

Appendix B

PROCESS TO FORM PLANNING AND ZONING DISTRICT; ADOPT LAND USE REGULATIONS

1. Landowners submit a written petition to County Commissioners requesting formation of a planning and zoning district. The area proposed must be at least 40 acres in size, may not include land within an incorporated city or town, and the petition must contain signatures of at least 60% of the landowners in the district.
2. Upon receiving the petition, the County Commissioners may pass a resolution creating the planning and zoning district. The County Commissioners are not required to hold a public hearing on the question of forming a district, but it probably would be a sensible action.
3. If landowners owning at least 50% of the land included in the district protest the district within 30 days of its creation the County Commissioners may not create the district, and the area in the protested district may not be included in a planning and zoning district for one year.
4. The County Commissioners appoint a Planning and Zoning Commission. By law the Planning and Zoning Commission must include the three (3) County Commissioners, the County Surveyor, a County official, and two citizen members who are residents of the County. The Planning and Zoning Commission may hire or contract with persons to assist in preparing development regulations. If desired, and recommended by the Planning and Zoning Commission, the County Commissioners may assess a property tax mill levy up to 1 mill on the real property in the district.
5. The Planning and Zoning Commission is required to prepare a development pattern for the physical and economic development of the planning and zoning district. The development pattern may identify desirable and undesirable locations for future land uses, and state goals and policies relating to the district. The recommended pattern of land use and development is shown, using maps, plats, charts and narrative.
6. The Planning and Zoning Commission shall publish notice and hold a public hearing regarding the proposed regulations and land use pattern. The Planning and Zoning Commission may recommend resolutions and regulations to serve the district.
7. The County Commissioners elect to adopt, revise or reject the regulations and resolutions recommended by the Planning and Zoning Commission. The County Commissioners are authorized to grant variances from the regulations. Also any person who feels aggrieved by a decision of the Planning and Zoning Commission or County Commissioners may appeal to district court.

Note: Regulations adopted for a planning and zoning district shall not regulate lands used for agricultural, grazing, horticultural or timber production. Legal uses existing at the time regulations are adopted are allowed to continue (“grandfather clause”).