



Pershing County Planning and Building Department

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Home Occupation Special Use Permit Application Guide

Special uses are those uses which generally are compatible with the permitted land uses in a given land use district, but which require individual review of their location, design and configuration and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given land use district.

Application Submittal Requirements. The following information must be submitted in order to process an application:

1. Completed application with signed and notarized owner affidavit.
2. Application fee: \$250.00 for each application. Checks should be made out to Pershing County.
3. Site Plan (see section below for site plan requirements)

Applications must be entirely filled out and include all required attachments. Applications will not be processed until all information necessary to review and decide upon the application has been determined complete by the Planning Director.

Review Procedures. The review procedures for Special Use Permit applications are as follows:

1. Application Review. Upon receipt of an application, the Planning Department will have seven working days to review the materials and determine if the application is complete. If an application is found to be incomplete the application will be returned to the applicant or the applicant will be notified of any additional information needed. Once an application has been determined complete, it will be scheduled to be heard by the Planning Commission.
2. Public Hearing. A public hearing will be conducted by the Planning Commission within 95 days from the date the application is accepted as complete. Additional public hearings may be conducted if necessary.
3. Action Required. The Planning Commission will take action on the special use permit no later than 35 days after the hearing(s) by approving, approving with conditions, modifying, modifying with conditions or denying the special use permit.

It is recommended that the applicant or a representative be present at any public hearings regarding a special use permit application. Applicants will be notified by the Planning Department of the date, time and location of any hearings.

Conditions of Approval. In granting a special use permit, the Planning Commission, or the Board of Commissioners on appeal, may impose conditions as necessary to ensure that the special use permit meets the approval standards and is consistent with the goals, objectives and policies of the Master Plan for Pershing County.

Issuance of Permit. Upon approval of the application by the Planning Commission, the Planning Department will issue a special use permit. Conditions of approval, if applicable, will be noted on the permit.

Appeals. The Planning Commission's final decision may be appealed to the Board of County Commissioners. An appeal may be made by filing written notice of appeal with the clerk of the Board of County Commissioners within 10 working days of notification of the final decision. Refer to Section 17.606.30 and Chapter 17.710 of the Pershing County Development Code for additional information on the appeal process.

Approval Standards. The Planning Commission, or the Board of Commissioners on appeal, will not approve a special use permit unless the following standards are met:

- A. Consistency: The proposed use meets all standards applicable to the use in the land use district in which the use is to be located.
- B. Master Plan: The use will be in furtherance of the letter and intent of the Pershing County Master Plan, including but not limited to, the goals and objectives, policies and specific recommendations of the Master Plan.
- C. Improvements: Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made by the county.
- D. Preservation: The use is compatible with the preservation of the agricultural and mining industries of Pershing County.
- E. Site Suitability: The use of the property is compatible with the existing and authorized uses in the vicinity of the property, and will not result in material damage or detriment to the use and enjoyment of the property in the vicinity.
- F. Natural Resources: The use will not reasonable impair the utilization of natural resources to support the existing and future population of the county.
- G. Issuance not Detrimental. The use is not detrimental to the public health, safety and general welfare.

Development of Natural Resources. All natural resources development requires a special use permit. Natural resources development includes energy production, mining operations, petroleum gas extraction, and forest products production. In addition to the standards required in the above sections, issuance of a special use permit for development of natural resources is contingent on the Planning Commission making the following findings:

1. The proposed development is not unduly detrimental to surrounding properties, land uses, and the environment in general.
2. The proposed development will not unduly block scenic views or degrade any surrounding scenic resources.
3. The proposed development site and all affected areas will be reclaimed at the conclusion of the operation.

Time Limits. A special use permit will have the following time limits:

- A. Construction. A special use permit is valid for one year from the date of issuance, unless construction is commenced. If construction is not commenced during the one year time period, the special use permit expires, and the applicant must reapply for a new special use permit.
- B. Completion. If construction has begun, it must be completed within three years from the date of approval of the special use permit, unless a construction schedule has been approved as part of the special use permit.
- C. Extension. A request for an extension of time to comply with the conditions of approval of the special use permit, or to complete construction, may be filed with the Planning Commission. Such a request must be filed with the Planning Commission no less than 60 days prior to the expiration date of the special use permit. An extension of time may be granted for an additional year.
- D. Time period. A special use permit, once conditions are met, will expire at the time specified in the permit. This time period may be extended by the Planning Commission. A request for a time extension must be made in writing and must be submitted prior to the expiration date. The request must state the reason for the extension.
- E. Discontinuance. A special use permit will expire 12 months after the purpose for which it was granted has been discontinued or abandoned.

Transfer of Special Use Permit. The current holder of a special use permit may transfer the permit to a successor in interest by filing written notice with the Planning Commission stating that the special use permit is being transferred. The successor in interest must appear before the Planning Commission to review conditions of the special use permit. A transfer of a special use permit does not affect the original time limits set on the special use permit.

Amendment/Modification of Site Plan. No amendment resulting in a substantial change may be made to the site plan without prior approval of the Planning Commission. Minor changes may be approved by the Planning Director prior to the issuance of a building permit for the intended use(s) authorized by the special use permit.

Revocation. The Planning Commission or Board of County Commissioners may initiate revocation proceedings. A special use permit may be revoked when it is determined that one or more of the following apply:

1. The special use permit was obtained or extended by fraud.
2. One or more of the conditions of approval has been violated.

3. The use or facility for which approval was granted has been conducted or maintained in a manner which is detrimental to public health or safety, or is a public nuisance.

Refer to Section 17.606.65 of the Pershing County Development Code for detailed information on the revocation process.

Site Plan. A site plan must be submitted with each special use permit application. The requirement for a site plan may be waived by the Planning Director if determined to be unnecessary. Some site plans may be required by the Planning Department to be prepared by a registered architect, engineer, landscape architect or surveyor.

Requirements for submittal. A site plan must be prepared on a sheet no less than 8.5 x 11 inches and no more than 24 x 36 inches. It must be drawn to scale and include the following information:

1. Address or location of the project
2. Name, address, and telephone number of applicant and/or property owner
3. North arrow, scale and date
4. Dimension of the lot, and total area in acreage or square feet
5. A complete legal description of the property. A boundary survey may be required by the Planning Commission if necessary.
6. A vicinity map clearly identifying the location of the project and its relationship to the surrounding community
7. Land use of the property and on adjacent properties.
8. Location of proposed construction
9. Location of any existing structures
10. Location of existing or proposed water wells
11. Location and configuration of septic systems, with required open area, or interim wastewater treatment facility, if required
12. Location and configuration of water and sewer system infrastructure and connection points.
13. Distance between existing and proposed structures, utilities and lot lines
14. Minimum required building setbacks
15. Any existing or proposed easements for roadways, access, utilities or other uses
16. Location of irrigation ditches, head gates and related facilities

17. Location and height of any walls and fences
18. The location, height, and size of any signs
19. Buffer and screening areas

The applicant should provide information for all items listed that apply to the project.

Noticing of Public Hearings. Public hearings regarding applications for special use permit will be noticed according to Section 17.606.35 and Chapter 17.708 of the Pershing County Development Code.