

Significant Updates to Proposed Changes to the Land Use Code

8.04 Public Hearing Process

8.04.01 Upon review of a land use application, where discretion is allowed, the Planning Commission will determine whether it presents a minor, significant or major impact on nearby landowners, the community, infrastructure, services or the environment.

Applications for variances are presented at a public hearing to the Board of Adjustment.

1. At a preliminary review of an application the Planning Commission shall determine whether the proposed project represents a minor, significant or major impact.
 - a. Minor Impact: the Planning Commission may make a final decision on the application without a public hearing.
 - b. Significant Impact: the Planning Commission shall hold a public hearing. Upon the close of the hearing, the Commission shall make a recommendation to be sent to the BOCC for a decision at a public meeting.
 - c. Major Impact: All applications determined to present a major impact are to receive a public hearing by both the Planning Commission and the Board of County Commissioners. Upon the close of the public hearing with the Planning Commission, the Commission shall make a recommendation and send the case to the Board of County Commissioners, who will hold a second public hearing. Upon the close of the second public hearing, the Board of County Commissioners shall take action on the case.
 - i. All applications for rezoning, subdivisions, PUDs, vacations of rights-of-way and temporary assembly permits for over 500 persons shall be considered major impacts.
2. Review agencies will be contacted and public noticing carried out after preliminary review by the Planning Commission.
3. Within thirty (30) days of receiving such materials the Board of County Commissioners shall consider the recommendation at a regular or special session of the Board and shall act to approve, deny or conditionally approve the application, including notice whether there shall be a time period for review of compliance with any approval conditions. The Board of County Commissioners may also remand the application back to the Planning Commission for additional review or additional requests for recommendation.

1.06.02.01 Criteria for modifying a Conditional Use Permit

Recognizing that there are circumstances which may cause the holder of a Conditional Use Permit to make changes to operations, premises and uses over time, the holder of a Conditional Use Permit must modify their permit to reflect those changes that potentially alter the impact on neighbors or infrastructure or represent a change of use in one or more buildings. Modifications could include an expansion of operations, modifications to the site plan, or adding additional, related uses.

Should there be a modification or change in the use granted by a Conditional Use Permit, permit holder shall present a detailed description of the changes to the Planning Department for review. If the Director finds that the change presents minimal or no impact on nearby land owners, infrastructure, services or the community, the CUP will be modified administratively to reflect changes. If the Director finds that changes present the potential to increase impacts on or nuisances to nearby land owners, infrastructure, services or the community, the application to modify the CUP will be presented to the Planning Commission for review. The Planning Commission may recommend to staff whether to approve, approve with conditions or deny the proposed modification.