

Kootenai County Conditional Use Permit Information Brief

Q: What is a “Conditional Use”?

A: A Conditional Use Permit, also known as a CUP, refers to a land use that requires special review to ensure compatibility with existing, or planned uses in the area.

Q: Who needs to apply for a Conditional Use Permit?

A: Depending on the zoning, facilities such as schools, churches, animal kennels, day care facilities, cell towers, surface mines, mini-storage facilities and feed lots require CUP approval.

Q: How do I know if I need a Conditional Use Permit?

A: Each zoning classification within the County Zoning Ordinance lists the various land uses that may be permitted with the approval of a CUP. If you are unsure as to whether or not you need a CUP please consult with the Planning Department.

Q: How long is my Conditional Use Permit valid?

A: Depending of the type of project, the Zoning Ordinance and/or Order of Decision will stipulate a time period the CUP is valid. For example, some CUPs may be valid for a five-year period or may be valid for a shorter period of time depending on the nature of the land use. Some permits may be issued with no expiration of the approval.

Q: What is involved with this process?

A: The first step in applying for a CUP is to schedule a pre-application conference with a planner in order to discuss your project. An application packet must be completed and submitted to the Planning Department in order to start the approval process. A site plan, site photos, description of the project, agency letters, contour maps (if applicable) and an application fee is required for a CUP. CUPs have two categories, non-commercial (\$685) and commercial (\$1,035). This fee includes the application cost, Hearing Examiner fee and public notification publishing costs. Once a complete application has been received, a public hearing is scheduled. The Hearing Examiner will oversee the hearing proceedings and forward a recommendation to the Board based upon the staff report and testimony entered into record. The Board of County Commissioners deliberates over the Hearing Examiner’s recommendation and the facts presented, and render an Order of Decision to approve (with or without conditions) or deny the request. In some instances the Board will hold another public hearing before rendering a decision.

Q: What conditions may be imposed?

A: Each land use with an approved CUP is subject to different conditions.

- Hours of operation.
- Size limitations.
- Landscaping standards.
- May not be considered a use that is transferable upon the sale of the property.
- Agency conditions as specified.

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Q: What if I wish to alter my CUP in the future?

A: It is always wise to plan for the future. In your CUP application you have an opportunity to request approval for an operation/land use that will allow you to expand in the future if so desired. One method of this is to phase your project. If you expand, or alter these in some way, or have a use that was not included in your original approval, you will need to seek approval by going through the hearing process.

*** Important Reminder***

- ✓ The Zoning Ordinance states that any CUP approved without a time deadline shall expire after 2 years from the date of signing of the Order of Decision, if the use authorized by the permit has not been established.
- ✓ Failure to comply with the imposed conditions of approval may result in the CUP being revoked.



**This Brief is intended only as an information guide.
Information provided within this brief may not be complete and is subject to change.**

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