APPLICATION FOR AMENDMENT TO ZONE

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

APPLICATION NO. _____

Applicant/Owner Information:

Applicant/Authorized Agent (Attach additional pages if Necessary)	Property Owner(s) of Record (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: _____

☐ 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.

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 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 # _____

Application # _____

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., _____ , Burley, Idaho before the Cassia County Planning & Zoning Commission on the application of *(names and addresses if 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 #4 in the basement of the 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 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 for 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.cassiacounty.org/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. (Ord. 93-6-1, 6-28-1993)

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 Cassia County Planning and Zoning Commission. (Ord. 93-6-1, 6-28-1993; amd. 2003 Code; amd. Ord. 2011-08-01, 8-25-2011.)

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 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. (Ord. 93-6-1, 6-28-1993; amd. Ord. 2011-08-01, 8-25-2011.)

D. Vote: A favorable vote of two-thirds (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. (Ord. 99-1-1, 1-4-1999)

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, 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.