LATAH COUNTY ZONING COMMISSION EXHIBIT LIST
Public Hearing for Conditional Use Permit #1005

Date: January 18, 2017 **Time:** 5:30 pm **Applicant:** Hatter Creek **File #:** CUP 1005

EXHIBITS:

Exhibit #1.	Criteria Worksheet and Application Summary
Exhibit #1A.	Latah County Comprehensive Plan and Vicinity Map
Exhibit #1B.	Zoning Map
Exhibit #1C.	Adjacent Property Owners and Aerial Photograph Map
Exhibit #2.	Application Form (Submitted by Applicant)
Exhibit #2A.	Applicant's Narrative (Submitted by Applicant)
Exhibit #2B.	Site Plan (Submitted by Applicant)
Exhibit #3.	Staff Introduction for Latah County Zoning Commission public hearing for CUP #1005 on January 18th, 2017
Exhibit #4.	Access form received from Mike Hicks
Exhibit #5.	Access form received from Brocke and Sons
Exhibit #6.	Email received from Idaho Transportation Department

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:

To operate a Salvage Yard in the Agriculture/Forest Zone

Description of application:

A proposal by Scott Delph with Hatter Creek Salvage to operate a a Salvage Yard on the Palouse Coulee Railroad's property in an Agriculture/Forest Zone located on Highway 6 approximately ¼ mile East of Hwy 95, Potlatch, on parcel #RP41N05W032333A.

Facts of application and the information submitted

Site Characteristics:

Size of Parcel:	2 acres
Floodplain:	Zone "B"

Land Use and Regulations:

Comprehensive Plan Designation:	Industrial/Commercial/Residential
Existing Zoning:	Agriculture Forest
Existing Uses:	Warehousing / Non-permitted salvage yard
Neighboring Zoning:	Agriculture/Forest / Suburban Residential / Industrial
Neighboring Uses:	Commercial shop / Grain Bins / Railroad /

Infrastructure/Services:

Water:	Private Well
Sewer:	Private Septic System
Access:	Hwy 6
Schools:	N/A
Fire Protection:	Potlatch Fire District
Law Enforcement:	Latah County Sherriff

APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:

Local Planning Act: Idaho Code 67-6516

Latah County Land Use Ordinance # 269, as amended:

Section 3.05	Ag/Forest
Article 7.01	Conditional Use Permits

Latah County Comprehensive Plan

LCZC Hrg: CUP 1005
Applicant: Hatter Crk
Exhibit #: 1
Date: 01/18/2017

Relevant Criteria:

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;

- Permitted uses in the Agriculture and Forestry related commercial uses, accessory buildings, and single family residence
- The site has been being used as a non-permitted salvage yard. Prior to that is was a receiving warehouse for the railroad and Wilbur Ellis.
- The neighborhood of the proposed use has multiple zoning designations and is currently a mixed use area, however most adjacent uses are Commercial or Industrial

This proposed use does not have any current fencing, listed hours of operation, signage or lighting requirements. These areas should be considered for conditions.

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

- The applicant indicated in their application that the use will be on a private well and private septic and utilize an existing road.

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

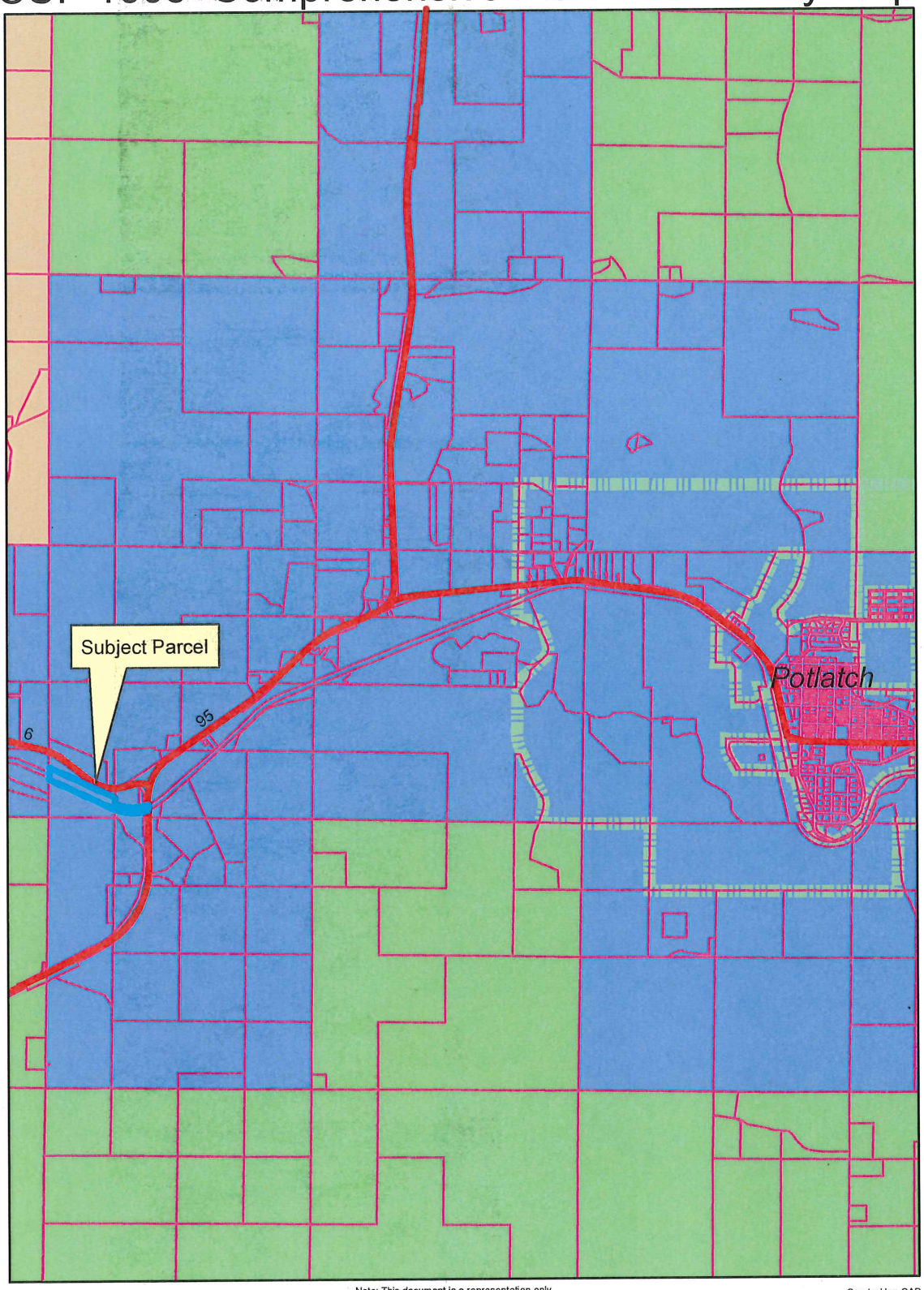
- The applicant has provided written testimony regarding the comprehensive plan. More specifically that applicant has stated that the use promotes community design, economic development, and protects hazardous areas.

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 1005 Comprehensive Plan and Vicinity Map

Planning and Building Department



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Note: This document is a representation only.
Latah County bears no responsibilty for errors or omissions.

Created by: CAB

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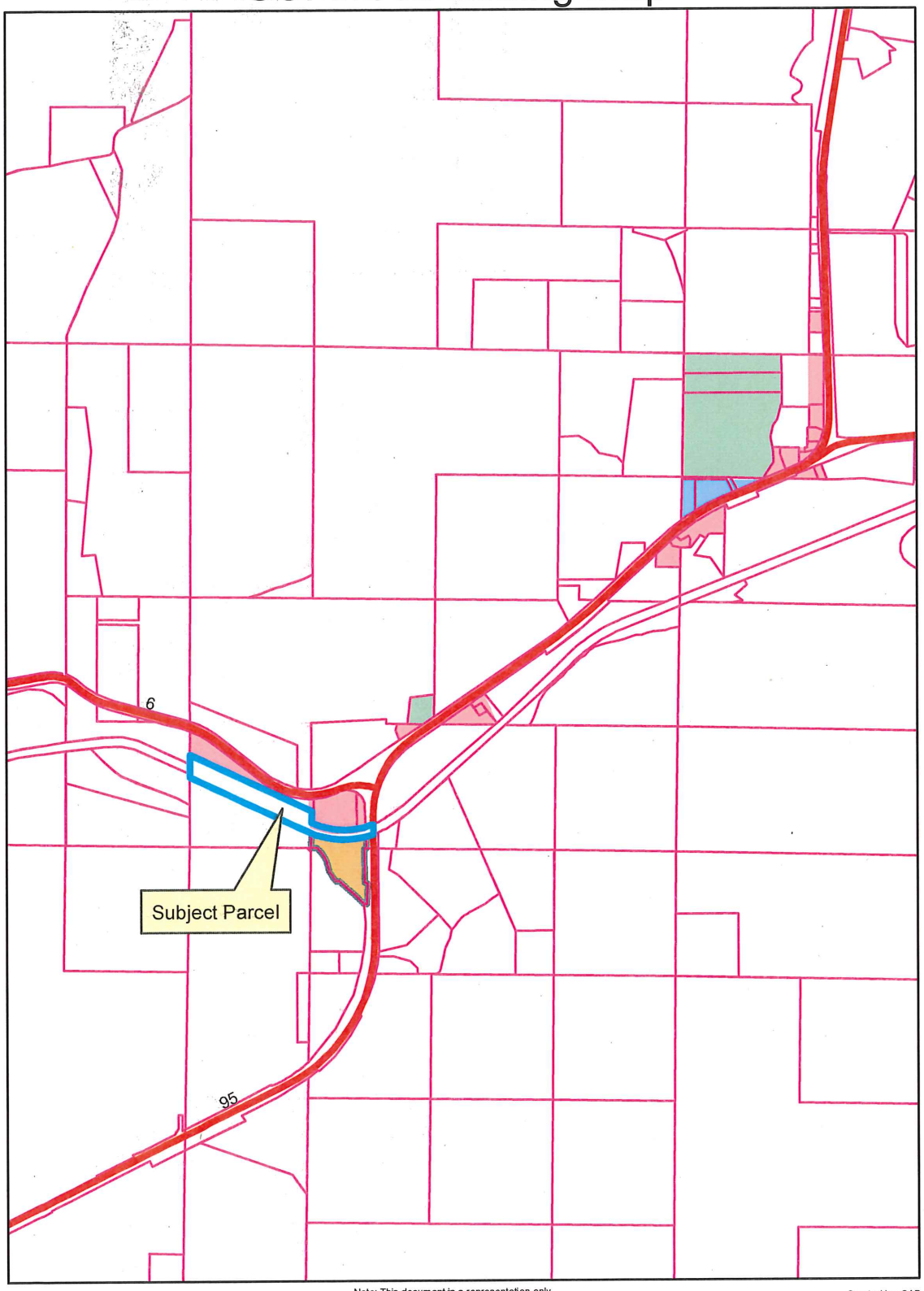
Comprehensive Plan

- ICR
- AFR
- PRODUCTIVE
- AOI
- RURAL

LCZC Hrg: CUP 1005
Applicant: Hatter Crk
Exhibit #: 1A
Date: 01/18/2017

CUP 1005 Zoning Map

Planning and Building Department



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Created by: CAB

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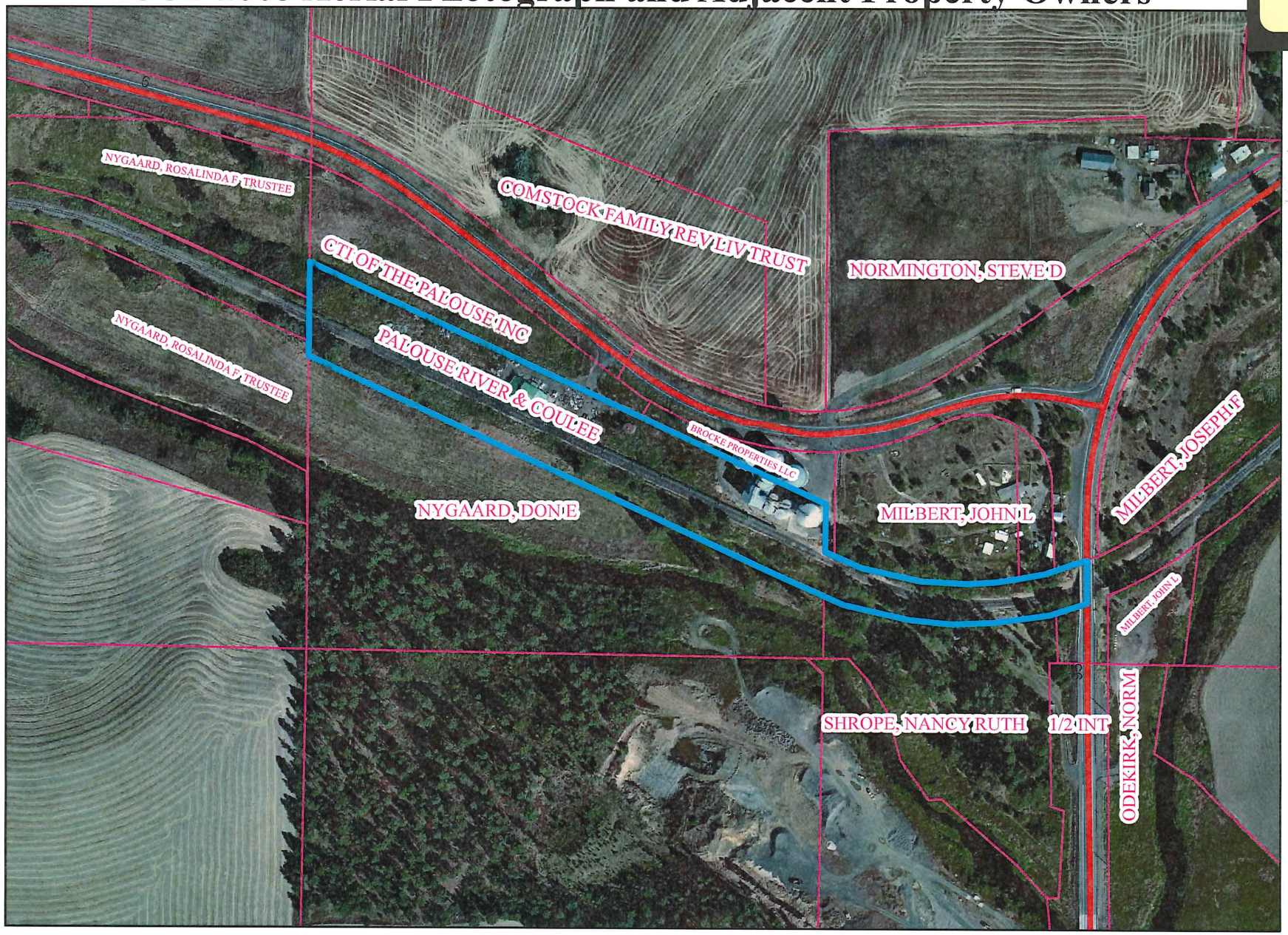
- Agricultre Forestry
- Commercial
- Industrial
- Motor Business
- Multiple Family Residential
- Municipality
- Rural Residential
- Single-Family Residentia
- Suburban Residential

LCZC Hrg: CUP 1005
Applicant: Hatter Crk
Exhibit #: 1B
Date: 01/18/2017

LCZC Hrg: CUP 1005
Applicant: Hatter Crk
Exhibit #: 1C
Date: 01/18/2017

CUP 1005 Aerial Photograph and Adjacent Property Owners

Planning and Building Department



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Note: This document is a representation only.
Latah County bears no responsibilty for erros or omissions

Created by: CAB

0 260 520 1,040 Feet

Please Save Document Before Filling It Out.

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	b. Home Phone / Work Phone	c. Email
Tina Delph - Hatter Creek Salvage LLC	208-596-2982	tina.delph@yahoo.com

d. Mailing Address	e. City	f. State	g. Zip code
PO Box 455	Potlatch	ID	83855

h. Property Owner (if different than applicant)	i. Home Phone	j. Work Phone
Palouse River & Coulee City Railroad, LLC		208-734-4644

k. Mailing Address	l. City	m. State	n. Zip code
420 Hansen St. S.	Twin Falls	ID	83301

2. General Site Information

a. Assessor's Parcel Number(s)	b. Parcel Address (if applicable)
RP41N05W032333A	1375 Hwy 6, Potlatch, ID 83855

c. Acreage of Existing Parcel	d. Zoning	e. Comprehensive Plan Designation	f. Floodplain designation(s)	g. FEMA Panel #
8 acres (use 2 acres)	Agricultural Forest	Industrial Commercial Residential		

h. Is the parcel within an Area of City Impact?	i. Impact City	j. Road Used to Access Site
☐ Yes. ☒ No.	N/A	Highway 6

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	b. Road District	c. School District
Potlatch	☒ ITD	Potlatch School District #281

d. Source of Potable Water (i.e. water district or private well)	e. Sewage Disposal (i.e. sewer district or private septic system)
Private well	Private Septic System

4. Adjacent Properties Information

a. Zoning of Adjacent Properties	b. Existing Uses of Adjacent Properties
Commercial Agricultural Forest	East Grain bins - West personal shop

5. Permit Information

a. Proposed Use

Metal Salvage

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?

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
Tina M. Delph	

c. Signature of Property Owner (if different than applicant)	d. Date
Paul Wartel, Property Manager	11/02/2016

Office Use Only

Date Received	Amount	Receipt No.	By
11/21/2016	300	810	CAB

CUP #	Date Determined Technically Complete	By
1005		

Hearing 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 tha that shows the subject parcel and adjoining parcel

☐ **Other Attachments:** Required by staff / Zo certain proposed uses.

LCZC Hrg: CUP 1005
Applicant: Hatter Crk
Exhibit #: 2
Date: 01/18/2017

Conditional Use Permit Narrative Worksheet

Application Information

Applicant's Name: Tina Delph

Phone Number: 208-596-2982

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 would like to continue our salvage operation at the site. We are a drop off site for people in the county, where they can bring old appliances, cars, metals. We process the material at our site and ship them out to a larger recycling facility. We accept no hazardous materials at our site. We, in 9 years, have never had a complaint and have heard from numerous people that they appreciate the service we offer to our community and county.

Existing Uses of Property

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

The property is currently a metal salvage facility. There is one building on the property, as well as, a chain link fenced area.

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 salvage operation at this property is a benefit to the area. It provides a place where people can dispose of their metal 'junk'. We do not accept any hazardous materials so it is not detrimental to public health or safety. Our neighors include a grain bin, a private shop, and the railroad. Our operation does not affect any recreational use in the area. We are a little over 2 miles outside the city limits of Potlatch, ID.

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

There are no facilities or services that require any cost to the public.

LCZC Hrg: CUP 1005
Applicant: Hatter Crk
Exhibit #2A
Date: 01/18/2017

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

The use of the property, as a salvage business, in no way conflicts with any of the 5 points in the comprehensive plan outline. Our business is an added benefit to the community. People have a drop off point for old appliances etc. that have previously ended up alongside the road or out in backroad ditches. We offer a clean, safe alternative

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

Again, our business adds to the community, overall - we offer a valuable service, that does not exist elsewhere. (nearby)

b. Population Element

N/A

c. Housing Element

N/A

d. Economic Development Element

The use of land is consistent with previous decades of use. Our business is a positive for the community and does not negatively impact any areas of health or safety.

e. Public Services, Facilities, and Utilities Element

We do not require any public services at our facility. Our water is from a well that we maintain. Septic is also privately maintained by us. Any solid waste is disposed of, as necessary, at Latah Sanitation, which we pay for.

f. School Facilities and Student Transportation Element

N/A

g. Transportation Element

We lease the land from Wilbur Ellis / the railroad. We have 2 seperate access points to the property, if needed. Our entering + leaving the highway doesn't disrupt traffic + is adequate for emergency vehicles.

h. Natural Resource Element

Our business doesn't interfere w/ any streams or any of the natural elements of our surroundings. We will never expand beyond our leased property.

i. Special Areas Element

N/A

j. Hazardous Areas Element

We maintain the leased property, as necessary, for all seasons.

k. Recreation Element

N/A

l. Land Use Element

Not sure this applies?

m. Property Rights Element

Not sure how this applies?

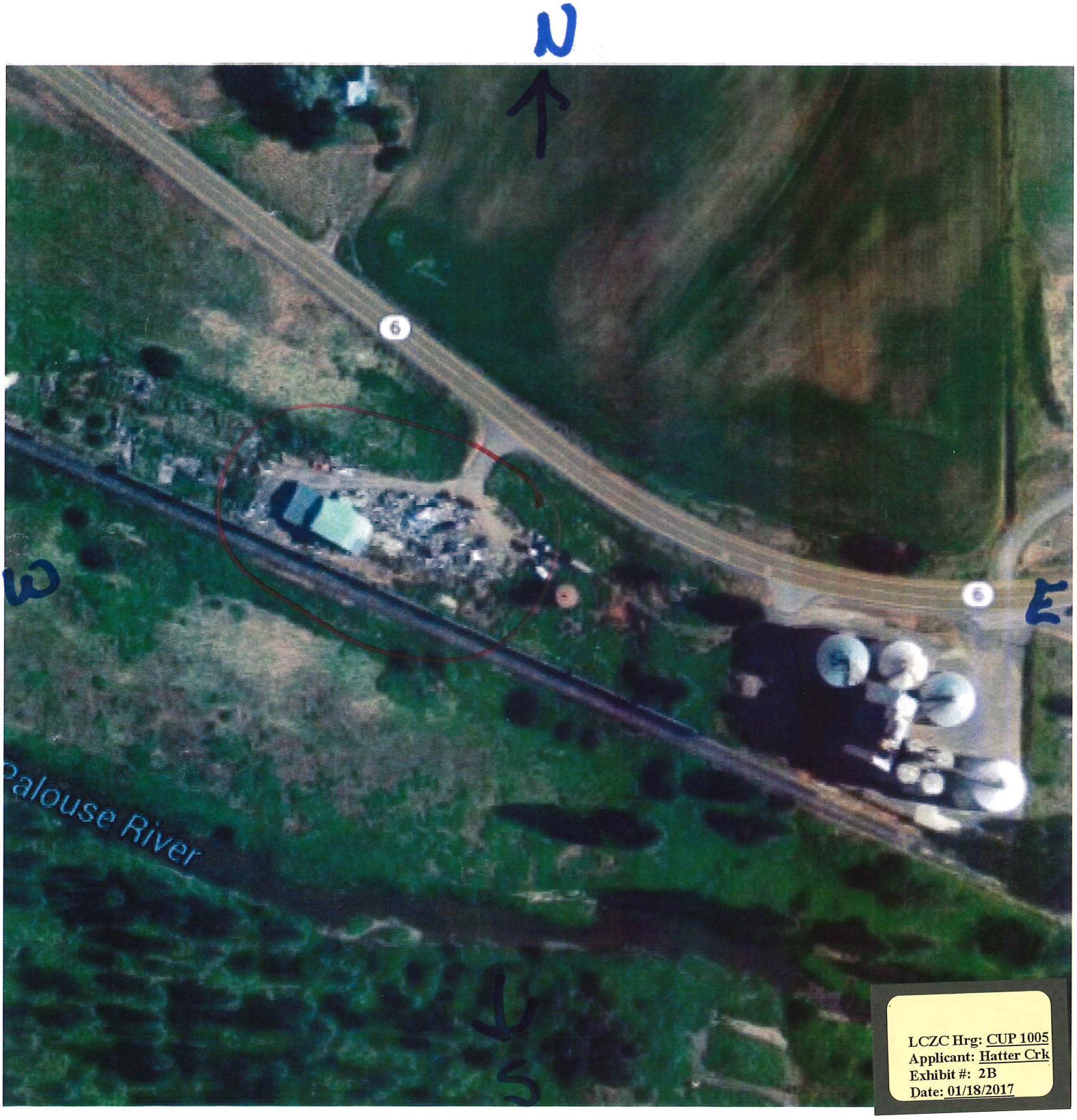
n. Water Resources Element

Our business does not affect groundwater quality + our own water comes from a well.

Potlatch - approx. 2½ miles northeast

Palouse - approx 7 miles west

Moscow - approx 15 miles South



LCZC Hrg: CUP 1005
Applicant: Hatter Crk
Exhibit #: 2B
Date: 01/18/2017

CUP #1005 – Staff Introduction

CUP #1005 – A proposal by Scott Delph with Hatter Creek Salvage to operate a a Salvage Yard on the Palouse Coulee Railroad's property in an Agriculture/Forest Zone located on Highway 6 approximately ¼ mile East of Hwy 95, Potlatch, on parcel #RP41N05W032333A.

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.**

If the Zoning Commission finds that a variance 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.

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
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Exhibit #1C.	Adjacent Property Owners and Aerial Photograph Map
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Exhibit #6.	Email received from Idaho Transportation Department

That is all staff has unless the Commission has questions.

LCZC Hrg: CUP 1005
Applicant: Hatter Crk
Exhibit #: 3
Date: 01/18/2017

November 15, 2016

RE: Michael Hicks – Hatter Creek Salvage LLC
Use of access road

To whom it may concern,

This letter is to inform Latah County Planning and Zoning of the agreement between Michael Hicks and Hatter Creek Salvage LLC, in regards to the use of the piece of property used to access Hatter Creek Salvage LLC's rented property.

Michael Hicks has agreed to let Hatter Creek Salvage LLC use a portion of his property, as an access point, to their leased property. There is a small portion of land between the leased property and Highway 6 that belongs to Michael Hicks and he has agreed that we may use this access road for an indefinite amount of time. If he should ever determine that Hatter Creek Salvage LLC can no longer use his property to access our leased property, he will let us know and we will cease use of his property, at his request.

11/16/2016

LCZC Hrg: CUP 1005
Applicant: Hatter Crk
Exhibit #: 4
Date: 01/18/2017

November 15, 2016

RE: Brocke & Sons – Hatter Creek Salvage LLC
Use of access road

To whom it may concern,

This letter is to inform Latah County Planning and Zoning of the agreement between Brocke & Sons and Hatter Creek Salvage LLC, in regards to the use of Brocke & Sons property to access Hatter Creek Salvage LLC's rented property.

Mr. Brocke has agreed to let Hatter Creek Salvage LLC use a portion of his property, as an access point, should the need ever arise. There is a road on the property that Hatter Creek Salvage LLC leases and in order to access that road they would need to cross over the north corner of Mr. Brocke's property. He has agreed that we may do so for an indefinite amount of time. If he should ever determine that Hatter Creek Salvage LLC can no longer use his property to access this road, he will let us know and we will cease use of his property, at his request.

Date: 11/15/16

Berton Brocke – George F. Brocke & Sons, Inc.

Cecilia Anderson
Expires 6/20/19

CECILIA A. ANDERSON
NOTARY
PUBLIC
STATE OF IDAHO

LCZC Hrg: 1005
Applicant: Hatter Cr
Exhibit #: 5
Date: 01/18/2017

Mauri S. Knott

From: Shane Niemela <Shane.Niemela@itd.idaho.gov>
Sent: Tuesday, January 03, 2017 3:35 PM
To: Chris Blankenship
Cc: Mauri S. Knott
Subject: CUP #1005

Hi Chris,
ITD has a few questions about the proposed CUP. A review by our office has determined that the approach that is currently being used by the unauthorized Salvage Yard is a deed restricted 1 Single-Family Residential access. The current underlying property owner would need to enter into a joint-use agreement with the salvage yard and apply for a joint-use commercial access through this office. If approved a new deed would need to be drawn up by our HQ Right-of-Way section documenting the change. Otherwise the use of the approach would continue to be illegal.
The west approach to the Brocke parcel is currently permitted and deeded for Commercial activity. As the use is already Commercial an agreement could be made between the property owner (Brocke) and the proposed salvage yard for a shared use provided that the Brocke company realize that the additional traffic would be added to their own volumes for evaluation if ITD is made aware of any traffic issues. The combined volumes of the Brocke operation and the salvage yard would be used to determine if any traffic mitigation might be necessary to ensure highway safety at the approach and ITD would look to Brocke Company alone to mitigate. If the Brocke company would like to keep the traffic volumes clearly defined a joint-use agreement and joint-use permit would need to be submitted to ITD for review. The joint-use agreement should clearly define the responsibilities of each property owner. If approved by ITD a new deed would need to be drawn up by our HQ R/W section documenting the change.
If you have any questions please let me know.
Thank you,
Shane Niemela
ITD D-2 Traffic Section

Subject: Notice of Public Hearing

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, January 18th, 2016, 5:30 pm

CUP #1005 – Latah County Zoning Commission Public Hearing: January 18th, 2017, 5:30pm, Room 2-B, Latah County Courthouse, 522 S Adams, Moscow, Idaho: CUP #1005 – Proposed CUP for a Salvage Yard in an Agriculture/Forest Zone located on Highway 6 approximately ¼ mile WEST of Hwy 95, Potlatch, on parcel #RP41N05W032333A.

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 proposals, are 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.

Chris Blankenship, Associate Planner

(This is a public service announcement only)

LCZC Hrg: 1005
Applicant: Italtcr Cr
Exhibit #: 6
Date: 01/18/2017