

OWYHEE COUNTY PLANNING & ZONING

Post Office Box 128
17069 Basey Street
Murphy, Id. 83650

Telephone: (208) 495-2095
Facsimile: (208) 495-2051
Web Site www.owyheecounty.net

Dear Applicant:

To equip and prepare you for filing your conditional use permit application, the following items are enclosed:

1. Detailed Instructions
2. Application Form
3. Affidavit
4. Table of Contents/Checklist (Note that each section must be tabbed & compiled in the order of the included table of contents)

Prior to completing this packet, please schedule a pre-application meeting with meeting with the Administrator to discuss the conditional use permit process. Once you have completed your packet, please schedule an application review meeting with the Administrator to review your completed application packet. The Owyhee County Code and the Comprehensive Plan are also available to download on the County Web site under the "Codes and Plans" tab. We will be happy to assist you with any questions you have while compiling your packet. If your application is found to be incomplete, it will not be accepted. Applications are not considered filed until they are accepted and signed by staff as complete. No hearing will be scheduled until the application is signed by staff as complete and all fees paid.

Please read Chapter Five 5 of the Zoning Ordinance carefully, as it sets out your responsibility when applying for a conditional use permit. To summarize:

By the requesting of a Conditional Use Permit, you are asking that you be excused from the law, as it pertains to your land use situation. This is not a request that is taken lightly. The Applicant has the burden of proof; this means that you **must** supply sufficient evidence which will justify the granting of the permit as it relates to the Comprehensive Plan and the Owyhee County Code. The following questions must be addressed by you, with substantial supporting evidence. The following criteria are the standards used by the County to decide whether or not a conditional use permit will be issued to you. A one sentence answer will not be sufficient.

1. Whether the proposed use may have adverse impact on water supplies, both surface and underground.
2. Whether the intended use is necessary or desirable to the public convenience and welfare.

3. Whether the proposed use may create a hazard, nuisance, detriment or other injury to other property in the immediate vicinity or to the health or safety to the citizens of the county in general.
4. Whether essential public services, or the general public health or safety, or the general public environment may be negatively impacted by such use or whether there may be a requirement of additional public funding in order to meet the needs created by the requested use.
5. Whether adequate sewer, water and drainage facilities, and utility and other service systems are to be provided by the applicant to accommodate said use.
6. Whether the geological base on which the use is to be placed may or may not support the proposed use.
7. Whether the proposed use at the site may endanger human health, animal life and plant life in the surrounding area and/or the county in general. (i.e. species of animals or plants, or their habitats which might be harmed or interfered with by the proposed use.)
8. Whether the proposed use compliments, benefits, and is compatible with the surrounding land uses.
9. Whether special conditions could be imposed upon the proposed use which would so minimize any adverse impact as to justify the granting of the conditional use permit. In responding to this point, please consider and propose any special conditions which the commission could issue which would minimize or mitigate any adverse impact as described in all of the above questions.

Every conditional use permit will have standard special conditions imposed on it, a copy of those are attached as part of this application packet. Be advised that when special conditions are placed upon a conditional use permit approval, any violation of the special conditions will be deemed a violation of the County Code.

If you have questions about what type of information to supply please refer to the detailed instruction page. If your question is still not answered, please contact our office at: (208) 495-2095, ext. 2, fax: (208) 495-2051, or email mhuff@co.owyhee.id.us

Thank you,
Owyhee County Planning & Zoning

INSTRUCTIONS TO PROVIDING A COMPLETE APPLICATION

(Incomplete submissions will be returned. No hearing will be scheduled until applications are certified as complete by staff and all fees paid)

One complete original file and six identical copies must be submitted to our office.

(Remember to prepare a copy for yourself to be used in your hearing presentation)

Submitted application must be compiled in order of the provided table of contents. Additionally, each main heading page must be tabbed and indexed according to table of contents for ease of presentation.

Your letter to the Commission must contain

1. A detailed description of your request. Summarize your project.
 2. Exactly how and where the parcel is legally accessed.
 3. If the access will require crossing over private property other than your own, a recorded easement to the subject parcel must be provided in your submitted application.
 4. Whether or not the subject parcel is in a herd district. If you are in a herd district, livestock must be fenced in by the owner. If you are not in a herd district, it is each individual's responsibility to fence out livestock.
 5. A description of the surrounding land uses of all property bordering the subject parcel in all directions, north, east, south, and west.
 6. Describe source of domestic water and ownership (example: private well, shared well and with whom, community water system)
 7. If there is irrigation water allocated to the property, provide a letter from the applicable irrigation district advising of the number of water shares and description of the point(s) of diversion.
 8. Your well thought out answers to the below 9 review criteria. Each question is to be presented in your application packet on an individual page numbered one through ten with the **review criteria being stated first and your answer providing sufficient facts and evidence to follow**. Please do not just restate the review criteria with a yes or no preceding it. This is your opportunity to try to prove to the Commission why granting you a conditional use permit is desirable to Owyhee County, the area surrounding your parcel and its neighboring land owners.
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1. Whether the proposed use may have adverse impact on water supplies, both surface and underground.
 2. Whether the intended use is necessary or desirable to the public convenience and welfare.
 3. Whether the proposed use may create a hazard, nuisance, detriment or other injury to other property in the immediate vicinity or to the health or safety to the citizens of the county in general.
 4. Whether essential public services, or the general public health or safety, or the general public environment may be negatively impacted by such use or whether there may be a requirement of additional public funding in order to meet the needs created by the requested use.
 5. Whether adequate sewer, water and drainage facilities, and utility and other service systems are to be provided by the applicant to accommodate said use.
 6. Whether the geological base on which the use is to be placed may or may not support the proposed use.

7. Whether the proposed use at the site may endanger human health, animal life and plant life in the surrounding area and/or the county in general. (i.e. species of animals or plants, or their habitats which might be harmed or interfered with by the proposed use.)
8. Whether the proposed use compliments, benefits, and is compatible with the surrounding land uses.
9. Whether special conditions could be imposed upon the proposed use which would so minimize any adverse impact as to justify the granting of the conditional use permit. In responding to this point, please consider and propose any special conditions which the commission could issue which would minimize or mitigate any adverse impact as described in all of the above questions.

Deeds

A copy of the current recorded deed must also be provided along with the legal description of the property.

A recorded deed with a legal description showing how the parcel appeared on August 13th, of 1979 is required if the parcel is less than five acres, along with the deed history showing each time the property was divided. If the property did not change hands at that time, then the most recent deed prior to August 13th, 1979 must be provided. If you do not have access to these documents, you can research this information at the County Courthouse or some title companies will perform a deed search for you. The purpose of the deeds shows how many parcels have been made out of the original parcel from 1979 to determine if your proposed use will be subject to the Owyhee County Subdivision Ordinance.

Maps (PLEASE HIGHLIGHT YOUR LOCATION ON ALL MAPS)

Detailed site plan must show

1. Minimum size of paper for site plan shall be 8 ½" x 11"
2. North should be up on your map indicated by a directional arrow.
3. The size, shape and dimensions of the entire subject property
4. The location of all existing structures with their uses indicated: Residence, outbuildings, fences etc...
5. Placement of all proposed or future structures or outlined construction zone to be no larger than one acre.
6. Nearest Public roads, existing and proposed number of accesses.
7. Width and length of proposed roads.
8. Power lines, phone lines, and water lines.
9. Type and width of any easements.
10. The location of any distinguishing physical features located on or adjacent to the property including but not limited to streams, ponds, culverts, drainage ways, wetlands, slopes, bluffs ditches or canals.
11. Indicate direction of ground slope and water flow.

Vicinity Map

The vicinity map should show your location in relation to the surrounding vicinity. A commercial county road map within a one mile radius would be sufficient. Please identify your location on the map with a highlighted box around it. This map should allow anyone to be able to find your location by reading the map. You can get this sort of map from at the internet at websites like www.maps.live.com or www.mapquest.com

Assessor's parcel map

This map must have outlined and highlighted the original parcel from which you are requesting to split your parcel from showing how it appeared in 1979. Your proposed parcel must also be clearly identified by highlighter, and any proposed divisions must be drawn in with dotted lines. (Deeds provided must include the legal description that matches the outlined parcel from 1979 or the most recent deed prior to that date. This will show how many times the parcel has been split since 1979)

Color Aerial Map

Your aerial map must be in color and show a one mile radius from your proposed site. Please identify and outline your proposed location with a highlighter or marker. This type of a map can be obtained from various internet sources such as Google Earth. This map should show the land bordering your subject parcel on all sides, but should also be close enough to show existing buildings on the subject property and surrounding parcels.

Zone Map

Show your proposed location by highlighting your location on the zone map.

Soil Classification

This must be the soil classification as determined by U.S. NRCS, 19 Reich, Marsing, Idaho. This report will show a map with land contours and soil classifications within each of the outlined areas of the soil classification land map. The first page of this report will be an overview of the parcel with the contours and the following pages will list the soil types found on your parcel and details about their classifications. This information can also be obtained from their web site at www.id.nrcs.usda.gov A list is included as part of this packet outlining most of the soil types and their classification as they relate to farmland.

Correspondence

The Commission requires that you contact local public agencies to inform them of your proposal and request comments from their office. A copy of your letter must be included with your submitted application. Your letter should include a description of your proposed project along with the location of the subject parcel and a simple map showing the area. By contacting these agencies, it gives you the opportunity to address any of their concerns prior to your public hearing. The Planning and Zoning staff will also send out a notification of your proposed project to each of these agencies as the date for your public hearing gets closer. Your letter to the road district should specifically point out the location of all access roads which enter a public road or highway and request comments as to safety concerns if any. A response from each agency will help meet your burden of proof as to no adverse impact on the agency; we encourage you to make every attempt to get a response. Sending letters by registered mail is not required, but would at least satisfy the burden of proof that you have made every attempt to solicit comments. If you receive no comment, you should be prepared to prove to the commission that there will be no adverse impact on the agency.

TABLE OF CONTENTS

General

- 1.1 Application
- 1.2 Affidavit (this only needs to be filled out if you do not own the property)
- 1.3 Detailed Letter Describing the Request
- 1.4 Review Criteria 1- 9

Legal Documents

- 2.1 Copy of current deed or quit claim deed.....
- 2.2 Legal Description

Maps (highlight your location on all maps)

- 3.1 Detailed Site Plan with all proposed structures
- 3.2 Vicinity map
- 3.3 Assessor Parcel Map
- 3.4 Aerial Map
- 3.5 Zone Map

Environmental

- 4.1 Soil Classification

Correspondence – Letter to agency and their response back

- 5.1 Applicant Letter requesting comments
- 5.2 Fire District
- 5.3 Irrigation District
- 5.4 Road District
- 5.5 School District

AFFIDAVIT

STATE OF IDAHO)
COUNTY OF OWYHEE)

I, _____, being duly sworn, depose and say that I am the applicant in the foregoing application, that I have read the foregoing application and know the content thereof and state that the same is true and correct to the best of my knowledge. Furthermore, all information and data submitted to Owyhee County in support of my application is true and correct to the best of my knowledge.

APPLICANT SIGNATURE

ADDRESS

CITY/STATE/ZIP

TELEPHONE

I, _____, the owner (if other than the applicant) of the real property involved in this application, do hereby consent to the filing of this application.

OWNER SIGNATURE

ADDRESS

CITY/STATE/ZIP

TELEPHONE

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public