

**NOTICE OF PUBLIC HEARING**  
**BEFORE THE LATAH COUNTY ZONING COMMISSION**  
**Wednesday, April 4<sup>th</sup>, 2012, 5:30 pm**

The Latah County Zoning Commission will hold a public hearing on Wednesday, April 4<sup>th</sup>, 2012, in Room 2-B, Latah County Courthouse, Moscow, Idaho, to receive comments on:

**CUP # 850** – A request by Lonnie Brown for a conditional use permit to place an accessory cottage housing on a 8.85-acre parcel in the Agriculture/Forest zone. The property is located at 5834 Hwy 95, in Section 14, Township 42 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP42N05W147524A.

Interested parties are encouraged to attend. Accommodations for individuals who qualify under the ADA are available upon request. Notice to acquire accommodations must be made 3 working days prior to the hearings to the Planning Dept. These hearings will be held pursuant to the Latah County Hearing Procedures Ordinance and under authority of the Idaho Local Land Use Planning Act, the Latah County Comprehensive Plan and the Latah County Land Use Ordinance. The Latah County Zoning Commission reserves the right to limit length of testimony.

Additional information, including copies of the proposal, is available from the Planning Dept., Latah County Courthouse, Moscow, Idaho, (208) 883-7220. Written comments will be accepted at the above office prior to the hearing.

Mauri Knott, Associate Planner

(This is a public service announcement only)

## LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

**Public Hearing:** CUP 850    **Date:** April 4, 2012    **Time:** 5:30 pm

**Applicant:** Lonnie Brown    **File #:** CUP 850

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### **EXHIBITS:**

- |                     |   |
|---------------------|---|
| <b>Exhibit #1.</b>  | Criteria Worksheet and Application Summary  |
| <b>Exhibit #1A.</b> | Latah County Comprehensive Plan and Vicinity Map  |
| <b>Exhibit #1B.</b> | Zoning Map  |
| <b>Exhibit #1C.</b> | Adjoining Property Owners and Aerial Photograph Map   |
| <b>Exhibit #1D.</b> | Topographical Map   |
| <b>Exhibit #2.</b>  | Application Form (Submitted by Applicant)   |
| <b>Exhibit #2A.</b> | Applicant's Narrative (Submitted by Applicant)  |
| <b>Exhibit #2B.</b> | Site plan (Submitted by Applicant)  |
| <b>Exhibit #2C.</b> | Plat Map (Submitted by Applicant)   |
| <b>Exhibit #3.</b>  | Staff Introduction for Latah County Zoning Commission public hearing for CUP 850 on April 4, 2012 |

# 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 build accessory cottage housing.

## **Description of application:**

A request was made by Lonnie Brown for a conditional use permit to place an accessory cottage housing on a 8.85-acre parcel in the Agriculture/Forest zone. The completed application was received by the Latah County Planning and Building Department on March 14, 2012. The property is located at 5834 Hwy 95, in Section 14, Township 42 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP42N05W147524A. The parcel is currently utilizing the existing building permit with a partially constructed residence from a previous land owner. The applicant is requesting to construct an accessory cottage simultaneous to re-applying for a building permit for the partially constructed primary residence. The primary residence to be constructed on this property will be approximately 2300 square feet. The proposed accessory cottage will be 900 square feet. The applicant has requested to locate the accessory cottage house approximately 250 feet from the proposed primary residence due to topography and forestation.

## **Applicable Code:**

**Section 7.01.02** (see exhibit #3) and **Section 3.01.02.14(A-I)**

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 principle.

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.

**Facts of application and the information submitted**

**Site Characteristics:**

**Size of Parcel:** 8.85 acres  
**Slope:** See Exhibit #1E  
**Floodplain:** Zone "C"

**Land Use and Regulations:**

**Comprehensive Plan Designation:** Rural  
**Existing Zoning:** Agriculture/Forest  
**Existing Uses:** Residential, Forestry  
**Neighboring Zoning:** Agriculture/Forest  
**Neighboring Uses:** Agriculture, Forestry, Public Right of Way, Residential

**Infrastructure/Services:**

**Water:** New Private Well  
**Sewer:** New Private Septic  
**Access:** Highway 95 North, Idaho Transportation Department  
(Application Submitted to ITD)  
**Fire Protection:** Potlatch Rural Fire District

**Applicable Statute, Ordinance, and Comprehensive Plan Sections:**

**Local Planning Act:** Idaho Code 67-6512

**Latah County Land Use Ordinance # 269, as amended:**

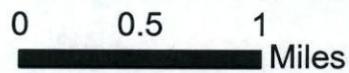
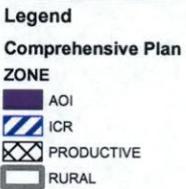
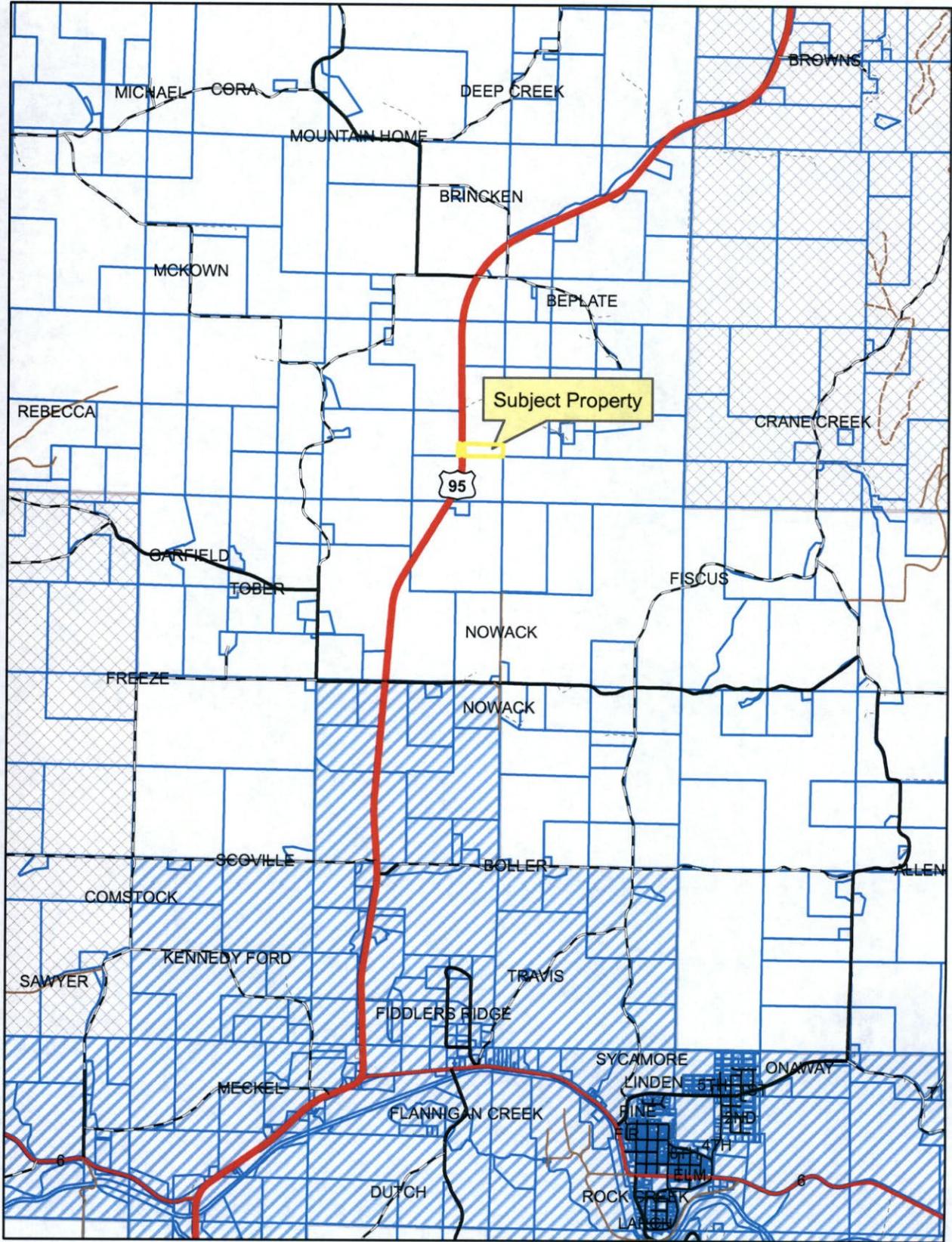
Section 3.01 Agriculture/Forest Zone

Article 7 Conditional Use Permits

**Latah County Comprehensive Plan**

# CUP 850 Vicinity and Comprehensive Plan Map

Planning & Building Department



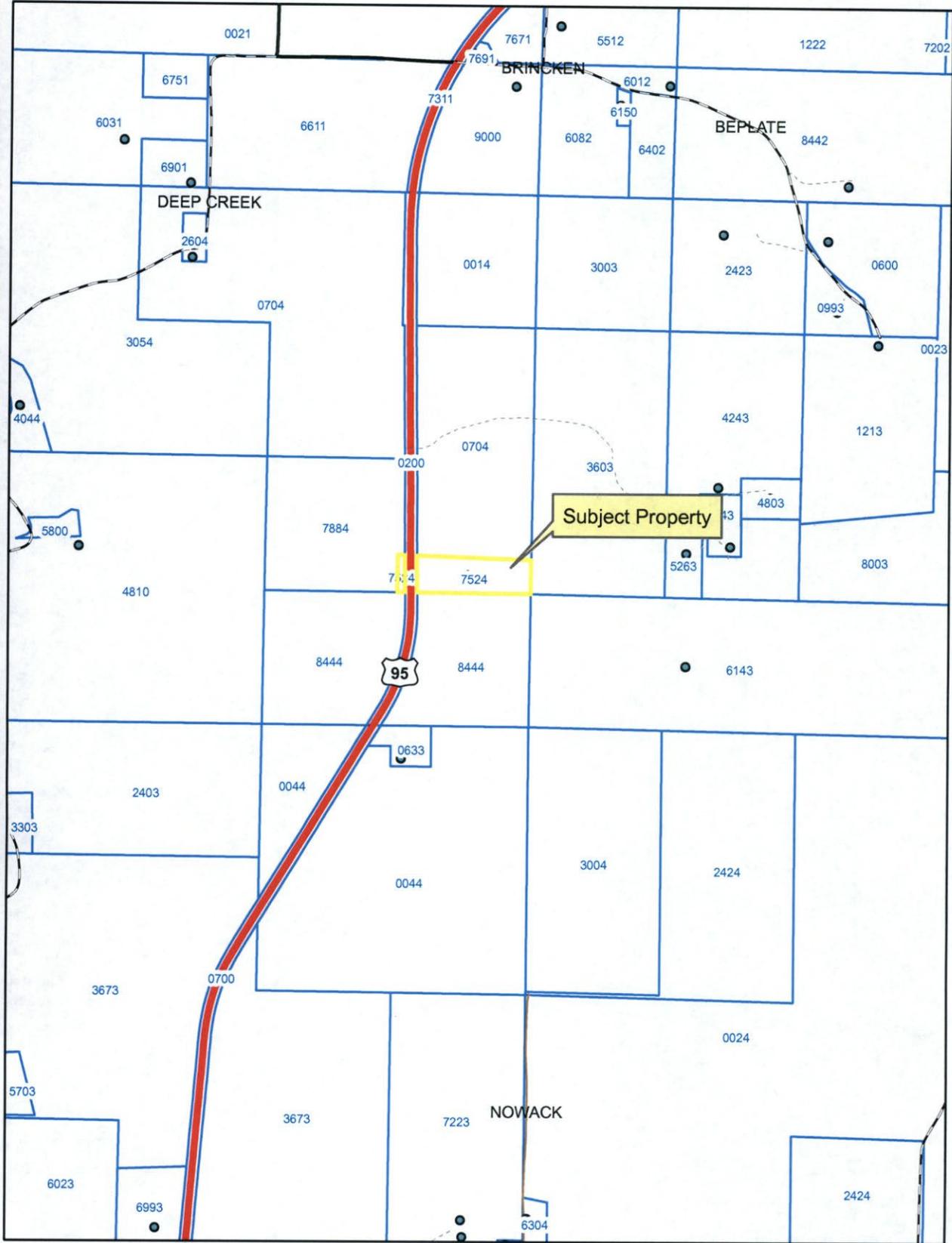
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LCZC Hrg: CUP 850  
 Applicant: Brown  
 Exhibit #: 1A  
 Date: 04/04/2012

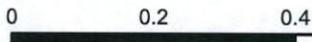
# CUP 850 Zoning

Planning & Building Department



**Legend**

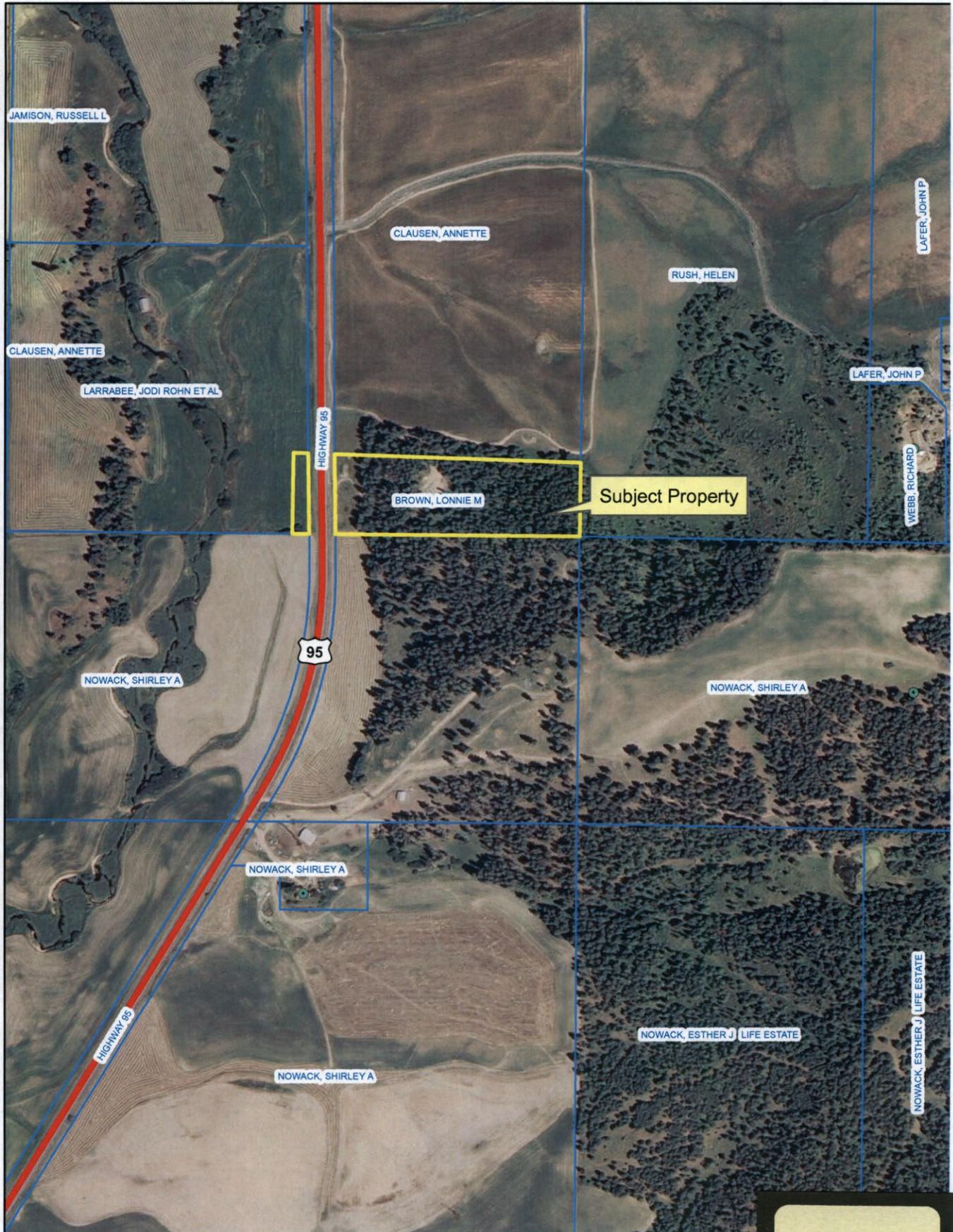
<b>Zoning_Districts_2009</b>	Area of Impact - Genesee	Multiple Family Residential	Single-Family Residential (R1) *Created on 03/2
<b>ZONE_TYPE</b>	Commercial	Municipality	Suburban Residential
	Agriculture / Forest	Rural Residential	
	Industrial	Single-Family Residential	
	Agriculture / Forestry	Motor Business	



LCZC Hrg: CUP 850  
 Applicant: Brown  
 Exhibit #: 1B  
 Date: 04/04/2012

# CUP 850 Aerial and Adjacent Property Owners

Planning & Building Department

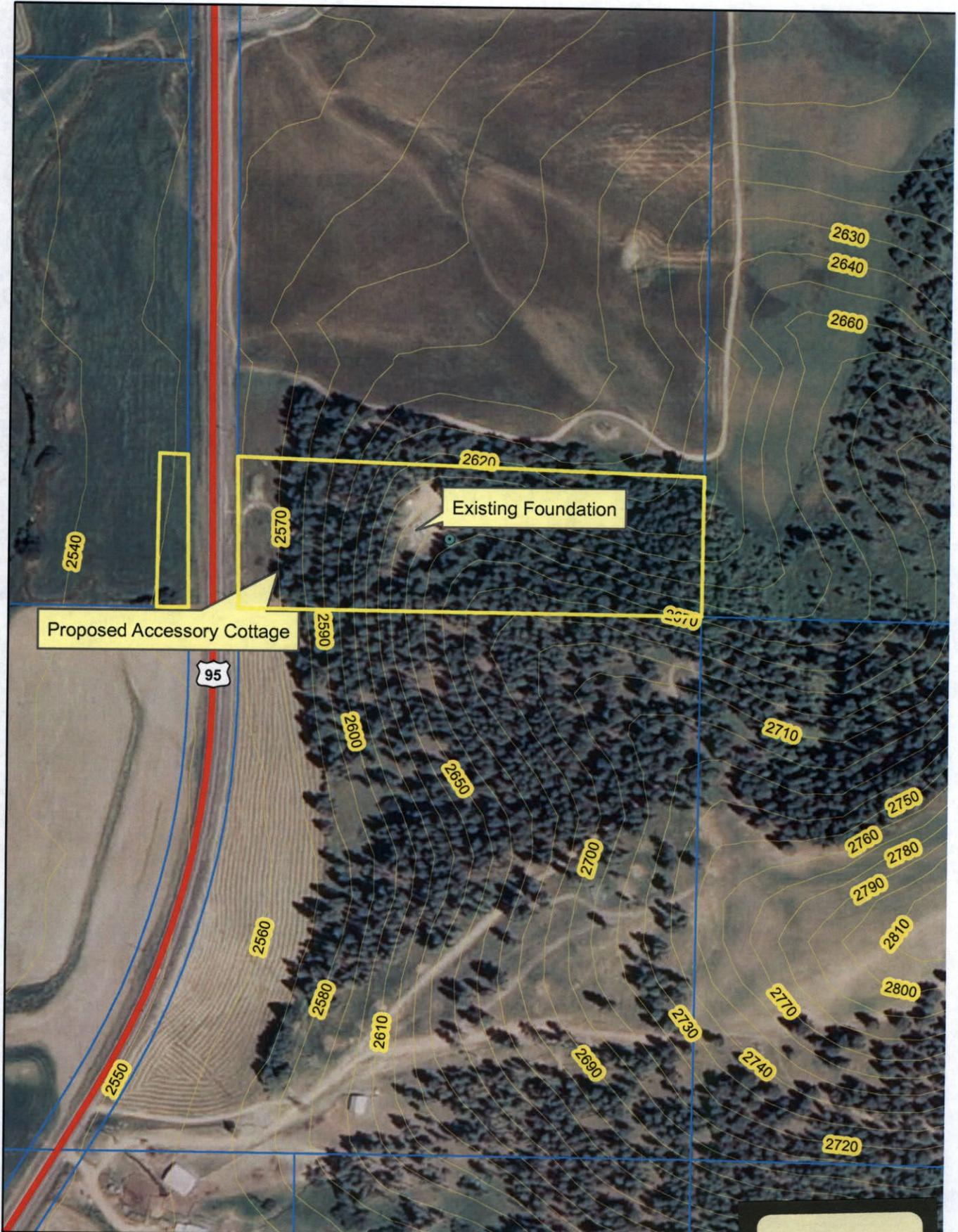


0 250 500 1,000 \*Create  
Feet

LCZC Hrg: CUP 850  
Applicant: Brown  
Exhibit #: 1C  
Date: 04/04/2012

# CUP 850 Topographical Map

Planning & Building Department



## Legend

 Parcels

0 250 500 1,000 Feet

\*Creat

LCZC Hrg: CUP 850  
Applicant: Brown  
Exhibit #: 1D  
Date: 04/04/2012



# 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, (208) 883-7220**

1. Applicant Information			
A. Applicant Name <b>Lonnice Brown</b>		B. Home Phone <b>208-596-5782</b>	C. Work Phone <b>same</b>
D. Mailing Address <b>6290 Hwy</b>		E. City <b>Pottatch</b>	F. State <b>ID</b>
H. Property Owner (if different than applicant) <b>Same</b>		I. Home Phone <b>Same</b>	G. Zip code <b>83855</b>
K. Mailing Address <b>Same</b>		J. Work Phone <b>Same</b>	L. City <b>Same</b>
		M. State <b>Same</b>	N. Zip code <b>Same</b>
2. General Site Information			
A. Assessor's Parcel Number(s) <b>RP42N05W147524</b>		B. Parcel Address (If Applicable) <b>5834 Hwy 95</b>	
C. Acreage of Existing Parcel <b>8.85</b>	D. Zoning <b>Rural</b>	E. Comprehensive Plan Designation <b>Rural</b>	F. Floodplain designation(s) <b></b>
G. FEMA Panel # <b></b>		H. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.	
I. Impact City <b>N/A</b>		J. Road Used to Access Site <b>Hwy 95</b>	
<b>Note: Sites within an Area of City Impact may require additional notification time prior to public hearings.</b>			
K. Existing Uses <b>Agriculture</b>			
3. Service Provider Information (Please Attach Additional Information if Needed)			
A. Fire District <b>Pottatch</b>		B. Road District <b>North Latah County</b>	C. School District <b>Pottatch Dist # 285</b>
D. Source of Potable Water (i.e. Water District or Private Well) <b>Private Well</b>		E. Sewage Disposal (i.e. Sewer District or Septic System) <b>Private Septic System</b>	
4. Adjacent Properties Information			
A. Zoning of Adjacent Properties <b>Agriculture/Forest</b>		B. Existing Uses of Adjacent Properties <b>Ag.</b>	
5. Permit Information			
A. Proposed Use <b>put cottage to live in while we build our house</b>			
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?		<b>Section 3.01.02.14</b>	
<b>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.</b>			
6. Authorization		7. Attachments	
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.		<input checked="" type="checkbox"/> <b>Fee:</b> (\$200.00) Make checks payable to Latah County. <input checked="" type="checkbox"/> <b>Completed Narrative Worksheet:</b> See Instructions on the Conditional Use Permit Narrative Worksheet. <input checked="" type="checkbox"/> <b>Site Plan:</b> 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. <input checked="" type="checkbox"/> <b>Vicinity Map:</b> The map should show the site location in relation to neighboring communities and natural features. <input checked="" type="checkbox"/> <b>Assessor's Plat Map:</b> Include a copy of that portion of the map that shows the subject parcel and adjacent parcels. <input checked="" type="checkbox"/> <b>Other Attachments:</b> Required for certain uses.	
A. Signature of Applicant <b>Lonnice Brown</b>	B. Date <b>3-5-12</b>		
C. Signature of Property Owner (if different than applicant)	D. Date		
Office Use Only			
Date Received <b>3/5/2012</b>	Amount <b>200.00</b>	Receipt No. <b>187830</b>	By <b>MSK</b>
CUP # <b>850</b>	Date Determined Technically Complete <b>3/14/2012</b>	By <b>MSK</b>	
Hearing Date <b>April 4, 2012</b>			

**LCZC Hrg: CUP 850**  
**Applicant: Brown**  
**Exhibit #: 2**  
**Date: 04/04/2012**



## 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 Zoning Ordinance.

**Instructions:** Please respond to each section of this form. If you need more space, you may attach additional sheets to the narrative.

### Description of Proposal

Describe your proposal in detail. Include all aspects of your proposal.

to put a single-wide cottage to live in while we build our house and then to let the kids live in while they go to college. The square footage of the proposed cottage would be approx. 900 square foot. Due to the timber and hill the cottage would be located approx. 250 feet from the house. The primary dwelling will be approx. 2300 sq. feet.

### Existing Uses of Property

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

Right now there is only the foundation of our house we are going to build.

### Consistency Requirements

Please respond to each of the four criteria listed in § 13.10.01 by explaining how your proposal meets each particular criteria. If the provided space is insufficient, please attach your responses to this packet.

1. The use is consistent with the goals and policies of the Latah County Comprehensive Plan

The proposed cottage will not have any detrimental affect on health and safety of those in the surrounding area. All codes will be followed. There will be no cost to the public. The use of the cottage will follow the goals and policies of the Comprehensive Plan. We cannot afford to both rent and build at the same time.

### Office Use Only

CUP #

Page 1

Conditional Use Permit Narrative Worksheet

LCZC Hrg: CUP 850  
Applicant: Brown  
Exhibit #: 2A  
Date: 04/04/2012

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**

Consistent with low density residential development

**b. Population Element**

The use of the cottage will be temporary.

**c. Housing Element**

It will conform to all building codes and health standards

**d. Economic Development Element**

Provide appropriate land uses for local needs.

**e. Public Services, Facilities, and Utilities Element**

It will have no impact to the public as it is on private land with private septic system.

**f. School Facilities and Student Transportation Element**

We already are in the school district just changing addresses. The bus already goes by the cottage so it will have no effect.

2. The use is not detrimental to the health and safety of those in the surrounding area or region

The cottage will not be detrimental to the health and safety of others. It is on private land and will use private septic following all codes.

3. The use will not adversely affect surrounding properties to a greater extent than would a permitted use in the zoning district

It will have no adverse affect. It is on private land.

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

It will not have any cost to the public.

g. Transportation Element

The driveway is pre-existing passing the requirement for its location.

h. Natural Resource Element

It will have no effects.

i. Special Areas Element

No special areas near cottage.

j. Hazardous Areas Element

It will be built in safe place and not near any hazards.

k. Recreation Element

Not Applicable.

l. Land Use Element

Protects agriculture land from scattered development.

j. Property Rights Element

The County should have no reason to unconstitutionally deny our rights as citizens from building the accessory cottage on our property.

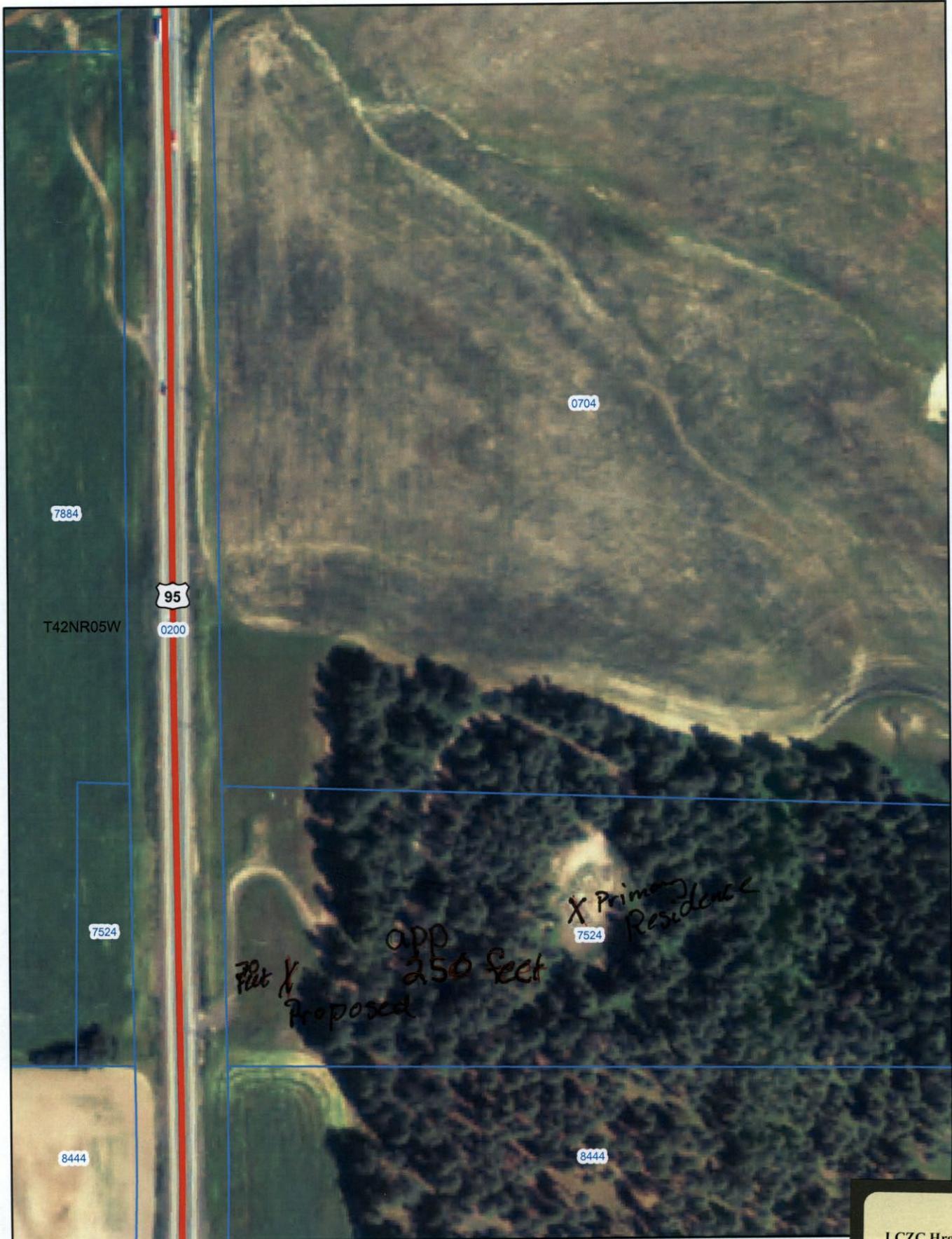
Office Use Only

CUP #

Page 3

Conditional Use Permit Narrative Worksheet

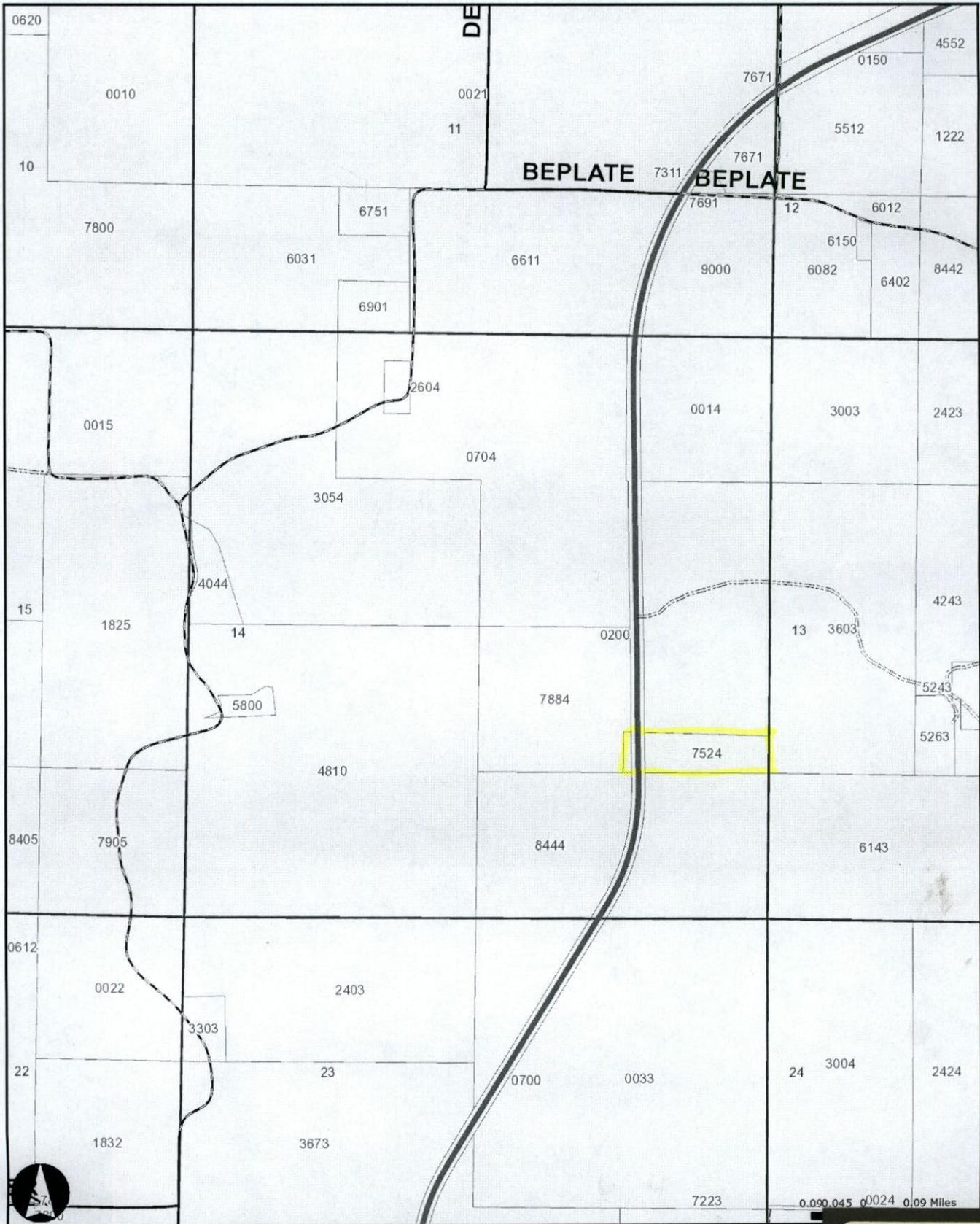
# Site Plan



LCZC Hrg: CUP 850  
Applicant: Brown  
Exhibit #: 2B  
Date: 04/04/2012

NOTE: This Document is a representation of the information provided. Latah County bears no responsibility for the accuracy of the information.

# Map



LCZC Hrg: CUP 850  
Applicant: Brown  
Exhibit #: 2C  
Date: 04/04/2012

## CUP #850 – Staff Introduction

A request by Lonnie Brown for a conditional use permit to place an accessory cottage housing on a 8.85-acre parcel in the Agriculture/Forest zone. The property is located at 5834 Hwy 95, in Section 14, Township 42 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP42N05W147524A. The applicant has requested to located the Accessory cottage house approximately 250 feet from the proposed primary residence due to topography and forestation.

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

### *Section 7.01.02 requires:*

- 1. A conditional use permit may be granted if the Zoning Commission finds that the proposed use conforms to each of the following criteria:**
  - A. The use is not detrimental to the health and safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent that 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:**

- |                     |   |
|---------------------|---|
| <b>Exhibit #1.</b>  | Criteria Worksheet and Application Summary  |
| <b>Exhibit #1A.</b> | Latah County Comprehensive Plan and Vicinity Map  |
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