objecting party believes the CAFO permit would violate.
 2. Written statements shall also set forth either that the party making the statement owns property within one (1) mile of the external boundaries of the CAFO site described in the application and/or otherwise setting forth the substantial rights that would be affected by the approval or denial of the permit.
 3. Additionally, any party desiring to file any document(s) shall file such document(s) at least ten (10) days prior to the hearing, with the planning and zoning commission secretary.
- C. Testimony At Hearing: Any person who files a statement in support or objection to the issuance of a new CAFO permit may be allowed to testify at the public hearing. In the written statement, the person making the statement shall indicate whether or not such person desires to testify at the hearing. *[amended Ord. No. 2009-04-01, 04-14-2009.]*
1. Prior to the hearing the planning and zoning commission shall determine which of those persons who desire to testify will be permitted to testify at the hearing. In this regard, Idaho Code Section 67-6529 will be utilized as a guideline, in providing that “only members of the public with their primary residence within one (1) mile radius of the proposed site may provide comment at the hearing. However, this distance may be increased by the . . .” Commission. *[amended Ord. No. 2009-04-01, 04-14-2009.]*
 2. All statements of support or objections shall be made a part of the record at the hearing, but no person except the applicant shall be permitted to testify at the hearing unless they have previously filed a written statement of support for or objection to the issuance of the permit.
 3. A transcribable record of the hearing and the deliberation of the Commission toward a decision shall be kept for a period of time not less than six (6) months, nor shall they be required to be kept for a period of time not to exceed twelve (12) months, after the Planning and Zoning Commission’s final decision on the matter.
 4. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense.

- D. Rules of Procedure: The Planning and Zoning Commission may adopt rules of procedure not inconsistent with the provisions of this title or state law for the conduct of its business and procedures for hearings.
- E. Decision: After the hearing the planning and zoning commission shall approve, disapprove, or approve with conditions the application by written decision. If the application is approved or approved with conditions a permit shall be issued for the CAFO with such conditions as the commission determines.
- F. State Approval before commencement of operations: If the CAFO is approved, then the Owner or Operator shall submit a letter from the state of Idaho department of agriculture approving the design of the waste management system under grade A sanitation requirements in the case of a new dairy wishing to produce grade A milk, and a letter approving the nutrient management plan, in the case of all CAFOs.

9-11-9: **Repealed.** *[Ord. No. 2009-04-01, 04-14-2009.]*

9-11-10: **PERMIT DEVELOPMENT:** Any permit obtained under this chapter shall be valid for a period of three (3) years from final written decision of the board. Any permit that was presented as being phased over a longer period of time shall be considered commenced when construction has started for the first phase of the project. Any permit obtained under this chapter must be occupied by the operator within four (4) years of issuance by the board. (Ord. 2011-08-01, 8-25-2011.)

9-11-11: **RIGHT TO OCCUPY AND COMMENCE OPERATION:** Any person to whom a new CAFO permit is issued shall not commence operations on the new CAFO or allow animals to occupy the new CAFO without first having submitted written proof to the satisfaction of the zoning administrator for Cassia County, Idaho, that the CAFO has been constructed in conformance with the application and that the agencies deemed relevant to the new CAFO application by the administrator which may include, but not be limited to the department of agriculture, the state of Idaho department of environmental quality, the department of water resources for the state of Idaho, and the United States of America environmental protection agency have inspected the completed facility and approved it ready for the commencement of use.

9-11-12: **TRANSFERABILITY AND DISCONTINUANCE:**

- A. The ownership of a CAFO permit may be transferred to a new owner of the CAFO by application to the zoning administrator stating that the new owner will assume all duties and responsibilities of the previous owner under the existing CAFO permit and any agreements then in force with respect to that permit.
- B. The holder of an existing or new CAFO permit who, once having begun operations, discontinues its operations for a period not in excess of ten (10) years may reestablish such use without obtaining a new permit, as provided by Idaho Code 67-6538.
- C. The holder of a CAFO permit that fails to install improvements with which to commence operations for a period in excess of three (3) years from the date the permit is authorized by the Commission shall be required to qualify for and obtain a permit as a new CAFO prior to commencement of operations. (amd. Ord. 2011-08-01, 8-25-2011.)

9-11-13: **MODIFICATION OF WASTE MANAGEMENT SYSTEM:** Any holder of a CAFO permit issued in and by Cassia County may file an application with the planning and zoning commission for an amendment to the permit to allow for a new or modified waste management system component of the CAFO permit. Such application must meet the requirements of section 9-11-6 of this chapter and must show all required approvals required by this chapter for the new or modified waste management system. The planning and zoning commission may issue an amended permit upon receiving satisfactory evidence of the applicant's compliance with the provisions of this chapter. *[Amended Ord. No. 2009-04-01, 04-14-2009.]*

9-11-14: **ANIMAL REPORTING REQUIREMENTS / RANDOM INSPECTIONS:** Once approved and under operation, the Owner or Operator shall submit an annual report to the Cassia County Administrative Office describing the quantities and types of animals confined on the facility, the number of acres required under its currently approved nutrient management plan, including designation of owned acreage and export acreage, including legal descriptions and the global positioning satellite (GPS) data in format suitable to the County mapping department for each parcel not previously reported. This report shall be filed by June 1st of each year. Additionally, the Owner or Operator shall allow any authorized County officer or employee to enter on to its facility for purposes of ensuring compliance with county regulations which are applicable to the operation and for purposes of ensuring the operation does not exceed the permitted number and type of animal units.

9-11-15

9-11-17

9-11-15: **COUNTY OFFICER OR EMPLOYEE ENTRY AUTHORIZED:**

It shall be unlawful and a misdemeanor to interfere with, hinder or refuse to allow any authorized County officer or employee to enter upon private or public property to enforce the provisions of this Chapter.

9-11-16: **EXISTING OPERATIONS:**

1. Prior Use Permit: Owners of CAFOs which were in existence prior to July 1, 1993, were required to obtain a "prior use CAFO permit" to qualify for the enhanced "prior use" or "grandfather" rights extended under section 9-11-18 of this chapter. Those existing CAFOs, to obtain a "prior use CAFO permit", were required to submit applications that contained the following:

a. Description Of Operation: A full description of the operation and facilities including location and maximum capacity of the facilities and the numbers and type of livestock located on the parcel at the time of application.

b. Site Plan: The application was to accompanied by an owner drawn or owner submitted site plan of the facilities and structures located on the CAFO.

c. Fee: And the fee for such permit, as was set by the County.

2. Approval: A "prior use CAFO permit or update" was thereafter issued by the zoning administrator upon receipt of a complete application and the fee. Prior use CAFO permits were only issued for applications filed by October 1, 2000. After such date no further prior use permits or updates were issued.

3. Transferability: A "prior use CAFO permit" may be transferred to a new owner of the CAFO by application to the zoning administrator stating that the new owner will assume all duties and responsibilities of the previous owner under the existing CAFO permit and any agreements then in force with respect to that permit.

9-11-17: **ENHANCED "GRANDFATHER" RIGHTS FOR HOLDERS OF PRIOR USE CAFO PERMITS:**

1. Enhanced "Grandfather" Rights: Notwithstanding the provisions of chapter 3 of this title regarding nonconforming uses, the holder of a prior use CAFO permit shall be entitled to expand or increase the size of the CAFO operation as follows:

- a. B Zone and IC Zone: Prior use CAFOs located within the B zones and IC zones shall not be permitted to increase in size beyond their prior use CAFO permitted size of operation. (amd.Ord. 2011-08-01, 8-25-2011.)
 - b. RA Zone: Prior use CAFOs located within the RA zone shall be permitted to increase in size not to exceed two (2) animal units per acre in livestock density, or 150 animal units in overall size of operation.
 - c. AR Zone: Prior use CAFOs located within the AR zone shall be permitted to increase in size not to exceed two (2) animal units per acre in livestock density, or to eight hundred (800) animal units in overall size of operation.
 - d. MU Zones: Prior use CAFOs located within the MU zones shall be permitted to increase in size up to but not exceeding two (2) animal units per acre in livestock density, or three thousand five hundred (3,500) animal units in overall size of operation.
 - e. AP Zones: Prior use CAFOs located within the AP zones shall be permitted to increase in size up to but not exceeding two (2) animal units per acre in livestock density, or five thousand (5,000) animal units in overall size of operation.
2. Holders of Prior Use CAFO Permits: Holders of prior use CAFO permits who desire to expand their operations under this section shall file an application for expansion of prior use CAFO permit with the office of the zoning administrator which outlines the nature and size of the expansion. Such applicants shall not be required to meet the standards for new CAFOs, except they shall be required to demonstrate compliance with county livestock density regulations and overall size of operations regulations, as well as all state and federal regulations applicable to their operation.
 3. Review of Prior Use CAFO Permit: Upon receipt of an application to expand a prior use CAFO permit the zoning administrator shall review the same for completeness and compliance with the limitations of this chapter and submit the application to the planning and zoning commission for review and approval.

9-11-18: **DISCONTINUANCE OF USE:** The holder of a "prior use" CAFO permit who discontinues its operations for a period not in excess of ten (10) years may reestablish such use without obtaining a new permit. Prior use CAFO uses that are discontinued for a period in excess of ten (10) years shall be required to obtain a permit as a new CAFO to reestablish operations. (amd. Ord. 2011-08-01, 8-25-2011.)

9-11-19: **APPEALS:** An applicant, any person who receives a mailed notice of an application for issuance of a CAFO permit under this chapter, or any person whose substantial rights are affected by the issuance or denial of a CAFO permit may appeal the decision of the planning and zoning commission by filing a notice of appeal stating the basis for such appeal together with a specification of the provisions of the law the decision is deemed to violate within twenty eight (28) days of the date of the signing of the planning and zoning commission decision, and paying a fee set by the county. Appeals shall be filed and heard in conformance with subsection 9-5-5J of this title.