

-What is a Special Use Permit?



Washington County is divided into different districts or zones for the purpose of regulating land use. These zoning districts regulate based on community concerns relating to use, size, height, lot area, structures, etc. In each zone certain types of land use are allowed and others are prohibited and the determination of their approval or denial is based upon the decision that the use is compatible with that particular zone.

In addition, some uses are only permitted in a zone through a special use permit. What distinguishes whether the use requires a special use permit depends on how well suited the land use is perceived to fit there.

Washington County has developed a land use schedule that is found in its Zoning Ordinance (Title 5 of the Washington County Code). This schedule is applied as a means to determine land use suitability within a given zone. The land use schedule identifies the appropriate zone placement of land uses according to the thresholds: permitted, not permitted or permitted by special use. If the land use category table designates the placement of a use in a particular zone as “allowed with a special use permit” that means the applicant will need to go through a special use permitting process.

Essentially, a special use permit is a procedure for determining whether the contemplated land use could potentially cause damage, hazard, nuisance or detriment to persons and property in the vicinity and if so, how can these impacts be remedied through this process.

The special use permit provides the property owner additional opportunity to use their land above and beyond what would otherwise be allowable within the zone. It is equivalent to creating a special zone within a zone – thus creating economic opportunity to those whose land possesses this designation.

What are the Necessary Steps?



After the Washington County Planning and Zoning Department staff has determined that the applicant needs a special use permit based on a review of the land use table, the following procedure is followed:

- ▶ The applicant is asked to fill out a special use permit application. It should be noted that the land use proposal might require other land use actions, for example a rezone. In the event the applicant has other land use issues, these will be processed at the same time for an additional fee.

Along with the application, the applicant should fill out a development report as a means to help staff better assess the proposal's merits.

The applicant is encouraged to request a pre-conference meeting with staff to acquaint them with the County's land use processes and afford them the opportunity to ask questions about the special use.

Applicant – Site Plan Requirement



The applicant must see to the construction of a detailed site plan. The site plan does not have to be constructed by an architect or engineer if the applicant can provide the information staff needs. Staff is glad to offer the applicant assistance in developing the site plan.

The site plan dimensions must be 11x 17 inches and incorporate a **North** arrow for geographic alignment; the plan must provide the following information to a common scale:

- ☞ The subject property's total dimensions expressed in feet and acreage.
- ☞ A legend if symbols are used to describe features.
- ☞ Location of all roads next to the property to include their name and width.
- ☞ All driveway locations accessing the property and their widths.
- ☞ All driveway entrances located within 300 feet of the subject property.
- ☞ Location of all structures on the property, their land use purpose and their setback dimension from the property line.
- ☞ Designation of any unusual features on the property – such as a cliff.
- ☞ The location of any water bodies on or adjacent to the site to include a pond, spring, well, stream, wetland, drainage ditch or other irrigation feature.
- ☞ Site landscaping to include placement of trees, bushes and grassy areas.
- ☞ Location of power poles and overhead lines.
- ☞ Utility and other easements.
- ☞ If the property is large and the geography is steep - then contour lines spaced at 2 to 5 foot intervals should be added to the map to demonstrate the topographical relief.
- ☞ Include a separate vicinity map – copy of county map showing subject property location.

Applicant - Narrative Requirement



The applicant will need to compose a narrative that responds to the following questions:

- 1.) Describe the request in detail.
- 2.) How will the land use request benefit the public?
- 3.) Will the use have an adverse effect on the public interest?

Vicinity Map



The applicant will need to locate a vicinity map: (P & Z staff will assist.)

- ☞ 8.5 x 11" in size
- ☞ Shows location of the site on a County map
- ☞ Show closest intersection,
- ☞ Show all properties within 300' radius of the site
- ☞ Site should be specifically marked

- Show Setbacks: 15 feet from the property line
40 feet of the county road right of way
100 feet of any state or federal highway

Applicant - Putting It All Together & Setting the Public Hearing Date



After all of the data has been completed by the applicant, it is now time to set an appointment with the Planning & Zoning staff and wrap up the application process.

- The special use application, detailed site map, vicinity map, and all other data must be given to the Planning and Zoning staff.
- The applicant will pay a fee for the special use permit according to the County's adopted permit fee schedule.

The special use permit is subject to a public hearing process. The purpose of the public hearing is to apprise interested citizens about the nature of the land use proposal and afford them opportunity to comment. Another reason for this process is to create a public record.

Staff will schedule the applicant for a time to have their permit reviewed at a public hearing.

A possible delay in the hearing process occurs when the review body lacks a sufficient quorum to hear this matter which happens from time to time due to unexpected circumstances. In that situation, the Planning and Zoning staff make every effort to timely reschedule the matter, recognizing that time is money.

The public hearing is conducted before the Planning and Zoning Commission.

- The Planning and Zoning Commission is composed of nine citizen volunteers from Washington County who have schooled themselves in land use matters.
- This body meets once a month, on the third Tuesday.

Staff - Report and Recommendation



With the information provided by the applicant, the Planning and Zoning staff starts the process of developing a staff report that will be available to the public and the legislative body that hears and decides this matter.

As the staff report is under construction, other Government departments and agencies are solicited for their comments. Frequently, they will add comments or conditions to the Special Use that are incorporated into the staff report.

It is important to note that staff tries to strike a balance between being an advocate for the applicant's land use proposal and serving the public's best interest, which may not be one and the same thing.

The applicant is furnished a copy of this report prior to the public hearing.

Staff - Preparation for the Public Hearing



The purpose of the public hearing is to apprise interested citizens about the land use proposal and afford them opportunity to comment. Another reason for this process is to create a public record.

The Planning and Zoning Staff sends letters to all residents within a 300-foot radius of the proposal according to the Washington County Assessors records, advising them about the proposal and the public hearing.

The staff will also publish the permit request in the newspaper of general circulation announcing the date and time of the public hearing and post the property site with signage.

At the Public Hearing



Public hearings are usually held during the regular monthly meeting on the third Tuesday of the month. The public hearing is presided over by the Planning and Zoning Commission Chairperson.

The hearing procedures as required by Idaho Code are as follows:

Staff will first present a report on the application.

The applicant or the applicant's representative will then present a summary of the request.

Next, testimony from those in support of the proposal is received, followed by testimony from those neutral to the proposal, then those in opposition. NOTE: While various individuals are providing testimony, the reviewing body may ask questions of staff or the applicant pertaining to certain aspects of the special use.

Finally, the applicant or their representative is afforded an opportunity for rebuttal.

After the applicant's rebuttal, testimony is closed and no new oral or written testimony is allowed unless the members vote to re-open the hearing and comply with all applicable law governing notice and hearings.

Hearing Body Decision



After testimony is closed, the reviewing body will review the facts and make a recommendation to the Board within 45 days.

Any conditions that the body feels is relevant to impose upon the special use permit will be included.

Since the application is considered “special,” the reviewing body may impose higher or differing standards on the land use application than those conditions listed in the Washington County Zoning Ordinance, for the purpose of correlating the proposed use to other property uses.

The Planning and Zoning Commission may attach conditions that alter the special use permit in the following fashion:

- ④ Minimize the adverse impact of the development.
- ④ Control the sequence and timing of development.
- ④ Control the duration of the use/and or development.
- ④ Assure that the development is maintained properly.
- ④ Designate the location and nature of the development, including signs.
- ④ Require the provision for on-site or off site public facilities or services.
- ④ Require more restrictive standards than those generally required in the ordinance.
- ④ Specify the period of time for which a permit is issued and the conditions which, if not followed, will bring about a revocation of the special use permit.
- ④ Require mitigation of effects of the proposed development upon service delivery by any political subdivision, including school districts, providing services within the planning jurisdiction.
- ④ Prior to granting a special use permit, studies may be required to qualify or quantify the social, economic, fiscal and environmental effects of the proposed use.

It is important to note that a special use permit shall not be considered as establishing a binding precedent and shall not be transferable from one parcel of land to another.

After the recommendation by the Commission, the staff will prepare a report reflecting the Commissions findings and conclusions and submit it to the Chairperson of the Commission who signs the recommendation, which articulates the terms and conditions of the special use permit.

The recommendation of the Planning and Zoning Commission is sent to the County Board of Commissioners for their review. The Board then may make a decision on the application or set a hearing before the Board.

It should be noted that hearing body members are prohibited from engaging in personal conversations or receiving private correspondence about the land use matter from the applicant or any other affected person after the application is submitted until the decision is rendered.

Final Order of Decision



After the hearing, (if held), is closed, the County Board will review the facts and render a decision on the matter. If the Board elects not to hold a hearing, they will review the findings and conclusions from the Planning and Zoning Commission and render a decision.

The Board will write a report reflecting their findings, conclusions and decision.

Procedure to Appeal Decision



Once the decision is signed, it activates a 28-day appeal period; during this time period an appeal may be filed for judicial review.

The applicant is encouraged to purchase and rely upon the Washington County Zoning Ordinance for specific information. In the event the language outlined in this newsletter conflicts with that found in the ordinance for specific information, the ordinance language shall prevail.

APPLICATION FOR SPECIAL USE PERMIT

NAME _____ PHONE NO. (Home) _____

ADDRESS _____

EMAIL _____

PROPERTY ADDRESS & LEGAL DESCRIPTION _____

DESCRIPTION OF PROPOSED SPECIAL USE (attach if necessary) _____

ZONING CLASSIFICATION _____ COMPREHENSIVE PLAN DESIGNATION _____

**FEE: A \$600.00 fee must accompany this completed application.
(An application fee of \$100.00 and Deposit of \$500.00)**

- 1) **PLAN:** A plan of the proposed site for the special 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 and yards.
- 2) **NARRATIVE:** A narrative statement evaluating the effects 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 ordinance and when it is not in conflict with the plan.

Prior to granting a special use permit, at least one (1) public hearing in which interested persons shall have an opportunity to be heard shall be held. At least fifteen (15) days prior to the hearing, notice of the time and place, and a summary of the proposal shall be published in the official newspaper or paper of general circulation within the jurisdiction. Notice shall also be provided to property owners and residents within the land being considered, three hundred (300) feet of the external boundaries of the land being considered.

UPON granting of a special use permit, conditions may be attached to a special use permit including, but not limited to, those:

- A. Minimizing adverse impact on other development;
- B. Controlling the sequence and timing of development;
- C. Controlling the duration of development;
- D. Assuring that development is maintained properly;
- E. Designating the exact location and nature of development;
- F. Requiring the provision for on-site or off-site public facilities or services;
- G. Requiring more restrictive standards than those generally required in an ordinance

Prior to granting a special use permit, studies may be required of social, economic, fiscal, and environmental effects of the proposed special use. A special use permit shall not be considered as establishing a bind precedent to grant other special use permits. A SPECIAL USE PERMIT IS NOT TRANSFERABLE FROM ONE PARCEL OF LAND TO ANOTHER.

The Administrator reserves the right to not officially accept this application until total review is accomplished and all required information is submitted. The date of the public hearing will be established by Administrator upon the acceptance of a complete application.

Applicant Signature _____

(Not a business license or building permit)

OFFICE USE ONLY

DATE RECEIVED _____ RECEIPT NO. _____

ACCEPTED BY _____ DATE OF HEARING _____