



APPLICATION FOR AMENDMENT TO ZONE

(Title 9, Chapter 3, Cassia County Zoning Ordinance)

APPLICATION NO: _____

Applicant/Owner Information:

<u>Applicant/Authorized Agent</u> (Attach additional pages if Necessary)	<u>Property Owner(s) of Record</u> (Attach additional pages if Necessary)
Name: _____	Name: _____
Address: _____	Address: _____
City: _____	City: _____
State: _____ Zip: _____	State: _____ Zip: _____
Contact Phone # _____	Contact Phone # _____
Email: _____	Email: _____

Property Information:

Physical Location of Property: _____

Property Legal Description: *(Complete Legal Description; attach if necessary):*

- ☐ GIS/GPS Property Legal Description Data, in digital file format, submitted to County Mapping Department. (Contact County Mapping Department for file format specifications/requirements)

Existing Use of Property: _____

Number of Acres to be included in the Proposed Zoning Designation: _____

Current Zoning Designation of the Property: _____

Proposed Zoning Designation of the Property: _____

Please attach the following to application:

- ☐ **NARRATIVE:** Attach a brief statement of the proposed zoning change including the following:
1. How the present and proposed land uses in the requested zone promote the objectives of the Zoning Ordinance and the Comprehensive Plan.
 2. Availability of public facilities such as streets, sewage, water, etc., to support the allowable and proposed uses; and the proposed uses.
 3. Compatibility of the allowable uses with the surrounding area.
 4. Reason(s) for proposed zone change.

- ☐ **VICINITY SKETCH:** A vicinity map which is drawn to scale must be attached showing the location of the property under consideration.
- ☐ **PROOF OF OWNERSHIP OR VALID OPTION HOLDER:** A copy of your property deed or option agreement should be attached.
- ☐ **NOTICE TO POLITICAL SUBDIVISIONS PROVIDING SERVICES:** School Districts, Fire District, Highway District, Electrical and Gas Company, South Central Public Health District, Pipeline company: Natural Gas, Petroleum. Proof of notification must be submitted to Zoning & Building Department.
- ☐ **SURROUNDING PROPERTY OWNERS:** 300' Radius of Property owners of external boundaries of land being considered must be attached. (information provided by Assessor's office.) Once application has been assigned a date for hearing, Notice must be mailed to surrounding property owners. The certificate of mailing must be signed and notarized with mailing list attached and submitted to Zoning & Building Department.
- ☐ **NOTICE OF PUBLICATION:** Once application has been assigned a date for hearing, Notice of Hearing must be published in the newspaper fifteen (15) days prior to date of hearing. The Affidavit of publication from the newspaper is to be submitted to Zoning & Building Department.
- ☐ **NOTICE POSTED ON PREMISES:** Notice of hearing must be posted on property being considered, no less that one (1) week prior to hearing. Affidavit of posting and a picture of the Notice of Hearing posted on site attached is to be submitted to Zoning and Building Department.

Applicant/Owner Certification:

I hereby certify that all information submitted for this application is true and accurate, is prepared to the best of my ability and knowledge, and request that this application be processed for consideration for a Application for Amendment to Zone. Additionally, I hereby authorize agents of the county to enter upon this subject property for purposes of review concerning the pending application and for determining compliance with applicable county regulations.

Signature of Applicant/Authorized Agent

Date

Signature of Property Owner

Date

The Zoning Director/Administrator reserves the right to **not** officially accept this application until total review is accomplished and all required information is submitted. The date of the public hearing will be established by the Administrator upon the acceptance of a complete application.

For Office Use Only:		Date Application Filed: _____		By: _____	
Fee Received:		\$ _____		Check # _____	
Fee:		\$1200.00 +			
Less than 11 acres	\$250.00	320 to 640 acres	\$4.00/acre	Application # _____	
11-320 acres	\$6.00/acre	640 and more acres	\$2.00/acre		

NOTE: This Notice of Hearing is general in nature. Users are responsible for any Notice of Hearing that is used, and must ensure that it is accurate in content and should also ascertain that it meets the requirements of state statutes and county ordinances applicable thereto.

NOTICE OF HEARING

ON APPLICATION FOR AMENDMENT TO ZONE

NOTICE IS HEREBY GIVEN that a public hearing will be held on _____ ,
the _____ day of _____, 20_____, at _____ o'clock P.M.,
at the Commission Chambers, Room 206, Cassia County Courthouse, 1459 Overland Ave., Burley, Idaho
before the Cassia County Planning & Zoning Commission on the application of *(names and addresses of
all applicants)* _____

Regarding an Application for Amendment to Zone, which application was received by the County on the
_____ day of _____, 2_____, for the purpose of _____

The property is located on lands at approximately _____
_____, Cassia County, Idaho more particularly described as follows:
(Place legal description of property here)

Such lands are located within the _____ **zone.**

The applicant will appear at this hearing to provide the Cassia County Planning & Zoning Commission all the information required for issuance of a Zone Amendment under the Cassia County Zoning Ordinance, before such permit can be issued.

A copy of the Application for Amendment to Zone, including relevant maps and drawings, and information concerning the hearing process is available for review by the public at the office of the Zoning Administrator, Room #210, Cassia County Courthouse, 1459 Overland Ave., Burley, Idaho, prior to the hearing.

All other interested persons are invited to attend the hearing on the question of issuance of the requested Zoning Amendment. Such other interested persons are advised that in order to participate in the hearing, the following regulations apply:

A. **Written Statements of Support of 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, 1459 Overland Ave., Room 210, Burley, ID 83318, **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 Zone Amendment.

1. Written objections shall set forth each requirement of law (local, state or federal) which the objecting party believes the requested Zone Amendment 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 requested Zone Amendment described in the application and/or otherwise setting forth the substantial rights that would be affected by the approval or denial of the Zone Amendment.
3. Additionally, any party desiring to file any document(s) exceeding one (1) one-sided, 8 1/2" x 11" sized page, shall file such document(s) at least ten (10) days prior to the hearing, with the planning and zoning commission secretary. The planning and zoning commission reserves the right to reject any proffered documentation that violates the intent of this regulation.

B. **Providing Testimony at the Public Hearing:** Any person who files a statement in support or objection to the issuance of the request for Zone Amendment shall indicate in such statement whether or not such person desires to testify at the hearing.

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.
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

DATED this _____ day of _____, 20 _____.

Signature: _____

Applicant Printed Name: _____

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing document (Notice of Hearing) was on this date _____ served upon the persons listed, at the addresses set out below their names, by mailing to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid.

Dated _____ day of _____ 20____ .

Applicant

State of Idaho)
) ss
County of Cassia)

Subscribed and sworn to be before me this _____ day of _____, 2____, personally appeared before me and proved to me on the basis of satisfactory evidence to be the person (s) whose name(s) are subscribed to this instrument, and acknowledged that they executed the same.

SEAL

Notary _____

Residing at: _____

Commission expires _____

NOTE: This form is general in nature. Users are responsible for any form that is used, and must ensure that it is accurate in content and should also ascertain that it meets the requirements of state statues and county ordinances applicable thereto.

AFFIDAVIT OF POSTING

I _____, hereby state that I personally posted on the property located at _____

Burley, Cassia County, Idaho, a Notice of Hearing as required by Cassia County Zoning Ordinance Chapter 9-13-5 Procedure for Hearing. Notice was posted upon the property listed at the address set out below, the date being not less than one week prior to the date of hearing.

Dated _____ day of _____ 20_____ .

Applicant

Property location

State of Idaho)
) ss
County of Cassia)

Subscribed and sworn to or affirmed before me at Burley, Cassia County, Idaho on the _____ day of _____, 2_____.

SEAL

Notary _____

Residing at: _____

Commission expires _____

NOTE: This form is general in nature. Users are responsible for any form that is used, and must ensure that it is accurate in content and should also ascertain that it meets the requirements of state statues and county ordinances applicable thereto.

Cassia County Zoning Regulations

<http://www.cassia.gov/county-code>

9-3-3: AMENDMENTS:

- A. Policy: The zoning ordinance, including the map, may be amended, but for the purpose of establishing and maintaining sound, stable and desirable development in the county, it is declared to be public policy that amendments shall not be made to the zoning ordinance and map, except to promote more fully the objectives and purposes of this title.
- B. Petition and Fee: Any person seeking an amendment of the zoning ordinance or map shall submit to the Zoning Administrator a written petition designating the change desired, the reasons therefor, and wherein the proposed amendment would further promote the objectives and purposes of the zoning ordinance, together with a fee as set by the county. The Zoning Administrator shall in turn transmit the petition to the Planning and Zoning Commission.
- C. Public Hearing; Notice: Amendments to this title may be adopted after public hearings in relation thereto have been conducted. Hearings shall be conducted as provided for in Idaho Code Section 67-6509, and the Board of County Commissioners shall conduct a hearing upon receipt of written recommendation from the Planning and Zoning Commission and after appropriate notice has been provided. As such public hearings parties in interest and citizens shall have an opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county at least fifteen (15) days before the date of the hearing.
- D. Vote: A favorable vote of two-thirds ($\frac{2}{3}$) of the members of the Board of County Commissioners and proper publication of an amending ordinance shall be required before an amendment can become effective.

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6509. **RECOMMENDATION AND ADOPTION, AMENDMENT, AND REPEAL OF THE PLAN.** (a) The planning or planning and zoning commission, prior to recommending the plan, amendment, or repeal of the plan to the governing board, shall conduct at least one (1) public hearing in which interested persons shall have an opportunity to be heard. At least fifteen (15) days prior to the hearing, notice of the time and place and a summary of the plan to be discussed shall be published in the official newspaper or paper of general circulation within the jurisdiction. The commission shall also make available a notice to other papers, radio and television stations serving the jurisdiction for use as a public service announcement. Notice of intent to adopt, repeal or amend the plan shall be sent to all political subdivisions providing services within the planning jurisdiction, including school districts and the manager or person in charge of the local public airport, at least fifteen (15) days prior to the public hearing scheduled by the commission. Following the commission hearing, if the commission recommends a material change to the proposed amendment to the plan which was considered at the hearing, it shall give notice of its proposed recommendation and conduct another public hearing concerning the matter if the governing board will not conduct a subsequent public hearing concerning the proposed amendment. If the governing board will conduct a subsequent public hearing, notice of the planning and zoning commission recommendation shall be included in the notice of public hearing provided by the governing board. A record of the hearings, findings made, and actions taken by the commission shall be maintained by the city or county.

(b) The governing board, as provided by local ordinance, prior to adoption, amendment, or repeal of the plan, may conduct at least one (1) public hearing, in addition to the public hearing(s) conducted by the commission, using the same notice and hearing procedures as the commission. The governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission. Following consideration by the governing board, if the governing board makes a material change in the recommendation or alternative options contained in the recommendation by the commission concerning adoption, amendment or repeal of a plan, further notice and hearing shall be provided before the governing board adopts, amends or repeals the plan.

(c) No plan shall be effective unless adopted by resolution by the governing board. A resolution enacting or amending a plan or part of a plan may be adopted, amended, or repealed by definitive reference to the specific plan document. A copy of the adopted or amended plan shall accompany each adopting resolution and shall be kept on file with the city clerk or county clerk.

(d) Any person may petition the commission or, in absence of a commission, the governing board, for a plan amendment at any time, unless the governing board has established by resolution a minimum interval between consideration of requests to amend, which interval shall not exceed six (6) months. The commission may recommend amendments to the comprehensive plan and to other ordinances authorized by this chapter to the governing board at any time.

History:

[67-6509, added 1975, ch. 188, sec. 2, p. 515; am. 1992, ch. 269, sec. 3, p. 832; am. 1999, ch. 396, sec. 5, p. 1103; am. 2010, ch. 253, sec. 1, p. 643; am. 2014, ch. 93, sec. 5, p. 256.]

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS
CHAPTER 65
LOCAL LAND USE PLANNING

67-6511. ZONING ORDINANCE. (1) Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one (1) or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the policies set forth in the adopted comprehensive plan.

- (a) Within a zoning district, the governing board shall where appropriate establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.
- (b) Within an overlay zoning district, the governing board shall establish clear and objective standards for the overlay zoning district while ensuring that application of such standards does not constitute a regulatory taking pursuant to Idaho or federal law.
- (2) Ordinances establishing zoning districts shall be amended as follows:
 - (a) Requests for an amendment to the zoning ordinance shall be submitted to the zoning or planning and zoning commission, which shall evaluate the request to determine the extent and nature of the amendment requested. Particular consideration shall be given to the effects of any proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction. An amendment of a zoning ordinance applicable to an owner's lands or approval of conditional rezoning or denial of a request for rezoning may be subject to the regulatory taking analysis provided for by section 67-8003, Idaho Code, consistent with the requirements established thereby.
 - (b) After considering the comprehensive plan and other evidence gathered through the public hearing process, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject an ordinance amendment pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code, provided that in the case of a zoning district boundary change, and notwithstanding jurisdictional boundaries, additional notice shall be provided by mail to property owners or purchasers of record within the land being considered, and within three hundred (300) feet of the external boundaries of the land being considered, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be given to a pipeline company operating any existing interstate natural gas transmission pipeline or interstate petroleum products pipeline, as recognized by the pipeline and hazardous materials safety administration, with a center point within one thousand (1,000) feet of the external boundaries of the land being considered, provided that the pipeline company is in compliance with section 62-1104, Idaho Code. Notice shall also be posted on the premises no less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures that would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice. In the absence of a locally adopted alternative notice procedure, sufficient notice shall be deemed to have been provided if the city or county provides notice through a display advertisement at least four (4) inches by two (2) columns in size in the official newspaper of the city or county at least fifteen (15) days prior to the hearing date, in addition to site posting on all external boundaries of the site. Any property owner entitled to specific notice pursuant to the provisions of this subsection shall have a right to participate in public hearings before a planning commission, planning and zoning commission or governing board subject to applicable procedures.
 - (c) The governing board shall analyze proposed changes to zoning ordinances to ensure that they are not in conflict with the policies of the adopted comprehensive plan. If the request is found by the governing board to be in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction, the governing board may require the request to be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board may consider an amendment to the comprehensive plan pursuant to the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be considered for amendment pursuant to paragraph (b) of this subsection.
 - (d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.