

Land Use Code Update



BOARD OF COUNTY COMMISSIONERS

MARCH 30, 2022

Topics - Overview



- Density
- Zoning/Districts
- Lot Size
- Land Use
- Dwelling Units
- Survey/Subdivision
- Next Steps

Density - General



- **Planning (Land Use)**
 - Allocate different uses across land (properties) in a way that balances resources and values.
 - ✦ Defines desired land use patterns
 - Rural vs Urban
 - Agriculture
 - ✦ Land Use Patterns influence traffic patterns
- **Density, related to Land Use**
 - Ratio of a particular type of land use per given area of land
 - ✦ Number of dwelling units on a lot
 - # acres/unit
 - # units/acre
 - ✦ Lot Coverage, Floor Area Ratio
- **LUC Definition**
 - **Density** means the number of families, individuals, dwelling units, households, housing structures, or lots per acre per unit of land

Zoning (Existing)



Min Lot Size (Table 3.a)

- **A35 Zone**
 - 35 acre minimum
- **A20**
 - 20 acre minimum
- **A5 Zone**
 - 5 acre minimum
- **RI/C Zone**
 - 2.0 acre minimum
- **UGA Zone**
 - 7,500 sf min (5.8 lots/acre)
 - Septic = 1.0 Ac (if no sewer)

Variation to Lot Size

- **4 Criteria (Ch 3, Sec 1)**
 - Conforms to LUC
 - UGA standards
 - Min. disturbance to Irrigated Ag portion of property
 - Restriction from further subdivision
 - ✦ Statutory Exemptions
- **3 Findings (Ch 10, Sec 2)**
 - Unique Conditions
 - Hardship (Special Circumstances)
 - LUC Consistency
- **BoA – Public Hearing**
- **BoCC - Appeal**

Table 2.a – Zoning Districts



- **Ag v Residential**
 - Ag Districts (A35, A20)
 - ✦ A35; commercial-scale Ag (prime lands)
 - Farmland, Grazing lands
 - ✦ A20; small-scale Ag + rural residential
 - Residential Districts (RDR, LDR)
 - ✦ CHANGE A5 to Rural Density Residential (RDR)
 - ✦ CHANGE UGA to Low Density Residential (LDR), not just adjacent to towns
 - UGA overlay (residential or commercial)
 - Urban density with utilities + services
- **Urban Growth Boundary/Area (IGAs) v Urban Growth Area (Zoning)**
 - CHANGE from zoning district to overlay
 - ✦ Overlays can be placed over any zoning district (layered)
 - ✦ Either commercial or residential (flexibility, higher density)
 - AMEND purpose to identify areas where town/city plans to extend infrastructure that could support higher density/intensity uses
- **“All Lands shall be Zoned”**
 - ADD Public/Quasi-Public (P/QP) designation for State and Federal lands
- **Land Use Map**
 - Change name, not color
- **Variation to Lot Size Criteria**
 - Subdivision Restriction Overlay (SRO)

LUC Redline – Table 2.a



Criteria v Findings



- **Ministerial**
 - If meet criteria, permit is approved
- **Discretionary**
 - Determine/Interpret if meets findings
 - ✦ If meets findings, approve or approve with conditions
 - ✦ If does not meet findings, deny
 - ✦ If no specific findings, then determine if consistent with LUC
 - Evidence to support findings
- **Consistency v Compatibility**

Table 3.a – Lot Dimensions



- **A35 remains 35 Ac min (preserve Ag)**
 - Allow a 1-time (“Legacy”) split less than 35 Ac without a variance
 - ✦ Admin Modification (Minor Variance), Ch 10
 - ✦ Lot Size = 1.0 Ac (min) – 5.0 Ac (max)
- **A20 remains 20 Ac min**
 - ALTERNATIVE: CHANGE A20 to RDR with more emphasis on large-lot residential (5 Ac min)
- **A5 becomes RDR/2.5 Ac min**
 - If A20 changed to RDR, then change A5 to Estate Residential (2.5 Ac min)
- **UGA becomes LDR/1.0 Ac min**
- **Lot Size Variance**
 - Delete with revised densities

LUC Redline – Table 3.a



Table 2.b – Use by Zoning District



- Land Use Matrix
 - AMEND to reflect district changes (Table 2.a)
 - Reflect/Tier uses based on intensity
 - ✦ Ag vs Rural vs Urban
- Clarify Terminology & Uses

LUC Redline – Table 2.b



Chapter 3, Section 2.B – Add'l Residences



- **Additional Residences/Communal Living**
 - 1 Residence/lot...BUT
 - Number not limited, but must have adequate water, sewer, power, fire protection, access.
 - ✦ Add'l residences intended for permanent occupancy
- **Density**
 - # Units/Acre (Zoning)
 - ✦ A35=1 du/35 Ac, A20=1 du/20 Ac, RDR=1 du/5 Ac, LDR=1 du/1 Ac
 - ✦ UGA Overlay = unlimited density based on services
 - Expectation = 1 dwelling unit (site conditions, services, plat note, etc.)
 - ✦ Proof of Water (Ch 5, Sect 3) = No Cisterns...exception if existing and no other means
- **Terminology**
 - Single Family Detached = 1 Dwelling Unit/lot (A; All)
 - Accessory Dwelling Unit = 1 ADU/Lot (A; All)
 - Multi Family = 3+ Dwelling Unit /Lot (L; RI/C, LDR)
 - ✦ Duplex or Triplex = 2-3 Dwelling Units/Lot (P, All)
 - Manufactured Home Park = 3 units (RVs, Mobile Homes, etc)/lot (C; A20, RDR)

Chapter 2, Section 3.B - RV's



- **Temporary Use (Existing)**
 - During construction = 90 days
 - ✦ Manufactured/Modular unit = 90 days
 - ✦ Construction = substantially complete/habitable
- **Seasonal Use (Ag Support – “Reserved”)**
 - Farm Workers (6 mo – 90 days if hauled water)
- **Principal Use (Existing)**
 - Residence - connected to permanent, reliable infrastructure
- **Manufactured Home Park (Revised)**
 - 3+ RV, mobile home, and/or mfg home leased as residence
 - ✦ 5+ register with State (DOLA)

Survey/Subdivision Meeting



- **Surveyors Letter**
- **BoCC Work Session**
- **Draft Document**
 - Planning, Admin, Attorney, Assessor, Surveyor, Engineering
- **Meeting with Surveyors**
- **Take-Aways**
 - Certainty (Black and White)
 - Checklist
 - ✦ Detailed
 - Process
 - ✦ Variance (Remove)
 - ✦ Flow Chart/Spreadsheet
 - ✦ Timeline
 - Corrections/Redlines (Internal v External)
 - ✦ Boundary (Line) Adjustment (Omit County)
 - ✦ Setbacks (Disregard)
 - Communication
 - ✦ Meetings, Site Visits
 - Irrigation (UVWUA)
- **Other**
 - Minor Plat/Final Plat/Dedication

Survey/Subdivision Meeting Handout



Terminology/Process



- **Definitions**
 - Boundary Agreement
 - Boundary Survey
 - Boundary Line Adjustment
 - Replat
 - Minor Plat
 - Preliminary Plat v Plan
 - Site Plan (v Sketch)
 - Vacation Plat
- **Scenarios (Examples)**
- **Statutory Exemptions**
 - Statutory Exceptions
- **Process (Chapter 7 LUC + DA Ord)**
 - Internal v External
- **Development Application**
 - Sketch Plan (Concept)
 - ✦ Pre-Application meeting (if applicable)
 - Verification (Consistency)
- **Summary/Letter (21 days)**
 - Background/Existing Conditions
 - Outline Process + Fees
 - Checklist(s)
 - Issues/Options (if applicable) – “redline”
- **Application Review**
 - Completeness Review
 - Sufficiency/Technical Review (“redline”)
 - Referrals (21-30 days)
 - ✦ Recommended Changes (“redline”)
- **Process**
 - Variance (BoA) - if Applicable
 - ✦ Site Plan v Plat
 - Administrative (Director)
 - Public Hearing (PC, BoCC)
- **Condition Compliance (“redline”)**
- **Surveyor (1-2 weeks)**
 - Checklist, Corrections
- **Final/Signatures**
 - Owners, notary
 - Lien Holders, notary
 - Surveyor
 - Director
 - Treasurer
- **Recording**

Review Authority Comparison

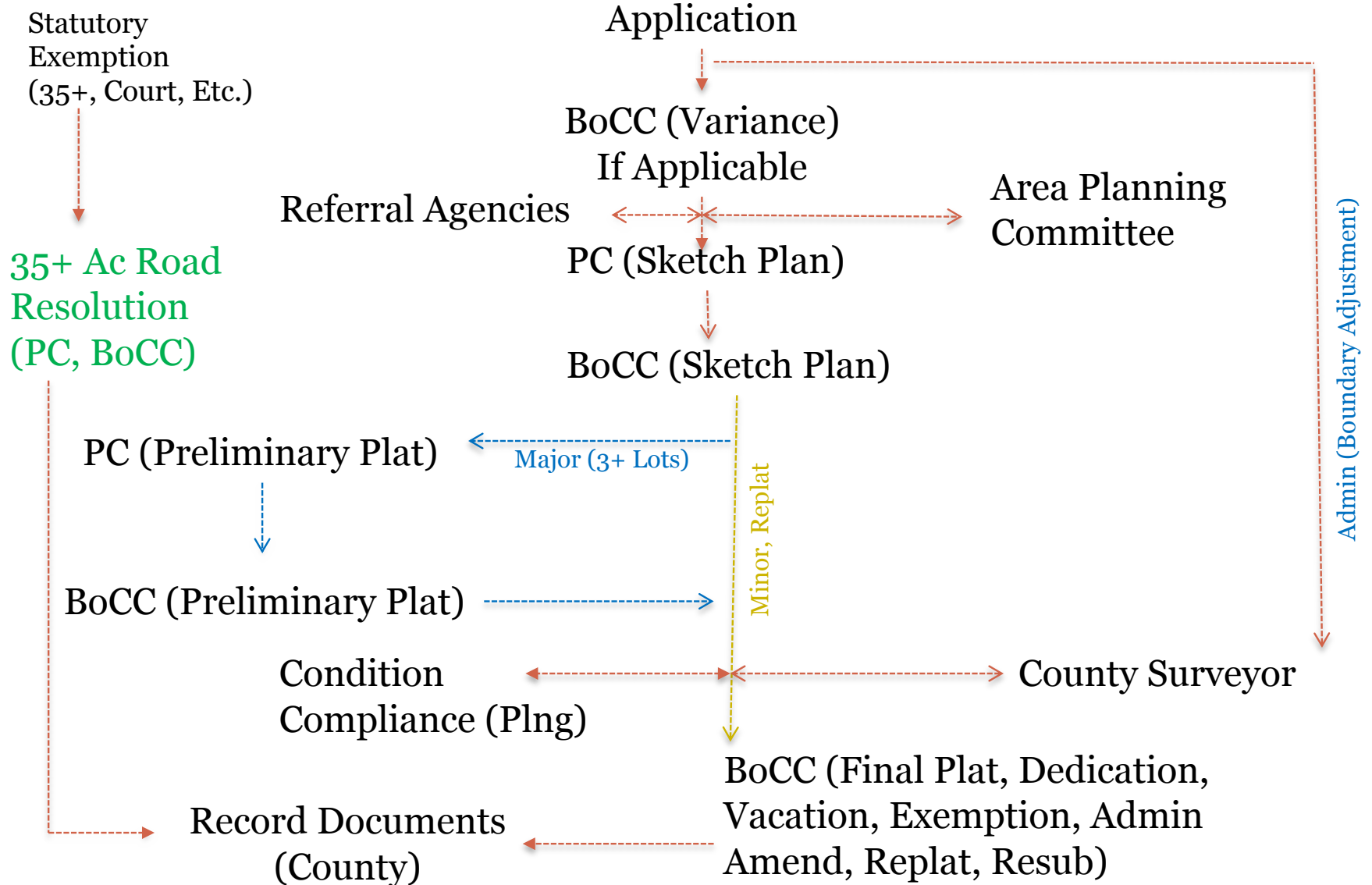
Pre-LUC

- **Exempt**
 - All 35+ Acre Parcels
 - × Statute includes Exception
 - × 35+ Ac Road Resolution (PC, BoCC)
 - Boundary Agreement
 - Record/Results of Survey, Boundary Survey
- **Administrative**
 - Boundary Adjustment
- **Public Hearing (Discretionary)**
 - **Variance** (BoCC)
 - **Specific Development** (APC, PC, BoCC)
 - Sketch Plan (APC, PC, BoCC)
 - Preliminary Plat (PC, BoCC)
 - Resource Preservation Plan (APC, PC, BoCC)
 - Final Plat (BoCC)
 - Dedication (BoCC)
 - Vacation Plat (BoCC)
 - Administrative Amend + Replats (BoCC)
 - Resubdivision (APC, PC, BoCC)
 - Exemption, except as noted above (BoCC)
- **Appeals**
 - Admin Decision or Interpretation (BoCC)

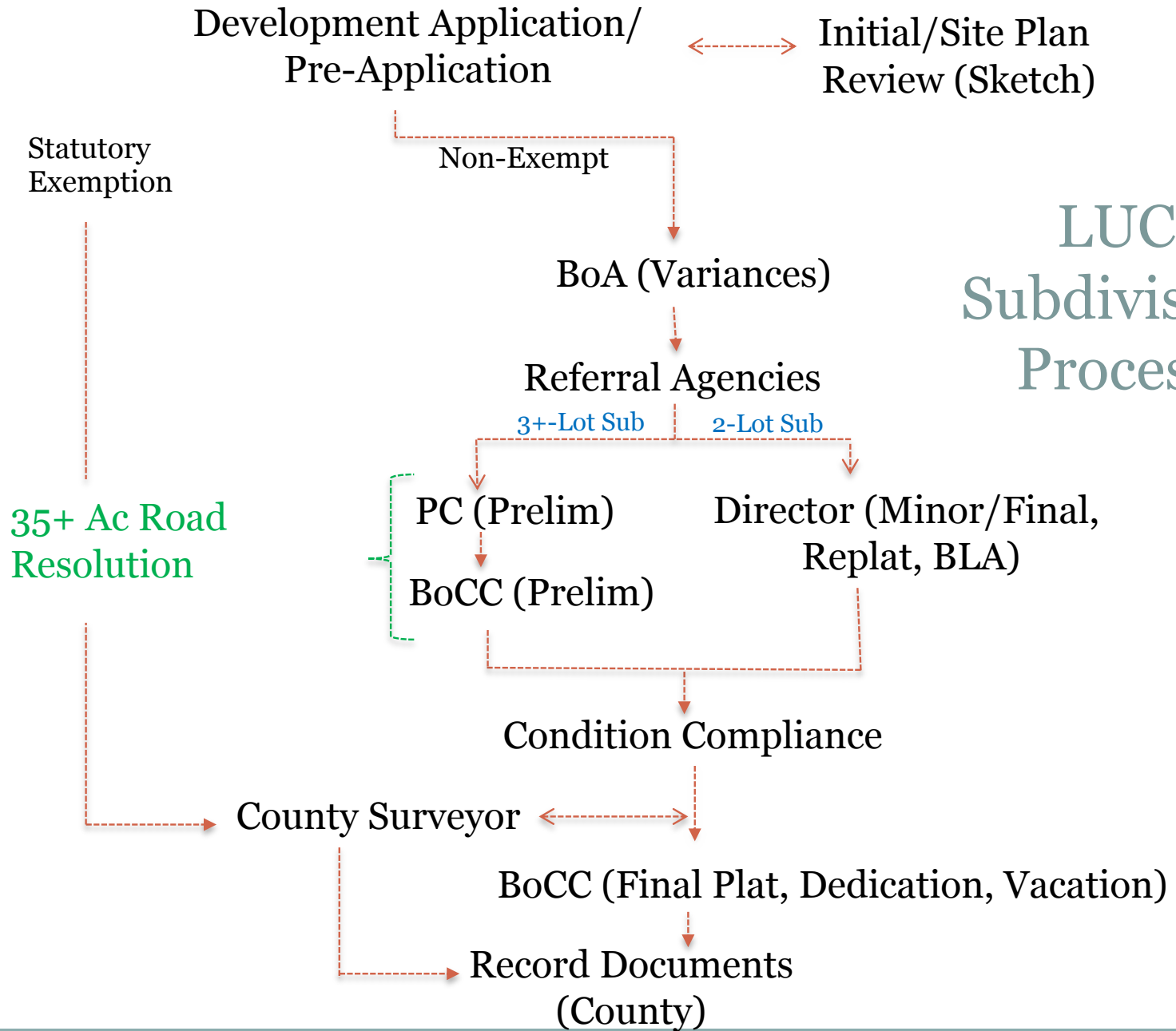
Land Use Code

- **Pre-Application**
 - Concept/Sketch
- **Exempt**
 - All 35+ Acre Parcels
 - × Statute includes Exception
 - × 35+ Ac Road Resolution (Plng, PC, BoCC)
 - Boundary Agreement
 - Record/Results of Survey, Boundary Survey
- **Administrative**
 - Ministerial (Approve if meet standards, No Conditions)
 - × **Boundary Line Adjustment**
 - × **Allowed Use** (Site Plan)
 - × **Permitted Use** (Site Plan)
 - Discretionary (Approve, Conditionally Approve, Deny)
 - × Replat (Revise Final Plat)
 - × Minor/Final Plat
 - × **Limited Use** (Site Plan)
- **Public Hearing (Discretionary)**
 - **Variance** (BoA), Site Plan
 - Preliminary Plat (PC + BoCC)
 - **Conditional Use** (PC + BoCC)
 - Final Plat (BoCC)
 - Dedication (BoCC)
 - Vacation Plat (BoCC)
- **Appeals**
 - Admin Decision or Interpretation
 - × BoA for Director
 - × BoCC for BoA

Pre-LUC Subdivision Process



LUC Subdivision Process



Land Use Coordination/Consultation - County



- **Administration**
- **Planning**
 - Land Use
 - Permit Center
- **Engineering**
 - Rights-of-Way, Access
- **Surveyor**
 - Form & Content
- **Assessor**
 - Ownership/Title
 - Legal Lots
- **Attorney**
 - Legal Opinion
 - Statutes
- **GIS**
 - Address, Street Names
- **Environmental Health**
 - Septic
 - Domestic Water
 - Floodplain
- **Treasurer**
 - Tax Clearance
 - ✦ Mortgage/Lien Holder
 - ✦ Signature Block v Letter
 - Oct 31 cut off
 - Mobile Homes
- **Recorder**
 - Record Documents

Next Steps



- Staff prepare redline draft LUC
- Meet with City/Towns
 - Zoning changes relative to IGAs (e.g., UGA Overlay)
- BoA review draft changes
 - Variance process
 - Recommendations to PC
- PC review draft changes
 - Work Sessions/Public Hearings
 - Recommend Certified Copy to BoCC
- BoCC Consider PC Certified Copy
 - Public hearing(s)
 - Return Changes to PC for consideration
 - Approve/Deny
- Amend Zoning Maps
 - Reflect change in districts only