

§5-4 MAJOR PERMIT REQUIREMENT

§5-4-1	TITLE
§5-4-2	PURPOSE AND INTENT
§5-4-3	TYPES OF USES SUBJECT TO MAJOR PERMIT
§5-4-4	APPLICATION REQUIREMENTS
§5-4-5	APPLICATION PROCESS
§5-4-6	CRITERIA FOR MAKING DECISIONS ON MAJOR PERMITS
§5-4-7	APPEALS

[See Commentary]

§5-4-1 TITLE

This Ordinance shall be known and may be cited as the “Major Permit Ordinance of _____ County [City of _____].”

§5-4-2 PURPOSE AND INTENT

The purpose and intent of this Ordinance is to establish a requirement that developers proposing land developments that meet or exceed a given threshold must have projects reviewed according to specific criteria.

§5-4-3 TYPES OF USES SUBJECT TO MAJOR PERMIT

The following uses shall require a major permit to be approved by the local governing body after application by the property owner and review by the planning commission:

- (a) Any housing or manufactured home park development of 10 or more units.
- (b) Any commercial or industrial project on more than 10 acres.
- (c) Any subdivision of land involving the sale of subdivided land where 10 or more lots are involved, and each lot is less than 10 acres.

No land use permit or building permit shall be issued for a development requiring a major permit until a major permit application has been submitted, reviewed by the planning commission, and approved by the local governing body in accordance with the provisions of this Ordinance. No person shall sell or offer for sale any interest in any subdivision located in the County [City] or commence construction on a subdivision or development, or commence development without a permit if required by this Ordinance.

The permit required under this Ordinance shall not supersede or replace the requirements for a permit required by any state agency or any other permits which may be required by the local government.

§5-4-4 APPLICATION REQUIREMENTS

All applications shall consist of the following:

§5-4-4.1 Site Plan. In conjunction with the application for a major permit, the applicant shall submit a site plan with sufficient detail to determine the nature of the proposed development in relation to the review criteria established for major permits by this Ordinance.

§5-4-4.2 Fee. A fee shall be submitted as established from time to time by the local governing body.

§5-4-5 APPLICATION PROCESS

Upon receipt of a completed application for a major permit as required by this Ordinance, the Land Use Officer shall conduct a review of said application. The Land Use Officer may seek the opinions and/or recommendations of any other local, regional, state, or federal agency with expertise in the particular impacts of a proposed development. The Land Use Officer and Planning Commission may conduct such investigations, examinations, tests and site evaluations as they deem necessary to verify information contained in the application. An applicant shall grant the Land Use Officer and members of the Planning Commission permission to enter upon land under review for a major permit for these purposes. The Land Use Officer shall forward recommendations to the Planning Commission on the application within 30 days the application was determined to be complete. All other procedures for review and public hearing by the planning commission and review and public hearing by the local governing body shall be followed as described in Section 10.1 of this code for conditional uses.

§5-4-6 CRITERIA FOR MAKING DECISIONS ON MAJOR PERMITS

The Land Use Officer and Planning Commission shall provide written findings and recommendations to the local governing body as to whether the proposed development meets, or does not meet, the following criteria for approval. The proposed development:

- (a) Will not result in undue water or air pollution. In making this determination it shall at least consider the following: the elevation of the land above sea level; and in relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable health and water resources regulations.
- (b) Has sufficient water available for the reasonable foreseeable needs of the subdivision or development.
- (c) Will not cause unreasonable burden on existing water supply if one is to be utilized.
- (d) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
- (e) Will not cause unreasonable highway congestion, or unsafe conditions.
- (f) Will not cause an unreasonable burden on the ability of a school district to provide educational services.
- (g) Will not place an unreasonable burden on the ability of a local government to provide municipal or governmental services.
- (h) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare and irreplaceable natural areas.
- (i) Conforms to a duly adopted comprehensive plan prepared by the local government with jurisdiction.
- (j) Conforms to a duly adopted regional plan.

In considering the preceding 10 criteria, the Land Use Officer, Planning Commission, and Local Governing Body shall be guided and restricted by the following. No application shall

be denied unless it is found that the proposed subdivision or development will be detrimental to public health, safety, or general welfare.

The local governing body will not grant a permit for a development or subdivision which is not physically contiguous to an existing urban or suburban area unless it is demonstrated that, in addition to all other applicable criteria, the additional costs of public services and facilities caused directly or indirectly by the proposed development or subdivision do not outweigh the tax revenue and other public benefits of the development or subdivision, such as increased employment opportunities or the provision of needed and balanced housing accessible to existing or planned employment centers.

The Land Use Officer and Planning Commission may recommend, and the local Governing Body may impose, such requirements and conditions on the major permit as are allowable and proper exercise of the police power, and which are appropriate with respect to the criteria for review of permits.

§5-4-7 APPEALS

Any person aggrieved by a decision of the Local Governing Body pursuant to this Ordinance may appeal said decision within 30 days to a court of competent jurisdiction. Any person aggrieved by a decision of the Land Use Officer in the administration, interpretation, or enforcement of this Ordinance may appeal said decision to the Board of Appeals in accordance with procedures established in Section 10-1 of this code.

[See §5-4 References]