



Pershing County Planning and Building Department

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Master Plan Amendment Application Guide

The Master Plan amendment process may be used to amend the regulatory land use district affecting a parcel of land or a portion of a parcel as reflected in the Pershing County Master Plan.

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: \$500.00 for each application. \$145.00 map review fee for each map to be reviewed. This fee covers the cost of an application for a land use district change for one parcel and the County Surveyor map review. Additional parcels will cost an additional \$25.00 each. Checks should be made out to Pershing County.
3. Any required attachments to the application. (e.g. maps, site plans, etc.)

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.

The Master Plan can be amended by the Board of County Commissioners no more than four (4) times per year. Applications for Master Plan amendments will only be accepted in January, April, July and October of each calendar year.

Applicants may request a pre-application meeting with the Planning Department to discuss a proposed amendment. Other departments as necessary may also attend.

Required Application Attachments

The following are required to be submitted with a Master Plan amendment application:

1. A scaled map of the property, correlating with the legal description, and clearly showing the property's location.
2. A scaled map depicting site constraints, including but not limited to slopes, potential wetlands, floodways, drainage ways, geologic hazards and fault zones.

Additional exhibits may also be required by the Planning Director as necessary.

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.

It is recommended that the applicant or a representative be present at any public hearings for a Master Plan amendment application. Applicants will be notified by the Planning Department of the date, time and location of any hearings.

Planning Commission Review Procedures

The Planning Commission will review applications for Master Plan Amendments as follows:

Public Hearing by Planning Commission. A public hearing will be conducted by the Planning Commission within 125 days from the date the application is accepted as complete. Additional public hearings may be conducted if necessary.

Action Required by Planning Commission. The Planning Commission will take action to either:

- A. Recommend approval of the application to the Board of County Commissioners
- B. Recommend approval of the application with conditions to the Board of County Commissioners
- C. Deny the application

Action by the Planning Commission to recommend approval of an application will be forwarded to the Board of County Commissioners for a final decision.

Action by the Planning Commission to deny an application is final unless the decision is appealed to the Board of County Commissioners.

The Planning Commission may take action on the application at the conclusion of the public hearing(s) but must take action no later than 90 days after the hearing(s). An extension of time for Planning Commission action may be granted if mutually agreed upon by the applicant and the Planning Commission.

Prior to taking action on an application the Planning Commission must determine findings of fact to support their decision as detailed in Section 17.612.20 of the Pershing County Development Code. A minimum of one finding must be made.

Appeal of a Denial. An appeal of the Planning Commission's denial of a master plan amendment application may be made to the Board of County Commissioners within 10

working days after the date of the decision. An appeal must be filed with the Planning Department and accompanied by a filing fee of \$150.00. The appeal must be made in writing and state the basis of the appeal by citing the inadequacy of the findings made by the Planning Commission. Such reasons must be based upon the evidence presented to the Planning Commission at the original hearing(s). Failure to present such reasons will result in denial of the appeal.

Planning Commission Report. The Planning Department will have 40 days after the date action is taken by the Planning Commission recommending approval of the application to compile a report. This report will include a copy of the application, the resolution from the Planning Commission, minutes from the public hearing(s), and other required materials. This report will be forwarded to the Board of County Commissioners.

Board of County Commissioners Review Procedures

The Board of County Commissioners will review applications for Master Plan Amendments when:

1. An application has received a recommendation of approval from the Planning Commission.
2. An applicant has appealed a denial of an application by the Planning Commission.

Review of applications will take place as follows:

Public Hearing by Board of County Commissioners. A public hearing will be conducted by the Board within 45 days of receipt of written notice regarding the Planning Commission's recommendation of approval or of the filing of an appeal. Additional public hearings may be conducted if necessary.

Action Required by the Board of County Commissioners. When reviewing an application which has received a recommendation of approval from the Planning Commission, the Board will take action to either:

1. Affirm the recommendation of approval from the Planning Commission.

The Board may take final action to adopt the Master Plan Amendment as recommended by the Planning Commission if no modification of the Planning Commission's recommendation is proposed.

2. Reject the findings of fact for the recommendation of approval from the Planning Commission.

If the Board proposed to modify or change in any manner the findings supporting the recommendation of approval from the Planning Commission, the Board may take action unless the modification(s) involves a denial of the application. The Board must make specific findings justifying the modification(s) of the Planning Commission's findings.

If the proposed modification(s) changes a recommendation of approval to a denial, the proposed modification(s) will be remanded to the Planning Commission for consideration.

The Planning Commission is not required to hold a public hearing on the modification(s). The Planning Commission will submit a report on the proposed modification(s) to the Board of County Commissioners within 45 days from the date of the remand by the Board. Failure to submit a report will be deemed a recommendation of approval.

The Board of County Commissioners will hold an additional public hearing and then take final action on the application.

When reviewing an appeal of a denial of an application by the Planning Commission, the Board will take action to either:

1. Affirm the denial of the Planning Commission.

The Board may take final action to affirm and sustain the findings of the Planning Commission, denying an application for a master plan amendment.

2. Overturn the denial of the Planning Commission

If the Board is considering reversing the Planning Commission's denial of an application for a master plan amendment, the Board must determine that, based upon the evidence presented before the Planning Commission at its public hearing(s), the Planning Commission incorrectly denied the application. Upon a finding specifying the error committed by the Planning Commission, the Board of County Commissioners may vote to overturn the denial and substitute findings justifying an approval of the application.

Effective Date

An approved Master Plan amendment request will become effective immediately upon approval by the Board of County Commissioners; however the written changes to the land use map or master plan will be by ordinance.

One Year Wait on Denials

After denial of a master plan amendment request, no application for a Master Plan amendment for the same or similar amendment may be accepted for one year immediately following the denial. This does not apply to applications denied without prejudice, which may be refilled within one year.

Modification of a Master Plan Amendment

Proposed modifications to an approved master plan amendment require a new application following the same procedure required for the initial application.

Noticing of Public Hearings

Public hearings regarding applications for Master Plan amendments held before the Pershing County Regional Planning Commission and the Pershing County Board of Commissioners will be noticed according to Section 17.708 of the Pershing County Development Code.