

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, May 1st, 2013, 5:30 pm

The Latah County Zoning Commission will hold public hearing on Wednesday, May 1st, 2013, in Room 2-B, Latah County Courthouse, Moscow, Idaho, to receive comments on:

CUP #886 – A request by Barry Armstrong to for a conditional use permit for an accessory cottage house on approximately 45 acres in the Agriculture/Forest (A/F) zone. The property is located on Claypit Road, Troy, Idaho in Section 28 of Township 40 North, Range 03 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP40N03W284908.

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 for Conditional Use Permit #886

Date: May 1st, 2013 **Time:** 5:30 pm **Applicant:** Barry Armstrong **File #:** CUP 886

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 #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 #886 for May 1 st , 2013

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 for accessory cottage housing on a 45-acre parcel in the Agriculture/Forest zone.

Description of application:

A request by Barry Armstrong to for a conditional use permit for an accessory cottage house on approximately 45 acres in the Agriculture/Forest (A/F) zone. The property is located on Claypit Road, Troy, Idaho in Section 28 of Township 40 North, Range 03 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP40N03W284908.

The completed application was received by the Latah County Planning and Building Department on March 20th, 2013.

Applicable Code:

Section 7.01.02 (see exhibit #3) and *Sections 3.01.02.14*

Section 3.01.02.14 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.

Facts of application and the information submitted

Site Characteristics:

Size of Parcel: 45 acres
Floodplain: Zone "A"

Land Use and Regulations:

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

Infrastructure/Services:

Water: Private Well
Sewer: Private Septic
Access: Claypit
Fire Protection: Troy 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

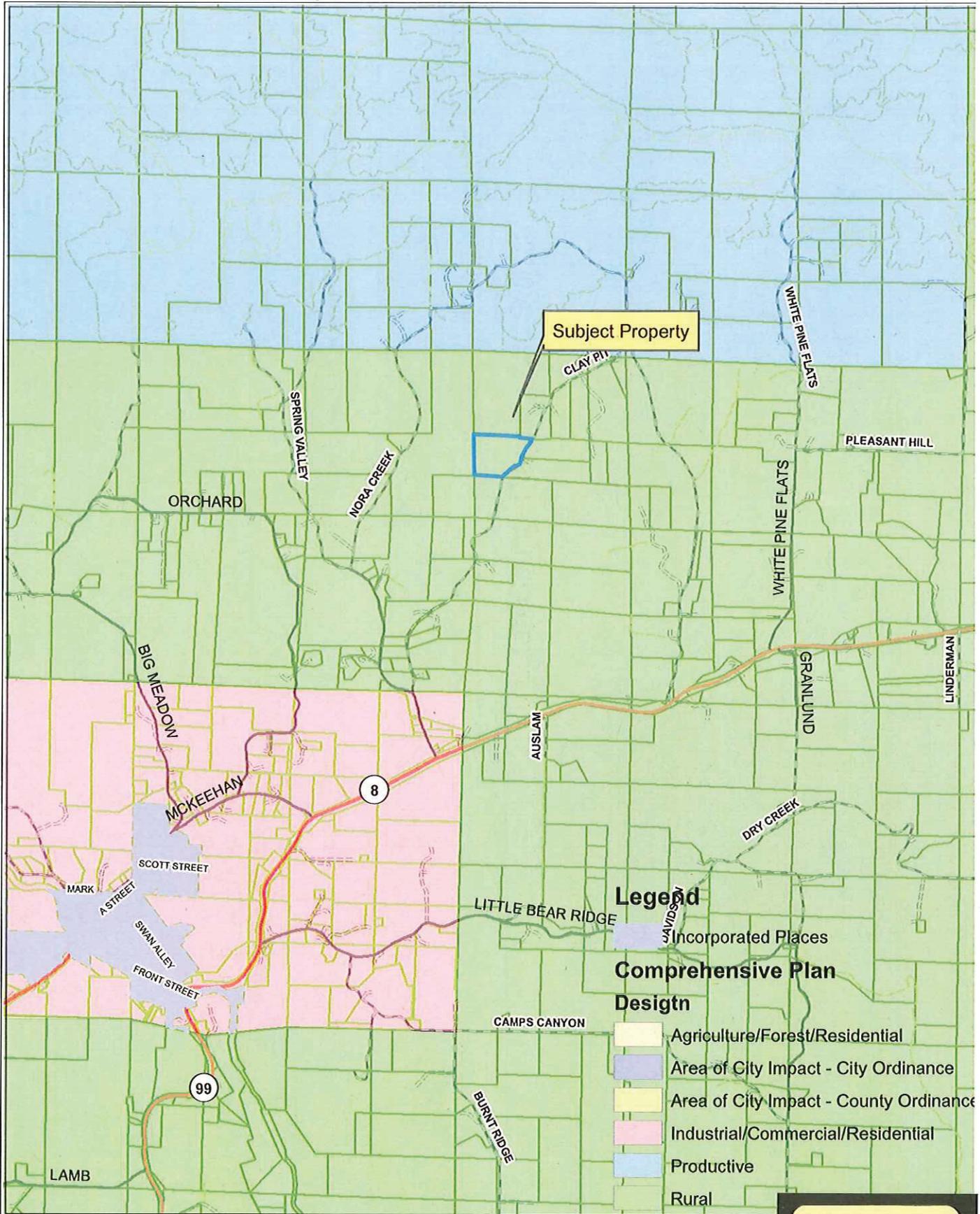
Latah County Comprehensive Plan

CUP 886 Comprehensive Plan and Vicinity Map

Latah County Planning and Building



N



Legend

- Incorporated Places
- Comprehensive Plan Design**
- Agriculture/Forest/Residential
- Area of City Impact - City Ordinance
- Area of City Impact - County Ordinance
- Industrial/Commercial/Residential
- Productive
- Rural

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

0 0.25 0.5 1 Miles

Created by MK 04/23/2013

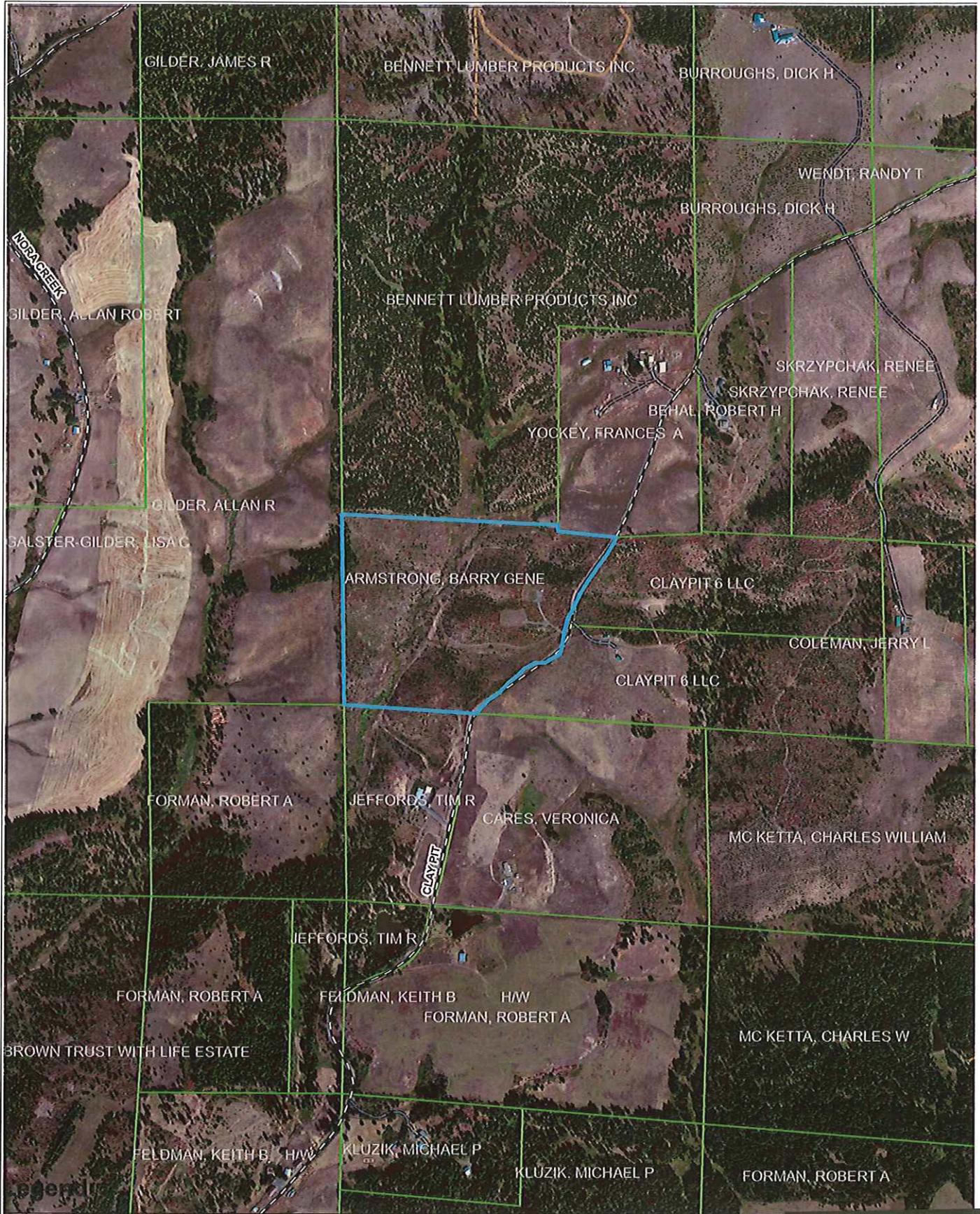
LCZC Hrg: CUP 886
Applicant: Armstrong
Exhibit #: 1A
Date: 05/01/2013

CUP 886 Aerial and Adjacent Property Owners

Latah County Planning and Building



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Created by MK 04/23/2013



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

LCZC Hrg: CUP 886
 Applicant: Armstrong
 Exhibit #: 1C
 Date: 05/01/2013



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 Barry Armstrong	b. Home Phone / Work Phone 360-985-2054/360-520-1182	c. Email barry_teri@hotmail.com	
d. Mailing Address 262 Gershick Road	e. City Silver Creek	f. State WA	g. Zip code 98585
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) RP40N03W284908A		b. Parcel Address (if applicable)	
c. Acreage of Existing Parcel 45.71	d. Zoning Rural	e. Comprehensive Plan Designation Rural / Ag For	f. Floodplain designation(s)
g. FEMA Panel #		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 Clay Pit road	

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 Troy	b. Road District North Latah County	c. School District Troy
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	

4. Adjacent Properties Information

a. Zoning of Adjacent Properties Rural Ag Forest MK	b. Existing Uses of Adjacent Properties Rural / Ag for
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5. Permit Information

a. Proposed Use
 Accessory Cottage housing as part of a shop/garage (new construction)- detached approximately 200 feet from a future single family 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? **Section 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 	b. Date 3/18/13
c. Signature of Property Owner (if different than applicant)	d. Date

Office Use Only

Date Received 3/20/13	Amount 200.00	Receipt No. 157557	By 3/20/13
CUP # 886	Date Determined Technically Complete 3/20/13	By mc	
Hearing Date 5/1/13			

01/29/2013

7. Attachments

All attachments should be reproducible in black and white at 8 1/2" 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 / certain proposed uses.

LCZC Hrg: CUP 886
 Applicant: Armstrong
 Exhibit #2
 Date: 05/01/2013



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.

In 2003 I purchased this 45 acre parcel with the hope to some day relocate from our home in Washington and retire on this site. The site had been harvest by Menasha Corporation and recently re-planted to Ponderosa pine.

In 2005 I created two clearings about 50 feet apart with the goal of minimizing disturbance of the newly established plantations, while establishing locations for future buildings.

Our goal was to carefully prepare fire safe clearings, while preserving future shade opportunities, for the buildings. We also created access roads at that time. In 2006 we established a well on the property.

It is our desire at this time to build a shop/garage with an attic accessory cottage in the northern most clearing. The living space square footage of this accessory cottage would be less than 900 square feet.

This attic of this structure would be occupied seasonally and would provide storage space in the lower level for ongoing forest land management and recreation.

The attic accessory cottage would consist of a bathroom, kitchen, two bedrooms and some living space. The proposed accessory cottage would comply with all county requirements as we understand them with the exception of one. It is our desire for this structure to be located as much as 200 feet from the future home location so as to make use of the existing cleared locations and existing earth work.

It is my understanding that it is the counties desire to have the distance between accessory cottages and principal dwellings at a distance of 100 feet or less, hence this application.

We feel it would be intrusive to the land and its surroundings to engage further clearing and site work that would be required to keep the structures within 100 feet.

The site is largely occupied by Ponderosa Pine, Red Cedar and Western Larch that is 11 to 15 years old with the exception of the two small cleared areas for buildings.

Existing Uses of Property

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

The property is used for timber production and recreation at this time. It has established roadways and clearings for future building construction.

There is one small shed on the site and a fenced orchard. A well was drilled in 2006 in anticipation of future home construction.

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 proposed accessory cottage would not have any detrimental effects on the health and safety of those in the surrounding area.

All building codes will be followed and a septic system will be permitted and installed.

The closest permanent residence is over 1500 feet away. The closest neighboring structure that is in seasonal use is 600 away and largely out of site.

Use is consistent with single family residential use.

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

There will be no cost to the public as it is on private property and will be for private use only.

LCZC Hrg: CUP 886
 Applicant: Armstrong
 Exhibit #: 2A
 Date: 05/01/2013

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

This use of the accessory cottage in its proposed location will not be in conflict with the goals and policies of the Comprehensive Plan. We have taken great pride in the care of this property since we bought in 2003. A new forest is well established on the property. We enjoy our visits to the property to recreate as well as culture the trees on the site. I am a professional forester that graduated from WSU in 1979. It has been our desire to build a structure on the property for both storage and seasonal use and to eventually build a full time residence in retirement. We now have the financial means to accomplish this. It is important to us to minimize the disturbance of the well established tree reproduction on the site. This is very consistent with the Comprehensive Plan in that it keeps the land largely in its historic use of timber production in an economically viable manner. This proposal minimizes disturbance of the site as well as neighboring property. It also minimizes any potential impacts to water quality and the environment.

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 and protection of existing land use. The project preserves existing vegetation. This will benefit the neighboring views as well as the site integrity.

b. Population Element

The use of the cottage accessory will be seasonal. There will be no increase in population as a result of its construction.

c. Housing Element

This proposed construction encourages a variety of housing types. It will conform to building codes and will be energy efficient.

d. Economic Development Element

This proposal allows for the construction of an accessory cottage that is consistent with low density residential development. The use of the existing clearings minimizes impacts to the land for timber production which is primary economic use.

e. Public Services, Facilities, and Utilities Element

The accessory cottage will not burden the public as it is a private dwelling with a private septic system to be funded by the private owners.

f. School Facilities and Student Transportation Element

Due to the seasonal and temporary use of the cottage structure, there would be no no additional students coming from this structure.

g. Transportation Element

No adverse effect. Road approaches were permitted and constructed previously.

h. Natural Resource Element

By allowing this cottage structure and a future residence to be constructed in the existing cleared areas, natural resource impacts are minimized. Existing vegetation is preserved and soil disturbance is minimal with this proposal.

i. Special Areas Element

There are no known special areas near the accessory cottage.

j. Hazardous Areas Element

The location of the accessory cottage is on a broad ridge top away from all wetland or unstable sites.

k. Recreation Element

N/A

l. Land Use Element

The proposed accessory cottage adds value and preserves economic viability to the "rural" land use designation of our property in a manner that is consistent with Comprehensive Plan.

m. Property Rights Element

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

n. Water Resources Element

The seasonal use of the accessory cottage will require minimal water consumption from the established well. Utilizing existing clearings will minimize disturbance to the watershed.

BARRY LTERI
ARMSTRONG

SITE PLAN
CONDITIONAL USE PERMIT

ARMSTRONGS RESIDING AT
2626 GERSHICK Rd
Silver Creek, WA 98505

PARCEL # RP 40 N03W 284908A

1" = 100'



NORTH PROPERTY LINE

450'

2004
CLEARING
PERIMETER

Existing
shed

Proposed
Shop &
Accessory
Building

230'

≈200'

FUTURE
HOUSE

ESTABLISHED
ORCHARD

ESTABLISHED

ESTABLISHED

DRIVEWAY

CLAY PIT COUNTY RD & EAST PROPERTY LINE

42-381 50 SHEETS EYE-EASE™ - 3 SQUARES
42-382 100 SHEETS EYE-EASE™ - 3 SQUARES
42-383 200 SHEETS EYE-EASE™ - 3 SQUARES



LCZC Hrg: CUP 886
Applicant: Armstrong
Exhibit #: 2B
Date: 05/01/2013

CUP #886 – Staff Introduction

CUP #886 – A request by Barry Armstrong to for a conditional use permit for an accessory cottage house on approximately 45 acres in the Agriculture/Forest (A/F) zone. The property is located on Claypit Road, Troy, Idaho in Section 28 of Township 40 North, Range 03 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP40N03W284908.

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 #2. | Application Form (Submitted by Applicant) |
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| Exhibit #2B. | Property Site Plan (Submitted by Applicant) |
| Exhibit #3. | Staff Introduction for Latah County Zoning Commission public hearing for CUP #886 on May 1 st , 2013. |