

July 21, 2022 Proposals for consideration:

9-2-2. Definitions:

ADMINISTRATIVE LAND DIVISION: The result of an act of division of a tract of land that does not result in a subdivision as defined in this Section, but does result in the creation of lots, parcels, sites or other divisions of land for the purpose, whether immediate or future, of sale, lease, or use for building development from the time of adoption of this Administrative Land Division Ordinance (October 5, 2020). However, this Title shall not apply to any of the following:

A. An adjustment of lot lines as shown on a recorded plat which does not reduce the area, frontage, width, depth or building setback lines of each building site below the minimum zoning requirements, and does not change the original number of lots in any block of the recorded plat.

B. An allocation of land in the settlement of an estate of a decedent or a court decree for the distribution of property. However, no development shall proceed or building permit shall be issued on any such lots, unless the applicable regulations of this Title are complied with.

C. The unwilling sale of land as a result of legal condemnation as defined and allowed in Section 14 of Article I of the Idaho Constitution, Chapter 7 of Title 7 of the Idaho Code, and in all other sections of the Idaho Code where condemnation is authorized.

D. Widening of existing streets to conform to a comprehensive plan.

E. The acquisition of street rights of way by a public agency in conformance with a comprehensive plan.

F. The exchange of land for the purpose of straightening property boundaries which does not result in the change of the present land use.

G. The bona fide division or partition of agricultural land of five (5) acres or larger, for agricultural purposes.

H. A lot or parcel created for the exclusive use of a public or private school, other political subdivisions, or public or private utility facilities.

BOUNDARY LINE ADJUSTMENT: The amending of existing property line(s) or boundaries between adjacent Parcels where an equal or lesser number of Parcels are established, except for parcels set forth in platted subdivisions. The following apply to Boundary Line Adjustments:

A. A Boundary Line Adjustment shall "amend" existing Parcels only; it shall not create any new Parcels.

B. Parcels amended by a Boundary Line Adjustment shall comply with all applicable standards of the Cassia County Zoning Ordinance.

C. The amended Parcels of the Boundary Line Adjustment shall be surveyed and shall have their respective, amended legal descriptions recorded by deed. A Boundary Line Adjustment shall have no effect on the origination of the amended Parcels.

ENLARGEMENT: Any change that increases the size or capacity of an LCO or CAFO operation.

FUNCTION: The purpose or activity for which a thing is specifically fitted or used, or for which a thing exists.

MODIFICATION: Any change to existing configuration that results in an increase of herd size or capacity for herd size or results in a change of function or the type of operation (e.g., change of function from feedlot to dairy operation; or cow herd to goat herd), but not to include replacement of an old structure with a new structure, insofar as function of structure remains the same and location of the structure meets current setbacks in Title 9, Cassia County Code.

TRACT: Any contiguous specified area of land.

9-5-2: PERMIT MODIFICATIONS; ZONING ADMINISTRATOR AUTHORITY:

- A. Any permit issued under Title 9, Cassia County Code shall be modified or amended only in compliance with the procedures for such permit under Title 9 by the Zoning Administrator, the Cassia County Planning and Zoning Commission, or Board of County Commissioners, as appropriate: (amd. Ord. 2017-11-2)
- B. The Zoning Administrator shall have discretion to act upon those modifications or amendments to any matter under Title 9, Cassia County Code that the Zoning Administrator is authorized to approve. ~~The Zoning Administrator shall review and may grant or deny a modification or amendment to such permits, approvals, or matters, including, but not limited to those modifications or amendments that would: (amd. Ord. 2017-11-2~~
- ~~1. alter the external boundary of a permitted use or permitted site in a manner that does not implicate the regulations or setbacks set forth in under Title 9, Cassia County Code, including but not limited to those set forth in Section 9-11-2; or (amd. Ord. 2017-11-2)~~
 - ~~2. relocate previously approved facilities within a CAFO Site that does not implicate the regulations or setbacks set forth in Section 9-11-2. (amd. Ord. 2017-11-2)~~
- C. The Planning and Zoning Commission shall have discretion to act upon those modifications or amendments to any matter under Title 9, Cassia County Code that the Planning and Zoning Commission is authorized to approve. The Planning and Zoning Commission shall review and may grant or deny a modification or amendment to such permits, approvals, or matters. The Planning and Zoning Commission shall also make recommendations to the Board of County Commissioners as to those requested modifications or amendments to ~~either~~ a [confined animal feeding permit](#) permit under Title 9, Chapter 11, Cassia County Code ~~or the conditional use permit, for or a CAFO, including~~, but not limited to, those that would: (amd. Ord. 2017-11-2)
1. alter the external boundary of a permitted use or permitted site in a manner that implicates the regulations or setbacks; (amd. Ord. 2017-11-2)
 2. that would increase total animal units or animal unit density previously approved;
 3. that is proposed to meet federal, state or regulatory agency requirements;

4. that is proposed or is likely to affect air quality, water quality, or water quantity as a result of modification or amendment to a CAFO permit; (amd. Ord. 2017-11-2)

5. that would modify ~~the~~ facilities, operations, acreage, or herd composition of a CAFO, including any changes to CAFO Property that are subject to a permit and in a manner that implicates the regulations or setbacks, including, but not limited to, those set forth in Section 9-11-2 or the permitted densities for CAFOs set forth in Section 9-11-3. (amd. Ord. 2017-11-2)

Any hearing before the Planning and Zoning Commission on such modifications or amendments, or on a recommendation to the Board of County Commissioners, on a modification or amendment to either a permit under Title 9, Chapter 11, Cassia County Code or the conditional use permit, for or a CAFO, shall be conducted under notice and hearing provisions as set forth within applicable provision of Title 9, Cassia County Code, or if no applicable code, then as directed and determined by the Planning and Zoning Commission. (amd. Ord. 2017-11-2)

D. The Board of County Commissioners shall have discretion to act upon those modifications or amendments to any matter under Title 9, Cassia County Code that the Board of County Commissioners is authorized to approve. The Board of County Commissioners shall review and may grant or deny a modification or amendment to such permits, approvals, or matters. Where the Board of County Commissioners acts upon a recommendation from the Planning and Zoning Commission regarding an application for a permit either a permit under Title 9, Chapter 11, Cassia County Code or the conditional use permit, for or a CAFO, it shall not act until the requested modification or amendment has been reviewed by the Planning and Zoning Commission and it has made a recommendation to the Board of County Commissioners. Any hearing before the Board of County Commissioners on such modifications or amendments shall be conducted under notice and hearing provisions as set forth within applicable provision of Title 9, Cassia County Code, or if no applicable code, then as directed and determined by the Board of County Commissioners. (amd. Ord. 2017-11-2)

E. Notwithstanding any other provision of this Chapter, any permit issued under Title 9, Chapter 11, Cassia County Code for a CAFO, ~~may shall only~~ be considered for modification, extension, or enlargement, administratively by the Zoning Administrator for the following limited matters:

1. relocation of previously approved structures within a CAFO site, where such relocation complies with the regulations and/or setbacks set forth in Section 9-11-2, and that said structures remain of the same function as originally approved; or

2. modification or substitution of real property within a CAFO for purposes of animal unit density calculations, with removal or substitution of other real property, so long as such modification or substitution does not implicate or involve compliance with the regulations and/or setbacks set forth in Title 9 of Cassia County Code, including, but not limited to those set forth in Section 9-11-2.

~~upon either (i) submitting an application for a conditional use permit pursuant to Title 9, Chapter 13, or (ii) submitting an application to amend an existing conditional use permit pursuant to Title 9, Chapter 13. All CAFO permits and modifications thereto that are or have been issued pursuant to Title 9, Chapter 11, Cassia County Code, shall be processed as conditional use permits, and provided, further, that if a CAFO permit has been issued pursuant to Title 9, Chapter 11 and Title 9, Chapter 13, or if a modification, extension, or enlargement of a CAFO permit has been approved in compliance with subsection, then the Zoning Administrator shall have the limited power to review and grant or deny a modification or amendment to a CAFO permit pursuant Section 9-5-2B.~~

(New: move 10-1-6 C & D from Title 10 to Title 9.)

9-14-16. SCOPE AND APPLICABILITY OF ADMINISTRATIVE LAND DIVISIONS AND BOUNDARY LINE ADJUSTMENTS:

- A. Administrative Land Divisions. No person shall sell or exchange, or offer to sell or exchange any parcel of land which is any part of an "administrative land division", as defined herein, nor offer for recording in the office of the county recorder any deed conveying such a parcel of land, or any interest therein, unless such administrative land division has been created and approved pursuant to and in accordance with the provisions of this title
- B. The provisions of this ~~chapter~~ Title shall apply to Boundary Line Adjustments. Unless otherwise stated, a permit issued by the Zoning and Building Department in accordance with the provisions of this chapter shall be required for Boundary Line Adjustments.

Move from Title 10 to Title 9, renumber some other changes

~~CHAPTER 10~~
~~ADMINISTRATIVE LAND DIVISIONS~~

SECTION:

~~10-10-1~~ 9-8-3: Administrative Land Divisions

~~10-10-2~~: ~~Approval Procedures~~

9-8-4: Boundary Line Adjustment

~~10-10-19-8-3~~: ADMINISTRATIVE LAND DIVISIONS: Approval is required for any administrative land division. Approval of an administrative land division must be acquired in compliance with the following approval procedures:

~~10-10-2A~~: APPROVAL PROCEDURES: Any owner or agent of an owner requesting approval of an administrative land division of a parcel of the owner's real property shall submit an application and site plan to the Zoning and Building Department of Cassia County. The application and site plan shall contain all the required information, as listed below:

1. Application – A completed Administrative Land Division application form signed by the owner.
2. Filing Fees – ~~Payment of all applicable fees~~ A non-refundable filing fee shall be paid to Zoning and Building Department, with the filing of an application hereunder. Receipt of payment must be noted on the application by the Zoning and Building Department personnel. Fees shall be established by Resolution of the Board of County Commissioners.
3. Proof of Ownership – A title report from a duly licensed title insurance company dated no more than fourteen (14) days prior to the submission of the application, or a copy of recorded deed showing current ownership for the subject property.
4. Roads – Legal description of all new private roads giving access to each parcel. Roads giving access to the divided parcels shall be either existing public roads or (new or existing) private roads. New public roads are not permitted within an Administrative Land Division. All private roads (new or existing) serving the divided parcels shall be constructed or improved to meet the minimum requirements established by Cassia County Code.

5. Grade – Maximum grade of all private roads shall meet the standards identified in the Cassia County Code.
6. Legal Descriptions – Legal descriptions for each parcel shall include the following:
 - a. Reference to Record of Survey Job Number.
 - b. Legal description will meet current Idaho Statute, Idaho Code §50-1303, or any successor statute, and shall contain the needed data to be mapped by the Cassia County Assessor's Office.
 - c. Area of parcel shown in acres to the nearest 1/100 of an acre.
 - d. Signature of land surveyor licensed in the State of Idaho.
7. Deed – Proposed Instruments conveying ownership in the form of a deed for each parcel.
8. Road Maintenance Agreements – Shall be required for all divisions that include private roads.
9. Record of Survey – Pursuant to Title 55 Chapter 19 of Idaho Code, and shall specifically include those items required by Idaho Code §55-1906 in addition to the following:
 - a. Deed of Record - Current Instrument Number of Deed of Record.
 - b. Parcel Corners – Shall be set by a licensed land surveyor prior to recording.
 - c. Parcel Area – Area of each parcel shall be shown to the nearest 1/100th of an acre.
 - d. Parcel Numbering – All parcels shall be numbered consecutively.
10. Site Plan Certification – A complete site plan of the proposed site, minimum size 8½" x 11". Minimum site plan drawing scale shall be 1" = 40'. The site plan shall include, but not be limited to, a description of the proposed land use and

the location of all existing and proposed structures, wells, septic tanks, drain fields, new traffic access easements, traffic access to public thoroughfares, and public thoroughfares, within 100' of new or proposed property lines. Written certification from Fire Districts, ~~Health Districts~~, Local Highway Jurisdictions and Irrigation Districts, that all rights of way, setbacks, easements, and other applicable facilities (i.e. emergency access, well & sewage disposal, approaches - both single and shared, flood control, irrigation, etc.) have been approved by the entities having jurisdiction.

11. Certification of Property Taxes Paid - The applicant shall provide confirmation from the Cassia County Tax Collector that any split, combination or subdivided parcels shall have all property taxes paid in full, including prior years and the current year, as billed up to and including the date of the split or combination.

12. Zoning Administrator Certification of Completion and Approval – Upon a finding by the Zoning Administrator that a complete application and site plan have been submitted in compliance with the applicable ordinances and policies of Cassia County, the Zoning Administrator will issue a Certification of Completion and Approval, and the application and Certification of Completion and Approval will be recorded in the Office of the Cassia County Recorder. [Deeds affecting the Administrative Land Division, as approved, must be recorded within 90 days of issuance of the Certificate of Completion or the proposed division shall be null and void, unless written extension is granted by the Zoning Administrator for good cause.](#)

13. Compliance Required – Until the approval process is completed, as provided for herein, and a Certificate of Completion is issued and recorded, no officer of the county shall grant or issue a permit for the construction of any building or structure, or for the moving of a building into a lot, or for the change in any use of land, building or structure. Nor shall an officer grant any permit or license for the use of any building or land if such would be in violation of this title.

~~10-10-3B~~: RECORDING PROCESS:

1a. All recording fees to be paid by the Applicant.

2b. Upon the receipt of Certification of Completion and Approval, the Applicant shall record deed(s) with appropriate legal descriptions for each parcel at the Office of the Cassia County Recorder.

3e. The applicant shall provide recorded copies of the deeds back to the Zoning and Building Department

~~10-10-4C:~~ VACATING ADMINISTRATIVE LAND DIVISION
PROCESS/COMBINATION OF PARCELS:

1a. Applicant seeking to vacate established Administrative Land Divisions so as to recombine into one parcel shall:

ai. Show that such parcels are not currently being used for building development.

ibi. Make application as is set forth in Section 10-10-2, hereinabove, but showing the combination of parcels, with all appropriate documentation and certification as required.

2b. Upon the receipt of Certification of Completion and Approval, the Applicant shall record the recombined deed, with appropriate legal description, with the Cassia County Recorder's Office.

3e. All recording fees shall be paid by the Applicant.

4d. The Applicant shall provide a recorded copy of the deed for the recombined parcel to the Zoning and Building Department.

~~CHAPTER 11~~
~~BOUNDARY LINE ADJUSTMENTS~~

~~SECTION:~~

~~10-11-1: Boundary Line Adjustments~~

~~10-11-2: Approval Procedures~~

~~10-11-19-8-4:~~ BOUNDARY LINE ADJUSTMENTS: To obtain a Boundary Line Adjustment Permit, an applicant must complete the respective application form available at the Zoning and Building Department. A request for multiple Boundary Line Adjustments of the same Parcel may be made on a single application.

~~10-11-2A:~~ APPROVAL PROCEDURES: Approval is required for any administrative land division. Approval of an administrative land division must be acquired in compliance with the following approval procedures:

1. A completed Boundary Line Adjustment application shall be filed with the Zoning and Building Department by the owner(s) and/or agent(s) of the real property.
2. A complete application shall provide the following:
 - a. The name, complete address, and contact number of the applicant(s) and all other landowner(s) of Parcels involved.
 - b. The legal description, address and/or common directions for the real property.
 - c. A full description of the present use of the property.
 - d. A parcel map of the property.
 - e. The present zoning of the property.
 - f. Documents to show Title and Legal Description (i.e., property deed).
 - g. Using a parcel map from the Cassia County Assessor's Office, applicant shall show the approximate location of the proposed new lot lines.
 - h. A complete site plan of the proposed site, minimum drawing scale shall be 1" = 40'. The site plan shall include, but not be limited to, a description of the proposed land use and the location of all existing and proposed structures, wells, septic tanks, drain fields, new traffic access easements, traffic access to public thoroughfares, and public thoroughfares within 100' of new or proposed property lines.
 - i. Documentation from the applicable public agencies indicating their response to the proposed land use. Applicable agencies include, but are not necessarily limited to:
 - i. South Central Public Health District
 - ii. Highway District
 - iii. Irrigation District

3. Criteria for Approval of Boundary Line Adjustment Application.

a. The Zoning Administrator will tentatively approve the boundary line adjustment, after determining that the application for the proposed Boundary Line Adjustment Application is complete, and complies with the standards of this chapter and ordinance of Cassia County, and the laws of the State of Idaho.

b. A permit shall not be granted if the application for the proposed Boundary Line Adjustment fails to comply with Title 10, Section 11.

c. Upon tentative approval of the application by the Zoning Administrator, and subject to any applicable conditions of approval, the applicant or owner shall have a maximum of One Year from the date tentative approval is given to complete the following tasks:

i. Have the necessary deeds prepared to accomplish the property boundary line adjustments as tentatively approved; and,

ii. Submit the Record of Survey and executable deeds to the Zoning and Building Department for final approval.

d. Upon determination by the Zoning Administrator that the final property boundary adjustment is in compliance with the applicable ordinances and policies of Cassia County, the Zoning Administrator will issue a Certificate of Completion.

e. After receiving the Certificate of Completion, the applicant shall then file the record of survey and deeds with the Cassia County Recorder's Office and obtain new parcel numbers from the Cassia County Assessor's Office.

4. Building Permits

a. No building permit shall be issued and not structure shall be built upon a resulting parcel that does not meet the requirements of this chapter.

5. Fees

a. A non-refundable fee shall be payable to the Zoning and Building Department before review, verification or recording of a deed based upon

a Boundary Line Adjustment. Fees shall be set by Resolution of the Board of County Commissioners.

6. Development

a. Approved Boundary Line Adjustments shall be developed according to the site plans and proposed descriptions submitted to the Zoning and Building Department. Deviation from the proposal shall require re-application.

9-11-16: EXISTING OPERATIONS

A. Prior Use Permit, [Rights and Limitations](#): Owners of CAFOs who applied for a prior use L.C.O. permit ("Prior Use Permit") prior to October 1, 2000, by demonstrating the existence of a livestock containment operation or CAFO in operation prior to July 1, 1993, may continue operating consistent with the application they submitted evidencing the existence of such an existing livestock containment operation or CAFO. However, such Prior Use Permits shall not be modified, ~~extended,~~ or enlarged, ~~except as in compliance with Title 9, Chapter 5, Section 2, Cassia County Code.~~ Any modification, ~~extension,~~ or enlargement shall only be obtained by filing for a new CAFO permit and being granted such CAFO permit that complies ~~comply~~ with all of the requirements of [Title 9, Chapter 11 and this Chapter](#) ~~as well as~~ Title 9, Chapter 13, in existence at the time of application. ~~for such modification, extension, or enlargement may only be had if a new CAFO permit is approved for the proposal.~~

B. If a CAFO permit has been issued pursuant to [Title 9 and its relevant chapters,](#) ~~this Chapter as well as Title 9, Chapter 13, or if a modification, extension, or enlargement of a CAFO permit has been approved in compliance with Section 9-5-2E,~~ then the Zoning Administrator shall have the limited powers to review and grant or deny a modification or amendment to a CAFO permit pursuant to Section 9-5-2E.

CB. Transferability: A Prior Use Permit or CAFO permit may be transferred to a new owner of the LCO or CAFO by application to the [Zoning and Building Department](#) ~~Zoning Administrator~~ stating that the new owner will assume all duties and responsibilities of the previous owner under the existing LCO or CAFO permit and any agreements then in force with respect to that permit, however, no such transfer shall effectuate a modification, ~~extension,~~ or enlargement. Modification or enlargement may only be sought through filing of a new CAFO permit application, that ~~unless such~~ is in compliance with the requirements ~~this Chapter~~

~~as well as~~ Title 9, Chapters 11 and 13, as such are in existence at the time of application, and such CAFO permit being granted. ~~for such modification, extension, or enlargement.~~

9-11-17: (Repealed, see Section 9-11-16 (A)). ~~RIGHTS OF PRIOR USE PERMITS: The holder of a Prior Use Permit who desire to modify, extend or enlarge their CAFO under this section shall file an application for a conditional use permit consistent with Title 9, Chapter 13. Such a holder of a Prior Use Permit who desires to modify, extend or enlarge their CAFO shall also comply with the requirements of Title 9, Chapter 11 for CAFOs that exist at the time of such application, as well as all state and federal regulations applicable to their operation.~~

~~Repeal 10-1-6 C, D~~

~~Repeal 10-1-9 Definitions of Administrative Land Divisions and Boundary Line Adjustments.~~

~~Repeal Title 10, Chapter 10 Administrative Land Divisions~~

~~Repeal Title 10, Chapter 11 Boundary Line Adjustment~~