



FOR OFFICE USE ONLY

CASSIA COUNTY CODE

PETITION FOR AMENDMENT OF ZONING ORDINANCE

Date Rec'd _____ By: _____

Info: _____

APPLICANT INFORMATION

Name: _____

Address: _____

Telephone: _____

Email: _____

1. Title, Chapter and Section Proposed for Amendment: _____

2. Explain the purposes and reasons of the proposed Amendment: _____

3. Set out the proposed language for amending the Zoning Ordinance: *(Attach a separate sheet if needed)* _____

4. Explain how the proposed Amendment is consistent with the County Comprehensive Plan: _____

5. State all Titles, Chapters and Sections of the Cassia County Code affected by the proposed Amendment: _____

6. How is the proposal consistent with State Code: _____

7. How does the proposed Amendment further promote the objective and purposes of the Zoning Ordinance: _____

8. Describe how the Amendment establishes and maintains sound, stable and desirable development in the County: _____

I consent to this application and hereby certify that information contained on this application and in the accompanying materials is correct to the best of my knowledge. I agree to be responsible for all application materials, fees and application correspondence with the County. I will hold harmless and indemnify Cassia County from any and all claims and/or causes of action from or an outcome of the applications, issuance or denial of the request made of Cassia County.

Signature of Applicant

Date

Printed Name

Fee Submitted: _____

Date: _____

CHAPTER 3 CASSIA COUNTY ZONING ORDINANCE

GENERAL PROVISIONS

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

67-6511. 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