

**Current Definitions to be repealed: Section 9-2:**

Building Height: The vertical distance measures from the average elevation of the Finished grade at the front of the building to the main height of the Square of the building.

Grade: The average of the finished ground level.

**Proposed Definition Changes for Building Height:**

In Chapter 2, Title 9 Cassia County Code

Building Height: The vertical distance measured from the lowest fire department access point to:  
i. On a Flat Roof – to the highest point;  
ii. On a Sloped Roof—to the midpoint between the eave and the ridge.

Fire Department Access Point: The lowest point where a fire truck/apparatus can park and operate.

9-3-1: NONCONFORMITIES:

A. Continuation of Nonconformity: The nonconformity or nonconformance of a building, structure (including portions thereof), land, lot, parcel, or use that was legally established but that is not in compliance with Title 9, Title 10, or Title 11 due to a subsequent ordinance amendment, annexation, change of zoning, eminent domain or similar action, may continue to the same extent and character as that which existed when it became nonconforming. The continuation of the nonconformity shall not permit the expansion or extension of the nonconformance, except as authorized herein. Lot setbacks contained herein are not applicable to lots in platted subdivisions existing as of the effective date of this title. [Included within this continuation of nonconformity is the reduction of minimum area of a lot or parcel below one \(1\) acre that is the result of acquisition of road right-of-way by a public agency, notwithstanding any provision of minimum lot size elsewhere in Title 9, such use being subject to public health authority approval.](#)

#### 9-4-2: MINIMUM LOT AREA:

- A. LOT AREA: The minimum lot area for any dwelling unit, single or multi-family, within the unincorporated areas of the county shall be one acre.

1. If an existing lot or parcel is reduced to less than one (1) acre as a result of the action of a public agency acquiring road right-of-way, said lot or parcel may be used for siting of a dwelling unit, if approved by the public health authority.

#### **New Section 9-5-3**

- H. Termination of Application for Failure to Act. For any permit application lodged or filed with the County Zoning and Building Department for action under either the Cassia County Zoning Ordinance Regulations (Title 9) or Subdivision Regulations (Title 10), including, but not necessarily limited to: administrative land divisions, boundary line adjustments, conditional use permits, confined animal feeding operation permits, subdivision applications, variances, zoning district or zoning or subdivision ordinance amendment, such application must proceed forward to hearing or must be completed, whichever situation is applicable, within 180 days of being lodged or filed, unless delay is due to matters attributable solely to the County. Failure to proceed forward within that 180 days will render that application as terminated for failure to act. After an application is terminated, a completely new application and fee payment will be required to process the application.

#### 9-8-3 Administrative Land Divisions

10. Site Plan Certification – A complete site plan of the proposed site, minimum size 8½" x 11", ~~which must be. Minimum site plan drawing scale shall be 1" = 40'. drawn to a reasonable scale to clearly identify features on the site.~~ 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, 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.~~

## 9-8-4 Boundary Line Adjustments

2. A complete application shall provide the following:

h. A complete site plan of the proposed site, ~~minimum drawing scale shall be 1" = 40'~~ drawn to a reasonable scale to clearly identify features on the site. 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 that comments have been requested by applicant from the applicable public agencies ~~indicating their response to~~ regarding the proposed ~~land use~~ boundary line adjustment. Applicable agencies include, but are not necessarily limited to:

~~i. South Central Public Health District~~

~~i.ii. Highway District~~

~~iii. Irrigation District~~

Comments from such agencies are to be submitted to the County Zoning and Building Department within fourteen (14) days of request by the County. Comments received within this timeframe by the County will be considered in review of the application.

Current County Building Height provisions:

**New 9-13-8** COUNTY OFFICER OR EMPLOYEE ENTRY AUTHORIZED: In addition to any other remedies available to the County by law, it shall be unlawful and a misdemeanor to interfere with, hinder or refuse to allow any authorized County officer or employee to enter upon private or public property to enforce the provisions of this Chapter, or any permit granted hereunder.

### **New Section 10-9-1**

H. Termination of Application for Failure to Act. For any permit application lodged or filed with the County Zoning and Building Department for action under either the Cassia County Zoning Ordinance Regulations (Title 9) or Subdivision Regulations (Title 10), including, but not necessarily limited to: administrative land divisions, boundary line adjustments, conditional use permits, confined animal feeding operation permits, subdivision applications, variances, zoning district or zoning or subdivision ordinance amendment, such application must proceed forward to hearing or must be completed, whichever situation is applicable, within 180 days of being lodged or filed, unless delay is due to matters attributable solely to the County. Failure to proceed forward within that 180 days will render that application as terminated for failure to act. After an application is terminated, a completely new application and fee payment will be required to process the application.