



PLANNING & DEVELOPMENT SERVICES  
PO Box 4169, 911 North Seventh Avenue  
Pocatello, Idaho 83205  
(208)234-6184 FAX (208)234-6586

**CONDITIONAL USE PERMIT APPLICATION**

Submittal Date: \_\_\_\_\_ Hearing Date: \_\_\_\_\_ Permit #: \_\_\_\_\_

Plan Review Approved by: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Receipt Date: \_\_\_\_\_

***Dates for a public hearing will not be scheduled until application is deemed complete.***

**Filing Fee:** \$510.00 + \_\_\_\_\_ x \$3.00 per address = \$ \_\_\_\_\_ = **Total Due \$ \_\_\_\_\_**

**Applicant:**

Name: \_\_\_\_\_

Street address: \_\_\_\_\_

City, ST, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Representative:**

Name: \_\_\_\_\_

Street address: \_\_\_\_\_

City, ST, Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**Project Information:**

Project occupies 1.5 acres or more? \_\_\_\_\_

Street Address: \_\_\_\_\_ Zoning: \_\_\_\_\_

Legal Description (attach documentation—see C, below): \_\_\_\_\_

Brief Description of Proposed Project: \_\_\_\_\_

**THE FOLLOWING INFORMATION MUST ACCOMPANY EACH APPLICATION TO BE COMPLETE**

- A. All necessary filing fees and other specified plans and descriptions must be paid and/or filed accompanying your application.
- B. A title report, property deed, or other legal documentation of ownership of the site in question, whether freehold, option, or lease.
- C. The complete and accurate legal description for the subject property shall be submitted. This can be obtained from the Bannock County Assessor by requesting a copy of the controlling document for the subject site or address. A copy of this document shall be submitted with this application.
- D. **Two sets of typed**, gummed mailing labels with all of the names and addresses of the property owners within a 300 foot radius of the subject property. A charge of \$3.00 per property owner and resident is required. A signed Affidavit of Mailing List must also be submitted (attached).
- E. Two (2) site plans, one (1) measuring 8-1/2" x 11" and one (1) 18" x 24" (or larger), which describe the proposal and contain the following information:
  - 1. Drawn to scale.
  - 2. Building spacing (including setbacks for front yards, side yards and rear yards).
  - 3. A detailed layout of the parking area and landscaping of that area.
  - 4. Pattern and dimensions of all sidewalks on the parcel.
  - 5. Proposed containment of on-site storm drainage.

- 6. Type, quantity and size of proposed landscaping on-site (or separate landscape plan).
  - 7. Location of curb cuts and access to streets and alleys.
  - 8. Screening or fencing to be provided (type and height).
  - 9. Any easements or restrictions on the property.
- F. One (1) set of complete design plans or written description of the proposed structure or additions including elevations and finished details (including material type and color).
- G. A written analysis of your request must accompany your application. It should detail the request as well as the reasons a conditional use permit is needed. Studies may be included and all steps being taken to ease the effect of this conditional use should be outlined. The written analysis must fully address each of the following standards (contained in Section 17.02.130 of the Zoning Ordinance):
- 1. Is conditionally permitted within the subject land use district and complies with all of the applicable provisions of the Zoning Ordinance unless modified through the CUP process.
  - 2. Is consistent with the goals and policies of the Comprehensive Plan of the City.
  - 3. Is compatible with existing and permitted land uses within the general area.
  - 4. Could be adequately served by public facilities and services such as thoroughfares, transportation facilities, police, and fire protection, drainage, refuse disposal, water/sewer and schools, to ensure that the proposed use would not be detrimental to public health, safety, and welfare.
  - 5. Would be harmonious in scale, mass, coverage, density, and intensity with all adjacent permitted land uses.
  - 6. Would not adversely affect the environment to a greater degree than had a use permitted outright by the ordinance been established.
  - 7. Would not be detrimental to the public interests, health, safety, or welfare of the City in its proposed location, size, design, and operating characteristics.
- H. If a representative will be submitting the application, an affidavit, power of attorney, or other document evidencing the right of the representative to appear and submit items on behalf of the property owner.

The approval of this application does not permit the violation of any federal or state codes, any section of the Building Code, or other Pocatello Municipal Codes as adopted. Approval of this land use permit does not exempt applicant from the provisions of the federal Fair Housing Act or ADA requirements. Further, other conditions, requirements, etc. may be imposed as part of the building permit process.

A conditional use permit must be established within one (1) year of the granting of the use permit. Actual construction of the permitted building shall constitute such establishment. This period may be extended by Planning and Development Services staff for an additional one (1) year upon request at least 30 days prior to expiration of the initial 1-year period and provided the applicant demonstrates good cause for the delay.

This application shall not be considered complete (nor will a hearing before the Hearing Examiner or Planning and Zoning Commission be scheduled) until all required information has been submitted and verified.

**I hereby acknowledge that I have read this application and state that the above information, including all submitted materials, is correct and I agree to the above terms and conditions. I further agree to abide by any and all conditions Hearing Examiner or Planning and Zoning Commission may impose on my use of this site. I also understand that non-conformance with these conditions in a timely manner will result in automatic forfeiture of my permit. I am also aware that the applicant or a representative must be present at the public hearing and that the decision on this request will be recorded in the official records of Bannock County.**

Applicant's Signature: \_\_\_\_\_

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

Representative's Signature: \_\_\_\_\_

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

***\*A sign giving public notice will be posted at the proposed site during the course of these proceedings.***



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**CONDITIONAL USE PERMIT - ADDITIONAL ITEMS REQUIRED FOR A  
WIRELESS COMMUNICATION FACILITY NEW TOWER - TYPE 3 APPLICATION**

- A. A landscaping plan (unless the WCF is to be attached to an existing building and all equipment is located within or on the building) drawn to the same scale as the site plan, clearly depicting all existing landscaping/vegetation and whether it will be removed or retained; all proposed landscaping complete with size, location and species of vegetation; specific depiction and notation of any features necessary to comply with the screening standards of this ordinance.
- B. Elevation drawing of before and after photographs/drawings simulating and specifying the location and height of the antennas, support structures, equipment enclosure(s) and other accessory uses, fences and signs.
- C. A Planning Coverage Map and/or maps on which are marked the service area of the facility for which application is being made and all applicants WCF sites operating within the city limits and in the Area of City Impact as defined in the Idaho Code. The map shall be drawn to a scale of no less than one inch equals 500 feet.
- D. Photo-simulations of the proposed WCF from public rights-of-way.
- E. A description of the support structure or building upon which the WCF is proposed to be located, and the technical reasons for the design and configuration of the WCF.
- F. Proof of licensure by the FCC.
- G. A copy of correspondence from the owner of the land and/or building on which the WCF is to be located, acknowledging the owner's approval of the use of the property for a WCF, the applicant's ability to enter into leases with other providers for co-location, and specifying the party responsible for removal of the WCF and attendant equipment within ninety days of discontinuance of its use.
- H. Evidence that the tower is designed and built to be able to support another carrier's WCF comparable in weight, size, and surface area to the telecommunications facilities installed on said tower by the applicant.
- I. Evidence of the failure of applicant's good-faith effort to install or co-locate the telecommunications facilities on city-owned towers or usable antenna support structures or on towers located on property leased from the City located within a one-half (1/2) mile radius of the proposed tower site, including good-faith efforts to negotiate lease rights, or evidence of the following:
  - 1. Lack of existing towers or structures located within the geographic area required to meet the applicant's engineering requirements.
  - 2. Insufficiency of existing towers or structures to support the proposed antenna and related equipment.
  - 3. That the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna; and/or

**The approval of this application does not permit the violation of any federal or state codes, any section of the Building Code, or other Pocatello Municipal Codes as adopted. Approval of this land use permit does not exempt applicant from the provisions of the federal Fair Housing Act or ADA requirements. Further, other conditions, requirements, etc. may be imposed as part of the building permit process.**

I hereby acknowledge that I have read this application and state that the above information is correct and I agree to all terms and conditions. I further agree to abide by any all regulations of Municipal Code Chapter 15.42 and standards set forth under the Spectrum Act.

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

Signature of Representative: \_\_\_\_\_ Date: \_\_\_\_\_



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**AFFIDAVIT OF MAILING LIST**

1. The undersigned is the applicant, agent, engineer, or surveyor representing the applicant.
2. It is understood that the City of Pocatello requires the applicant to provide one set of mailing labels of all the property owners of record located within 300 feet of the boundaries of the project site and \$3.00 fee per label. The list shall be based on the most current equalized assessment rolls of County of Bannock. This list and fee will be used to send the notices of public hearing required to process the application.
3. This is to certify that the persons named, together with their addresses as shown on the project mailing list attached herewith, are all the owners of property situated within 300 feet of the property, as their said names and addresses are set forth on the latest equalized assessment rolls of the County of Bannock.
4. The foregoing is true under penalty of perjury.

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

Name (please print): \_\_\_\_\_

Street Address: \_\_\_\_\_

City ST, ZIP: \_\_\_\_\_

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

## GUIDELINES TO PRESENT YOUR INFORMATION TO THE P & Z COMMISSION

### A FEW POINTERS TO HELP YOU MAKE YOUR CASE...

The Planning and Zoning Commission, or P & Z Commission, is a citizen advisory board to the City Council. The P & Z Commission is charged with making reviews and recommendations in matters of community planning and the use of public and private land, including requests on many different land use issues such as subdivisions, rezoning of property, annexation of land into the City, and planned unit developments. In analyzing these requests, the P & Z Commission considers a variety of issues ranging from the physical layout of a proposed development, to landscaping, drainage retention, parking, etc. The P & Z Commission also considers the impact of the proposed use on surrounding lands and land uses.

You were required to submit plans and drawings as part of your application which detailed the various aspects of your proposal, its layout, and its impacts, if any, on adjoining lands. While the P & Z Commission receives copies of this information, the following items may help you present your application in the most favorable light, as well as assisting the P & Z Commission in making the best possible recommendation to the City Council.

1. Color renderings of any and all of your site drawings/plans. Where architectural compatibility is an issue, the color and construction samples may be required (e.g., for planned unit developments). Large plans (18" X 24" at least) for display, as well as smaller (8 ½" X 11") for each Commission member would be helpful.
2. Map(s) of your project site that include the surrounding area. Large maps (18" X 24" at least) for display, as well as smaller 8 ½" X 11") for each Commission member would be helpful.
3. Overhead projections of selected items or ideas.
4. Photographs of the site and surrounding area.

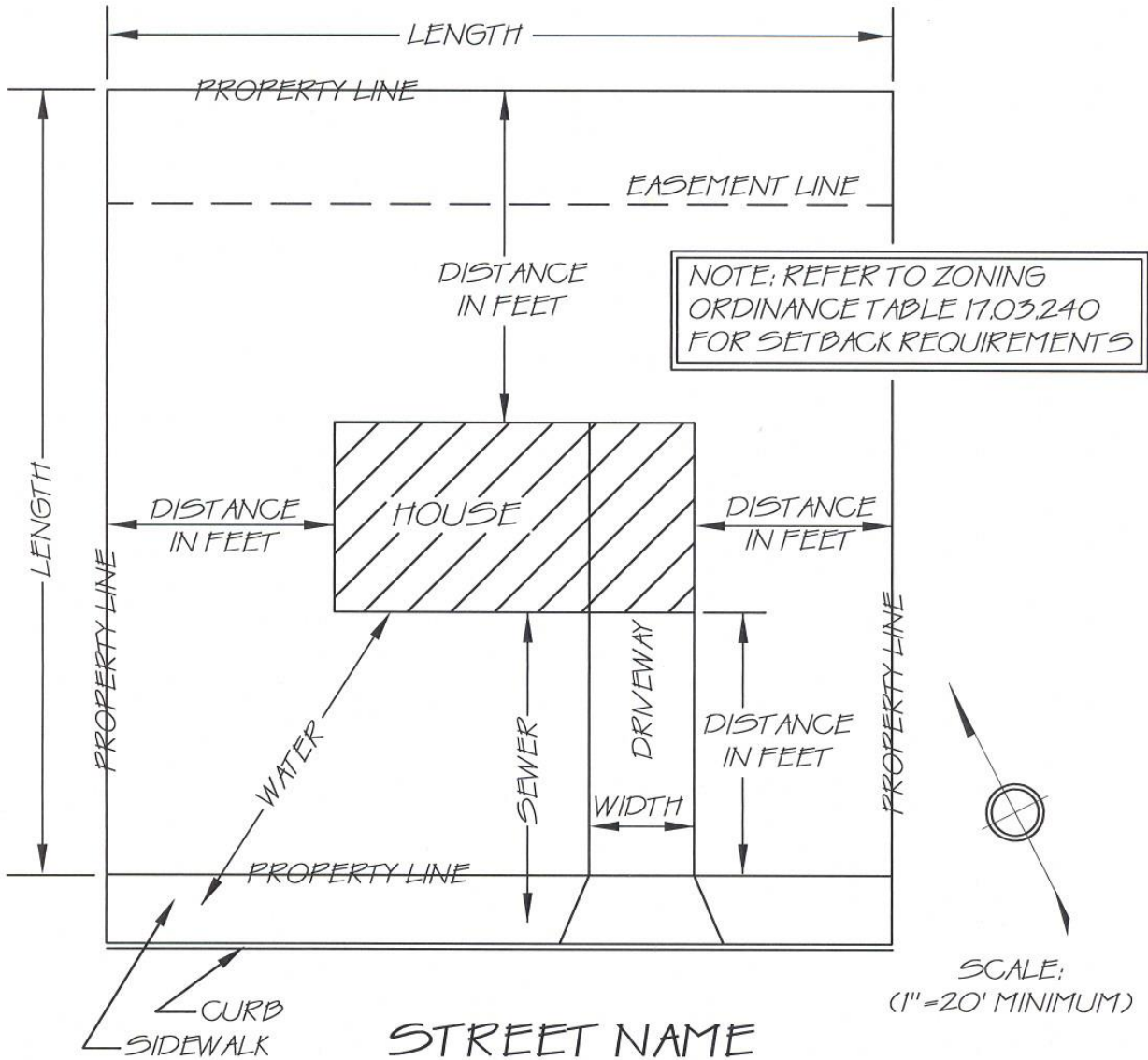
Some audio/visual equipment is available to assist you in your presentation to the Commission. Contact the Planning and Zoning Department at least 24 hours prior to the hearing/meeting for assistance with this or other items.

**Please note that for presentations in a public hearing, all material displayed or used during the presentation become part of the public record and are retained by the City. Also, applicants planning to utilize an attorney during their presentation before the Planning and Zoning Commission are requested to notify the City of that fact in advance of the meeting.**

Regular meetings of the P & Z Commission are open to the public and are taped live on the City's public access channel. Because of this, when you are addressing the Commission, you should:

1. Speak directly into the microphone.
2. Do not engage in conversation with the public. Address the Commission only.
3. Adhere to all protocols which have been or may be established by the P & Z Commission in their efforts to manage the meeting.

# SAMPLE PLOT PLAN



OWNER: JOHN DOE

ADDRESS: 123 IDAHO STREET

LEGAL DESCRIPTION: LOT#; BLOCK#; SUBDIVISION NAME OR ATTACH LONG LEGAL DESCRIPTION

CONTRACTOR: ABC CONTRACTORS

