



375 1<sup>st</sup> Ave East, Wendell, ID 83355  
208-536-5161 Fax 208-536-5527, [cityclerk@wendell.id.gov](mailto:cityclerk@wendell.id.gov)

## SPECIAL USE PERMIT APPLICATION

Applicant(s) names(s): \_\_\_\_\_

Mailing Address \_\_\_\_\_

Location for Special Use Permit request \_\_\_\_\_

Phone / Cell numbers \_\_\_\_\_

Email address \_\_\_\_\_

1. Reason for Special Use Permit request

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2. Real Property listed above is legally described as \_\_\_\_\_

3. Zoning Classification \_\_\_\_\_

4. Provide site plan showing property lines, existing buildings, location for building  
needing Special Use Permit. \_\_\_\_\_

5. A plan of the proposed site for the special use showing the location of all buildings,  
parking and loading area, traffic access and circulation, open spaces, landscaping,  
refuse and service areas, utilities, signs, and such other information as the City may  
require to determine if the proposed special use permit meets the intent and  
requirements of this application and the Comprehensive Plan.

*A Filing Fee of \$300.00 must accompany this completed application.*

*Applicant is responsible for postage to each property owner within 300' of proposed subject property as well as cost of legal publication.*

*Requirements outlined in Special Use Permit Application and payment in full for Postage and publications are required prior to application approval.*

*Hearing will be scheduled on approval of application.*

I hereby certify that I am the applicant named herein, and that I have familiarized myself with the rules and regulations with respect to preparing and filing this application, and that the foregoing statements and answers herein contained are in all respects true and accurate to the best of my belief.

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

#### 5-1-9 SPECIAL USE PERMITS

- (A) Application for Special Use Permit: 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.

The Commission shall hold a public meeting on a special use permit application as specified in this Section. The Commission may approve, conditionally approve or deny a special use permit under the conditions as herein specified and considering such additional safeguards as will uphold the intent of this Section.

- (B) Application information: An application for special use permit shall be filed with the City Clerk by either the owner or lessee of property for which such special use is proposed. At a minimum, the application shall contain the following information:
1. Name, address and phone number of applicants.
  2. Legal description of property (with street address).
  3. Description of proposed special use.
  4. Zoning district.
  5. A plan of the proposed site for the special use showing the location of all buildings, parking and loading area, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signs, and such other information as the City may require to determine if the proposed special use meets the intent and requirements of this Section and the Comprehensive Plan.
  6. 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.

- (C) Review of Circumstances by Commission: The Commission shall review the particular

facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Will, in fact, constitute a special use as established in this Section for the zoning district involved, in that it is not already defined as a permitted use in the zoned area.
2. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or the Zoning Ordinance.
3. 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.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services and/or that the persons or agencies responsible for establishment for the proposed use shall be able to provide adequately for any such services.
6. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major Importance.
7. Applies only to the holder of the permit and, does not run with the property.

(D) Conditions, Bonds and Safeguards. In granting any special use, the Commission may prescribe appropriate conditions, bonds and safeguards in conformity with this Section. Violations of such conditions, bonds or safeguards, when made a part of the terms under which the special use is granted, shall be deemed a violation of this Section.

(E) Public Hearing- Prior to granting a special use permit, at least one 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 of the hearing shall also be provided by the applicant to property owners and residents within the land being considered, three hundred feet (300') beyond 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 P&Z Commission. When notice is required to two hundred (200) or more property owners or residences, in lieu of mailing notification, three (3) notices in the newspaper or paper of general circulation is sufficient; provided, the third notice appears at least ten (10) days prior to the public hearing.

(F) Fees Paid In Advance: All publications and notices required in this Section shall be paid for in advance by the applicant requesting the special use permit.

(G) Grant or Deny Application: Appeal Council Decision: 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 special use permit listing the special conditions specified by the Commission for approval after the appeal period has elapsed.

1. Upon granting of a special use permit, conditions may be attached to the special use permit including, but not limited to:

- (a) Minimizing adverse impact on other developments.
- (b) Controlling the sequence and timing of development.
- (c) Controlling the duration of development.

- (d) Assuring the development is properly maintained.
- (e) Designating the exact location and nature of the 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 this Section.

2. Prior to granting a special use permit, the Commission may request studies from a special planning staff or other request an engineering study to be done at applicant's expense. A special use permit shall not be considered as establishing a binding precedent to grant other special use permits. A special use permit is not transferable from one parcel of land to another.

3. Upon granting or denying an application, the Commission shall specify:

- (a) The ordinance and standards used in evaluating the application.
- (b) The reasons for approval or denial.
- (c) The actions, if any, that the applicant could take to obtain a permit.

4. The applicant, or any affected person who appeared in person or in writing before the Commission, may appeal the decision to the City Council. Upon decision of the City Council, such appeal may proceed to the district court as provided in the Idaho Code.

5. Within ten (10) days after a decision has been rendered the City Clerk shall provide the applicant with written notice of the action on the request. (Ord. 357, 8-29-1991)

#### FOR OFFICE USE ONLY

\_\_\_\_\_Property Owner written authorization attached

\_\_\_\_\_Addresses of property owners within 300' of site  
(can be obtained from Gooding Co. Assessor)

\_\_\_\_\_Site Plan

\_\_\_\_\_ \$300.00 Fee    Receipt # \_\_\_\_\_ Date Paid \_\_\_\_\_

\_\_\_\_\_Postage and Legal Notice Fees    Receipt # \_\_\_\_\_ Date Paid \_\_\_\_\_

\_\_\_\_\_Hearing Date: \_\_\_\_\_

# Notice of Decision

Approved\_\_\_\_\_

Not Approved\_\_\_\_\_

Mayor\_\_\_\_\_

City Council\_\_\_\_\_

City Council\_\_\_\_\_

City Council\_\_\_\_\_

City Council\_\_\_\_\_

Additional comments and/or conditions

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