

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, December 16, 2009
5:30 p.m.

The Latah County Zoning Commission will hold a public hearing on Wednesday, December 16, 2009 in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

5:30 p.m. – RZ #803 – A request by Constance DeWitt to rezone an approximately 13-acre parcel from Agriculture/Forest (A/F) to Rural Residential (RR). The property is located at 5182 Robinson Park Road, approximately 4 miles east of the City of Moscow in Section 01 of Township 39 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's Parcel Number RP39N05W011360A.

All interested parties are encouraged to attend the hearings. 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 hearings in order to acquire accommodations.

These hearings 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.

Drew Blankenbaker
Associate Planner

(This is a public service announcement only)

**CONSTANCE DEWITT
REZONE APPLICATION #803
STAFF REPORT**

BASIC FACTS:

A request by Constance DeWitt to rezone a 13.05-acre parcel from Agriculture/Forest (A/F) to Rural Residential (RR). The property is located at 5182 Robinson Park Road, approximately 4 miles east of the City of Moscow in Section 01, Township 39 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's Parcel Number RP39N05W011360A.

Site Characteristics:

Size of Parcel:	13.05 acres
Soils:	Spokane loam, 15 to 35% slopes Latah County Soil Survey Sheet #26
Floodplain:	Zone "C" (FIRM Panel # 160086 00245B)

Land Use and Regulations:

Comprehensive Plan Designation:	Rural
Existing Zoning:	Agriculture/Forest (A/F)
Existing Uses:	Residential
Neighboring Zoning:	Rural Residential (RR) and Agriculture/Forest (A/F)
Neighboring Uses:	Residential, CRP land, and Robinson Park

Infrastructure/Services:

Water:	Proposed Private Well
Sewer:	Proposed Private Septic System
Access:	Robinson Park Road, North Latah County Highway District
Schools:	Moscow School District #281
Fire Protection:	Moscow Rural Fire District
Law Enforcement:	Latah County Sheriff

EXHIBITS:

- Exhibit #1.** Staff Report
- Exhibit #1A.** Criteria Worksheet
- Exhibit #1B.** Vicinity and Comprehensive Plan Land Use Map
- Exhibit #1C.** Zoning Map
- Exhibit #1D.** Aerial Photo 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.** Site Plan (Submitted by Applicant)
- Exhibit #3.** Staff Introduction for Latah County Zoning Commission hearing for RZ 803 held on Dec. 16th, 2009

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, Zoning Ordinance

Latah County Land Use Ordinance:

- Section 3.01 Agriculture/Forestry 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 Constance DeWitt to rezone a 13.05-acre parcel from Agriculture/Forest (A/F) to Rural Residential (RR). The property is located at 5182 Robinson Park Road, approximately 4 miles east of the City of Moscow in Section 01, Township 39 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's Parcel Number RP39N05W011360A.

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 the property owner, Constance DeWitt, and submitted to the Planning and Building Department on November 17, 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 ensue 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

As stated in the Applicant's narrative, the proposed rezone would allow the Applicant to create one (1) new parcel of approximately 3 acres to accommodate an additional single family residence.

RZ# 803 Vicinity and Comprehensive Plan Land Use Map

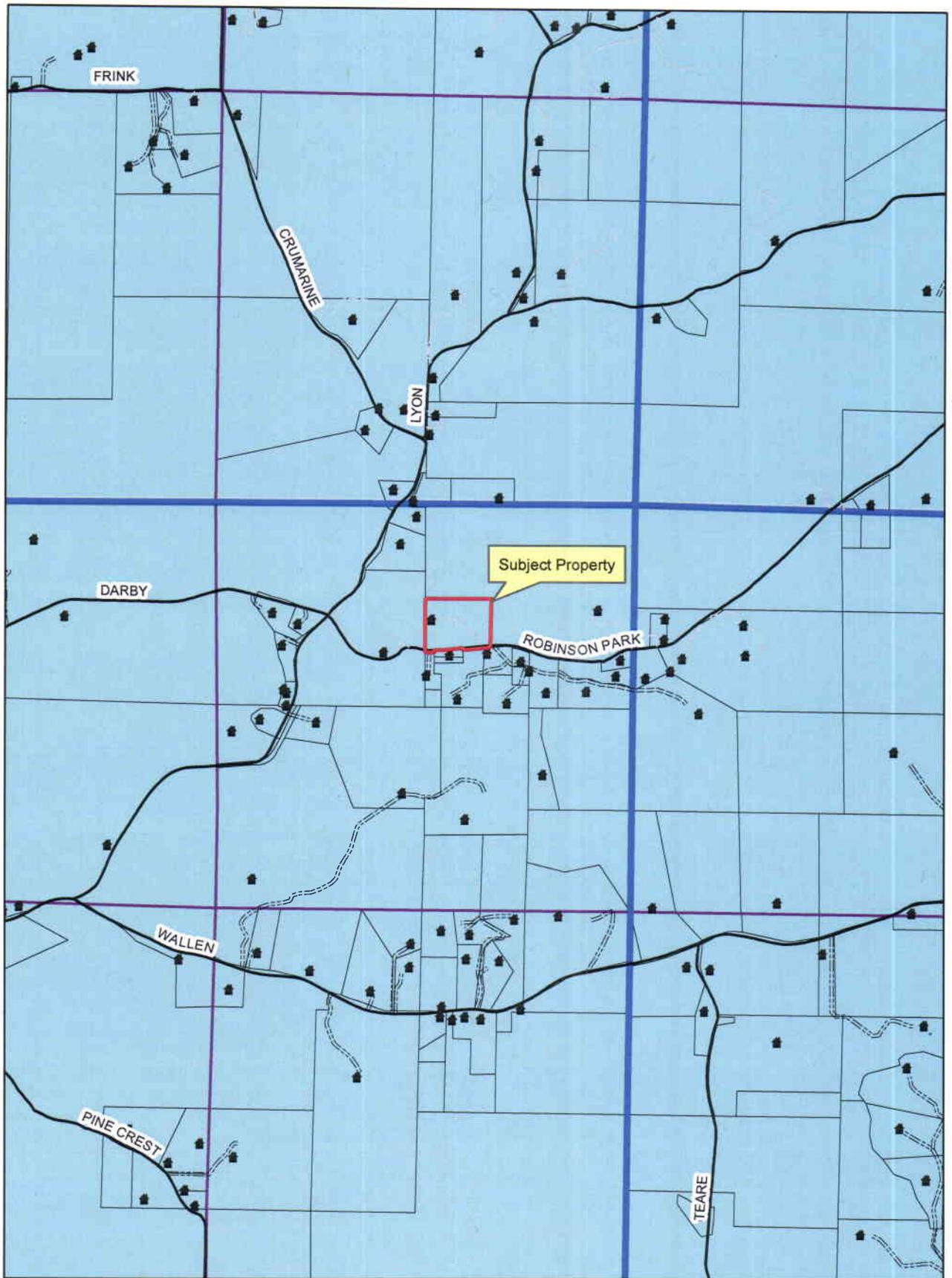


Legend

- Rural Addresses
- Parcel
- Subject Property

Comprehensive Plan

- Rural
- ICR
- Productive
- AOI



0.5 0.25 0 0.5 Miles

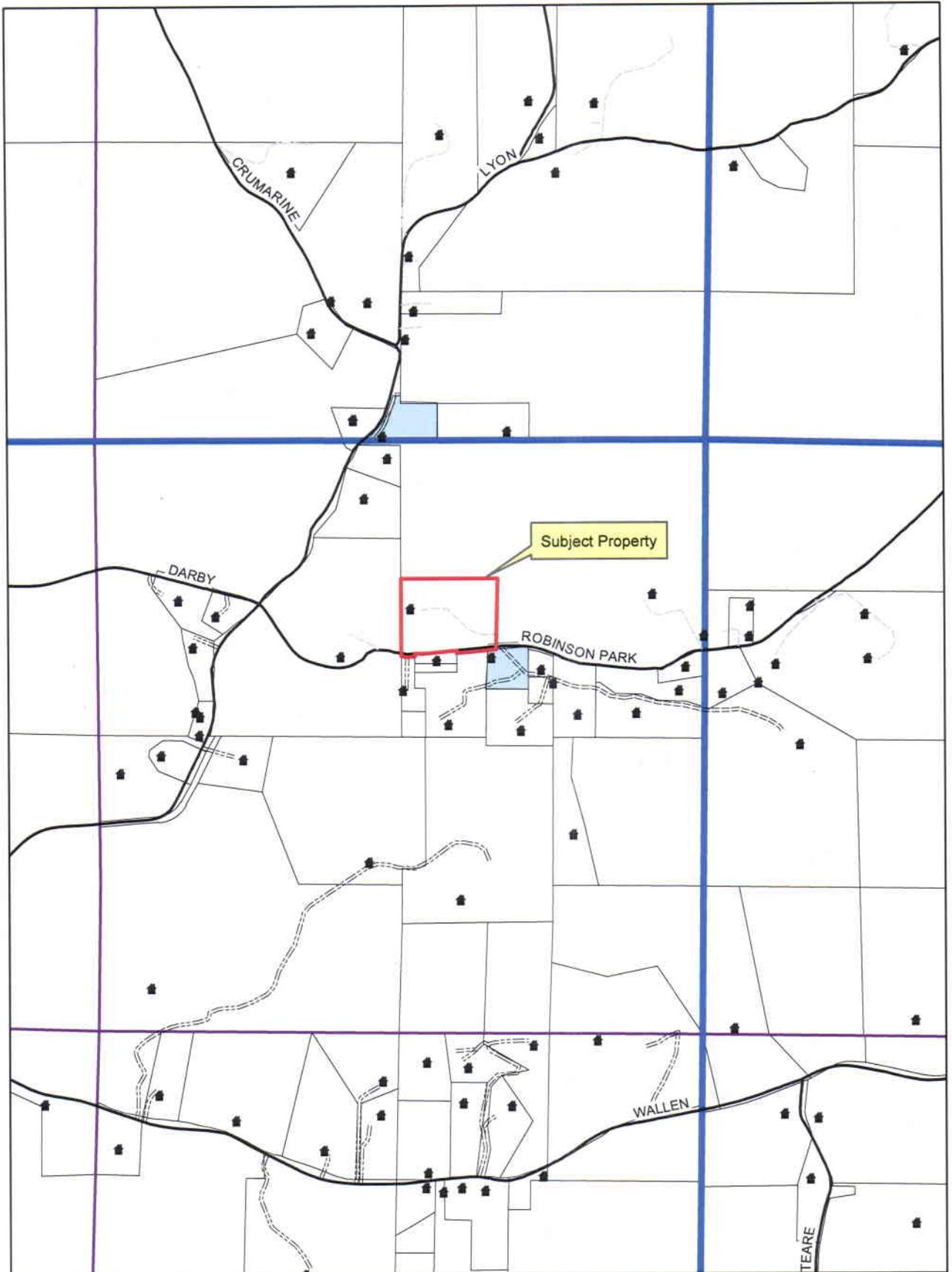


NOTE: This Document is a representation only.
Latah County bears no responsibility for errors or omissions.

*Created on 12/4/09 by DB

LCZC Hrg: **RZ 803**
Applicant: **DeWitt**
Exhibit #: **1B**
Date: **12/16/2009**

RZ #803 Zoning Map



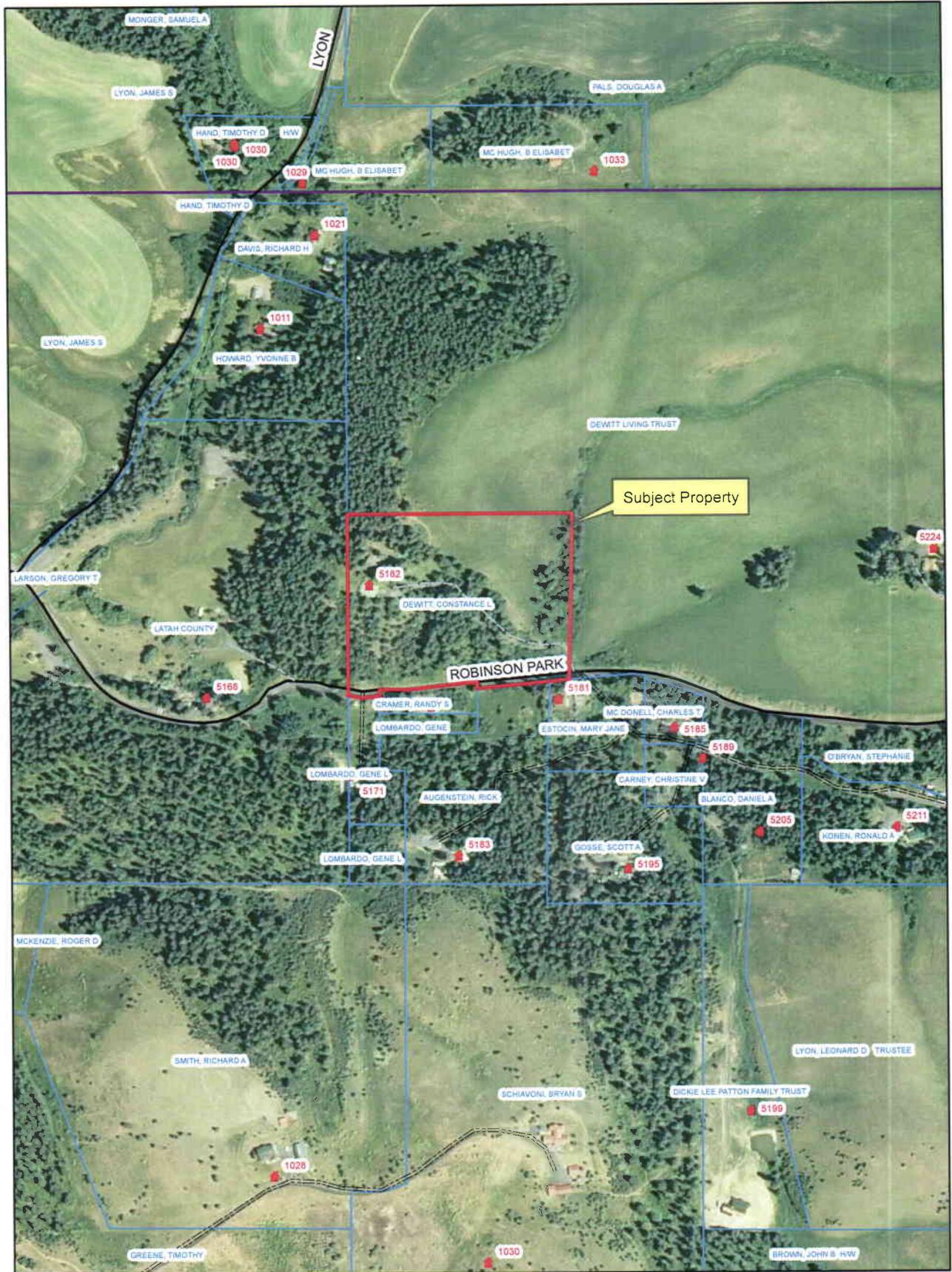
- Legend**
Zoning Districts
- Subject Property
 - Agriculture / Forestry
 - Rural Residential

NOTE: This Document is a representation only.
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 *Created on 12/4/09 by DB



LCZC Hrg: **RZ 803**
 Applicant: **DeWitt**
 Exhibit #: **1C**
 Date: **12/16/2009**

RZ# 803 Aerial Photo and Adjacent Property Owners Map



Subject Property

ROBINSON PARK



Legend

-  Rural Addresses
-  Parcel
-  Subject Property

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 *Created on 12/4/09 by DB



LCZC Hrg: RZ 803
 Applicant: DeWitt
 Exhibit #: 1D
 Date: 12/16/2009

Subject property access point on Robinson Park Rd. looking West



Subject property access at SE corner looking East

LCZC Hrg: RZ 803
Applicant: DeWitt
Exhibit #: 1E
Date: 12/16/2009



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 CONSTANCE L. DEWITT		B. Home Phone 208-882-1406		C. Work Phone N/A	
D. Mailing Address 5182 Robinson Park Rd		E. City Moscow		F. State ID	G. Zip Code 83843
H. Property Owner (if Different than Applicant) same		I. Home Phone		J. Work Phone	
K. Mailing Address		L. City		M. State	N. Zip Code
2. General Site Information					
A. Assessor's Parcel Number(s) RP 39N05W011360			B. Parcel Address (if Applicable) see above		
C. Acreage of Existing Parcel 13.05	D. Existing Zoning A-F	E. Comprehensive Plan Designation RURAL		F. Floodplain Designation(s) Zone C	G. FEMA Panel # 160086 0245B
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 ROBINSON PARK ROAD	
<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>					
L. Existing Uses Single family residence					
3. Service Provider Information (please attach additional information if requested)					
A. Fire District Moscow Fire District		B. Road District N. LATAH		C. School District Moscow	
D. Source of Potable Water (i.e. Water District or Private Well) Private Well			E. Sewage Disposal (i.e. Sewer District or Septic System) Septic		
4. Adjacent Properties Information					
A. Zoning of Adjacent Properties A-F, RURAL RESIDENTIAL			B. Existing Uses of Adjacent Properties CRP @ ROBINSON PARK RESIDENTIAL		
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 ADOL RESIDENT			
<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 Constance L. DeWitt			b. Date 11/15/09		
c. Signature of Property Owner (if Different than Applicant)			d. Date		
Date Received 11/17/09			Amount 300⁰⁰	Receipt No. 371827	By DB
RZ # 803	Date Determined Technically Complete 11/24/09		By DB		
Hearing Date December 16, 2009					
			<input checked="" type="checkbox"/> Fee: (\$300.00) Make checks payable to Latah County. ✓ <input checked="" type="checkbox"/> Completed Narrative Worksheet: See instructions on the Rezone Narrative Worksheet. ✓ <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. ✓ <input checked="" type="checkbox"/> Vicinity Map: The map should show the site location in relation to neighboring communities and natural features. ✓ <input checked="" type="checkbox"/> Assessor's Plat Map: Include a copy of that portion of the map that shows the subject parcel and adjoining parcels. ✓ <input type="checkbox"/> Other Attachments:		

LCZC Hrg: RZ 803
Applicant: DeWitt
Exhibit #: 2
Date: 12/16/2009



Rezone Narrative Worksheet

Application Information

Applicant's Name

Constance L DeWitt

Phone Number

208-882-1406

Purpose: To assist the Zoning Commission in making an informed decision regarding the applicant pursuant to the requirements of the Latah County Land Use Ordinance.

Instructions: Please respond to each section of this form. If you need more space, you may attach additional sheets to the worksheet.

Description of Proposal

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

I wish to sub divide an existing 13.05 acre parcel to accommodate an additional single family dwelling.

Existing Uses of Property

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

There is currently a single family dwelling and a shop on the property.

Consistency Requirements

Please respond to each of the five criteria listed in Section 6.01.02 of the Latah County Land Use Ordinance by explaining how your proposal meets each criteria. If the provided space is insufficient, please attach your responses to this packet.

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 rezone is requested so that my daughter can build an additional single family dwelling.

The current property is within a rural residential area. The surrounding agricultural property is owned by a relative and considered less productive soil.

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

The public benefit includes maintaining a fire break which currently exists between the property and a county park facility. There will be no cost imposed upon the public since the fire break is now and will continue to be maintained by the property owners. Additional occupants on the property would lessen the fire threat by having more resources available in the event of brush fire.

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

The proposed dwelling will sit within several hundred feet of the current dwelling; all public services would be the same as for the existing dwelling.

4. The rezone shall not be a spot zone.

Planned use of the rezone will not differ from the current zoned land use: this includes similar residential properties and agricultural land. No private gain will be recognized by the individual requesting rezone.

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

The objectives of the Comprehensive Plan will be met by maintaining community traditions and values. The rezone is requested so that a family dwelling can be constructed in part to provide additional resources for the current property owner, an elderly family member. The new residents plan to work in Latah County. Current agriculture and forest land will be maintained. All efforts will be made to preserve the rural character of the property.

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.

a. Community Design Element

Commercial development is N/A. Only one additional single family dwelling is proposed to the 13 acre parcel.

b. Population Element

No additional burden to infrastructure is anticipated. Additional residents will be served by existing public services. No environmental features will be negatively impacted.

c. Housing Element

Energy efficient criteria will be met as much as possible. All construction will conform to current building codes and public health standards.

d. Economic Development Element

Current agricultural land is considered less productive soil, will not be impacted. Again, only one additional dwelling is proposed. No mining operations are proposed.

e. Public Services, Facilities, and Utilities Element

Proposed dwelling should not impact county services or facilities - already available to current property owner. Parcel is self contained with existing well and on site septic.

f. School Facilities and Student Transportation Element

Single family dwelling proposed (no children involved). No burden will be imposed on the school district.

g. Transportation Element

Existing private access road will be used and maintained by owners. Proposed dwelling will not be in close proximity to public road.

h. Natural Resource Element

Proposed rezone not in a floodplain. Wooded area will be minimally impacted by construction. Plan to minimize impervious surface so groundwater will not be impacted. Plan to allow natural drainage without excessive runoff.

i. Special Areas Element

Scenic area will be maintained.
No historic buildings.

j. Hazardous Areas Element

Floodplain N/A. As noted previously, fire break is maintained by owner.

k. Recreation Element

Personal recreation use only. Proposed dwelling will not encroach on Robinsm Park.

l. Land Use Element

Current property is designated rural. One additional dwelling complies with low density residential development.

m. Property Rights Element

No impact on private property rights is anticipated

VICINITY MAP

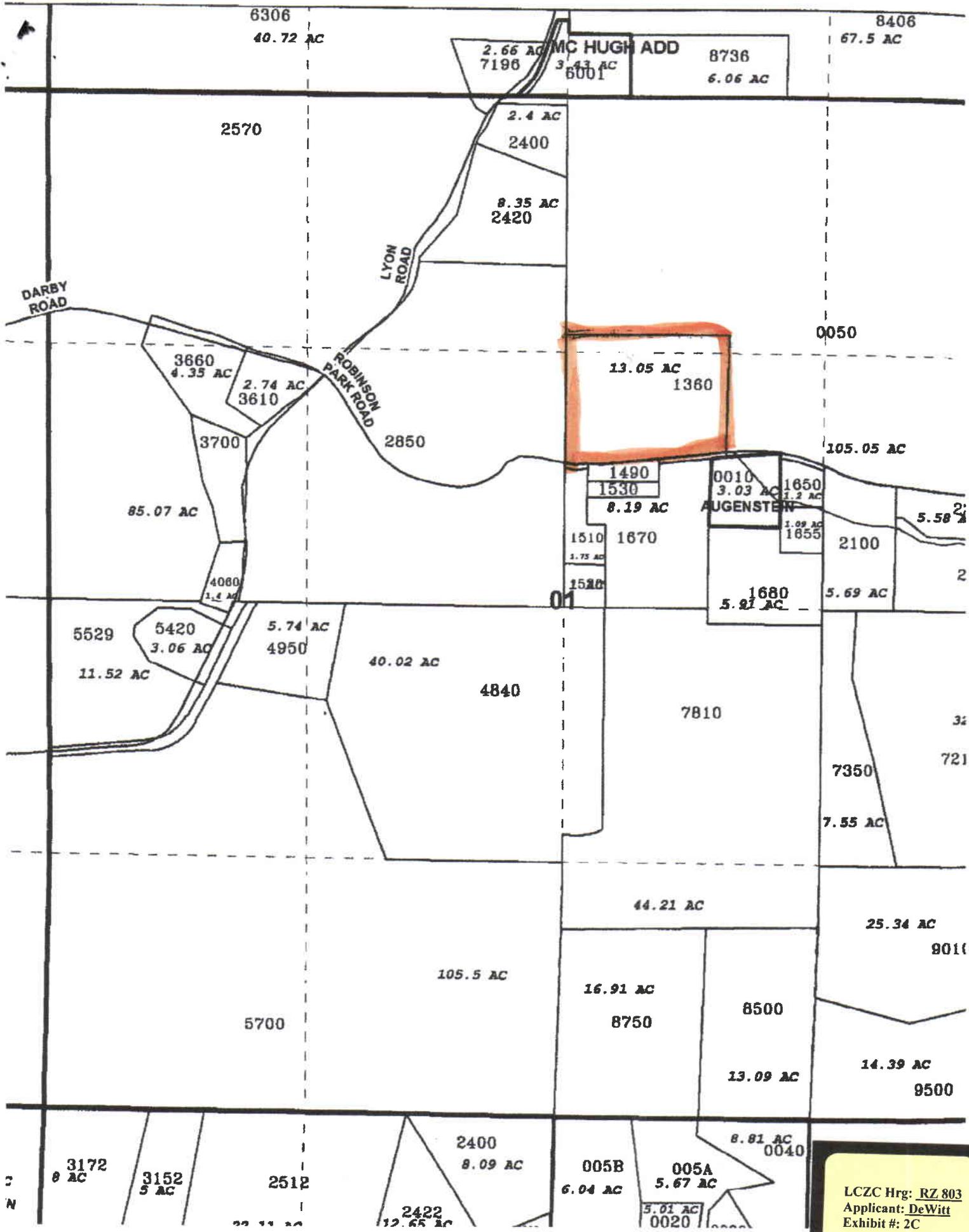


5182 Robinson Park Rd, Moscow, ID 83843

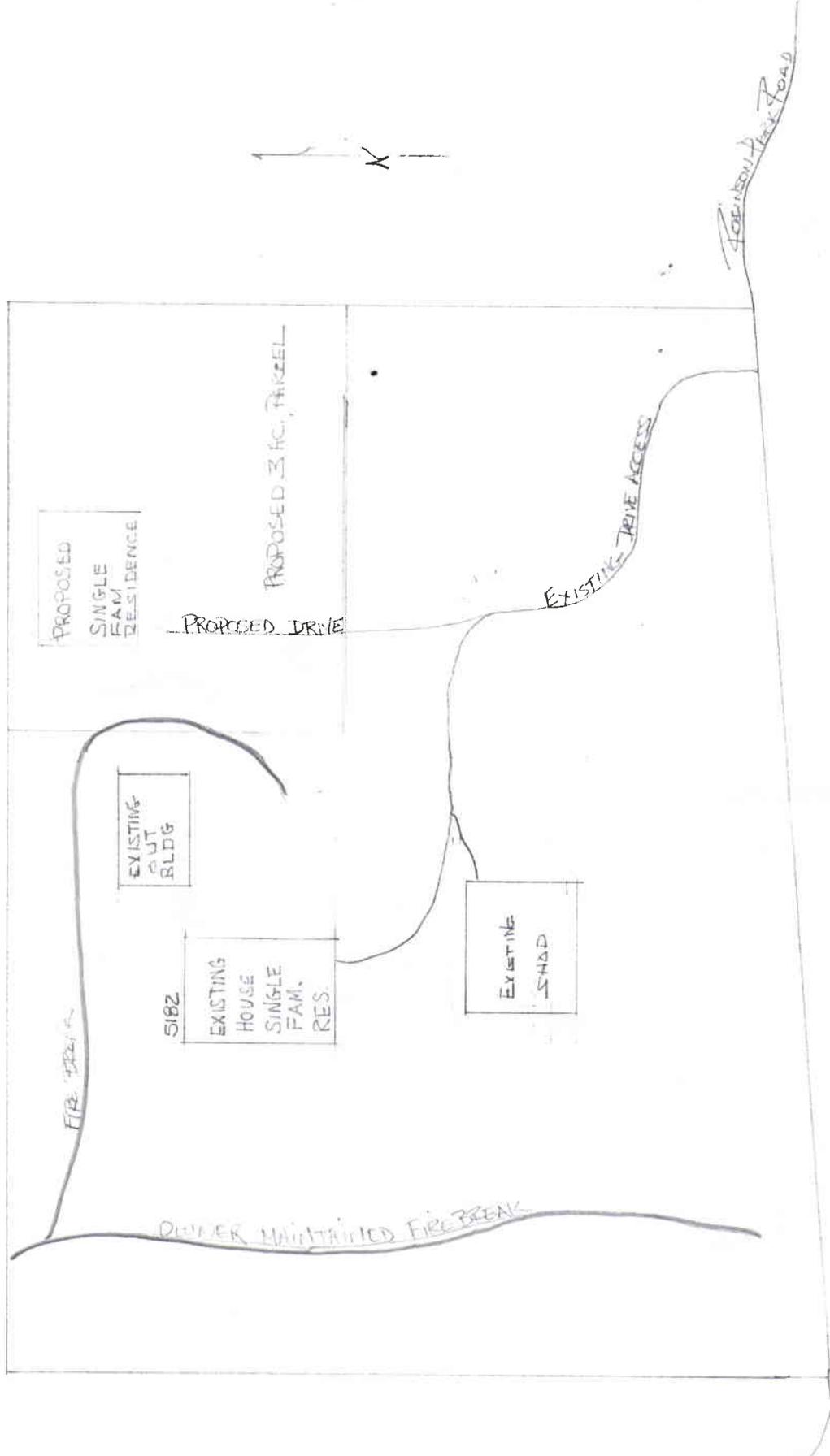


Google Earth: Directions

LCZC Hrg: RZ 803
Applicant: DeWitt
Exhibit #: 2B
Date: 12/16/2009



LCZC Hrg: RZ 803
 Applicant: DeWitt
 Exhibit #: 2C
 Date: 12/16/2009



LCZC Hrg: RZ 803
 Applicant: DeWitt
 Exhibit #: 2D
 Date: 12/16/2009

REDONE SITE PLAN CONSTANCE DE WITT 5182 ROBINSON PARK ROAD PARCEL # RP39N05W111B00

STAFF INTRODUCTION-RZ 803

A request by Constance DeWitt to rezone a 13.05-acre parcel from Agriculture/Forest (A/F) to Rural Residential (RR). The property is located at 5182 Robinson Park Road, approximately 4 miles east of the City of Moscow in Section 01, Township 39 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's Parcel Number RP39N05W011360A.

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The following exhibits will now be entered into the record:

EXHIBITS:

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That is all staff has unless the Commission has questions.

LCZC Hrg: RZ 803
Applicant: DeWitt
Exhibit #: 3
Date: 12/16/2009