

General Development Application Instructions

Pre-Process Investigation: Prior to initiating an application for a land use permit.

- 1) A property owner must have a permitted access and address in order to initiate application for a land use entitlement. See *Access/Address Application Instructions*.
- 2) Identify the zoning designation of the subject parcel. Zoning maps can be found on the County website at: [www. https://www.deltacounty.com/6/Planning-and-Community-Development/...](https://www.deltacounty.com/6/Planning-and-Community-Development/...)
- 3) Review the Land Use Category table in the Land Use Code (LUC). This table can be found in Chapter 2, Section 2.B, Tables 2.b, pages 30-31, or on the County website at: [www. https://www.deltacounty.com/6/Planning-and-Community-Development/...](https://www.deltacounty.com/6/Planning-and-Community-Development/...) The following is a summary of the types of permits and processes:
 - a. Allowed Uses (“A”) and Temporary Uses do not require any permit from the County but must comply with applicable standards in the Land Use Code (Chapters 2, 3, 4, 5 LUC)
 - b. Permitted Uses (“P”) require consideration of a Zoning Permit by the Community Development Director. A permit is approved if all standards are met (ministerial).
 - c. Limited Uses (“L”) require a Zoning Permit and Sketch/Site Plan from the Director. Uses that include “n” in the table will require a public notice. These permits are discretionary meaning they can be approved, conditionally approved, or denied.
 - d. Conditional Uses (“C”) require consideration of a Conditional Use Permit by the Planning Commission and Board of County Commissioners. These permits are discretionary meaning they can be approved, conditionally approved or denied.
 - e. Uses not listed in the table are not allowed unless determined to be similar in nature to a listed use by the Community Development Director.
 - f. Rezoning, and/or text amendments to the Land Use Code, requires consideration by the Planning Commission and Board of County Commissioners. These are legislative actions at the discretion of the County if a change is desired.
 - g. Variances require consideration by the Board of Adjustments.
 - h. Minor Plats (2-Lots), Replats, Lot Line (Boundary) Adjustments require Administrative Review by the Community Development Director; and are discretionary meaning they can be approved, conditionally approved or denied. Upon completion of improvements and condition compliance for Minor Plats, a Final Map must be accepted by the Director.
 - i. Subdivisions (3+ Lots) require consideration off a Preliminary Plat by the Planning Commission and Board of County Commissioners; and are discretionary meaning they can be approved, conditionally approved, or denied. Upon completion of improvements and condition compliance, a Final Map must be accepted by the Board of County Commissioners (public notice).

Pre-Application Meeting: First step in the Review Process for all land use entitlements. The purpose is to review preliminary information to provide guidance on the next steps.

- 1) Pre-application forms for all land use permits are available and can be filled out on line. Application Form: <G:/Shared Drive/Planning & Community Development/Applications/Pre-Application>. Owner/Representative submits a pre-application form with concept (sketch) plans/plats and materials, including a review fee (that will be credited to the application fee), to the Community Development

(Planning) Department. Information provided should include preliminary information about the site (existing structures, access, ditches, waterways, utilities, easements, etc).

NOTE: See instructions for submitting applications/materials.

- 2) In preparation for the meeting, staff will print an aerial photo of the site and surrounding area and review information provided. Staff may perform a site visit to get familiar with the area and take photos, and/or ask the applicant for additional information to help clarify what is being proposed (e.g. staking and/or flagging).
- 3) Within one week of receiving a pre-application:
 - a. Planning will schedule a pre-application meeting between the applicant and the assigned staff. If the Director determines that the matter is minor enough in nature, the pre-application meeting can be waived (move to Step 5).
 - b. Meetings may also include the Director and/or other staff/agencies (Environmental Health, Roads & Bridges, Engineering, Fire, etc) as determined by the Director.
 - c. Consider application relative to Inter-Government Agreement(s) (IGAs) between County and municipalities, including the following key, common points:
 - Urban Growth Boundary (UGB) and Sphere of Influence (SOI) boundaries shall be mapped using GIS such that the data can be used to help identify parcels subject to the IGA.
 - For all Subdivision (minor plat, preliminary plat), Limited Use, Conditional Use, and Rezone applications located within the Growth Management Boundary:
 1. County informs a municipality as part of the pre-application stage in the County's land use review process.
 2. County invites the applicable municipality to attend the pre-application meeting which is to identify applicable review procedures (by County or municipality) and potential issues before an application is filed.
 - All subdivision (minor plat, preliminary plat) requests to the County within the municipality's Sphere of Influence (maps attached) shall be redirected to the municipality for processing. If the municipality declines to process the request, the County will process the request, subject to terms of the IGA.
 - A property owner applying for a Limited Use, Conditional Use, and/or Rezoning within the Sphere of Influence will be required to consult with the municipality as to the ability to annex.
 - No Medium or Large Animal Feeding Operations are allowed within the Growth Management Boundary regardless of the underlying zoning.
- 4) Pre-Application meeting format:
 - a. Applicant presents and explains their request.
 - b. Planner asks clarifying questions to understand the request.
 - c. Planner provides direction if the plan needs to be amended to meet LUC requirements, and could offer possible suggestions to amend the project to better meet standards of the LUC and/or good planning/design.
 - d. Planner explains the review process, and that a letter will be sent including a development application form and a checklist of materials needed for the application.
- 5) Within three (3) weeks from the meeting, Planner sends a package to the applicant that includes:
 - a. General Land Use Application form will be prepared and sent by staff. Sections required to be completed by the applicant will be highlighted (checked): [G\Planning\Applications\Land Use Application](#).

- b. The project planner will complete a checklist of materials and information required to be included with the application. Checklist Form can be found at: <G:\Planning\Applications\Land Use Application>.
- c. Required fee to process the application. The checklist will identify the fee(s) required at the time of submittal. The pre-application fee will be credited to the application fee if a complete application is submitted within three (3) months.

Application: The formal review process for all land use entitlements is initiated with submittal of an application package.

- 1) Owner/Representative submits an application package completed in accordance with the pre-application letter and Application Checklist. *NOTE: See instructions for submitting applications/materials.*
- 2) Completeness Review (1 week). Planner reviews the package to assess if all materials required in the checklist have been submitted, including the processing fee. Review to be completed within one (1) week of submittal.
- 3) Planner sends a letter notifying the applicant that the application is
 - a. Incomplete. Return the entire package including the fee to the applicant. Include a description of what is needed to make the application complete.
 - b. Complete. The application moves on to Sufficiency/Technical review.*NOTE: An incomplete application is not considered filed.*
- 4) Sufficiency/Technical Review (3 weeks).
 - a. Planner reviews application materials for consistency of information and adequacy to demonstrate compliance with the applicable Land Use Code requirements.
 - b. Concurrent with Planner's review, refer applications to agencies, consultants and adjacent property owners. The referral period can be extended for up to one month with mutual consent of the applicant and Director.
 - c. All reviews to be completed and comments received within three (3) weeks of submittal.
- 5) Planner sends a letter notifying the applicant that the sufficiency/technical review is complete, and informs them any fees required to be paid to the referral agencies and/or consultants must be paid before proceeding. Letter to include recommended revisions to address comments received, and date when materials are to be submitted.
- 6) Applicant resubmits materials addressing recommended revisions and comments.
- 7) Planner reviews the resubmitted materials and may refer back out to the commenting agency.
NOTE: Additional fees may be assessed with more than three rounds of resubmittal. Action by the applicant is required within 10 business day. If not, the application is deemed to be stale unless the applicant submits a request for, and the Director agrees to, additional time (up to six months maximum).
- 8) If the item requires notice, the assigned planner prepares a draft notice for review by the Director. *See Public Noticing instructions below.*
- 9) If there are no recommendations or when the recommendations have been addressed sufficiently, the item is scheduled for action:
 - a. Administrative. The assigned planner prepares a letter (addressed to the applicant) notifying them of the action, including any conditions. A draft letter is submitted to the Director for review and approval.
 - b. BOA. The assigned planner prepares a staff report and resolution recommending conditions and findings supporting staff's recommendation, and schedules a hearing date with the BOA.

- c. PC/BOCC. The assigned planner prepares a staff report and resolution identifying findings supporting staff's recommendation, and schedules a hearing date with the PC. Following action by the PC, the assigned planner prepares a staff report and resolution identifying findings/conditions recommended by the PC, and schedules a hearing date with the BOCC.
- 10) Final Maps. All Final Maps routed to departments with conditions applied to verify that applicable conditions have been met (cleared). Once the applicant complies with all of the conditions (all departments) and completes the required public improvements (R&B, Engineering):
 - a. Preliminary Plat. Planner schedules and notices for the BOCC to accept the final map, including any right of way dedication.
 - b. Minor Plat. If applicable, planner schedules acceptance of right of way dedication by the BOCC prior to Director accepting the Final Map. Planner issues a public notice for the Director to accept the map (*see Public Notice instructions below*).
- 11) Once a final map is signed and accepted, the owner records the map with the County Recorder. Separate fees are required for this service.

Instructions for Public Noticing

- 1) Chapter 7, Section 4 of the LUC identifies the noticing requirements.
- 2) Review Table 7.c to identify the type of notice required, based on the type of application (Publication, Posting, Mail1, or Mail2).
- 3) Standards for what is required based on the type of notice is identified in Section 4.E
- 4) Table 7.b identifies the duration of noticing, which is required at least 14 days before the hearing.
- 5) There are two types of mailing:
 - a. Mail1 goes to adjacent property owners
 - b. Mail2 includes all property owners where their property is touched by drawing a 1,000 foot radius from the project property boundary.
- 6) Contents of the notice is provided in Section 4.B
- 7) Retain an email list of people that express interest to receive notice. This list receives all public notices for land use applications.
- 8) Create a Public Notice page on the Planning & Community Development website. Post all notices on this page for the duration prescribed by the LUC (14 days prior to the hearing).

Instructions for submitting materials

- 1) Pre-Application Forms are available on line ([www.https://www.deltacounty.com/126/Permit-Information](https://www.deltacounty.com/126/Permit-Information)) as fillable forms that can be signed and submitted electronically or printed signed and scanned. Other application forms and checklists will be provided following receipt of a completed pre-application form and fee.
- 2) If the application and related materials are submitted electronically, one hard copy is also required. If submitting the application as a hard copy, an electronic copy of all materials submitted is also required. This can be in the form an USB thumb drive.