

**NOTICE OF PUBLIC HEARING**  
**BEFORE THE LATAH COUNTY ZONING COMMISSION**  
**Wednesday, November 3rd, 2010**  
**5:30 p.m.**

The Latah County Zoning Commission will hold a public hearing on Wednesday, November 3rd, 2010 in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

**5:35 p.m. – CUP # 825** – A request by Wade Simons for a conditional use permit to place accessory cottage housing on a 117.8-acre parcel in the Agriculture/Forest zone. The property is located at 1031 Utt Lane, Princeton, in Section 15, Township 41 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP41N04W153005A.

All interested parties are encouraged to attend the hearings. Accommodations for individuals who qualify under the Americans with Disabilities Act are available upon request. Notice is required in the Planning Office three working days prior to the hearings in order to acquire accommodations.

These hearings will be held pursuant to the Latah County Hearing Procedures Ordinance and under authority of the Idaho Local Planning Act, the Latah County Comprehensive Plan and the Latah County Land Use Ordinance. The Latah County Zoning Commission reserves the right to limit the length of testimony.

Additional information on this request, including full copies of the proposal, is available from the Planning and Building Department at the Latah County Courthouse, Moscow, Idaho. Phone (208) 883-7220. Written comments will be accepted at the above office prior to the public hearing.

Michelle Fuson  
Director

(This is a public service announcement only)



# 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 to build accessory cottage housing.

## Description of application:

Wade Simons submitted application for a conditional use permit to place an accessory cottage housing on a 117.8-acre parcel in the Agriculture/Forest zone. The property is located at 1031 Utt Lane, Princeton, in Section 15, Township 41 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP41N04W153005A.

## 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 3.01.02(14), lists "Accessory Cottage Housing" as a conditionally permitted use in the Agriculture/Forest Zone.

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

Wade Simons submitted a completed application to the Latah County Planning and Building Department on October 13, 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:**

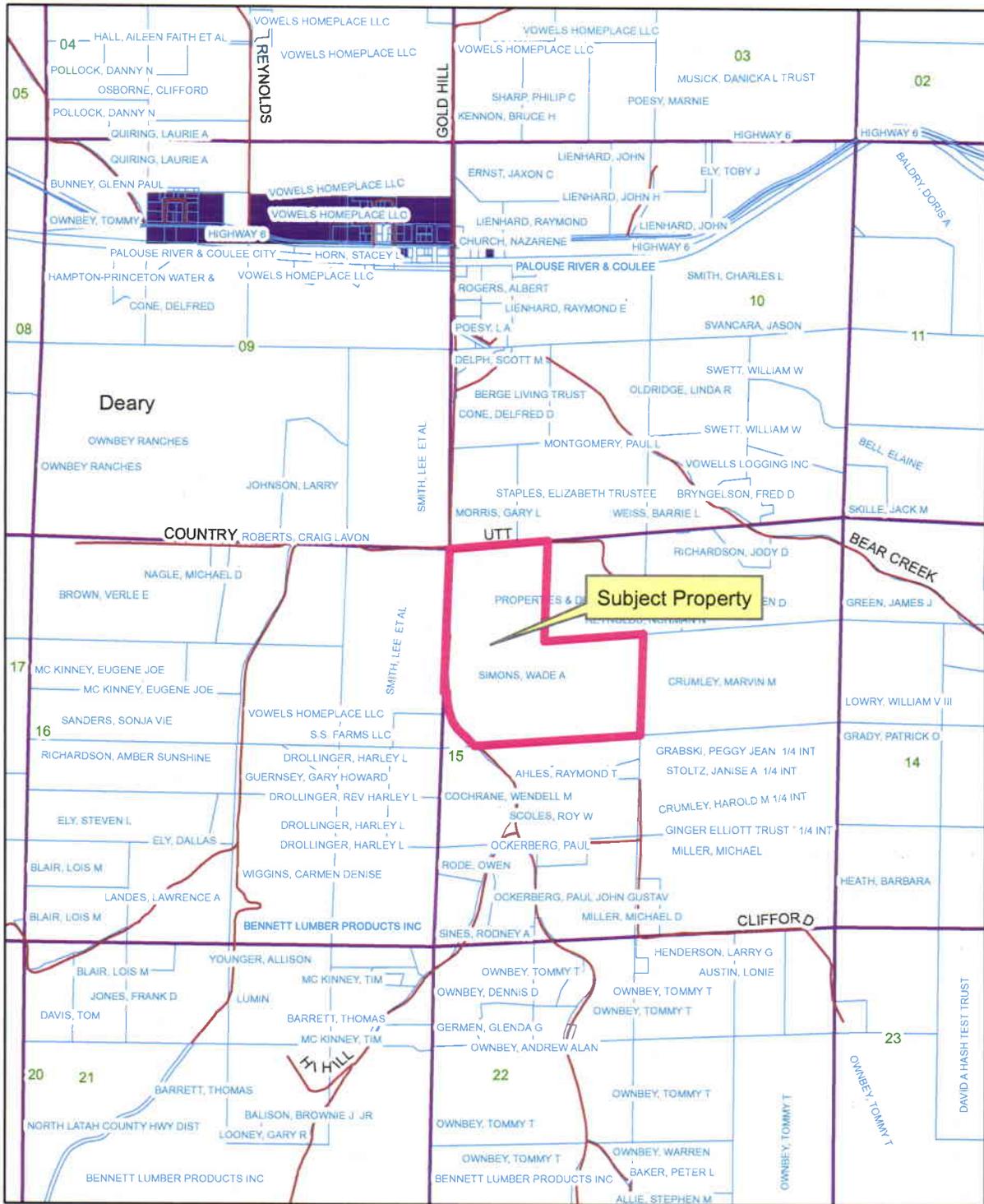
- A. The use is not detrimental to the health and safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone;
- B. The use will not require facilities or services with excessive costs to the public;
- C. The use is not in conflict 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 825 Zoning Map

Planning & Building Department



<b>Legend</b>	
<b>Surface Transportation</b>	<b>Zoning_Districts_2009</b>
<b>ROAD_TYPE</b>	<b>ZONE_TYPE</b>
CITY	Agriculture / Forestry
COUNTY	Rural Residential
STATE HIGHWAY	Suburban Residential

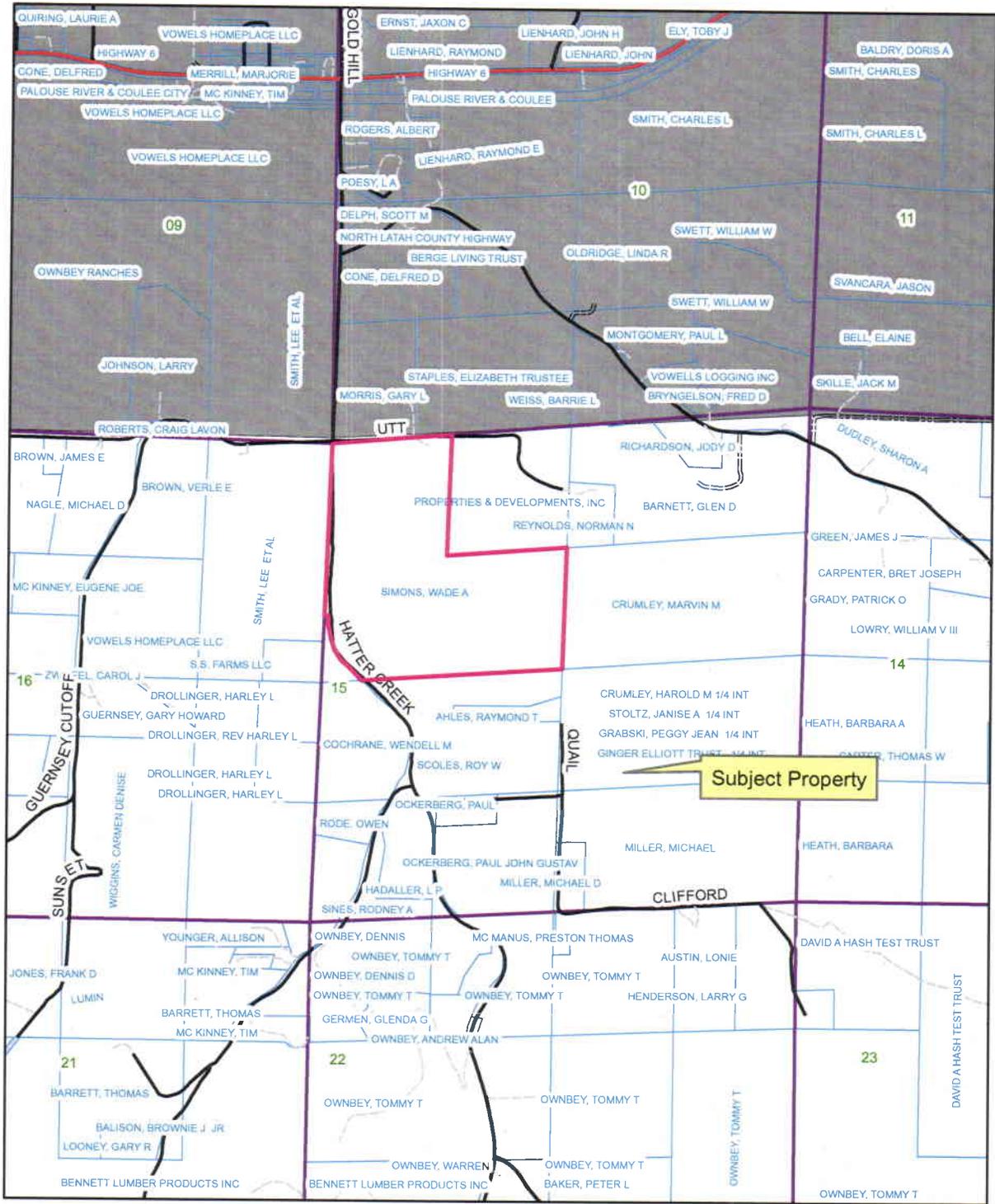
\*Created on 10/17/2010 by MK

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

**LCZC Hrg: CUP 825**  
**Applicant: Simons**  
**Exhibit #: 1C**  
**Date: 11/03/2010**

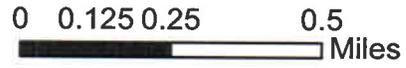
# CUP 825 Vicinity and Comprehensive Plan Map

Planning & Building Department



### Comprehensive Plan

- AOI
- ICR
- PRODUCTIVE
- RURAL



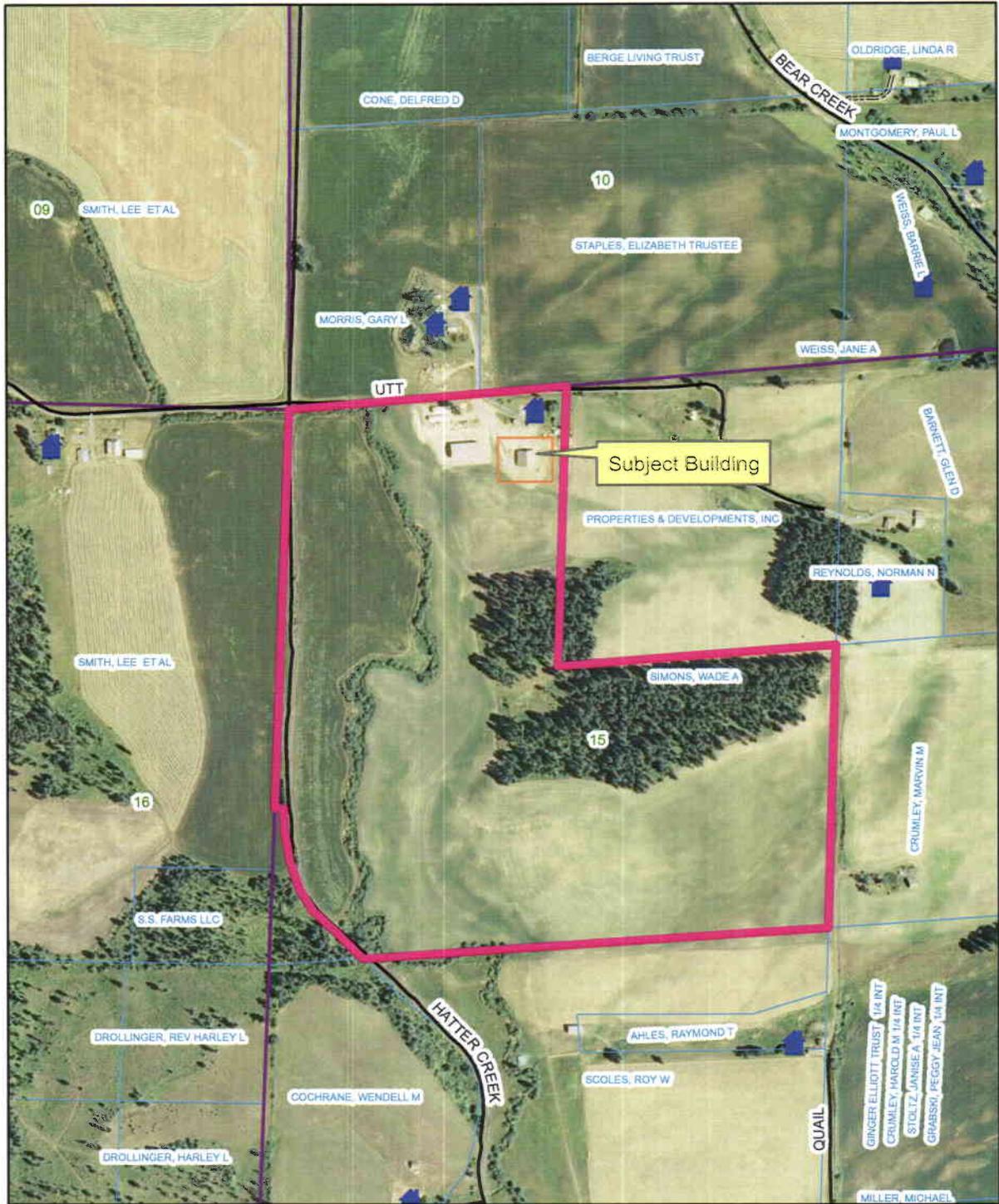
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LCZC Hrg: **CUP 825**  
 Applicant: **Simons**  
 Exhibit #: **1B**  
 Date: **11/03/2010**

# CUP 825 Aerial and Adjacent Property Owners Map

Planning & Building Department



**Legend**  
 Addresses  
 Parcels



\*Created on 10/17/2010 by MK

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LCZC Hrg: CUP 825  
 Applicant: Simons  
 Exhibit #: 1D  
 Date: 11/03/2010

# Map



Townships



Sections



Parcels





# 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 <b>WADE SIMONS</b>	b. Home Phone <b>208 875 1077</b>	c. Work Phone <b>208 596 8125</b>	
d. Mailing Address <b>1031 UTT LANE</b>	e. City <b>PRINCETON</b>	f. State <b>ID</b>	g. Zip code <b>83857</b>
h. Property Owner (if different than applicant) <b>SAME</b>	i. Home Phone <b>SAME</b>	j. Work Phone <b>SAME</b>	
k. Mailing Address <b>SAME</b>	l. City <b>SAME</b>	m. State <b>SAME</b>	n. Zip code <b>SAME</b>

### 2. General Site Information

a. Assessor's Parcel Number(s) <b>RP41N04W153005A</b>	b. Parcel Address (if applicable) <b>N/A (see Above)</b>		
c. Acreage of Existing Parcel <b>117.80</b>	d. Zoning <b>AG/F</b> <b>RURAL</b>	e. Comprehensive Plan Designation <b>Rural</b>	f. Floodplain designation(s) <b>Zone C (zone not at site)</b>
g. FEMA Panel # <b>155</b>	h. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.		i. Impact City <b>N/A</b>
j. Road Used to Access Site <b>UTT LANE</b>			

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

**AGRICULTURE**

### 3. Service Provider Information (please attach additional information if requested)

a. Fire District <b>POTLATCH</b>	b. Road District <b>NORTH LATAH COUNTY</b>	c. School District <b>POTLATCH DIST. #285</b>
d. Source of Potable Water (i.e. water district or private well) <b>PRIVATE WELL</b>	e. Sewage Disposal (i.e. sewer district or private septic system) <b>PRIVATE SEPTIC SYSTEM</b>	

### 4. Adjacent Properties Information

a. Zoning of Adjacent Properties <b>Agriculture / Forest</b>	b. Existing Uses of Adjacent Properties <b>FARMING</b>
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### 5. Permit Information

a. Proposed Use  
**ADD ACCESSORY COTTAGE TO EXISTING FARM SHOP**

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?  
**SECTION 3.01.02.14**

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.

a. Signature of Applicant <i>Wade A. Simons</i>	b. Date <b>10/13/10</b>
c. Signature of Property Owner (if different than applicant) <b>SAME</b>	d. Date

### Office Use Only

Date Received <b>10/13/10</b>	Amount <b>\$200</b>	Receipt No. <b>448278</b>	By <i>[Signature]</i>
CUP # <b>825</b>	Date Determined Technically Complete <b>10/17/2010</b>	By <i>[Signature]</i>	
Hearing Date <b>November 3rd 2010</b>			

### 7. Attachments

All attachments should be reproducible in black and white at 8½" x 11"

- Fee:** (\$200.00) Make checks payable to Latah County.
- Completed Narrative Worksheet:** See instructions on the Conditional Use Permit Narrative Worksheet.
- 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.
- Vicinity Map:** The map should show the site location in relation to neighboring communities and natural features. *Planning Dept. to do as part of packet*
- Assessor's Plat Map:** Include a copy of that portion of the map that shows the subject parcel and adjoining parcels.
- Other Attachments:** Required by staff / Zoning Commission for certain proposed uses.

### **Description of Proposal**

We built the shell of a farm shop in 2008 and are now in the process of completing the interior. Our plans include adding office space, parts storage, a restroom, and an accessory cottage within the farm shop. The accessory cottage apparently requires a conditional use permit. The accessory cottage would allow for temporary housing of employees during the busy summer harvest season or for visiting family and friends. Our main house is a 1200+ sq. ft. two-bedroom, older home which becomes quite cramped with company. We need to have our plans drawn up before we can pour concrete for the shop floor due to the underground plumbing and electrical. The accessory cottage would have two-levels and would consist of a kitchenette, bathroom, and living space. The overall dimensions would be 12 ft. by 24 ft. with the farm shop restroom space coming out of the 1<sup>st</sup> level of the living quarter's space adjacent to the bathroom. The second level would be a sleeping/living area with some storage space. The total square footage of the proposed cottage would be approximately 536 sq. ft.

### **Existing uses of Property**

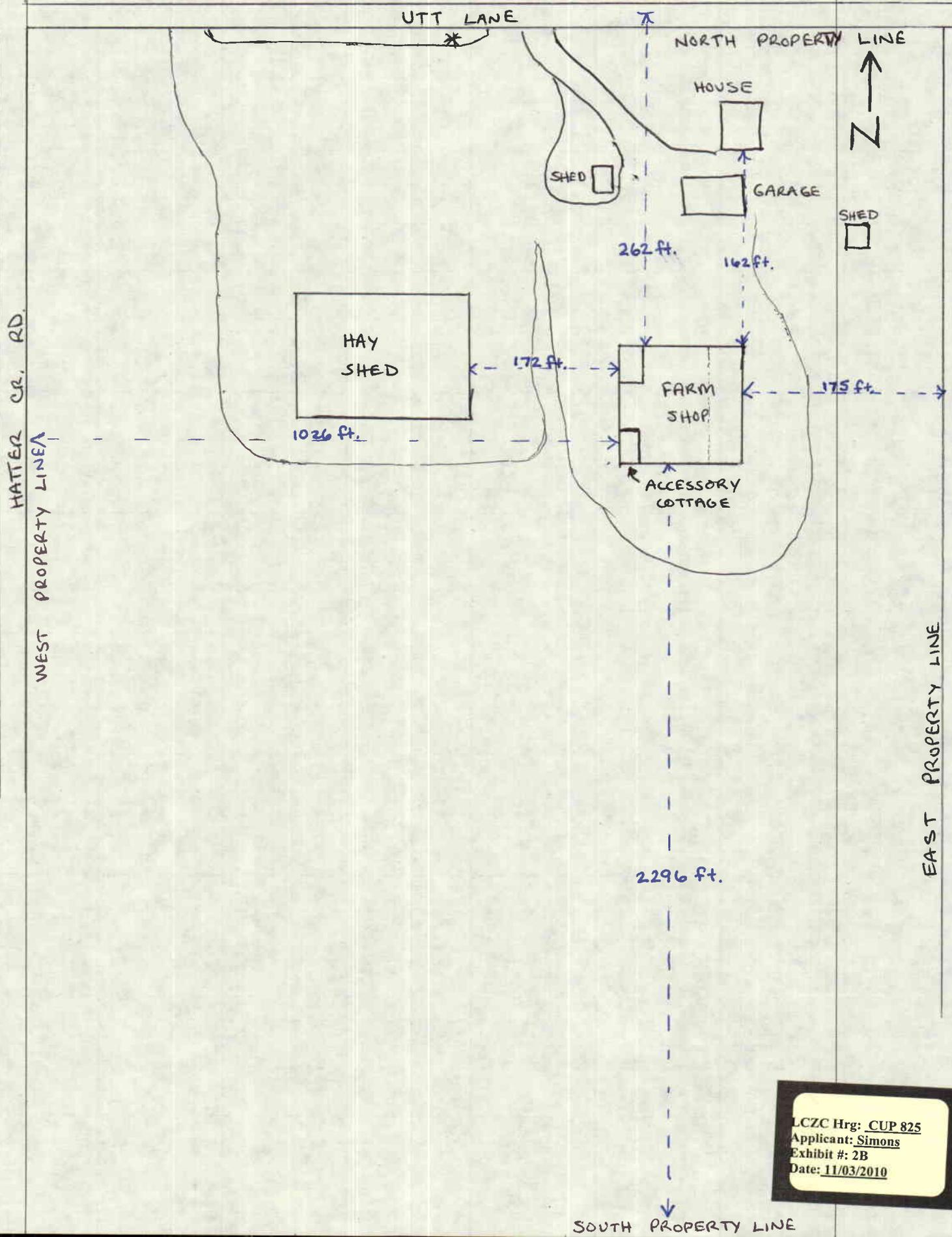
We are a farm which produces hay and cereal grains. Structures on the property include a house, a garage, a shell of a farm shop (in the process of being finished) where we repair our equipment, a hay shed, and two other small outbuildings. Included in the farm shop will be the proposed accessory cottage. We also have an outside hay storage area where we tarp hay that will not fit in the hay shed. The farm currently has one full-time farmhand, one mostly full-time mechanic/farmhand, and up to six other seasonal employees.

### **Consistency Requirements**

- A. The proposed accessory cottage will not have any detrimental affect on the health and safety of those in the surrounding area. All building codes will be followed and inspected as per the requirements of the building permit.
- B. There will be no cost to the public as it is on private property and will be for private use only.
- C. The use of the accessory cottage will not be in conflict with the goals and policies of the Comprehensive Plan. We have built our farm into an economically viable business which supports our local economy through purchasing goods and providing employment. We believe our farm meets the objectives of the Latah County Comprehensive Plan. The accessory cottage will in turn give us the flexibility to have additional space to temporarily house employees allowing us to work more efficiently. Often during hay harvest, we work odd hours either late in the evening or early in the morning. The accessory cottage would be a safe place to stay for rest during the busy times. We also have family members who come to help out on the farm for short periods of time and we currently have no place for them to stay comfortably.

LCZC Hrg: CUP 825  
Applicant: Simons  
Exhibit #:2A  
Date: 11/03/2010

- a. *Community Design Element*: The accessory cottage will add no extra buildings as it will be included in our farm shop.
- b. *Population Element*: The use of the accessory cottage will be temporary; therefore, not contributing to population growth.
- c. *Housing Element*: The accessory cottage will conform to all the building codes and public health standards.
- d. *Economic Development Element*: The accessory cottage will support our agricultural business with additional options when it comes to employment during busy times of the year.
- e. *Public Services, Facilities, and Utilities Element*: The accessory cottage will not cost the public as it is a private dwelling with a private septic system provided by the private landowners.
- f. *School Facilities and Student Transportation Element*: Due to the temporary housing nature of the proposed accessory cottage there should be no effect on this element as there will be no additional students coming from this residence.
- g. *Transportation Element*: The farm shop the accessory cottage will be built in has already had a building permit, therefore, already passing the requirements for its location in regard to public roads.
- h. *Natural Resource Element*: The accessory cottage will not have any effect on the natural resources of the area.
- i. *Special Areas Element*: There are no known special areas of interest near the accessory cottage.
- j. *Hazardous Areas Element*: The farm shop in which the accessory cottage will be built is built in a safe location well out of the floodplain and not near any known hazards.
- k. *Recreation Element*: Not applicable.
- l. *Land Use Element*: The proposed accessory cottage adds value and economic viability to the 'rural' land use designation of our property in a manner that is consistent with the Comprehensive Plan.
- m. *Property Rights Element*: The County should have no reason to unconstitutionally deny our rights as citizens from building the accessory cottage on our property.



HATER CR. RD.  
WEST PROPERTY LINE

EAST PROPERTY LINE

LCZC Hrg: CUP 825  
 Applicant: Simons  
 Exhibit #: 2B  
 Date: 11/03/2010

SOUTH PROPERTY LINE

## CUP #825 – Staff Introduction

A request was made by Wade Simons for a conditional use permit to place accessory cottage housing on a 117.8-acre parcel in the Agriculture/Forest zone. The property is located at 1031 Utt Lane, Princeton, in Section 15, Township 41 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP41N04W153005A

The Latah County Land Use Ordinance, under section 3.01.02(14), lists "Accessory Cottage Housing" as a conditionally permitted use in the Agriculture/Forest Zone.

### **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 not in conflict 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.**

### **Exhibits will now be entered into the record.**

The following exhibits were submitted with the staff packet:

#### **EXHIBITS:**

<b>Exhibit #1.</b>	Staff Report
<b>Exhibit #1A.</b>	Criteria Worksheet
<b>Exhibit #1B.</b>	Latah County Comprehensive Plan and Vicinity Map
<b>Exhibit #1C.</b>	Zoning Map
<b>Exhibit #1D.</b>	Adjoining Property Owners and Aerial Photograph Map
<b>Exhibit #1E.</b>	Plat Map
<b>Exhibit #2.</b>	Application Form (Submitted by Applicant)
<b>Exhibit #2A.</b>	Applicant's Narrative (Submitted by Applicant)
<b>Exhibit #2B.</b>	Site plan (Submitted by Applicant)
<b>Exhibit #3.</b>	Staff Introduction for Latah County Zoning Commission public hearing for CUP 825 on November 3, 2010