



## 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: \_\_\_\_\_



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### REQUIRED NOTICE MATERIALS TO SUBMIT FOR PUBLIC NOTICE

#### ADJACENT PROPERTY OWNERS (APO) MAILING LIST

As part of your application, please submit the following materials to the Shoshone County Planning Administration.

**ASSESSOR'S MAP(S)** - The Section or Township map that shows your project parcel and all surrounding parcels that are within 300 feet of the boundaries of the subject parcel. If you, or your Agent, have ownership in any parcel that abuts a boundary of the project parcel, the 300 foot requirement has to be determined by beginning at the outermost boundary of your abutting parcel. Distinctly identify your project site by outlining or highlighting it in color.

You can obtain copies of the number of maps you need at the Assessor's Office, Shoshone County Courthouse. Depending on the location of your project, you may need more than one Section map: the Assessor's Office staff can assist you.

**OWNER/ADDRESS LIST** - Using the information from the Assessor's map(s), prepare a list of the names and addresses of the owners of the surrounding parcels that have been identified in the paragraph above (Note: Variance applications require notification of bordering property ownership's only. All other applications require notification of all property ownership's within 300 feet).

Adjacent Property Ownership information packages can be obtained from a Title Company. If you submit property ownership information obtained from a Title Company, it must bear the date of preparation. If you do your own research to obtain the ownership information from the Assessor's Office, please fill out the following affidavit and include this page along with the map materials that you are submitting to the Planning Administration.

"I hereby certify, under penalty of perjury, that the owner/address information submitted to the Planning Administration was researched at the Shoshone County Assessor's Office on \_\_\_\_\_, 20\_\_\_\_, and that it is true and correct to the best of my knowledge."

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date of Affidavit

\_\_\_\_\_  
Application File No.

**MAILING LABELS** - Submit **two (2) sets self-adhesive mailing labels** (approximately 3"x1") with the name and address typed or clearly printed in ink for:

- Each person identified under the Owner/Address List above, (Duplicate or multiple ownerships need only one label)
- The Owner, and
- The Owner's Representative/Engineer
- One set of mailing labels will be required for each public hearing.

**MOST CURRENT INFORMATION** - Dependent upon the length of time between submitting this information and the public hearing on your project, the Planning Department may request you to update the required hearing materials.

Shoshone County  
Planning and Zoning Schedule of Fees

MINOR Subdivision* ** **	
Preliminary Plat	\$1,000
Final plat	\$25 per lot (up to 4); \$50 per lot (5-9 lots)
MAJOR Subdivision* ** **	
Preliminary Plat	\$1,200
Final plat	\$100 per lot
Planned Unit Development* ** ****	
Preliminary Plat	\$1,200
Final plat	\$100 per lot
Boundary Line Adjustment (Subdivision Exemption)	\$100 + applicable recording fees
RESIDENTIAL Conditional Use Permit** **	\$300
COMMERCIAL Conditional Use Permit** **	\$600
INDUSTRIAL Conditional Use Permit** **	\$1,000
Special Use Permit** **	\$600
Zone Change to a Residential District** **	\$600
Zone Change into Commercial or Industrial** **	\$1,000
Development Agreement	\$250
Variance w/Public Hearing** **	\$400
Plat Text Amendment - Replat*	\$250
Replat of Subdivision* ** **	\$750
Vacation of Plat or County R.O.W.** **	\$250
Appeal of P/Z Decision** *** **	\$300
Appeal of Administrative Decision** *** **	\$150
Floodplain Development Permit	\$100 +\$50 per site visit
Community Determined Elevation Certificate	\$65
Site Disturbance Permit	\$100 +\$65 per site visit

New/Change of Address	\$15
GIS Color Maps (Not accompanying an application)	\$1.00 for 8x10, \$1.50 11x17
Administrative Exception (variance to setback)	\$50 +\$50 per site visit
*County Surveyor Review	Actual Cost Deposit: Minor Subdivision \$100, Major Subdivision \$200
**Advertising.....	Actual Cost
***Postage for mailings (certified mail).....	Actual Cost
****Hearing transcripts.....	Actual Cost, \$200 deposit

#### COPIED MATERIAL

Refer to Countywide fee schedule



## PLANNING & ZONING ADMINISTRATION

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### CONSENT FOR REPRESENTATION

Owner(s) Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone(s): \_\_\_\_\_

\_\_\_\_\_ hereby authorizes \_\_\_\_\_  
(name of property owner) (name of representative)

to act on their behalf.

Parcel(s) # \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Addressed as: \_\_\_\_\_

Type of Application: \_\_\_\_\_ Date: \_\_\_\_\_

As owner(s) of the above listed property I/we acknowledge and consent to the representation of land in the manner described in the application.

Signature(s) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subscribed and Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

Residing at \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



## 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)



**SHOSHONE COUNTY**  
700 Bank Street, Suite 25, Wallace, Idaho 83873-2348  
Phone: (208) 752-8891 Fax: (208) 556-5135  
E-mail: [pz@co.shoshone.id.us](mailto:pz@co.shoshone.id.us) or [bocc@co.shoshone.id.us](mailto:bocc@co.shoshone.id.us)

**PUBLIC HEARING PROCEDURES**  
(SC Title 2- Boards & Commissions: 2-1(1-13))

Open Public Hearing: (Chairman)

Explanation of procedures, Collection of Requests for Testimony, and Sign-In forms. (Administration Staff)

Per the Agenda; introduce first case to be heard: (Chairman)

- Call for disqualification/Conflict of Interest (Chairman)
  1. Planning Administrator/Staff presents Staff Evaluation
  2. Applicant/Appellant Presentation – 20 minute limit
  3. Written Testimony-
    - All written testimony received during the notice period but prior to the hearing shall be read into the record and entered as exhibits.
  4. Testimony by Supporters – 5 minute limit
  5. Testimony by Neutrals – 5 minute limit
  6. Testimony by Opponents – 5 minute limit
  7. Rebuttal by Applicant/Appellant
    - Response only to adverse comments or questions raised by public testimony
    - No new evidence can be presented.
  8. Close Public Hearing (Chairman)
  9. Commission Deliberation
    - Each commission member's thoughts and concerns
    - Discussion of application
  10. Commission Motion
    - Approve as presented
    - Approve with conditions
    - Continuation of the Matter
    - Denial

## **RULES FOR PUBLIC HEARINGS**

1. Signature Sheet: No person shall be permitted to testify or speak before the hearing body at a public hearing unless such person has first signed his name and address to a sign-up sheet provided by the hearing body, and indicated what, if any, interest he may have and whether he lives within 300 feet of the property being considered.
2. No person shall be permitted to speak before the hearing body until such person has been recognized by the presiding officer
3. All public hearing proceedings shall be recorded electronically, and all people shall speak clearly and loudly enough to assure that the testimony is recorded clearly and correctly.
4. No person shall interrupt the speaker
5. Any speaker who has evidence of any kind shall submit that evidence to the staff to be entered into the record. Four (4) copies of each documentary or photographic item of evidence shall be provided, and shall be marked for identification purposes. (Applicant/Appellant exhibits shall be numerical, County Staff exhibits shall be alphabetical, and other public exhibits shall be marked beginning with P followed by an appropriate numerical character i.e. P1, P2, etc.)
6. People attending the public hearing shall engage in a respectful manner. Any action taken that disrupts the proceeding or endangers others may result in prompt removal.
7. Once the Chairman declares the hearing closed, no further evidence or testimony will be presented or considered.

\*ANYONE who fails to comply these rules may be asked by the Chairman to leave the hearing

## **APPEAL**

### Appeal of a Planning & Zoning Commission Decision (SC Code § 9-9-7(E.))

*Within 15 days of the Commission's decision, any applicant or "affected person" who appeared in person or in writing before the Planning & Zoning Commission may appeal the decision to the Board of County Commissioners. The appeal is submitted in writing accompanied with the appropriate fee.*

### Appeal of the Decision of the Board of County Commissioners (I.C. § 67-6521)

*Within 28 days of the Board of County Commissioner's final decision, an "affected person" may appeal to the District Court after all remedies have been exhausted under local ordinances*