

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST
Public Hearing for Conditional Use Permit #864A

Date: December 3rd, 2014 **Time:** 5:30 pm **Applicant:** Ernest Brannon **File #:** CUP 864A

EXHIBITS:

- | | |
|---------------------|--|
| Exhibit #1. | Criteria Worksheet and Application Summary |
| Exhibit #1A. | Latah County Comprehensive Plan and Vicinity Map |
| Exhibit #1B. | Zoning Map |
| Exhibit #1C. | Adjoining Property Owners and Aerial Photograph Map |
| Exhibit #1D. | Findings of Fact and Conclusions of Law for CUP #864 |
| Exhibit #1E. | Findings of Fact and Conclusions of Law for AP870 |
| Exhibit #2. | Application Form (Submitted by Applicant) |
| Exhibit #2A. | Applicant's Narrative (Submitted by Applicant) |
| Exhibit #2B. | Property Site Plan (Submitted by Applicant) |
| Exhibit #3. | Staff Introduction for Latah County Zoning Commission public hearing for CUP 864A on December 3 rd , 2014 |
| Exhibit #4. | Letter received from John and Karen Byers on July 6 th , 2014 |
| Exhibit #5. | Letter received from Karen Zemanek on August 19 th , 2014 |

CRITERIA WORKSHEET & APPLICATION SUMMARY

Note: This exhibit 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 operate a bed and breakfast outside the primary residence and chapel on a 12-acre parcel in the Agriculture/Forest zone.

Description of application:

A request by Ernest Brannon for a conditional use permit to operate a bed and breakfast and chapel on a 12-acre parcel in the Agriculture/Forest zone. The property is located at 2493 Blaine Road, Moscow, in Section 27, Township 39 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP39N05W278563A. The completed application was received by the Latah County Planning and Building Department on October 23rd, 2014.

Applicable Code:

Section 7.01.02 (see exhibit #3) and *Sections 3.01.02.10 and 3.01.02.12*

Section 3.01.02.10- The Latah County Land Use Ordinance, under section 3.01.02(10), lists "Churches" as a conditionally permitted use in the Agriculture/Forest Zone.

Section 3.01.02.12- The Latah County Land Use Ordinance, under section 3.01.02(12), lists "Bed and Breakfast" as a conditionally permitted use in the Agriculture/Forest Zone.

Facts of application and the information submitted

Site Characteristics:

Size of Parcel: 12 acres
Floodplain: Zone "C"

Land Use and Regulations:

Comprehensive Plan Designation: Productive
Existing Zoning: Agriculture/Forest
Existing Uses: Residential, Forestry, Bed and Breakfast located in home
Neighboring Zoning: Agriculture/Forest
Neighboring Uses: Agriculture, Residential, Forestry

Infrastructure/Services:

Water: Private Well
Sewer: Private Septic
Access: Blaine Road (permitted)
Fire Protection: Moscow Fire District

Applicable Statute, Ordinance, and Comprehensive Plan Sections:

Local Planning Act: Idaho Code 67-6512

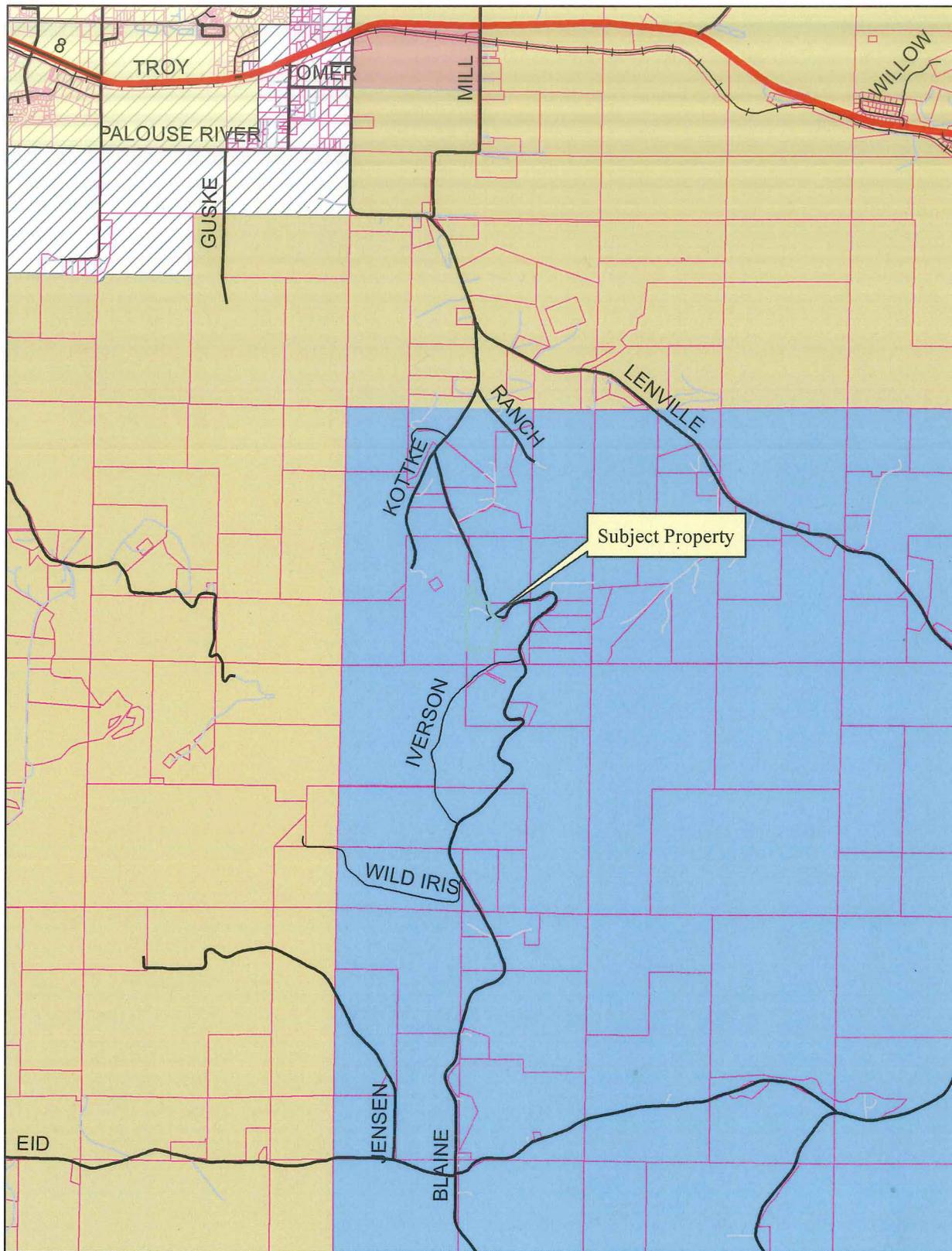
Latah County Land Use Ordinance # 269, as amended:

Section 3.01 Agriculture/Forest Zone
Article 7 Conditional Use Permits

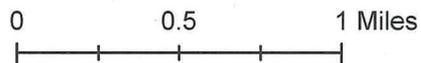
Latah County Comprehensive Plan

CUP #864A Comprehensive Plan and Vicinity Map

Latah County Planning and Building



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



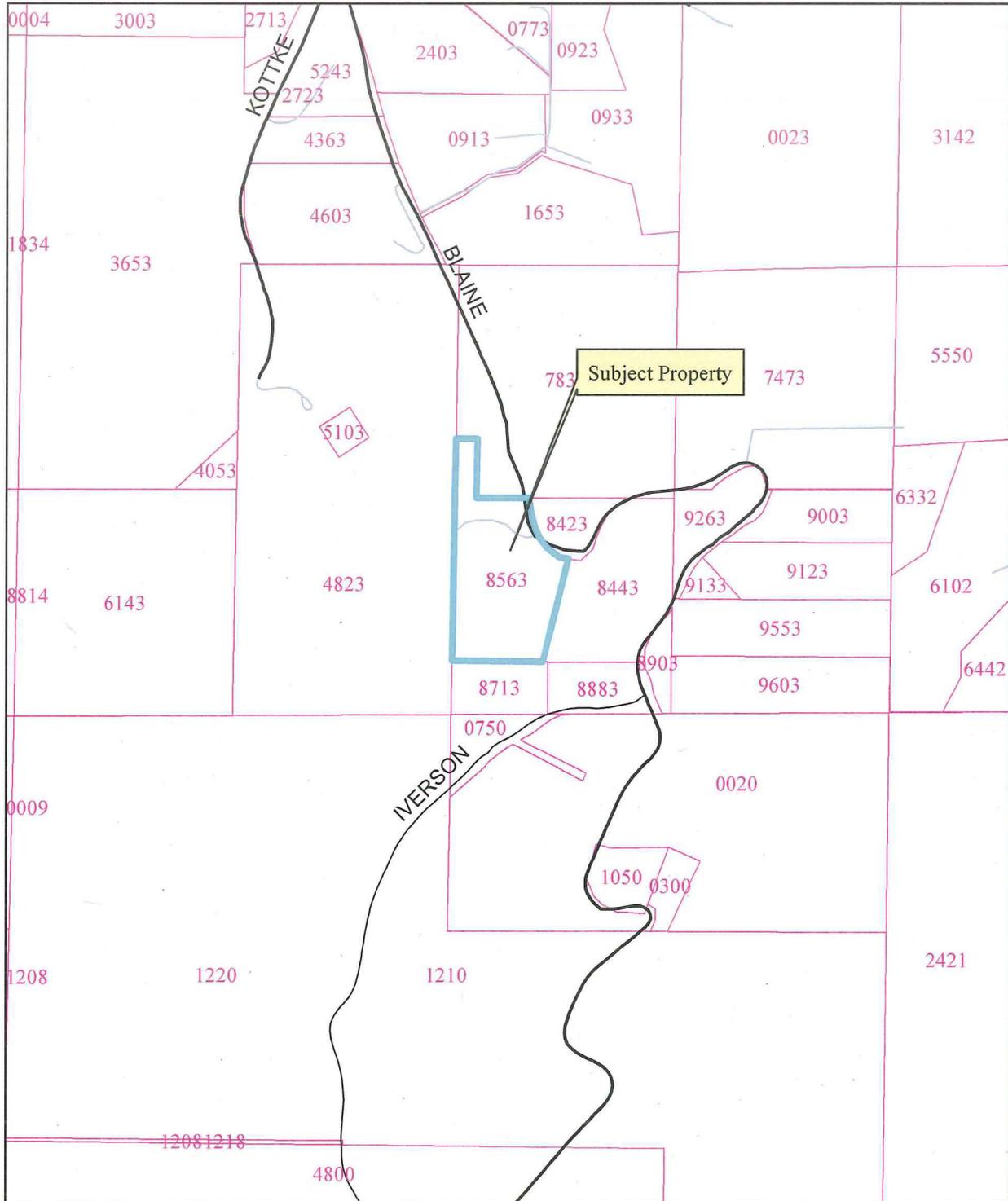
Comprehensive Plan

- AFR
- ICR
- AOI; AOI
- PRODUCTIVE
- Incorporated Places
- RURAL

LCZC Hrg: CUP 864A
 Applicant: **Brannon**
 Exhibit #: 1A
 Date: 10/03/2014

CUP #864A Zoning Map

Latah County Planning and Building

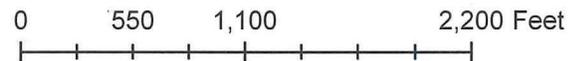


Note: This document is a representation only. Latah County bears no responsibility for errors or omissions



Zoning

- | | | | |
|---|--|---|--------------------------------|
|  | Agriculture / Forest; Agriculture / Forestry |  | Rural Residential |
|  | Commercial |  | Single-Family Residential |
|  | Industrial |  | Single-Family Residential (R1) |
|  | Motor Business |  | Suburban Residential |
|  | Multiple Family Residential | | |
|  | Municipality | | |



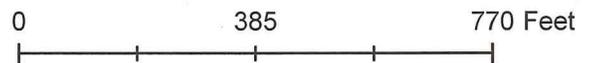
LCZC Hrg: CUP 864A
 Applicant: Brannon
 Exhibit #: 1B
 Date: 10/03/2014

CUP #864A Adjacent Property Owner

Latah County Planning and Building



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



LCZC Hrg: CUP 864A
Applicant: Brannon
Exhibit #: 1C
Date: 10/03/2014



LATAH COUNTY
BOARD OF COMMISSIONERS
MOTION AND ORDER

P.O. Box 8068 ♦ 522 S. Adams ♦ Moscow, ID 83843
(208) 882-7208 ♦ Fax: (208) 883-2280
bocc@latah.id.us

COMMISSIONER McGraw MOVES THAT THE BOARD:

Approve the Findings of Fact and Conclusions of Law and Decision for the Brannon appeal (AP #870) which modified the Latah County Zoning Commission's decision on CUP #864 in regards to condition #4 and condition #7.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>Jennifer Barrett</u> Jennifer Barrett, Chair	<u>X</u>	_____	_____
_____ Tom Stroschein, Commissioner	_____	_____	_____
<u>David McGraw</u> David McGraw, Commissioner	<u>X</u>	_____	_____

ATTEST:

DATE:

K. Ryan
Clerk/Deputy Clerk

11-26-12

LCZC Hrg: CUP 864A
Applicant: Brannon
Exhibit #: 1E
Date: 10/03/2014

**BEFORE THE ZONING COMMISSION
COUNTY OF LATAH, STATE OF IDAHO**

A REQUEST BY ERNEST BRANNON FOR A CONDITIONAL USE PERMIT TO OPERATE A BED AND BREAKFAST AND CHAPEL ON A 12-ACRE PARCEL IN THE AGRICULTURE/FOREST ZONE. THE PROPERTY IS LOCATED AT 2493 BLAINE ROAD, MOSCOW, IN SECTION 27, TOWNSHIP 39 NORTH, RANGE 05 WEST, B.M. IN LATAH COUNTY AND IS REFERENCED AS LATAH COUNTY ASSESSOR'S PARCEL NUMBER RP39N05W278563A.

WHEREAS, Ernest Brannon made application to the Latah County Planning and Building Department on August 8th, 2012; and

WHEREAS, a duly noticed public hearing was held on Wednesday, September 19th, 2012, before the Zoning Commission to take testimony and consider this proposed conditional use permit application; and

WHEREAS, the Zoning Commission has reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents;

**THE ZONING COMMISSION, AFTER DUE DELIBERATION AND CONSIDERATION,
HEREBY MAKES THE FOLLOWING FINDINGS OF FACT:**

1. The subject parcel is zoned Agriculture/Forest (A/F) and the surrounding properties are zoned Agriculture/Forest (A/F).
2. The subject parcel is approximately 12-acres.
3. The subject parcel is designated "Productive" on the Comprehensive Plan map. (Exhibit 1A)
4. The current use of the property is residential and has an existing bed and breakfast within the home. The surrounding land uses are agricultural, forestry, and residential.
5. The site is accessed from Blaine Road.
6. The Latah County Land Use Ordinance, under section 3.01.02(12), lists Bed and Breakfast with no more than four single or double guest rooms that will be conducted outside the primary residence and/or that will be beyond the scope of the home occupation provisions as provided under Section 4.02 of this ordinance or the provisions set forth in Section 3.01.01.5 of this ordinance, as a conditionally permitted use in the Agriculture/Forest (A/F) Zone.
7. The Latah County Land Use Ordinance, under section 3.01.02.(10), lists "Churches" as a conditionally permitted use in the Agriculture/Forest Zone.
8. The applicant provided written testimony that there will be two additional rooms located in existing buildings in addition to the two rooms in the existing residence.
9. The applicant provided written testimony that the chapel will be uses for limited church services,

weddings, concerts, and meetings.

10. The applicant testified that there is ample parking for events located on the property.
11. The applicant testified that all outside activities are restricted to end at 10:00 pm.
12. The applicant testified that the bed and breakfast and events hosted at the chapel assist in stimulating the local economy as many supply vendors are used to cater events.
13. The applicant provided testimony that there is an existing septic system that meets the Health District standards and that two private wells service the property.
14. The applicant testified that the property's primary use is residential.
15. The applicant testified that there is a need for additional temporary accommodations and meeting facilities in Latah County.

BASED UPON THE FOREGOING FINDINGS, THE ZONING COMMISSION OF LATAH COUNTY HEREBY MAKES THE FOLLOWING CONCLUSIONS:

1. The Zoning Commission has reviewed the application and concludes that the use is not detrimental to the health or safety of those in the surrounding area and will not adversely affected permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone.
2. The Zoning Commission has reviewed the application and concludes that the use will not require facilities or services with excessive costs to the public.
3. The Zoning Commission has reviewed the application and concludes that the use is not in conflict with the goals and policies of the Latah County Comprehensive Plan.
4. The Zoning Commission has reviewed the application and found that the proposed use is essential to the public health, safety, or welfare.

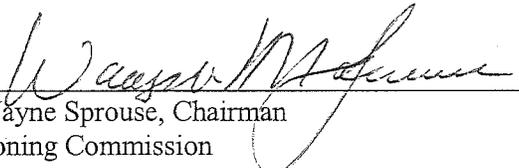
DECISION

THEREFORE, the Latah County Zoning Commission approves the request by Ernest Brannon for a Conditional Use Permit for a Bed and Breakfast and Chapel, subject to compliance with the plans and specifications presented to the Latah County Zoning Commission and to the following conditions:

1. Compliance with all federal, state, and local regulations.
2. Compliance with the application materials as submitted and presented.
3. No parking associated with the conditional use permit shall occur on the county road. All attendees shall be transported via a shuttle. A sign must be placed at the off-street parking instructing patrons to use the shuttle service.
4. No outdoor amplified music or microphones are allowed.
5. Outdoor events are restricted to the hours of operation from 9:00 AM to 10:00 PM.

6. Outdoor events may only occur on one day per weekend.
7. Outdoor events may only occur on non-consecutive weekends, in cases of cancellations an event may occur on consecutive weekends. A quarterly calendar must ne submitted to the Planning and Building department prior to events occurring.
8. This application shall expire two (2) years from issuance.

PASSED BY THE ZONING COMMISSION OF LATAH COUNTY THIS
19 DAY OF SEPT., 2012.


Wayne Sprouse, Chairman
Zoning Commission

NOTICE OF EFFECTIVE DATE AND NOTICE OF RIGHT TO APPEAL

All final decisions of the Latah County Zoning Commission may be appealed, as set forth in Section 1.02.18 of the Latah County Land Use Ordinance #269, as amended.

An appeal period of fifteen (15) days shall begin upon the day of the mailing, or if hand delivery the day of delivery, of the Zoning Commission's or Land Use Board of Appeals' signed findings of fact and conclusions of law. The applicant or other affected person must specify the issues on appeal and shall submit the written appeal to the Planning Department within the time period described above. The written appeal must specify which findings or conclusions the appellant finds to be in error and explain the appellant's reasons for determining that the findings and conclusions are in error. Any affected person may submit a written response to the appeal within 15 days of the filing of a conforming written notice of appeal. If approved, no conditional use permit shall become effective nor shall any buildings or installation permit be issued until the fifteen (15) day appeal period has elapsed or until the Board has made a decision upon appeal.

NOTICE OF RIGHT TO REQUEST REGULATORY TAKINGS ANALYSIS

The owner of the property that is the subject of this decision may make a written request to the Latah County Planning and Building Department for a Regulatory Takings Analysis within twenty-eight (28) days from the date of this decision as provided by Chapter 80, Title 67, Idaho Code.

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**BEFORE THE BOARD OF LATAH COUNTY
COMMISSIONERS
COUNTY OF LATAH, STATE OF IDAHO**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THE APPEAL (AP #870) BY ERNEST BRANNON REGARDING THE ZONING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT (CUP #864) TO OPERATE A BED AND BREAKFAST AND CHAPEL ON A 12-ACRE PARCEL IN THE AGRICULTURE/FOREST ZONE. THE PROPERTY IS LOCATED AT 2493 BLAINE ROAD, MOSCOW, IN SECTION 27, TOWNSHIP 39 NORTH, RANGE 05 WEST, B.M. IN LATAH COUNTY AND IS REFERENCED AS LATAH COUNTY ASSESSOR'S PARCEL NUMBER RP39N05W278563A.

WHEREAS, Ernest Brannon made application to the Latah County Planning and Building Department on August 8th, 2012; and

WHEREAS, a duly noticed public hearing was held on Wednesday, September 19th, 2012, before the Zoning Commission to take testimony and consider this proposed conditional use permit application; and

WHEREAS, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents, the Zoning Commission approved the request for a Conditional Use Permit (CUP #864) as conditioned; and

WHEREAS, Ernest Brannon filed an appeal on CUP #864 on October 4th, 2012; and

WHEREAS, a hearing was held on November 13th, 2012 before the Latah County Board of Commissioners to consider the appeal; and

WHEREAS, the appellant was present and available at the hearing on November 13th, 2012 to clarify his appeal for the Board of Latah County Commissioners; and

WHEREAS, the Latah County Board of Commissioners closed the hearing on November 13th, 2012; and after hearing the appeal, reviewing the full record of the September 19th, 2012 public hearing, and considering the issues presented by the appellant:

THE LATAH COUNTY BOARD OF COMMISSIONERS, STATE OF IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY MAKES THE FOLLOWING:

I. FINDINGS OF FACT

1. The appellant is Ernest Brannon, 2493 Blaine Road, Moscow, Idaho.

LCZC Hrg: CUP 864A
Applicant: Brannon
Exhibit #: 1D
Date: 10/03/2014

2. The appellant claims that his substantial rights have been prejudiced and that Findings of Fact Decision #4 and #7 are arbitrary, capricious, or an abuse of discretion.
3. The appellant testified before the Board that without amplification and by limiting outdoor use of their venue to every other weekend that the economic gain of their business is encroached on and adversely effects economic development in Latah County.
4. The appellant contends that the noise controls that he had invoked voluntarily and testified to at the Zoning Commission's hearing were not considered by the Zoning Commission and provided ample noise mitigation. The noise mitigation included, speakers facing towards the appellant's home, limited hours of sound operation, and volume control.
5. The deliberations of the Zoning Commission made it seem as though their conclusions of noise impacts did not include the noise mitigation the applicant had completed or that they tried to weigh the noise levels in relation to other noise that is permitted in the same zoning designation.
6. The Board of Latah County Commissioners finds that with a two (2) year expiration that it will be imperative that the applicant maintain sufficient sound mitigation practices in effort to be a good neighbor. The Board stated that if complaints were received regarding noise, those complaints would be filed with the Planning and Building office and become a part of the record when the Brannons' re-apply.
7. The Board of Latah County Commissioners discussed that the Zoning Commission's application of limitations on the number of outdoor events was random, especially when no amplified music was being allowed or noise mitigations being considered.
8. Condition #4 seems to unduly limit the applicant's economic viability of their business. Furthermore, the applicant's testimony that they had mitigated the sound issue based on previous complaints seemed reliable.

BASED UPON THE FOREGOING FINDINGS, THE LATAH COUNTY BOARD OF COMMISSIONERS HEREBY MAKES THE FOLLOWING CONCLUSIONS:

II. CONCLUSIONS OF LAW

1. The Board of Latah County Commissioners finds that the Zoning Commission considered the requirements of the Latah County Land Use Ordinance #269, as amended, and all relevant evidence including exhibits, oral testimony, and written testimony in making its decision. However the Board finds that the Zoning Commission failed to consider the sound mitigation practices the applicant had already put in place and condition the permit accordingly.
2. The Board of Latah County Commissioners finds that the use is consistent with the goals and policies of the Latah County Comprehensive Plan and as conditioned, will not adversely affect the enjoyment of any other permitted uses in the area.

3. As was discussed at the appeal hearing the Board of Latah County Commissioners determined that by limiting the outside events as stated in decision #7 of the Zoning Commissions Finding of Fact it would limit economic growth in the county.
4. The Board of Latah County Commissioners finds that there was not substantial evidence on the record to support the Zoning Commission's condition #7, to require outdoor activities to be limited to non-consecutive weekends. The Board finds that as conditioned and presented concerns have been mitigated. By not allowing the applicant to operate on consecutive weekends the board believes it would limit the economic growth and viability in the county based on services used.
5. The Board of Latah County Commissioners finds that there was not substantial evidence to support condition #4 to not allow outdoor amplification.
6. The Board of Latah County Commissioners finds that Decision #4 made by the Latah County Zoning Commission was arbitrary based on the evidence in the record.
7. The Board of Latah County Commissioners finds that Decision #7 made by the Latah County Zoning Commission was arbitrary based on the evidence in the record.
8. The Board of Latah County Commissioners finds that in regards to the Findings, Conclusions or Decision #1-3, #5, #6, and #8; the substantial rights of the appellant have not been prejudiced and are **not**:
 - a. In violation of Constitutional or statutory provision;
 - b. In excess of the statutory authority of the Commission
 - c. Made upon unlawful procedure;
 - d. Not supported by substantial evidence on the record as a whole;
 - e. Arbitrary, capricious, or an abuse of discretion

III. DECISION

THEREFORE, the Board of Latah County Commissioners issues this order to **Modify** the decision of the Latah County Zoning Commission for the request for a Conditional Use Permit (CUP #864) to operate a bed and breakfast and chapel, with changes made to Conditions #4 and #7 as follows:

- #4. Amplified microphones and speakers may be used but are restricted to 70 decibels within 8 feet of the output, to be measured by the applicant utilizing equipment that the applicant will purchase and maintain.
- #7. Strike this condition.

REQUIRED LEGAL NOTICES

NOTICE OF EFFECTIVE DATE AND NOTICE OF RIGHT TO APPEAL

This decision is effective on the date passed and signed by the Latah County Board of Commissioners. This is a final action. An affected person aggrieved by this decision may, within twenty-eight (28) days after the effective date, seek judicial review as provided by Chapter 52, Title 67, Idaho Code.

NOTICE OF RIGHT TO REQUEST REGULATORY TAKINGS ANALYSIS

The owner of the property that is the subject of this decision may make a written request to the Latah County Planning and Building Department for a Regulatory Takings Analysis within twenty-eight (28) days from the date of this decision as provided by Chapter 80, Title 67, Idaho Code.

PASSED BY THE LATAH COUNTY BOARD OF COMMISSIONERS THIS 26 DAY
OF November, 2012.



Jennifer Barrett, Chair
Board of Latah County Commissioners



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 Ernest L. Brannon		b. Home Phone / Work Phone 208-882-7907		c. Email cbrannon@moscow.com	
d. Mailing Address 2493 Blaine RD		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) rp39n05w278563a			b. Parcel Address (if applicable) 2493 Blaine RD		
c. Acreage of Existing Parcel approx 12		d. Zoning AF	e. Comprehensive Plan Designation rural		f. Floodplain designation(s) n/a
g. FEMA Panel # n/a		h. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.		i. Impact City Blaine RD	

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

a. Fire District Moscow Rural	b. Road District North Latah Hwy Dist.	c. School District Moscow
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) septic systems

4. Adjacent Properties Information

a. Zoning of Adjacent Properties a/f	b. Existing Uses of Adjacent Properties residence and farming
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5. Permit Information

a. Proposed Use Bed and Breakfast, Weddings, and receptions, church related activities, public lectures and concerts
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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? 3.01.02 (3)&(12)
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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>Ernest L. Brannon</i>	b. Date <i>Oct 23 / 2014</i>
c. Signature of Property Owner (if different than applicant)	d. Date

7. Attachments

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

- Fee:** (\$300.00) 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 <i>10/23/14</i>	Amount <i>\$300</i>	Receipt No. <i>744089</i>	By <i>TS</i>
CUP # <i>464A</i>	Date Determined Technically Complete <i>10/23/14</i>		By <i>TS</i>
Hearing Date <i>12/3/14</i>			

09/19/2013

LCZC Hrg: CUP 864A
Applicant: Brannon
Exhibit #2
Date: 10/03/2014



Conditional Use Permit Narrative Worksheet

Application Information

Applicant's Name

Ernest L. Brannon

Phone Number

208-882-7907

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.

The proposal is to use our private residence for bed and breakfast, use facilities for weddings and receptions and to use or make available present facilities for church related activities, public lecture, plays and concerts. Our private home site is set back from Blaine Road 300 ft. It is not readily visible from the road. There are five neighbors adjacent to home site ranging from 250 yds to over 1/2 mile from our home.

Our residence is near the center of 12 acres of land, rectangular in shape. We have four bedrooms in the residence, and two unattached rooms for use by guests or family. No cooking facilities exist in these rooms. All bedrooms are provided with private bath. Heating is propane. Two wells supply our water needs. Three septic systems provide for domestic waste treatment. Access to our residence is on a 250 yd. private driveway surfaced with brick pavers. Parking is sufficient for 40 cars.

Located at our site is a George Roberts memorial metal sculpture garden with 6 pieces of his work displayed for public viewing:

They are: Woman at Rest, Lovers, Bird of Prey, Woman with Umbrella, Wolf Pack and the Head of Christ.

Located at our home across a 4,500 sq. ft courtyard (see attached)

Existing Uses of Property

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

The property is a private residence with occasional meetings related to university faculty events, non-profit group meetings, concerts, church services and summer weddings. Our home and related facilities occupy a total of about 14,000 sq. ft. All buildings are located around a central 4,500 sq foot courtyard. The metal sculpture garden and patios add 5,000 sq ft of activity space.

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.

Our home is separated from adjacent neighbors, the closest about 100 yards from common property line, but 250 ft. from our house. In summer, we schedule only one outdoor event per week. Events end at 10:00 pm. In consideration of neighbors, we have obtained acoustic blankets that minimize sound generated at weddings. Because sound does carry even with the forested landscape, we enforce a sound limitation of 70dB, 10 feet from the speakers. These efforts cut down on the transmission of music but voices still carry from the site. All parking of guests is in designated areas on the site. We ask that no guests park on Blaine road.

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

There will be no facilities or services with excessive costs to the public. All revenue generated from use of the facilities goes to the Meadowwinds foundation which sponsors summer science education camps for Native American youth, church sponsored science education camps, and scholarships for university education.

LCZC Hrg: CUP 864A
Applicant: Brannon
Exhibit #: 2A
Date: 10/03/2014

Description of Proposal, Continued, page 1

is a 1,200 sq ft vaulted chapel, seating 100 persons. The chapel is used for weddings, church related activities, lectures, plays and concerts. Separate toilet facilities, handicap accessible are available for men and women. There is an office and two separate rooms that can be used for separate meeting, one with a toilet. Weddings are limited to weekends mostly during the summer and two outdoor patios of approximately 2,400 sq ft each are available for use by the wedding party. Size of events is limited to 150 persons. Lectures, concerts, plays and church services are limited, with no more than 15 per year total. There is a paved surface parking area next to the chapel that will accommodate 20 cars, 20 additional cars can be parked on paved areas next to the residence and 200 ft. from the chapel 30 cars can be accommodated on a dirt surface. All parking areas are more than 300 ft. from Blaine road.

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

Use is not in conflict with the goals and policies of the Comprehensive Plan for Latah County. The use is consistent with maintaining and enhancing the rural nature of the county.

In addition to your response above, please explain your proposal's consistency with the proceeding 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

Although the conditional use will not increase any growth in the area, the activities at the site will be an orderly and attractive development in Latah County. It will protect the existing character of the surrounding area, protect land uses from conflicting uses, and preserve the rural environment of surrounding areas.

b. Population Element

We judge the conditional use will have no negative effect on the population element since the site will not be developed beyond its present site and has no association with high density residential development. The land is considered unproductive for agriculture, and it preserves forest and wildlife habitat on the property.

c. Housing Element

The present facilities at the home site are more than adequate for the extended family and purposes proposed. The buildings and landscape are attractive and have been constructed under the county building code requirements. The house is framed with 2x8 and 2x10 stud walls, surfaced with 3/4 "plywood and stucco or brick. Roof material is concrete tile. the house is well insulated. Unattached buildings are 8 inch concrete wall construction, 2x4 frame interior and insulated. Roofs are concrete tile or copper shingles.

d. Economic Development Element

Proposed use encourages use of local business including catering services, rental companies, and restaurants during the summer with revenue estimated at well over \$200,000 in during the 2014 wedding season. Motel use of over 200 room nights in Moscow serves families attending the weddings. The use adds diversification in our area and in some cases provides unique opportunities unavailable elsewhere in the county. Eighty percent of weddings are of residents from outside Moscow

e. Public Services, Facilities, and Utilities Element

The site provides adequate public facilities and services at no additional cost associated with the county. The uses have no physical impact on the residential area of Blaine Road. The extent of concrete buildings tends to protect the using public from fire hazards. Water wells and Waste treatment (septic systems) are sufficient. Solid waste generated is removed by users or taken to the County waste transport center.

f. School Facilities and Student Transportation Element

The proposed conditional use does not apply to this element.

g. Transportation Element

The parking facilities at the site are adequate to avoid problems associated with parking along the public road. The present access from the property to the public road is very wide, set back, and will not change.

h. Natural Resource Element

There is a positive effect on natural resources, given that the natural beauty of the site and forest is preserved for public enjoyment with trails and opportunity to observe the scenery surrounding the area. The natural environment and wildlife habitat is a major element at the home site and will be maintained.

i. Special Areas Element

The proposed use has no effect on special areas with exception that the scenic element of the site will be preserved to maximize the appreciation of the meadows and forested areas overlooking the valley.

j. Hazardous Areas Element

The water feature (10,000 gallons) and the well water are available for use to fight fire. A fire pump and hose are maintained for that purpose if fire spreads from the adjacent forest. The concrete buildings and tile roofs help protect property loss from fire.

k. Recreation Element

Viewing areas and hiking trails are available on the 12 acres that lead to Paradise Ridge and to adjacent property, providing recreational opportunity for guests at the homesite.

l. Land Use Element

The property falls under the rural development area on the Comprehensive Plan Land Use Map. It is also directly north of agriculture areas classified as rural and productive.

m. Property Rights Element

We feel that proposed conditional use does not interfere with the County's Comprehensive Plan and thus the proposed use will not result in effects that might deny the ability to provide an economic benefit to the owners from such use.

n. Water Resources Element

The well water at the site is treated by reverse osmosis to provide safe quality drinking water. The by-pass water is stored for irrigation of landscape plants and 700 sq ft of grass. Most of the land is in wild grass that is mowed regularly. Trees are not irrigated once they take root. They depend on rain and soil moisture retention. The wells are adequate for water needs; conservation is a priority.



Plat Map with Adjoining Parcels

Ed Kottke

S01°22'04"W
1530.41'

BLAINE ROAD

NW1/4SE1/4

George Roberts 41.05 acres
now owned by E. Brannon

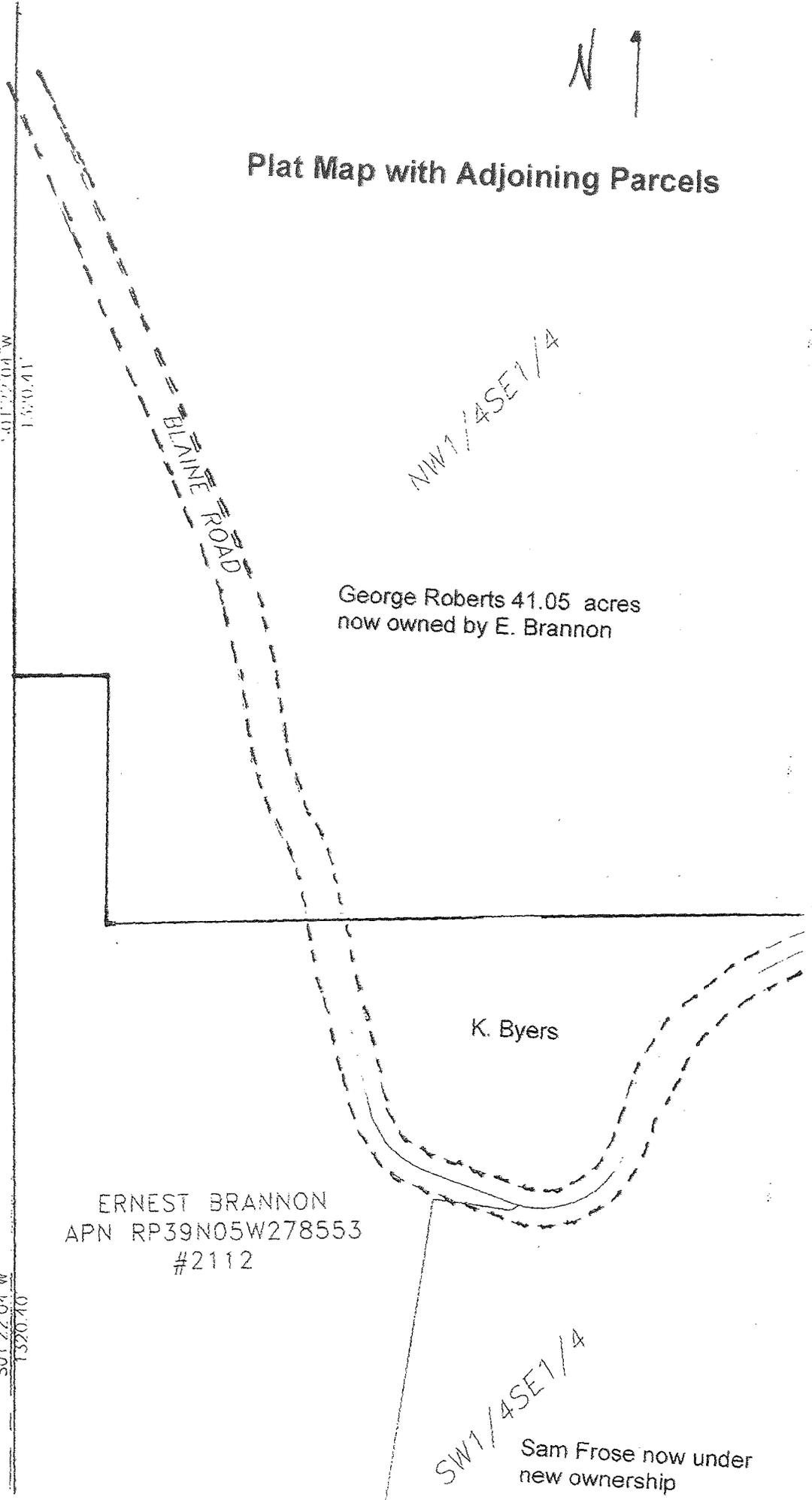
K. Byers

ERNEST BRANNON
APN RP39N05W278553
#2112

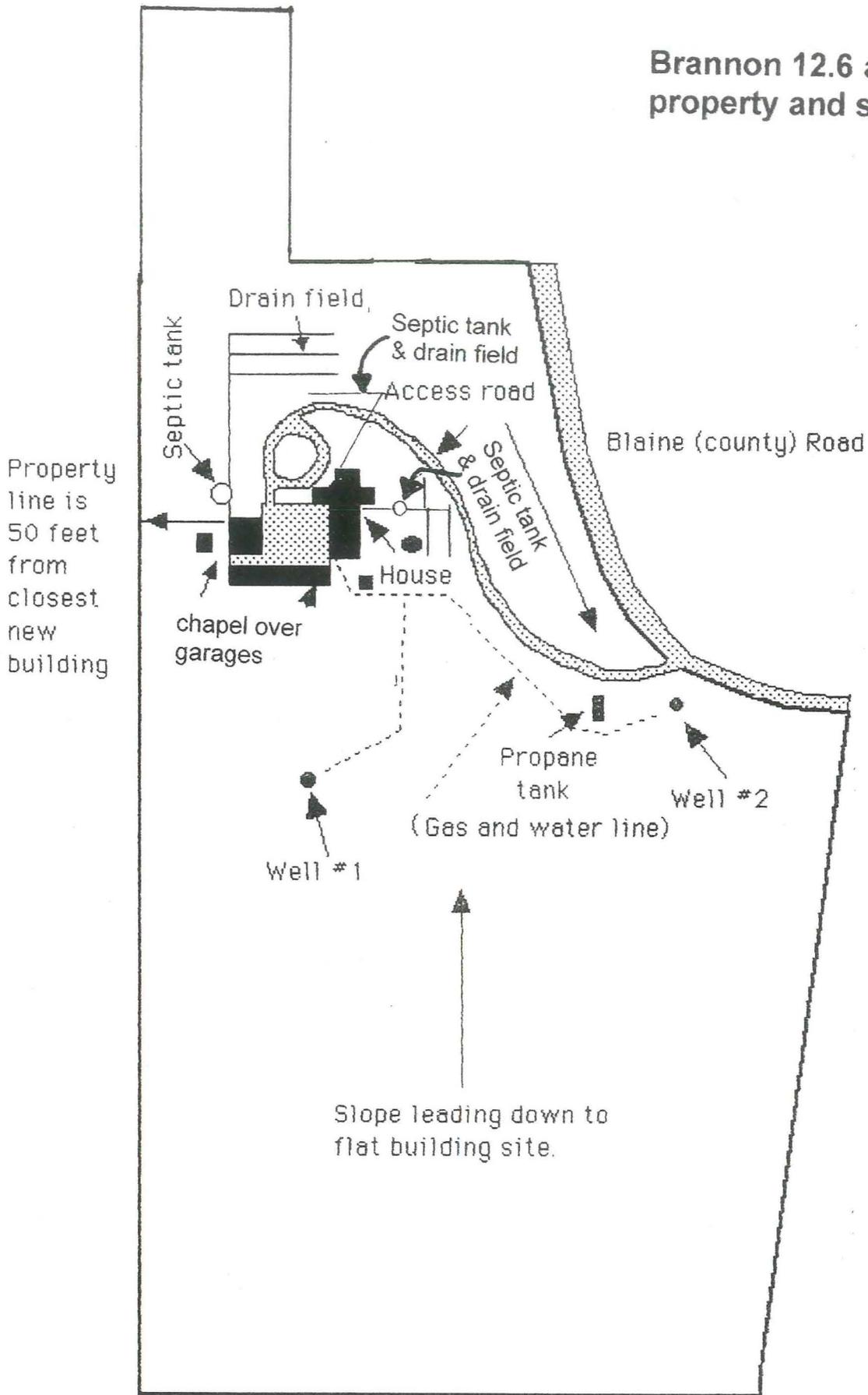
S01°22'04"W
1520.40'

SW1/4SE1/4

Sam Frose now under
new ownership



**Brannon 12.6 acres
property and site plan**



LCZC Hrg: CUP 864A
Applicant: Brannon
Exhibit #: 2B
Date: 10/03/2014

CUP #864A – Staff Introduction

A request by Ernest Brannon for a conditional use permit to operate a bed and breakfast and chapel on a 12-acre parcel in the Agriculture/Forest zone. The property is located at 2493 Blaine Road, Moscow, in Section 27, Township 39 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP39N05W278563A.

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:

- | | |
|---------------------|--|
| Exhibit #1. | Criteria Worksheet and Application Summary |
| Exhibit #1A. | Latah County Comprehensive Plan and Vicinity Map |
| Exhibit #1B. | Zoning Map |
| Exhibit #1C. | Adjoining Property Owners and Aerial Photograph Map |
| Exhibit #1D. | Findings of Fact and Conclusions of Law for CUP #864 |
| Exhibit #1E. | Findings of Fact and Conclusions of Law for AP #870 |
| Exhibit #2. | Application Form (Submitted by Applicant) |
| Exhibit #2A. | Applicant's Narrative (Submitted by Applicant) |
| Exhibit #2B. | Property Site Plan (Submitted by Applicant) |
| Exhibit #3. | Staff Introduction for Latah County Zoning Commission public hearing for CUP 864A on December 3 rd , 2014 |
| Exhibit #4. | Letter received from John and Karen Byers on July 6 th , 2014 |
| Exhibit #5. | Letter received from Karen Zemanek on August 19 th , 2014 |

RECEIVED

JUL 08 2014

LATAH COUNTY

6 July 2014

2480 Blaine Road
Moscow, ID 83843

Latah County Zoning Commission
522 S. Adams
Moscow, ID 83843

Dear Commissioners:

We are writing to complain about the conditional use permit granted to our neighbor, Ernie Brannon. Under this permit, Ernie is allowed to host a large wedding or similar event on his property every weekend during summer, and is allowed to use amplified voice and music, with the restriction that sound pressure at 8 feet from the speakers should not exceed 70 dB. These restrictions were a relaxation of the original Commission ruling, which was that there would be no amplified sounds, and no events on consecutive weekends. The commissioners granted the relaxation after Brannon appealed. Our understanding is that the permit is valid through September of this year, and we now urge the commissioners not to renew it.

Our experience is that either the 70dB limit is frequently exceeded, or that the limit is too high. The weddings this summer have been loud enough to disturb us every weekend, sometimes on both days of the weekend. For summer, 2014, Brannon has scheduled 20 events for the 19 weekends. The amplified voice and music are so loud at our house that sitting outside to read or have dinner becomes unpleasant, and sitting inside when our windows are open is not much better. Last night, I could still plainly hear the wedding when I was reading in bed. In addition to the amplified sounds, most weddings involve, as the evening progresses, a lot of yelling and cheering, which is louder and more disturbing than the amplified sounds. There is other disturbance earlier on wedding days, as delivery trucks arrive, tents are put up, sounds systems are checked, etc.

The land on Paradise Ridge is not zoned for business, and the character of the business that Ernie Brannon is engaged in violates the first principle of the Latah County Comprehensive Plan, which is "Preservation of the rural character of Latah County to ensure the protection of the cultural, scenic and natural amenities presently found in the County." Also, it seems clear that Brannon does not need to operate the business to make a livelihood.

When the Commissioners granted the current use permit, they justified the decision by noting that the activities proposed would foster economic development of Latah

LCZC Hrg: CUP 864A
Applicant: Brannon
Exhibit #:4
Date: 10/03/2014

County. We suggest that there is little evidence that the activities at Brannon's result in economic development. If the weddings that Brannon hosts did not take place on his property, they would take place somewhere else, still using the same services. However, our main point is that, on land not zoned for business, economic development should not take priority over a homeowner's right to peace and quiet. We urge the Commission to not renew Ernie Brannon's permit.



John and Karen Byers

John: (208) 230-0643

Karen: (208) 230 - 0724

August 10, 2014
Karen Zemanek
2480 Blaine RD
Moscow, ID 83843

RECEIVED
AUG 19 2014
LATAH COUNTY

Dear Latah County Planning and Zoning Commission,

I am writing to specifically complain about the events and noise at Ernest and Charlene's Brannon's house last night from 5 PM until 10:30 PM at Blaine RD, Moscow

1. There was a car parked on the side of the road. (This is not allowed according to a hearing conducted in Sept 2012) .
2. There were multiple comings and goings of cars all evening.
3. There was a man (men) speaking on a microphone almost all evening, until I called the Brannon's complaining at 9PM.
4. The noise level after the microphone noise lessened (but not completely) was so loud that we could not sit outside, NOR sit reading in the quiet of our house with the windows open on a lovely Saturday evening and continued until 10:30. (5 ½ hours)
5. A neighbor a half mile away could also hear the "noise" and said she was going to call the Brannon's to complain.

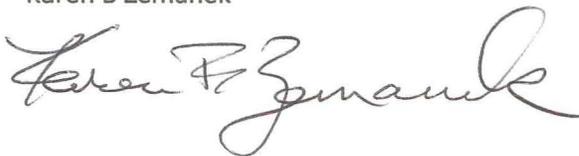
If this occurred in the occasional normal rural life of a neighbor, I would not complain, but this was a BUSINESS event, (and, by the way has occurred EVERY weekend since June 1!!!!) and this area is not zoned for business.

This is the 13th business event held this summer (and we hear and have complained about ALL OF THEM) and we are highly annoyed.

Please do not renew Brannon's Conditional Use Permit to hold weddings and similar events on his property as we would like to continue to enjoy our rural life, which we have enjoyed for the past 30 years, until now.

In September 2012, the commissioners ruled to look at this issue in 2 years and it is now 2 years.

Thank you,
Karen B Zemanek



LCZC Hrg: CUP 864A
Applicant: Brannon
Exhibit #: 5
Date: 10/03/2014