

**Title 9 Chapter 2 Definitions (New)**

**9-2-2. Definitions:**

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AGRICULTURAL LAND: Tracts of land of at least five (5) acres in area and shall include land that are used for crop cultivation, irrigation, livestock grazing, livestock breeding and keeping, food production, dairy, cattle and calf production, or any other agricultural use and includes any land, building, structure, ditch, drain, pond, impoundment or appurtenance used in an agricultural operation, but does not include any residential, commercial or industrial use or development.

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IRRIGATION OR FARM POND: A body of water situated outdoors, contained by natural or artificial means and designed, used, or intended for agricultural purposes including irrigation and watering of livestock, but not for recreational purposes.

**Title 9 Chapter 5**

**9-5-6: ADMINISTRATIVE APPEALS:**

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B. Administrative Appeals: Administrative appeals to the Planning and Zoning Commission concerning interpretation or administration of this title may be taken by any person aggrieved or by any officer or ~~bureau~~ department of the county affected by any decision of the Zoning Administrator or building inspector. Such administrative appeal shall be taken within fifteen (15) ~~twenty-eight (28)~~ days after the decision of the Zoning Administrator or building inspector by filing with the Zoning and Building Department ~~and with the Planning and Zoning Commission~~ a notice of administrative appeal specifying the grounds upon which the appeal is being taken and payment of a fee as set by the county. If not filed within fifteen (15) days after issuance of a written decision, the appeal shall not be accepted. Upon notification of such an appeal, theThe Zoning Administrator shall transmit to the Planning and Zoning Commission all the papers constituting the record upon which the administrative appeal is based.

C. Stay Of Proceedings: An administrative appeal automatically stays all proceedings in furtherance of the action taken, upon filing and payment of fees, unless the Zoning Administrator certifies to the Planning and Zoning Commission after the notice of administrative appeal is filed with him that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril of life

or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court [of competent jurisdiction](#) based upon an application, with notice to the Zoning Administrator showing due cause.

- D. **Supplementary Conditions And Safeguards:** Under no circumstances shall the Planning and Zoning Commission grant an administrative appeal to allow a use [that is](#) not permissible under the terms of this Title in the zone involved, or any use expressly or by implication prohibited by the terms of this title in said zone. In granting any administrative appeal, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with the title. Violation of such conditions and safeguards, when made a part of the terms under which the administrative appeal is granted, shall be deemed a violation of this title.
- E. **Public Hearing:** Upon receipt of the application for an administrative appeal, the Planning and Zoning Commission shall schedule a public hearing. The applicant [for the appeal](#) shall publish a notice thereof in a newspaper and give written notice to all parties as required for conditional use permits, and file proof of giving such notice with the [Planning and Zoning Commission](#) ~~Administrator~~.
- F. **Action By Planning and Zoning Commission:** Within sixty (60) days after the public hearing, the Planning and Zoning Commission shall either grant or deny the administrative appeal [in writing](#). Upon granting or denying an appeal the Planning and Zoning Commission shall specify:
1. **Evaluation Standards:** The ordinance and standards used in evaluating the administrative appeal;
  2. The reasons for the grant or denial of the administrative appeal; and
  3. **Actions To Grant Appeal:** The actions, if any, that the applicant could take to be granted an administrative appeal.
- G. **Notification Of Applicant:** Within twenty (20) days after a decision has been rendered [in writing](#), the Zoning Administrator shall provide the applicant with written notice of the action on the request to:
1. Grant or deny an administrative appeal; or
  2. Delay such a decision for a definite period of time.

**9-5-7: APPEALS TO BOARD OF COUNTY COMMISSIONERS.**

- A. Appeal: Any decision or action under Title 9 and/or Title 10 by the Planning and Zoning Commission, including its decisions on administrative appeals under Section 9-5-6 may be appealed as set forth in this section. Any appellant shall be an affected person as defined in the Local Land Use Planning Act, 67-6501 et seq. If an appellant is not an affected person, that shall be reason sufficient for denial of an appeal. A person aggrieved by a final decision or action within the jurisdiction of the Planning and Zoning Commission may appeal to the Board of County Commissioners.
- B. Application And Fees: Appeals of a final decision or action of the Planning and Zoning Commission shall be filed with the County Clerk~~Zoning Administrator~~ within fifteen (15) days after the date of the final decision or action, or it shall not be accepted. An application and fees, as set forth in this chapter, shall be submitted to the County Clerk~~Zoning Administrator~~ on forms provided by the Zoning and Building Department~~Administrator~~. Upon receipt of the appeal, the County Clerk ~~Zoning Administrator~~ shall calculate the cost of notice and prior to scheduling the public hearing on such appeal shall notify the appellant and the appellant shall be responsible for the payment of fees and costs of notice.
- C. Scheduling Of Hearing And Notice: The ~~Zoning Administrator shall schedule and the~~ Board of County Commissioners shall schedule, then hold a public hearing and make a decision pursuant to the procedures set forth in this Title applicable to the permit or application that is subject to the decision or action. The hearing by the Board of County Commissioners on the appeal to be held not less than thirty (30) nor more than ninety (90) days from the payment of fees and costs of notice by the appellant, unless otherwise stipulated by the parties. The Clerk of the Board of Commissioners~~Zoning Administrator~~ shall give notice of the appeal to the parties in interest, provided, however, that the appellant is responsible for the cost of such notice, including mailing, posting, and publication thereof. Notice of the hearing shall be given consistent with the procedures set forth in this Title applicable to the permit or application that is subject to the decision or action being appealed.
- D. Hearing: At the public hearing, the Board of County Commissioners shall consider the order, requirement, permit, decision, or determination of the Zoning Administrator or Planning and Zoning Commission, and any attached conditions thereto. The Board of County Commissioners shall also only-consider any additional-evidence that was made part of the record in the underlying decision.~~may be offered by the appellant, public, applicant, Zoning Administrator or Planning and Zoning Commission.~~

- E. The Board of County Commissioners may affirm, reverse, modify, in whole or in part the order, requirement, permit, decision, or determination appealed from, or make or substitute any additional conditions that in its deliberations it may find warranted. The Board of County Commissioners shall provide a written decision in accordance with the Local Land Use Planning Act. [The Clerk of the Board shall provide a copy of the written decision to the parties in the appeal and to the Zoning and Building Department.](#)

## **Title 9 Chapter 8**

**9-8-2: SCHEDULE OF REGULATIONS:** Zoning regulations shall be as set forth in the following schedules of zoning regulations and in the performance standards contained within chapter 9 of this title. The schedules of zoning regulations are divided into seven (7) land use groups consisting of Agricultural Activities, Agriculture, Communications and Utilities, Manufacturing, Public Assembly, Residential, Services, Sports Facilities and Parks, Trade and Retail, Trade-Wholesale, and Transportation. To determine in which zone a specific use is allowed, it is necessary to find the use in one of the groups and read across the schedule until either the letter "P" or the letter "C" appears in one of the columns. If the letter "P" appears, the use is a permitted use in that zone. If the letter "C" appears, the use is only allowed upon issuance of a conditional use permit for that zone. If the letters "TP" appear, the use, in that zone, will require a temporary permit prior to its establishment. If no letter appears, the use is prohibited in that zone. [If the use is not listed in these regulations, then it is not eligible for a permit.](#) ~~The Zoning Administrator shall interpret the zoning chart for groups and uses not specifically mentioned by determining a similar group and/or use listed in the charts. The use as being permitted, conditionally permitted, temporarily permitted or not permitted shall then be determined by review of the appropriate zone for the similar use that is listed on the charts.~~ When several combined land uses exist, or are proposed, the most intensive land use shall be considered as the primary activity.

**ZONING CHARTS**

	<b>RA</b>	<b>AR</b>	<b>AP</b>	<b>HP</b>	<b>OR</b>	<b>IC</b>	<b>MU</b>
<b>Agricultural Activities</b>							
Animal product processing and rendering							C
Composting Operations if not part of CAFO			C				C
Confined animal feeding operation "CAFO"		C	C			C	C
Enclosed & Totally Confined Poultry Operations			P <sup>2</sup> / C <sup>3</sup>				P <sup>2</sup> / C <sup>3</sup>
Hatcheries			P		<u>C</u>	C	P
Dairy product processing		C	C			P	P
Grain and seed processing		C	C			P	P
Greenhouses	P	P	P			P	P
Livestock feed processing <u>and manufacturing</u>		C	C	C	C	C	C
Livestock sales yard		C	C			P	P
Meat product processing		C	C			P	P
<u>Fish and other aquatic species</u>		<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>	<u>C</u>
<u>Bees, Bee Products</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Other Agricultural Product Processing</u>		<u>C</u>	<u>P</u>			<u>P</u>	<u>P</u>
<u>Farm and Roadside Markets</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Irrigation related structures and activities<sup>1</sup></u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<b>Agriculture</b>							
Farms – animals on pasture	P	P	P	P	P	P	P
Farms – plants and trees	P	P	P	C	P	P	P
Farms – poultry, fur		P	P		C	C	P

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	<b>RA</b>	<b>AR</b>	<b>AP</b>	<b>HP</b>	<b>OR</b>	<b>IC</b>	<b>MU</b>
<b>Residential</b>							
Standard subdivision	C	€				C	C
Minor subdivision	p <sup>5</sup>	p <sup>5</sup>				p <sup>5</sup>	p <sup>5</sup>

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**Notes:**

1. [Must meet applicable performance standards of Section 9-9-4\(I\).](#)
2. Such use is permitted only after a CAFO permit has been obtained under the provisions of chapter 10 of this title.
3. Conditional Use permit required under provisions of 9-10-2 (B) of this title.
4. Freight transfer points that are permitted in AP zone are for agricultural commodities only.
5. Such use is permitted only after a Minor Subdivision Application is filed and found to be in full compliance, by the Zoning Administrator, pursuant to 10-3-7, Cassia County Code.
6. Must have consent of Southern Idaho Regional Solid Waste District to construct or operate such facilities before a conditional use permit can be noticed for hearing before Planning and Zoning Commission.
7. Development permit must be obtained before a building permit can be issued.

**Title 9 Chapter 9****9-9-4 Unique Land Uses.**

- I. Filling, Grading, Lagooning, Dredging, [Creating or Enlarging Irrigation or Farm Ponds](#), Or Other Earth Moving Activities:
  - ...
  7. Below Ground Excavation: Will not have below grade excavation, except for drainage ways, within fifty feet (50') of any lot line or public right of way.
  8. [Creating or Enlarging Irrigation of Farm Ponds: Any creation or enlargement of irrigation or farm ponds, shall provide a set back from the highwater mark on an excavated pond, or outside toe mark of berm surrounding a raised pond that is at least twenty feet \(20'\) inside the property line of the subject property and no less than fifty-four feet \(54'\) from any public right of way. Highwater shall not exceed ten feet \(10'\) from the lowest elevation of the outside limit of the berm. The berm shall have a two foot \(2'\) free board from highwater.](#)

- 89. Topsoil: Will restore topsoil or loam to a depth of not less than four inches (4”).

**Title 10 Chapter 1**

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**10-1-6: SCOPE AND APPLICABILITY:**

- A. Compliance Required: No person shall divide any tract of land which is located wholly or in part in the county, outside of incorporated cities or towns, except in compliance with this title [and/or title 9, Cassia County Code](#). No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a "subdivision", as defined herein, of a larger tract of land, 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 subdivision has been created pursuant to and in accordance with the provisions of this title [and title 9, Cassia County Code](#).

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**10-1-7: PERMITS AND LICENSES; COMPLIANCE WITH PROVISIONS:** The building inspector of Cassia County shall not issue any permit or license for the construction, erection, reconstruction, or substantial alteration of any building, structure or land unless it is in full compliance with all the provisions of this title [and/or title 9, Cassia County Code](#). Any license or permit issued in conflict with ~~this~~ [either](#) title shall be null and void.

**10-1-8: VARIATIONS AND EXCEPTIONS:**

- A. Authorization; Conditions: The planning and zoning commission may authorize a variance, [as defined in Section 67-6516, Idaho Code](#), from the provisions of this title when, in its opinion, undue hardship may result from strict compliance. In granting a variance the planning and zoning commission may prescribe conditions that it deems necessary or desirable for the public interest. In making its findings, the planning and zoning commission shall take into account the nature of the proposed and existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No variance may be granted unless the planning and zoning commission finds:

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**10-1-9: Definitions**

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ZONING ORDINANCE: The Cassia County zoning ordinance, [also, title 9, Cassia County Code](#).

**Title 10 Chapter 2**

**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 [and building](#) department to discuss development plans, and zoning and subdivision ordinance requirements prior to preparing any plats or plans.
- 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, [a completed conditional use permit application](#) and the ~~preliminary plat~~ [appropriate](#) fee to the zoning and building department ~~building inspector~~.
- 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 zoning and building department proof, ~~as required by zoning administrator,~~ that these submittals were made to the entities indicated herein.

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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)~~ [three \(3\) paper](#) 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.

F. Action On Preliminary Plat [and Conditional Use Permit Application](#): The planning and zoning commission meets and reviews the preliminary plat [and the conditional use permit application](#) and [then](#) 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 [of the preliminary plat](#) 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. [The conditional use permit action will be set forth in a Commission resolution.](#)

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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).~~ [Repealed.](#)

K. Placement On Board's Agenda: [Subdivider shall obtain all other required signatures on the final plat, except the County Treasurer’s signature, before the final plat is submitted for the Board of County Commissioners’ approval.](#) The proposal is then placed on the board's agenda.

L. [Repealed.](#) ~~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).~~

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N. Approval: If approval is given, the subdivider shall provide a guarantee of improvements, as set forth hereinafter. [Only after a guarantee of improvements is adequately provided, or, alternatively, such improvements are installed, then the board will sign the final plat.](#)

**10-2-4: PRIVATE RIGHTS OF WAY:**

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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. [Said protective covenants shall run with the land of the subject properties and shall be recorded in the Office of the Cassia County Recorder.](#)

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**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 or entity at the time the final plat is recorded in the office of the county recorder.

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**Title 10 Chapter 3**

**10-3-1: CONSULTATION:** Each person who proposes to subdivide land in unincorporated Cassia County shall consult with the planning and zoning department before preparing any plats, charts, or plans, in order to become familiar with the requirements of this title 10, title 9, and the comprehensive plan for the territory in which the proposed subdivision lies, and to discuss the proposed plan of development of the tract.

**10-3-2: FILING:** A preliminary plat shall be prepared in conformance with the standards, rules, and regulations contained herein; and three (3) prints thereof shall be submitted to the zoning and building department staff along with the completed conditional use permit application and appropriate ~~preliminary plat~~ fee. The preliminary plat, conditional use permit application and accompanying information shall be submitted to the zoning and building department staff, allowing that staff at least forty (40) working days for completion of review for each submittal. The staff will determine if the submittal is sufficient to be put on the agenda for the next available planning and zoning commission meeting.

**10-3-3: REQUIREMENTS:** The subdivision conditional use permit application and preliminary plat shall meet the provisions hereinafter set forth and as set forth in title 9, and the plat shall be drawn to a scale clear enough to show detail, as determined by the county and shall be on paper no smaller than eighteen inches by twenty four inches (18" x 24"). The application, plat, and attached documentation shall show:

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**10-3-4: COMMISSION REVIEW AND PRELIMINARY DECISION:**

- A. The preliminary plat shall be reviewed by the planning and zoning commission. The planning and zoning commission may approve or reject the preliminary plat, or grant approval with conditions stated. If need be, the Commission may continue the hearing to allow for additional information or testimony. If the hearing is continued, a date to take the matter up for additional deliberation shall be scheduled ~~action must be taken within nine (9) weeks, unless otherwise waived in writing by the applicant, such waiver being as~~ approved by the Commission.

B. Thereafter, action taken (approval, approval with conditions, or rejection) shall be made within a reasonable time after the planning and zoning commission has completed its review and closed the review process to consideration of additional information or testimony concerning the preliminary plat. ~~Such time shall not exceed 100 days.~~

C. Any form of approval of the preliminary plat by the planning and zoning commission shall not constitute final acceptance of the subdivision by the planning and zoning commission. If approved, one copy of the preliminary plat signed by the chair ~~person~~ ~~man~~ will be given to the subdivider which shall be authorization to proceed with preparation of the final plat and detailed construction drawings and specifications for the improvements required in this title or title 9.

D. Additionally, along with review of the preliminary plat, the planning and zoning commission shall review the conditional use permit application and make a determination in regard to that application, under applicable provisions of title 9.

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**10-3-7: MINOR SUBDIVISION:** The minor subdivision process may be used to create up to and including four (4) lots, when no shared infrastructure or improvements, other than a water system and/or a common driveway that does not require engineering, must be constructed to meet the requirements of the county or other agencies, and when the property has not been divided to create a total of more than eight (8) lots since the County’s adoption of a subdivision ordinance on April 29, 1978. This is an administrative process that does not require a public hearing, and is specifically exempted from requiring a conditional use permit. It does however require compliance with applicable provisions of title 9, Cassia County Code.

A. Application Requirements: The subdivision application and plat contain the information that the county needs to make a decision on a subdivision proposal. To gain approval, adequate information must be provided to demonstrate that the project can meet the requirements of the county and of other agencies.

For a minor subdivision, the applicant is required to submit one complete application packet to the county. An application shall be governed by the rules and policies in effect on the day a complete application is submitted to the Zoning and Building Department.

The items that constitute a complete application for a minor subdivision are listed in subsections 10-2-1, 10-3-1, 10-3-2, and 10-3-3 of this chapter, except items “N” and “P” of 10-3-3.

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4. Comment Period: After all required agency letters are received or the agency provides a writing that it has no concerns with the proposed development, the Zoning and Building Department will review the application and schedule it for a thirty (30) day public comment period. In the event an agency does not provide any type of written comment within 20 days of notification of the application, the Zoning and Building Department will proceed with the comment period. The Zoning and Building Department publishes a notice of the comment period in the newspaper, said expense to be ~~pre~~paid by applicant. The ~~Department~~applicant shall will also mail notice of the comment period to property owners within three hundred feet (300') of the site (including any contiguous lots or parcels under the same ownership). Notices to neighbors must be mailed on or before the first day of the comment period. Information submitted prior to the close of the comment period will become a part of the record on the application.
  
5. Order Of Decision And Required Findings: After the close of the comment period, the Zoning Administrator reviews the relevant evidence in the record and issues an order of decision. The order shall cite the applicable legal standards; state the evidence and conclusions on which the decision was based; explain any relevant contested facts and ~~his~~ the evaluation of these facts; and if the decision is a denial, the actions, if any, the applicant could take to gain approval. The applicant bears the burden of demonstrating compliance with requirements. To approve a minor subdivision, the Zoning Administrator must make the following findings:  
...
  - m. Unless otherwise approved by the applicant, the Zoning Administrator shall make a decision within forty (40) working days after the close of the comment period. If the proposal meets these requirements, it shall be approved. If it does not meet these requirements, or if insufficient information was provided to determine compliance, it may be denied. Conditions may be attached to the approval, and the county will check for compliance with these conditions before the plat is recorded. The Zoning Administrator's decision may be appealed in accordance with the process outlined in section 10-9-2 of this title....
  
6. Recordation: Within one hundred twenty (120) days of approval, the applicant must meet any conditions and submit the final plat, which shall comply with provisions of Title 50, Chapter 13, Idaho Code and any associated documents in a form ready to record. The applicant obtains all signatures on the plat and documents, except county commissioner and county treasurer signatures. All signatures and stamps must be in reproducible, quick drying, permanent, indelible, black ink. A current title report, or similar document verifying

ownership, must also be submitted with the plat. The Zoning and Building Department will schedule the plat for consideration by the Board of Commissioners on its agenda, after the Board signature is obtained, applicant obtains the county treasurer's signatures and ~~with the applicant~~ records the plat and other documents. If the plat is not submitted within one hundred twenty (120) days, and an extension is not granted by the Zoning Administrator, approval is null and void and a new application must be submitted. An extension of time for recordation may be granted by the Zoning Administrator for cause. As part of a subsequent application, updated agency letters may be required, if conditions or approvals may have changed.

**Title 10 Chapter 4**

**10-4-3: REQUIREMENTS:** The final plat shall comply with the provisions of title 50, chapter 13, Idaho Code, and shall

be upon stable base drafting film with a minimum base thickness of 0.003 inches and have the outside ~~or trim~~ dimensions of eighteen (18) inches by twenty-seven (27) inches with a three and one-half (3 1/2) inch margin at the left and a one-half (1/2) inch margin on all other edges. The image thereon shall be by a photographic process or a process by which a copy is produced using an ink jet or digital scanning and reproduction machine with black opaque drafting film ink or fused toner that will ensure archival permanence. The copy and image thereon shall be waterproof, tear resistant, flexible, and capable of withstanding repeated handling, as well as providing archival permanence. If ink or toner is used, the surface shall be coated with a suitable substance to assure permanent legibility. ~~have the outside or trim dimensions of eighteen inches by twenty seven inches (18" x 27").~~ The plat shall be made to a scale large enough to clearly show all details, and the workmanship on the finished drawing shall be neat, clean, and readable. The plat shall be signed by all parties (mentioned in subsection G of this section) duly authorized and required to sign, and shall contain the following information:

A. Name And Location: A subdivision name approved by the county ~~recorder-~~ zoning and building department and the general location of the subdivision in bold letters at the top of the sheet.

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G. Forms: The standard forms approved by the planning and zoning commission for all subdivision plats lettered for the following:

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7. Zoning Administrator: County zoning administrator's certificate of approval (only for minor subdivisions).

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9. Planning and zoning commission: County planning and zoning commission certificate (only for standard subdivisions).
- ~~10.~~ ~~Attorney: County attorney's certificate of approval. (Ord. 93-6-2, 6-28-993; as amended 6-24-2002)~~ Description of survey monuments.
11. The point of beginning with ties to at least two recognized monuments.
12. Narrative as described in section 55-1906, Idaho Code.
  - a. The purpose of the survey and how the boundary lines and other lines were established or reestablished and the reasoning behind the decisions;
  - b. Which deed records, deed elements, survey records, found survey monuments, plat records, road records or other pertinent data were controlling when establishing or reestablishing the lines;
  - 9c. For surveys that contain a vertical component, the narrative shall show the benchmarks used, the vertical datum referenced, and the methodology used to achieve the elevations.
- ~~10-13.~~ Certificate Of Acceptance: Board certificate of acceptance attested by the county clerk.
- ~~11-14.~~ Recording Block: A three by three inch (3 x 3") block in the upper right hand corner of the drawing for recording information.

#### **Title 10 Chapter 4**

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#### **10-4-5: APPROVAL:**

- A. Review By Administrator: The final plat and associated documents shall be reviewed by the county. The county zoning administrator shall hire an engineer to check the engineering requirements and construction drawings, and determine the amount of the surety to ensure construction of improvements where necessary, such cost to be paid by the applicant. After ~~review approval and signature of~~ by the county zoning administrator, the final plat and associated documents shall be submitted to the county health department for review of health related items and a signature if approved. On minor subdivisions only, the zoning administrator shall review the final plat for completeness and compliance. Upon approval, zoning administrator shall then sign the plat.
- B. Review By Planning And Zoning Commission: The final plat for a standard subdivision only shall be reviewed by the planning and zoning commission. The planning and zoning commission shall then either approve or reject the subdivision final plat. If approved, the planning and zoning commission shall express its approval through the signature of the planning and zoning commission chair ~~man~~ person on the plat.

C. Review By Board: The final plat, the subdivision agreement (see section 10-4-6 of this chapter), and other applicable documents shall be reviewed by the board. The board shall then either approve or reject the subdivision final plat. If approved, the final plat shall be held by the planning and zoning department until the subdivider pays the required fees, and completes the improvements and/or provides the guarantee(s) on improvements. Upon compliance with these requirements, the board chair ~~person~~ shall sign and the county clerk shall attest the plat and the subdivision agreement. The final plat and subdivision agreement shall then be submitted to the office of the county recorder by the subdivider.

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E. Unapproved Plats: Any final plat not approved and signed, or ~~which shall~~ not ~~be~~ offered for recording within one year after the date of final approval, unless the time is extended by the board, shall not be recorded and shall have no validity whatsoever.

**10-4-6: Installation of Improvements and Repairs or Agreement and Bond / Guarantee for**

**Improvements:** Before recordation, the applicant shall install required improvements and repair any existing streets and other public facilities disturbed or damaged in the development of the subdivision. The applicant shall be responsible for the successful operation and all repair to the improvements for a two (2) year period following their installation.

Alternatively, if agreeable to the County, the applicant may negotiate, obtain and then execute and file with the Governing Board an agreement between himself and Cassia County, specifying the period within which required improvements and repairs shall be completed. The agreement shall also contain a provision that the applicant shall be responsible for the successful operation and all repair to the improvements for a two (2) year period following their installation. The agreement shall be accompanied by a ~~surety bond, cash deposit, certified check, irrevocable letter of credit or other form of security approved by the Cassia County Prosecuting Attorney~~, in the amount of One Hundred Fifty Percent (150%) of the estimated cost of construction for the remaining improvements to be completed. In the event that the applicant does not timely complete the improvements, Cassia County may proceed against the ~~cash deposit~~ ~~guarantee~~. If the cost of completion of the improvements exceeds the amount of the ~~cash deposit~~ ~~guarantee~~, Cassia County may recover the full cost and expenses thereof from the applicant. For a phased subdivision, the required ~~cash deposit~~ ~~bonding~~ shall be for the phase which is being developed.

Warranty Bond: The two (2) year warranty, as hereinbefore set forth in this section, shall be accompanied by a ~~cash deposit~~ ~~bond or some other security acceptable to Cassia County~~ in an amount equal to ~~fifty~~ ~~twenty-five~~ percent (~~50~~ ~~25~~%) of cost of the total improvements.

**Title 10 Chapter 5**

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**10-5-2: STREETS:**

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- G. Street Names And Numbers: Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of or in alignment with the existing or platted street. Names of new streets shall be approved by the Zoning and Building Department. House numbers shall be assigned in accordance with the rural addressing system now in effect in the county<sup>1</sup>. All new streets shall be numbered if in a general north-south or east-west direction.

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**10-5-6: PLANNED UNIT DEVELOPMENTS:**

- C. Guarantee Of Common Open Space Improvements: As assurance of completion of common open space improvements, the subdivider shall be required to file with the county planning and zoning department as a surety a ~~or~~ cash bond ~~or other agreement~~ equal to one hundred ~~fifty twenty-five~~ percent (~~150~~125%) of the estimated costs of such improvements. The ~~surety, cash bond or other agreement shall be in a form satisfactory to the county attorney~~ will be deposited by the County and shall guarantee the completion of improvements within twenty four (24) months after such filing. Upon completion of the improvements for which a ~~surety, cash bond or other agreement~~ has been filed, the subdivider shall call for inspection by the zoning and building department or its agent ~~enforcement officer~~. If the inspection shows that the improvements have been completed in compliance with the plan, the cash bond ~~or surety~~ therefor shall be released. If the cash bonds ~~or surety~~ is not released, the reasons therefor shall be given to the subdivider in writing, and the subdivider will be required to correct any problems which may be found with the development.

**Title 10 Chapter 6**

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- 10-6-2: IMPROVEMENTS REQUIRED:** The developer of any subdivision shall install the following improvements in compliance with the specifications contained in the technical specifications:

- A. Water Lines: Where a south central district health department approved public water supply is reasonably accessible or procurable, the subdivider shall install at his own expense or shall contract with the local water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property line of each lot. The sizes of water mains shall be determined by the county. In general, the water main shall be of such size as to deliver a minimum of seven hundred fifty (750) gallons per minute, with a residual pressure of twenty (20) psi. Where an approved public water supply is not reasonably accessible or procurable, the water supply may be provided from wells, after written approval from the south central public health district ~~health~~



department, or other applicable state agency, to the planning and zoning commission.

B. Sewage Disposal: The subdivider shall provide for sewage disposal in a manner satisfactory to the south central public health district ~~health~~ department as attested by a letter from that department. Where a public sanitary sewer is within three hundred feet (300') of the property and can be reasonably connected thereto, the subdivider is required to connect to such sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations and specifications of the system provider in which it is located and shall have the written approval of the south central public health district ~~health~~ department.

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D. Street Construction And Surfacing: All streets ~~except approved private streets~~ shall be graded and surfaced in accordance with the standards and technical specifications of the applicable highway district and fire district.

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F. Street Drainage: Drainage structures shall be required where necessary in the opinion of the planning and zoning commission ~~administrator~~.

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H. Driveway Approaches: Unless differing standards are required by development standards of the applicable highway district or agency, the following will be the standards for driveway approaches. Residential driveway approaches shall be a minimum of ten feet (10') and a maximum of thirty feet (30') in width. Commercial and industrial driveway approaches shall be a minimum of fifteen feet (15') and a maximum of forty feet (40') in width. All driveway approaches shall be constructed of concrete six inches (6") thick with six inches (6") of compacted, untreated base course as foundation materials. Driveway approaches shall not be closer to each other than twelve feet (12') or six feet (6') from a property line. No driveway approach in a residential zone shall be closer than twenty feet (20') measured along the property line to the point of intersection of two (2) property lines at any street intersection. No driveway approach in a commercial zone shall be closer than forty feet (40') measured along the property line to the point of intersection of two (2) property lines at any street intersection.

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J. Ditches:

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1. Irrigation Supply And Distribution Systems: The subdivider developer shall disclose, pursuant to Idaho Code § 31-3805, evidence that an adequate irrigation supply and distribution system to serve the land within the plat to be recorded will be provided and must include consideration of using existing water rights that go with the land being platted. ~~including~~ Such evidence shall include but not limited to the following:

**Title 10 Chapter 7**

**CHAPTER 7**

**FEEES**

**SECTION:**

- 10-7-1: ~~Preliminary~~ Plat Application Fee
- 10-7-2: ~~Final Plat Application~~ [Inspection and Review Fees](#)
- 10-7-3: Recording Fee

10-7-1: ~~**PRELIMINARY PLAT APPLICATION FEE:**~~ At the time of filing the preliminary plat, the subdivider shall deposit with the planning and zoning commission a nonrefundable fee made payable to Cassia County planning. The board shall, by resolution, from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the county for the expense of checking and reviewing such preliminary subdivision plats, [and processing the plat through the hearing process and final plat review.](#)

10-7-2: ~~**FINAL PLAT APPLICATION-INSPECTION AND REVIEW FEES:**~~ ~~At the time of filing the~~ final plat, the subdivider shall deposit with the planning and zoning commission a nonrefundable fee made payable to Cassia County planning. The board shall, by resolution, from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the county for the expense of checking and reviewing such final subdivision plats and for the purpose ~~of reimbursing the~~ [Before the final plat is signed by the Board of County Commissioners, the subdivider shall reimburse](#) the county for [any and all the expenses](#) of review and inspection of the [final subdivision plat and all review and inspections of](#) subdivision improvements.

**Title 10 Chapter 9**

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**10-9-2: ADMINISTRATIVE APPEAL:**

A. Appeals to the planning and zoning commission concerning interpretation or administration of this title may be taken by any person aggrieved or by any officer or bureau of the county affected by any decision of the zoning administrator. ~~Such appeal shall be taken within twenty eight (28) days after the decision of the zoning administrator by filing with the zoning administrator and with the planning and zoning commission a notice of appeal specifying the grounds upon which the appeal is being taken and payment of a fee as set by the county. The zoning administrator shall transmit to the commission all the papers constituting the record upon which the appeal is based.~~ [Such administrative appeal shall be taken pursuant to the provisions set forth in Section 9-5-6, Cassia County Code.](#)

~~B. Stay Of Proceedings: An appeal stays all proceedings in furtherance of the action taken unless the zoning administrator certifies to the planning and zoning commission after the notice of appeal is filed with him that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court based upon an application, with notice to the zoning administrator showing due cause.~~

~~CB. Appeal from Commission Decision: Appeals from the decisions of the planning and zoning commission may be taken by any person whose substantial rights are affected by the decision, or by officers of any department, board or bureau of the county affected by any decision of the commission. A notice of such appeal shall be filed within twenty eight (28) days after the date of the decision from which the appeal is taken, by filing with the county clerk a notice of appeal specifying the grounds therefor and paying a fee as set by the county. The planning and zoning commission shall forthwith transmit to the board of county commissioners all of the documents, exhibits in the file and the tape recordings of the hearing, etc., which constitute the record upon which the action appealed from was taken. The filing of the notice of appeal stays all proceedings in the matter appealed from, unless the planning and zoning commission certifies to the board of county commissioners that, by reason of the facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed, except by a restraining order granted by the board of county commissioners or by a~~

~~10-9-2 \_\_\_\_\_ 10-9-2~~

~~court of competent jurisdiction on application and notice to all parties. The board of county commissioners shall fix a reasonable time for a hearing on the appeal to be held not less than thirty (30) nor more than sixty (60) days from the filing of the notice of appeal and give notice thereof to the parties in interest. Such appeals to the board of county commissioners shall be held and decided pursuant to the procedures and standards of review of the Idaho administrative procedures act<sup>1</sup>. (Ord. 2009-04-02, 4-14-2009). Such appeals shall be taken pursuant to the provisions of Section 9-5-7, Cassia County Code.~~

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<sup>1</sup>IC Title 67, chapter 52