

## CHAPTER 2

**APPROVAL PROCEDURES**

## SECTION:

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10-2-1 : **APPROVAL PROCEDURES:** The following list is a step by step description of the subdivision approval process:

- A. **Plans And Requirements:** The subdivider contacts the planning and zoning department to discuss development plans, and zoning and subdivision ordinance requirements prior to preparing any plats or plans. (amended Ord. 2009-04-02, 4-14-2009).
- B. **Submission Of Plat And Fee:** The subdivider submits Three (3) copies of the preliminary plat along with preliminary road profiles and cross sections and other supporting documents and the preliminary plat fee to the planning and zoning department building inspector. (amended Ord. 2009-04-02, 4-14-2009).
- C. **Districts And Utility Companies:** The subdivider submits copies of the preliminary plat and any applicable utility load information to the applicable highway district, school district, fire district, fuel company, electric power companies, South Central Public Health District, irrigation district(s) and canal company(s), sewer district(s) and culinary water district(s) for review and comment. Subdivider shall provide to the planning and zoning department proof, as required by zoning administrator that these submittals were made to the entities indicated herein. (amended Ord. 2009-04-02, 4-14-2009).
- D. **Review Of Documents:** The county planning and zoning department, entities listed in subsection C of this section, and such other departments as may be necessary, then have opportunity to review the documents and make recommendations for any changes which may be necessary or advisable. At least forty (40) working days are allowed for completion of review for each submittal. (amended Ord. 2009-04-02, 4-14-2009, amd. Ord. 2017-11-2).

- E. Placement On Agenda: Upon completion of the review and if, in the staff's opinion, the proposal is ready, then the subdivider shall submit Nine (9) copies of the proposed preliminary plat along with any accompanying documentation. Once this full submittal is made, then the preliminary plat proposal will be placed on the next available planning and zoning commission agenda. (amended Ord. 2009-04-02, 4-14-2009).
- F. Action On Preliminary Plat: The planning and zoning commission meets and reviews the preliminary plat and takes action to approve the proposal as submitted, approve it with conditions, deny it or table it for further discussion or information. The subdivider or his agent shall attend to present the proposal. The Commission's approval will be noted on two copies of the preliminary plat – one copy to be returned to the subdivider and the other to be kept in the County's file. (amended Ord. 2009-04-02, 4-14-2009).
- G. Submission Of Final Plat: If preliminary approval is granted, the subdivider submits the original and two (2) copies of the final plat along with the final plat fee to the planning and zoning department. Also, cross sections and profiles of streets and all other construction drawings related to all improvements to be constructed as part of the project must be submitted. All plats must be signed and stamped by a registered professional surveyor. All construction drawings must be signed by a registered professional engineer.
- The statement from Idaho Code § 22-4503 or any later or amended statutory language shall appear on all final plats located in a zone where agricultural uses are allowed or permitted. (amended Ord. 2009-04-02, 4-14-2009).
- H. Review Of Final Plat: The county planning and zoning department, entities listed in subsection C of this section, and such other departments as may be necessary review the documents to ensure compliance with those recommendations and conditions that were ordered at the Commission's preliminary review. At least forty (40) working days are allowed for completion of staff review for each submittal. (amended Ord. 2009-04-02, 4-14-2009, amd. Ord. 2017-11-2).
- I. Placement Of Final Plat On Planning and Zoning Commission Agenda: When the final plat and accompanying documents are deemed to be ready by the county staff, it will be placed on the next available planning and zoning commission agenda, for review and signature by the chairperson.

- J. Review By Zoning Administrator: The zoning administrator will review and sign the plat after it is approved by the Planning and Zoning Commission. (amended Ord. 2009-04-02, 4-14-2009).
- K. Placement On Board's Agenda: The proposal is then placed on the board's agenda. (amended Ord. 2009-04-02, 4-14-2009).
- L. Review By County Attorney: The county attorney reviews the plat and any other applicable documents and signs the plat after the plat and any other applicable documents are approved by the Commission and by the Board. (amended Ord. 2009-04-02, 4-14-2009).
- M. Action On Final Plat: The board meets and considers the final plat and takes action to approve the proposal as submitted, approve it with conditions, deny it or table it for further discussion or information. The subdivider or his agent must attend to present the proposal.
- N. Approval: If approval is given, the subdivider shall provide a guarantee of improvements, as set forth hereinafter.
- O. Assignment Of Addresses: The planning and zoning department staff assigns addresses to the lots on the final plat<sup>1</sup>, and the subdivider or his agent then records the final plat and pays the required recording fees in the office of the Cassia County recorder.
- P. County Owned Improvements: When county owned or taxing district owned improvements are required, the subdivider and his contractors shall meet with government representatives in a preconstruction conference. The subdivider may also be required to meet with appropriate utility providers. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002)

10-2-2: **CONDOMINIUM PROJECT PROCEDURE:**

- A. Subdivision Regulations: A condominium project shall be considered a subdivision. The maps or surveys required by the condominium property ownership act in the Idaho Code<sup>2</sup> shall be considered a subdivision plat. All condominium projects shall comply with the provisions of this title and shall follow the procedure outlined for processing subdivisions.

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<sup>1</sup> See title 9, chapter 9A of this code.

<sup>2</sup> IC title 55, chapter 15.

- B. Zoning Ordinance: The standards and criteria for the geographical layout of a condominium project, the location of structures, utility lines and roads, and the percentage of the project devoted to common open space shall comply with the Cassia County zoning ordinance regulations. (Ord. 93-6- 2, 6-28-1993; as amended 6-24-2002)

10-2-3: **AGRICULTURAL PARCELING:**

- A. Applicability: The provisions of this section apply to divisions of property for the purposes of agricultural uses, farm industry or animal keeping. The provisions of this section do not apply to any bona fide division of land for the purpose of adjusting the boundary line, or the transfer of land between two (2) adjacent property owners, which does not create an additional parcel. The zoning administrator will determine if such actions are of the type constituting boundary line readjustment, as opposed to property division for purposes of agricultural uses, farm industry or animal keeping. Parcels divided according to the provisions of this section are not typically used as building lots and are not subject to subdivision regulations unless building development is requested. Agricultural parcels may be used for residential purposes if subdivision and all other applicable regulations are met. (amended Ord. 2009-04-02, 4-14-2009).
- B. Requirements: Division of land into agricultural parcels is permitted if they meet the following provisions:
1. Size: All parcels or lots must be a minimum of five (5) acres in size.
  2. Street Access: All parcels or lots have access from a public street or recorded private right of way or easement at least twenty feet (20') in width.
  3. Water: Sufficient water is provided to each lot or parcel for the proposed use of the property. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002)

10-2-4: **PRIVATE RIGHTS OF WAY:** Building development on private rights of way may be allowed where permitted by the Cassia County zoning ordinance and in accordance with the provisions of this section.

- A. Requirements: The requirements of chapter 3 of this title shall apply to all requests for private rights of way development.

B. Development Standards:

1. Lot Size: Lot size shall be that required in the zone in which it is located.
2. Right Of Way Width: The minimum right of way width shall be fifty feet (50').
3. Interference With Development: Lots and rights of way must be located so that they do not interfere with future development.
4. Care And Maintenance: All development on private rights of way of two (2) lots or more shall establish a homeowners' association or similar organization that will be responsible for the development, care and maintenance of the right of way and any common property or utilities. A complete set of protective covenants shall outline the development, care and maintenance of all private utilities, street improvements and common spaces. The protective covenants shall also set forth the funding mechanism for that maintenance. (amended Ord. 2009-04-02, 4-14-2009).

C. Guarantee Of Improvements: All improvements required by this title or by the planning and zoning commission shall be guaranteed in a manner which is consistent with the provisions of this title.

D. Building Permit Issuance: No building permit for any structure within a development on a private right of way shall be issued until:

1. Sewers And Storm Drains: All required public or commonly owned sanitary sewers, storm drains, and culinary water lines have been installed and are operable.
2. Easements: All easements and rights of way for utilities and access have been recorded in the office of the Cassia County recorder.
3. Covenants: The protective covenants have been recorded in the office of the Cassia County recorder.
4. Guarantee Of Improvements: The guarantee of improvements not already installed and accepted by their respective agencies has been provided to the board. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002)

10-2-5:

**DEDICATION OF STREETS AND PUBLIC IMPROVEMENTS:** The subdivider shall dedicate the public streets, easements, and other public improvements to Cassia County and the appropriate highway district at the time the final plat is recorded in the office of the county recorder. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002)

10-2-6:                   **APPEAL:** Any applicant, seeking to divide or subdivide property, who is aggrieved by a decision of the Office of Zoning Administrator, planning and zoning commission, or board, with respect to matters governed by Title 10 of this code, may appeal the decision as outlined and authorized at sections 9-5-6 and 9-5-7 of the Cassia County Code or their successor provisions. (Ord. 93-6-2, 6-28-1993; as amended 6-24-2002)