

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, December 18th, 2013, 5:30 p.m.

The Latah County Zoning Commission will hold a public hearing on Wednesday, December 18th, 2013 in Room 2-B, Latah County Courthouse, Moscow, Idaho, to receive comments on:

CUP # 906 – A request by Lon Boothby for a conditional use permit to operate a fully enclosed motorcycle parts salvage operation on a 43.3 acre parcel in the Agriculture/Forest zone. The property is located at 4527 Hwy 8 in Section 31, Township 40 North, Range 02 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel numbers RP40N02W313301A

All interested parties are encouraged to attend. Accommodations for individuals who qualify under the ADA are available upon request. Notice is required in the Planning Dept. 3 working days prior to the hearing in order to acquire accommodations. This 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 copies of the proposal, is available from the Planning Dept., Latah County Courthouse, Moscow, Idaho. (208) 883-7220.

Mauri Knott
Associate Planner

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

Public Hearing for Conditional Use Permit #906

Date: December 18, 2013 **Time:** 5:30 pm **Applicant:** Lon Boothby **File #:** CUP 906

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 906 on December 18, 2013 |
| Exhibit #4. | Letter received from Heath and Carrie Trujillo on November 24, 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 to operate a campground to include two cabins on a 40-acre parcel in the Agriculture/Forest zone.

Description of application:

CUP # 906 – A request by Lon Boothby for a conditional use permit to operate a fully enclosed motorcycle parts salvage operation on a 43.3 acre parcel in the Agriculture/Forest zone. The property is located at 4527 Hwy 8 in Section 31, Township 40 North, Range 02 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel numbers RP40N02W313301A

Applicable Code:

Section 7.01.02 (see exhibit #3) and Sections 3.01.02.15

Section 3.01.02.3- The Latah County Land Use Ordinance, under section 3.01.02(3), lists "Salvage, wrecking, and junk yards" as a conditionally permitted use in the Agriculture/Forest Zone.

Facts of application and the information submitted

Site Characteristics:

Size of Parcel: 43 acres
Floodplain: Zone "A"

Land Use and Regulations:

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

Infrastructure/Services:

Water: Private Well
Sewer: Private Septic
Access: State Hwy 8 (permitted)
Fire Protection: Deary Fire District

Applicable Statute, Ordinance, and Comprehensive Plan Sections:

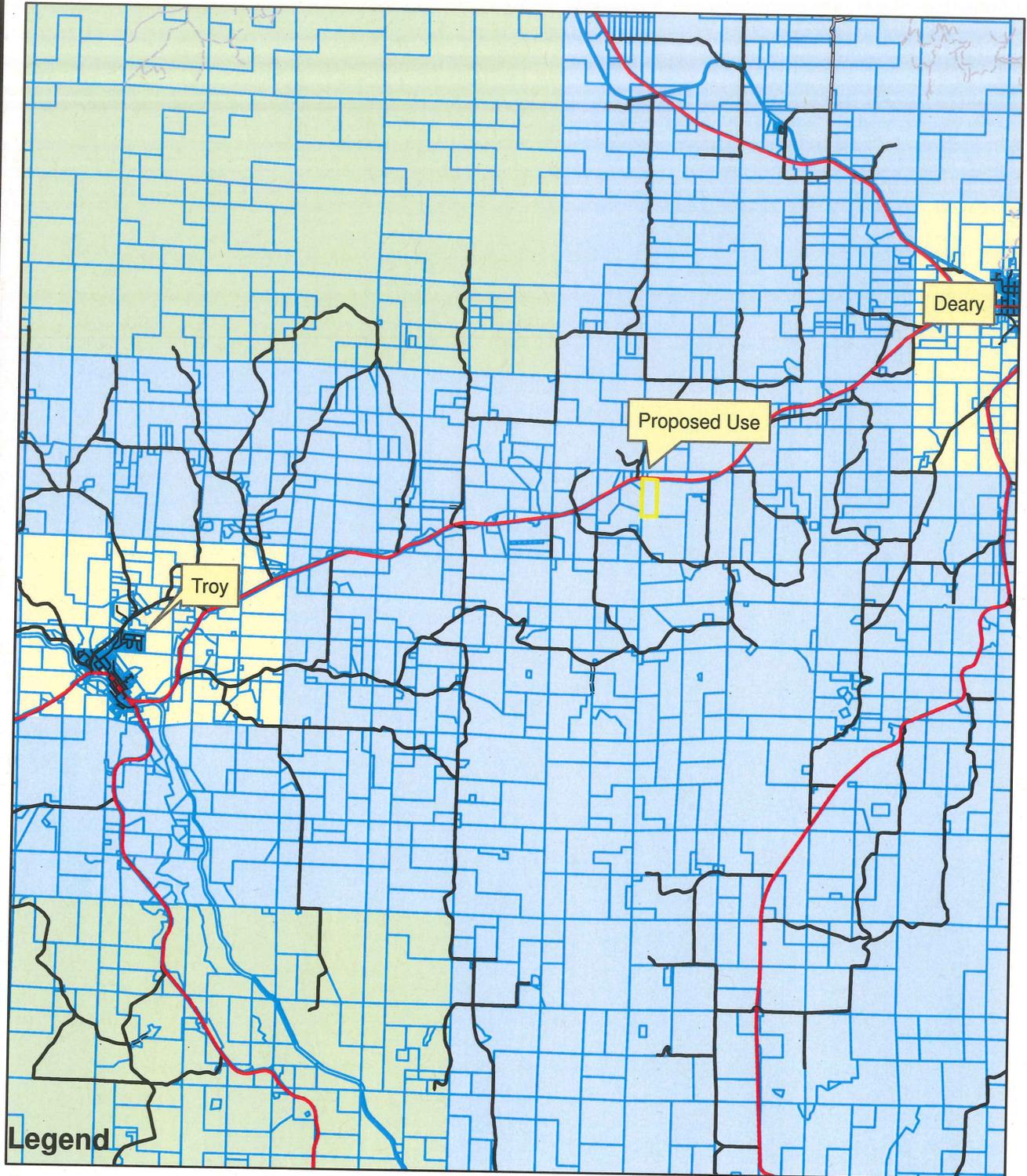
Local Planning Act: Idaho Code 67-6512

Latah County Land Use Ordinance # 269, as amended:

Section 3.01 Agriculture/Forest Zone
Article 7 Conditional Use Permits

Latah County Comprehensive Plan

CUP #906 Comprehensive Plan and Vicinity Map



Legend

Comprehensive Plan

ZONE

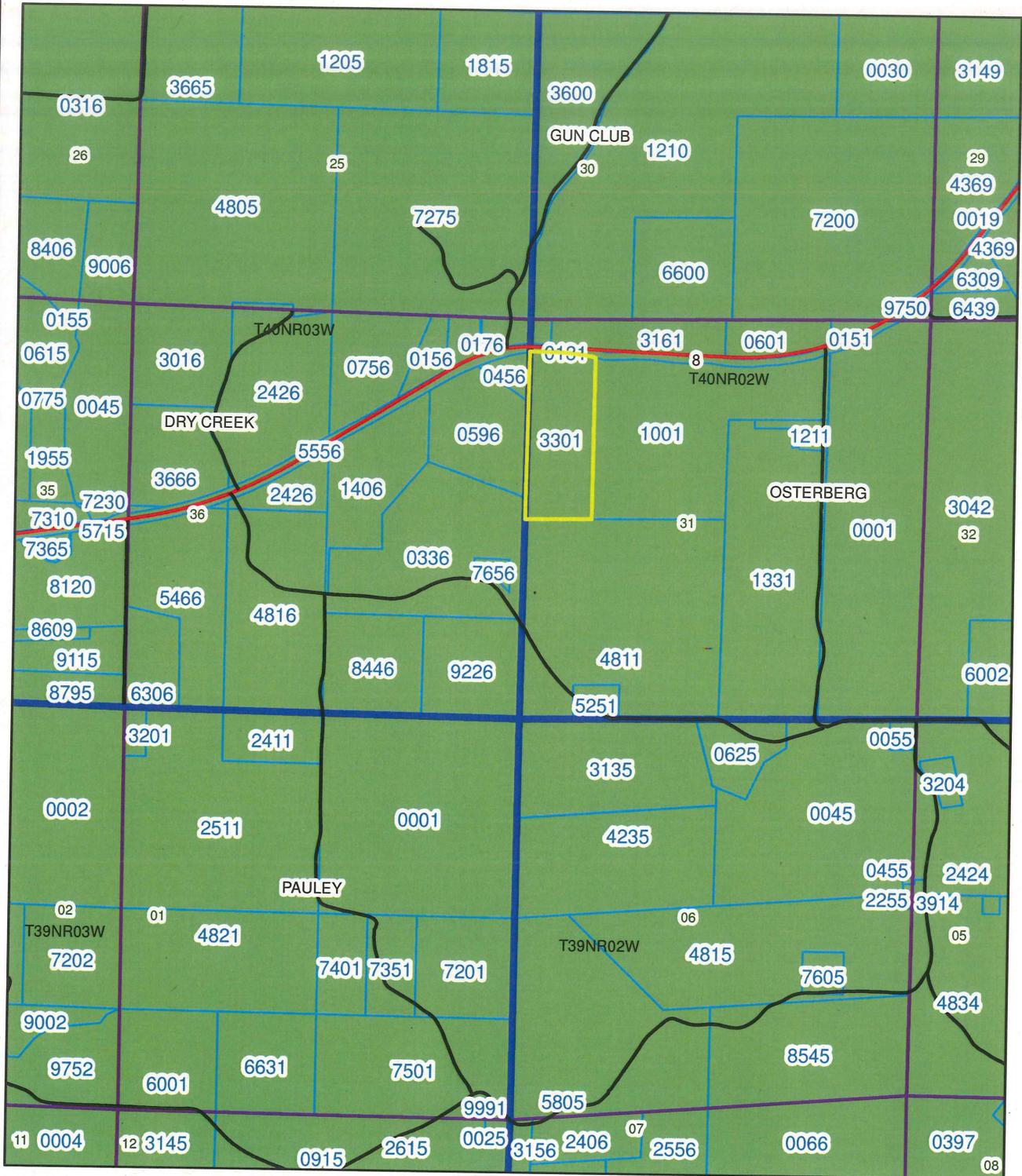
- AOI
- ICR
- PRODUCTIVE
- RURAL

0 1 2 Miles

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

LCZC Hrg: CUP 906
Applicant: Boothby
Exhibit #: 1A
Date: 12/18/2013

CUP #906 Zoning



Legend

Zoning_Districts_2009

ZONE_TYPE

- | | | | |
|--|--------------------------|--|--------------------------------|
| | Agriculture / Forest | | Motor Business |
| | Agriculture / Forestry | | Multiple Family Residential |
| | Area of Impact - Genesee | | Municipality |
| | Commercial | | Rural Residential |
| | Industrial | | Single-Family Residential |
| | | | Single-Family Residential (R1) |
| | | | Suburban Residential |



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



LCZC Hrg: CUP 906
 Applicant: Boothby
 Exhibit #: 1B
 Date: 12/18/2013

CUP #906 Aerial Photograph and Adjacent Property Owners



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

LCZC Hrg: CUP 906
Applicant: Boothby
Exhibit #: 1C
Date: 12/18/2013



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 <i>Lon Boothby</i> | | b. Home Phone / Work Phone <i>208-669-1500</i> | | c. Email <i>The Cycle Barn @ Gmail</i> | |
| d. Mailing Address <i>5006 Lenville 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) <i>RP40N02W313301</i> | | | b. Parcel Address (if applicable) | | |
| c. Acreage of Existing Parcel <i>43.3</i> | d. Zoning <i>Ag</i> | e. Comprehensive Plan Designation | | f. Floodplain designation(s) <i>C</i> | 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 | | j. Road Used to Access Site <i>State Hwy 8</i> | |

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
Ag / Forest / Residential

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

| | | |
|---|---|------------------------------------|
| a. Fire District <i>Deary</i> | b. Road District <i>North Latah</i> | c. School District <i>Deary</i> |
| d. Source of Potable Water (i.e. water district or private well) <i>Private Well</i> | e. Sewage Disposal (i.e. sewer district or private septic system) <i>Private Septic System</i> | |

4. Adjacent Properties Information

| | |
|--|--|
| a. Zoning of Adjacent Properties <i>Ag/Forest</i> | b. Existing Uses of Adjacent Properties <i>Farming & Residences</i> |
|--|--|

5. Permit Information

| |
|--|
| a. Proposed Use <i>Indoor motorcycle wrecking</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?
3.06.02 # 15

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>Lon Boothby</i> | b. Date <i>11/25/13</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: (\$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.

Office Use Only

| | | | |
|-----------------------------------|--------------------------------------|------------------------------|-----------------------|
| Date Received <i>11/24/13</i> | Amount <i>300.00</i> | Receipt No. <i>995109</i> | By <i>M. K. M.</i> |
| CUP # <i>CUP 906</i> | Date Determined <i>11/24/2013</i> | Technically Complete | By <i>M. K. M.</i> |
| Hearing Date <i>12/18/2013</i> | | | |

09/19/2013

LCZC Hrg: CUP 906
Applicant: Boothby
Exhibit #2
Date: 12/18/2013



Conditional Use Permit Narrative Worksheet

Application Information

Applicant's Name

Lon Boothby

Phone Number

208-669-1500

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.

We purchase older motorcycles, disassemble them, clean the parts & sell them on the internet.

This helps to clean up the county by getting rid of old motorcycles currently parked in backyards around the county. We recycle all of the old oil, gas, batteries & steel.

We use only bio-degradable cleaner, which is water based.

We ship 500+ packages each month which provides a great deal of income to the local post office.

We are a small family, home based business, but do employ 6 people which provides for local employment.

Existing Uses of Property

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

The property is mostly treed with a few tillable acres, currently growing grass.

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.

Our business is indoors, so neighbors will not be affected. Since the property is treed, they can not even see the building.

All of the cleaner we use is water based & bio degradable.

We sell the parts on-line, so there is nearly no traffic.

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

There is nothing needed from the public. We are using the same permitted highway access as was approved for our home.

There is nearly no traffic since ours is an on-line business.

We provide for local employment & give the post office a real boost of income.

LCZC Hrg: CUP 906
Applicant: Boothby
Exhibit #: 2A
Date: 12/18/2013

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

There will be no adverse affects to others.

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

This will allow for double use - Residential & Commercial. We will maintain the timber which will restrict the neighbors view of the business & preserve the rural character.

b. Population Element

This will provide for a development of unproductive agricultural and forest land & will not conflict with surrounding uses. Most of the employees live within 1 mile of this property.

c. Housing Element

No effect

d. Economic Development Element

This does provide for local employment. It does buffer the neighbors as the building is in the trees, so it is not visible.

e. Public Services, Facilities, and Utilities Element

No effect

f. School Facilities and Student Transportation Element

No effect

g. Transportation Element

Our business does not create excessive traffic as it is an on-line business.

No additional highway access is needed beyond the current access which has been permitted for our home.

h. Natural Resource Element

We will maintain the timber that is on the property.

i. Special Areas Element

No affect

j. Hazardous Areas Element

No affect

k. Recreation Element

This will not restrict the neighbors from recreating as they do now.

l. Land Use Element

This will not affect the agricultural or forest areas as it is in the less productive area of the county.

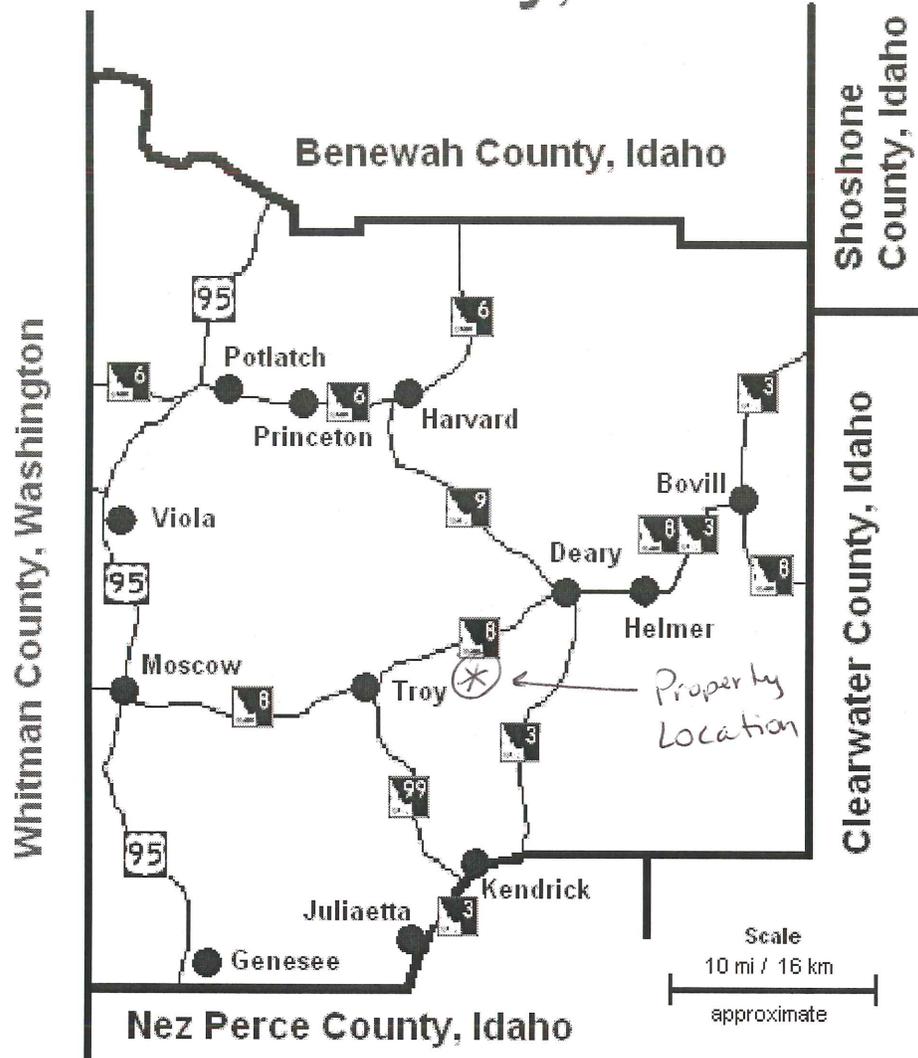
m. Property Rights Element

No affect

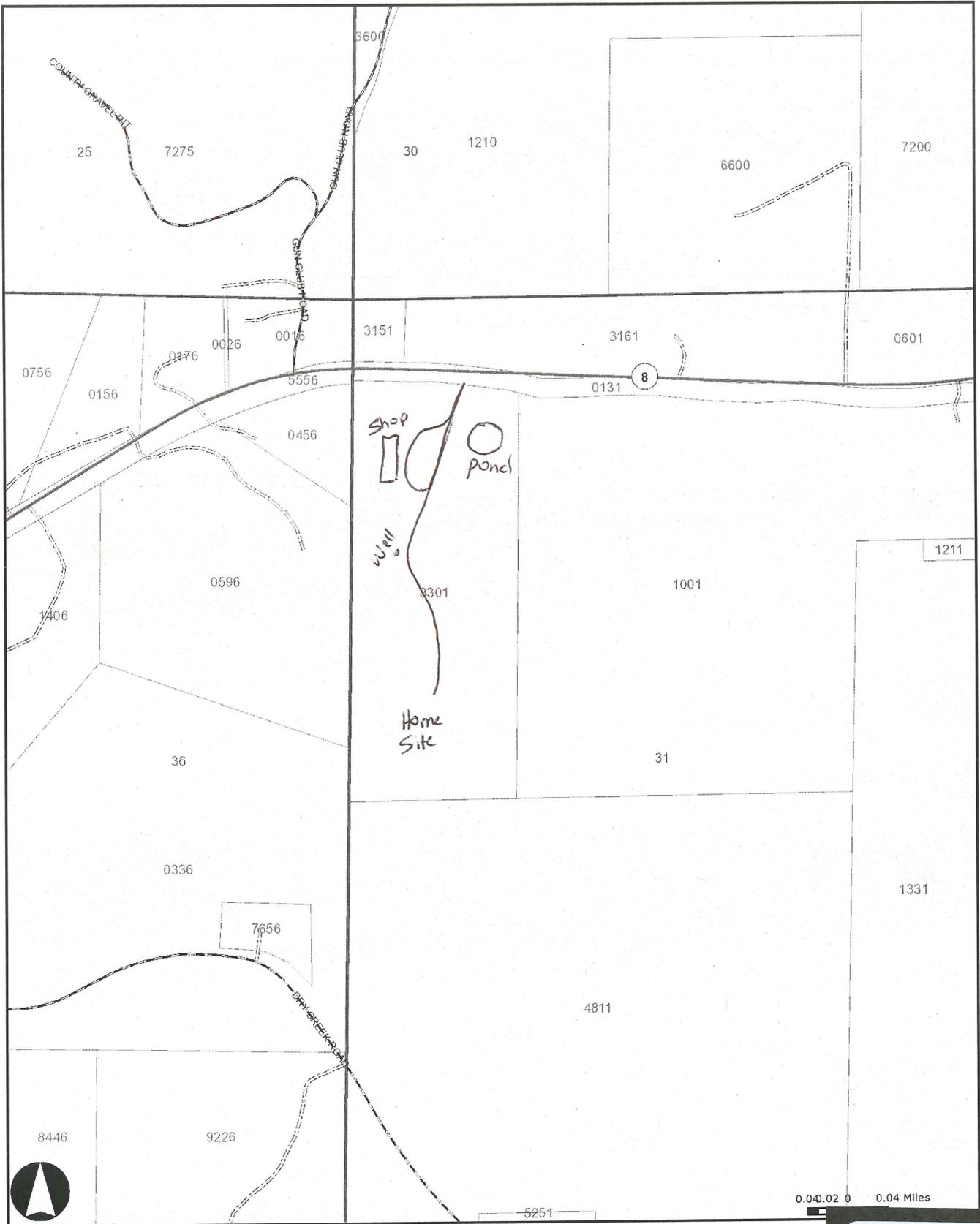
n. Water Resources Element

Our business uses very little water. The cleaners used are all water soluble & bio-degradable. We recycle all of the used oil, gas, batteries & unusable steel.

Latah County, Idaho



Map



LCZC Hrg: CUP 906
 Applicant: Boothby
 Exhibit #: 2B
 Date: 12/18/2013

CUP #906 – Staff Introduction

CUP # 906 – A request by Lon Boothby for a conditional use permit to operate a fully enclosed motorcycle parts salvage operation on a 43.3 acre parcel in the Agriculture/Forest zone. The property is located at 4527 Hwy 8 in Section 31, Township 40 North, Range 02 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel numbers RP40N02W313301A

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) |
| 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 #906 on December 18, 2013 |
| Exhibit #4. | Letter from Heath and Carrie Trujillo received on November 24, 2013 |

November 24, 2013

Latah County Courthouse
Planning & Zoning Department
522 S. Adams
Moscow, ID 83843

To Whom It May Concern:

Re: The Cycle Barn conditional use permit

Please cast our vote in support of the conditional use permit for Lon & Jody Boothby. We are part of The Cycle Barn family and are very excited to have this business next door to us.

We have two small children and being next door to our business gives us the opportunity to take them to work with us. When we purchased our property a little over a year ago, we had this in the back of our minds that we would be next door, not only to our parents, but walking distance to work. We feel that having our family business so close gives us the flexibility to have more family time.

Unfortunately, we will be out of town when the meeting is held for Lon and Jody Boothby, so we are writing a letter of approval.

Thank you,

Heath & Carrie Trujillo

Heath & Carrie Trujillo

LCZC Hrg: CUP 906
Applicant: Boothby
Exhibit #: 4
Date: 12/18/2013