

**NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, November 17th, 2010, 5:30 p.m.**

The Latah County Zoning Commission will hold a public hearing on Wednesday, November 17th, 2010 in Room 2-B, Latah County Courthouse, Moscow, Idaho, to receive comments on:

5:35 p.m. – CUP # 826 – A request by Raymond Paz for a conditional use permit to place accessory cottage housing on a 6.09-acre parcel in the Agriculture/Forest zone. The property is located at 3880 Moscow Mountain Road, in Section 23, Township 40 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP40N05W239013.

Interested parties are encouraged to attend. Accommodations for individuals who qualify under the ADA are available upon request. Notice to acquire accommodations must be made 3 working days prior to the hearing to the Planning Dept. This hearing will be held pursuant to the Latah County Hearing Procedures Ordinance and under authority of the Idaho Local Land Use Planning Act, the Latah County Comprehensive Plan and the Latah County Land Use Ordinance. The Latah County Zoning Commission reserves the right to limit length of testimony.

Additional information, including copies of the proposal, are available from the Planning Dept., Latah County Courthouse, Moscow, Idaho, (208) 883-7220. Written comments will be accepted at the above office prior to the hearing.

Mauri Knott, Associate Planner

(This is a public service announcement only)

RAYMOND PAZ
CONDITIONAL USE PERMIT APPLICATION #826
STAFF REPORT

SUMMARY OF APPLICATION:

A request was made by Raymond Paz for a conditional use permit to place accessory cottage housing in an existing dwelling on a 6.09-acre parcel in the Agriculture/Forest zone. The property is located at 3880 Moscow Mountain Road, in Section 23, Township 40 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP40N05W239013

Site Characteristics:

Size of Parcel: 6.09 acres
Soils: Southwick Silt Loam, 12-25% Slopes,
Taney Silt Loam, 7-25% Slopes;
(Latah County Soil Survey Sheet #26)
Floodplain: Zone "C" (FIRM Panel #160086 0235B)

Land Use and Regulations:

Comprehensive Plan Designation: Productive
Existing Zoning: Agriculture/Forest
Existing Uses: Residential, Agriculture
Neighboring Zoning: Agriculture/Forest
Neighboring Uses: Agriculture, Public Right of Way, Residential

Infrastructure/Services:

Water: Existing Private Well
Sewer: Existing Private Septic
Access: Moscow Mt Road, North Latah County Highway District
Schools: Moscow School District
Fire Protection: Moscow Rural Fire District
Law Enforcement: Latah County Sheriff

EXHIBITS:

Exhibit #1. Staff Report
Exhibit #1A. Criteria Worksheet
Exhibit #1B. Latah County Comprehensive Plan and Vicinity Map
Exhibit #1C. Zoning Map
Exhibit #1D. Adjoining Property Owners and Aerial Photograph Map
Exhibit #1E. Plat Map
Exhibit #2. Application Form (Submitted by Applicant)
Exhibit #2A. Applicant's Narrative (Submitted by Applicant)
Exhibit #2B. Site plan (Submitted by Applicant)
Exhibit #2C. Total square footage of proposed accessory cottage (Submitted by Applicant)
Exhibit #3. Staff Introduction for Latah County Zoning Commission public hearing for CUP 826 on November 17, 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 3.01 Agriculture/Forest Zone
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 to build accessory cottage housing.

Description of application:

Raymond Paz submitted application for a conditional use permit to place accessory cottage housing in an existing dwelling on a 6.09-acre parcel in the Agriculture/Forest zone. The property is located at 3880 Moscow Mountain Road, in Section 23, Township 40 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP40N05W239013

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.

Raymond Paz submitted an application to the Latah County Planning and Building Department on October 22, 2010. The application was deemed technically complete on October 26, 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:

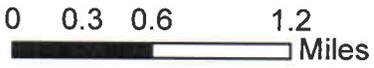
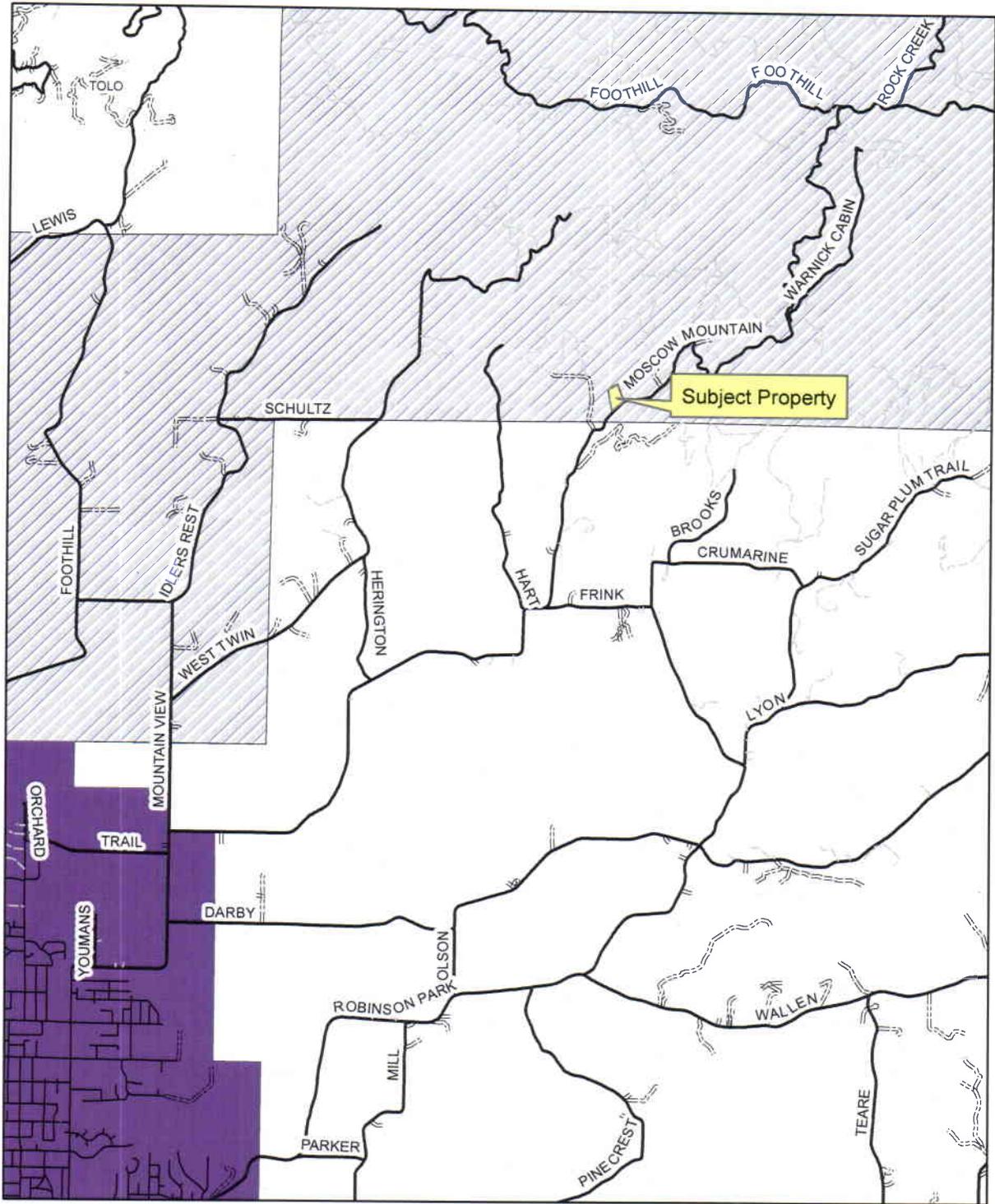
- A. The use is not detrimental to the health and safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone;
- B. The use will not require facilities or services with 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 826 Vicinity and Comprehensive Plan Map

Planning & Building Department



- Comprehensive Plan**
- AOI
 - ICR
 - PRODUCTIVE
 - RURAL

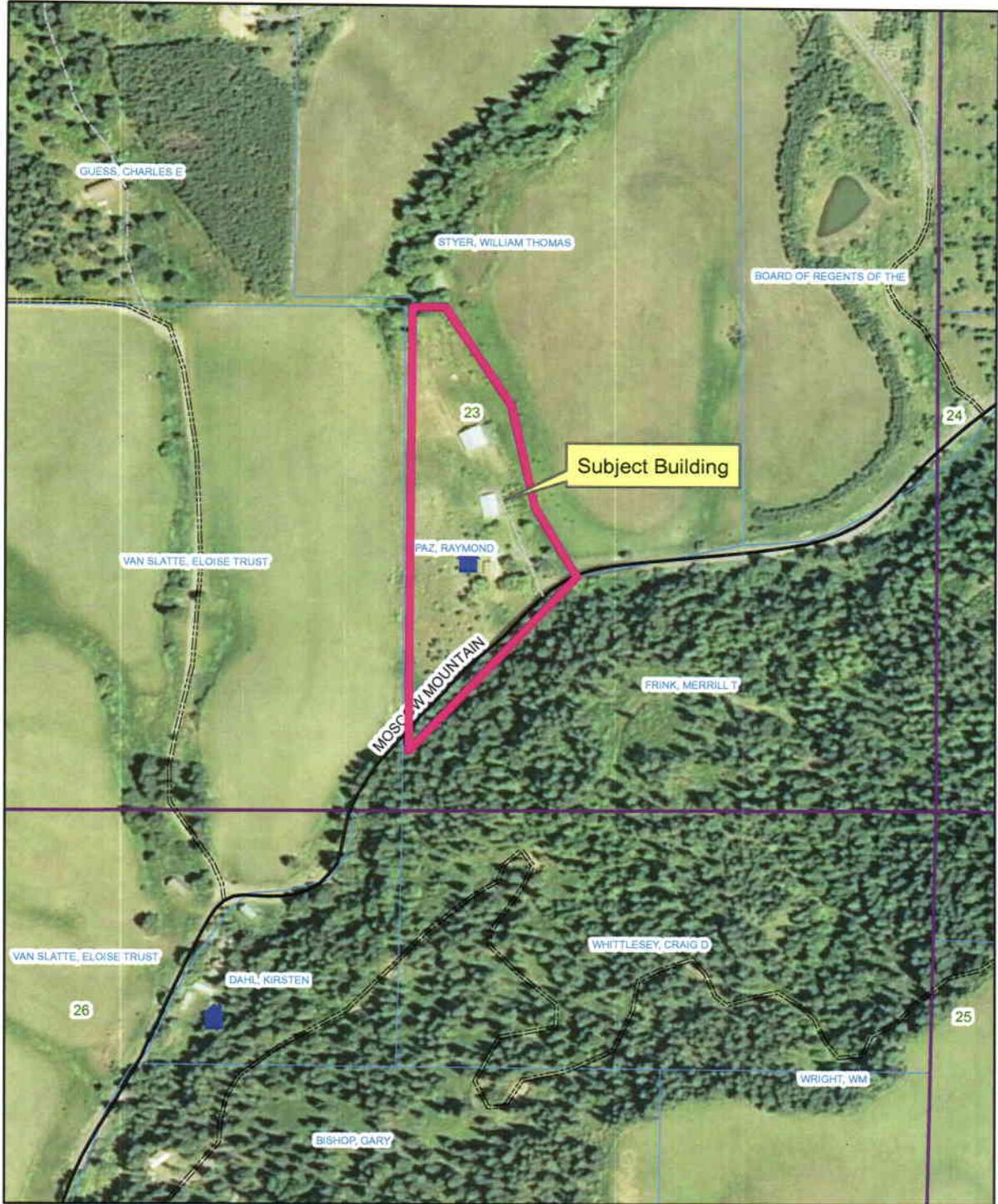
*Created on 10/26/2010 by MK

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

LCZC Hrg: CUP 826
Applicant: Paz
Exhibit #: 1B
Date: 11/17/2010

CUP 826 Aerial and Adjacent Property Owners Map

Planning & Building Department



Legend
 Addresses
 Parcels

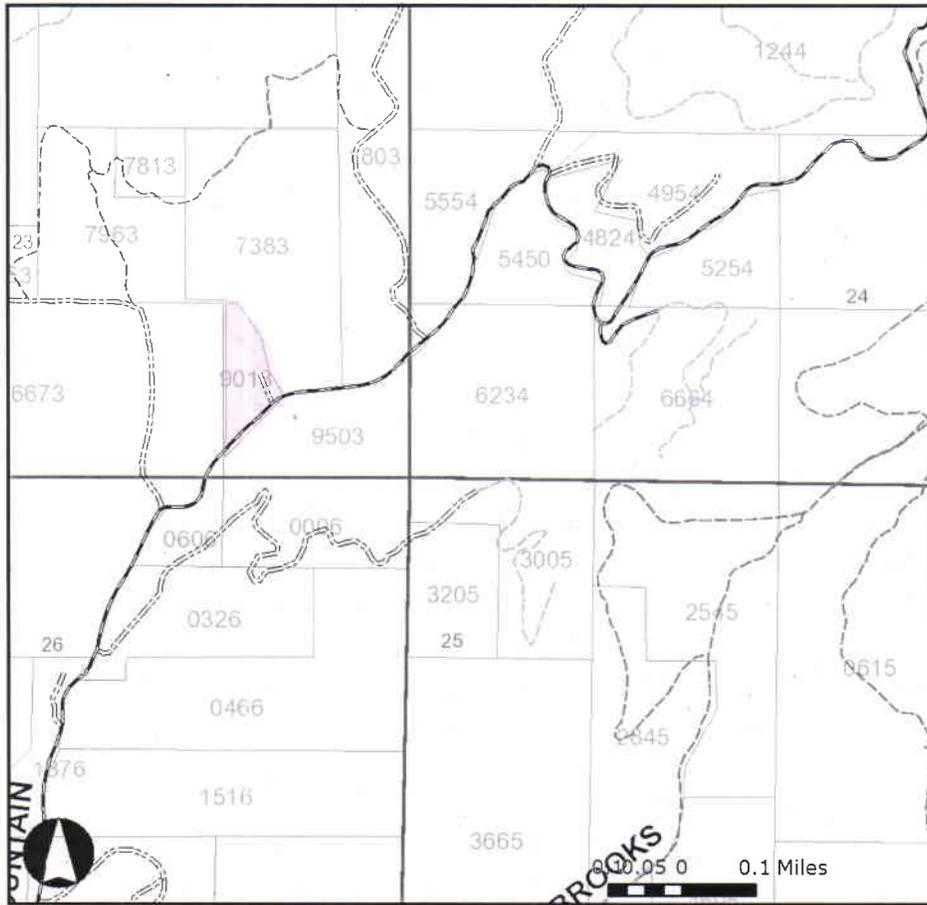


*Created on 10/17/2010 by MK

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LCZC Hrg: CUP 826
 Applicant: Paz
 Exhibit #: 1D
 Date: 11/17/2010

Map



Surface Transportation

- 4-WD
- ASPHALT
- CITY
- DIRT
- FEDERAL HIGHWAY

Surface Transportation (continued)

- ⇒ GRAVEL
 - ⇒ PRIVATE DRIVE
 - ⇒ STATE HIGHWAY
- Forest Service Roads

Trails

Townships

- Sections
- Parcels

LCZC Hrg: CUP 826
 Applicant: Paz
 Exhibit #: 1E
 Date: 11/17/2010



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 <i>Raymond M. Paz</i>	b. Home Phone <i>208-301-3797</i>	c. Work Phone <i>208-882-2011</i>	
d. Mailing Address <i>3990 Moscow Mountain Rd</i>	e. City <i>Moscow</i>	f. State <i>ID</i>	g. Zip code <i>83843</i>
h. Property Owner (if different than applicant)		j. Work Phone	
k. Mailing Address		l. City	m. State
		n. Zip code	

2. General Site Information				
a. Assessor's Parcel Number(s) <i>RP40N05W239013A</i>			b. Parcel Address (if applicable)	
c. Acreage of Existing Parcel <i>6.09</i>	d. Zoning <i>AF</i>	e. Comprehensive Plan Designation <i>Rural</i>	f. Floodplain designation(s)	g. FEMA Panel #
h. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.	i. Impact City		j. Road Used to Access Site <i>Moscow Mountain Rd.</i>	
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 <i>Agricultural/Residential</i>				

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

4. Adjacent Properties Information	
a. Zoning of Adjacent Properties <i>Agriculture/Forest</i>	b. Existing Uses of Adjacent Properties <i>Residential, Agriculture</i>

5. Permit Information	
a. Proposed Use <i>Accessory cottage permit for cottage use by as a guest cabin / accessory cottage</i>	
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?	<i>Article 3</i>

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		7. Attachments	
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.		All attachments should be reproducible in black and white at 8½" x 11"	
a. Signature of Applicant <i>[Signature]</i>	b. Date <i>10/20/10</i>	<input checked="" type="checkbox"/> Fee: (\$200.00) Make checks payable to Latah County.	
c. Signature of Property Owner (if different than applicant)	d. Date	<input checked="" type="checkbox"/> Completed Narrative Worksheet: See instructions on the Conditional Use Permit Narrative Worksheet.	
		<input 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.	
		<input checked="" type="checkbox"/> Vicinity Map: The map should show the site location in relation to neighboring communities and natural features.	
		<input type="checkbox"/> Assessor's Plat Map: Include a copy of that portion of the map that shows the subject parcel and adjoining parcels.	
		<input checked="" type="checkbox"/> Other Attachments: Required by staff / Zoning Commission for certain proposed uses.	

Office Use Only			
Date Received <i>10/20/2010</i>	Amount <i>200.00</i>	Receipt No. <i>448287</i>	By <i>MSK</i>
CUP # <i>CUP 826</i>	Date Determined Technically Complete		By
Hearing Date			

LCZC Hrg: CUP 826
Applicant: Paz
Exhibit #: 2
Date: 11/17/2010



Conditional Use Permit Narrative Worksheet

Application Information

Applicant's Name

Phone Number

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.

Plans to utilize the existing & original residence on this property for accessory guest accommodation. Cottage does not affect surrounding area use. Location is within 100 ft of the listed primary residence. The accessory guest accommodations are not separately metered for utilities.

Existing Uses of Property

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

Primary residence, agriculture, barn, storage

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.

Cottage use is not detrimental to the health & safety of ~~neighboring~~ neighbors and will not change the character of most of the surrounding area.

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

Use will not affect present ~~and~~ services

LCZC Hrg: CUP 826
Applicant: Paz
Exhibit #: 2A
Date: 11/17/2010

C. The use is not in conflict with the goals and policies of the Comprehensive Plan.

The existing structure has been maintained since it was originally crafted. It was the original home on the parcel. Design is consistent with rural / country traditional architecture. Cottage use is for extended family or visiting non-family guests. Use of the existing building will not adversely affect the surrounding area use or availability.

In addition to your response above, please explain your proposal's consistency with the preceding elements of the Comprehensive Plan. If a certain element is not applicable to your proposal, please explain why. Please refer to the Latah County Comprehensive Plan for specific goals and policies of the particular elements.

a. Community Design Element

Consistent with surrounding homes, no trees to be removed.

b. Population Element

Not applicable - guest accommodation

c. Housing Element

Blends with local landscape & art

d. Economic Development Element

Not applicable as not a commercial situation

e. Public Services, Facilities, and Utilities Element

No affect on public services, facilities, or utilities as an accessory cottage.

f. School, Facilities and Student Transportation Element

Cottage use is for guest accommodation - no school issues

g. Transportation Element

access to the existing structure already exists -
no change in access

h. Natural Resource Element

located in an area which ensures protection of surrounding
natural resources.

i. Special Areas Element

Does not encroach upon any special areas of historic
or other significance

j. Hazardous Areas Element

Not located in a hazardous area

k. Recreation Element

Does not appear applicable

l. Land Use Element

Does not impact current use of land - residential &
agricultural.

m. Property Rights Element

proposal fits within property rights of present owner.



Existing structure Accessory Cottage will be bu.

LCZC Hrg: CUP 826
Applicant: Paz
Exhibit #: 2B
Date: 11/17/2010

msknott@latah.id.us

From: Ray Paz [pazraym@gmail.com]
Sent: Tuesday, October 26, 2010 4:46 PM
To: msknott@latah.id.us
Subject: application for accessory cottage- Paz 3880 Moscow Mtn Rd

Hello,

The Sq footage is: 558 ft.

Thank you,
Ray Paz
208-301-3797

10/26/2010

LCZC Hrg: CUP 826
Applicant: Paz
Exhibit #: 2C
Date: 11/17/2010

CUP #826 – Staff Introduction

A request by Raymond Paz for a conditional use permit to place accessory cottage housing in an existing dwelling on a 6.09-acre parcel in the Agriculture/Forest zone. The property is located at 3880 Moscow Mountain Road, in Section 23, Township 40 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP40N05W239013

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 that 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:

Exhibit #1.	Staff Report
Exhibit #1A.	Criteria Worksheet
Exhibit #1B.	Latah County Comprehensive Plan and Vicinity Map
Exhibit #1C.	Zoning Map
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Exhibit #2A.	Applicant's Narrative (Submitted by Applicant)
Exhibit #2B.	Site plan (Submitted by Applicant)
Exhibit #2C.	Total square footage of proposed accessory cottage (Submitted by Applicant)
Exhibit #3.	Staff Introduction for Latah County Zoning Commission public hearing for CUP 825 on November 17, 2010