

Chapter 19.04 - AMENDMENTS

Section 19.04.010 - Purpose for Amendments.

Whenever public necessity, health, safety or general welfare requires amendment to the County Comprehensive Plan or any Official Control adopted to implement that Plan, or to create a new Official Control necessary to implement the Plan, the procedures in this chapter shall be followed.

Section 19.04.020 - Initiation.

Amendments may be initiated by:

1. Any person or group with an interest in the proposed amendment;
2. The County Planning Commission, upon their initiative, or at the request of the Board of County Commissioners by motion, or at the request of the Director of Planning;
3. The Board of County Commissioners.

Section 19.04.030 - Application Forms and Required Information.

1. The Director of Planning shall prescribe the forms to be used for amendments to this title, rezones and amendments to the Comprehensive Plan. The Director may prepare and provide blanks for such purposes and prescribe the type of information to be provided. No application shall be accepted unless it is complete with all information requested.
2. The information required shall include suggested findings of fact supporting the consistency of any proposed zone change with the Comprehensive Plan; or, in the case of a proposed Plan amendment and subsequent or concurrent zone change, findings of fact supporting the need to amend the Comprehensive Plan shall be included, or, in the case of creation of a new Official Control, findings of fact supporting the need for the Official Control.

Section 19.04.040 - Public Hearing by Planning Commission--Notice Required.

1. The Planning Commission shall hold at least one (1) public hearing on any proposed amendment to an Official Control or amendment of an Official Control and/or proposed amendment to the Comprehensive Plan.
2. The Planning Commission shall cause to be published a notice of public hearing in the county newspaper of general circulation at least ten (10) days prior to such hearing. The notice shall specify the nature of the proposed change.

Section 19.04.050 - Public Hearing by Planning Commission--Consistency with Comprehensive Plan.

1. In each public hearing on the creation of or an amendment to an Official Control, the Planning Commission shall consider and determine whether the

request is consistent with the Comprehensive Plan. Where the applicant has filed for both a Comprehensive Plan amendment and the creation of or an amendment to an Official Control, the Planning Commission shall hold two (2) public hearings. The first hearing shall consider the proposed Comprehensive Plan amendment. The second hearing shall consider the proposed zone change. Both hearings may occur at the same public meeting.

2. In each public hearing on an amendment to the Comprehensive Plan, the Planning Commission shall consider and determine whether adequate findings of fact concerning public necessity, health, safety and general welfare have been presented such that there is compelling evidence indicating that amendment of the Plan will further the public health, safety and general welfare.

Section 19.04.060 - Planning Commission Recommendation--Findings of Fact.
Whenever a proposed Official Control or an Amendment to an Official Control or an Amendment to the Comprehensive Plan is considered by the Planning Commission at a public hearing, the Commission shall prepare findings of fact supporting its action and transmit such findings to the Board of County Commissioners with its action. Decisions by the Planning Commission to deny an amendment not initiated by the Planning Commission shall be final unless appealed under the procedure described in Section 19.04.075.

Section 19.04.070 - Planning Commission Recommendation - Vote.
A recommendation to the Board of any Official Control or any amendment to any Official Control or the Comprehensive Plan shall be by the affirmative vote of not less than a majority of the total members of the Commission. The approval shall be by a recorded vote that shall incorporate the findings of fact and reasoning, and shall refer specifically to what is being amended.

Section 19.04.075. - Appeal from Decision of Planning Commission.
If an application for amendment is denied by the Planning Commission, the applicant may make a written request for appeal to the Board of County Commissioners. The request shall contain reference to the specific decision contested and shall be delivered to the Board no later than fourteen (14) calendar days from the date of the Planning Commission's decision.

Section 19.04.080 - Action by Board - Procedure.
1. Upon receipt of a resolution by the Planning Commission recommending approval of an Official Control, amendment to an Official Control, or an amendment to the Comprehensive Plan, or on receipt of a request for appeal from a Planning Commission denial, the Board shall, at its next regular meeting, set the date for consideration of the recommendation at a public meeting. At its option, the Board may conduct a public hearing at such meeting following the notification procedures specified in 19.04.040.

2. Whenever the Board makes a determination to modify or reject the Planning Commission findings of fact or recommendations, it shall conduct its own public hearing and notice of such public hearing shall be given by the Clerk of the Board in accordance with Section 19.04.040. At such hearing, the Board shall adopt its own findings of fact and statement setting forth the factors considered at the hearing and its own analysis of findings considered by it to be controlling.
3. In the event of initiation of an amendment by the Board, it shall refer the proposed amendment to the Planning Commission prior to taking action. At least one (1) public hearing as specified in 19.04.040 shall be held prior to Board action.
4. The Board, before adoption, modification, or rejection of an amendment to this title, a zone change or a Plan amendment, shall make findings of fact representing the official determination of the Board and specifying the basis for the decision.

Section 19.04.090 - Action by Board--Effect.

Recommendation by the Planning Commission, concerning the initial action with regard to the Official Controls proposed to implement the 1978 Comprehensive Plan, and any amendments to Official Controls or any amendments to the Comprehensive Plan shall be advisory only and the action by the Board of County Commissioners regarding the initial adoption of these official controls, any subsequent amendment to Official Controls or any subsequent amendment to the Comprehensive Plan, shall be final and conclusive, unless within thirty (30) days from the date of said action, the original applicant or a party adversely affected makes proper application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, a writ of mandamus, or other action as may be provided and allowed by law to review the action of the Board of County Commissioners.

Section 19.04.100 – Scrivener’s Errors.

Scrivener’s errors, typographical errors that do not affect the intent or substance of the code provisions or that cause them to be illogical obviously or apparently due to the error, may be corrected by the Planning Director without need for a public hearing by filing the corrections with the clerk of the Board of County Commissioners and filing for enactment on the consent agenda of the elected board. Scrivener’s errors are errors of drafting the text of the code that include inadvertent errors of codification, cross-reference, citations to other sections, the index, table of contents, ordinances, laws and office administrative manuals, manuals of practice cited by reference in the code, misspellings, incorrect grammar, punctuation, syntax or ambiguous grammatical structure.

Typographical errors are errors of preparation of the text for printing that is typed or set in type that include: inversions of numbers and words, order of words, mispaginated pages, incorrect fonts or styles, inverted, broken or indistinct type characters and upside down typed materials or pages.