

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, September 16, 2009
5:30 p.m.

The Latah County Zoning Commission will hold a public hearing on Wednesday, September 16, 2009 in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

5:35 p.m. – CUP #797 – A request by Noel Leithart for a conditional use permit to place accessory cottage housing on 4.35-acres in the Agriculture/Forest Zone. The property is located at 3961 Darby Road, Moscow, approximately a 3 miles east of the City of Moscow in Section 1, Township 39 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's Parcel Number RP39N05W013660A.

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

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

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

Aimee Shipman
Associate Planner
(This is a public service announcement)

NOEL LEITHART
CONDITIONAL USE PERMIT APPLICATION #797
STAFF REPORT

SUMMARY OF APPLICATION:

A request by Noel Leithart for a conditional use permit to place accessory cottage housing on 4.35-acres in the Agriculture/Forest Zone. The property is located at 3961 Darby Road, Moscow, approximately a 3 miles east of the City of Moscow in Section 1, Township 39 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's Parcel Number RP39N05W013660A.

Site Characteristics:

Size of Parcel:	4.35-acres
Soils:	Spokane Loam, 15-35 % Slopes; Larkin Silt Loam, 12-35 % Slopes; (Latah County Soil Survey Sheet #26)
Floodplain:	Zone "C" (FIRM Panel #160086 0245B)

Land Use and Regulations:

Comprehensive Plan Designation:	Rural
Existing Zoning:	Agriculture/Forest (A/F)
Existing Uses:	Agriculture, Residential
Neighboring Zoning:	Agriculture/Forest (A/F)
Neighboring Uses:	Residential, Agriculture

Infrastructure/Services:

Water:	Private well
Sewer:	Private septic
Access:	Darby 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.	Aerial Photograph Map with 10" Contours
Exhibit #1F.	Photos of Subject Property
Exhibit #2.	Application Form (Submitted by Applicant)
Exhibit #2A.	Applicant's Narrative (Submitted by Applicant)
Exhibit #2B.	Vicinity Map/Plat Map (Submitted by Applicant)
Exhibit #2C.	Site Plan (Submitted by Applicant)
Exhibit #2D.	Proposed Accessory Cottage Layout (Submitted by Applicant)
Exhibit #3.	Staff Introduction for Latah County Zoning Commission Public Hearing for CUP 797 on September 16, 2009

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:

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

Description of application:

A request by Noel Leithart for a conditional use permit to place accessory cottage housing on 4.35-acres in the Agriculture/Forest Zone. The property is located at 3961 Darby Road, Moscow, approximately a 3 miles east of the City of Moscow in Section 1, Township 39 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's Parcel Number RP39N05W013660A.

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 (Section 3.01, Latah County Land Use Ordinance)

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

The intent of this Section of the ordinance is to enable the placement of one accessory housing unit, either attached or separate from an existing principal dwelling, on parcels that are not eligible for additional building permits, provided that such accessory housing is not rented or occupied for gain. The Zoning Commission shall, as a minimum, place the following requirements upon any accessory cottage housing conditional use permit.

A. Any new structure must meet all other zoning requirements, the owner of such property must obtain a valid building permit prior to any construction, the building must pass all inspections, and the building must receive a certificate of occupancy.

B. Any existing structure must be brought into compliance with all current zoning requirements, building codes, and occupancy ratings for a residence, the owner of such property must obtain a valid building permit prior to making any changes or commencing construction, the building must pass all inspections, and the building must receive a certificate of occupancy.

C. Accessory cottage housing roofs shall comply with snowload requirements in the area in which they are constructed.

D. Minimum constructed roof pitch shall be of a 4:12 rise to run ratio. Constructed roof pitch in excess of rise to run ratio of 5:12 shall be credited for snowload construction requirements. In the event there is a conflict with any other adopted codes, such as the Building Code, the more restrictive shall apply.

E. Accessory cottage housing shall be installed as real property with a permanent foundation.

F. Septic system and domestic water supply for accessory cottage housing shall be inspected and approved by the North Central District Health Department.

G. The square footage for accessory cottage housing shall be the minimum allowed by the building code (320 square feet) and a maximum of 900 square feet, and the square footage of the accessory cottage housing unit shall not exceed fifty (50) percent of the total square footage of the principal dwelling.

H. The maximum separation between the principal dwelling and the accessory cottage housing shall be 100 feet unless it is physically impractical to do so, in which case it must be located as close as is physically practical to the principal dwelling.

I. A deed restriction shall be recorded prior to issuance of a building permit indicating that the accessory cottage housing is not to be a leasehold interest or be rented. This restriction shall also state that this accessory housing unit shall forevermore be tied to the principal building and shall not be separated or put on its own parcel for sale or any other purpose.

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

The conditional use permit application was signed by Noel Leithart, owner of the subject property.

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;

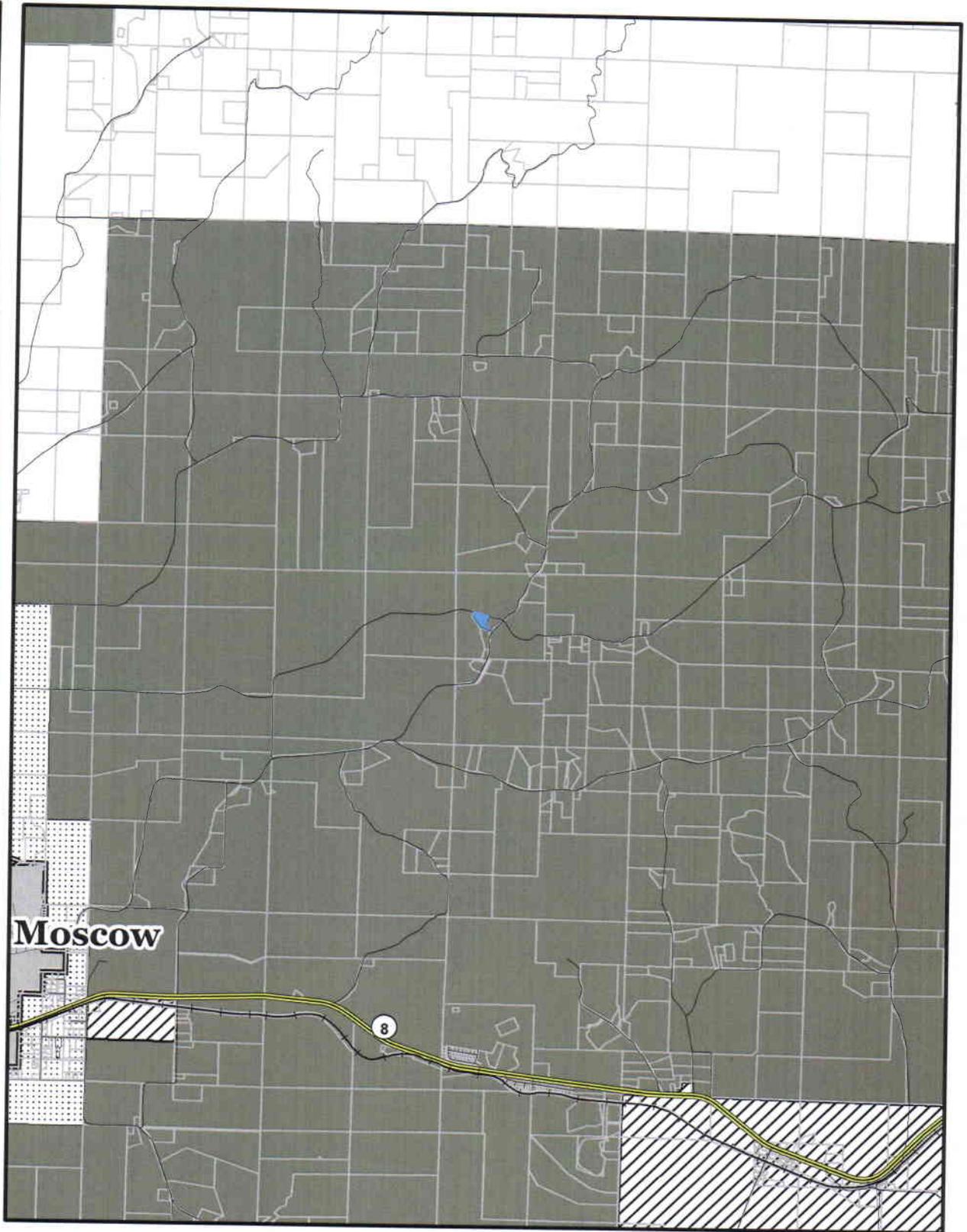
B. The use will not require facilities or services with excessive costs to the public;

C. The use is consistent 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 finding of fact and conclusions of law.

CUP #797 Vicinity and Comprehensive Plan Land Use Map



Legend

- | | | | |
|---|---------------------|---|------------------------------------|
|  | Subject CUP parcel |  | Area of Impact |
|  | Parcels |  | Productive |
|  | Incorporated Places |  | Rural |
| | |  | Residential, Commercial Industrial |

Latah County Comprehensive Plan

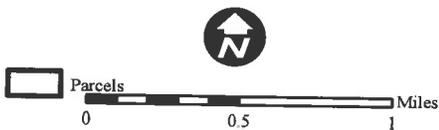


LCZC Hrg: CUP797
 Applicant: Leithart
 Exhibit #: 1B
 Date: 9/16/2009

CUP # 797 Zoning Map



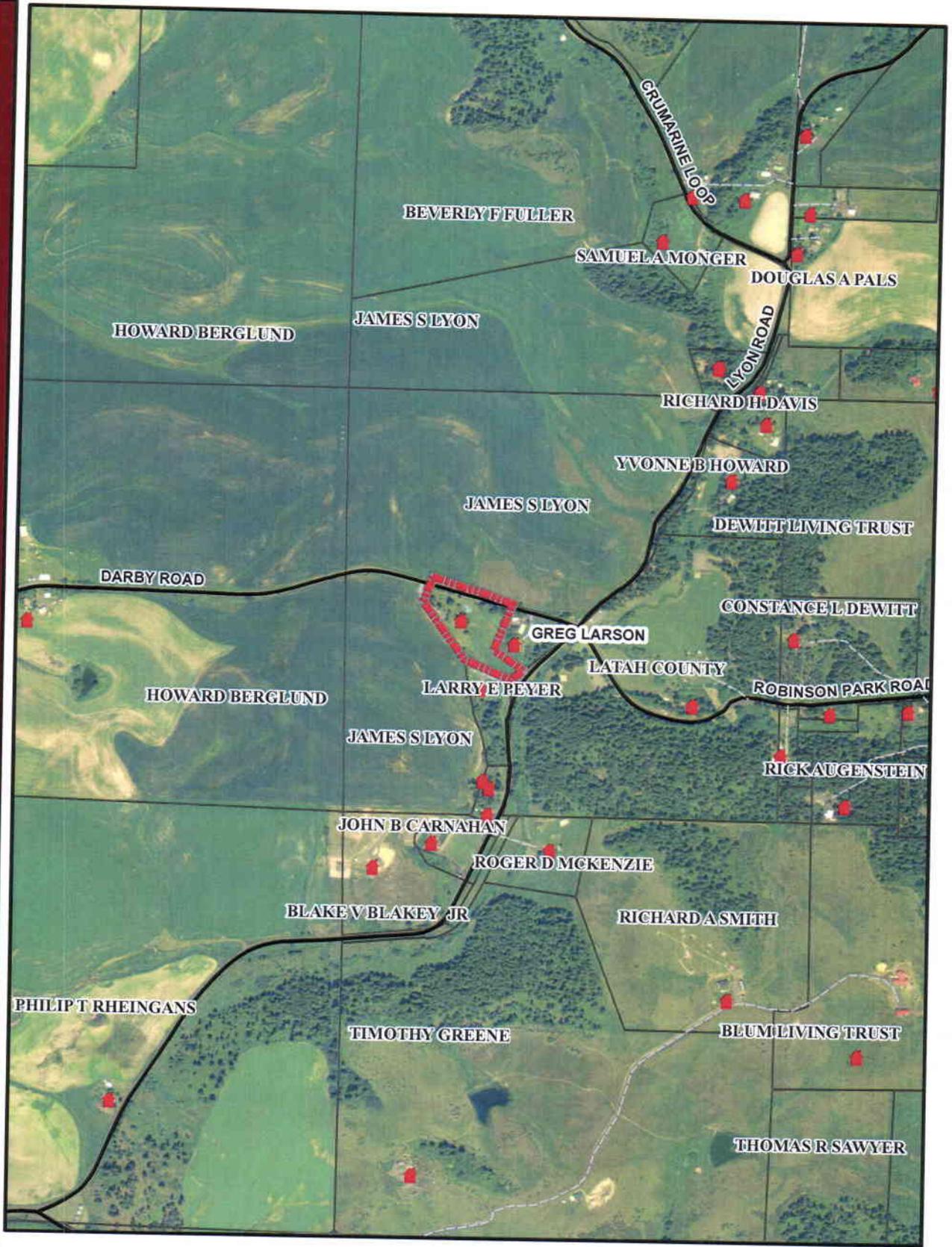
- Legend**
-  modifications selection
 -  Zoning Districts: Suburban Residential
 -  Agriculture / Forest
 -  Industrial
 -  Rural Residential



LCZC Hrg: CUP797
Applicant: Leithart
Exhibit #: 1C
Date: 9/16/2009

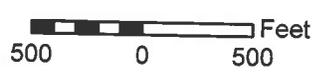


CUP #797 Adjacent Property Owners



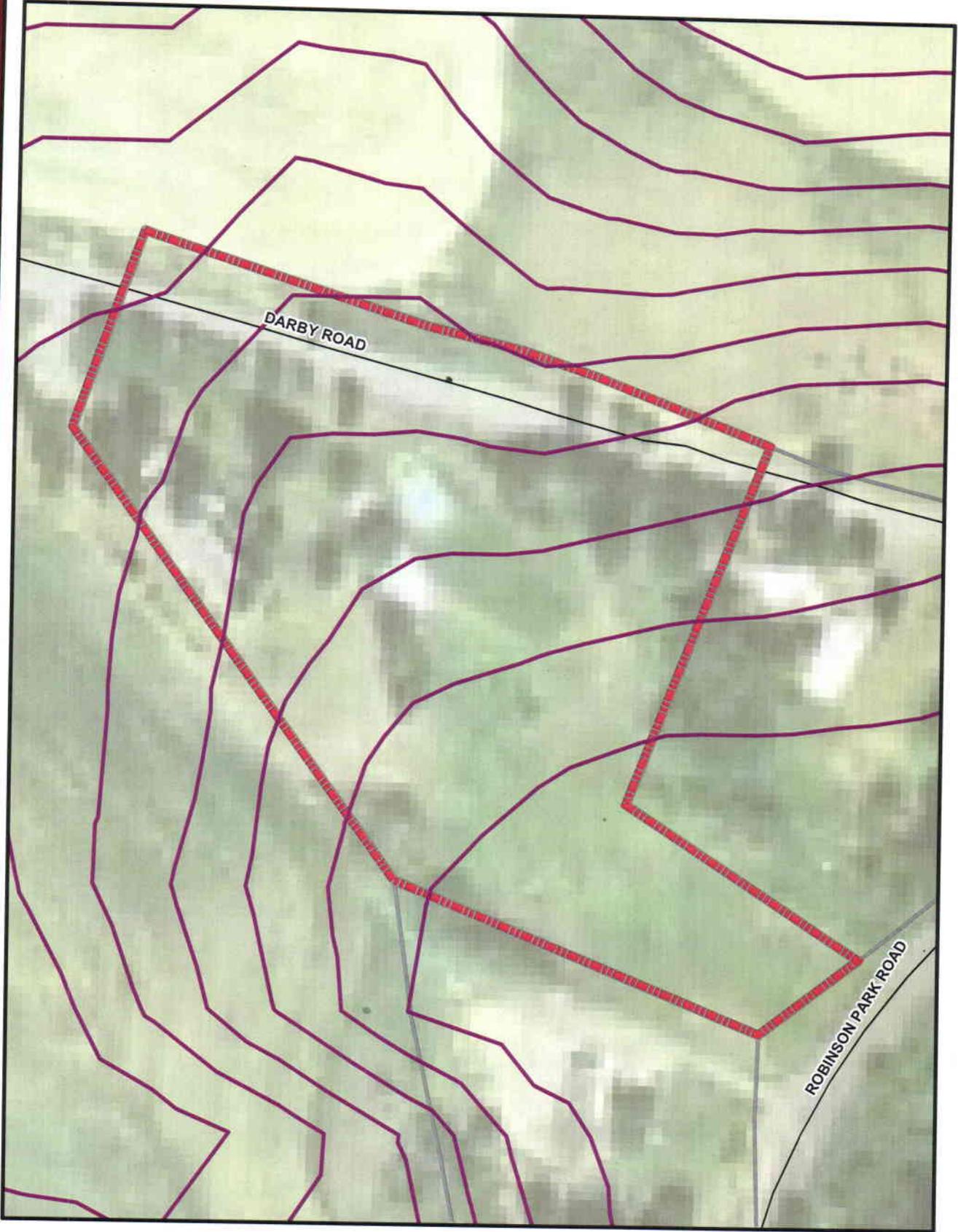
Legend

-  Subject CUP parcel
-  Location of Structures
-  Parcels



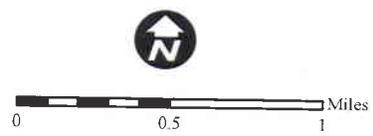
LCZC Hrg: CUP797
 Applicant: Leihart
 Exhibit #: _____ 1D
 Date: 9/16/2009

CUP # 797 Aerial Photograph Map with 20 ft Contour Intervals



Legend

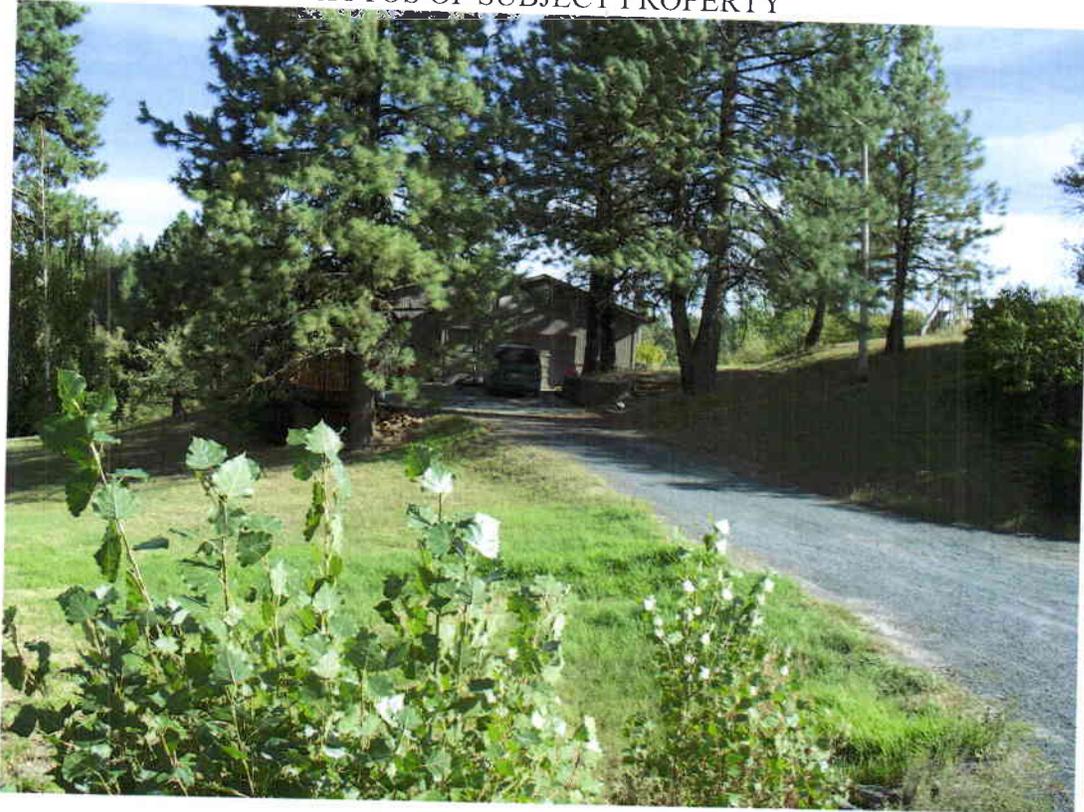
-  10 Ft Contour Intervals
-  Subject CUP Parcel
-  Parcels



LCZC Hrg: CUP797
Applicant: Leihart
Exhibit #: 1E
Date: 9/16/2009



PHOTOS OF SUBJECT PROPERTY



LCZC Hrg: CUP797
Applicant: Leithart
Exhibit #: 1F
Date: 9/16/2009



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>Peter Leithart/Noel Leithart</i>		b. Home Phone <i>208-892-0410</i>		c. Work Phone	
d. Mailing Address <i>3961 Darby 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)		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 <i>4.35 acres</i>	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 <i>Moscow Rural</i>	b. Road District <i>North Latah Cofhwy Dist</i>	c. School District <i>Moscow</i>
d. Source of Potable Water (i.e. water district or private well) <i>private</i>	e. Sewage Disposal (i.e. sewer district or private septic system) <i>Lagoon</i>	

4. Adjacent Properties Information

a. Zoning of Adjacent Properties	b. Existing Uses of Adjacent Properties <i>agricultural + residential</i>
----------------------------------	--

5. Permit Information

a. Proposed Use <i>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

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>Noel Leithart</i>	b. Date <i>8-24-09</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:** (\$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 <i>8-24-09</i>	Amount <i>\$200</i>	Receipt No. <i>279996</i>	By <i>AS</i>
CUP # <i>797</i>	Date Determined Technically Complete <i>8-24-09</i>		By <i>AS</i>
Hearing Date <i>September 16 2009</i>			



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 build 900 sq ft accessory guest accommodation in traditional design on unused area of land. Cottage will not affect surrounding area use. Location is within 100 ft of present barn and will not be metered separately for utilities. It is physically impractical to put cottage within 100 ft of house due to fenced pasture + terrain.

Existing Uses of Property

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

primary residence, barn, pasture

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 neighbors and will not change the ~~chara~~ character or mood of surrounding area

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

use will not affect present services

LCZC Hrg: CUP797
Applicant: Leithart
Exhibit #: 2A
Date: 9/16/2009

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

Cottage design is consistent with traditional architecture of present neighboring home. It is to be built on unused open land, thus no trees will be removed. Cottage use is for extended family or visiting non-family. Placement will not adversely affect pasture 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

designed to blend with local landscape + use all available energy efficiency

d. Economic Development Element

not applicable as not a commercial situation

e. Public Services, Facilities, and Utilities Element

Due to guest accommodation designation, public services, facilities + utilities will not be affected

f. School Facilities and Student Transportation Element

cottage use is for guest accommodation - no school issues

g. Transportation Element

driveway/access to barn already exists - cottage will use same access

h. Natural Resource Element

located in an area that ensures protection of surrounding streams + other natural resources. will not require removal of any trees

i. Special Areas Element

will not encroach upon any special areas of historic or otherwise significance

j. Hazardous Areas Element

not located in a hazardous area

k. Recreation Element

does not seem applicable

l. Land Use Element

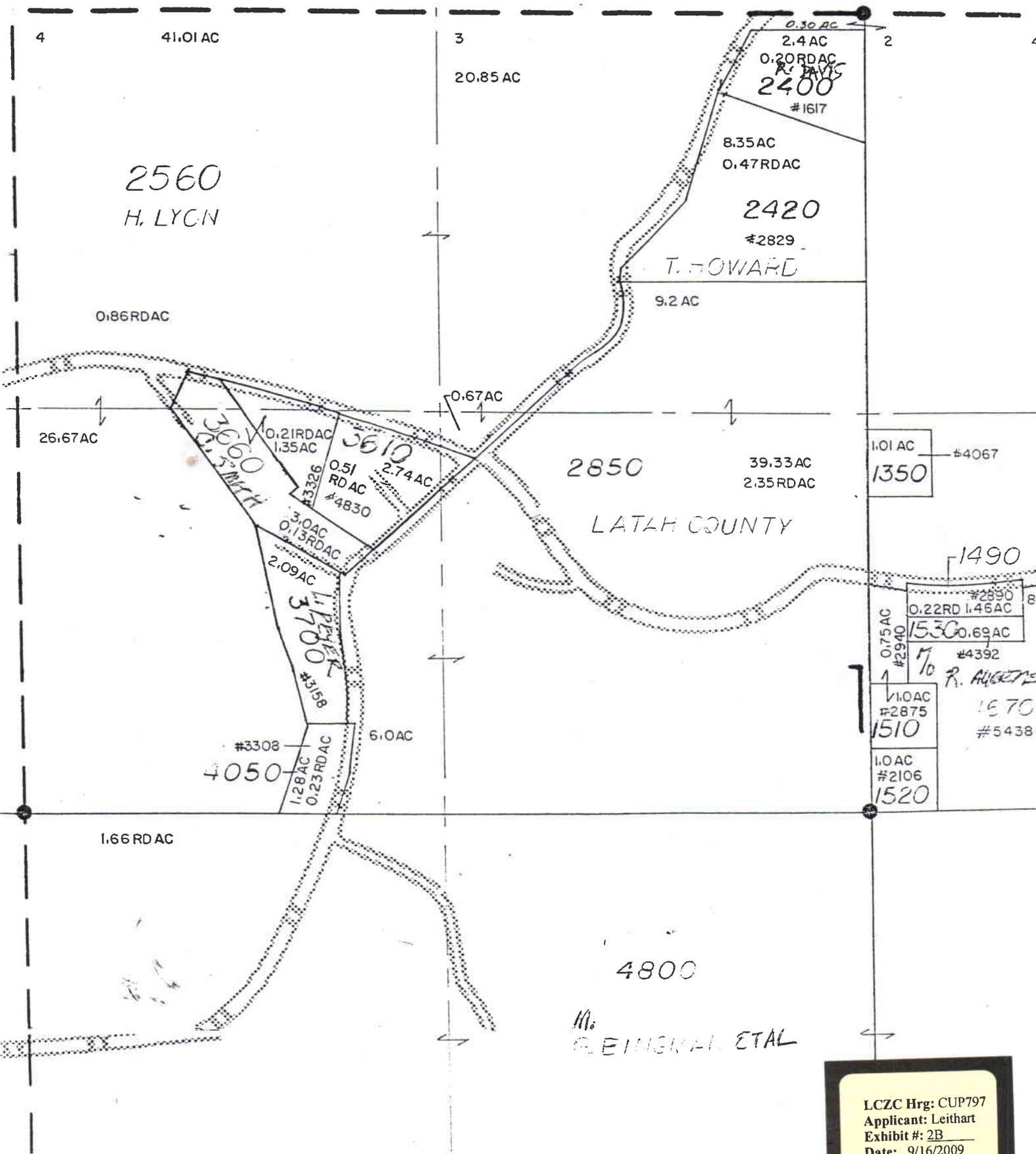
area of land not presently used for pasture or crops.

m. Property Rights Element

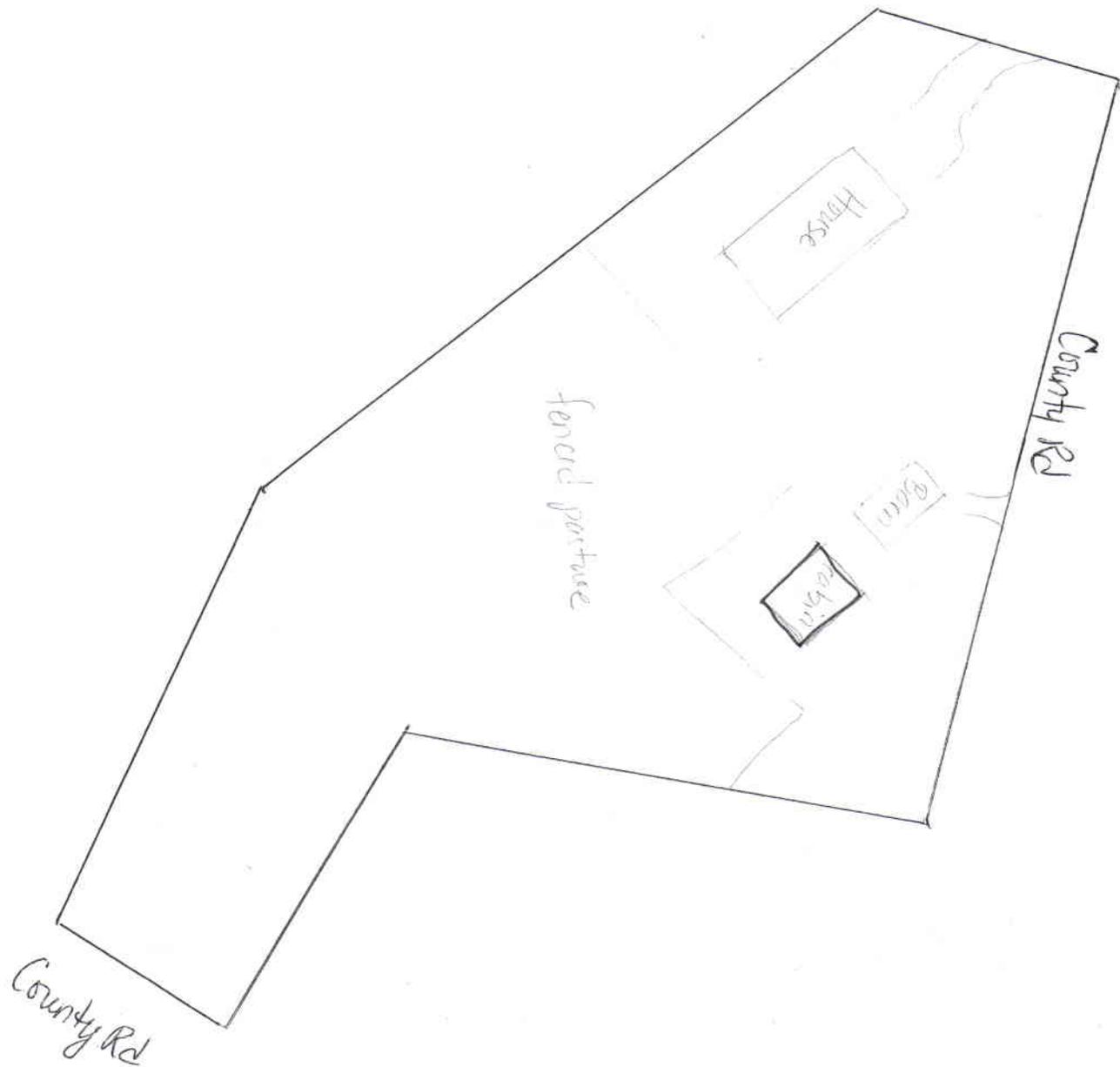
proposal fits within property rights of present owner

1"=400'
39N 05W

16



LCZC Hrg: CUP797
 Applicant: Leithart
 Exhibit #: 2B
 Date: 9/16/2009



LCZC Hrg: CUP797
Applicant: Leithart
Exhibit #: 2C
Date: 9/16/2009