

## NOTICE OF PUBLIC HEARING

**At 3:00 p.m., or as soon thereafter as the matter may be heard, on Thursday, December 15, 2022, at the Cassia County Commission Chambers, Cassia County Courthouse, Room 206, 1459 Overland Avenue, Burley, Idaho,** the Cassia County Planning and Zoning Commission will hold a public hearing to consider proposed amendments to the Cassia County Zoning and Subdivision Ordinances. Proposed Zoning Ordinance amendments are, namely: Section 9-2-2 add definition for Irrigable Land or Real Property as being where land where facilities are or will be available to irrigate; Section 9-5-6 providing that administrative appeals must be taken within 15 days after decision and that an administrative appeal automatically stays proceedings upon filing and payment of fees and other minor clarifying language; Section 9-5-7 providing that appellants must be an affected person or appeal can be denied and that appeal application and fees are to be submitted to County Clerk, who will calculate costs of notice and the Board will schedule public hearings and Clerk of Board will give notice of appeal; that Board shall only consider evidence of record in the underlying decision; that Clerk of the Board shall provide copy of written decision to the parties in an appeal and to the Zoning and Building Department and other minor clarifying language changes; Section 9-8-2 repeal language authorizing Zoning Administrator to interpret zoning chart for uses not specifically listed, and providing that uses not listed in the regulations are not eligible for a permit; also, amending zoning chart under Residential group to disallow standard and minor subdivisions in the agricultural residential zone; Section 9-11-3 to provide that acres to be use in animal unit density calculations shall be irrigable acres in any permitted zone; and Section 9-11-6 (C) amended to provide that as part of an application, proof must be provided that identified animal unit density acres are irrigable land.

Additionally, proposed amendments to the Cassia County Subdivision Ordinance are, namely: Sections 10-1-6 and 10-1-7 are amended to also require compliance with Title 9, Cassia County Code; Section 10-1-8 is amended to clarify variance as defined in Section 67-6516, Idaho Code; 10-1-9 definition of Zoning Ordinance amended to indicate it is Title 9, Cassia County Code; Section 10-2-1 A the department name is amended; Section 10-2-1 B is amended to require a completed conditional use permit application and appropriate fee to be filed with submission of a plat; Section 10-2-1 C is amended to strike language "as required by the zoning administrator"; Section 10-2-1 E is amended to require three paper copies of proposed preliminary plat be provided; Section 10-2-1 F is amended to require action also on conditional use permit application; Section 10-2-1 J review and signing by zoning administrator is repealed; Section 10-2-1 K is amended to require subdivider to obtain all other required signatures on the final plat, except the Treasurer's signature, before plat is submitted to Board; Section 10-2-1 L review by County Attorney is repealed; Section 10-2-1 N is amended that Board will sign final plat only after guarantee of improvements is adequately provided or improvements are installed; Section 10-2-4 B.4. is amended to provide that protective covenants shall run with the land of the subject properties and shall be recorded in County Recorder's Office; Section 10-2-5 is amended to provide that dedication of public streets, easements or improvements shall be made to the appropriate entity at the time the plat is recorded; Section 10-3-1 amended to add title 10 and title 9; Sections 10-3-2 and 10-3-3 are amended to add that conditional use permit application also be filed with the preliminary plat and other minor clarifying language; Section 10-3-4 is amended that action on a hearing that

is continued, shall provide a date for the matter to be taken up for additional deliberation, and that the Commission will review the preliminary plat and conditional use permit application in making a determination and other minor clarifying language; Section 10-3-7 is amended to clarify that a conditional use permit is not required for a minor subdivision but must comply otherwise with Title 9, and that agency comment letters or letters indicating no concerns, or that if an agency does not provide any written comment within 20 days of notification of the application, then the Zoning and Building Department will proceed with the comment period and the department will mail notice to property owners within 300 feet, and clarification about Commissioner and Treasurer signature on the plat and other minor clarifying language; Section 10-4-3 is amended to comply with Title 50, Chapter 13, Idaho Code regarding drafting of the final plat image and that the county zoning and building department approves the subdivision name, that the zoning administrator only signs for minor subdivisions and commission only signs for standard subdivisions, and providing for description of monuments, point of beginning with ties to at least two recognized monuments and providing for a narrative as described in Section 55-1906, Idaho Code; Section 10-4-5 is amended to provide the county is to hire an engineer to check engineering requirements at the cost of the applicant and the zoning administrator is to review minor subdivision plats for completeness and compliance and the planning and zoning commission is to review final plats for standard subdivisions and other minor clarifying language; Section 10-4-6 is amended to repeal surety bonds, certified checks, irrevocable letters of credit or other forms of security other than cash deposit as guarantees for improvements and for warranty bonds; Section 10-5-2 is amended to clarify that names of new streets shall be approved by the Zoning and Building Department; Section 10-5-6 is amended to allow that guarantees of common open space improvements in PUDs will require a cash bond equal to 150% of estimated costs to be deposited with the County and will only be released upon successful passing of an inspection by the zoning and building department or its agent; Section 10-6-2 is amended to clarify the name of the south central public health district and to provide for approval of other applicable state agency, and street construction to also meet fire district standards, and have planning and zoning commission review street drainage, and that driveway approaches are subject to highway district development standards; Section 10-7-1 amended to provide that plat application fee is to cover processing of the plat through the hearing process and final plat review; Section 10-7-2 is amended to provide inspection and review fees and all expenses are to be reimbursed by subdivider to the county before Board signs final plat; and Section 10-9-2 is repealed in its entirety and is amended to provide that administrative appeals shall be taken pursuant to provisions set forth in Section 9-5-6, Cassia County Code, and appeals from Commission Decisions shall be taken pursuant to provisions of Section 9-5-7, Cassia County Code.

The proposed new changes may be reviewed in full at the Zoning and Building Department at Cassia County Courthouse, Room 210, 1459 Overland Avenue, Burley, Idaho, during normal business hours or may be viewed online at: <https://www.cassiacounty.org/media/public-notices/ZoningAmendments.pdf>

At the hearing, the public and all interested persons will have the opportunity to be heard concerning the proposed amendments. Written testimony may also be submitted to the County up to the time that the hearing is closed. Written testimony may be hand-delivered to the Zoning and Building Office at Room 210 in the Courthouse, and must be received by 11:00

a.m. on Thursday, December 15, 2022 to be considered or may be handed to the Planning and Zoning Administrative Assistant, at the time of the hearing.