

STAFF INTRODUCTION-RZ #813

A request was made by Dustin Weitz to rezone approximately 50-acres from Agriculture/Forest to Rural Residential. The property is located west of Saddle Ridge Road and 1500 feet south of Four-Mile Road, in Sections 06 and 07, Township 40 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's parcel numbers RP40N05W069016A and RP40N05W070017A.

1) Section 6.01.02 states, "the Zoning Commission may recommend the Board of Latah County Commissioners approval of a rezone application if the Zoning 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.

2) 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 the Latah County Land Use Ordinance #269, as amended. The Commission may also recommend approval for applications not meeting the criteria listed above if the Zoning Commission finds that the rezone is essential to the public health, safety, or welfare.

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
- 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 #2E : Letter requesting hearing postponement (Submitted by Applicant)
- Exhibit #3 : Staff Introduction for Latah County Zoning Commission hearing for RZ #813 held on June 2nd, 2010.

That is all staff has unless the Commission has questions.

**DUSTIN WEITZ
REZONE APPLICATION #813
STAFF REPORT**

BASIC FACTS:

A request by Dustin Weitz to rezone approximately 50-acres from Agriculture/Forest to Rural Residential. The property is located west of Saddle Ridge Road and 1500 feet south of Four-Mile Road, in Sections 06 and 07, Township 40 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's parcel numbers RP40N05W069016A and RP40N05W070017A.

Site Characteristics:

Size of Parcels:	Approximately 50 acres of (2) two parcels totaling 71.14 acres
Soils:	Vassar Silt Loam, 5 to 20% slopes Vassar Silt Loam , 35% to 65% slopes Latah County Soil Survey Sheets #17 and 22 (FIRM Panel # 160086 0135B)
Floodplain:	

Land Use and Regulations:

Comprehensive Plan Designation:	Residential/Commercial/Industrial RP40N05W069016A Rural RP40N05W070017A
Existing Zoning:	Agriculture/Forest (A/F)
Existing Uses:	Agriculture
Neighboring Zoning:	Agriculture(A/F), Rural Residential (Pending Development Agreement and BOCC Motion and Order RZ 805)
Neighboring Uses:	Residential and Agriculture

Infrastructure/Services:

Water:	Proposed Private Wells
Sewer:	Proposed Private Septic Systems
Access:	Saddle Ridge 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 #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 2E	: Letter requesting hearing postponement (Submitted by Applicant)
Exhibit #3	: Staff Introduction for Latah County Zoning Commission hearing for RZ #813 held on June 2nd, 2010.

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 from Agriculture Forestry to Rural Residential

Description of Application:

Dustin Weitz submitted an application to rezone approximately 50-acres from Agriculture/Forest to Rural Residential. The property is located west of Saddle Ridge Road and 1500 feet south of Four-Mile Road, in Sections 06 and 07, Township 40 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's parcel numbers RP40N05W069016A and RP40N05W070017A.

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 completed rezone application was submitted to the Latah County Planning and Building Department on May 3, 2010. The rezone application was signed by the property owner, Dustin Weitz.

2) Section 6.01.02 states that the Zoning Commission may recommend the Board of Latah County Commissioners approval of a rezone application if the Zoning 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 these 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 Zoning 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 Idaho Code §67-6511A. The creation, form, recording, modification, enforcement, and termination of conditional commitments are governed as follows:

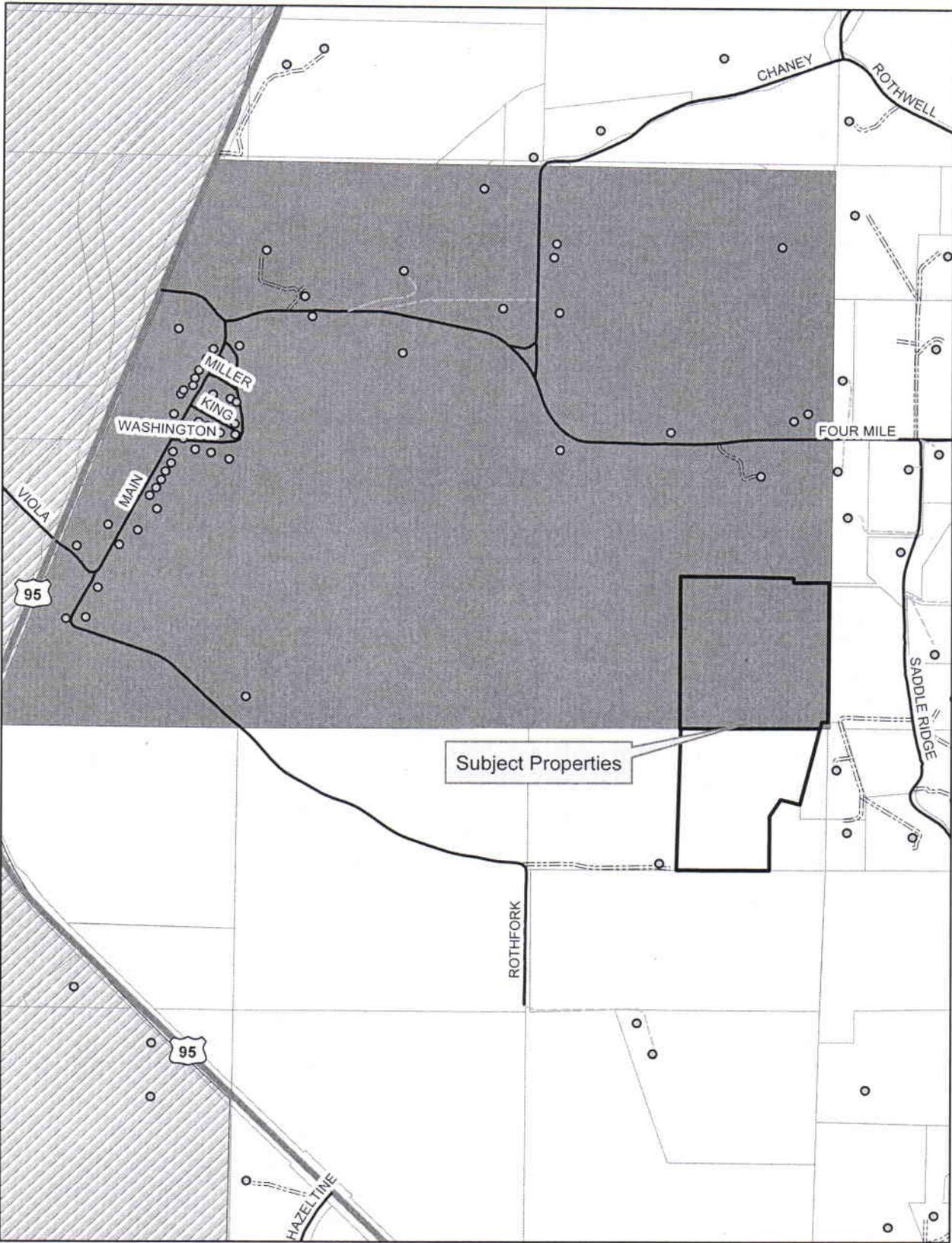
- A. The Board of Latah County Commissioners may require the developer to make a written commitment regarding the specific use and development of the subject property. If required by the Board of Latah County Commissioners, these commitments or conditions shall be considered part of the basis for approval.
- B. The terms of the written agreement shall be specified in the Board of Latah County Commissioners' written decision. If the Board of Latah County Commissioners 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 of Latah County Commissioners 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 of Latah County Commissioners 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 of Latah County Commissioners 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.

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 of Latah County Commissioners 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

RZ 813 Comprehensive Plan Map

Planning & Building Department



- Comprehensive Plan**
- AOI
 - ICR
 - PRODUCTIVE
 - RURAL

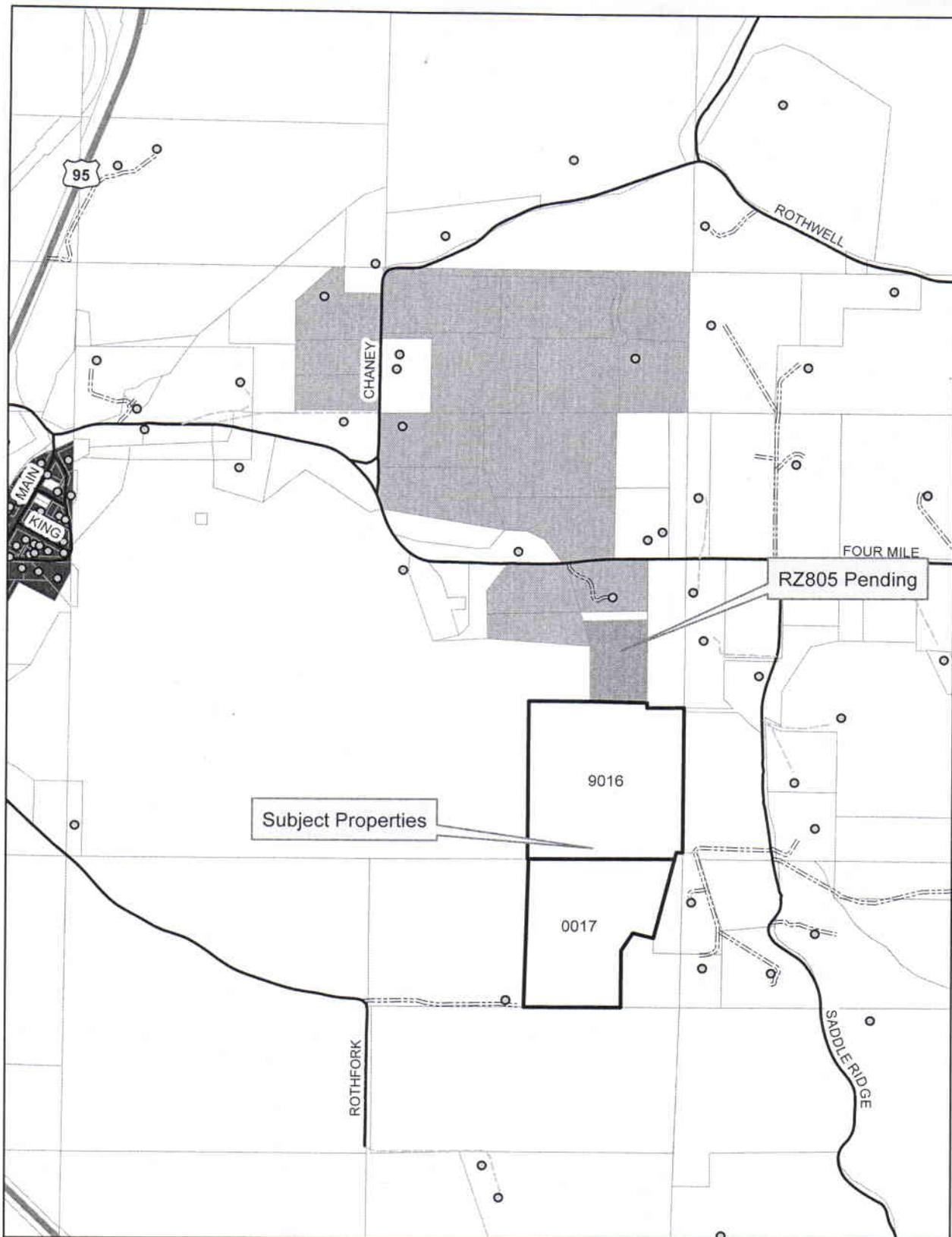


*Created
 NOTE: This Document is a representation of the Comprehensive Plan. Latah County bears no responsibility for the accuracy of the information shown on this map.

LCZC Hrg: RZ 813
Applicant: Weitz
Exhibit #: 1B
Date: 6/2/2010

RZ 813 Zoning Map

Planning & Building Department



Zoning_Districts_2009 ZONE_TYPE

- Agriculture / Forestry
- Rural Residential
- Suburban Residential



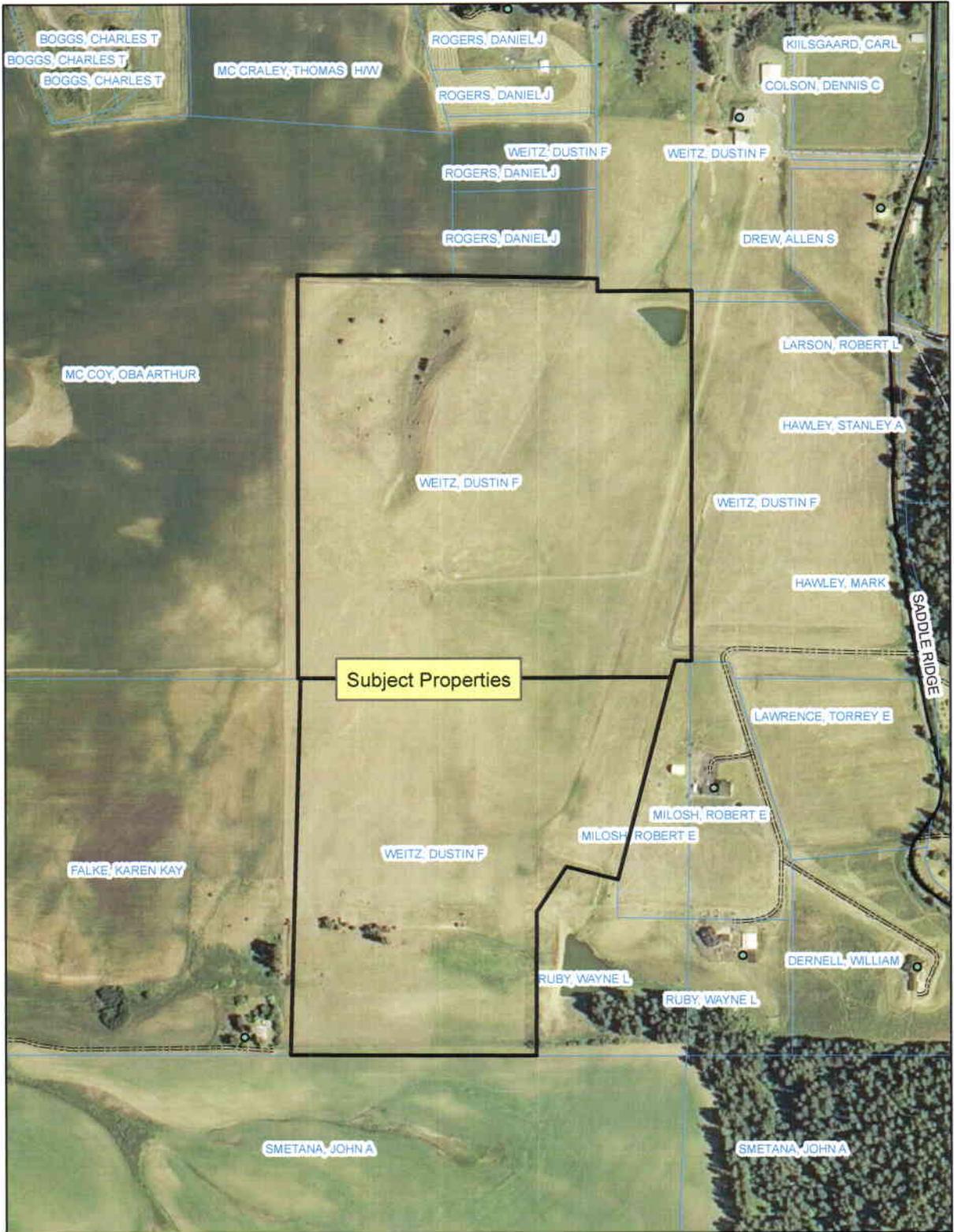
*Created

NOTE: This Document is a representation of the zoning map. Latah County bears no responsibility for the accuracy of the information shown.

LCZC Hrg: RZ 813
 Applicant: Weitz
 Exhibit #: 1C
 Date: 6/2/2010

RZ 813 Aerial and Adjoining Land Owner Map

Planning & Building Department



Subject Properties



Legend

- Addresses
- Parcels

0 125 250 500 750 1,000 Feet

*Created on 5/11/10

NOTE: This Document is a representation of the information provided. Latah County bears no responsibility for the accuracy of the information.

LCZC Hrg: RZ 813
 Applicant: Weitz
 Exhibit #: 1D
 Date: 6/2/2010



Application for Rezone

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, (208) 883-7220

1. Applicant Information

a. Applicant Name Dustin F. Weitz		b. Home Phone 208-883-3815		c. Work Phone 208-882-3214	
d. Mailing Address 1131 Four Mile Rd.		e. City Viola		f. State ID	g. Zip code 83872
h. Property Owner (if different than applicant)		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) RP40N05W069016A, RP40N05W070017A			b. Parcel Address (if applicable)		
c. Acreage of Existing Parcel		d. Existing Zoning AG/Forest	e. Comprehensive Plan Designation Resid./Comm./Industrial		f. Floodplain designation(s) None
				g. FEMA Panel # 140B & 230B	
h. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.	i. Impact City NA		j. Road Used to Access Site Saddle Ridge Rd.		

Note: Sites within an area of city impact may require additional notification time prior to public hearings.

i. Existing Uses

This property has been used primarily as grazing land.

3. Service Provider Information (please attach additional information if requested)

a. Fire District Moscow Rural Fire District		b. Road District N. Latah County Hwy Dist.		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 private septic system) Septic System		

4. Adjacent Properties Information

a. Zoning of Adjacent Properties RR 5 and Ag-Forest		b. Existing Uses of Adjacent Properties Homesites, ag-grazing, & tillable land			
---------------------------------------------------------------	--	----------------------------------------------------------------------------------------------	--	--	--

5. Rezone Information

a. Proposed Zoning District(s)		b. Explain Reason for Rezone Request	
<input type="checkbox"/> Agriculture/Forestry <input checked="" type="checkbox"/> Rural Residential 5-acre <input type="checkbox"/> Rural Residential 3-acre <input type="checkbox"/> Rural Residential 1-acre		<input type="checkbox"/> Single Family Residential (12,000 sq. ft.) <input type="checkbox"/> Single Family Residential (9,600 sq. ft.) <input type="checkbox"/> Multiple Family Residential <input type="checkbox"/> Highway Business <input type="checkbox"/> Neighborhood Business	
		To maximize the possible uses of the land within the ICR designation of the comprehensive plan.	

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

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.

a. Signature of Applicant 		b. Date 5/3/10	
c. Signature of Property Owner (if different than applicant)		d. Date	

Office Use Only

Date Received 5/3/10	Amount 300.00	Receipt No. 347961	By MSK
RZ # 813	Date Determined Technically Complete May 3, 2010		By MSK
Hearing Date June 2, 2010			

7. Attachments

All attachments should be reproducible in black and white at 8½" x 11"

- Fee:** (\$300.00) Make checks payable to Latah County.
- Completed Narrative Worksheet:** See instructions on the Rezone Narrative Worksheet.
- 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.
- Vicinity Map:** The map should show the site location in relation to neighboring communities and natural features.
- Assessor's Plat Map:** Include a copy of the Assessor's Plat Map that shows the subject parcel and adjoining parcels.
- Other Attachments:**

LCZC Hrg: RZ 813
Applicant: Weitz
Exhibit #: 2
Date: 6/2/2010



Rezone Narrative Worksheet

Application Information

Applicant's Name

Dustin F Weitz

Phone Number

(208) 883-3815

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

Dustin Weitz, the applicant, proposes to rezone approximately 40-50 acres of land to the Rural Residential designation. The subject property is presently zoned Agriculture/Forestry with the Residential/Commercial/Industrial (RCI) Latah County Comprehensive Plan designation. The property is located adjacent to Rural Residential to the North and adjacent to similarly sized parcels in the Agriculture/Forestry zone to the east.

The applicant desires to create three additional parcels of approximately 15-20 acres each, and is submitting this application in conjunction with an application for land division.

The rezone of this parcel is in compliance with the Comprehensive Plan. The Comprehensive Plan designates this property RCI. Area designated RCI "is generally composed of ...some commercial, industrial and residential development. This area should be considered the most suitable for future commercial, industrial and higher density residential development..." This property is located adjacent to comparable residential development, and its rezone is a natural progression of that development as intended by the Plan.

The Rural Residential zone provides "opportunities for residential development in areas appropriate for limited low density housing. Uses allowed in this zone include low density residential, limited horticultural and animal husbandry, and uses will not conflict with a rural residential neighborhood."

This proposal to establish three 15-20 acre parcels, comparable to the neighboring rural residential development, promotes the intent of the Rural Residential zone. The three larger acre parcels provide for less intense use and density than what is allowed under the Comprehensive Plan, which in turn lessens the impact of the development.

With the economy and market trends geared towards sustainability, more and more people are looking to acquire manageable parcels wherein they can raise their own livestock and cultivate their own food supply. These proposed parcels are a perfect combination of not too much to manage or too little to allow for sustainable production. The permitted uses under this zone allow for orchards, commercial fruit and vegetable gardening, plant nurseries. Further, the zone permits "animal husbandry not to exceed 10 animal units". With the permitted use of a home occupation, the ability to promote sustainability, and compatible surrounding areas, this rezone proposal fits in well with the intent of the Comprehensive Plan and the Rural Residential zone.

Existing Uses of Property

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

Office Use Only

RZ #

Page 1

Rezone Narrative Worksheet

LCZC Hrg: RZ 813
Applicant: Weitz
Exhibit #: 2A
Date: 6/2/2010

The property has been used by Mr. Weitz and his family for pasture/cattle grazing. There are no structures on the property.

Consistency Requirements

Please respond to each of the four criteria listed in § 13.11.02 by explaining how your proposal meets each particular criteria. If the provided space is insufficient, please attach your responses to this packet.

1. The use is consistent with the goals and policies of the Latah County Comprehensive Plan

One of the primary objectives of the Comprehensive Plan is "To make Latah County a desirable place in which to live, work and visit..." With the economy and market trends geared towards sustainability, more and more people are looking to acquire manageable parcels wherein they can raise their own livestock and cultivate their own food supply. These proposed parcels are a perfect combination of not too much to manage or too little to allow for sustainable production. Further, with the permitted use of a home occupation, the ability to promote sustainability, and compatible surrounding areas, this rezone proposal fits in well with the intent of the Plan.

The size of the proposed parcels provides plenty of space between neighbors and is actually larger than comparably zoned parcels in the area. *The owner is particularly sensitive to the previous determinations by the planning and zoning commission and the board of county commissioners to make parcels in this a minimum of 5 ac.*

The proposed rezone does not significantly affect the Comprehensive Plan objective to preserve agricultural and forestland uses. Some of the land is classified as productive, but according to the Latah County soils map used for the determination of lesser productive soils, some of the property does have some lesser productive soils, which do not contribute significantly to the viability of an agriculture-based economy in the county.

The proposal promotes the Comp Plan's objective of fostering other land uses, which will help achieve a solid broad-based and sustainable economic foundation. By providing public spaces for all residents along with much needed parcels for future residents, the rezone achieves this goal. The rezone will also help provide additional opportunities for residents to promote and engage in sustainability practices. The rezone will increase the assessed valuation for tax purposes.

The proposed rezone positively promotes the Comp Plan's objective of preserving the rural character of Latah County. The size of the proposed parcels preserves the rural residential character of the surrounding area, and also encourages a variety of housing types on land suitable for 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.

a. Community Design Element

Office Use Only

RZ #

Page 2

Rezone Narrative Worksheet

The proposed rezone is consistent with and advances the goal of the community design element to ensure a pattern of planned growth, which results in an orderly and attractive development of the county. Most importantly, Mr. Weitz is a neighbor to this property.

The property is designated as RCI by the Comprehensive Plan, and the area along Four Mile Road and Saddle Ridge road in the vicinity of the property has evolved toward rural residential use which is both orderly and attractive. This rezone would continue that evolution. It is fully consistent with the policies of encouraging low density residential development to occur in a pattern which minimizes both conflicts with existing land uses and public service costs in that it has direct access to a county road, it presently has school bus service, it will contribute only minimally to the traffic on Saddle Ridge Road. The size of the proposed parcels will ensure that most of the land will remain in open space and it is likely that future landscaping in connection with development of homesites will protect the existing character of the adjacent properties. The proposed use will be similar to existing land uses in the area and will therefore not conflict with those uses, and the rural character of this area of the county will be preserved.

b. Population Element

This proposal is consistent with the Comprehensive Plan's goal of ensuring that population growth is accommodated in an orderly pattern. Again, the Comprehensive Plan designation for this area is RCI and this rezone will not significantly affect the low-density population of the Saddle Ridge Road area. The proposal is consistent with the policy to limit higher density residential development to areas easily served by infrastructure and public services: it is low density and no additional infrastructure will be required. Further, because of its proximity to Viola along with the uses of surrounding properties, and the low productivity of the land, the proposal will be unlikely to conflict in any significant way with agricultural activity, and there will be no conflict with forestry or existing commercial activity. There are no known important environmental features, which will be significantly impacted by the proposed development.

c. Housing Element

The proposal is aligned with the housing element to ensure an adequate and attractive living environment to meet the needs of future residents of the area. The policies of ensuring public safety by requiring construction that conforms to building codes and health standards, and the policy to encourage the construction of energy efficient housing will be met, assuming that building codes and health standards are enforced and that newly constructed residences will continue the trend toward greater energy efficiency.

d. Economic Development Element

This proposal is consistent with the goals of the economic development element to foster agriculture and its supporting activities, and to provide for land uses appropriate to local and regional economic needs. While it will take land out of conventional “big block” agriculture uses, the size of the parcels will be conducive to innovative uses of the land creating smaller economies of scale for livestock, gardening, sustainability measures, etc. The proposal will enhance the goals of encouraging economic diversification and commercial industrial sector development compatible with the natural environment and existing land uses.

The proposal achieves the policy of protecting agricultural lands from scattered development in that proposed development will be adjacent to existing concentrations of higher density residential development. In addition by the nature of their size, these parcels will provide for differing forms of continued agricultural use. Policies applying to commercial, industrial, and mining development are unaffected by this proposal.

e. Public Services, Facilities, and Utilities Element

The goal of this element, to provide an orderly pattern of development, which will ensure adequate public facilities and services without excessive costs, is bolstered by this proposal. Water service to each parcel will be by individual well, and each parcel will have an individual septic system. Well datum for the area shows good flows quite adequate for residential uses. The policy to minimize any adverse effects of new public facilities is strengthened.

f. School Facilities and Student Transportation Element

The proposed rezone is consistent with the Comprehensive Plan’s goal to minimize the adverse effects of new residential development on school facilities and student transportation. The property is located within the Moscow School District. Student transportation is currently provided to neighboring residences.

g. Transportation Element

This proposal promotes the goal of promoting an efficient and safe transportation system within Latah County by concentrating development along appropriately developed transportation corridors. Access from the property will be from a privately maintained road which currently exists and with access to Saddle Ridge road, which is maintained by the North Latah County Highway District. Setback requirements are a non-issue by the large nature of the parcels.

h. Natural Resource Element

This proposal does not implicate the goal of the natural resource element, to ensure sound stewardship of the county’s natural resources. There are no significant natural features such as streams, or wetlands, no proposed development, which could significantly pollute or degrade the natural environment, no potential to degrade groundwater quality or to significantly impact groundwater resources, and no critical wildlife habitat. The property will remain substantially in open space.

i. Special Areas Element

There are no identified special areas or sites of historic, archeological, architectural, geological, biological, or scenic significance on the property.

j. Hazardous Areas Element

Office Use Only

There are no significant natural hazards having the potential to affect the property. The property provides many building sites not in a floodplain, slopes are stable, and there is no significant risk of wild fire.

k. Recreation Element

The goal and policies of the recreation element are improved by the increased tax base but otherwise there is no adverse effects by this rezone.

l. Land Use Element

The proposed rezone is within an area designated by the Comprehensive Plan land use map as RCI, and is also adjacent to property already zoned Rural Residential. As indicated in the description of the land use element, "the plan map is partially based on existing land use patterns, but is also designed as a projection for suitable potential growth patterns of the County."

The RCI designated area "should be considered the most suitable for future commercial, industrial, and higher density residential development." The proposed rezone is therefore in an area already identified by the Comp Plan as among the best and most suitable areas of the county for higher density residential development. Thus, almost by definition, proposals to rezone land within the RCI designation to higher density residential development meet the goals and policies of the Comp Plan, especially when they are bounded by property which is already zoned the same. The county has identified no better or more suitable areas for this type of development.

m. Property Rights Element

Approval of the proposed rezone will ensure that Latah County's land use policies, restrictions, and conditions, do not unreasonably infringe upon Mr. Weitz's rights to derive greater economic advantage of his land. If anything, the generous size of the parcels provides plenty of elbow room between existing and new neighbors. Denial would significantly impact Mr. Weitz's economic interest in the affected property. It would be difficult to show that denial would "clearly advance an articulated and legitimate public purpose."

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.

The proposed rezone conforms with the goals and policies of the Comprehensive Plan, as set forth above. The rezone, and low-density residential use it permits, will not be detrimental to the surrounding area, and is instead highly compatible with the rural residential character and present uses already in the area, as described above.

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

The rezone will have no substantial costs to the public. The rezone provides a much greater public benefit, which far exceeds any public costs.

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

Office Use Only

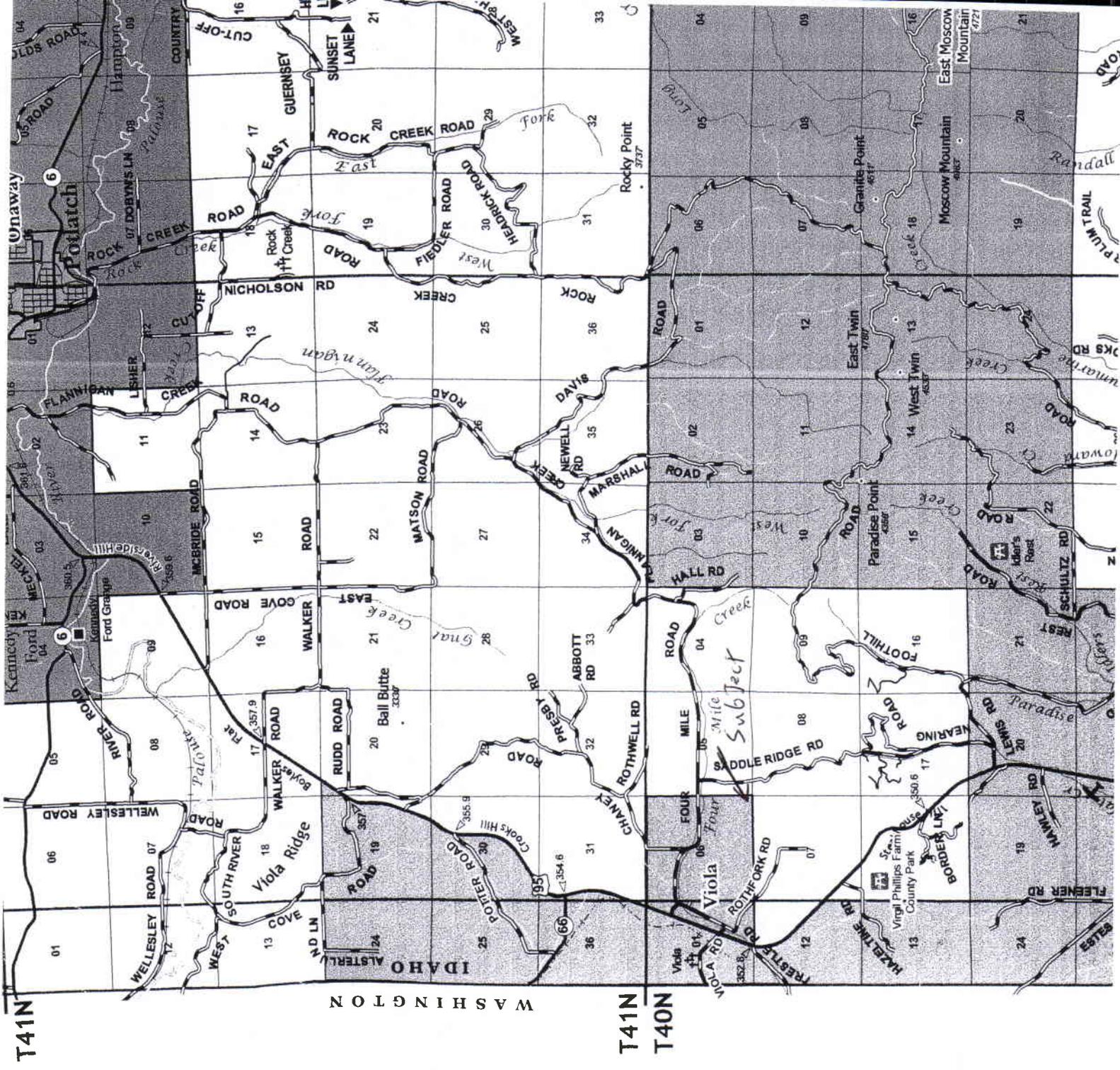
RZ #

Page 5

Rezone Narrative Worksheet

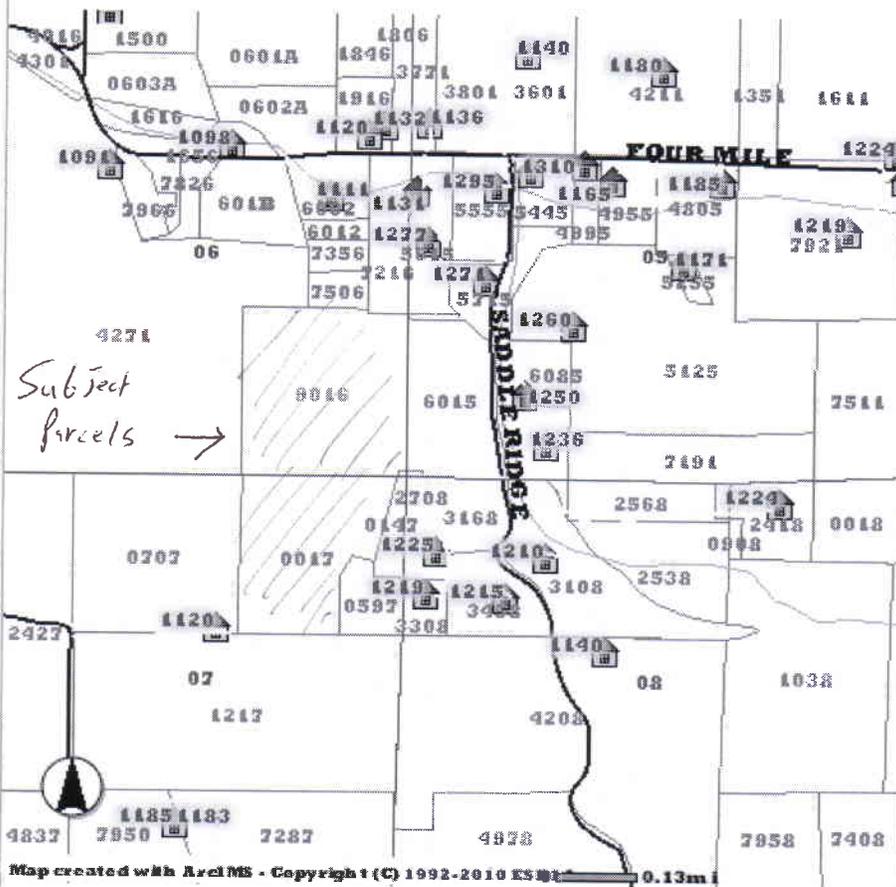
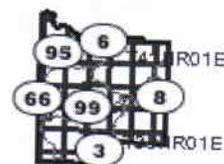
Finally, the rezone will not impose a significant burden to any public services, to the contrary, the rezone provide an increase in the tax base as well as continuing to provide orderly development of this portion of the county.

Comprehensive Plan Map



LCZC Hrg: RZ 813
Applicant: Weitz
Exhibit #: 2B
Date: 6/2/2010

ArcIMS HTML Viewer Map



- Legend**
- Latah County
 - State Highways
 - Railroads
 - Areas of City Impact
 - Sections
 - County Roads
 - ALLEY
 - AVENUE
 - CIRCLE
 - COURT
 - DRIVE
 - EXTENSION
 - GRADE
 - HIGHWAY
 - LANE
 - LOOP
 - OTHER
 - PARKWAY
 - PLACE
 - PRIVATE
 - PRIVATE DRIVEWAY
 - PRIVATE ROAD
 - RD
 - ROAD
 - STREET
 - TRAIL
 - WAY
 - Addresses
 - Streams
 - Bodies of Water
 - Parcels
 - Communities
 - Incorporated Cities

LCZC Hrg: **RZ 813**
 Applicant: **Weitz**
 Exhibit #: **2C**
 Date: **6/2/2010**

PRELIMINARY BOUNDARY LINE
ADJUSTMENTS

Parcel A
Parcel B

Parcel C

Parcel D -land
division

Shared Access rd
New Parcel line

1" = 600'

LCZC Hrg: RZ 813
Applicant: Weitz
Exhibit #: 2D
Date: 6/2/2010

Latah County Planning and Zoning Commission
522 S. Adams
Moscow, ID 83843

May 18, 2010

Commissioners and Staff,

After submitting my application for rezone, I have spoken to some of my neighbors, whom have expressed they have questions related to this rezone application. I respectfully request that the commission table our application and postpone the public hearing until the next commission meeting so that I may have more time to dialogue and hopefully resolve some of these questions neighbor to neighbor.

Respectfully,

Dustin F. Weitz

LCZC Hrg: RZ 813
Applicant: Weitz
Exhibit #: 2E
Date: 6/2/2010

STAFF INTRODUCTION-RZ #813

A request was made by Dustin Weitz to rezone approximately 50-acres from Agriculture/Forest to Rural Residential. The property is located west of Saddle Ridge Road and 1500 feet south of Four-Mile Road, in Sections 06 and 07, Township 40 North, Range 05 West, B.M., in Latah County, and is referenced as Assessor's parcel numbers RP40N05W069016A and RP40N05W070017A.

1) Section 6.01.02 states, "the Zoning Commission may recommend the Board of Latah County Commissioners approval of a rezone application if the Zoning 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.

2) 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 the Latah County Land Use Ordinance #269, as amended. The Commission may also recommend approval for applications not meeting the criteria listed above if the Zoning Commission finds that the rezone is essential to the public health, safety, or welfare.

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
- 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 #2E : Letter requesting hearing postponement (Submitted by Applicant)
- Exhibit #3 : Staff Introduction for Latah County Zoning Commission hearing for RZ #813 held on June 2nd, 2010.

That is all staff has unless the Commission has questions.

Dennis C. Colson
1295 Saddle Ridge Road
Viola, Idaho 83872

MAY 18 2010
LATAH COUNTY

Mauri Knott, Associate Planner
Planning and Building
Latah County Courthouse
P.O. Box 8068
Moscow, ID 83843-0568

Re: RZ # 813

Mauri:

I have received a copy of the Zoning Commission agenda for Wednesday, June 2 (thank you), and am writing to ask whether RZ # 813 should be removed from that agenda.

The RZ # 813 Application is not complete. It is not possible to determine from the Application which land and how much land is to be rezoned. Question 2 (c) is left blank. That is pretty basic information in a rezoning request. The Zoning Commission could not approve the Application without that information. Latah residents cannot participate in a public hearing about the Application without that information.

According to Planning and Building rules, "Incomplete applications . . . will not be accepted. A public hearing will be scheduled only after Staff has determined the application is technically complete." How can an Application which fails to identify the land under consideration be "complete"? What does "technically complete" mean if the property which is the subject of the application is not identified? What am I missing here? From Saddle Ridge Road, it appears that accepting and scheduling RZ # 813 contradicts the Department's rules. I suppose the Application could be completed by the June 2 meeting, but the Commission could not at that time take action because the notice requirements of 6.01.03 (2) of the Ordinance and Idaho Code 67-6511 would not have been satisfied. An incomplete application is not adequate notice.

It makes good sense to insist upon a complete application; why should an exception be made for RZ #813? Thank you for the reconsideration.

Respectfully

Dennis C. Colson

Dennis C. Colson

LCZC Hrg: RZ 813
Applicant: Weitz
Exhibit #: 4
Date: 6/2/2010



LATAH COUNTY PLANNING & BUILDING

Latah County Courthouse

PO Box 8068, 522 South Adams

Moscow, ID 83843

(208) 883-7220 ♦ FAX (208) 883-7225 ♦ E-Mail: pb@latah.id.us ♦ In Latah County, Toll Free: 1-800-691-2012

Dennis Colson
1295 Saddle Ridge Road
Viola, Idaho 83872

May 19, 2010

Dear Mr. Colson,

Thank you for your letter. We will include it, as well as this response, as exhibits for the RZ#813 hearing. In regards to your letter, the applicant submitted a narrative and maps along with his application that adequately addresses Section 2 (c) of the application. Additionally, this information is always included in the exhibit titled "Staff Report". For this application the Staff Report can be found at <http://www.latah.id.us/pzc/> under the hearing packet titled, "2010-06-02 ZC Hrg Weitz", Exhibit #1.

Sincerely,

Mauri Knott
Associate Planner

COPY

LCZC Hrg: RZ 813
Applicant: Weitz
Exhibit #: 5
Date: 6/2/2010

May 28, 2010

Latah County Zoning Commission
Moscow Idaho

Regarding Application for Rezone by Dustin F. Weitz – RZ #813

1. As a property owner bordering Mr. Weitz, I ask the Zoning Commission to place a conditional approval stating a maximum of 3 parcels, the minimum size for parcels being 15 acres and no further subdivision.

2. I ask the Zoning Commission to have Mr. Weitz define what he means on page 2 of his application under the heading: Consistency requirements.

“By providing public spaces for all residents, along with much needed parcels for future residents, the rezone achieves this goal.”

What public spaces is he providing? Where are they on his maps?

3. Mr. Weitz proposes rural residential compatibility and harmony in an Ag/Forest zone that he himself does not manage. On page 2 of his Consistency requirements he states:

“ . . . people are looking to acquire manageable parcels wherein they can raise their own livestock and cultivate their own food supply. These parcels are a perfect combination of not too much to manage or too little to allow for sustainable production. Further, with the permitted uses of a home occupation, the ability to promote sustainability and compatible surrounding area, this rezone proposal fits in well with the intent of the plan.”

“In fact,” I am living the rural residential lifestyle to which Mr. Weitz sings praise. My husband and I own 10 acres. We have lived on the property for 27 years. We grow a very large organic sustainable garden. Since 1983 I have operated a home occupation in a separate building on the property within 100 feet of Mr. Weitz. In the short time Mr. Weitz has owned his property, he has caused my workspace, once clean and pleasant, to become a disgusting, smelly, fly-ridden nightmare.

LCZC Hrg: RZ 813
Applicant: Weitz
Exhibit #: 6
Date: 6/2/2010

On the border of our property, Mr Weitz pens cows in a 30 x 60 foot confinement. Day after day, month after month, they stand knee-deep in their own manure. Urine and waste are drained directly into Four Mile Creek in an open trench that runs along our joint property line. Manure is piled 5 feet high on a concrete pad next to the pen. It sits there through rain and snow. There is a constant and rank smell of cow manure in my work space. Soon the lack of waste management will result in thousands of unnecessary flies which will invade my work place, my garden, my yard, my home. My neighbor does not practice good management, as described in his application on page 2

"To make Latah County a desirable place in which to live, work and visit."

Please see the attached pictures.

There was never a problem with the former owners who operated a dairy and raised livestock. No putrid smells, no manure piles, and no infestation of flies. There was no issue with urine and waste draining directly into the creek. Never in 13 years.

On page 5 Mr Weitz states under Property Rights Element

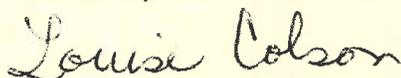
"Denial would significantly impact Mr. Weitz's economic interest . . ."

As a bordering property owner, I ask the Zoning Commission to consider the impact on my economic interests. I operate a business and home in this area. I am an example of the inconsistency that exists between Ag/Forest and Rural Residential, and how quickly things go bad.

4. Mr. Weitz asks for a postponement to talk with his neighbors face to face. What neighbors? Not me. I live next door to him and I am still waiting for him to talk to me.

5. I ask anyone on the Zoning Commission who is a patient of Bearable Dentistry to recuse themselves for the possible appearance of conflict of interest. The Applicant's business (Bearable Dentistry) has a written history of firing patients who are not of like mind.

Sincerely



Louise Colson

1295 Saddle Ridge Road

LOUISE COLSON HOME OCCUPATION BUILDING



DUSTIN WEITZ CATTLE PEN BORDERING
COLSON PROPERTY



DUSTIN WEITZ CATTLE PEN WITH 5 FOOT PILE OF MANURE ON CONCRETE PAD IN JANUARY. STILL THERE MAY 26, 2010 DIRECTLY BEHIND LOUISE COLSON'S HOME OCCUPATION BUILDING



DUSTIN WEITZ LONGHORN IN SAME CATTLE PEN



RZ-813 L. COLSON

May 28, 2010

Latah County Zoning Commission
Latah County Courthouse
Moscow, ID 84843

Re: RZ # 813

My name is Dennis Colson. My residence is on parcel 5555, which is northeast and within 300 feet of the property which is the subject of this Application.

These comments go to two of the rezone criteria set out in section 6.01.02 of the Latah County Land Use Ordinance (LUO). The first is that "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." Subsection 2. The second is that "The rezone shall not be a spot zone." Subsection 5. RZ #813 fails to meet either of these criteria. The rezone, and the uses it permits, would be incompatible with the present uses in the surrounding area. In addition, the proposed rezone is a spot zone.

INCOMPATIBLE USES. Section 6.01.01.2 sets two limitations upon a rezone. It shall not be detrimental to the uses in the surrounding area; and it shall not be "incompatible" with the uses in the surrounding area. It makes good sense to avoid those rezones which put incompatible uses adjacent to each other. The entire zoning enterprise is about orderly development, trying to avoid the conflicts that result from incompatible uses being located on adjacent parcels.

The Application states on page 1 that the parcel being rezoned is "adjacent to similarly sized parcels in the Agriculture/Forestry zone to the east." This statement is untrue. Immediately adjacent to the parcel being rezoned on the east is an Ag/Forestry "no build" parcel upon which the Applicant operates an airport (runway plus hanger.) There is no conditional use permit for this airport. The airport was first used before zoning arrived in Latah County. Since his recent purchase of the property the Applicant has claimed the right to operate the airport as a nonconforming use under the Land Use Ordinance. It might be that the nonconforming use was discontinued at various times by previous owners and there is extinguished. But, no determination has been made on that point. So at present the airport is operated at the Applicant's unrestricted pleasure.

LCZC Hrg: RZ 813
Applicant: Weitz
Exhibit #: 7
Date: 6/2/2010

Common sense tells us that a residence and an airport are incompatible (inability to exist in peaceful harmony) uses; the history of this airport and the Latah County Land Use Ordinance confirm this common sense conclusion.. Notice that the access road to the rezoned parcel would travel parallel to the runway and then crosses directly under the flight path immediately to the south of the airport. Attached are two reports from the National Transportation Safety Board which investigated two separate airplane crashes associated with the operation of this airport. The first was a fatal crash that took place on June 9, 1974. The NTSB concluded that the pilot had departed from the airport, then engaged in "unwarranted low flying" and "steep turn maneuvers at low alt." As a result the plane failed to maintain flying speed and crashed. The second was a non-fatal crash that took place on June 23, 1987. A crop duster airplane lost power and was making a forced landing at the airport when the left main gear collapsed causing the aircraft to nose over inverted. An important factor involved was the "TERRAIN CONDITION - ROUGH/UNEVEN." As a result of simple good luck, no homes were involved in these crashes.

The Land Use Ordinance treats residential and airport uses as incompatible. Airports are permitted in the Ag/Forestry Zone but only under a conditional use permit. The purpose of the conditional use permit is to "determine the compatibility of the proposed use with the surrounding area" and to "provide specific conditions which ensure that the proposed use will be compatible." LUO section 7.01. Airports are not permitted in the Rural Residential Zone, period. "Any use that is listed as a conditional use in one zone, but is not listed as a conditional use in another zone, is not a conditional use in the latter zone." LUO section 1.02.07. The only uses more incompatible than residential and aviation would be residential and unpermitted, unrestricted aviation.

Not only would this rezone be incompatible with the airport operated by the Applicant on an adjacent parcel, it would also be incompatible with the commercial feed lot operation currently operated on that parcel by the Applicant. The Application states at page 1 that "the property is located adjacent to Rural Residential to the North." This statement is untrue in part. The land to the north of the east end of the subject property is zoned Ag/Forestry. Applicant currently operates a commercial cattle feeding operation on the parcel. The present number of animal units on the parcel to be rezoned and the adjoining parcel exceeds by eight or ten times the ten animal units allowed in the Rural Residential Zone. Attached is a picture showing some of those animal units "grazing" there where the hay is delivered on the subject property.

Applicant could have simply requested a rezone of both parcels and then short platted them into the four lots shown on the map attached to the Application. The map titled "Preliminary Boundary Line Adjustments" provided by Applicant is attached.

Applicant has instead sought a soil type division in connection with this rezoning request, so that the new parcel D remains zoned Ag/Forestry. It appears that the Applicant wants the land to remain Ag/Forestry so that it can be used in ways incompatible with the Rural Residential Zone. For example, as a commercial feed lot. As a result, every parcel in the short plat will be bordered on one or two sides by incompatible uses.

SPOT ZONE. The Applicant has requested a spot rezone. The fifth rezone criteria in section 6.01.01 states that "The rezone shall not be a spot zone." The Ordinance defines a spot zone as "the zoning of a small land area for a use that differs measurably from the zoned lands uses surrounding the area, usually giving privileges not generally extended to properties similarly located in the area and generally is an arbitrary departure from the Comprehensive Plan, the other adjacent zoning, the other adjacent land uses, and the other adjacent eligible parcel sizes; typically, a spot zone is for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole.

"Zoning of a small land area for a use that differs measurably from the zoned land uses surround the area": Rural residential differs measurably from airports and commercial feeding operations.

"Usually giving privileges not generally extended to properties similarly located in the area": Applicant seeks to rezone these parcels to Rural Residential for the purpose of enjoying the privilege of short platting the parcels into 3 new parcels. This privilege is not extended to the Ag/Forestry parcels similarly located in the area.

"generally is an arbitrary departure from the Comprehensive Plan, the other adjacent zoning, and the adjacent land uses, and the other adjacent eligible parcel sizes": An arbitrary departure is one based upon random or convenient choices, rather than upon reason. Applicant has offered no credible reason other than his personal convenience to justify this rezone.

"typically, a spot zone is for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole": The rezone request is inconsistent with the welfare of the community as a whole as set forth in the Land Use Ordinance. The Applicant states that his personal gain is the purpose "to derive greater economic advantage of his land." Page 5.

The rezone requested in RZ #813 is a spot zone.

The problem with RZ #813 is the conflicting uses the rezone it proposes would create. If those conflicts could be eliminated, through a development agreement or in some other manner, there would be a significant benefit to the welfare of the community as a

whole. The rezone would then not be a spot zone, and the rezone criteria could be satisfied.

Respectfully,



Dennis C. Colson

1295 Saddle Ridge Road

Viola, ID 83872



 National Transportation Safety Board FACTUAL REPORT AVIATION		NTSB ID: SEA87LA121			
		Occurrence Date: 06/23/1987			
		Occurrence Type: Accident			
Landing Facility/Approach Information					
Airport Name LEBOLD AIRSTRIP	Airport ID:	Airport Elevation Ft. MSL	Runway Used 0	Runway Length	Runway Width
Runway Surface Type: Dirt					
Runway Surface Condition: Vegetation					
Approach/Arrival Flown: NONE					
VFR Approach/Landing: None					
Aircraft Information					
Aircraft Manufacturer GRUMMAN		Model/Series G-164A /G-164A		Serial Number 565	
Airworthiness Certificate(s): Restricted (Special)					
Landing Gear Type: Tailwheel					
Amateur Built Acft? No	Number of Seats: 1	Certified Max Gross Wt. 4500 LBS	Number of Engines: 1		
Engine Type: Reciprocating	Engine Manufacturer: P&W	Model/Series: R-985-AN1	Rated Power: 450 HP		
- Aircraft Inspection Information					
Type of Last Inspection 100 Hour	Date of Last Inspection	Time Since Last Inspection Hours	Airframe Total Time 6329 Hours		
- Emergency Locator Transmitter (ELT) Information					
ELT Installed?/Type No	ELT Operated? No	ELT Aided in Locating Accident Site? No			
Owner/Operator Information					
Registered Aircraft Owner STEVE'S CROP CARE		Street Address ROUTE 1 BOX 173			
		City PALOOSE	State WA	Zip Code	
Operator of Aircraft STEVE'S CROP CARE		Street Address ROUTE 1, BOX 173			
		City PALOOSE	State WA	Zip Code 99161	
Operator Does Business As:			Operator Designator Code:		
- Type of U.S. Certificate(s) Held:					
Air Carrier Operating Certificate(s):					
Operating Certificate:		Operator Certificate: Agricultural Operator			
Regulation Flight Conducted Under: Part 137: Agricultural					
Type of Flight Operation Conducted: Aerial Application;Unknown; Unknown; Unknown					
FACTUAL REPORT - AVIATION					Page 2

 <p>National Transportation Safety Board FACTUAL REPORT AVIATION</p>	NTSB ID: SEA87LA121
	Occurrence Date: 06/23/1987
	Occurrence Type: Accident

First Pilot Information

Name On File	City On File	State On File	Date of Birth On File	Age 38
-----------------	-----------------	------------------	--------------------------	-----------

Sex: M	Seat Occupied: Center	Occupational Pilot? Civilian Pilot	Certificate Number: On File
--------	-----------------------	------------------------------------	-----------------------------

Certificate(s): Commercial

Airplane Rating(s): Single-engine Land

Rotorcraft/Glider/LTA: None

Instrument Rating(s): None

Instructor Rating(s): None

Current Biennial Flight Review?

Medical Cert.: Class 2	Medical Cert. Status: Valid Medical--w/ waivers/lim.	Date of Last Medical Exam: 03/1987
------------------------	------------------------------------------------------	------------------------------------

- Flight Time Matrix	All A/C	This Make and Model	Airplane Single Engine	Airplane Multi-Engine	Night	Instrument		Rotorcraft	Glider	Lighter Than Air
						Actual	Simulated			
Total Time	2500	2500	2500		25					
Pilot In Command(PIC)										
Instructor										
Instruction Received										
Last 90 Days	178									
Last 30 Days										
Last 24 Hours	10									

Seatbelt Used? Yes	Shoulder Harness Used? Yes	Toxicology Performed? No	Second Pilot? No
--------------------	----------------------------	--------------------------	------------------

Flight Plan/Itinerary

Type of Flight Plan Filed: None

Departure Point VIOLA	State ID	Airport Identifier	Departure Time 0000	Time Zone
--------------------------	-------------	--------------------	------------------------	-----------

Destination Local Flight	State	Airport Identifier	
-----------------------------	-------	--------------------	--

Type of Clearance: None

Type of Airspace: Class G

Weather Information

Source of Wx Information:

No record of briefing

 <p>National Transportation Safety Board FACTUAL REPORT AVIATION</p>	NTSB ID: SEA87LA121
	Occurrence Date: 06/23/1987
	Occurrence Type: Accident

Weather Information

WOF ID	Observation Time	Time Zone	WOF Elevation	WOF Distance From Accident Site	Direction From Accident Site
	0000		0 Ft. MSL	0 NM	0 Deg. Mag.
Sky/Lowest Cloud Condition: Clear			0 Ft. AGL	Condition of Light: Day	
Lowest Ceiling: None		0 Ft. AGL	Visibility: 50 SM	Altimeter: 30.00 "Hg	
Temperature: 21 °C	Dew Point: -4 °C	Weather Conditions at Accident Site: Visual Conditions			
Wind Direction:	Wind Speed: Calm		Wind Gusts:		
Visibility (RVR): 0 Ft.	Visibility (RVV) 0 SM				
Precip and/or Obscuration:					

Accident Information

Aircraft Damage: Substantial	Aircraft Fire: None	Aircraft Explosion: None
------------------------------	---------------------	--------------------------

- Injury Summary Matrix	Fatal	Serious	Minor	None	TOTAL
First Pilot				1	1
Second Pilot					
Student Pilot					
Flight Instructor					
Check Pilot					
Flight Engineer					
Cabin Attendants					
Other Crew					
Passengers					
- TOTAL ABOARD -				1	1
Other Ground	0	0	0		0
- GRAND TOTAL -	0	0	0	1	1

National Transportation Safety Board

FACTUAL REPORT

AVIATION

NTSB ID: SEA87LA121

Occurrence Date: 06/23/1987

Occurrence Type: Accident

Administrative Information

Investigator-In-Charge (IIC)

CANDACE C. CARRERA

Additional Persons Participating in This Accident/Incident Investigation:

JIM ERWIN
SEATTLE, WA

Brief of Accident

Adopted 11/08/1988

SEA87LA121
File No. 842

06/23/1987

VIOLA, ID

Aircraft Reg No. N5285

Time (Local): 19:00 MDT

Make/Model: Grumman / G-164A
Engine Make/Model: P&W / R-985-AN1
Aircraft Damage: Substantial
Number of Engines: 1
Operating Certificate(s): Agricultural Operator
Type of Flight Operation: Aerial Application
Reg. Flight Conducted Under: Part 137: Agricultural

Crew	Fatal	Serious	Minor/None
Pass	0	0	1
	0	0	0

Last Depart. Point: VIOLA, ID
Destination: Local Flight
Airport Proximity: Off Airport/Airstrip

Condition of Light: Day
Weather Info Src: Pilot
Basic Weather: Visual Conditions
Lowest Ceiling: None
Visibility: 50.00 SM
Wind Dir/Speed: Calm
Temperature (°C): 21
Precip/Obscuration:

Pilot-in-Command

Age: 38

Flight Time (Hours)

Certificate(s)/Rating(s)

Commercial, Single-engine Land

Total All Aircraft: 2500

Last 90 Days: 178

Total Make/Model: 2500

Total Instrument Time: Unk/Nr

Instrument Ratings

None

DURING AN AERIAL APPLICATIONS MANEUVER A TOTAL LOSS OF POWER OCCURRED DUE TO THE INTERNAL FAILURE OF THE SUPERCHARGER IMPELLER. DURING THE FORCED LANDING THE LEFT MAIN GEAR COLLAPSED CAUSING THE AIRCRAFT TO NOSE OVER INVERTED.

Brief of Accident (Continued)

SEA87LA121
File No. 842

06/23/1987

VIOLA, ID

Aircraft Reg No. N5285

Time (Local): 19:00 MDT

Occurrence #1: LOSS OF ENGINE POWER(TOTAL) - MECH FAILURE/MALF
Phase of Operation: MANEUVERING - AERIAL APPLICATION

Findings

1. (C) ENG ASSEMBLY,BLOWER/IMPELLER/INTEGRAL SUPERCHARGER - FAILURE,TOTAL

Occurrence #2: FORCED LANDING

Phase of Operation: DESCENT - EMERGENCY

Occurrence #3: MAIN GEAR COLLAPSED

Phase of Operation: LANDING - ROLL

Findings

2. (F) TERRAIN CONDITION - ROUGH/UNEVEN
3. (F) LANDING GEAR,MAIN GEAR - OVERLOAD

Occurrence #4: NOSE OVER

Phase of Operation: LANDING - ROLL

Findings Legend: (C) = Cause, (F) = Factor

The National Transportation Safety Board determines the probable cause(s) of this accident as follows.

NTSB Identification: **SEA74AS048**
 14 CFR Part 91 General Aviation
 Event occurred Sunday, June 09, 1974 in VIOLA, ID
 Aircraft: TAYLORCRAFT DCO-65, registration: N50838

FILE	DATE	LOCATION	AIRCRAFT DATA	INJURIES F S M/N	FLIGHT PURPOSE	PILOT DATA
3-1969	74/6/9	VIOLA, ID	TAYLORCRAFT DCO-65	CR- 1 0 0	NONCOMMERCIAL	PRIVATE, AGE 45, 285
	TIME - 1055		N50838	PX- 0 0 0	PLEASURE/PERSONAL TRANSP	TOTAL HOURS, 200 IN TYPE,
			DAMAGE-DESTROYED	OT- 0 0 0		NOT INSTRUMENT RATED.
	DEPARTURE POINT		INTENDED DESTINATION			
	VIOLA, ID		LOCAL			
	TYPE OF ACCIDENT				PHASE OF OPERATION	
	STALL: SPIN				IN FLIGHT: OTHER	
	PROBABLE CAUSE(S)					
	PILOT IN COMMAND - IMPROPER OPERATION OF FLIGHT CONTROLS					
	PILOT IN COMMAND - FAILED TO OBTAIN/MAINTAIN FLYING SPEED					
	FACTOR(S)					
	MISCELLANEOUS ACTS, CONDITIONS - UNWARRANTED LOW FLYING					
	REMARKS- STEEP TURN MANEUVERS AT LOW ALT.					

[Index for Jun 1974](#) | [Index of months](#)

PRELIMINARY BOUNDARY LINE
ADJUSTMENTS

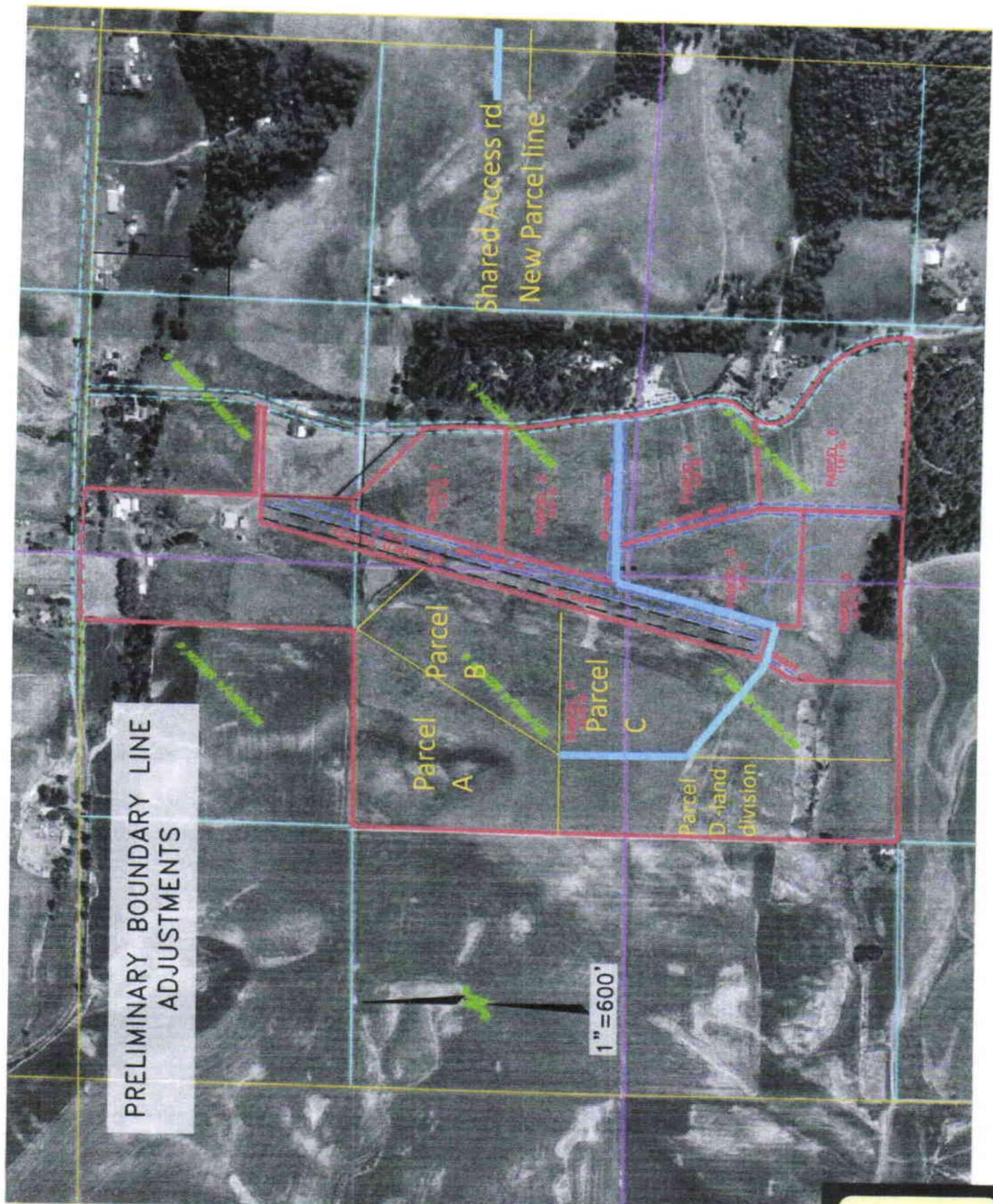
Parcel A
Parcel B
Parcel C

Parcel D-land
division

Shared Access rd
New Parcel line

1" = 600'

LCZC Hrg: RZ 813
Applicant: Weitz
Exhibit #: 2D
Date: 6/2/2010



27 May 2010

Latah County Zoning Commission
Courthouse
Moscow, Idaho 83843

Dear Zoning Commission,

I am writing in regard to the proposed Weitz rezone #813 from A/F to RR. Please consider my comments below as they relate to the criteria used by the Commission to rule on this proposal:

- 1) This rezone is not in accordance with the goals and policies of the Comprehensive Plan/ Ordinance predominately because:
 - It incorrectly proposes to support Ag use, via *optional* small scale animal husbandry and orchards allowable in the RR zone. Small scale agricultural use is already acceptable in the A/F zone, but this rezone will prohibit traditional A/F activities. It does not need to be rezoned *except* in the interest of residential development. This is contrary to preserving Ag/Forestry in the County, is not in the Public Interest, and therefore not in accordance with stated goals and policies.
 - Traditional uses adjacent to current lower density residential areas are known to create conflict with residents who do not engage in A/F activities. This proposal seeks to increase housing density and borders, thereby increasing conflict by not accommodating traditional A/F use in the surrounding area, such accommodation afforded by the Ordinance and Idaho's Right to Farm law. (see Zoning Criteria #2)
 - ICR designation for Viola used as a basis for rezoning is flawed. Viola indicates limited housing density, given its diminished Industrial/Commercial activity and small population. Additional houses built close to the Viola ICR zone will find most of their services in Moscow, the nearest city, yet over the ridge miles away from the city's Impact Zone. Therefore, the proposal does not follow the Comprehensive Plan (#4 Population Element) , or the Ordinance which protects against conversion for uses that "can be more appropriately located in other zoning designations"
 - RR does not *require* any kind of Agricultural use, a use for that property which, according to the Ordinance (supported by the Comprehensive Plan) "**should be protected from conversion to other uses.**" This is an important phrasing in the Ordinance, because it was written to substantiate

LCZC Hrg: RZ 813
Applicant: Weitz
Exhibit #: 8
Date: 6/2/2010

current land use, which is Agriculture and Forestry. This will represent a dramatic change in use, and is therefore not in accordance with goals and policies.

- The Public Benefit element (Zoning Criteria #3) is not supported by this rezone proposal, the “highest and best land use” being the current A/F zoning designation and the most “compatible use” as supported by the Ordinance. (note Zoning Criteria #3)
- The Public Benefit vs. Cost (Zoning Criteria #3) element is not supported by the proposed zoning change as it relates to its proximity to other A/F zones. The proposed acreage is in close proximity of the Moscow Mt. forested ridgeline. Although the County has recently applied for fire mitigation funds through the Dept. of Lands, such funds rarely provide for the losses assumed in the case of forest fires where residences exist, such residences increasing risk. A year ago I spoke with a local representative of the Dept. of Lands, who felt urbanization was occurring too quickly, and that regulations were playing “catch up”(note Criteria, #2 and #3)
- The proposal is not in keeping with the “rural character of the County”. Previous to the Chaney, Wilson, and pending Rodgers rezone, the residences along Four Mile/Flannigan Ck. Rd. were located in lower lying areas adjacent to the road. This represents the “rural character” of that area. This rezone, as a result of land division, will be divergent from that character by creating a short-plat sub-division. Exhibit 1C of the application packet clearly shows the direction, flow, and impact of this development.
- The “compatible use” of this rezone would not only remove A/F use and protection from this area but, through precedent, allow for the decommissioning of additional neighboring A/F land and the uses on those lands.

It is important to take into account the National trends which indicate the accuracy of the Ordinance’s stated goals to prevent conversion of A/F acreage. Over the past 20 years in the U.S., the acreage converted for new housing almost doubled without the complementary rise in population, with 10+ acre housing lots accounting for 55 percent of the land developed.

In Latah County, between 1998 and 2002, there were appx. 236 acres rezoned from A/F—174 to Industrial, 62 to Rural Residential. Between 2003 and 2008, appx. 485 acres were rezoned—48 to Industrial, 437 to Rural Residential.

This rezone represents a wasteful land use. I encourage you to recommend denial of the application.

Sincerely,

Marilyn Beckett
1066 Nearing Road
Moscow, ID 83843