

**NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, August 18th, 2010, 5:30PM**

The Latah County Zoning Commission will hold public hearings on Wednesday, August 18th, 2010 in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

1. RZ #819 A request by Curtis Blum to rezone approximately 30-acres from Agriculture/Forest to Rural Residential. The property is located south of Highway 8 and East of Shumacker Road, in Section 14, Township 39 North, Range 04 West, B.M., in Latah County, and is referenced as Assessor's parcel number RP39N04W140757A.

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

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

Additional information on this request, including full copies of the proposal, is available from the Planning and Building Department at the Latah County Courthouse, Moscow, Idaho. Phone (208) 883-7220.

Mauri Knott
Associate Planner

(This is a public service announcement)

**CURTIS BLUHM
REZONE APPLICATION #819
STAFF REPORT**

BASIC FACTS:

A request by Curtis Blum to rezone approximately 30-acres from Agriculture/Forest to Rural Residential. The property is located south of Highway 8 and East of Shumacker Road, in Section 14, Township 39 North, Range 04 West, B.M., in Latah County, and is referenced as Assessor's parcel number RP39N04W140757A.

Site Characteristics:

Size of Parcel:	Approximately 30 acres of (1) one 70 acre parcel
Soils:	Larkin Silt Loam, 12 to 35% slopes Taney Silt Loam, 7 to 25% slopes Southwick Silt Loam, 12 to 25% slopes Latahco-Lovell Silt Loam, 0 to 3% slopes Latah County Soil Survey Sheet 33
Floodplain:	None (FIRM Panel # 160086 0335B and 160086 0355B)

Land Use and Regulations:

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

Infrastructure/Services:

Water:	Proposed Private Wells
Sewer:	Proposed Private Septic Systems
Access:	Shumacker Road, North Latah Highway District
Schools:	Troy School District #287
Fire Protection:	Troy 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 : Plat Map and Site Plan (Submitted by Applicant)
Exhibit #3 : Staff Introduction for Latah County Zoning Commission hearing for RZ #819 held on August 18th, 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:

Curtis Blum submitted an application to rezone approximately 30-acres from Agriculture/Forest to Rural Residential. The property is located south of Highway 8 and East of Shumacker Road, in Section 14, Township 39 North, Range 04 West, B.M., in Latah County, and is referenced as Assessor's parcel number RP39N04W140757A.

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 July 22, 2010. The rezone application was signed by the property owner, Curtis Blum.

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:

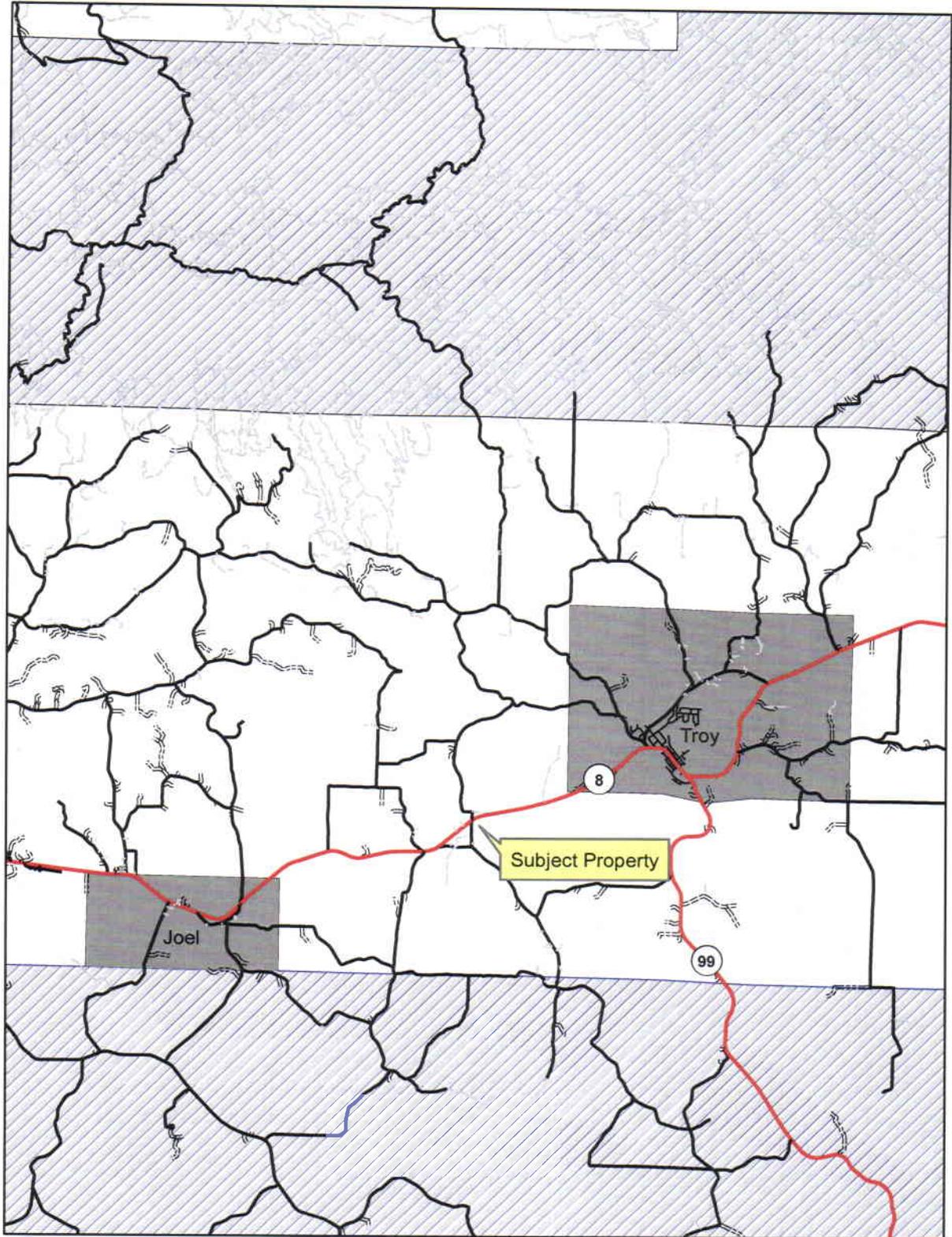
- A. The Board of Latah County Commissioners may require the developer to make a written commitment regarding the specific use and development of the subject property. If required by the Board of Latah County Commissioners, these commitments or conditions shall be considered part of the basis for approval.
- 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 819 Vicinity and Comprehensive Plan Map

Planning & Building Department



Comprehensive Plan

-  AOI
-  ICR
-  PRODUCTIVE
-  RURAL



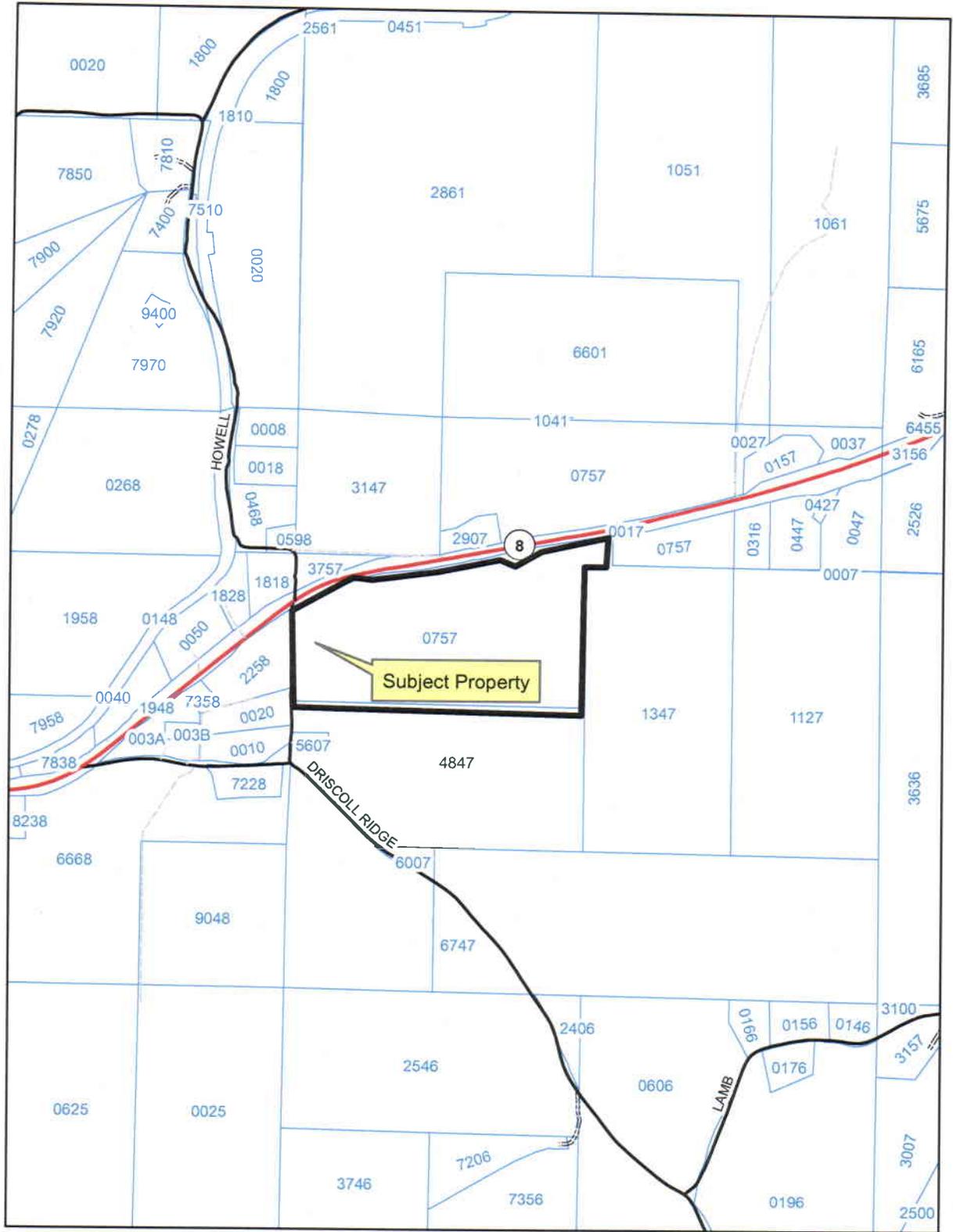
*Created on 7/26/10

NOTE: This Document is a representation of the Comprehensive Plan. Latah County bears no responsibility for errors or omissions.

LCZC Hrg: **RZ 819**
 Applicant: **Blum**
 Exhibit #: **1B**
 Date: **8/18/2010**

RZ 819 Zoning Map

Planning & Building Department



*Created on 7/26/2010 by MK

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

Zoning_Districts_2009 ZONE_TYPE

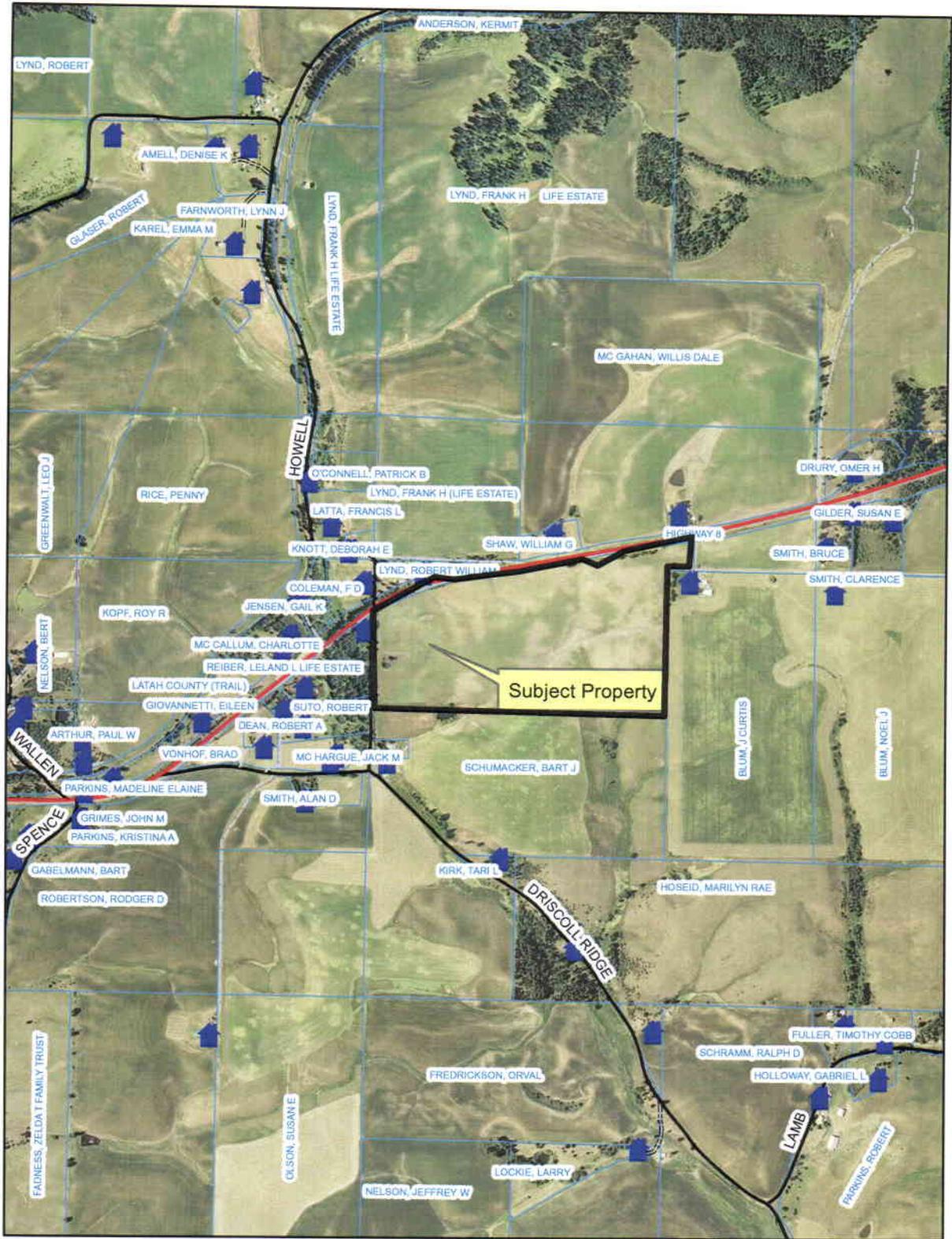
-  Agriculture / Forestry
-  Rural Residential
-  Suburban Residential



LCZC Hrg: RZ 819
Applicant: Blum
Exhibit #: 1C
Date: 8/18/2010

RZ 819 Aerial Map

Planning & Building Department



Legend

-  Addresses
-  Parcels

0 312.625 1,250 1,875 2,500 Feet

*Created on 7/26/2010 by MK

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

LCZC Hrg: RZ 819
Applicant: Blum
Exhibit #: 1D
Date: 8/18/2010



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 J. Curtis Blum		B. Home Phone 208-835-4068		C. Work Phone 509-336-0173	
D. Mailing Address 3831 Hwy 8		E. City Troy		F. State ID	G. Zip Code 83871
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) Rp39N04W140757A			B. Parcel Address (If Applicable)		
C. Acreage of Existing Parcel 70 ±	D. Existing Zoning Ag/Forest	E. Comprehensive Plan Designation	F. Floodplain Designation(s)	G. FEMA Panel #	
H. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input type="checkbox"/> No.		I. Impact City	J. Road Used to Access Site Schumacker 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

Crop production

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

A. Fire District Troy	B. Road District North Latah Highway Dist.	C. School District White Pine (Troy)
D. Source of Potable Water (i.e. Water District or Private Well)		E. Sewage Disposal (i.e. Sewer District or Septic System)

4. Adjacent Properties Information

A. Zoning of Adjacent Properties Ag/Forest	B. Existing Uses of Adjacent Properties Residential & Agriculture
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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 To develop 3 additional home sites that will be 5 – 10 acres in size.
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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 7-22-10
c. Signature of Property Owner (If Different than Applicant)	d. Date

7. Attachments

All attachments should be reproducible in black and white at 8 1/2" 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 that portion of the map that shows the subject parcel and adjoining parcels.
- Other Attachments:**

Office Use Only

Date Received 7/22/10	Amount 300.00	Receipt No. 348062	By TS
RZ # 818	Date Determined Technically Complete 7/23/2010		By MR
Hearing Date			

LCZC Hrg: RZ 819
Applicant: Blum
Exhibit #: 2
Date: 8/18/2010



Rezone Narrative Worksheet

Application Information

Applicant's Name

Phone Number

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.

Develop 3 parcels between 5 and 10 acres in size. Access would be from Shumacker Road. This would provide additional small acreage lots in an area that is close to Moscow and beneficial to Troy.

Each lot would have it's own well and septic system with adequate room between each lot. Electricity is close to the property.

The property is currently in agricultural production with most of the soils comprised of Southwick Loam type soil with varying degree of steepness.

Existing Uses of Property

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

The property is currently used for crop production. Wheat, Barley, and Legumes.

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 property is adjacent to Mathwig Acres that was developed in the 1970's into lots that are 5 to 10 acres in size. This was done prior to the current zoning designation it is presently zoned Ag/forest currently. There is easy access from Hwy 8 to Schumacker Road. It is within 8 miles of Moscow which is the predominant employment area in the county. There are over 50 residences within a 1 mile radius of the property.

LCZC Hrg: RZ 819
Applicant: Blum
Exhibit #: 2A
Date: 8/18/2010

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

There is a need for reasonably priced parcels that are 5 – 10 acres in size. There will be no costs to the public.

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

There will be no public services required for the rezone. The Owner will install any needed road access materials or any other material that is needed. There will be no public services needed for the rezoned property.

4. The rezone shall not be a spot zone.

Mathwig acres was developed as a subdivision prior to zoning regulations. Mathwig acres is considered a rural subdivision by the assessor's office.

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

This rezone will enable that people wanting to live in a rural area have that opportunity. The adjacent land consists of small acreage parcels. These parcels will also allow for small livestock operations and provide owners with recreational opportunities.

The development is located on a currently maintained county road and school bus route. There is also solid waste pickup currently in the area.

Three additional homes will not adversely affect the Troy School District.

In addition to your response above, please explain your proposal's consistency with the preceding 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

The rezone will be developed similar to the property directly west. There are over 50 residents within a One mile radius of the property and none of the parcels are in the City Limits.

b. Population Element

This development will provide additional home sites for individuals looking for rural property.

c. Housing Element

This property lends itself very well to three home sites that will not be intrusive to each other or the neighbors.

d. Economic Development Element

The parcels are large enough in size to provide small acreage farming and livestock production.

e. Public Services, Facilities, and Utilities Element

Utilities are nearby. There will be no additional public services required. Well in the area average 190 feet deep and have a average of 23 GPM.

f. School Facilities and Student Transportation Element

There will not be an adverse affect on the Troy School District. The School Bus currently picks up children on Schumacker Road.

g. Transportation Element

There is good access to Schumacker Road from the property and then onto Hwy 8. This will not cause a substantial increase in traffic onto Hwy 8. This property is within ¼ mile of the Latah Trail bike path.

h. Natural Resource Element

There are no wetlands on the property. This will not disrupt the wildlife any more than the existing homes

i. Special Areas Element

There does not appear to be any special area designation.

j. Hazardous Areas Element

There does not appear to be any hazardous area in this parcel.

k. Recreation Element

The size of the lots will lend itself to providing recreational opportunities for each family.

l. Land Use Element

This property is adjacent to Mathwig Acres which is a subdivision that was developed in the 1970's. This rezone will be similar to Mathwig Acres.

m. Property Rights Element

Property Rights will not be affected by this rezone.



LCZC Hrg: RZ 819
Applicant: Blum
Exhibit #: 2B
Date: 8/18/2010

STAFF INTRODUCTION-RZ #819

A request by Curtis Blum to rezone approximately 30-acres from Agriculture/Forest to Rural Residential. The property is located south of Highway 8 and East of Shumacker Road, in Section 14, Township 39 North, Range 04 West, B.M., in Latah County, and is referenced as Assessor's parcel number RP39N04W140757A.

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:"

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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 : Plat and Site Plan Map (Submitted by Applicant)
- Exhibit #3 : Staff Introduction for Latah County Zoning Commission hearing for RZ #819 held on August 18th, 2010.

That is all staff has unless the Commission has questions.

Latah County Zoning Commission
Moscow, Idaho 83843
August 9, 2010

Dear Commission:

We are writing in regards to the request by Curtis Blum RZ #819 and appreciate this opportunity to express our concerns. We live near or adjacent to this property and we are very concerned about the rezoning of this area from agriculture use to residential development. Several of us plan on attending the hearing on the 18th to express our concerns.

While we have many concerns, our main concerns consist of the loss of productive farm ground, the effects on our ground water, the increase in traffic, and the lack of this proposal to meet the Commission's criteria for a zone change, not limited to, but in particular, keeping with the goals of the Comprehensive Plan.

It is not our intent to curtail development; our desire is to retain the Comprehensive Plan's goal of keeping this rural area zoned as agriculture/forest. Currently there are approximately 80 rural home sites of 1-40 acres available to the public in Latah County. We do not see a need in this area for development.

Sincerely,

Gail Jensen
Matt Hunkle
Cheryl Jensen
Jo Lynd
Fronette
Bob Lynd
Dave Coleman
Janice L. Smith
Duff D. Carlson
Robin Schumacker
Bart Schumacker

Hennisa Jensen
Marilyn Hoesel

LCZC Hrg: RZ 819
Applicant: Blum
Exhibit #: 4
Date: 8/18/2010