

EXHIBIT A

AGRICULTURAL EXCAVATION AND TYPE II EXCAVATION APPROVAL PROCESS  
SUMMARY OF AMENDMENTS  
(Updated 10/16/15)

1

**Reason for amendments:** [Zoning]

Amend the Use Matrices in Articles 3 and 4 of the ULDC for Agricultural Excavation and Type 2 Excavation to indicate the most restrictive approval process in the zoning districts where the uses are allowed. The amendment will not change any of the current approval processes, but ensures the most restrictive approval process is listed in the Use Matrices.

Supplementary Use Standards in Article 4.D. for Agricultural Excavation and Type 2 Excavation uses include certain provisions that in some situations cause the uses to be subject to Class A Conditional Use or Requested Use approval, while the uses show a lower approval process in the Article 3 and 4 Use Matrices. Code users usually go to the Use Matrix first and may be misled if the supplemental standards are more restrictive.

The following are the Supplementary Use Standards in Art. 4.D.5.A.5, Use Approval and Procedures and Art. 4.D.5.D.5.c.1), Removal of Excess Fill, that indicate the approval process of the use to be reflected in the Use Matrices:

**Agricultural Excavation:**  
**"5. Use Approval and Procedures**  
 ....  
**b. Greater Than Two Acres**  
*Agriculture excavation activity greater than two acres in surface area shall be subject to approval as a Class A Conditional use pursuant to Article 2.B, PUBLIC HEARING PROCEDURES, and this Section. The BCC may permit offsite removal and apply the appropriate compatibility standards of Article 4.D.5.E, Type III Excavations."*

**Type 2 Excavation:**  
**"c. Off-site Removal**  
*A minimum of 90 percent of the fill shall be used on site, unless unusual site conditions exist. If the applicant must remove more than ten percent of the fill from the site, then use approval shall be required as follows: [Ord. 2004-040]*  
**1) Removal of Excess Fill**  
*If an excess of ten percent of fill is proposed to be removed from a site and no unusual conditions exist justifying removal of more than ten percent of the excavated material, as specified in Art. 4.D.5.D, Type II Excavation, then the applicant shall apply for a Class A Conditional Use or Requested use, pursuant to the standards of Art. 2.B.2, Conditional Uses, Requested Uses, Development Order Amendments, Unique Structures and Type II Waivers, and shall comply with the following standards:"*

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Part 1. Table 3.B.15.F - IRO Permitted Use Schedule (pages 78 of 234), is hereby amended as follows:

Table 3.B.15.F - IRO Permitted Use Schedule

Use Type	Land Use				NOTE	Use Type	Land Use				NOTE
	C L	C H	C L O	C H O			C L	C H	C L O	C H O	
....						Utilities and Excavation					
....						Excavation, Type II	D A	D A	D A	D A	49
....						....					

[Ord. 2010-005] [Ord. 2012-007] [Ord. 2013-001] [Ord. 2014-025]

**Key:**  
**P** Permitted by right.  
**D** Permitted subject to DRO approval.  
**L** Permitted by right, subject to accessory use limitations.  
**S** Permitted subject to Special Permit approval.  
**A** Permitted subject to Board of County Commission Approval.

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**Notes:**

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1  
2 Part 2. Table 3.B.16.E - PRA Use Matrix (pages 93 of 234), is hereby amended as follows:  
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Table 3.B.16.E - PRA Use Matrix (1)(2)(3)

Use Type	Transect Sub-Zones					Note
	UC 1	UC 2	UC 3	UI 1	UI 2	
....						
<b>Utilities and Excavation</b>						
....						
Excavation, Type II	A	A	A	A	A	49
....						
....						
[Ord. 2011-016] [Ord. 2013-001]						
Note:						
....						
Key:						
P Permitted by Right						
S Permitted subject to Special Permit approval.						
D Permitted subject to DRO approval.						
B Permitted subject to Zoning Commission Approval.						
A Permitted subject to Board of County Commission Approval.						

4  
5 Part 3. Table 3.E.1.B - PDD Use Matrix, (pages 149 of 234), is hereby amended as follows:  
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7

Table 3.E.1.B - PDD Use Matrix

Use Type	PUD					MUPD					MXPD		PIPD			LCC		NOTE			
	Pods					FLU					FLU		Use Zone			FLU					
	R	C	R	C	A	C	C	C	C	C	I	E	I	C	C	I	M		R	C	C
Utilities and Excavation Uses																					
....																					
Excavation, Agricultural					P																49
....																					
Excavation, Type II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	49
....																					
[Ord. 2005-002] [Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2013-001] [Ord. 2014-025]																					
Notes:																					
P Permitted by right																					
D Permitted subject to approval by the DRO																					
S Permitted in the district only if approved by Special Permit																					
R Permitted in the district only if approved by the Board of County Commissioners (BCC) as a requested use.																					

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2 Part 4. Table 3.F.1.F - Traditional Development Permitted Use Schedule, (pages 199 of 234), is  
3 hereby amended as follows:  
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Table 3.F.1.F - Traditional Development Permitted Use Schedule

District	TND						TMD				NOTES
	Urban/Suburban (U/S)			Exurban/Rural			U/S	Ex/Rural	AGR		
	Res	Neighborhood Center (NC)	Open Space/Rec	Res	N/C	Open Space/Rec			Dev	Preserve	
Utilities and Excavation											
....											
Type II Excavation	P R	R	R	P R	R	R	P R	P R	P R		49
[Ord. 2005-002] [Ord. 2005-041] [Ord. 2006-036] [Ord. 2007-001] [Ord. 2008-037][Ord. 2009-040] [Ord. 2010-005] [Ord. 2010-022] [Ord. 2011-016] [Ord. 2012-027] [Ord. 2013-001]											
Notes: P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit R Requested Use											

5  
6 Part 5. Table 4.A.3.A - Use Matrix, (pages 17 of 171), is hereby amended as follows:  
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Table 4.A.3.A - Use Matrix

Use Type	Zoning District/Overlay																NOTE		
	Agriculture/Conservation			Residential					Commercial					Industry/Public					
	P	A	A	AR	R	R	R	R	C	C	C	C	C	C	I	I		P	I
	C	G	P	R	U	E	T	S	M	N	L	C	H	G	R	L		G	O
Utilities & Excavation																			
....																			
Excavation, Agriculture		D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	P A	D A
....																			
Excavation, Type II		D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A	D A
....																			
[Ord. 2006-004] [Ord. 2007-001] [Ord. 2009-040] [Ord. 2010-005] [Ord. 2013-001]																			
Key: P Permitted by right D Permitted subject to approval by the DRO S Permitted in the district only if approved by Special Permit B Permitted in the district only if approved by the Zoning Commission (ZC) A Permitted in the district only if approved by the Board of County Commissioners (BCC)																			

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SUMMARY OF AMENDMENTS  
(Updated 10/16/15)

1  
2 Part 6. Table 4.D.5.A.5, Use Approval and Procedures [Related to Agricultural Excavation]  
3 (pages 146 - 147 of 171), is hereby amended as follows:  
4

<b>Reason for amendments:</b> <u>Zoning</u>
1) Remove supplementary use standard language related to approval as the Use Matrix is amended to indicate the more restrictive approval process; and, 2) Update titles to clarify regulations that pertain to DRO or BCC approval.

5 CHAPTER D EXCAVATION

6 Section 5 Excavation Standards

7 A. Agricultural Excavations

8 5. Use Approval and Procedures

9 All applications for agricultural excavation shall include a detailed explanation of the proposed  
10 bona fide agricultural use. This explanation shall demonstrate consistency with applicable  
11 industry standards and satisfy the definition requirements of bona fide agriculture pursuant to  
12 Article 1.1, Definitions and Acronyms. The excavation shall be the minimum necessary to  
13 implement the proposed bona fide agricultural use. [Ord. 2008-037]

14 a. Two Acres or Less - DRO

15 ~~Unless exempt, DRO review and approval shall be required for AG Agricultural~~  
16 ~~Excavation consisting of two acres or less in surface area, may be approved pursuant to~~  
17 ~~Article 2.D.1, Development Review Officer. The DRO shall review for compliance with~~  
18 ~~the standards of this Section and may approve the application with or without conditions.~~

19 b. Greater Than Two Acres - Conditional or Requested Use

20 ~~Agriculture excavation activity greater than two acres in surface area shall be subject to~~  
21 ~~approval as a Class A Conditional use pursuant to Article 2.B, PUBLIC HEARING~~  
22 ~~PROCEDURES, and this Section. The BCC may permit e~~  
23 ~~Offsite removal and shall apply~~  
24 the appropriate compatibility standards of Article 4.D.5.E, Type III Excavations.

25 c. Additional Review

26 See Section 5.F.6 for Excavation Pre-application Checklist. [Ord. 2008-037]

27 ....

28  
29 Part 7. Table 4.D.5.D.5- Use Approval and Procedures [Related to Type II Excavation] (pages  
30 149-150 of 171), is hereby amended as follows:  
31

<b>Reason for amendments:</b> <u>Zoning</u>
1) Remove supplementary use standard language related to approval as the Use Matrix is amended to indicate the more restrictive approval process; 2) Update titles to clarify regulations that pertain to DRO or BCC approval; and, 3) Relocate and consolidate language related to removal of fill in excess of ten percent.

32 CHAPTER D EXCAVATION

33 Section 5 Excavation Standards

34 D. Type II Excavation

35 ....

36 5. Use Approval and Procedures

37 ~~Prior to initiating excavation activity, approval shall be required in accordance with this~~  
38 ~~Section. [Ord. 2008-037]~~

39 a. DRO Approval

40 ~~Prior to initiating Type II excavation activities, DRO review and approval shall be~~  
41 ~~required. Application shall be made in accordance with Article 2.D, ADMINISTRATIVE~~  
42 ~~PROCESS, and this Section. DRO shall review the final site development plan for~~  
43 ~~compliance with the standards of this Section and may approve with or without~~  
44 ~~conditions.~~

45 b. Off-site Removal of Excess Fill from the Site- DRO

46 DRO may approve removal of more than ten percent of the extracted material from the  
47 site if:

- 48 1) The applicant demonstrates that the make up of the natural soil contains an  
49 excessive amount of silt, rock, or muck and construction of required drainage  
50 structures or construction of required structural foundations require removal of an  
51 excessive amount of silt, rock or muck; or
- 52 2) The removal of the material is the minimum necessary to accommodate on-site  
53 drainage requirements or structural fill requirements; and

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