

**DARREL AND DAWN PAUL
CONDITIONAL USE PERMIT APPLICATION #809
STAFF REPORT**

SUMMARY OF APPLICATION:

A request by Darrel and Dawn Paul for a conditional use permit for a single family residential dwelling in a commercial zone. The property is located at 1004 Miller Street, in Viola, in the Fourmile Plat, Block 6, Lots 3 and 4, B.M., in Latah County, and referenced as Assessor's Parcel Number RP01640006003AA.

Site Characteristics:

Size of Parcel:	10,000 square feet
Soils:	Southwick Silt Loam, 12-25% Slopes; (Latah County Soil Survey Sheet #5)
Floodplain:	Zone "C" (FIRM Panel #160086 0140B)

Land Use and Regulations:

Comprehensive Plan Designation:	Industrial/Commercial/Residential
Existing Zoning:	Commercial
Existing Uses:	Vacant Lot
Neighboring Zoning:	Suburban Residential
Neighboring Uses:	Residential

Infrastructure/Services:

Water:	Viola Water
Sewer:	Viola Sewer
Access:	Main Street and Miller Street, North Latah County Highway District
Schools:	Moscow School District
Fire Protection:	Moscow Fire District
Law Enforcement:	Latah County Sheriff

EXHIBITS:

Exhibit #1.	Staff Report
Exhibit #1A.	Criteria Worksheet
Exhibit #1B.	Vicinity and Comprehensive Plan Land Use Map
Exhibit #1C.	Zoning Map
Exhibit #1D.	Aerial Photograph and Adjacent Property Owners Map
Exhibit #1E.	Photos of Subject Property
Exhibit #2.	Application Form (Submitted by Applicant)
Exhibit #2A.	Applicant's Narrative (Submitted by Applicant)
Exhibit #2B.	Vicinity Map (Submitted by Applicant)
Exhibit #2C.	Plat Map (Submitted by Applicant)
Exhibit #2D.	Site Plan (Submitted by Applicant)
Exhibit #3.	Staff Introduction for Latah County Zoning Commission hearing for CUP #809 held on May19, 2010.

NOTE: Exhibits not included in the staff packet are available for review in the Planning Office, and will be entered into the record during the public hearing.

APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:

Local Planning Act: Idaho Code 67-6512

Latah County Land Use Ordinance # 269, as amended:

Section 3.04 Commercial

Article 7 Conditional Use Permits

Latah County Comprehensive Plan

CRITERIA WORKSHEET

Note: This criteria worksheet does not represent staff analysis of information provided by the applicant supporters, or opponents; however, staff has identified policies which may be applicable to this particular request. Information submitted to the Planning Department prior to the mailing of the staff packet has been organized herein in relation to the applicable criteria for approval or denial. This worksheet is intended only to help identify if all relevant criteria have been addressed with supporting factual information and to provide a juxtaposition of any conflicting testimony that has been presented.

Type of request:

Conditional Use Permit

Description of application:

A request was submitted by Darrel and Dawn Paul for a conditional use permit to place a single family residential dwelling on their property that is zoned Commercial. The property is located at 1004 Miller Street, in Viola, in the Fourmile Plat, Block 6, Lots 3 and 4, B.M., in Latah County, and referenced as Assessor's Parcel Number RP01640006003AA.

Facts of application and the information submitted

1) Section 7.01 requires that specific uses within a particular zone require special consideration prior to being permitted in that zone.

The Latah County Land Use Ordinance, under section 3.04.02(1), lists "single and multi family residential dwellings" as a conditionally permitted use in the Commercial Zone.

2) Section 7.01.01 requires that an application for a conditional use be made by the owner of the affected property.

Darrel and Dawn Paul, owner of the subject property, submitted an application to the Latah County Planning and Building Department on April 22, 2010. The application was complete on May 10, 2010.

3) Section 7.01.02 requires:

1. A conditional use permit may be granted if the Zoning Commission finds that the proposed use conforms to each of the following criteria:

A. The use is not detrimental to the health and safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone;

B. The use will not require facilities or services with excessive costs to the public;

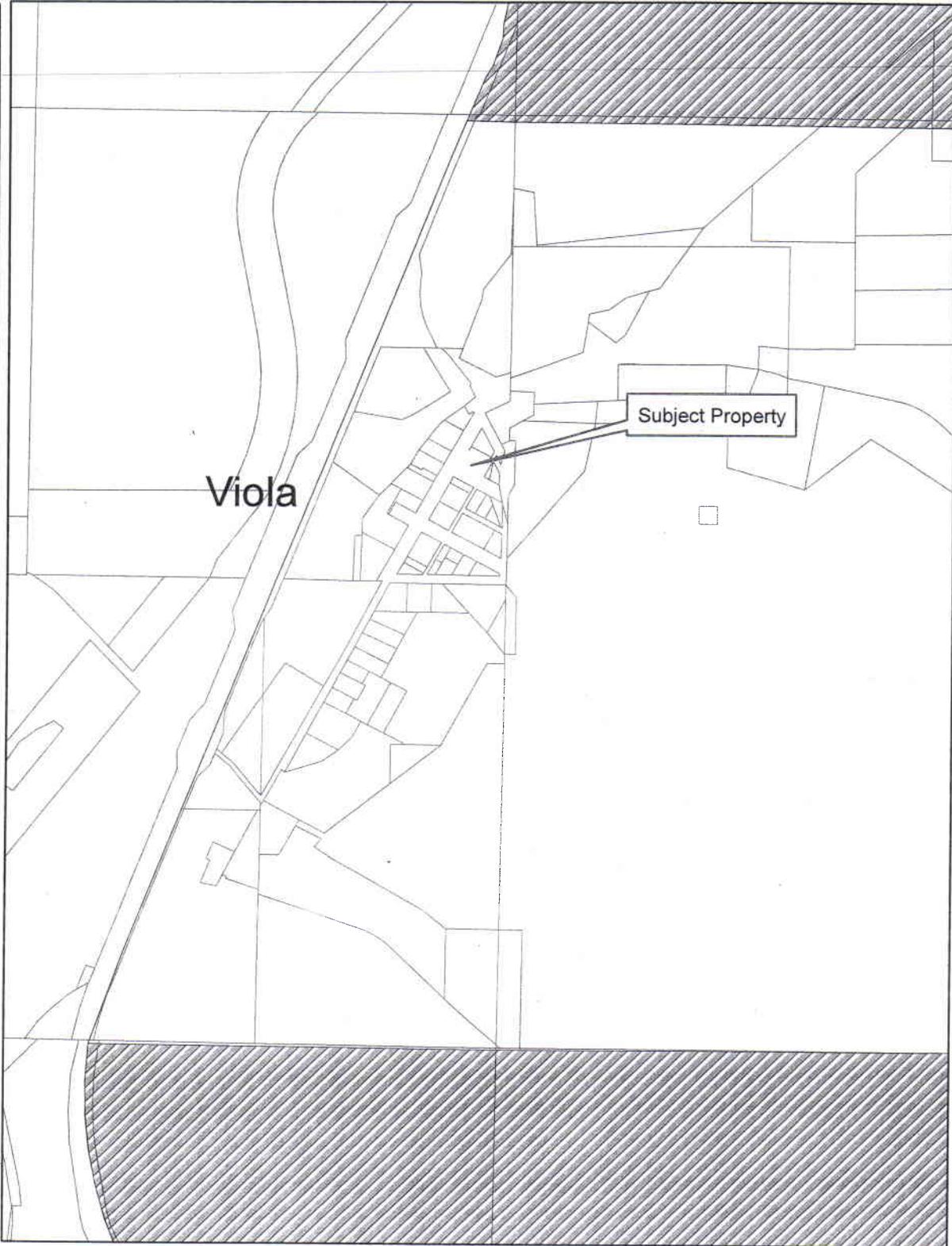
C. The use is consistent with the goals and policies of the Latah County Comprehensive Plan.

2. If the Zoning Commission finds that a proposed use is essential to the public health, safety, or welfare, such use may be permitted even if the use is not found to meet the criteria listed above.

3. The Zoning Commission shall have the authority to set an expiration date for any conditional use permit so long as the reasons for such are included in their findings of fact and conclusions of law.

CUP 809 Comprehensive Plan Map

Planning & Building Department



Comprehensive Plan

ZONE

-  AOI
-  ICR
-  PRODUCTIVE
-  RURAL

0 125 250 500 750 1,000
Feet

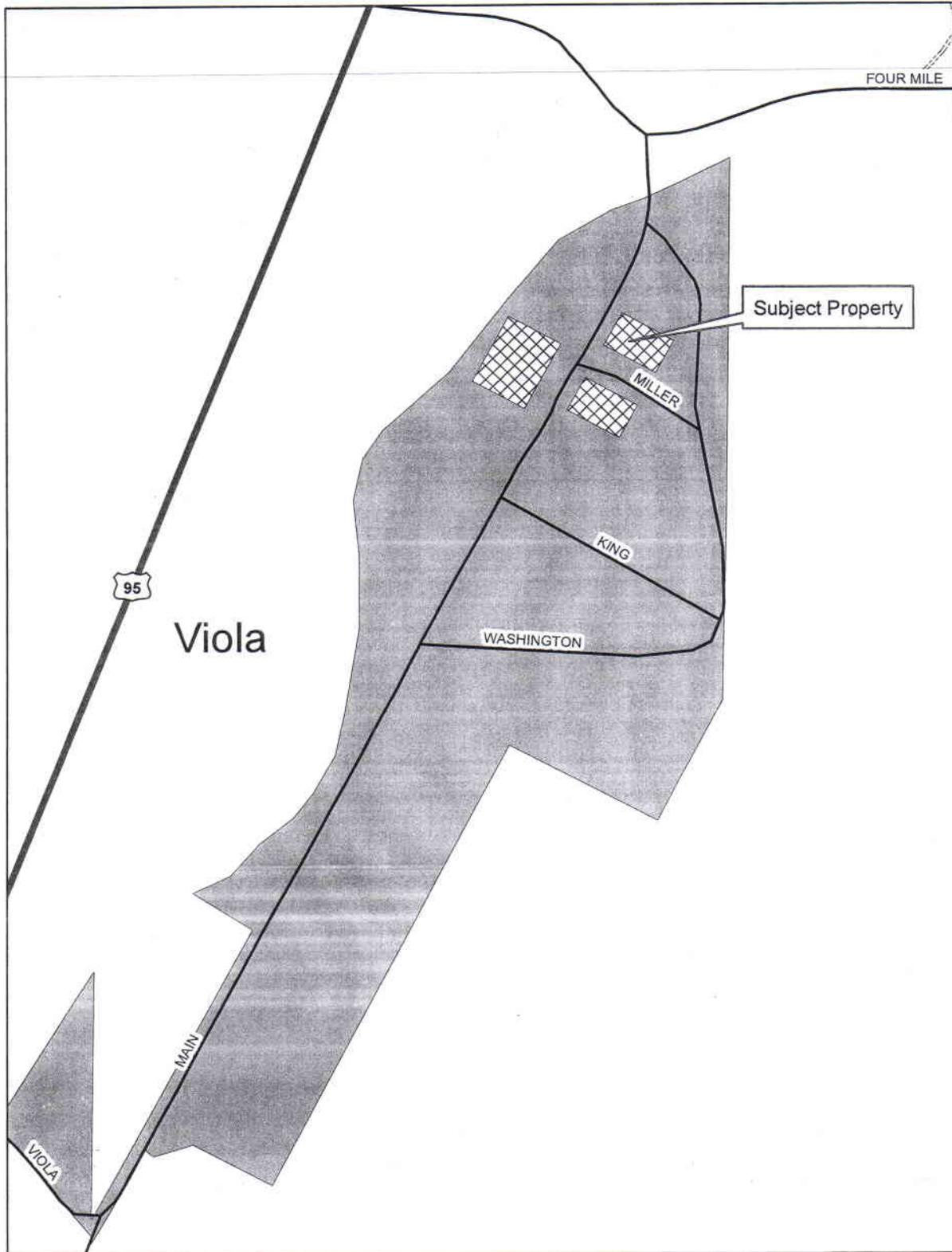
*Created on 4/23/10

NOTE: This Document is a representation only.
Latah County bears no responsibility for errors or

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Applicant: Paul
Exhibit #: 1B
Date: 5/10/2010

CUP 809 Zoning Map

Planning & Building Department



Zoning_Districts_2009

ZONE_TYPE

-  Agriculture / Forestry
-  Commercial
-  Suburban Residential

0 125 250 375 500 Feet

*Created on 4/23/10

NOTE: This Document is a representation only
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Applicant: Paul
Exhibit #: IC
Date: 5/19/2010

CUP 809 Aerial Photo Map

Planning & Building Department



Legend

 Addresses

0 62.5125 250 375 500 Feet

*Created on

NOTE: This Document is a representation of the information provided. Latah County bears no responsibility for errors or omissions.

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Applicant: Paul
Exhibit #: 1D
Date: 5/19/2010

CUP 809 Paul Property Photos
1004 Miller Street



Miller Street



Facing Southeast



Miller Street



Facing Northeast

LCZC Hrg: CUP 809
Applicant: Paul
Exhibit #: 1E
Date: 5/19/2010



Application for Conditional Use Permit

Instructions

Please complete the application and required attachments. For certain uses, additional information may be necessary. Incomplete applications or applications without all required attachments will not be accepted. A public hearing will be scheduled only after Staff has determined the application is technically complete.

Please submit to: **Latah County Department of Planning & Building**

Latah County Courthouse 522 S Adams, Room 205, P.O. Box 8068, Moscow, ID 83843 (208) 883-7220

1. Applicant Information			
a. Applicant Name Darrel & Dawn Paul	b. Home Phone 208-882-7514	c. Work Phone 208-669-0630	
d. Mailing Address 2350 TRAIL Rd	e. City Moscow	f. State IDAHO	g. Zip code 83843
h. Property Owner (if different than applicant) Darrel & Dawn Paul	i. Home Phone	j. Work Phone	
k. Mailing Address	l. City	m. State	n. Zip code

2. General Site Information			
a. Assessor's Parcel Number(s) RP 01640006 063 AA		b. Parcel Address (if applicable) 1004 Miller Street	
c. Acreage of Existing Parcel 10,000 sq. ft.	d. Zoning Comm.	e. Comprehensive Plan Designation ICR	f. Floodplain designation(s) C (none)
g. FEMA Panel # 160086 0140B		h. Is the parcel within an Area of City Impact? <input checked="" type="checkbox"/> Yes. <input type="checkbox"/> No.	
i. Impact City Viola		j. Road Used to Access Site Miller & Main St.	

Note: Sites within an area of city impact may require additional notification time prior to public hearings or a hearing before the other jurisdiction.

i. Existing Uses
vacant lot

3. Service Provider Information (please attach additional information if requested)		
a. Fire District Moscow Rural fire	b. Road District N. Latah Hwy	c. School District Moscow
d. Source of Potable Water (i.e. water district or private well) Viola water system (wells)	e. Sewage Disposal (i.e. sewer district or private septic system) Viola	

4. Adjacent Properties Information	
a. Zoning of Adjacent Properties Suburban Residential	b. Existing Uses of Adjacent Properties Residences, single family.

5. Permit Information
a. Proposed Use Residential house, single family

b. What provision of the Latah County Zoning Ordinance allows the proposed use to be considered for a Conditional Use Permit in the Zoning District in which the property is located? Suburban residential -

Note: If the proposed use is not specifically listed, please contact the Department prior to submittal to determine if the use is similar to those that are specifically listed as conditionally permitted uses. The Department may require additional information in order to make a determination.

6. Authorization The applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true, and further acknowledges that approval of this application may be revoked if it is found that any such statements are false.	7. Attachments All attachments should be reproducible in black and white at 8 1/2" x 11"
a. Signature of Applicant Dawn Paul	<input checked="" type="checkbox"/> Fee: (\$200.00) Make checks payable to Latah County.
b. Date 4-22-2010	<input checked="" type="checkbox"/> Completed Narrative Worksheet: See instructions on the Conditional Use Permit Narrative Worksheet.
c. Signature of Property Owner (if different than applicant)	<input checked="" type="checkbox"/> Site Plan: The site plan should include a north arrow, location of roads and rights-of-way, existing buildings, improvements and features; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Zoning Commission to make a decision.
d. Date	<input checked="" type="checkbox"/> Vicinity Map: The map should show the site location in relation to neighboring communities and natural features.

Office Use Only			
Date Received 4/22/10	Amount \$200.00	Receipt No. 347945	By MSK
CUP # 809	Date Determined Technically Complete		By
Hearing Date May 19, 2010			

LCZC Hrg: CUP 809
Applicant: Paul
Exhibit #: 2
Date: 5/19/2010



Conditional Use Permit Narrative Worksheet

Application Information

Applicant's Name

Darrel & Dawn Paul

Phone Number

208-882-7514

Purpose: To assist the Zoning Commission in making an informed decision regarding the applicant pursuant to the requirements of the Latah County Land Use Ordinance.

Instructions: Please respond to each section of this form. If you need more space, you may attach additional sheets to the worksheet.

Description of Proposal

Describe your proposal in detail. Include all aspects of your proposal.

We propose to build a single family residence with a garage/shop approx. 1500 to 1700 square feet.

Existing Uses of Property

Please describe what uses, structures and features currently occupy the property.

The lot is vacant. It had a single wide trailer on it and a block building which we removed.

Consistency Requirements

Please respond to each of the three criteria listed in Section 7.01.02 of the Latah County Land Use Ordinance by explaining how your proposal meets each criteria. If the provided space is insufficient, please attach your responses to this packet.

A. The use is not detrimental to the health or safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone.

This lot had a very unkempt trailer and old cinder block building on it, which we removed and are now wanting to build a smaller home which will be a waste improvement and an asset to the Viola community.

B. The use will not require facilities or services with excessive costs to the public.

The lot already has a hook-up to the viola water and sewer and needs no additional services beyond electricity with Avista.

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Applicant: Paul
Exhibit #: 2A
Date: 5/19/2010

g. Transportation Element

There is access on two sides of the lot -
We want to retain the commercial zoning, w/ 10' set-backs
and have the conditional use approved for a residence.

h. Natural Resource Element

There are no natural resources, wildlife habitat or wetlands
issues on this lot.

i. Special Areas Element

There are no special areas on this lot.

j. Hazardous Areas Element

There are no natural hazards on this lot.

k. Recreation Element

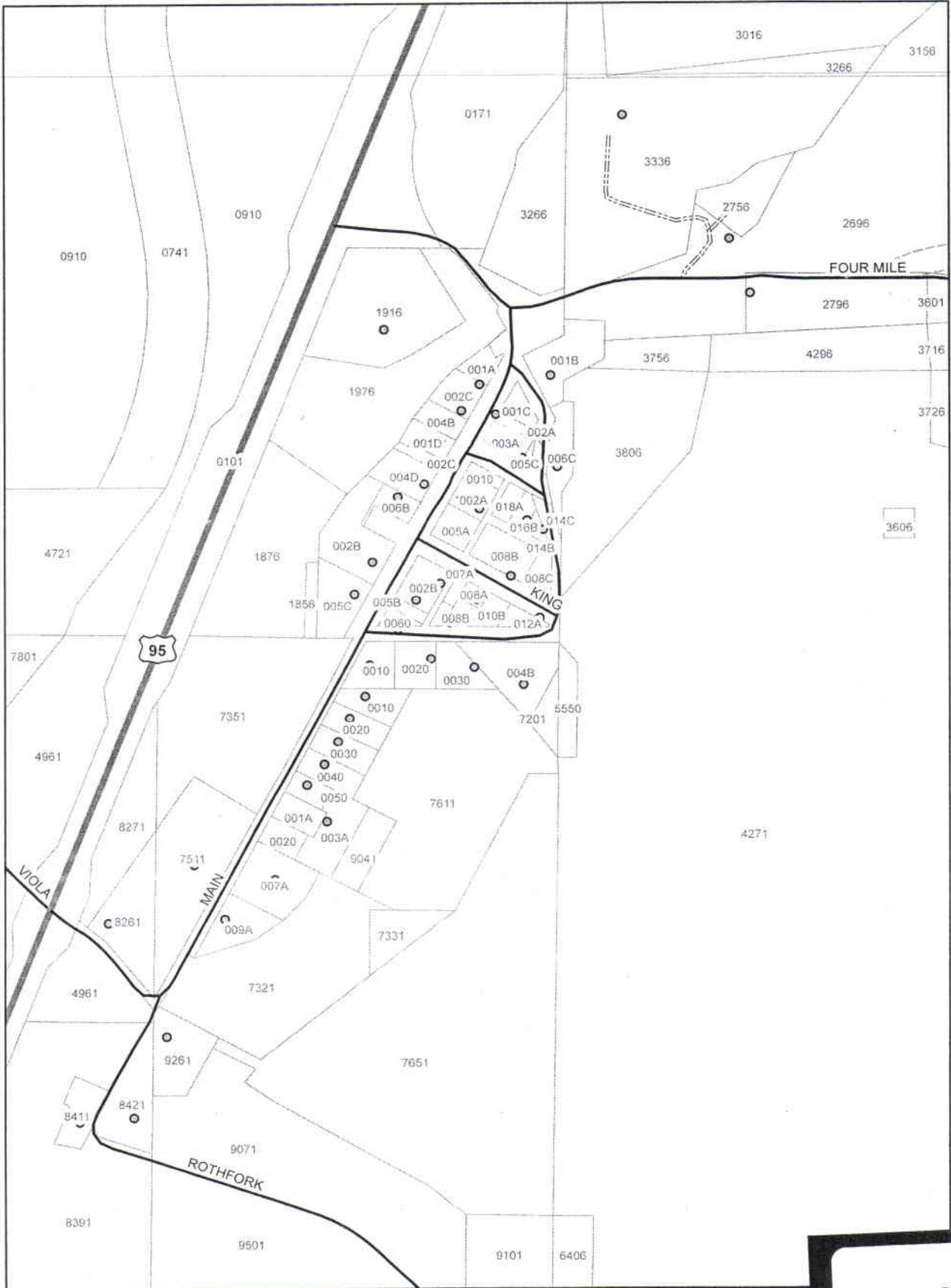
There is nothing here on this lot for recreational use.

l. Land Use Element

This lot is best used for a Residential lot.

m. Property Rights Element

This land use would not violate any property rights.



LCZC Hrg: CUP 809
Applicant: Paul
Exhibit #: 2B
Date: 5/19/2010

.03 AC
.15 RDAC

1976
#5974



LCZC Hrg: CUP 809
Applicant: Paul
Exhibit #: 2C
Date: 5/19/2010

CUP #809 – Staff Introduction

Darrel and Dawn Paul are applying for a conditional use permit to place a residence on their parcel that is zoned commercial. The property is located at 1004 Miller Street, in Viola, in the Fourmile Plat, Block 6, Lots 3 and 4, B.M., in Latah County, and referenced as Assessor's Parcel Number RP01640006003AA.

The Latah County Land Use Ordinance, under section 3.04.02(1), lists, "single and multi family residential dwellings," as a conditionally permitted use in the Commercial zone.

Section 7.01.02 requires:

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- 3. The Zoning Commission shall have the authority to set an expiration date for any conditional use permit so long as the reasons for such are included in their findings of fact and conclusions of law.**

Exhibits will now be entered into the record.

The following exhibits were submitted with the staff packet:

- | | |
|---------------------|--|
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That is all staff has unless the Commission has questions.