

**DANIEL AND LINDA ROGERS
REZONE APPLICATION #805
STAFF REPORT**

BASIC FACTS:

A request by Daniel and Linda Rogers to rezone an 8.46-acre parcel from Agriculture/Forest (A/F) to Rural Residential (RR). The property is located at 1111 Four Mile Road approximately .9 miles east of Viola, Idaho, in Section 6, Township 40 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's Parcel Numbers RP40N05W066012A, RP40N05W067356A and RP40N05W067506A.

Site Characteristics:

Size of Parcel:	8.46 acres
Soils:	Southwick silt loam, 12 to 25% slopes Latah County Soil Survey Sheet #21
Floodplain:	Zone "C" (FIRM Panel # 160086 0140B)

Land Use and Regulations:

Comprehensive Plan Designation:	Residential/commercial/industrial
Existing Zoning:	Agriculture/Forest (A/F)
Existing Uses:	Agriculture
Neighboring Zoning:	Rural Residential (RR) and Agriculture/Forest (A/F)
Neighboring Uses:	Residential and Agriculture

Infrastructure/Services:

Water:	Proposed Private Well
Sewer:	Proposed Private Septic System
Access:	Four Mile 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 805 held on Feb. 3rd, 2010

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 Daniel and Linda Rogers to rezone an 8.46-acre parcel from Agriculture/Forest (A/F) to Rural Residential (RR). The property is located at 1111 Four Mile Road approximately .9 miles east of Viola, Idaho, in Section 6, Township 40 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's Parcel Numbers RP40N05W066012A, RP40N05W067356A and RP40N05W067506A.

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, Linda Rogers, and submitted to the Planning and Building Department on January 7, 2010.

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 applicant's request to rezone an approximately 8.46-acre parcel should have included an additional adjacent 1-acre parcel. The approximately 1-acre parcel is located to the north of the subject request and is included in Assessor's Parcel Number RP040040506002A. The approximately 1-acre parcel was purchased after the approved rezones, RZ# 643 and RZ# 656, and remained zoned Agriculture/Forest. To provide clarification to the subject request, this application for rezone should be for an approximately 9.46-acre parcel and should include parcel number RP040040506002A.

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

RZ# 805 Vicinity and Comprehensive Plan Land Use Map

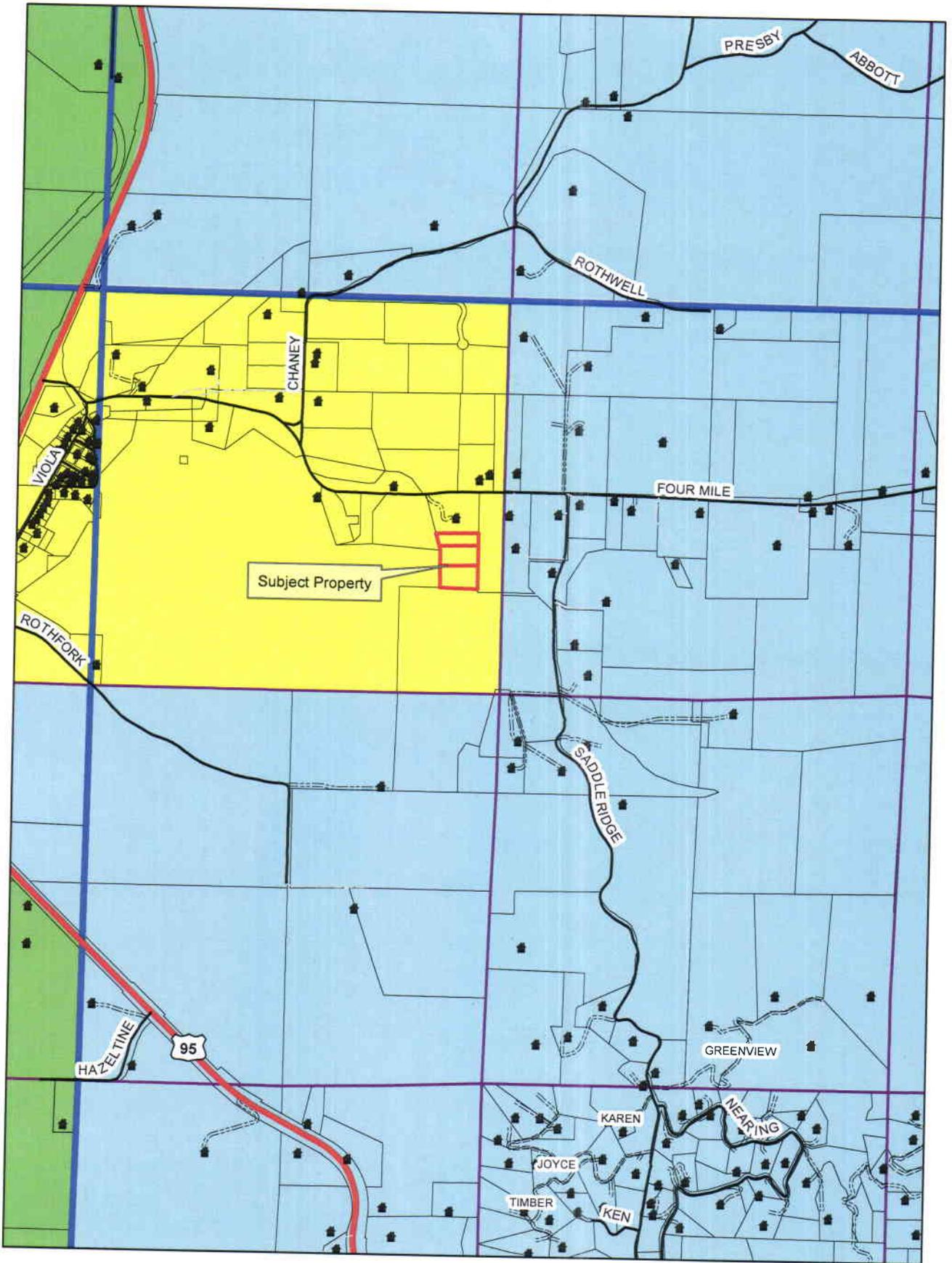


Legend

- Rural Addresses
- Parcel
- Subject Property

Comprehensive Plan

- Rural
- ICR
- Productive
- AOI

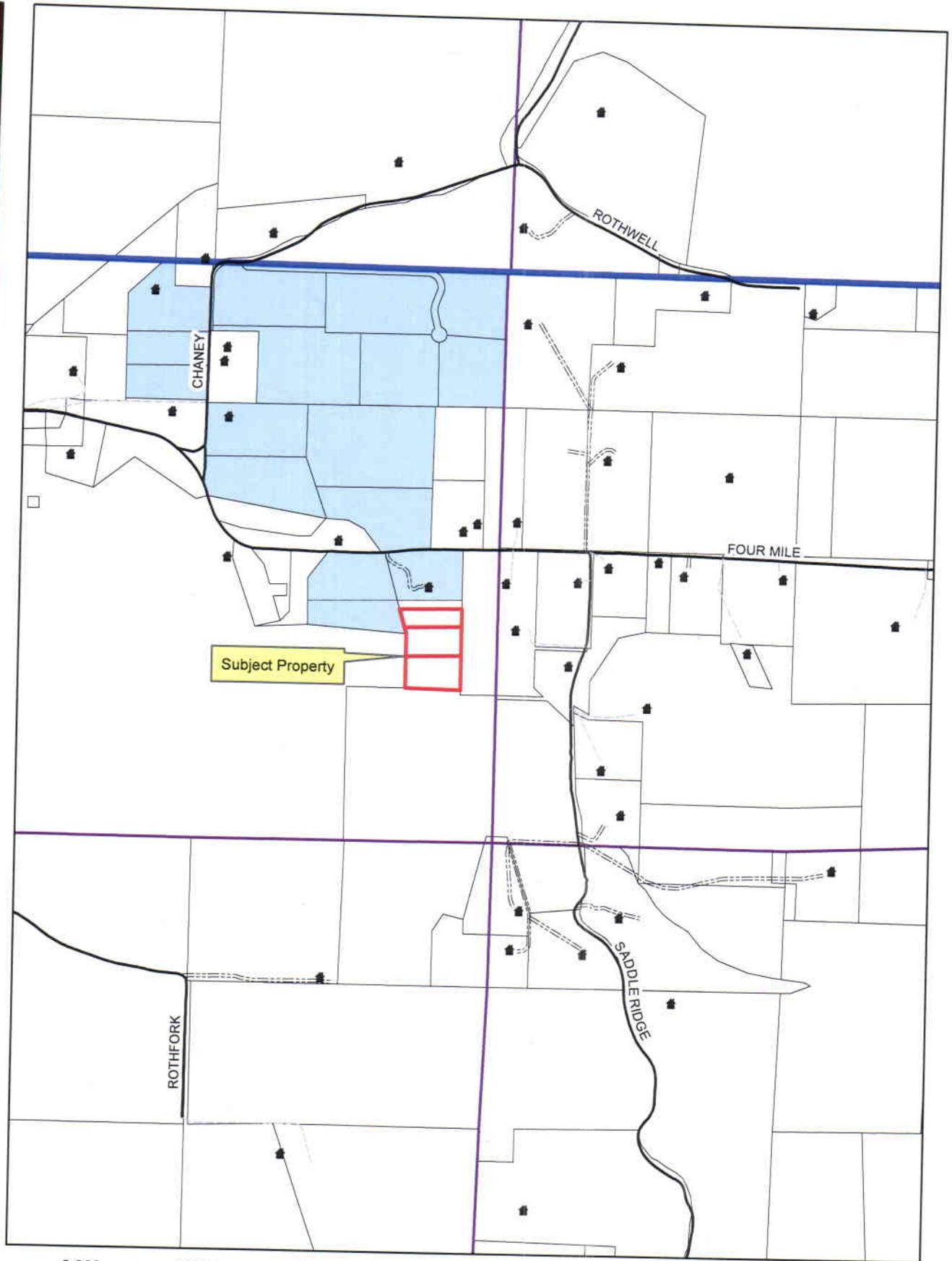


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*Created on 1/19/10 by DB

LCZC Hrg: RZ 805
 Applicant: Rogers
 Exhibit #: 1B
 Date: 2/3/2010

RZ #805 Zoning Map



Subject Property

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

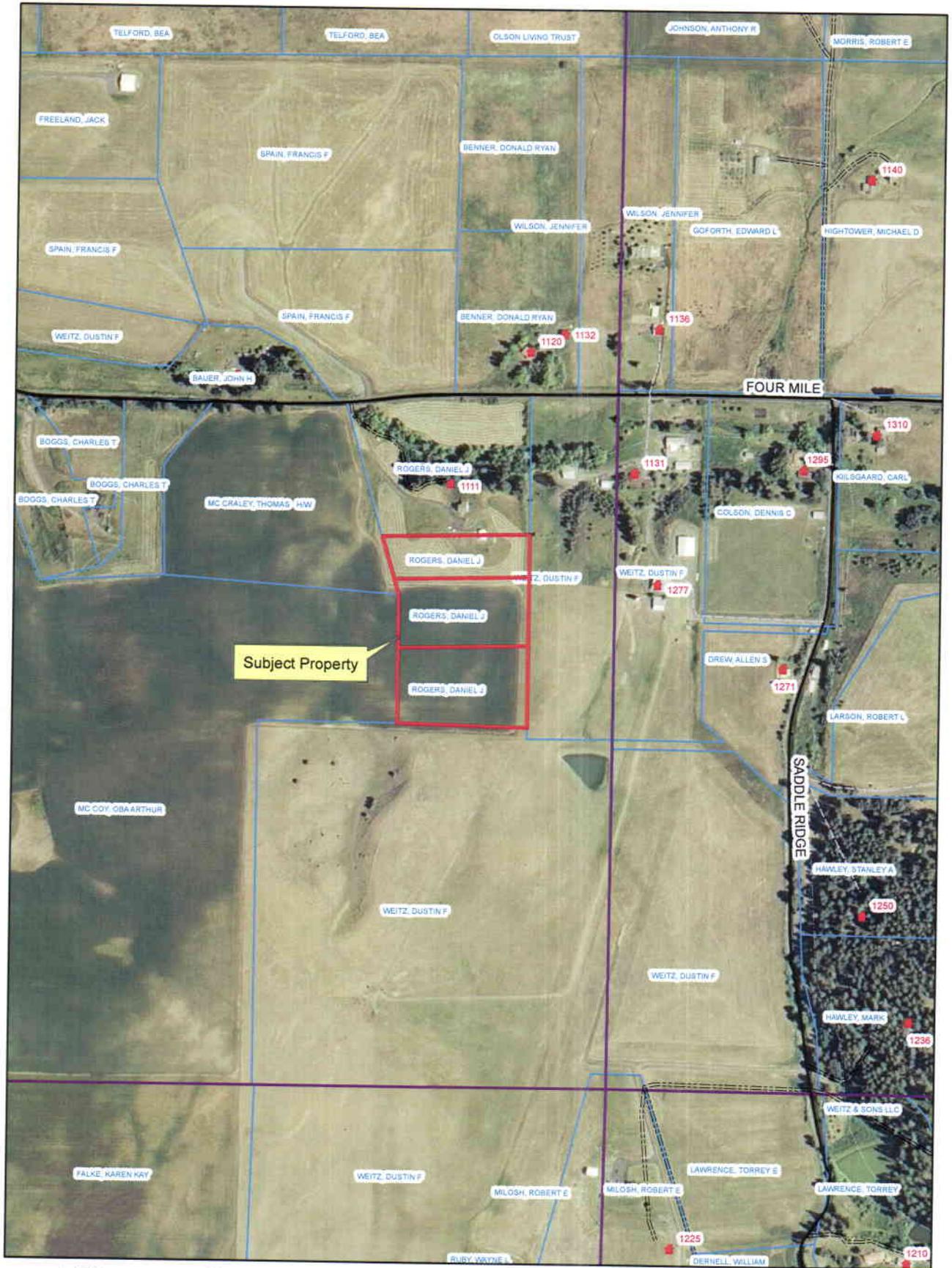
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LCZC Hrg: RZ 805
 Applicant: Rogers
 Exhibit #: 1C
 Date: 2/3/2010

RZ# 805 Aerial Photo and Adjacent Property Owners Map



Legend

-  Rural Addresses
-  Parcel
-  Subject Property



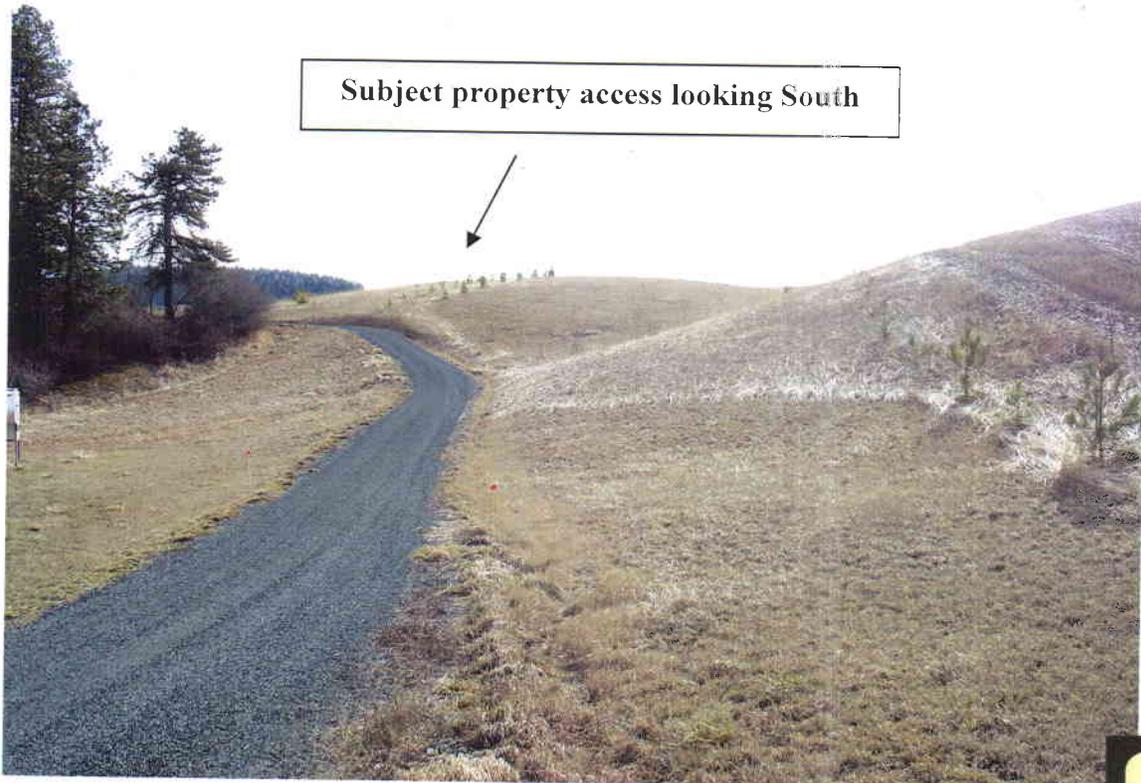
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 Applicant: Rogers
 Exhibit #: 1D
 Date: 2/3/2010

Subject property access point
along Four Mile Rd. looking west



Subject property access looking South



LCZC Hrg: RZ 805
Applicant: Rogers
Exhibit #: 1E
Date: 2/3/2010



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 Daniel J. and Linda L. Rogers		B. Home Phone 208-882-7198	C. Work Phone Linda 882-0228
D. Mailing Address PO Box 99		E. City Viola	F. State ID
H. Property Owner (If Different than Applicant)		G. Zip Code 83872	I. Home Phone
K. Mailing Address		J. Work Phone	L. City
		M. State	N. Zip Code

2. General Site Information			
A. Assessor's Parcel Number(s) RP 40N05W066012A RP 40N05W067356A RP 40N05W067506A		B. Parcel Address (If Applicable) 1111 Four Mile Road, Viola	
C. Acreage of Existing Parcel 8.46 ac	D. Existing Zoning Ag Forestry	E. Comprehensive Plan Designation ICR	F. Floodplain Designation(s) Zone C
H. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.		I. Impact City N/A	G. FEMA Panel # 160086 0140B
J. Road Used to Access Site Four Mile Road			
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.			
L. Existing Uses Hay Field and Wheat (crop) field			

3. Service Provider Information (please attach additional information if requested)		
A. Fire District MOSCOW	B. Road District 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 system

4. Adjacent Properties Information	
A. Zoning of Adjacent Properties Ag For/RR-5/RR	B. Existing Uses of Adjacent Properties homesites, cow pasture, crop land

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 Desire to have a building permit for parcel adjacent to current short plat

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.

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.		All attachments should be reproducible in black and white at 8 1/2" x 11"	
a. Signature of Applicant Linda Rogers	b. Date 11-22-09	<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.
c. Signature of Property Owner (If Different than Applicant)	d. Date	<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 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:

Office Use Only			
Date Received 1-7-10	Amount 300-	Receipt No. 371863	By AS
RZ # 805	Date Determined Technically Complete 1-7-10	By AS	
Hearing Date February 3, 2010			



Rezone Narrative Worksheet

Application Information

Applicant's Name

Dan and Linda Rogers

Phone Number

208-882-7198

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.

Desire to Rezone from Ag Forestry to Rural Residential in order to allow an additional homesite on property ~~adjoining~~ ^{an} adjoining a current short plat

Existing Uses of Property

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

farmed

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.

there are many homesites in the area - .9 mile from Viola so location is fairly close to a town

The smallest acreage site within close proximity is a five acre parcel. Some homesites range upwards to 100 acres.

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Applicant: Rogers
Exhibit #: 2A
Date: 2/3/2010

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

No cost is imposed on the public. This will create an additional homesite for increased tax income when it is developed in the future.

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

No public services would be needed in addition to what is already provided.

4. The rezone shall not be a spot zone.

The area has already been approved for several smaller parcels. It would be consistent with current zoning.

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

Rural acreage homesites within an area of similar homesites fits smoothly into the rural Latah County Comp. Plan.

It is consistent with orderly, planned development of rural countryside adjacent to a surfaced county road like Four Mile Rd.

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

It will preserve the rural character of Latah County - homesites of several acres in an area of similar use.

b. Population Element

This rezone would not encourage high density development. Only one single family would be on this parcel.

c. Housing Element

Housing would be safe, adequate and attractive by following conformity to building codes and public health standards.

d. Economic Development Element

Acreage would not be used for industrial and commercial uses. Acreage would allow someone to grow their own produce and raise animals.

e. Public Services, Facilities, and Utilities Element

Rezone would not require any cost to Latah County. No public services would be required of the county - such as water, sewer or road development.

f. School Facilities and Student Transportation Element

The school bus already services Four Mile Road. Would add maybe one or two students to MSD to increase ADA for State funding. Long sight lines for bus service - safe.

g. Transportation Element

Parcel is close to highway 95 (.9 miles from it) and is adjacent to an asphalted Four Mile Road. Residents would not contribute to dust issues. The road is improved already to handle any more traffic created by one home.

h. Natural Resource Element

Rezone and home would not impact any wetlands or animal corridors. Should actually enhance area for wildlife with plantings instead of a crop field.

i. Special Areas Element

No historic buildings, no native grasslands, etc. on this parcel.

j. Hazardous Areas Element

Not a hazardous area

k. Recreation Element

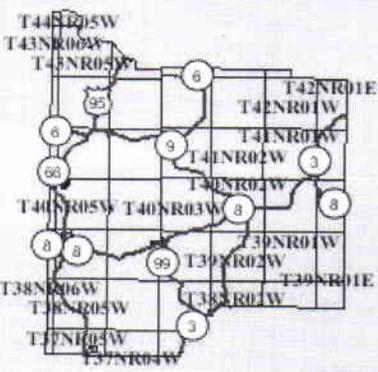
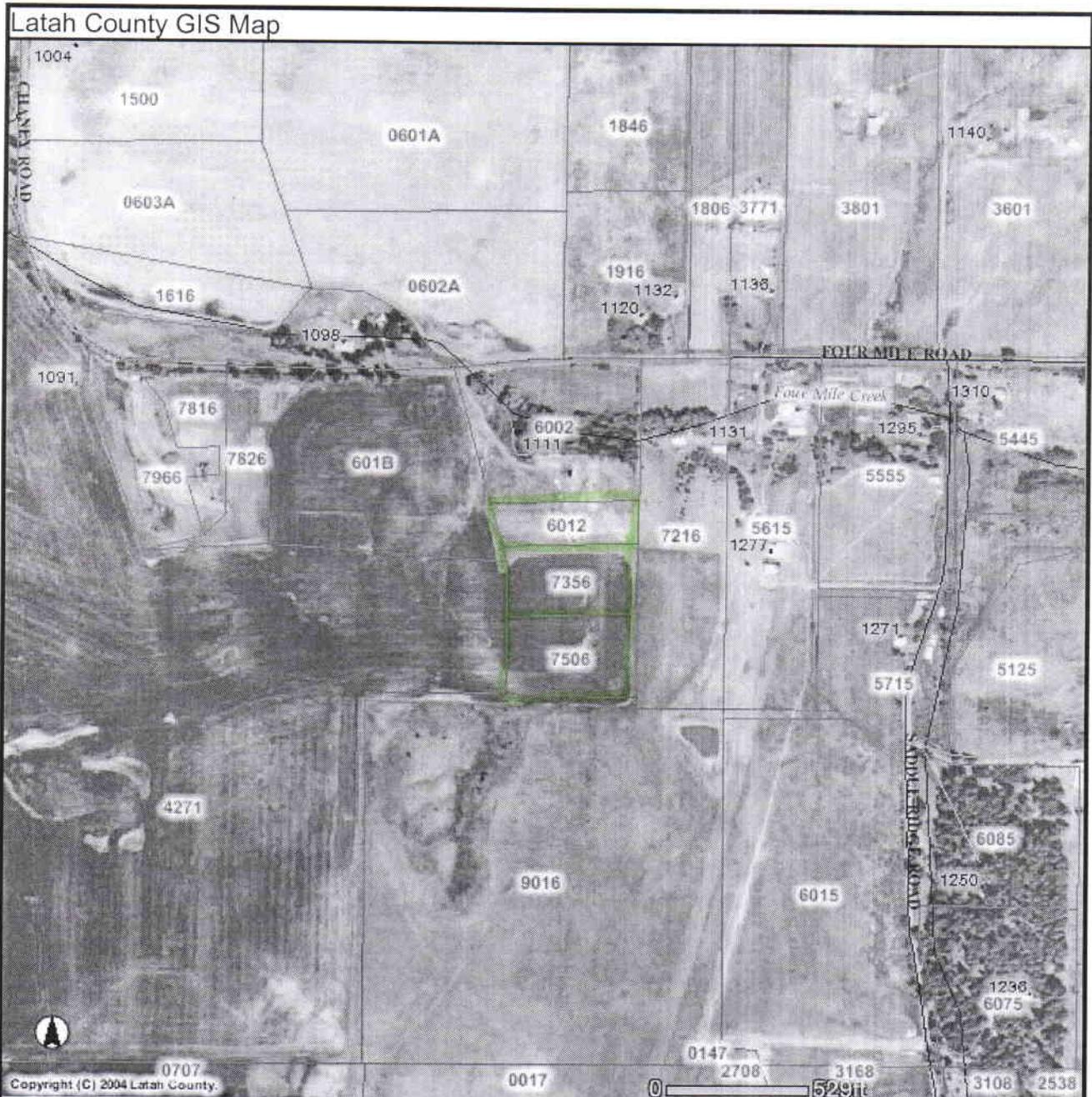
Would not be a recreational area

l. Land Use Element

Acreage is not easily farmed by large equipment since it is surrounded on three sides by pasture and hayfields.

m. Property Rights Element

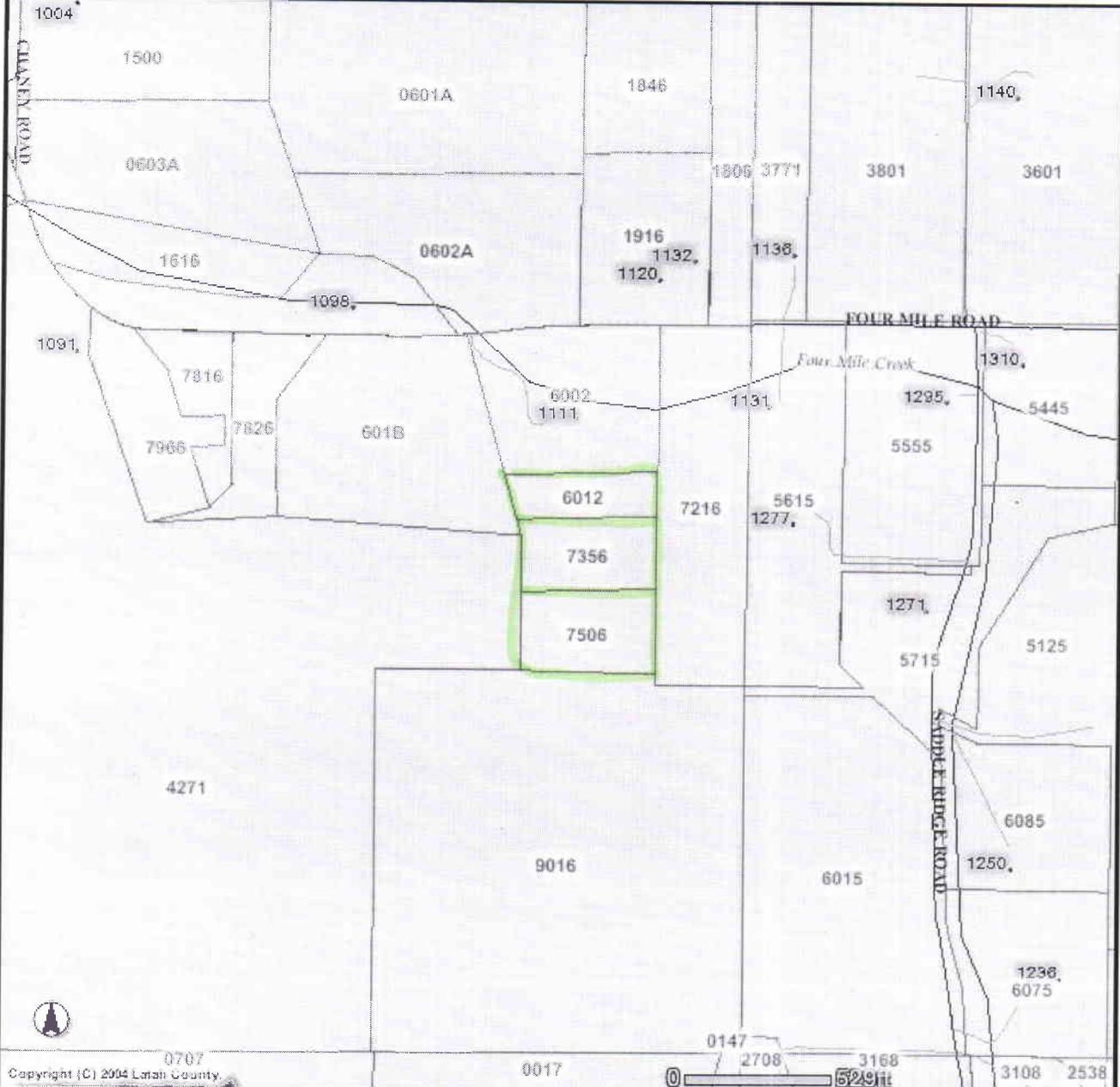
Rezoning this property to Rural Residential for one homesite will not violate neighbors' private property rights.



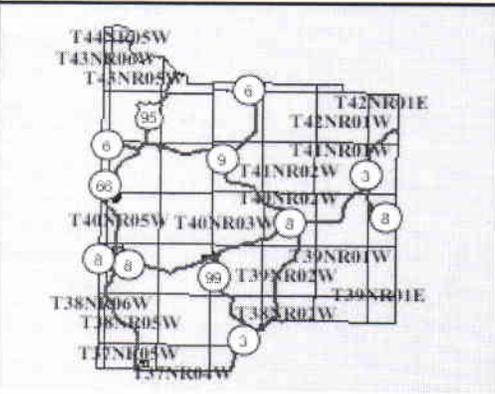
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LCZC Hrg: RZ 805
 Applicant: Rogers
 Exhibit #: 2B
 Date: 2/3/2010

Latah County GIS Map

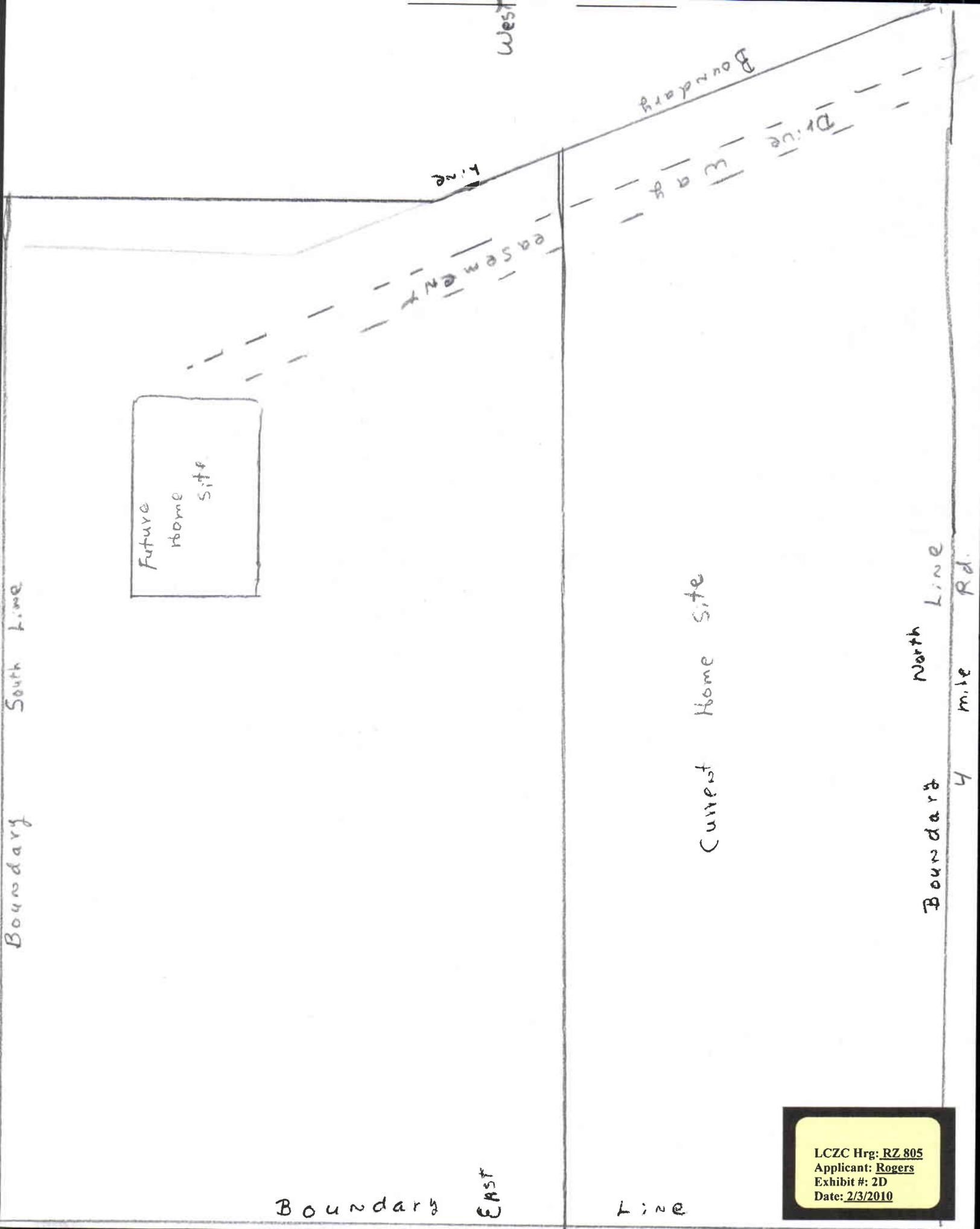


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LCZC Hrg: RZ 805
 Applicant: Rogers
 Exhibit #: 2C
 Date: 2/3/2010



LCZC Hrg: RZ 805
 Applicant: Rogers
 Exhibit #: 2D
 Date: 2/3/2010

STAFF INTRODUCTION-RZ #805

A request by Daniel and Linda Rogers to rezone an 8.46-acre parcel from Agriculture/Forest (A/F) to Rural Residential (RR). The property is located at 1111 Four Mile Road approximately .9 miles east of Viola, Idaho, in Section 6, Township 40 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's Parcel Numbers RP40N05W066012A, RP40N05W067356A and RP40N05W067506A.

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The following exhibits will now be entered into the record:

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
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- Exhibit #3 : Staff Introduction for Latah County Zoning Commission hearing for RZ #805 held on February 3rd, 2010.

That is all staff has unless the Commission has questions.

LCZC Hrg: RZ 805
Applicant: Rogers
Exhibit #: 3
Date: 2/3/2010