



LAND USE GUIDELINES

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| <p>ALL USES</p> <ul style="list-style-type: none"> Land uses, including subdivisions, must comply with all applicable standards of the Land Use Code, generally found in: <ul style="list-style-type: none"> ➤ Chapter 3, <i>Lots, Buildings, and Structures</i> ➤ Chapter 4, <i>Site Design and Environmental Stewardship</i> ➤ Chapter 5, <i>Public Facilities, Infrastructure, and Services</i> A pre-application meeting is required for all land use applications to determine the process and materials required. An application and fee is required to initiate a pre-application meeting. Following the pre-application meeting, a letter will be sent with a checklist of materials required for an application, including application forms and fees. The fee for the pre-application meeting will be applied (credited) to the application fee if an application is submitted within three months. County refers projects within an Urban Growth Boundary to the appropriate municipality for comment relative to their regulations. Public notice (if applicable) shall be made at least 14 days prior to the hearing date in accordance with Chapter 7, Section 4, <i>Public Notice</i>. | <p>LAND USES ALLOWED-BY-RIGHT</p> <ul style="list-style-type: none"> Land uses listed as being allowed-by-right do NOT require a permit; however, landowners must comply with all applicable standards of the Land Use Code. Other types of permits may be required (e.g.; well, septic, access) |
| <p>PERMITTED USES</p> <ul style="list-style-type: none"> Permitted Uses are subject to Administrative Review of a Zoning Permit (ministerial permit). Applications for a Zoning Permit are reviewed for compliance with all applicable standards of the Land Use Code. Once the application is determined to comply with the applicable standards, the Director shall approve the Zoning Permit. The Director can refer the matter to the Planning Commission for recommendation to the Board of County Commissioners. An Aggrieved Party can appeal the Director’s decision to the Board of Adjustments. Other types of permits may be required (e.g.; well, septic, access). | <p>LIMITED USES</p> <ul style="list-style-type: none"> Limited Uses are subject to Administrative Review of a Zoning Permit and Site Plan (discretionary permit). Applications for a Zoning Permit are reviewed for compliance with all applicable standards of the Land Use Code. Applications for Limited Uses may be referred to specific referral agencies. Certain Limited Uses require public notice 14 days prior to a final determination. Once the application is complete, and notice provided (as applicable), the Director shall approve, conditionally approve, or deny the Zoning Permit. The Director can refer the matter to the Planning Commission for recommendation to the Board of County Commissioners. An Aggrieved Party can appeal the Director’s decision to the Board of Adjustments. Other types of permits may be required (e.g.; well, septic, access). |

SPECIFIC USES

- Chapter 2, Section 5(B) identifies *Use Specific Standards* for:
 - Intensive Agriculture
 - Rural Residential
 - Ag Support & Rural Industry
 - Community Uses
 - Commercial Uses
 - Rural Recreation & Hospitality
 - Utilities, Communications, Mining, Energy, Transportation, Disposal
- Specific Uses are generally processed as a Limited Use.
- If the use-specific standards cannot be met, a Specific Use is processed as a Conditional Use
- Other types of permits may be required (e.g.; well, septic, access).

CONDITIONAL USES

- Conditional Uses are subject to Public Hearing Process (discretionary permit).
- Applications for a Conditional Use Permit are reviewed for compliance with all applicable standards of the Land Use Code.
- Applications for Conditional Use Permits are submitted to specific referral agencies and adjacent property owners.
- Following review of the application, the Director will send a letter with comments that could include Recommended Revisions.
- Once the application is complete, and notice provided, the Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners.
- The Board of County Commissioners shall conduct a public hearing to approve, conditionally approve, or deny the Conditional Use Permit.
- Other types of permits may be required (e.g.; well, septic, access).

VARIANCES

- Variances are considered an extraordinary remedy to diverge from quantifiable standards (lot size, setbacks, etc.). Neither a nonconforming use of neighboring lands or structures in the same zoning district, nor a permitted or nonconforming use of lands or structures in other zoning districts shall be grounds for the issuance of a variance. Under no circumstances shall the BOA grant a variance to allow a use that is prohibited by this Code in the zoning district in which the subject property is located.
- No variance shall be authorized unless all of the findings in [Chapter 10, Section 2\(A\)\(2\)](#) can be made:
 - Unusual Conditions (lot size/shape, exceptional topographic conditions, etc.);
 - Special Circumstances (unique difficulties or hardship, not a special privilege); and
 - Consistent with Master Plan and Land Use Code (not detrimental to the public good).
- Variation to Lot Size also requires meeting the findings in [Chapter 3, Section 1\(A\)\(3\)](#).
- The Board of Adjustments (BOA) is the authority to consider variance requests. An Aggrieved Party can appeal the Director's decision to the Board of County Commissioners.

MINOR PLAT, REPLAT/LOT LINE ADJUSTMENT

- Minor Plats and Replats are subject to Administrative Review.
- Minor Plat is a 2-lot subdivision. Replat consists of *minor* amendments to an approved final plat (lot lines, map notes, right of way, or easements) - all lands must be part of a previously approved plat, no additional lots or building site are created, no impacts to county roads or other service providers is created, or the revision corrects minor errors on the plat.
- Applications for a Minor Plat or Replat/Lot Line Adjustment are reviewed for compliance with all applicable standards of the Land Use Code.
- Applications for Minor Plat may be referred to specific referral agencies.
- Minor Plats where one lot does not meet the minimum lot size requires approval of a variance in order to find the map in compliance.
- Once the application is determined to comply with the applicable standards, the Director shall issue an approval. An Aggrieved Party can appeal the Director's decision to the Board of Adjustments.
- The Director may refer the application to the Planning Commission for review and recommendation to the Board of County Commissioners.
- Other approvals may be required in accordance with [Chapter 7, Section 3\(A\)\(2\)](#)
- Minor (Final) Plats may be recorded when County accepts all public improvements shown on the map and conditions are met to the satisfaction of the Director.

PRELIMINARY PLAT

- Preliminary Plats are subdivisions with 3+ lots.
- Subdivisions are reviewed for compliance with all applicable standards of the Land Use Code, including *Chapter 6, Land Dedication, Fire Impact Fees, Development Improvement Agreements*
- Applications for Subdivisions are submitted to specific referral agencies and adjacent property owners.
- Once the application is complete, and notice provided, the Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners.
- The Board of County Commissioners shall conduct a public hearing to approve, conditionally approve, or deny the Conditional Use Permit.
- Final Plats may be recorded after the Board of County Commissioners, at a noticed meeting, accepts all public improvements shown on the map and determines that conditions are met.

BOUNDARY ADJUSTMENTS

- Boundary Adjustments are intended for adjustment or revisions of established, undisputed, existing boundary lines between parcels not previously subdivided, and where such adjustment does not result in the creation of an additional lot less than 35 acres.
- All parties interested in a Boundary Adjustment shall complete an application provided by the Planning Department and provide a draft plat from the applicant’s surveyor showing the existing boundary and the proposed boundary adjustment of all affected parcels.
- Once the Director verifies that no new lots are being created and no violation of Codes is being created, they shall forward the draft Plat to the County Surveyor.
- The County Surveyor shall review the Plat for accuracy.

APPEALS

- The Board of Adjustments (BOA) shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the Director in the administration of this Code.
- An Aggrieved Party must file their appeal in writing with the Director within 30 days following the action or decision of the Director from which the appeal is taken.
- The BOA hearing is de novo, meaning the matter is reviewed as if no prior action has been taken.
- An appeal determination by the BOA may be appealed to the Board of County Commissioners. The BOCC may reverse or affirm, wholly or partly, or may modify the BOA order, requirement, decision or determination based on the record (no new information following the BOA hearing).

REZONING

- Rezoning changes the land use designation of a parcel or parcels (legislative action).
- Once the application is complete, and notice provided, the Planning Commission shall conduct a public hearing and makes a recommendation to the Board of County Commissioners relative to the proposed rezone consistency with the Master Plan and any adopted Special Area Plans.
- The Board of County Commissioners shall conduct a public hearing to approve or disapprove a rezone, based on standards/criteria laid out in *Chapter 8, Section 2(B)*. No lot, tract, or unplatted land will contain multiple zones within its boundaries as a result of the rezoning.