

**CITY OF WEISER, IDAHO CITY COUNCIL REASONED STATEMENT OF
RELEVANT CRITERIA AND STANDARDS FOR APPROVAL OR DENIAL OF
CONDITIONAL USE PERMIT**

This document shall serve as memorialization of the rationale for the approval or denial of a Conditional Use Permit, which shall be based upon relevant criteria and standards, including the Weiser Comprehensive Plan, Weiser City Code, and Idaho Code. See I.C. § 67-6535.

I. APPLICANT'S NAME AND ADDRESS:

Washington County, 256 E. Court Street, P.O. Box 670,
Weiser, Idaho 83672

II. IDENTIFICATION AND/OR LOCATION OF SUBJECT PROPERTY:

343 E. Main Street, Weiser, Idaho

III. DATE OF PUBLIC HEARING:

September 23, 2024

IV. NAME OF HEARING BODY:

Weiser City Council

V. NATURE OF APPLICATION:

Conditional Use Permit for Subject Property to allow County
Prosecuting Attorney Office

VI. DECISION:

The Weiser City Council **denies** the Conditional Use Permit

VII. RELEVANT CONTESTED FACTS RELIED UPON: The relevant
contested facts relied upon are: None

VIII. RELEVANT CRITERIA AND STANDARDS: The following relevant
criteria, standards, facts, and considerations are hereby
declared as reasons for the decision on the Conditional Use
Permit Application:

1. The subject property is currently zoned and located in
the A Residence District, Low Density - Single Family

Residential. Pursuant to Weiser City Code 10-7-1, allowed uses in this zone are:

A professional office of a surgeon, physician, dentist, lawyer, clergyman or other professional person using his residence for the consultation, emergency treatment or performance of religious rites only, and not for the general practice of a profession.

Accessory buildings and uses including private garages, carports, parking areas, and recreation rooms and areas. City of Weiser public utilities and public service uses or structures.

Customary home occupations.

Golf courses, country clubs, tennis courts and similar recreational uses.

Parks, playgrounds, libraries, community centers and similar uses owned and operated by a governmental agency, including police, fire and postal substations.

Single-family dwellings.

Two-family dwellings (duplexes).

Two-family dwellings (townhouses)

Pursuant to Weiser City Code 10-7-1, conditional uses in this zone are:

Artificial lake.

Cemeteries, mausoleums, columbariums and crematories.

Educational institutions, including university facilities.

Hospitals and sanatoriums.

Kindergarten or day nursery in the residential districts.

Medical and dental clinic or medical health center.

Mortuary or funeral home.

Natural resources development, together with the necessary buildings, apparatus or appurtenances incidental thereto.

Nursing or convalescent homes.

Planned unit developments.

Religious institutions including places of worship, schools and convents.

Research and development centers for experimental or scientific investigation of materials, methods or products.

Neighborhood commercial uses serving the local residents.

Other uses deemed similar by the city to the uses above may be considered under a conditional use application.

Public utilities and public service uses or structures other than the city of Weiser.

The Conditional Use Permit Application and the proposed use for the subject property **are not in conformance** with the allowed and conditional uses provided for in the A Residence District, Low Density - Single Family zone.

2. Weiser City Code 10-18-1 and 10-18-2 provides and authorizes the City to grant Conditional Use Permits for uses in zones other than those in which they are classified because of unusual characteristics or particular considerations requiring special consideration as to the specific conditions under which such uses may be permitted. The City is required to find that the proposed use for the subject property is desirable to the public convenience and welfare and will be in harmony with the various elements and objectives of the comprehensive general plan **and** are for the following uses:

- Airports, heliports or other aircraft landing fields.
- Artificial lake, all districts.
- Auditoriums, stadiums, arenas and similar uses.
- Cemeteries, mausoleums, columbariums and crematories.
- Commercial recreation uses in the C commercial district.
- Educational institutions, including university facilities.
- Hospitals and sanatoriums.
- Kindergarten or day nursery in the residential districts.
- Land reclamation projects.
- Libraries, museums, fire or police stations or other governmental enterprises.
- Medical and dental clinic or medical health center.
- Mortuary or funeral home.
- Natural resources development, together with the necessary buildings, apparatus or appurtenances incidental thereto.
- Nursing or convalescent homes.
- Parks, playgrounds, community centers and other recreational uses operated by other than a governmental agency.
- Planned unit developments.
- Public utilities and public service uses or structures.
- Recreational vehicle parks.
- Religions institutions including places of worship, schools and convents.
- Research and development centers for experimental or scientific investigation of materials, methods or products.
- Sanitary fill projects meeting state requirements.
- Townhouses.

The Conditional Use Permit Application and the proposed use for the subject property **are not in conformance** with City Code 10-

18-1 and 10-18-2. The proposed use for the subject property is not desirable to public convenience and welfare and not in harmony with the various elements and objectives of the comprehensive general plan due to the single family nature of the neighborhood, the historic nature of the neighborhood, the city's goal of respecting and maintaining the character of the neighborhood and zoning district.

3. The Future Land use Map designation in the City Comprehensive Plan for the subject property is Mixed Use.

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant could not take actions to obtain approval, the explanation is: Not applicable.

Pursuant to Idaho Code § 67-6519(5)(c), if the decision on this application is to deny it and the applicant could take actions to obtain approval, such actions might include: Not applicable.

NOTICE TO APPLICANT: Every final decision rendered shall provide or be accompanied by notice to the applicant regarding the applicant's right to request a regulatory taking analysis pursuant to Idaho Code § 67-8003. The mailing of a signed and dated copy of this document by the City to the applicant shall constitute compliance with such notice requirement. An applicant denied an application or an affected person aggrieved by a final decision concerning matters identified in Idaho Code § 67-6521(1)(a) may, within twenty-eight (28) days after all remedies have been exhausted under local ordinance, seek judicial review under the procedures provided by Title 67, Chapter 52, Idaho Code.

By: _____
RANDALL HIBBERD, Mayor

ATTEST:

NATASHA McDANIEL, City Clerk