



LATAH COUNTY PLANNING & BUILDING

Latah County Courthouse

PO Box 8068, 522 South Adams
Moscow, ID 83843

(208) 883-7220 ♦ FAX (208) 883-7225 ♦ E-Mail: pb@latah.id.us ♦ In Latah County, Toll Free: 1-800-691-2012

CONDITIONAL USE PERMITS

Note: Some uses require additional information or procedures as part of the conditional use permit application process. Before filing a conditional use permit application, the applicant is encouraged to meet with staff to discuss the process required for the proposed use.

SECTION 7.01 CONDITIONAL USE PERMITS

To comply with the purposes of this ordinance, specific land uses within a particular zone require special consideration prior to their being permitted in that zone. These conditional uses must be reviewed and approved by the Zoning Commission prior to initiation or development. This review shall determine the compatibility of the proposed use with the surrounding area and particularly with permitted uses in that zone. The approval may provide specific conditions which ensure that the proposed use will be compatible with the permitted uses. The listing of a particular use as a conditionally permitted use does not give the property owner a property right in that use.

7.01.01 APPLICATION

Application for a conditional use permit shall be made by the owner of the affected property. The completed application form, fee, and any other information required by the Planning Department shall be submitted to the Department prior to scheduling a public hearing.

7.01.02 PERMIT CRITERIA

1. A conditional use permit shall 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 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.
 - 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 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.

7.01.03 PUBLIC HEARINGS AND PROCEDURES

1. A public hearing before the Zoning Commission shall be held on each complete application received by the Planning Department within six months of receiving the complete application. In the event that the applicant does not want a hearing to be held within this six month period, at the end of the six month period the application will be returned to the applicant, with a refund of 80% of the application fee if the hearing has not been noticed. The applicant can withdraw an application at any time, with a refund of 80% of the application fee if the hearing has not been noticed.
2. Notice for the public hearing shall be given as set forth in Idaho Code Section 67-6512(b), or when notice is required to 200 or more property owners notice shall be given as set forth in Section 6.02.01 of this ordinance.
3. The Zoning Commission shall determine whether the proposal conforms to the permit criteria set forth in Section 7.01.02. Based on its determination, the Zoning Commission may approve or deny the application for the permit.

4. The Zoning Commission may require such changes or impose such reasonable conditions for the proposed use which are in its judgment necessary to ensure conformity with Section 7.01.02. Each approved permit shall conform to the specifications of the proposal except as explicitly modified by the Zoning Commission. Conditional use permits may be temporary so that the period of approval for a particular use is limited.

5. The Zoning Commission shall approve findings of fact and conclusions of law and notify the applicant of its decision within forty days of closing the public hearing.

7.01.04 APPEALS PROCEDURE

All final decisions of the Zoning Commission may be appealed, as set forth in Section 1.02.18 of this ordinance.

7.01.05 EFFECTIVE DATE

No conditional use permit shall become effective nor shall any building or installation permit be issued until the 15-day appeal period has elapsed or until the Board of Latah County Commissioners has made a decision upon appeal.

7.01.06 EXPANSION OF CONDITIONAL USES

Expansion, enlargement, or alteration of an approved conditional use shall be reviewed by the Planning Department upon written request by the permit holder. If the Department determines that the alteration, expansion, or enlargement is beyond the scope of action allowed by the original permit, the Department shall require the permit holder to apply for the review and approval of the Zoning Commission under the provisions of Section 7.01.03.

7.01.07 EXPIRATION OF A CONDITIONAL USE PERMIT

A conditional use permit shall expire if the use allowed by the permit is not initiated within one year of the effective date or if the use is initiated and then ceases for a period of one year unless otherwise specified by the Zoning Commission. A one time extension of no more than one year may be granted by the Director for good cause.

7.01.08 FAILURE TO COMPLY

Failure to comply with the conditions of approval or the provisions of Section 7.01 may result in revocation of the conditional use permit and/or any other formal or informal enforcement action at the discretion of the Director. The Director may revoke a conditional use permit if the permittee fails to comply with the conditions of approval. Upon revocation the Director shall issue a written notice of revocation including the reasons therefore. This notice shall be sent to the permittee by certified mail or shall be hand delivered. This revocation is appealable pursuant to Section 1.02.17 of this ordinance. No revocation shall take affect until the expiration of the appeal period contained in Section 1.02.17, or, if an appeal is filed, until a decision has been made upon appeal.



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. Home Phone / Work Phone		c. Email	
d. Mailing Address		e. City		f. State	g. Zip code
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)			b. Parcel Address (if applicable)		
c. Acreage of Existing Parcel	d. Zoning	e. Comprehensive Plan Designation		f. Floodplain designation(s)	g. FEMA Panel #
h. Is the parcel within an Area of City Impact?	<input type="checkbox"/> Yes. <input type="checkbox"/> No.	i. Impact City		j. Road Used to Access Site	

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

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

a. Fire District	b. Road District	c. School District
d. Source of Potable Water (i.e. water district or private well)		e. Sewage Disposal (i.e. sewer district or private septic system)

4. Adjacent Properties Information

a. Zoning of Adjacent Properties	b. Existing Uses of Adjacent Properties
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5. Permit Information

a. Proposed Use

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?

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	b. Date
c. Signature of Property Owner (if different than applicant)	d. Date

Office Use Only

Date Received	Amount	Receipt No.	By
CUP #	Date Determined Technically Complete	By	
Hearing 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.

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

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

b. Population Element

c. Housing Element

d. Economic Development Element

e. Public Services, Facilities, and Utilities Element

f. School Facilities and Student Transportation Element

g. Transportation Element

h. Natural Resource Element

i. Special Areas Element

j. Hazardous Areas Element

k. Recreation Element

l. Land Use Element

m. Property Rights Element

n. Water Resources Element
