

## CHAPTER 9

**ADMINISTRATION**

## SECTION:

10-9-1: Administrative Authority and Requirements

10-9-2: Administrative Appeal

10-9-1: **ADMINISTRATIVE AUTHORITY AND REQUIREMENTS:**  
The Zoning Administrator shall be responsible for administering this title within unincorporated Cassia County.

- A. Fees: The Zoning Administrator is authorized to collect fees, as approved by resolution of the Board, for services associated with this Title.
- B. Forms: The Zoning Administrator is authorized to develop and require the completion of forms to aid in the administration of this title.
- C. Adoption of Criteria for Supporting Documents: The Board may adopt, by resolution, criteria for supporting documents that may be necessary in the administration of this title.
- D. Interpretation: In applying this title to situations that are not specifically addressed, the Zoning Administrator is authorized to interpret the matter, and such action taken will conform with the purpose and intent of this title, and shall be in the best interest of the public as such is evident at the time.
- E. Right to Inspect: The property owner's or authorized applicant's signature on the subdivision application shall constitute approval for the Zoning Administrator or his designee to enter onto and inspect the subdivision property.
- F. Stop Work Order: Whenever any terrain modification, construction, or other site work is not in compliance with this title, specific conditions of approval, or other related laws, ordinances or requirements, the Zoning Administrator may order the work stopped by written notice. Such notice shall be served on any persons engaged in doing or causing such work to be done, and persons shall forthwith stop such work until authorized by the Zoning Administrator to proceed. Stop work orders may be appealed according to the procedure outlined in section 10-9-2 of this chapter.

- G. Amendments: The Board may, from time to time, amend, supplement, or repeal the provisions of this title in accordance with Idaho Code.

10-9-2: **ADMINISTRATIVE APPEAL:**

- A. Appeals to the planning and zoning commission concerning interpretation or administration of this title may be taken by any person aggrieved or by any officer or bureau of the county affected by any decision of the zoning administrator. Such appeal shall be taken within twenty eight (28) days after the decision of the zoning administrator by filing with the zoning administrator and with the planning and zoning commission a notice of appeal specifying the grounds upon which the appeal is being taken and payment of a fee as set by the county. The zoning administrator shall transmit to the commission all the papers constituting the record upon which the appeal is based.
- B. Stay Of Proceedings: An appeal stays all proceedings in furtherance of the action taken unless the zoning administrator certifies to the planning and zoning commission after the notice of appeal is filed with him that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril of life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court based upon an application, with notice to the zoning administrator showing due cause.
- C. Appeal from Commission Decision: Appeals from the decisions of the planning and zoning commission may be taken by any person whose substantial rights are affected by the decision, or by officers of any department, board or bureau of the county affected by any decision of the commission. A notice of such appeal shall be filed within twenty eight (28) days after the date of the decision from which the appeal is taken, by filing with the county clerk a notice of appeal specifying the grounds therefor and paying a fee as set by the county. The planning and zoning commission shall forthwith transmit to the board of county commissioners all of the documents, exhibits in the file and the tape recordings of the hearing, etc., which constitute the record upon which the action appealed from was taken. The filing of the notice of appeal stays all proceedings in the matter appealed from, unless the planning and zoning commission certifies to the board of county commissioners that, by reason of the facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life or property. In such case, the proceedings shall not be stayed,

except by a restraining order granted by the board of county commissioners or by a court of competent jurisdiction on application and notice to all parties. The board of county commissioners shall fix a reasonable time for a hearing on the appeal to be held not less than thirty (30) nor more than sixty (60) days from the filing of the notice of appeal and give notice thereof to the parties in interest. Such appeals to the board of county commissioners shall be held and decided pursuant to the procedures and standards of review of the Idaho administrative procedures act<sup>1</sup>. (Ord. 2009-04-02, 4-14-2009).

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<sup>1</sup> IC Title 67, chapter 52