

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, December 1st, 2010, 5:30 p.m.

The Latah County Zoning Commission will hold a public hearing on Wednesday, December 1st, 2010 in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

5:35 p.m. – CUP # 827 – A request by Ronald Landeck for a conditional use permit to place accessory cottage housing on a 40-acre parcel in the Agriculture/Forest zone. The property is located at 1210 Wallen Road, in Section 06, Township 39 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP39N04W067805A.

5:40 p.m. – CUP #824 – A request by Ploughshare Institute for a conditional use permit to conduct the following activities on 94.69 acres in the Agriculture/Forest (A/F) zone: school, bed and breakfast, and campground. The property is located at 1311 Brush Creek Rd., Deary, Idaho in Section 30 of Township 40 North, Range 01 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP40N01W307244A.

Interested parties are encouraged to attend. Accommodations for individuals who qualify under ADA are available upon request. Notice is required in the Planning Dept. 3 working days prior to the hearing 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 Zoning Commission reserves the right to limit the length of testimony. Additional information, including full copies of the proposals, 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 public hearing.

Mauri Knott, Associate Planner

(This is a public service announcement)

**RONALD LANDECK
CONDITIONAL USE PERMIT APPLICATION #827
STAFF REPORT**

SUMMARY OF APPLICATION:

A request was made by Ronald Landeck for a conditional use permit to place accessory cottage housing on a 40-acre parcel in the Agriculture/Forest zone. The property is located at 1210 Wallen Road, Moscow, in Section 06, Township 39 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP39N04W067805A

Site Characteristics:

Size of Parcel: 40 acres
Soils: Larkin Silt Loam, 12-35% Slopes,
Taney Silt Loam, 7-25% Slopes;
(Latah County Soil Survey Sheet #32)
Floodplain: Zone "C" (FIRM Panel #160086 0245B)

Land Use and Regulations:

Comprehensive Plan Designation: Rural
Existing Zoning: Agriculture/Forest
Existing Uses: Residential, Agriculture
Neighboring Zoning: Agriculture/Forest
Neighboring Uses: Agriculture, Residential

Infrastructure/Services:

Water: Private Well
Sewer: Private Septic
Access: Wallen Road, 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. 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 #3. Staff Introduction for Latah County Zoning Commission public hearing for CUP 827 on December 1, 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:

Ronald Landeck submitted application for a conditional use permit to place an accessory cottage house on a 40-acre parcel in the Agriculture/Forest zone. The property is located at 1210 Wallen Road, Moscow, in Section 06, Township 39 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP39N04W067805A.

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.

Ronald Landeck submitted a completed application to the Latah County Planning and Building Department on November 9, 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:

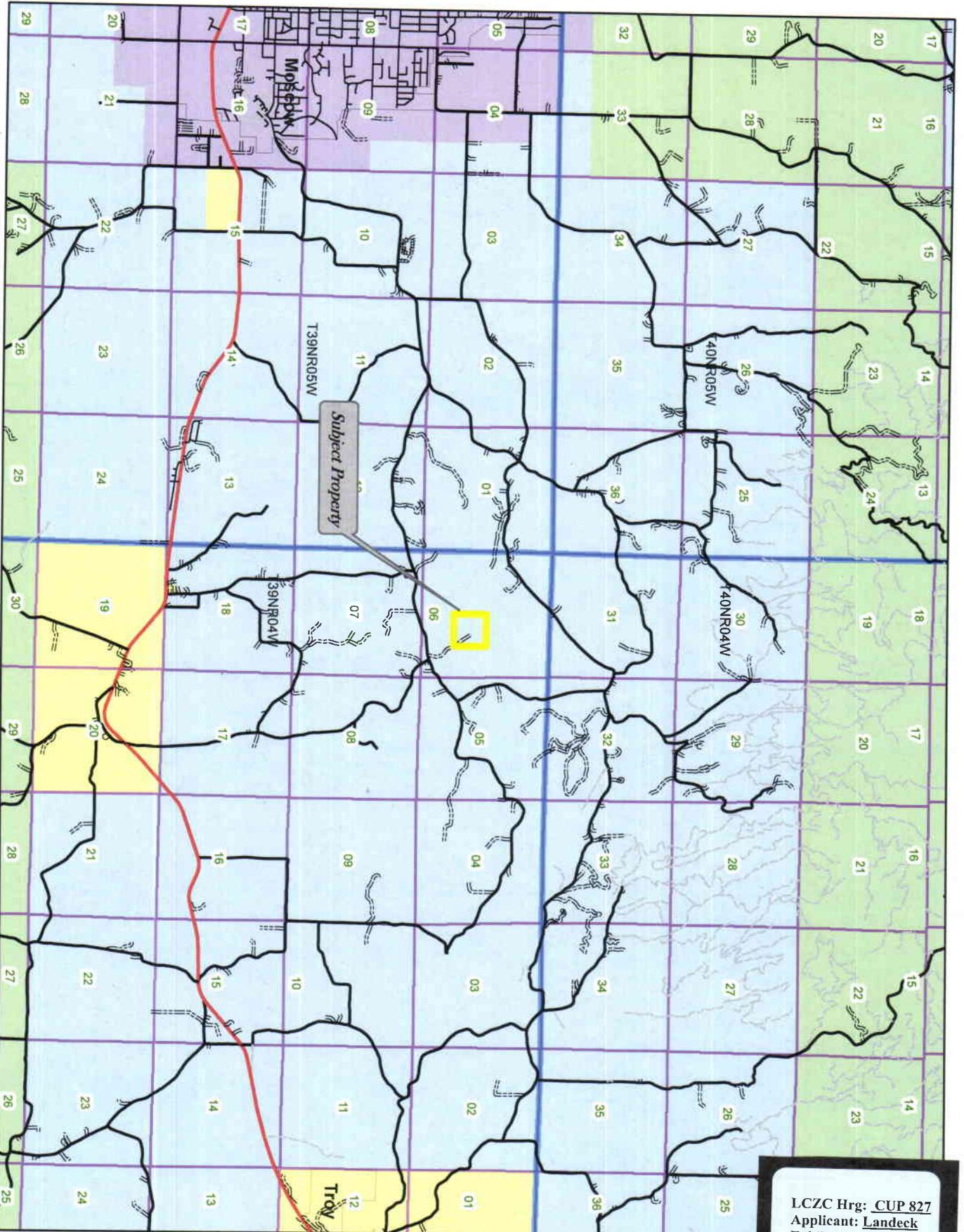
- A. The use is not detrimental to the health and safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone;
- B. The use will not require facilities or services with 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 #827 Vicinity and Comprehensive Plan Map



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

*Created on 11/9/2010 by JB

Legend

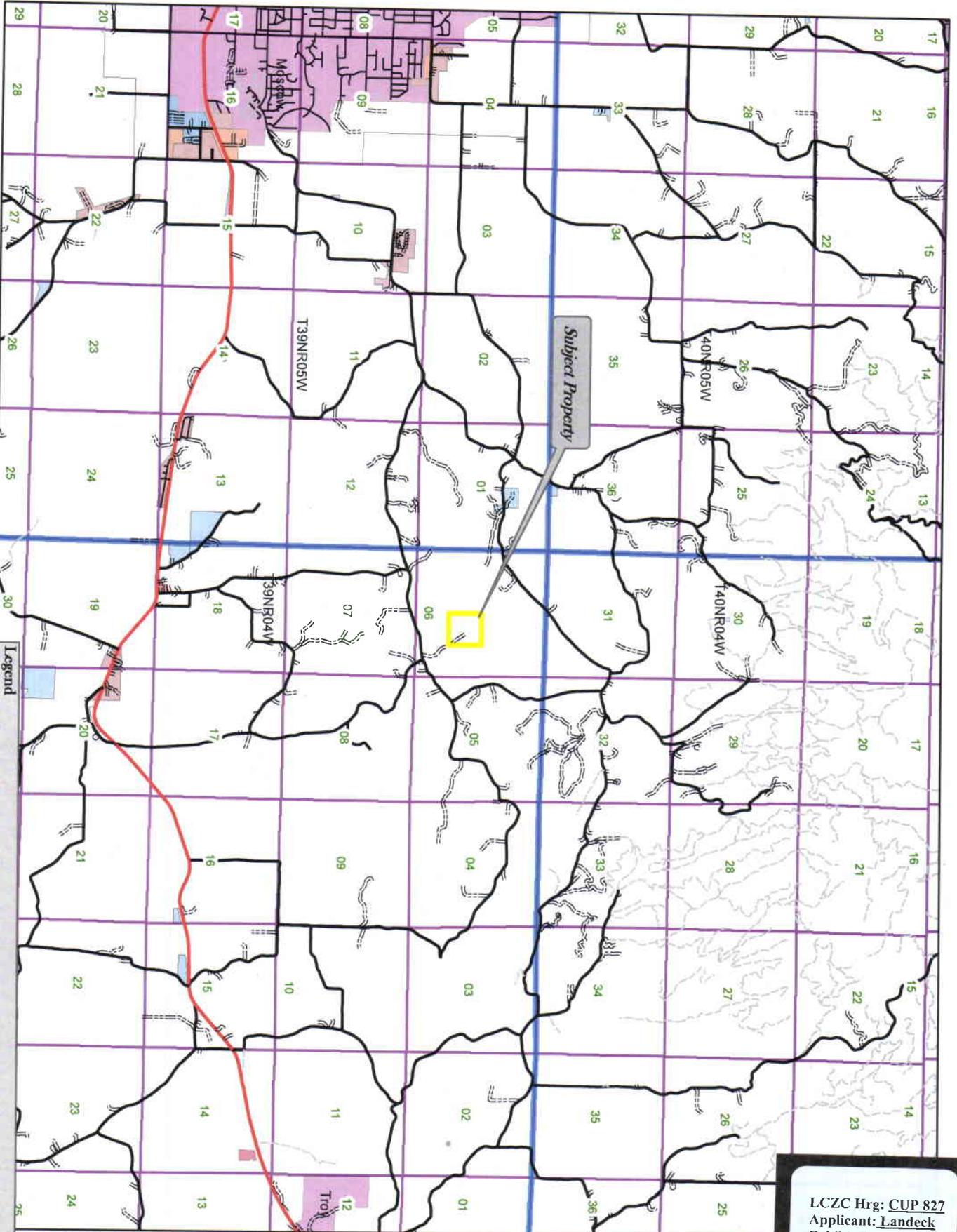
- AOI
- PRODUCTIVE
- ICR RURAL



LCZC Hrg: CUP 827
 Applicant: Landeck
 Exhibit #: 1B
 Date: 12/1/2010



CUP #827 Zoning Map



Subject Property

NOTE: This Document is a representation only.
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*Created on 11/9/2010 by JB

0 2,500 5,000 10,000 Feet

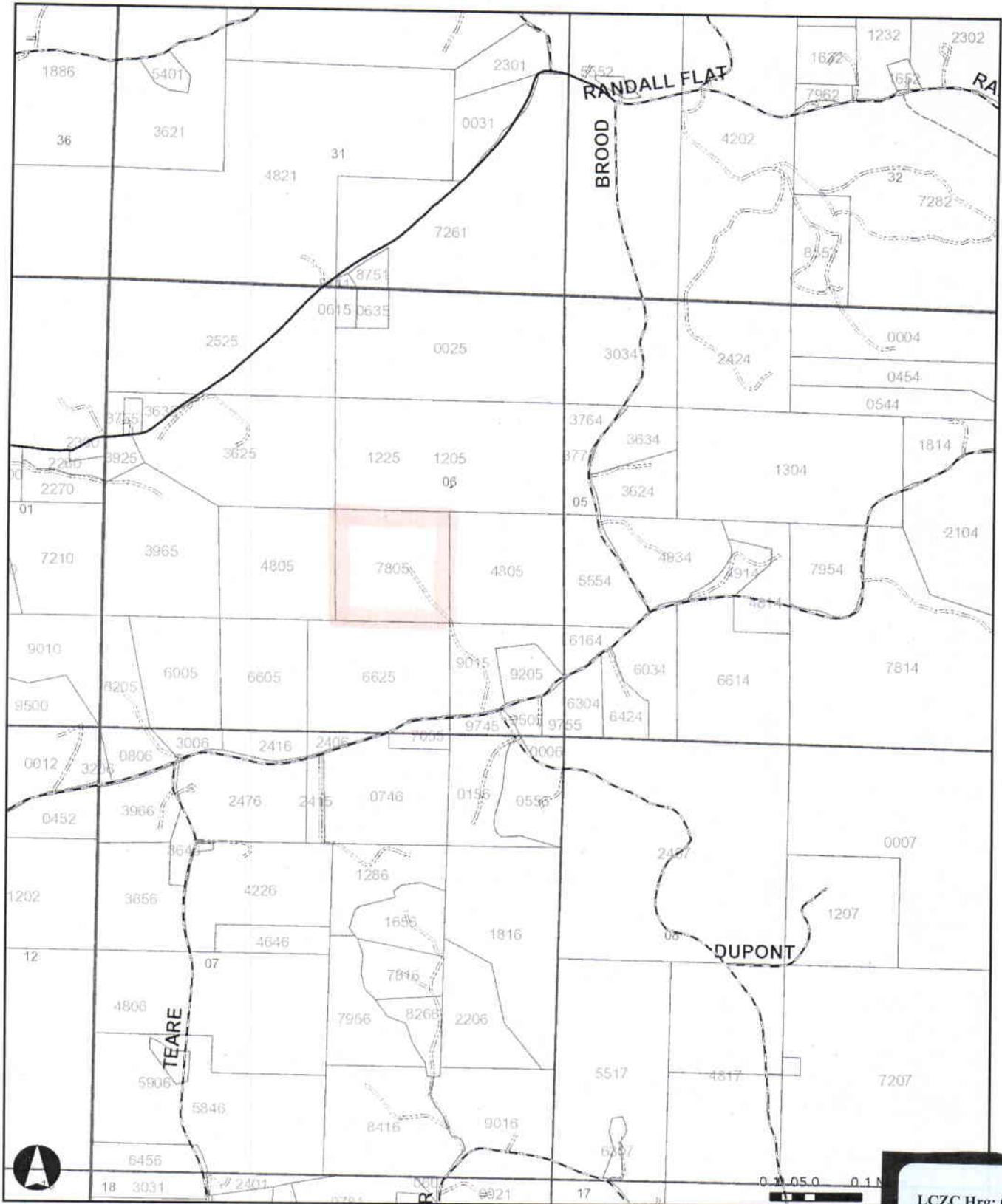


Legend

- Agriculture / Forest
- Industrial
- Municipality
- Single-Family Residential (R1)
- Area of Impact - Genesee Motor Business
- Multiple Family Residential
- Rural Residential
- Suburban Residential
- Commercial
- Single-Family Residential

LCZC Hrg: CUP 827
Applicant: Landeck
Exhibit #: 1C
Date: 12/1/2010

Map



LCZC Hrg: CUP 827
 Applicant: Landeck
 Exhibit #: 1E
 Date: 12/1/2010



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 RONALD J. LANDECK	b. Home Phone 208 882-1760	c. Work Phone 208 883-1505	
d. Mailing Address P.O. Box 9344	e. City Moscow	f. State ID	g. Zip code 83843
h. Property Owner (if different than applicant)	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 39 N04W067805 A		b. Parcel Address (if applicable) 1210 Wallen Road	
c. Acreage of Existing Parcel 40	d. Zoning Ag-F	e. Comprehensive Plan Designation Ag-R/Rural	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 Wallen Road	

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
Single family residential and farm

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

a. Fire District Moscow Rural	b. Road District North Latah	c. School District Moscow # 281
d. Source of Potable Water (i.e. water district or private well) Private well	e. Sewage Disposal (i.e. sewer district or private septic system) Private septic	

4. Adjacent Properties Information

a. Zoning of Adjacent Properties Ag-F	b. Existing Uses of Adjacent Properties Single family residential and farm
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5. Permit Information

a. Proposed Use
Accessory cottage housing (693.5 w/Bath, 634 sq. ft. -sleepers), as part of garage and storage building - detached from existing single family residence.

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 Ronald Landeck	b. Date 11/9/2010
c. Signature of Property Owner (if different than applicant)	d. Date

7. Attachments

All attachments should be reproducible in black and white at 8 1/2" 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.
- 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.

Office Use Only

Date Received 11/9/10	Amount \$200.00	Receipt No. 270402	By B.
CUP # 827	Date Determined Technically Complete 11/9/2010	By MZ	
Hearing Date December 1, 2010			

LCZC Hrg: **CUP 827**
 Applicant: **Landeck**
 Exhibit #: **2**
 Date: **12/1/2010**



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.

New garage and storage structure to include accessory cottage housing unit with 634 square feet detached from principal residence on property.

Existing Uses of Property

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

Single family residential and farm uses.
Only structure is single family residence.

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.

Use is consistent with single family residential use, use is located more than one-half (1/2) mile away from any neighboring residential use and use will have no detrimental effect on health or safety.

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

Use will not require any public facilities, services or costs.

LCZC Hrg: CUP 827
Applicant: Landeck
Exhibit #: 2A
Date: 12/1/2010

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

Use is consistent with low density residential development, protecting existing land uses from conflicting uses, preserving the rural character of Latah County, encourages development of a unique and unobtrusive accessory housing, protects agricultural land from scattered development, and allows for an economically viable use of property.

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 low density residential development and protection of existing land uses from conflicting uses

b. Population Element

Minimal growth is accommodated in an orderly way
Unproductive agricultural lands may be developed

c. Housing Element

Encourage variety of housing types, energy efficient and meets family needs.

d. Economic Development Element

Provide appropriate land uses for local needs and protects ag-forest land from scattered development.

e. Public Services, Facilities, and Utilities Element

No effect on public services

f. School Facilities and Student Transportation Element

No effect.

g. Transportation Element

No adverse effect

h. Natural Resource Element

No adverse effect

i. Special Areas Element

N/A

j. Hazardous Areas Element

N/A

k. Recreation Element

N/A

l. Land Use Element

Protects agricultural land from scattered development
Encourages development of low density residential use
on suitable sites

m. Property Rights Element

Allows for family use in an economically
viable manner.

LATAH COUNTY BUILDING PLOT PLAN

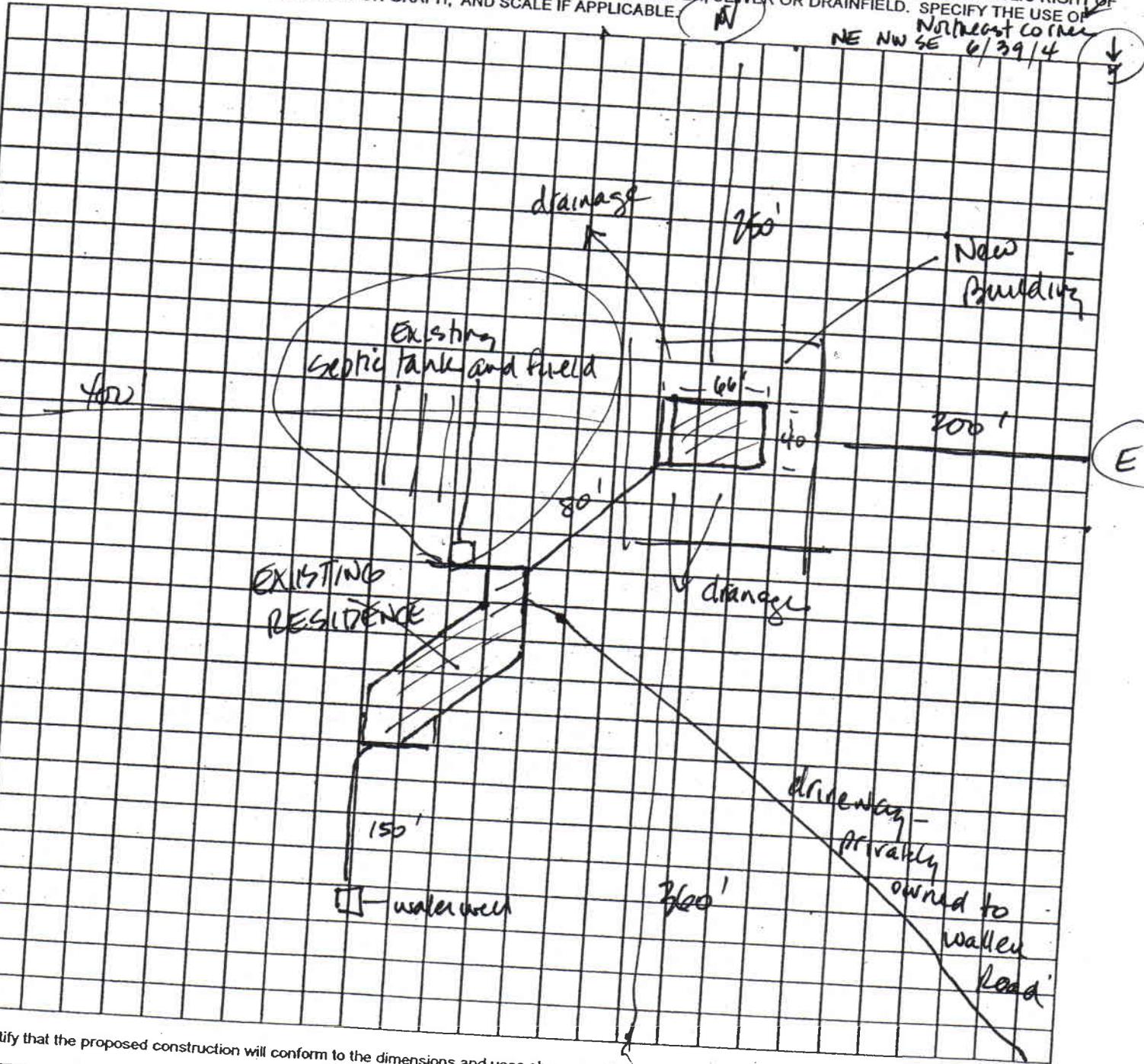
ADDRESS: 1210 Wallen Road Moscow

TOTAL ACREAGE OF PARCEL: 40

ASSESSOR'S PARCEL#: Township: 39N Range: 4W Section: 6 Parcel: 7
 SITE PLAN SHOWS NE 1/4 of 40 ACRE PARCEL = 10 acres

RP 39N04W067805A

INSTRUCTIONS TO APPLICANT
 FOR A NEW LATAH COUNTY BUILDING PERMIT, PROVIDE THE FOLLOWING INFORMATION IN THE SPACE BELOW: LOCATION OF PROPOSED CONSTRUCTION AND EXISTING IMPROVEMENTS. SHOW BUILDING SITE, AND SETBACK DIMENSIONS FROM PUBLIC RIGHT OF WAY AND FROM PROPERTY LINES. SHOW EASEMENTS. SHOW LOCATION OF WATER, SEWER OR DRAINFIELD. SPECIFY THE USE OF EACH BUILDING. INDICATE NORTH ARROW ON GRAPH, AND SCALE IF APPLICABLE.



We certify that the proposed construction will conform to the dimensions and uses shown and that no changes will be made without first obtaining approval.

OWNER: Maed Landeck
 Date: 11/9/2010
 No gas.

BUILDER: Rock Creek Builders, Inc.
Roger Jones
 Date: 11/9/2010

LCZC Hrg: CUP 827
 Applicant: Landeck
 Exhibit #: 2B
 Date: 12/1/2010

CUP #827 – Staff Introduction

A request was made by Ronald Landeck for a conditional use permit to place accessory cottage housing on a 40-acre parcel in the Agriculture/Forest zone. The property is located at 1210 Wallen, Moscow, in Section 06, Township 39 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP39N04W067805A

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:

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Exhibit #1A.	Criteria Worksheet
Exhibit #1B.	Latah County Comprehensive Plan and Vicinity Map
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