

---

## 9-9-6: Planning Commission Action and Notification [on Conditional Use Permits and Variances](#):

Conditional use permits and variances may be granted only upon findings by the planning commission that the proposal meets all of the following criteria:

A. Conditional Use Permit Procedures:

1. Grant of Permit: A conditional use permit may be granted to an applicant if the proposed use is listed in the Sandpoint Code as a conditional use, and if it is not in conflict with the comprehensive plan.
2. Application: Application for a conditional use permit shall be made to the planning department as provided for in this chapter.
3. Contents of Application: A conditional use permit request shall not be heard by the planning commission unless and until an application for a conditional use permit has been submitted to the planning department and the planning commission containing the following:
  - a. Name, address and telephone number of the applicant.
  - b. Legal description of the property.
  - c. Proof of ownership.
  - d. Signature of legal title holder approving the application.
  - e. The name and addresses of all adjoining property owners within three hundred feet (300') of the external boundaries of the subject property, provided on a separate sheet of labels.
  - f. A vicinity map at the scale of one hundred feet to the inch (1" = 100') showing the current land segregations and existing land use within three hundred feet (300') of the subject property.
  - g. Eight (8) copies of the following plans (suggested scale: 1" = 20'):
    - (1) Site plans showing the location and dimensions of all building setbacks, road frontage, curb cuts, circulation patterns, loading service areas, parking, sidewalks, landscaped areas, signs, lighting, easements, utilities and drainage patterns and listing the total open space area, impervious surfaces, lot size and total building floor area.
    - (2) Floor plans, elevations - front, side and rear - and property lines and roof line dimensions.
    - (3) Narrative stating the previous use of the site and intended use to include hours of operation, number of employees, system for delivery of materials and nature of business.
  - h. A narrative statement demonstrating in what ways the request conforms or does not conform to the following standards:
    - (1) Will, in fact, constitute a conditional use as established on the official schedule of regulations for the zoning district involved.
    - (2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of the comprehensive plan and/or applicable sections of the Sandpoint Code.

- 
- (3) Will be designed, constructed, operated and maintained to be harmonious and appropriate 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 neighboring uses.
  - (5) Will be served adequately by essential public services and utilities such as highways, streets, police and fire protection, drainage systems, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service or utility.
  - (6) Will not create excessive additional requirements at public cost for public services and utilities and will not be detrimental to the economic welfare of the community.
  - (7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reasons of traffic, noise, smoke, fumes, glare or odors.
  - (8) Will have vehicular approaches to the property which shall be designed so as not to create an interference with traffic on surrounding public roads.
  - (9) Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.
4. Compliance Required: A conditional use permit shall not be granted or denied unless the planning commission makes specific findings of fact based directly on the particular evidence presented to it as to whether the above-mentioned standards and conditions have been met by the applicant.
  5. Supplementary Conditions and Safeguards: In granting any conditional use, the planning commission or city council 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 conditional use is granted, shall be deemed a violation of this section.
  6. Action By The Planning Commission: Upon granting of a ~~special~~ conditional use permit, conditions may be attached ~~to a conditional use permit~~ including, but not limited to, the following:
    - 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~~ conditional use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed special use. A conditional use permit shall not be considered as establishing a binding precedent to grant other conditional use permits. A conditional use permit is not transferable from one parcel of land to another.

- 
7. Permit Time Limit and Commencement of Work: The proposed work shall commence within one year following the effective date of ~~planning commission or city council approval~~ of the conditional use permit and shall be diligently pursued or said approval and permit shall be rendered automatically null, void and of no right or recourse.
  8. Extension of Time Limit: An extension of time may be granted by the Planning Commission for a time period not to exceed one year per request, provided that an application for a time extension is filed prior to the expiration of the permit and work has been diligently pursued. No more than two time extensions may be granted for a conditional use permit.
  89. Payment of Fees: An application shall not be processed until all required fees are paid in full.

B. Variance Permit Procedures:

1. Recommendations: The planning commission may recommend in specific cases such variance from the terms of this code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the terms and provisions of the Sand point Code would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same district and no permitted or nonconforming uses of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience of profit, but only where strict application of the provisions of this Code would result in unnecessary hardship.
2. Supplementary Conditions and Safeguards: Under no circumstances shall the planning commission or city council consider a request for variance after issuance of a building permit or grant a variance to allow a use not permissible under the terms of this code in the district involved for any use expressly or by implication prohibited by the terms of said ordinance in said district. Upon hearing a variance request, the planning commission may prescribe appropriate conditions and safeguards in conformity with applicable ordinances. Violation of such conditions or safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of such ordinances.
3. Contents of Application: A variance from the terms of this code shall not be heard by the planning commission unless and until an application for a variance is submitted to the planning department and the planning commission containing the following:
  - a. Address, name and telephone number of applicant.
  - b. Legal description of the property.
  - c. Description of nature of variance requested, consisting of:
    - (1) The names and addresses of all adjoining property owners within three hundred feet (300') of the subject property, listed on a separate sheet of labels.
    - (2) A copy of a preliminary title report or title insurance policy for the proposed site.
    - (3) A vicinity map at the scale of one hundred feet to the inch (1" = 100') showing the property owners and existing land use within three hundred feet (300') of the proposed site.
    - (4) Nine (9) copies of a site plan drawn to scale which shows the property under consideration, location of all improvements and the specific information concerning the requested variance.
    - (5) A narrative statement demonstrating that the requested variance conforms to the following standards:

- 
- (A) That special conditions and circumstances exist which are peculiar to the land, structures or buildings in the same district.
  - (B) That a literal interpretation of the applicable sections of this code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this code.
  - (C) That special considerations, conditions and circumstances do not result from actions or desires of the applicant, and,
  - (D) That granting the variance requested will not confer on the applicant any special privileges that are denied by this code to other land, structures or buildings in the same district.
- 4. Action By The Planning Commission: A variance shall not be granted or denied unless the planning commission makes specific findings of fact and conclusions as to whether the above mentioned standards and conditions have been met by the applicant.
  - 5. Commencement of Work: The proposed work shall commence within one year following the ~~date of planning commission or city council approval~~ effective date of the variance and shall be diligently pursued or said approval ~~and permit~~ shall be rendered automatically null, void and of no right or recourse.
  - 6. Extension of Time Limit: An extension of time may be granted by the Planning Commission for a time period not to exceed one year per request, provided that an application for a time extension is filed prior to the expiration of the variance and work is diligently pursued. No more than two time extensions may be granted for a variance.
  - ~~6.7.~~ Payment of Fees: An application shall not be processed until all required fees are paid in full.
  - C. Notification: ~~Upon~~ Within 30-days of granting or denying an application for a conditional use permit or variance, the planning director shall ~~notify~~ provide the applicant ~~in writing of the planning commission's written decision and which~~ shall specify the following:
    - 1. The applicable sections of this code and standards used in evaluating the application.
    - 2. The reasons for approval or denial based upon compliance or noncompliance with the established criteria and findings of fact for which the action was taken.
    - 3. The conditions of approval, if any, ~~which the applicant may take to obtain a permit~~ imposed on the project.

The planning director shall transmit the ~~record of the planning commission's action~~ written decision to the city council within five (5) days after the planning commission taking action on the written decision ~~public hearing~~.

(Ord. 842, 6-15-1987; amd. Ord. 1386, 4-21-2021)

### **9-9-7: Time Limit for Planning Commission Actions on Conditional Use Permits and Variances:**

The planning commission shall act on an application within sixty (60) days of filing. The planning commission may continue the public hearing or table an application for not more than thirty (30) days or until their next regular meeting, whichever comes first, at which time a decision shall be made to approve, conditionally approve or deny the application. A longer period of time not to exceed six (6) months may be required when climatic conditions make it necessary to delay the planning commission's decision. In such event, notice shall be provided as specified herein.

(Ord. 842, 6-15-1987)

---

**9-9-8: Effective Date of Planning Commission Decision on Conditional Use Permits and Variances:**

The planning commission's decision shall not become effective until the written decision is acted upon by the planning commission and the ten (10) day appeal period has lapsed. The 10-day appeal period begins following approval by the planning commission of the written decision. The calendar day following the conclusion of the appeal period shall be the effective date of the permit or variance. No building or other permit shall be issued during this appeal period.

(Ord. 842, 6-15-1987)