



PLANNING & ZONING ADMINISTRATION

700 Bank Street, Wallace, ID 83873-2348 Phone: (208) 752-8891 Fax: (208) 556-5135

APPLICATION FOR CONDITIONAL USE

FILE NUMBER: _____ DATE ACCEPTED: _____ FEES: _____

APPLICANT NAME: _____ PHONE: _____

APPLICANT ADDRESS: _____

OWNER NAME: _____ PHONE: _____

OWNER ADDRESS: _____

Person to Contact ☐ Owner ☐ Applicant

REQUEST A CONDITIONAL USE PERMIT TO ALLOW FOR: _____

AS PERMITTED IN THE CURRENT ZONING DISTRICT UNDER ARTICLE: _____
OF THE SHOSHONE COUNTY ZONING ORDINANCE.

LEGAL DESCRIPTION (Attach if Necessary): SEC: _____ TWP: _____ RNG: _____

Parcel #: _____

DIRECTION TO THE SITE (Be specific): _____

EXISTING LAND USE: _____

ZONING: _____ COMP. PLAN DESIGNATION: _____

- APPLICANT ATTACHMENTS:
- Site plan.
 - Narrative describing your request for a Conditional Use Permit.
 - Adjacent property owner's mailing list, provided by a Title Company
- PLANNING OFFICE PROVIDES:
- Assessor's Map.
 - Vicinity Map.
 - Letters/Signatures from applicable agencies.

I understand the application process is subject to acceptance by the Shoshone County Planning Commission upon determination that this application is complete. I understand that the hearing dates are tentative and subject to the number of applications received; therefore, staff will determine the number of applications to be placed on the next available agenda. All the information, statements, attachments, and exhibits transmitted herewith are true to the best of my knowledge.

SIGNATURE: _____ DATE: _____



PLANNING & ZONING ADMINISTRATION

700 Bank Street, Wallace, ID 83873-2348 Phone: (208) 752-8891 Fax: (208) 556-5135

SCHEDULE OF FEES, CHARGES & EXPENSES

| | | |
|---|---------------------------------|---|
| MINOR Subdivision* ** *** | Preliminary Plat - \$750 | Final Plat - \$25 per lot (1-4 Lots) \$50 per lot (5-9 Lots) |
| MAJOR Subdivision* ** *** | Preliminary Plat - \$750 | Final Plat - \$100 per lot |
| LARGE PARCEL Subdivision | Preliminary Application - \$300 | Final - \$50 per lot |
| Planned Unit Development* ** *** | Preliminary Plat - \$750 | Final Plat - \$50 per lot |
| RESIDENTIAL Conditional Use Permit*** ** | \$250 | |
| COMMERCIAL Conditional Use Permit** ** | \$400 | |
| Zone Change to a Residential District** ** | \$500 | |
| Zone Change in/to Commercial** ** | \$750 | |
| Variance** ** | \$200 | |
| Amended Subdivision – Replat* | \$190 | |
| Vacation of Plat..... | \$100 | |
| Appeals** ** | \$100 | |
| Sketch Plan Review/Site Visit..... | \$50 | |
| Floodplain/Floodway Review/Site Visit..... | \$50 | |
| Site Disturbance Permit..... | \$25 | |
| Addressing Fee..... | \$15 | |
| *County Surveyor ReviewActual Cost, Deposit: Minor Subdivision \$100, Major Subdivision \$200 | | |
| **Advertising.....Actual Cost | | |
| ***Postage for mailings.....Actual Cost | | |

COPIED MATERIAL

| | | |
|-------------------------|----------------|----------------|
| Comprehensive Plan | Pick-up \$5.50 | Mailed \$8.50 |
| Subdivision Regulations | Pick-up \$5.50 | Mailed \$8.50 |
| Zoning Regulations | Pick-up \$7.50 | Mailed \$10.50 |

CHAPTER 9

CONDITIONAL USE PERMITS

SECTION:

- 9-9-1: General Provisions
- 9-9-2: Application
- 9-9-3: General Standards
- 9-9-4: Public Sites And Open Spaces
- 9-9-5: Supplemental Conditions And Safeguards
- 9-9-6: Hearing; Notice
- 9-9-7: Action By Commission
- 9-9-8: Notification To Applicant
- 9-9-9: Appeal To Board

9-9-1: **GENERAL PROVISIONS:**

- A. Individual Consideration: It is recognized that an increasing number of new kinds of uses are appearing daily and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually.
- B. Hearing Required: The commission shall hold a public hearing on each conditional use permit application as specified in section 9-6-2 of this title. The commission may approve, conditionally approve or deny a conditional use permit under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this title. (Ord. 15, 7-11-1977)

9-9-2: **APPLICATION:** An application for conditional use permit shall be filed with the administrator by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.
- D. Zoning district.
- E. Description of proposed special use.
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards and such other information as the commission may require to determine if the proposed conditional use meets the intent and requirements of this title.
- G. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan. (Ord. 15, 7-11-1977)

9-9-3: **GENERAL STANDARDS:** The commission shall review the particular facts and circumstances of each proposed conditional use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Will, in fact, constitute a conditional use as established in section 9-6-2 of this title for the zoning district involved.
- B. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the comprehensive plan and/or this title.
- C. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- D. Will not be hazardous or disturbing to existing or future neighboring uses.

- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odor.
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- I. Will not result in the destruction, loss, or damage of a natural scenic or historic feature of major importance. (Ord. 15, 7-11-1977)

9-9-4: **PUBLIC SITES AND OPEN SPACES:** Shall conform to the following:

- A. **Public Uses:** Where it is determined that a proposed park, playground, school or other public use as shown on the future acquisition map, as authorized in Idaho Code section 67-6517, is located in whole or in part within a proposed development, the commission shall notify the appropriate public agency concerning the land proposed to be acquired. Within thirty (30) days of the date of notice, the public agency may request the governing body to suspend consideration of the permit for sixty (60) days; however, if an agreement is not reached within sixty (60) days, the commission shall resume consideration of the conditional use application.
- B. **Natural Features:** Existing natural features which add value to residential developments and enhance the attractiveness of the community (such historic spots and other similar irreplaceable assets) shall be preserved in the design of the development.
- C. **Special Developments:** In the case of planned unit developments and large scale developments, the commission may require sufficient park or open space facilities of acceptable size, location and site

characteristics that may be suitable for the proposed development.
(Ord. 15, 7-11-1977)

9-9-5: **SUPPLEMENTAL CONDITIONS AND SAFEGUARDS:** In granting any conditional use, the commission may prescribe appropriate conditions, bonds and safeguards in conformity with this title. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this title. (Ord. 15, 7-11-1977)

9-9-6: **HEARING; NOTICE:** Notice shall also be provided to property owners within the land being considered, and within three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed special use as determined by the commission. When notice is required to two hundred (200) or more property owners, in lieu of mailing notice, two (2) additional hearing notices shall be provided. (Ord. 52, 10-1-1987)

9-9-7: **ACTION BY COMMISSION:**

- A. Commission Action: Within thirty (30) days after the public hearing, the commission shall either approve, conditionally approve, or disapprove the application as presented. If the application is approved or approved with modifications, the commission shall direct the administrator to issue a conditional use permit listing the specific conditions specified by the commission for approval.
- B. Additional Conditions: Upon granting a conditional use permit, conditions may be attached to a conditional use permit including, but not limited to, those:
 - 1. Minimizing adverse impact on other development;
 - 2. Controlling the sequence and timing of development;
 - 3. Controlling the duration of development;
 - 4. Assuring that development is maintained properly;
 - 5. Designating the exact location and nature of development;

6. Requiring the provision for on-site or off-site public facilities or services;
 7. Requiring more restrictive standards than those generally required in an ordinance.
- C. **Studies; Precedent; Transferability:** Prior to granting a conditional use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed conditional use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferrable from one parcel of land to another.
- D. **Specifications Of Action:** Upon granting or denying an application, the commission shall specify:
1. The ordinance and standards used in evaluating the application;
 2. The reasons for approval or denial; and
 3. The actions, if any, that the applicant could take to obtain a permit.
- E. **Appeal:** The applicant or any affected person who appeared in person or in writing before the commission may appeal the decision of the commission to the board, in writing, provided the appeal is submitted to the board within fifteen (15) days from the commission's action. (Ord. 15, 7-11-1977)

9-9-8: **NOTIFICATION TO APPLICANT:** Within ten (10) days after a decision has been rendered, the administrator shall provide the applicant with written notice of the action on the request. (Ord. 15, 7-11-1977)

9-9-9: **APPEAL TO BOARD:** Upon receipt of a written appeal from the action of the commission, the board shall set a hearing date to consider all information; testimony and commission's minutes of the public hearing to reach a decision to uphold, conditionally uphold or overrule the decision of the commission. The board shall only overrule the commission by a favorable two-thirds ($\frac{2}{3}$) vote. (Ord. 15, 7-11-1977)