

Steve Flint
CONDITIONAL USE PERMIT APPLICATION #849
STAFF REPORT

SUMMARY OF APPLICATION:

A request was made by Steve Flint for a conditional use permit to place accessory cottage housing on a 34.22-acre parcel in the Agriculture/Forest zone. The property is located at 4961 Lenville Rd. Moscow, in Section 26, Township 39 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP39N05W264102A.

Site Characteristics:

Size of Parcel:	34.2 acres
Soils:	Larkin silt loam, 12 to 35% slopes, Southwick silt loam, 3 to 12% slopes Southwick silt loam, 12 to 25% slopes Driscoll-Larkin silt loams, 7 to 25% slopes Lathco-Thatuna silt loams, 0 to 5% slopes (Latah County Soil Survey Sheet #34)
Floodplain:	Zone "C" (FIRM Panel #160086 0335B)

Land Use and Regulations:

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

Infrastructure/Services:

Water:	Existing Private Well
Sewer:	Existing Private Septic
Access:	Lenville 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 #2.	Application Form (Submitted by Applicant)
Exhibit #2A.	Applicant's Narrative (Submitted by Applicant)
Exhibit #2B.	Vicinity Map (Submitted by Applicant)
Exhibit #2C.	Plat Map (Submitted by Applicant)
Exhibit #2D.	Site plan (Submitted by Applicant)
Exhibit #3.	Staff Introduction for Latah County Zoning Commission public hearing for CUP 849 on March 21, 2012

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:

Steve Flint submitted application for a conditional use permit to place an accessory cottage housing on a 34.22-acre parcel in the Agriculture/Forest zone. The property is located at 4961 Lenville, Rd Moscow, in Section 26, Township 39 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP39N05W264102A.

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.

Steve Flint submitted a completed application to the Latah County Planning and Building Department on February 29, 2012.

3) Section 7.01.02 requires:

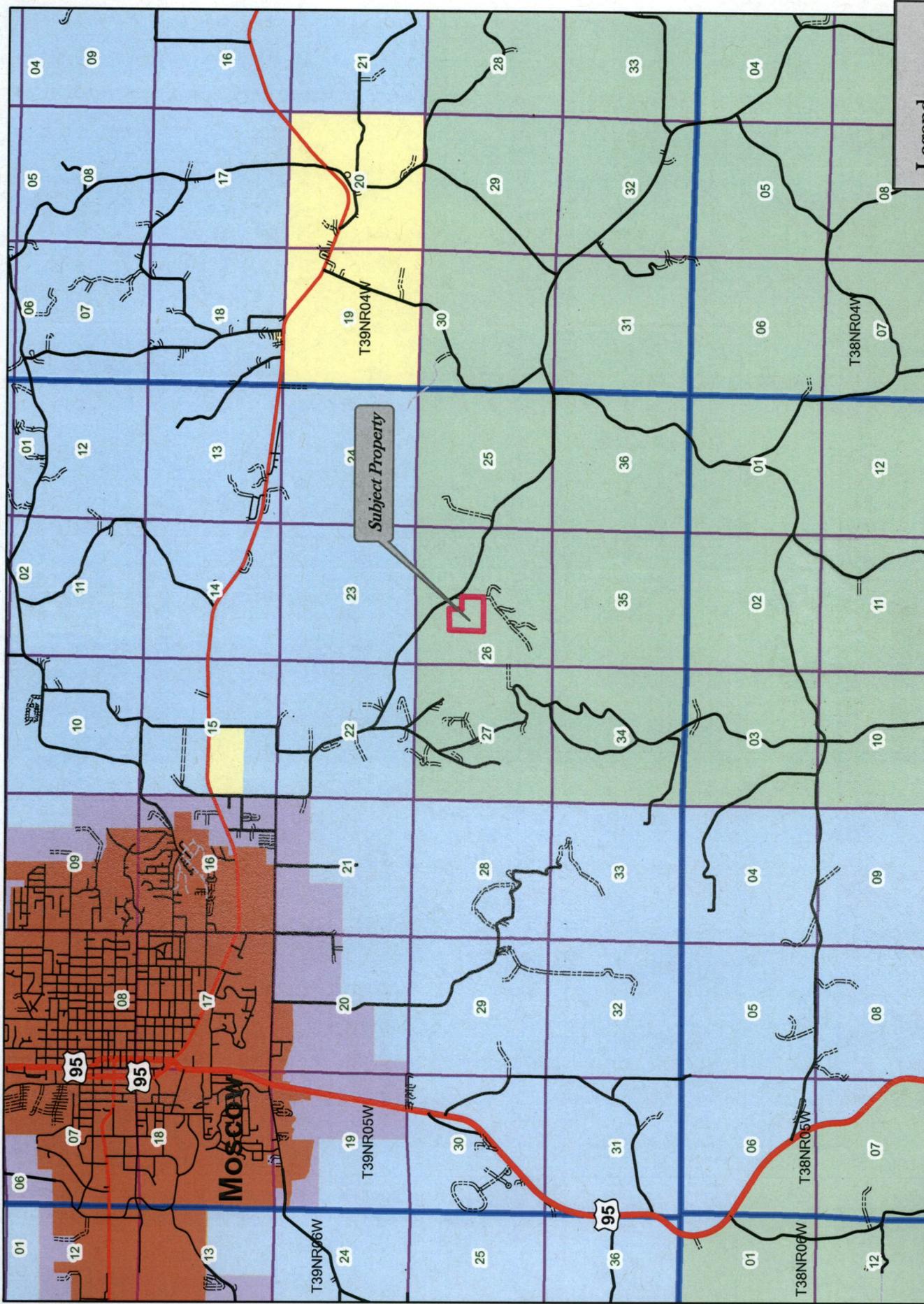
1. A conditional use permit may be granted if the Zoning Commission finds that the proposed use conforms to each of the following criteria:

- 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 #849 Vicinity and Comprehensive Plan Map



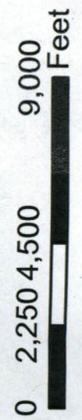
Legend

- Green: AOI PRODUCTIVE
- Blue: ICR RURAL
- Yellow: AOI PRODUCTIVE

LCZC Hrg: CUP 849
 Applicant: Flint
 Exhibit #: 1B
 Date: 03/21/2012



NOTE: This Document is a representation only.
 Latah County bears no responsibility for errors or omissions.
 *Created on 3/9/2012 by JB



CUP #849 Zoning Map

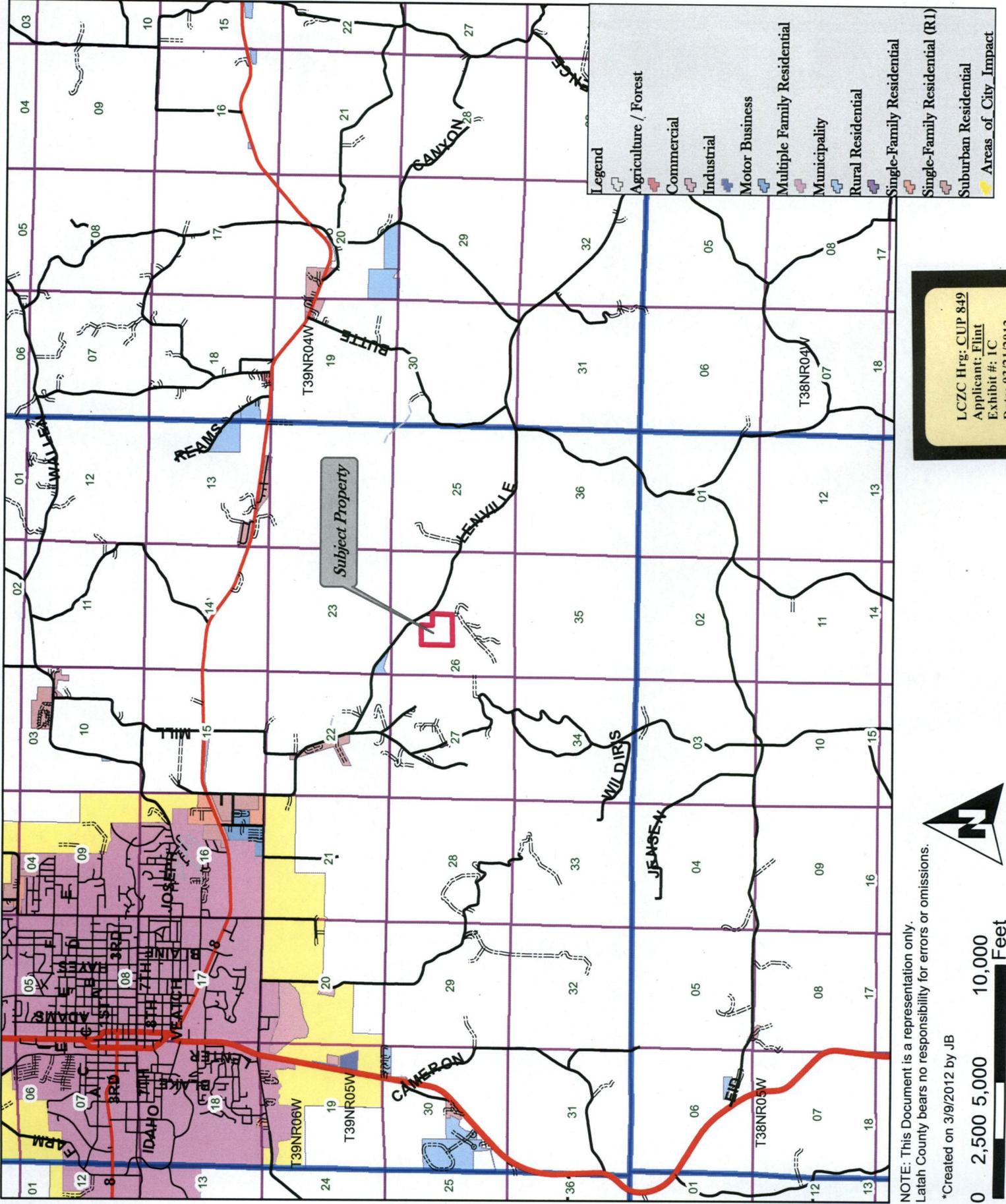


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*Created on 3/9/2012 by JB



LCZC Hrg: CUP 849
 Applicant: Flint
 Exhibit #: 1C
 Date: 03/21/2012



CUP #849 Aerial & Adjacent Property Owner Map



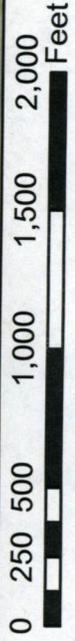
Subject Property

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

*Created on 2/27/2012 by JB

Legend

-  Parcels
-  Floodplain



Latah County
IDAH0

LCZC Hrg: CUP 849
Applicant: Flint
Exhibit #: 1D
Date: 03/21/2012



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 STEVE FLINT, KAREN FLINT WARD, BILL WARD		b. Home Phone 882-8621	c. Work Phone
d. Mailing Address 4961 LENVILLE RD.		e. City MOSCOW	f. State ID
g. Zip code 83843		h. Property Owner (if different than applicant) SAME	i. Home Phone
j. Work Phone		k. Mailing Address SAME	l. City
m. State		n. Zip code	

2. General Site Information

a. Assessor's Parcel Number(s) PP39N05W264102A		b. Parcel Address (if applicable) 4961 LENVILLE RD.	
c. Acreage of Existing Parcel 34.22	d. Zoning AG-FOREST RURAL	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 N.A.
j. Road Used to Access Site COUNTRY RD (PRIVATE) OFF LENVILLE 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

RESIDENCE, BARN, PASTURE, AGRICULTURE

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

a. Fire District MOSCOW	b. Road District N. LATAH CO. HWY DISTRICT	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) PRIVATE SEPTIC # SP11-00422	

4. Adjacent Properties Information

a. Zoning of Adjacent Properties AG-FOREST	b. Existing Uses of Adjacent Properties RESIDENTIAL, AGRICULTURE
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5. Permit Information

a. Proposed Use
1330 S.F. GARAGE ADDITION WITH 870 S.F. ACCESSORY UNIT FOR FAMILY ATTACHED TO EXISTING 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?
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 [Signature]	b. Date FEB 29, '12
c. Signature of Property Owner (if different than applicant) [Signature]	d. Date

Office Use Only

Date Received 2/29/2012	Amount 200	Receipt No. 187827	By [Signature]
CUP # 849	Date Determined Technically Complete		By
Hearing Date 49 3/28/12			

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.



Conditional Use Permit Narrative Worksheet

Application Information

Applicant's Name

STEVE FLINT, KAREN FLINT - WARD

Phone Number

BILL WARD 8828621

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.

1330 S.F. GARAGE WITH 870 S.F. ACCESSORY DWELLING UNIT ABOVE GARAGE LEVEL. PROPOSED STRUCTURE WILL BE ATTACHED TO THE EXISTING RESIDENCE BY COVERED BREZZE WAY.

AN ACCESSORY UNIT LESS THAN 900 S.F. IS A CONDITIONAL USE PER LAND-USE ORDINANCE 3.01.02.14. FOR AG-Forest ZONE.

Existing Uses of Property

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

34.22 ACRES INCLUDE: EXISTING RESIDENCE, EXISTING BARN, PASTURE, AND AGRICULTURAL USE.

(SEE SITE PLAN)

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.

THE SURROUNDING PARCELS ARE AG-Forest ZONE AND ENJOY SIMILAR USES.

THE PROPOSED 1330 S.F. GARAGE WITH 870 S.F. ACCESSORY UNIT ABOVE GARAGE IS IN KEEPING WITH THE SURROUNDING PARCELS IN TERMS OF SCALE AND USE.

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

THE PROPOSED ATTACHED GARAGE W/ ACCESSORY UNIT WILL NOT RESULT/REQUIRE ADDITIONAL PUBLIC SERVICES OR FACILITIES.

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

THE PARCEL IS LOCATED IN THE RURAL ZONE IN THE COMPREHENSIVE PLAN AND AG-FOREST ZONE IN THE LAND-USE ORDINANCE.

AN ACCESSORY DWELLING UNIT LESS THAN 900 S.F. IS ALLOWED AS A CONDITIONAL USE PER 3.01.02.14. IN THE LAND USE ORDINANCE.

A 1330 S.F. GARAGE WITH 870 S.F. ACCESSORY UNIT ABOVE THE GARAGE ATTACHED TO THE EXISTING RESIDENCE BY COVERED BREZZEWAY IS NOT IN CONFLICT WITH THE GOALS OF THE COMPREHENSIVE PLAN FOR RURAL PROPERTIES.

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

N.A.

b. Population Element

N.A.

c. Housing Element

AS PER 3.01.02.14, AN ACCESSORY UNIT UNDER 900 S.F. IS ALLOWED AS A CONDITIONAL USE. THE PROPOSED STRUCTURE WILL MEET ALL APPLICABLE CODES REQUIREMENTS.

d. Economic Development Element

N.A.

e. Public Services, Facilities, and Utilities Element

THE EXISTING PRIVATE SEPTIC SYSTEM HAS BEEN APPROVED FOR THE ADDITIONAL BEDROOM. #SP11-00422

f. School Facilities and Student Transportation Element

N.A.

g. Transportation Element

N.A.

h. Natural Resource Element

N.A.

i. Special Areas Element

N.A.

j. Hazardous Areas Element

N.A.

k. Recreation Element

N.A.

l. Land Use Element

AN ACCESSORY UNIT LESS THAN 900 SF IS AN ALLOWED
CONDITIONAL USE FOR AG - FOREST ZONE PER 3.01.02.14.

m. Property Rights Element

AN ATTACHED GARAGE WITH AN ACCESSORY UNIT ABOVE
THE GARAGE IS A USE THAT ALL ADJACENT PROPERTY
OWNERS CAN ENJOY AS A CONDITIONAL USE FOR
AG - FOREST ZONE.

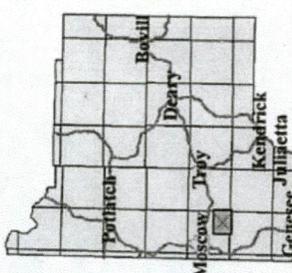
**LATAH COUNTY ASSESSOR
OFFICIAL PLAT RECORD
(Rural Section Land)**

T39N R05W

SECTIONS

25,26,27,34,35,36

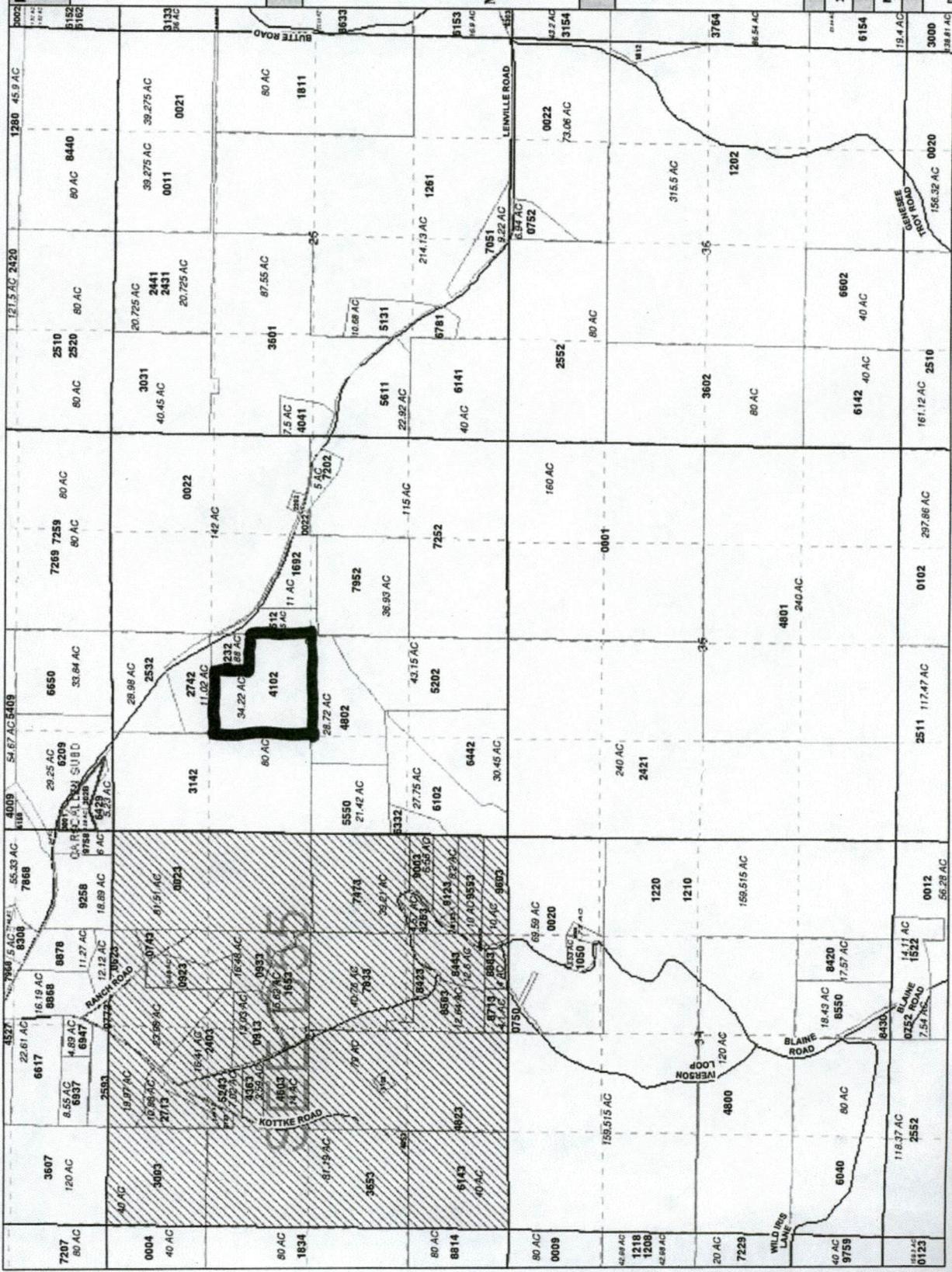
LOCATION



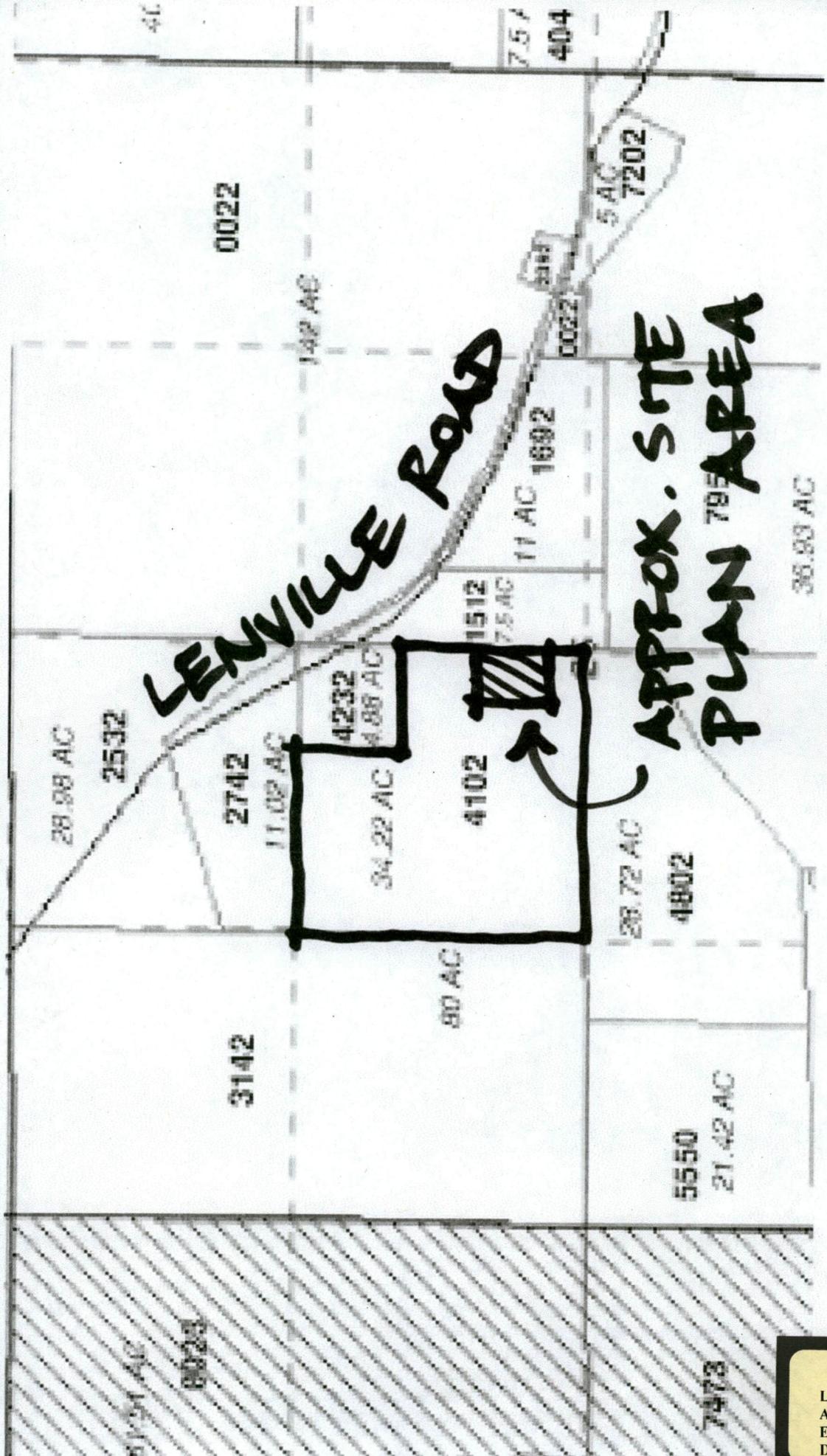
LEGEND

- Legend
 - ▬ Break
 - ▬ Interstate
 - ▬ State
 - ▬ Federal
 - ▬ Private
 - ▬ Other
 - ▬ City
 - ▬ County
 - ▬ Federal Highway
 - ▬ Private Road
 - ▬ State Highway
- © Latah County Official Plat Record.
These maps are provided by The Latah County Assessor.
Due to the variability of sources used Latah County makes no warranty regarding the data contained herein.

SCALE	SHEET NUMBER
1 in = 1,200 ft	M77
PLOT DATE	
Nov. 12, 2010	
FILE NAME	mapbook.mxd



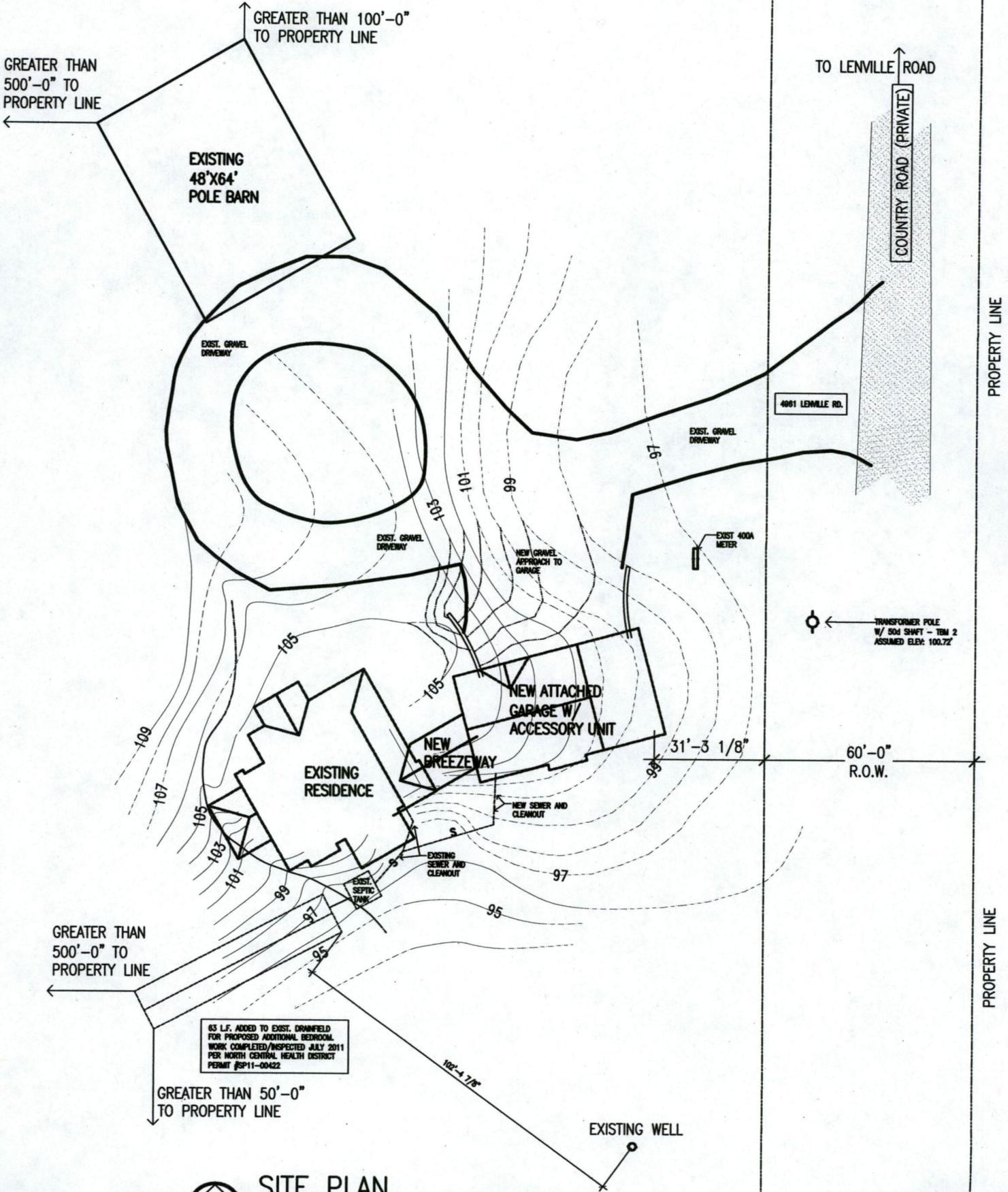
LCZC Hrg: CUP 849
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Exhibit #: 2B
Date: 03/21/2012



LENVILLE ROAD

**APPROX. SITE
PLAN AREA**

LCZC Hrg: CUP 849
 Applicant: Flint
 Exhibit #: 2C
 Date: 03/21/2012



63 L.F. ADDED TO EXIST. DRAINFIELD FOR PROPOSED ADDITIONAL BEDROOM. WORK COMPLETED/INSPECTED JULY 2011 PER NORTH CENTRAL HEALTH DISTRICT PERMIT #SP11-00422



SITE PLAN

NOT TO SCALE

LCZC Hrg: CUP 849
 Applicant: Flint
 Exhibit #: 2D
 Date: 03/21/2012

CUP #849 – Staff Introduction

A request was made by Steve Flint for a conditional use permit to place an accessory cottage housing on a 34.22-acre parcel in the Agriculture/Forest zone. The property is located at 4961 Lenville, Rd Moscow, in Section 26, Township 39 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP39N05W264102A.

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:

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 - 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:

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Exhibit #1C.	Zoning Map
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