

**BEFORE THE BOARD OF COMMISSIONERS  
FOR CASSIA COUNTY, IDAHO**

**ORDINANCE NO. 2014-12-01**

**AN ORDINANCE AMENDING CASSIA COUNTY CODE TITLE 9, CHAPTER 8, TO ADD TRANSFER STATIONS TO THE ZONING CHART, UNDER THE SERVICES HEADING AND AS PART OF LANDFILLS AND SOLID WASTE FACILITIES, AND PERMITTING SUCH USE WITH A CONDITIONAL USE PERMIT; REQUIRING PRIOR CONSENT FROM THE SOLID WASTE DISTRICT PRIOR TO HEARING THE REQUEST FOR CONDITIONAL USE PERMIT; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, Idaho Code Section 67-6511 provides for amendment and adoption of zoning ordinances; and

**WHEREAS**, the Cassia County Planning and Zoning Commission, after appropriately published notice, held a public hearing on a proposed zoning ordinance amendment to Section 9-8-2, zoning charts, to allow transfer stations as a Services' Use in the Industrial Commercial Zones of Cassia County, on Thursday October 17, 2014, at the County Commission Chambers, Room #206 Cassia County Courthouse, 1459 Overland Avenue, Burley, Idaho at which time the Commission took public testimony and formulated recommendations to the Board of County Commissioners regarding the proposed amendment; and

**WHEREAS**, the Planning and Zoning Commission's recommendation to adopt these proposed amendment of allowing Transfer Stations in the Services' area of the Cassia County zoning chart, and requiring a conditional use permit to develop such a transfer station was presented to the Board of County Commissioners, in writing, at their regular Commission meeting held on Monday, October 20, 2014, after which time the Board set a date and time for public hearing of the proposal; and

**WHEREAS**, the Board of Commissioners for Cassia County, after appropriately published notice, held a public hearing on Wednesday, November 19, 2014 commencing at 7:00 P.M. to consider the proposed amendment, and to consider the recommendation of the Cassia County Planning and Zoning Commission, as well as to take comment and testimony from the attending public and review written testimony presented prior to hearing's end; and

**WHEREAS**, the Board of Commissioners for Cassia County has reviewed the County Comprehensive Plan, materials, information and testimony presented before the Board of Commissioners and the Planning and Zoning Commission and thereupon have determined that the proposed amendments as set forth hereafter will provide consistent planning and zoning in light of the comprehensive plan and will be of positive benefit to public safety, health and welfare of County residents and County based businesses, and that approval of these amendments by ordinance will be in the best interest of the County.

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CASSIA COUNTY, IDAHO that:**

FIRST: That Cassia County Code, Section 9-8-2 be, and is hereby, amended to read, as is indicated in red, underlined language as is attached on the two relevant pages marked as Exhibit A-1 and Exhibit A-2, and which are incorporated by reference herein.

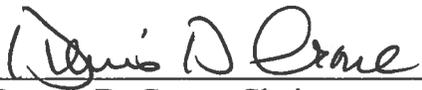
SECOND: The provisions of this ordinance are severable, therefore, should any section or portion thereof be declared invalid by a court of competent jurisdiction, the remaining portions of this ordinance shall continue in full force and effect.

THIRD: This ordinance specifically repeals any ordinance of Cassia County that is in conflict herewith.

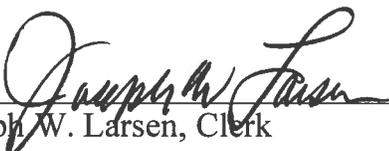
FOURTH: This ordinance shall take effect and be in full force from and after passage, approval and publication, as by law provided.

DATED this 22 day of December, 2014.

BOARD OF COMMISSIONERS  
FOR CASSIA COUNTY, IDAHO

By:   
Dennis D. Crane, Chairman

**ATTEST:**

By:   
Joseph W. Larsen, Clerk

STATE OF IDAHO     )  
                              : ss.  
County of Cassia    )

I, Joseph W. Larsen, do hereby certify that I am the duly qualified and elected Clerk of the County of Cassia, State of Idaho.

I further certify that the above and foregoing constitutes a true and correct copy of an ordinance passed at a meeting of the Commissioners of the County of Cassia, State of Idaho, held on the 22<sup>nd</sup> day of December, 2014, as said ordinance is officially of record in the Commission's possession.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the seal of said County this 22<sup>ND</sup> day of December, 2014.

  
\_\_\_\_\_  
Joseph W. Larsen, Clerk

9-8-2

9-8-2

|   | RA | AR | AP | HP | OR | IC       | MU |
|---|----|----|----|----|----|----------|----|
| <b>Services (cont.)</b>   |    |    |    |    |    |          |    |
| Finance and investment  | C  | C  | C  |    |    | P        | P  |
| Frozen food locker  |    |    |    |    |    | P        | P  |
| Funeral   | C  |    |    |    |    | P        | P  |
| Governmental facilities   | C  | C  | C  | C  | C  | P        | P  |
| Hospitals, clinics and related services   |    |    |    |    |    | P        | P  |
| Insurance related   | C  | C  | C  |    |    | P        | P  |
| Landfills, solid waste facilities <u>and solid waste transfer stations</u> <sup>6</sup> |    |    | C  |    |    | <u>C</u> | C  |
| Laundering and dry cleaning   |    |    |    |    |    | P        | P  |
| Laundromats   |    |    |    |    |    | P        | P  |
| Nursing homes and rest homes  | C  |    |    |    |    | P        | P  |
| Photographic  | C  | C  | C  |    |    | P        | P  |
| Professional  | C  | C  |    |    |    | P        | P  |
| Publishing  |    |    |    |    |    | P        | P  |
| Real estate and related   | C  | C  |    |    |    | P        | P  |
| Reducing salon – health club  | C  | C  | C  |    |    | P        | P  |
| Religious facilities  | C  | C  | C  |    |    | C        | C  |
| Rendering plant (animal products)   |    |    |    |    |    |          | C  |
| Salvage yard or junkyard  |    |    |    |    |    | C        | C  |
| Schools - commercial  | C  | C  |    |    |    | P        | P  |
| Schools – public  | C  | C  | C  |    |    |          | P  |
| Sewage lagoons  | C  | C  | C  | C  | C  | C        | P  |

|   | RA | AR | AP             | HP | OR | IC | MU |
|---|----|----|----------------|----|----|----|----|
| <b>Trade – Wholesale</b>  |    |    |                |    |    |    |    |
| Bulk storage – flammable liquids and gases  |    | C  | C              |    |    | C  | C  |
| Chemical fertilizers or hazardous materials manufacturing, storage or sales   |    | C  | C              |    |    | C  | C  |
| Wholesale distribution and warehousing  |    | C  | C              |    |    | P  | P  |
| <b>Transportation</b>   |    |    |                |    |    |    |    |
| Airfields (private)   |    | C  | C              |    |    |    | P  |
| Airfields (public)  |    | C  | C              |    |    |    | P  |
| Automobile open parking lot or garage   |    |    |                |    |    | P  | P  |
| Boathouse or dock   | C  |    |                | C  | C  | P  | P  |
| Bus facilities, excluding pick up shelters  |    |    |                |    |    | P  | P  |
| Freight transfer points   | C  | C  | P <sup>4</sup> |    |    | P  | P  |
| Packing and crating   | C  | C  |                |    |    | P  | P  |
| Railroad building and equipment   |    |    |                |    |    | P  | P  |
| Tickets and arrangements  |    |    |                |    |    | P  | P  |
| Truck and bus open parking lots   | C  |    |                |    |    | P  | P  |
| Trucking facilities   | C  | C  |                |    |    | P  | P  |
| <b>Notes:</b><br>1. Such use is permitted only after a CAFO permit has been obtained under the provisions of chapter 11 of this title.<br>2. Such use is permitted only after a CAFO permit has been obtained under the provisions of chapter 10 of this title.<br>3. Conditional Use permit required under provisions of 9-10-2 (B) of this title.<br>4. Freight transfer points that are permitted in AP zone are for agricultural commodities only.<br>5. Such use is permitted only after a Minor Subdivision Application is filed and found to be in full compliance, by the Administrator, pursuant to 10-3-7, Cassia County Code.<br>6. <u>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.</u> |    |    |                |    |    |    |    |

[amended Ord. 2006-11-01, 11-07-06, amd. Ord. 2009-04-01, amd.Ord. 2010-02-01; amd.Ord. 2011-08-01, amd.Ord. 2012-07-01, amd. Ord. 2014-12-01.]