

ARTICLE VII. SPECIAL USE

SECTION 701. AUTHORITY -- Upon consideration of recommendation by the Commission, the Board shall have authority to grant permits for temporary uses which are not considered Conditional Uses, but which may be allowed by the Ordinance in a particular zone, or which are not allowed but serve a demonstrable public interest and cause no significant adverse impact upon neighboring properties.

SECTION 702. STANDARDS FOR APPROVAL -- Provided that the proposed use is not specifically prohibited, a Special Use Permit may be granted if:

1. The proposed use shall exist for a period of not less than three (3) days and not more than one hundred eighty (180) days;
2. The proposed use violates no Ordinance or State or Federal Law;
3. The use creates no public nuisance, as defined by Idaho Statute;
4. The use is not substantially detrimental to neighboring property values, environmental quality, or quality of life;
5. The use is not materially detrimental to this or any other Ordinance;
6. The use creates no substantial additional demands upon public services, and creates no unnecessary disruption of ordinary vehicle or pedestrian traffic patterns;
or,
7. The proposed use is any of the following:
 - a. Temporary, mobile, or otherwise portable asphalt or concrete batch plants;
 - b. Temporary construction facilities including:
 - a. Laydown areas which are not contained within the bounds of the property on which construction occurs;
 - b. Temporary Job, Tool, Break, or Office structures of greater than 120 square feet which are not contained within the bounds of the property on which construction occurs.
 - c. Temporary Commercial uses including, but not limited to, vendor booths, markets, stands, or kiosks. This classification shall include stands which sell produce which are operated by any person other than the owner of the property upon which the produce was grown;
 - d. Any temporary structure which exceeds building height limitations in an Airport Approach Zone. This classification shall include Cranes, Derricks, and Towers.

SECTION 703. PROCEDURE FOR GRANTING SPECIAL USE PERMIT -- To obtain a Special Use Permit, the following procedure shall be followed:

1. The property owner or lessee shall file an Application for Special Use Permit with the Administrator, which shall include:
 - a. A completed copy of the Application for Special Use Permit as designated by the Administrator;
 - b. A statement of the proposed use for the property, which shall include the anticipated effective dates of the use;

- c. If the applicant is the lessee, a written statement from the property owner approving of the proposed use;
 - d. A fee, as adopted by resolution of the Board of Clearwater County Commissioners;
 - e. The Administrator, Commission or Board may also request such other information as is necessary to determine the disposition of the application. This may include, but need not be limited to business plans, environmental impact statements, statements or licenses from affected County, State, or Federal agencies, maps plans, and diagrams, or other documentation as requested.
2. The Administrator shall cause the Application for Special Use Permit to be placed on the agenda of the Commission, and shall notify interested parties as provided in Article XV.
3. The Commission shall conduct a public hearing, as provided in Article XV, at which the applicant shall be present, to determine whether the proposed use meets the Standards stipulated in Section 702, and shall by majority vote recommend approval, recommend approval with conditions, recommend disapproval, or postpone a decision (until a new public hearing shall be called) on the Special Use Permit.
4. The Administrator shall cause the Application for Special Use Permit to be placed on the agenda of the Board, which shall notify interested parties as provided in Article XV.
5. Not more than thirty (30) days from receipt of the recommendation by the Commission, the Board shall consider the application, and shall by majority vote approve, conditionally approve, deny or postpone action regarding the application pending further hearing. When meeting to consider the appeal, the meeting shall be open to the public, but shall not be a public hearing, unless:
 - a. A public hearing has been requested in accordance with Section 1101 of this Ordinance; or,
 - b. A public hearing has been called by a motion of a Board member, and by majority vote or unanimous consent of the full board, at which time the Board shall observe the hearing and notification procedures provided in Article XV of this Ordinance;
 - c. The Board makes a material change to the application as recommended upon by the Commission. In the case of such material change, further notice, which shall include the nature of the change, and a public hearing, as provided in Article XV, shall be held by the Board prior to final action on the proposed amendment.
6. Upon granting or denying the Special Use Permit, the Board shall specify in writing to the applicant within ten (10) days of Board action:
 - a. The Ordinance and Statutory standards used in evaluating the application;
 - b. The reasons for approval or denial;
 - c. Any conditions to be met by the applicant to maintain compliance.
7. Upon receipt of the notice of Board action:

- a. If the Special Use has been approved, the applicant may commence usage;
- b. If the Board has voted to disapprove the use, the applicant may appeal using the procedure outlined in Article XIII;
- c. If the Board has voted to disapprove the use, and the applicant chooses not to appeal, commencement, expansion, or continuance of the use shall be a violation of this Ordinance.