

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, August 19, 2009
5:30 p.m.

The Latah County Zoning Commission will hold a public hearing on Wednesday August 19, 2009 in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

5:35 p.m. – RZ #796 –A request by Juli Thorson to rezone 1-acre of a 14-acre parcel from Agriculture/Forest (A/F) to Rural Residential (RR). The property is located on Highway 8, approximately 10 miles east of the City of Moscow, in Section 16, Township 39 North, Range 4 West, B.M., in Latah County, and referenced as Assessor's Parcel Numbers RP39N04W166616A and RP39N04W166209A.

All interested parties are encouraged to attend the hearing. Accommodations for individuals who qualify under the Americans with Disabilities Act are available upon request. Notice is required in the Planning Office three working days prior to the hearing in order to acquire accommodations.

The hearing will be held pursuant to the Latah County Hearing Procedures Ordinance and under authority of the Idaho Local Planning Act, the Latah County Comprehensive Plan and the Latah County Land Use Ordinance. The Latah County Zoning Commission reserves the right to limit the length of testimony.

Additional information on this request, including full copies of the proposal, is available from the Planning and Building Department at the Latah County Courthouse, Moscow, Idaho. Phone (208) 883-7220. Written comments will be accepted at the above office prior to the public hearing.

Aimee Shipman
Associate Planner
(This is a public service announcement)

**JULI THORSON
REZONE APPLICATION #796
STAFF REPORT**

SUMMARY OF APPLICATION:

A request by Juli Thorson to rezone 1-acre of a 14-acre parcel from Agriculture/Forest (A/F) to Rural Residential (RR). The property is located on Highway 8, approximately 10 miles east of the City of Moscow, in Section 16, Township 39 North, Range 4 West, B.M., in Latah County, and referenced as Assessor's Parcel Numbers RP39N04W166616A and RP39N04W166209A

Site Characteristics:

Size of Parcel:	13.2-acres
Soils:	Taney Silt loam, 7-25% slopes; Southwick Silt Loam, 12-25 % slopes; Larkin Silt loam, 12-35 % slopes; (Latah County Soil Survey Sheet #33)
Floodplain:	Zone "C" (FIRM Panel #160086 0335B)

Land Use and Regulations:

Comprehensive Plan Designation:	Rural
Existing Zoning:	Agriculture/Forest (A/F)
Existing Uses:	Residential, Pasture
Neighboring Zoning:	Agriculture/Forest (A/F)
Neighboring Uses:	Agriculture, Residential, Pasture

Infrastructure/Services:

Water:	Shared private well
Sewer:	Existing private septic
Access:	Highway 8, Idaho Transportation Department
Schools:	Troy School District
Fire Protection:	Troy Rural Fire District
Law Enforcement:	Latah County Sheriff

EXHIBITS:

Exhibit #1.	Staff Report
Exhibit #1A.	Criteria Worksheet
Exhibit #1B.	Vicinity Map and Comprehensive Plan Land Use Map
Exhibit #1C.	Zoning Map
Exhibit #1D.	Aerial Photograph and Adjacent Property Owners Map
Exhibit #1E.	Photos of Subject Property
Exhibit #2.	Application Form (Submitted by Applicant)
Exhibit #2A.	Applicant's Narrative (Submitted by Applicant)
Exhibit #2B.	Vicinity Map (Submitted by Applicant)
Exhibit #2C.	Plat Map (Submitted by Applicant)
Exhibit #2D.	Aerial Photo of Subject Property and Site Plan (Submitted by Applicant)

NOTE: Exhibits not included in the staff packet are available for review in the Planning Office, and will be entered into the record during the public hearing.

APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:

Local Planning Act: Idaho Code 67-6511

Latah County Land Use Ordinance:

Section 3.01	Agriculture/Forest Zone
Section 3.02	Rural Residential Zone
Article 6	Zoning Map Amendments

Latah County Comprehensive Plan

CRITERIA WORKSHEET

NOTE: This criteria worksheet does not represent staff analysis of information provided by the applicant, supporters, or opponents; however, policies which may be applicable to this particular request have been identified by staff. Information submitted to the Planning Department prior to the mailing of the staff packet has been organized herein in relation to the applicable criteria for approval or denial. The worksheet is intended only to help identify if all relevant criteria have been addressed with supporting factual information, and to provide a juxtaposition of any conflicting testimony that has been presented.

Type of request:

Rezone

Description of Application:

A request by Juli Thorson to rezone 1-acre of a 14-acre parcel from Agriculture/Forest (A/F) to Rural Residential (RR). The property is located on Highway 8, approximately 10 miles east of the City of Moscow, in Section 16, Township 39 North, Range 4 West, B.M., in Latah County, and referenced as Assessor's Parcel Numbers RP39N04W166616A and RP39N04W166209A.

Facts of application and the information submitted:

1) Section 6.01.01 requires that an application for a rezone be made by the owner of the affected property or the owner's authorized agent.

The application was signed by Juli Thorson, owner of subject property, and submitted to the Planning and Building Department on July 15, 2009.

2) Section 6.01.02 states that the Zoning Commission may recommend Board approval of a rezone application if the Commission finds that the proposed rezone conforms to each of the following criteria:

1. The rezone is in accordance with the goals and policies of the Comprehensive Plan.
2. The rezone, and the uses it permits, shall not be detrimental to or incompatible with the surrounding area, and the uses permitted in that area.
3. The rezone must provide some public benefit that exceeds any costs imposed upon the public.
4. The rezone shall not impose a significant burden to any public services.
5. The rezone shall not be a spot zone.

The Zoning Commission may recommend approval for rezone proposals that do not initially meet criteria 1-5, if the applicant can provide substantial mitigation through a written development agreement as provided by 6.01.03.4 of this ordinance. The Commission may also

recommend approval for applications not meeting the criteria listed above, if the Commission finds that the rezone is essential to the public health, safety, or welfare.

3.) Section 6.01.03.4 states the Zoning Commission may recommend, as a condition of approval, that the Board of Latah County Commissioners require the owner or developer to make a written Development Agreement concerning the use or development of the subject parcels as provided by 67-6511A, Idaho Code. The creation, form, recording, modification, enforcement, and termination of conditional commitments are governed as follows:

- A. The Board of Latah County Commissioners may require the developer to make a written commitment regarding the specific use and development of the subject property. If required by the Board, these commitments or conditions shall be considered part of the basis for approval.
- B. The terms of the written agreement shall be specified in the Board's written decision. If the Board adopts the decision of the Zoning Commission, it shall also adopt the Zoning Commission's recommended conditions for approval. The conditions imposed shall be limited to requirements necessary to ensure that the application meets the criteria of 6.01.02.
- C. Prior to adoption of the zoning map amendment, the agreement shall be submitted to the Board as a written development agreement that enumerates and describes the conditions for approval. This agreement must include the following:
 1. The responsibility of current and subsequent property owners to comply with the terms and conditions.
 2. The statement that failure to meet those terms will result in enforcement proceeding against the applicant and/or reversions of the property to its former designation.
 3. The statement that this agreement shall be deemed written consent that upon determination by the County that the conditions of approval are not being met, the property be reverted to its original zoning designation and all uses not consistent with that designation shall be considered a violation of this ordinance.
 4. Notarized signatures of the applicant and the property owner(s).
 5. Notarized signature of the chairperson of the Board of Latah County Commissioners. The Board shall only authorize the Chairman to sign the document if it is determined that the document meets the terms specified for the written agreement as well as the requirements specified in this paragraph.

- D. Once signed by all parties, the applicant shall have the document recorded in the Latah County Recorder's Office. The Board of Latah County Commissioners shall not adopt the zoning map amendment until the document has been recorded by the applicant. Once recorded, the Board shall adopt, by ordinance, an amendment to the zoning map. This amendment shall reference the development agreement and shall provide that the zoning map be designated in a manner that indicates that the new zoning designation has been assigned specific conditions.

- E. The agreement shall remain in effect until formally modified or terminated by the Board of Latah County Commissioners, or the property is rezoned. The agreement may be terminated or modified by the Board with written permission of the current property. Prior to termination or modification, at least one public hearing shall be conducted in accordance with the notice and procedural provision for a rezone application. Nothing in the Section shall prevent the Board from rezoning a property subject to these agreements after four years from the date of approval, or under the restriction set forth in Title 67, Chapter 65, Idaho Code.

Additional Information

The subject property is a 14 acre parcel with an existing primary residence and a nonconforming mobile home which was in place prior to the applicant's purchase of the property in 1996. The subject property is comprised of productive soils and has no eligibility for a land division which would otherwise have provided an opportunity for the applicant to bring the mobile home into compliance with the land use ordinance. The subject rezone request provides another option for the applicant to bring the mobile home into compliance with the land use ordinance.

RZ #796 Vicinity and Comprehensive Plan Land Use Map



Legend

-  Proposed rezone area
-  Subject Rezone Parcel
-  Parcels
-  Latah County Comprehensive Plan
-  Productive
-  Rural
-  Residential, Commerical Industrial
-  Incorporated Places

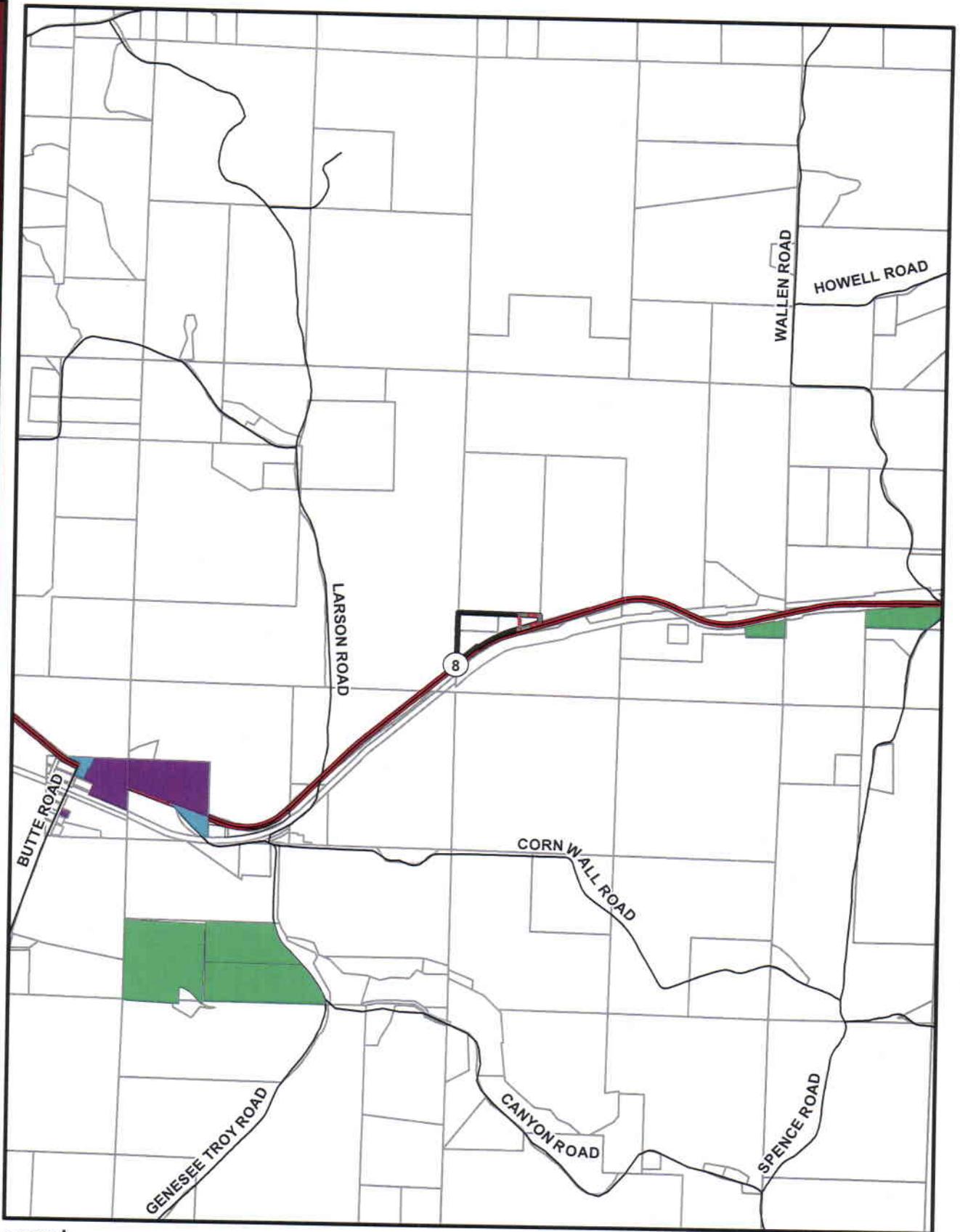


0.6 0 0.6 Miles



LCZC Hrg: RZ796
 Applicant: Thorson
 Exhibit #: 1B
 Date: 8/19/2009

RZ # 796 Zoning Map



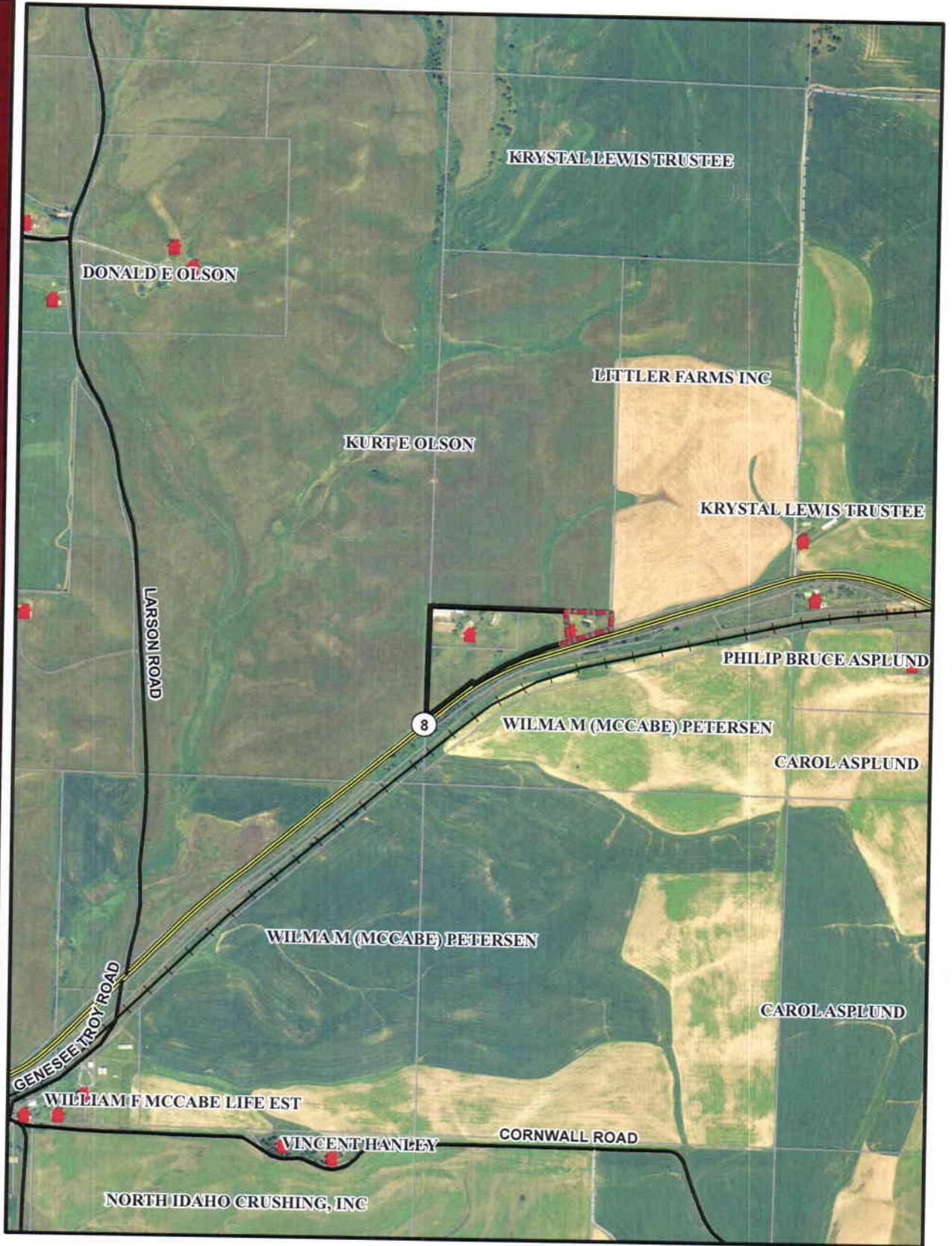
Legend

- | | | | |
|---|-----------------------|---|------------------------|
|  | Proposed rezone area | Zoning | |
|  | Subject Rezone parcel |  | Agriculture / Forestry |
| | |  | Commercial |
| | |  | Rural Residential |
| | |  | Suburban Residential |
| | |  | Parcels |



LCZC Hrg: RZ796
 Applicant: Thorson
 Exhibit #: 1C
 Date: 8/19/2009

RZ #796 Adjacent Property Owners



Legend

-  Proposed rezone area
-  Subject Rezone parcel
-  Location of Structures
-  Parcels



500 0 500 Feet



LCZC Hrg: RZ796
 Applicant: Thorson
 Exhibit #: _____ 1D
 Date: 8/19/2009

PHOTOS FOR SUBJECT REZONE PROPERTY 3570 Hwy 8 East



The existing mobile home has a separate access on to Highway 8 than the primary residence. According to ITD this is an existing access that has been grandfathered in.



Existing mobile home with surrounding acreage.

LCZC Hrg: RZ796
Applicant: Thorson
Exhibit #: 1E
Date: 8/19/2009



Existing mobile home on proposed one acre site



Existing primary residence on remaining 13 acres of subject property



APPLICATION FOR REZONING

Instructions

Please complete the application and required attachments. Incomplete applications or applications without all required attachments will not be accepted. A public hearing will be scheduled only after Staff has determined the application is technically complete.

Please submit to: *Latah County Department of Planning & Building*
Latah County Courthouse 522 S Adams, Room 205, P.O. Box 8068, Moscow ID 83843 (208) 883-7220

1. Applicant Information			
A. Applicant Name <i>Juli Thorson</i>		B. Home Phone <i>208 883 4344</i>	
D. Mailing Address <i>3570 Highway 8 E</i>		E. City <i>Troy</i>	F. State <i>ID</i>
H. Property Owner (If Different than Applicant)		G. Zip Code <i>83871</i>	
K. Mailing Address		I. Home Phone	J. Work Phone
		L. City	M. State
		N. Zip Code	
2. General Site Information			
A. Assessor's Parcel Number(s) <i>RP39N04W166166A</i>		B. Parcel Address (If Applicable) <i>RP39N04W166029A</i>	
C. Acreage of Existing Parcel <i>14+/- AC</i>	D. Existing Zoning <i>A1F</i>	E. Comprehensive Plan Designation <i>Rural</i>	F. Floodplain Designation(s) <i>Zone C</i>
G. FEMA Panel # <i>1600860335</i>		H. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No.	
I. Impact City		J. Road Used to Access Site <i>Hwy 8</i>	
<i>Note: Sites within an Area of City Impact may require additional notification time prior to public hearings or may require a hearing before the other jurisdiction.</i>			
3. Service Provider Information (please attach additional information if requested)			
A. Fire District <i>Troy</i>		B. Road District <i>ETD</i>	C. School District <i>Troy</i>
D. Source of Potable Water (i.e. Water District or Private Well) <i>Private well</i>		E. Sewage Disposal (i.e. Sewer District or Septic System) <i>Private</i>	
4. Adjacent Properties Information			
A. Zoning of Adjacent Properties <i>A1F</i>		B. Existing Uses of Adjacent Properties <i>Residential, pasture, agricultural</i>	
5. Rezone Information			
A. Proposed Zoning District(s) <input type="checkbox"/> Agriculture/Forestry <input checked="" type="checkbox"/> Rural Residential <input type="checkbox"/> Suburban Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial		B. Explain for Rezone Request	
<i>Note: If you would like to change different sections of your property to different zoning designations, please provide a map depicting which zoning designations will be located on the corresponding sections of your property.</i>			
6. Authorization		7. Attachments	
The applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true, and further acknowledges that approval of this application may be revoked if it is found that any such statements are false.		<i>All attachments should be reproducible in black and white at 8 1/2" x 11"</i>	
a. Signature of Applicant <i>Juli S. Thorson</i>		<input checked="" type="checkbox"/> Fee: (\$300.00) Make checks payable to Latah County.	
b. Date <i>7-15-09</i>		<input checked="" type="checkbox"/> Completed Narrative Worksheet: See instructions on the Rezone Narrative Worksheet.	
c. Signature of Property Owner (If Different than Applicant)		<input checked="" type="checkbox"/> Site Plan: The site plan should include a north arrow, location of roads and rights-of-way, existing buildings, improvements and features; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Zoning Commission to make a decision.	
d. Date		<input checked="" type="checkbox"/> Vicinity Map: The map should show the site location in relation to neighboring communities and natural features.	
Office Use Only			
Date Received <i>7/21/09</i>	Amount <i>300.00</i>	Receipt No. <i>279951</i>	By <i>B.</i>
RZ # <i>496</i>	Date Determined Technically Complete <i>7/22/09</i>	By <i>AS</i>	
Hearing Date <i>August 19, 2009</i>			

Applicant's Name: Juli Thorson
Telephone Number: 208.883.4344

Rezone Narrative Worksheet

Description of Proposal

Describe your proposal in detail. Include all aspects of your proposal.

Applicant Thorson wants to rezone the subject parcel from Agricultural/Forest to Rural Residential with the intention of platting a single parcel for re-sale.

The applicant owns approximately 14 acres in Section 16, Township 39 North, Range 4 WBM in Latah County. This is currently platted as two separate parcels, which was allowed for financing purposes only. The applicant wished to rezone their property so to allow for a modification of the boundaries of those two parcels to provide for a separate parcel, approximately 1 acre in size. On the southeast side of their property is an existing single wide mobile home, which was put in place by the previous (and only other) owner of the improved property. If successful in re-zoning and short platting the applicants intends to replace the mobile home with a new construction home for re-sale.

Existing Uses of Property

Please describe what uses, structures and features currently occupy the property.

The property is currently the home and horse ranch occupied by the Applicant, with home, barns, fenced and cross fenced for horses and other ranch related outbuildings. Separate from the house and ranch is a single wide mobile home that has been a part of the property since the early 80's if not longer. The single wide mobile home does share a water source with the home, but does have a separate access from State Highway 8 and a separate septic system, as well as other utilities, i.e.; natural gas, electricity, and phone service.

Consistency Requirements

Please respond to each of the four criteria listed in § 6.01.02 of the Latah County Land Use Ordinance by explaining how your proposal meets each criteria.

1. The rezone, and the uses it permits, shall not be detrimental to or incompatible with the surrounding area, and the uses permitted in that area.

The Comprehensive Plan Map designates the area of the proposed rezone as Rural.

The Rural area is described as follows:

“This area is generally composed of less productive agricultural and forest lands and contains low density residential development not directly related to agriculture. This area should be protected from conversion to more concentrated residential, commercial or industrial development

2. The rezone must provide some public benefit that exceeds any costs imposed upon the public.

Thorson seeks to rezone the subject parcel from Agricultural/Forest to Rural Residential with the intention of completing a short plat to allow for a single division. The current uses in the area surrounding the subject parcel are single family dwellings and,

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agriculture. The uses permitted on the subject parcel following rezoning would not be detrimental or incompatible with the existing uses.

3. The rezone shall not impose a significant burden to any public services.

The proposed rezone will not impose a significant burden to any public services. The rezone will only be to accommodate the replacement of the single wide mobile home with a new construction home for re-sale purposes. As the single wide mobile home has been a rental property for a number of years and has its own access directly from Highway 8, there will be no additional traffic.

4. The rezone shall not be a spot zone.

The proposed rezone does not constitute an island of zoning that is out of character with the surrounding Agricultural/Forest zone.

5. The rezone is in accordance with the goals and policies of the Comprehensive Plan.

The Comprehensive Plan Map designates the area of the proposed rezone as Rural. The Rural area is described as follows:

“This area is generally composed of less productive agricultural and forest lands and contains low density residential development not directly related to agriculture. This area should be protected from conversion to more concentrated residential, commercial or industrial development

In addition to your response above, please explain your proposal's consistency with the proceeding elements of the Comprehensive Plan. If a certain element is not applicable to your proposal, please explain why. Please refer to the Latah County Comprehensive Plan for specific goals and policies of the particular elements.

1. Community Design Element

Goal: To ensure a pattern of planned growth which results in the orderly and attractive development of Latah County.

Policy 1- Encourage commercial developments to locate in or near existing cities.

Not applicable to application

Policy 2- Minimize commercial strip development

Not applicable to application

Policy 3- Encourage clustering of commercial and industrial developments so that access points to existing arterials are limited.

Not applicable to application

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Policy 4- Ensure that new residential development on lots less than one acre occur in or near existing cities.

This is an existing use, which is not conflicting with neighboring properties

Policy 5- Encourage low density residential development to occur in a pattern which minimizes both conflict with existing land uses and public serve costs

This is an existing use, which is not conflicting with neighboring properties

Policy 6- Preserve the designation of opens spaces in new developments.

This is an existing use, which is not conflicting with neighboring properties

Policy 7- Encourage landscaping of new developments to protect the existing charge of the surrounding area

This is an existing use, which is not conflicting with neighboring properties

Policy 8- Protect existing land uses from conflicting uses.

This is an existing use, which is not conflicting with neighboring properties

Policy 9- Preserve the rural character of Latah County.

As this property has been used as a separate parcel for many years the improvement thereof will only enhance the rural character of Latah County.

2. Population Element

Goal: To ensure that population growth is accommodated in an orderly pattern.

Policy 1- Limit higher density residential development to area easily served by infrastructure and public services.

Not applicable as this rezone application will not permit high density use.

Policy 2- Discourage high density development where it would conflict with agriculture, forestry, ore existing commercial activity.

Not applicable as this rezone application will not permit high density use

Policy 3- Direct growth away from areas with important features which will be negatively impacted by development.

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A trailhead with restrooms is located directly across the State Highway from the access to the single wide mobile home site. The enhancement of this property will serve as a benefit not detracting from the trail.

Policy 4 – Encourage growth to occur in existing cities or areas likely to be annexed into existing cities.

The subject parcel is outside of the areas of impact for both Moscow and Troy, but is an existing site and will not add to the population of the area.

Policy 5 – Unproductive agricultural or forest lands may be developed, if these lands are suitable for development and if such development will not otherwise conflict with surrounding uses.

The subject property exists as it has since the 1980's when the mobile home was added to the parcel. The replacement of the single wide mobile home with a new stick built home will only enhance the area.

3. Housing Element

Goal: To ensure an adequate and attractive living environment to meet the needs of residents of different ages, family sizes, lifestyles, and income levels.

Policy 1- Encourage the development of a variety of housing types on land suitable for development.

This element is most applicable as the ultimate goal of this requested re-zone would be to allow the removal and replacement of an older single wide mobile home with a stick built single family home, allowing for beautification current code compliance with set backs and new energy codes and most importantly allow for home ownership.

Policy 2- Ensure public safety by requiring all residential construction to conform with building codes and public health standards

See above

Policy 3- Encourage the construction of energy efficient housing.

See above

4. Economic Development Element

Goals:

1. To foster agricultural and forestry and their supporting activities.

2. To provide for land uses appropriate to local and regional economic needs.

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3. To encourage economic diversification consistent with other goals and policies of this plan.

4. To guide the development of a commercial and industrial sector that will be compatible with the natural environment and existing land uses.

Agriculture and Forestry

Policy 1 – Protect agricultural and forestry lands from scattered development.

This is an existing use and does not constitute scattered development.

Commercial and Industrial

Policy 2-Designate a sufficient amount of land suitable for commercial and industrial uses.

Not applicable

Policy 3-Ensure buffering of new commercial and industrial uses from surrounding land uses.

Not applicable

Policy 4- Discourage commercial and industrial development which adversely affects the public's health and safety.

Not applicable

Mining

Policy 5- Protect existing residents and business from impacts of mining and processing operations.

Not applicable

Policy 6- Require restoration of mining areas so that the land is suitable for other beneficial uses.

Not applicable

5 Public Services, Facilities, and Utilities Element

Goal: To provide an orderly pattern of development which will ensure adequate public facilities and services without excessive costs.

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Policy 1 – Minimize any adverse effects of new public facilities upon residential areas, natural resources, and special areas or sites.

This is an existing use and shall not add to the need for services.

Policy 2 – Control and direct development activities in a manner that will avoid excessive burdens to fire, police, health, solid waste, and other services or facilities.

This is an existing use and shall not add to the need for services.

Policy 3 – Minimize the cost of providing public services by requiring commercial, industrial, and high density residential development to occur in or near existing cities with adequate public services, facilities and utilities.

This is an existing use and shall not add to the need for services.

Policy 4 – Ensure adequate sewer and water systems at minimal public cost by requiring developers to provide for necessary facilities and establish a continued maintenance program.

This is an existing use and shall not add to the need for services.

Policy 5 – Ensure the responsible disposal of solid waste to protect the health and welfare of the public as well as the County's natural resources.

This is an existing use and shall not add to the need for services.

6. School Facilities and Student Transportation Element

Goal: To minimize the adverse effects of new residential development on school facilities and school transportation.

Policy- Direct new residential development to areas with adequate school facilities and student transportation.

This is an existing use in the Troy School District.

7. Transportation Element

Goal: To promote an efficient and safe transportation system in Latah County.

Policy 1 – Ensure that access onto public roads will not disrupt traffic flow and that access is adequate for emergency response vehicles.

This is an existing use and will continue to use the access that was established upon development. The access is in a good location for visibility.

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Policy 2- Limit the number of access points to state and federal highways.

This is an existing use and will continue to use the access that was established upon development. The access is in a good location for visibility.

Policy 3- Encourage bike and pedestrian routes and mass transit as transportation options.

The subject property is directly across the highway from a trailhead for the Latah Trail and would encourage a new homeowner to walk or bike to work.

Policy 4- Ensure the compatibility of airstrips with surrounding land uses and protect existing airstrips from encroachment by development.

Not applicable

Policy 5 – Ensure that buildings are set back a safe distance from public roads.

Current Latah County zoning code for the Rural Residential zoning designation requires setbacks from public roads of the greater of 20 feet from the right-of-way boundary or 60 feet from the centerline. The size and orientation of the proposed parcel will accommodate the required setback.

Policy 6- Encourage the preservation and growth of rail service within Latah County.

This is not applicable as no rail service exists in the area of the proposed rezone

8 Natural Resources Element

Goal: To ensure sound stewardship of the County's natural resources.

Policy 1 – Conserve streams, floodplains, wetlands, wooded areas, and other areas of natural significance and, where appropriate, incorporate natural features into planned developments as open space or buffer zones.

New construction will observe appropriate setbacks and building restrictions to prevent impact on the flood zone. There are no wetlands, wooded areas or other areas of natural significance within the subject parcel.

Policy 2 – Prohibit development that significantly pollutes or degrades the natural environment.

The proposed re-zone will not create pollution or degradation of the natural environment.

Policy 3 – Maintain sustainable groundwater resources and prevent degradation of groundwater quality.

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The addition of a single residential use well would be necessary.

Policy 4 – Protect wildlife habitat, particularly critical winter range, from encroachment of incompatible development.

The subject parcel contains no wildlife habitat.

9. Special Areas Element

Goal: To recognize and preserve special areas and sites of historic, archeological, architectural, geological, biological, or scenic significance.

Policy 1 – Protect and preserve recognized sites and areas with cultural, scenic or natural significance.

The trailhead for the Latah Trail that was placed across the highway from this property will only be enhanced by its improvement.

Policy 2 – Encourage the preservation of historic buildings.

There are no historic structures (unless you consider an old mobile home historic) on the subject parcel.

10. Hazardous Areas Element

Goal: To protect life and property from natural hazards.

Policy 1 – Ensure appropriate regulation of development in hazardous areas, such as floodplains and on unstable slopes.

No such hazards exist on this site.

Policy 2 – Ensure that appropriate measures are used to minimize loss of property due to wildfire in rural developments.

The subject parcel is not located near grasslands or timber that would encourage wildfires. Current zoning laws and building codes are sufficient to mandate sufficient setbacks to discourage the spread of fire.

11. Recreation Element

Goal: To encourage a variety of recreational opportunities in Latah County.

Policies 1 2 and 3 are not applicable, as the proposed rezone does not call for a recreational use and is how it has existed as is for many years.

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Policy 1 – Encourage the development of suitable land for recreational uses.

Policy 2 – Ensure the compatibility of recreational areas with adjoining land uses.

Policy 3 – Encourage the dedication of land within new developments for recreational use.

12. Land Use Element

The Comprehensive Plan Map designates the area of the proposed rezone as Rural. The Rural designation is described as follows:

“This area is generally composed of less productive agricultural and forest lands and contains low density residential development not directly related to agriculture. This area should be protected from conversion to more concentrated residential, commercial or industrial development; however, development sites within this area may be suitable for consideration for further low density residential development.”

13. Property Rights Element

Goal: To ensure that land use policies, restrictions, conditions and fees do not unconstitutionally violate private property rights, and establish an orderly, consistent review process that enables the County to ensure that any proposed actions will not result in an unconstitutional taking or private property without due process of law.

Policy 1 – Eliminate regulations or actions which would unconstitutionally deprive an owner of all economically viable uses of the property.

This property in its existing state is not the highest and best use and the inability to replace the mobile home with anything other than another mobile home for rental purposes would be depriving the owner of economic viability that can be gained by platting the parcel for re-use as a single family home site.

Policy 2 - Eliminate regulations or actions by the County which would result in unconstitutional permanent or temporary physical occupation of private property.

Not applicable

Policy 3 – Eliminate regulations or actions by the County that require a property owner to dedicate a portion of property or grant an easement, unless the regulation or action clearly advances an articulated and legitimate public purpose.

Not applicable

Policy 4 - Eliminate regulations or actions which would significantly impact an owner's economic interest in the affected property, unless the regulation or action clearly advances an articulated and legitimate public purpose.

Applicant's Name: Juli Thorson
Telephone Number: 208.883.4344

This property in its existing state is not the highest and best use and the inability to replace the mobile home with anything other than another mobile home for rental purposes would be depriving the owner of economic viability that can be gained by platting the parcel for re-use as a single family home site. The value gained both cosmetically and economically is of greater public good than to leave as is. The applicant can control the future use to protect their neighboring interests through effective covenant, conditions and restrictions. They intend to design build the replacement structure to provide for the ultimate in control of the final product.

Policy 5 - Eliminate regulations or actions which would deny a property owner a fundamental attribute of ownership, including the right to possess, exclude others and dispose of property, unless the regulation or actions clearly advances an articulated and legitimate public purpose.

See above

Policy 6 - Eliminate regulations or actions which would serve the same purpose as directly prohibiting a land use, unless the regulation or actions clearly advances and articulated and legitimate public purpose.

See above

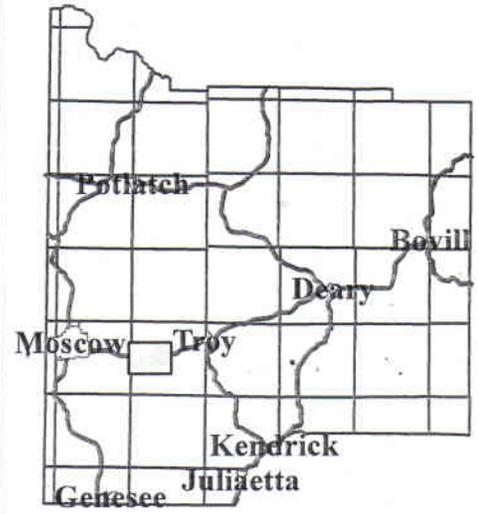
**LATAH COUNTY ASSESSOR
OFFICIAL PLAT RECORD
(Rural Section Land)**

T39N R04W

SECTIONS

16,17,18,19,20,21

LOCATION



LEGEND

- Legend**
- Parcels
 - ▭ plis_sections
 - ▭ plis_sixteenlines
 - ▭ Subdivisions
 - Roads**
 - ROAD_TYPE
 - CITY
 - COUNTY
 - FEDERAL HIGHWAY
 - PRIVATE ROAD
 - STATE HIGHWAY

© Latah County Official Plat Record.

These maps are provided by The Latah County Assessor.
Due to the variability of sources used Latah County makes no claims or warranties regarding the data contained herein.

SCALE **SHEET NUMBER**

1 in = 1,200 ft

PLOT DATE

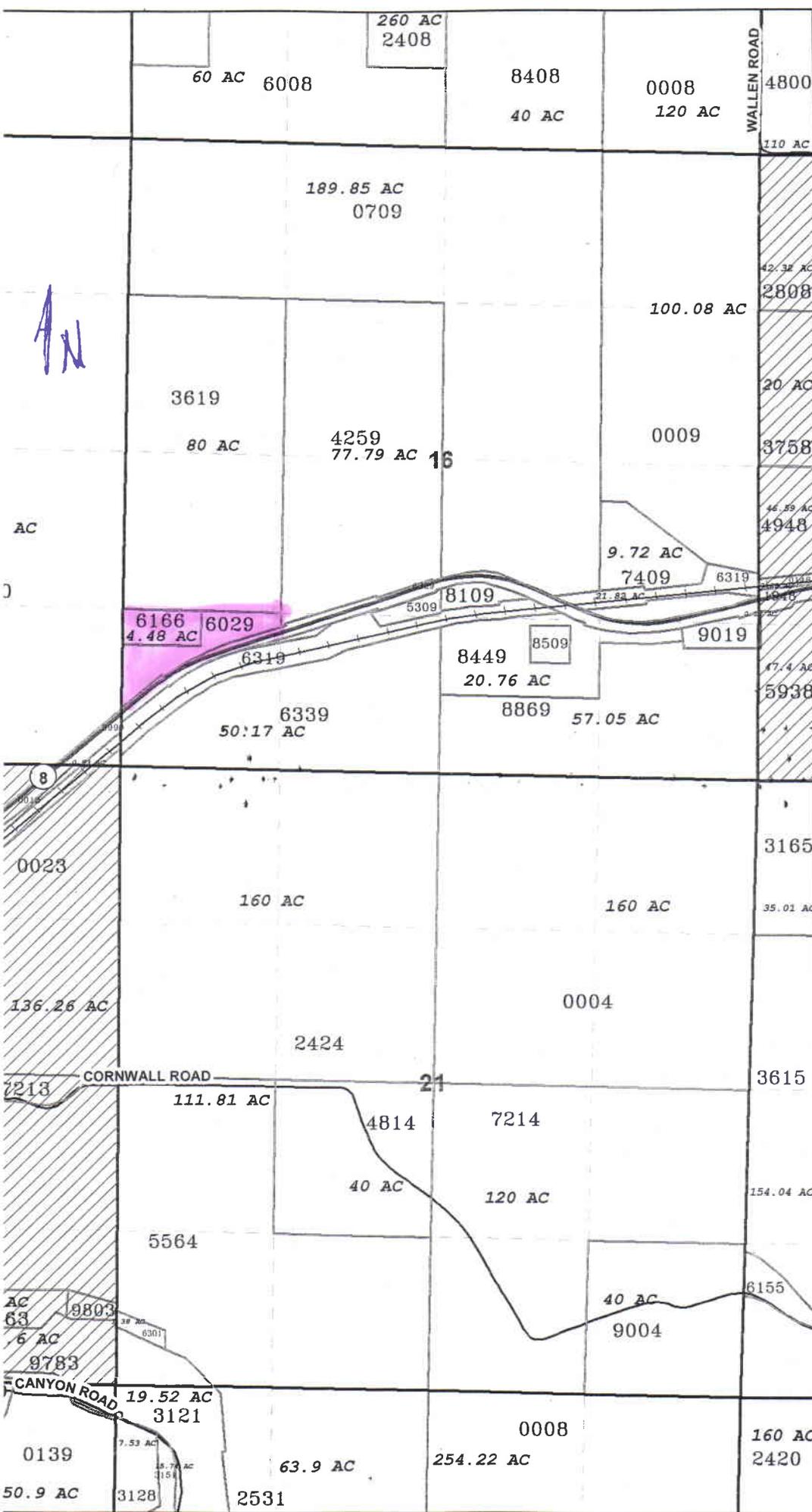
May 19, 2009

FILE NAME

mapbook.mxd

M68

LCZC Hrg: RZ796
Applicant: Thorson
Exhibit #: 2B
Date: 8/19/2009



AN





LCZC Hrg: RZ796
Applicant: Thorson
Exhibit #: 2C
Date: 8/19/2009



LCZC Hrg: RZ796
Applicant: Thorson
Exhibit #: 2D
Date: 8/19/2009

NOTICE

OF

PUBLIC HEARING

THIS PROPERTY IS THE SUBJECT OF A
REZONE APPLICATION HEARING ON

WEDNESDAY, AUGUST 19th, 2009 at 5:30 P.M.

AT THE LATAH COUNTY COURTHOUSE,
ROOM 2B

SEE BELOW OR CONTACT THE LATAH
COUNTY PLANNING OFFICE FOR MORE
INFORMATION (883-7220)

7/21/09

PAO410 - PARCEL MASTER INQUIRY

10:27:54

PARCEL: RP 39N04W166166 A

F12=RC F14=HO
F24=LD

F17=DD

THORSON, JULI S

LEGAL DESCRIPTION
4.48 TAX #6556 SWSW
16 39 4

3570 HWY 8

CODE AREA 38-0000 OWNER CD
PARC TYPE LOC CODE 2870
EFFDATE 3102006 EXPDATE
PREV PARCEL RP39N04W166156A

TROY ID 83871
3570 HWY 8 E 83871

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
12	2006	4480	AC	63200	45000	22500		
32	2006			39237				
34	2006			266563	266563	78438		

TOTALS 4480 369000 311563 100938

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F6=NM F7=LG
F8=CT F13=TM F18=HS F20=SrcH

ADJOINING PROPERTY OWNERS FOR JULI THORSON--REZONE 796

FIRST NAME	LAST NAME	ADDRESS	CITY	ST ZIP
KURTE	OLSON	PO BOX 2136	HAYDEN	ID 83835
JULI S	THORSON	3570 HWY 8	TROY	ID 83871
WILMA M (MCCABE)	PETERSEN	PO BOX 190780	BOISE	ID 83719
LITTLER FARMS INC		1160 BIG MEADOW RD	TROY	ID 83871

7/21/09

PAO410 - PARCEL MASTER INQUIRY

10:27:48

PARCEL: RP 39N04W166029 A

F17=DD

F24=LD

THORSON, JULI S

*TREND

LEGAL DESCRIPTION

N 8.72 AC SWSW LESS TAX #6556
16 39 4
MH

3570 HWY 8

CODE AREA 38-0000 OWNER CD

PARC TYPE LOC CODE 2870

TROY ID 83871

EFFDATE 3102006 EXPDATE

3580 HWY 8 E 83871

PREV PARCEL RP39N04W166019A

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
12	2006	8720	AC	71700				

TOTALS

8720

71700

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit
F8=CT F13=TM

F6=NM F7=LG
F18=HS F20=SrcH

7/21/09

PAO410 - PARCEL MASTER INQUIRY

10:25:35

PARCEL: MH 39N04W166009 A

F4=MH

THORSON, JULI

LEGAL DESCRIPTION
1983 NASHUA 70 X 14
SER #NZIDBNX470143BRFKRI25821
TI #A834044 +

3570 HWY 8

CODE AREA 38-0000 OWNER CD
PARC TYPE LOC CODE 2870
EFFDATE 2081990 EXPDATE
PREV PARCEL MH39N04W160004A

TROY ID 83871
3580 HWY 8 E 83871

CAT	RY	QUANTITY	UN	VALUE	HO MRKT	HO EXMP	CB MRKT	OTHER
46	2006			26691				

TOTALS

26691

ENTER NEXT PARCEL NUMBER RP _____ A

FKeys: F2=TX F3=Exit F6=Nm F7=LG
 F8=CT F13=TM F18=HS F20=SrcH

RP 39N04W166166 A

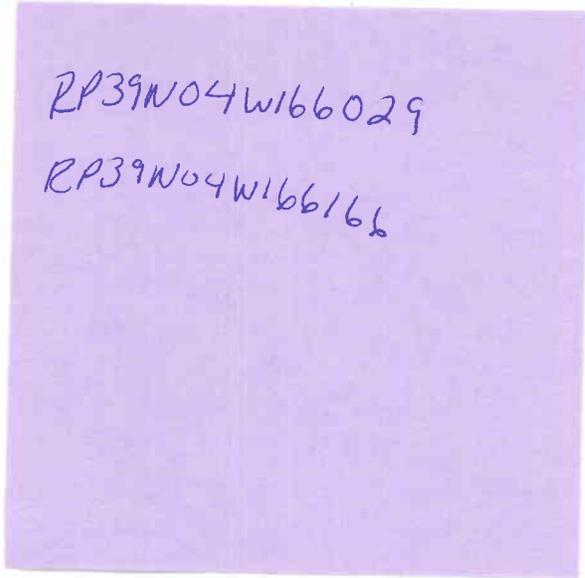
38-0000

39N 04W 16 6166

THORSON, JULI S
3570 HWY 8
TROY

ID 83871-9686

4.48 TAX #6556 SWSW
16 39 4



416401 Case No CV-95-00742 Donald J Sprenger, plaintiff vx Leeta

Ann Sprenger, defendant property to Donald J Sprenger 11-17-95

418937 WD 3-18-96 Donald J Sprenger, an unmarried person to Juli S Thorson
a married person as her sole and seperate property

482721 11-10-03 Juli A Thorson for America's Wholesale Lender

RP 39N04W166029 A

38-0000

THORSON, JULI S
7570 HWY 8
TROY

ID 83871-9686

N 8.72 AC SWSW LESS TAX #6556
16 39 4

39N 04W 16 SW 1/4 166029

419257 QC 4-5-96 Edward J Sala husband of Juli S Thorson to
Juli S Thorson, as her sole and separate property

1970 Contract - C.C. Sumner to Donald Sprenger
275641 W.D. 8-4-70 C.C. Sumner to Donald J. Sprenger
255948 WD 9-16-71 Selma Sumner, widow, to Donald J. Sprenger

363553 Divorce Decree 12-31-87 Donald J Sprenger vs Bonnie J Sprenger
property awarded to Donald J Sprenger

371651 QC 7-3-89 Jacqueline Marie Boston, formerly Jacqueline Marie Sprenger
to Donald James Sprenger

406019 QC 7-1-94 Donald J Sprenger to Donald J Sprenger or Leetta A
Sprenger

406281 QC 7-1-94 Donald J Sprenger to Donald J Sprenger and Leetta
A Sprenger

416401 Case No CV-95-00742 Donald J Sprenger, plaintiff vs Leetta Ann Sprenger, defendant property to Donald J Sprenger 11-17-95 **TAX#53**

418531 QC 2-22-96 Leetta A Sprenger to Donald J Sprenger, an unmarried pers

418937 WD 3-18-96 Donald J Sprenger, an unmarried person to Juli S Thorson
a married person as her sole and separate property

482720 QC 11-12-2003 Edward J Sala to Juli S Thorson, a married person as her sole and
separate property (*DESCRIBES 4.48 AC NOT ALL 11.82 AC*)

WARRANTY DEED

KNOW ALL BY THESE PRESENTS:

That DONALD J. SPRENGER, an unmarried person, in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other things of value, do hereby grant, bargain, sell, and convey unto JULI S. THORSON, a married person, as her sole and separate property, whose address is 3570 Hwy. 8 East, Troy, ID 83871, the following described real property situated in Latah County, state of Idaho, to-wit:

All that part of the SW1/4 of Section 16, Township 39 North, Range 4, W.B.M., lying North and West of State Highway 8.

SUBJECT TO rights of way for ditches, tunnels, and telephone and transmission lines constructed by authority of the U.S. as granted to the U.S. under the provisions of Section 58-604 and 47-701, Idaho Code.

SUBJECT TO easement to the Washington Water Power Company for electrical transmission line, as more fully set out in Book 5 of Leases and Agreements at pages 306 and 312 and for gas transmission pipe line in Book 12 of Leases and Agreements at page 108.

SUBJECT TO right of way granted to the state of Idaho, as shown in Suit No. 5615 of the District Court of Latah County, Idaho.

SUBJECT TO instructions as to sale of said property and distribution of funds, as more fully set out in that certain Decree of Divorce, under Recorder's Fee No. 416401.

TOGETHER WITH ALL AND SINGULAR, the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining.

The above named Grantor hereby covenants that the above described premises are free from all encumbrances, and he will and his heirs and personal representatives shall warrant and defend the

LAW OFFICES OF W.E. ANDERSON

JOHN W. WARDEN, P.A. Attorney at Law

above described premises against all lawful claims and demands, except for liens, encumbrances, covenants, and easements of record. DATED this 18 day of March, 1996.

Donald J. Sprenger

STATE OF IDAHO) County of Latah) ss.

On this 20 day of March, 1996, before me, the undersigned, a Notary Public in and for said State, personally appeared Donald J. Sprenger, known or identified to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and notarial seal on the date last above written.

Notary Public for Idaho Residing in Moscow, My commission expires



LAW OFFICES OF W.E. ANDERSON

JOHN W. WARDEN, P.A. Attorney at Law

NO. 418937

AT THE REQUEST OF LATAH COUNTY TITLE CO.

DATE & HOUR: 3/21/96 10:37 A.M.

SUSAN PETERSEN LATAH COUNTY RECORDER

FEES \$ 6.00 BY [Signature] 7/ LATAH COUNTY TITLE CO.

NEWS REVIEW PUBLISHING COMPANY

The Moscow-Pullman Daily News
P.O.Box 374
Lewiston, Idaho 83501
(208) 743-9411

Date 07/25/2009

INVOICE NO. 521553

Account No. 30010433

Description 521553NOTICE OFPUBLIC

Times 1

Lines 70

Tab. Lines _____

\$ 56.00

PO# _____

**LEGAL ADVERTISING
INVOICE**

SOLD TO: LATAH COUNTY COMMISSIONERS
P.O. BOX 8068
MOSCOW ID 83843

NOTICE: This is an invoice of Purchase made by you. Statement will be rendered the first of the month.
Please Retain This Invoice as Your Statement Will Refer to Invoice by No. Only.

AFFIDAVIT OF PUBLICATION

Tammy Colvin, Legal Clerk
being first duly sworn, on oath deposes
and says: I am the printer of
Moscow-Pullman Daily News, a newspaper
of general circulation, published daily
except Sunday at Moscow, Latah County,
Idaho, in compliance with Sections 60-106,
60-107, and 60-108 of the Idaho Code and the
amendments thereto; and an official newspaper
for Whitman County, Washington as required
by R.C.W. 36.72.071 and other provisions of
the Revised Code of Washington and the
amendments thereto: that the notice of which the
annexed is a full, true and correct printed
copy was published in the regular and entire
issues of said newspaper and not in a
supplement thereto, upon the following dates:

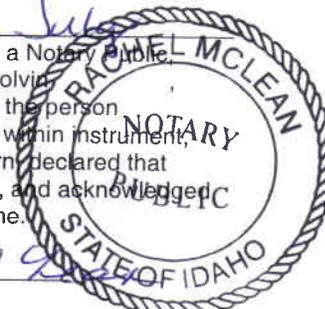
July 25, 2009

the same being the date designated for
the publication of said notice.

Tammy Colvin

On this 28th day of July
in the year of 2009, before me, a Notary Public,
personally appeared Tammy Colvin,
known or identified to me to be the person
whose name subscribed to the within instrument,
and being by me first duly sworn, declared that
the statements therein are true, and acknowledged
to me that he executed the same.

Rachel M. G...
Notary Public for Idaho,
Residing at Moscow, Idaho
My Commission Expires 4/30/15



521553

**NOTICE OF
PUBLIC HEARING
BEFORE THE
LATAH COUNTY
ZONING COMMISSION**
Wednesday, August 19, 2009
5:30 p.m.

The Latah County Zoning
Commission will hold a public
hearing on Wednesday Au-
gust 19, 2009 in Room 2-B of
the Latah County Courthouse,
Moscow, Idaho, to receive
comments on:

5:35 p.m. - RZ #796 -A request
by Juli Thorson to rezone 1-
acre of a 14-acre parcel from
Agriculture/Forest (A/F) to
Rural Residential (RR). The
property is located on High-
way 8, approximately 10 miles
east of the City of Moscow,
in Section 16, Township 39
North, Range 4 West, B.M., in
Latah County, and referenced
as Assessor's Parcel Num-
bers RP39N04W166616A and
RP39N04W166209A.

All interested parties are en-
couraged to attend the hear-
ing. Accommodations for
individuals who qualify under
the Americans with Disabili-
ties Act are available upon
request. Notice is required
in the Planning Office three
working days prior to the
hearing in order to acquire ac-
commodations.

The hearing will be held pur-
suant to the Latah County
Hearing Procedures Ordinance
and under authority of
the Idaho Local Planning Act,
the Latah County Comprehen-
sive Plan and the Latah County
Land Use Ordinance. The
Latah County Zoning Commis-
sion reserves the right to limit
the length of testimony.

Additional information on this
request, including full copies
of the proposal, is available
from the Planning and Build-
ing Department at the Latah
County Courthouse, Moscow,
Idaho. Phone (208) 883-7220.
Written comments will be ac-
cepted at the above office pri-
or to the public hearing.

Aimee Shipman
Associate Planner