



**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:**

<b>Size of Parcel:</b>	Approximately 30 acres of (1) one 70 acre parcel
<b>Soils:</b>	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
<b>Floodplain:</b>	None (FIRM Panel # 160086 0335B and 160086 0355B )

**Land Use and Regulations:**

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

**Infrastructure/Services:**

<b>Water:</b>	Proposed Private Wells
<b>Sewer:</b>	Proposed Private Septic Systems
<b>Access:</b>	Shumacker Road, North Latah Highway District
<b>Schools:</b>	Troy School District #287
<b>Fire Protection:</b>	Troy Fire District
<b>Law Enforcement:</b>	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**

RZ 819

STAFF REPORT FOR CURTIS BLUM

BOCC HRG: RZ 819  
Applicant: Blum  
Exhibit No. 1  
Date: 12/06/2010

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

# 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

RZ 819 - Blum

LCZC Criteria Sheet

BOCC HRG: RZ 819  
Applicant: Blum  
Exhibit No. 2  
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Applicant: Blum  
Exhibit #: 1A  
Date: 8/18/2010

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:**

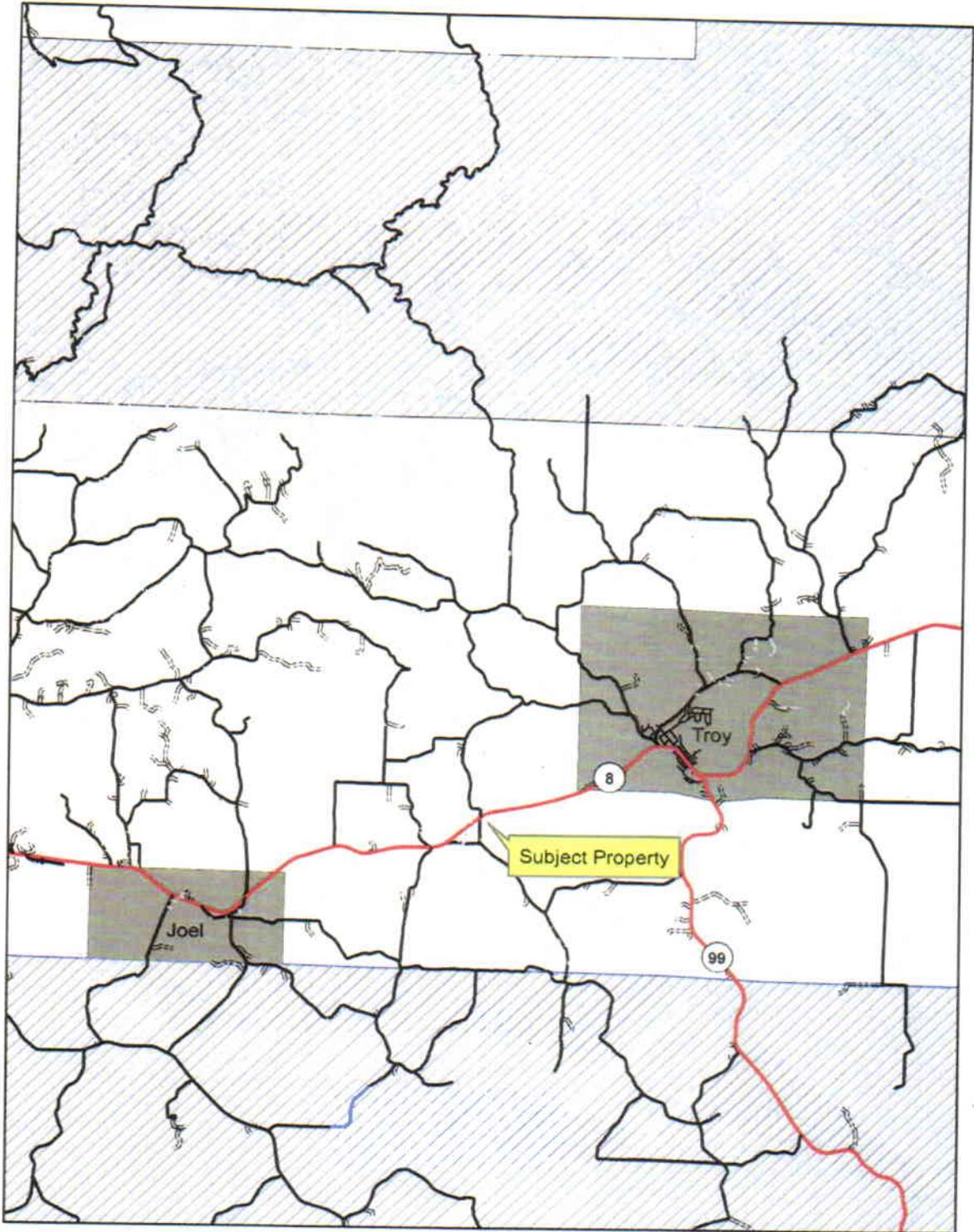
- A. The Board of Latah County Commissioners may require the developer to make a written commitment regarding the specific use and development of the subject property. If required by the Board of Latah County Commissioners, these commitments or conditions shall be considered part of the basis for approval.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

0 0.5 1 2 3 Miles

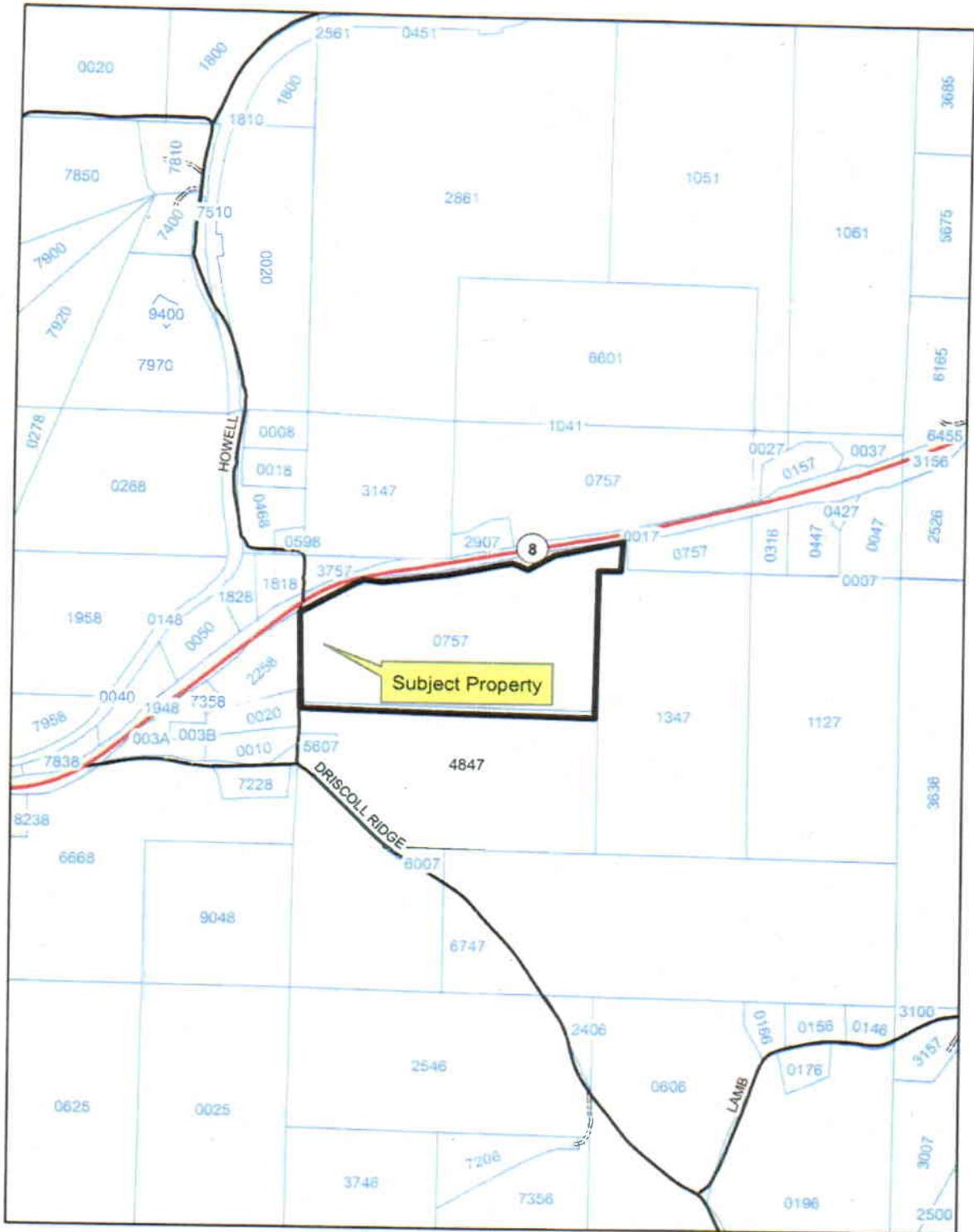
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BOCC HRG: RZ.819  
Applicant: Blum  
Exhibit No. 3  
Date: 12/06/2010

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

# RZ 819 Zoning Map

Planning & Building Department



0 500 1,000 2,000 3,000 Feet

Zoning\_Districts\_2009 ZONE\_TYPE

- Agriculture / Forestry
- Rural Residential
- Suburban Residential

\*Created on 7/26/2010 by  
 NOTE: This Document is a representation of the zoning map. Latah County bears no responsibility for the accuracy of the information shown on this map.

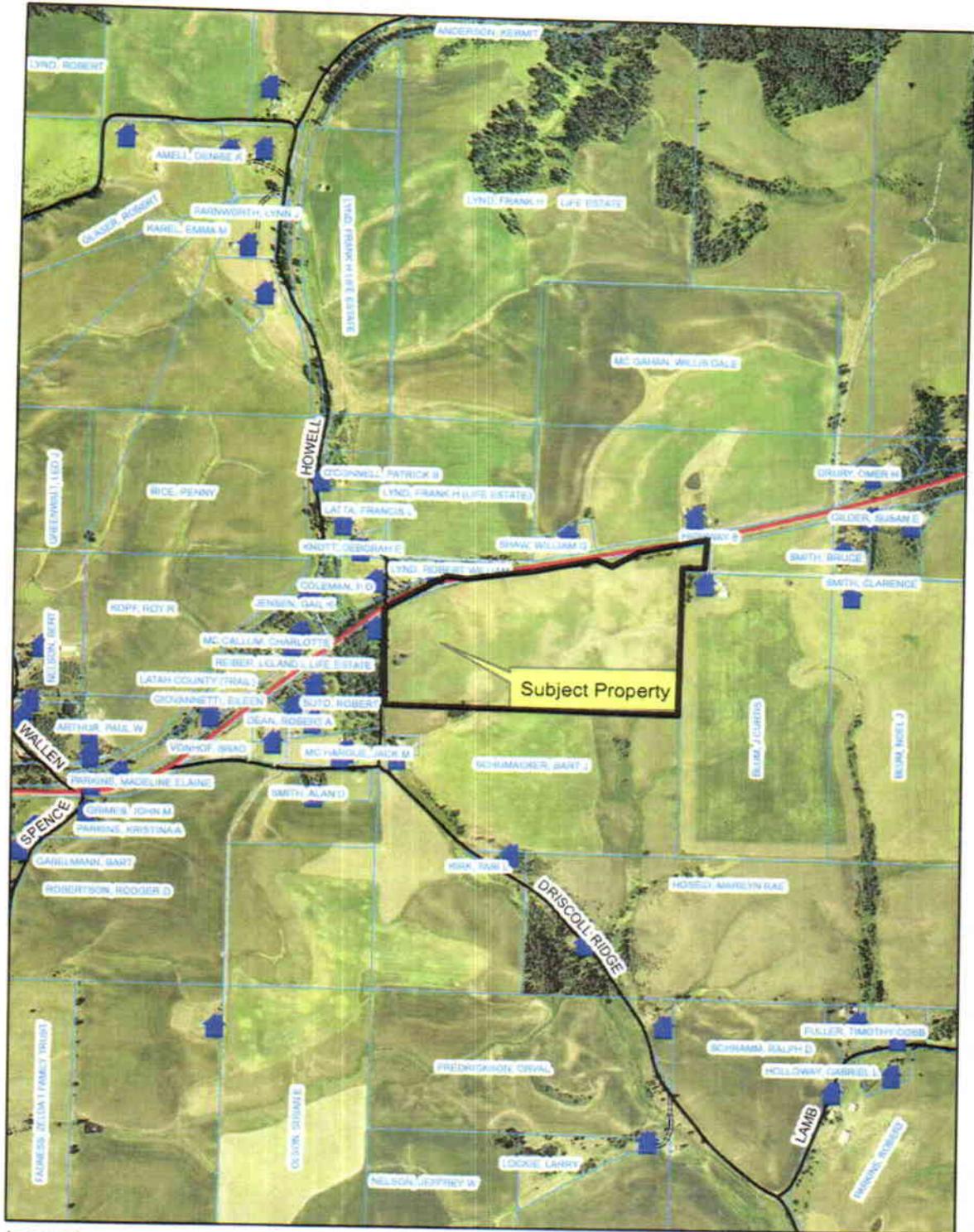
BOCC HRG: RZ 819  
 Applicant: Blum  
 Exhibit No. 4  
 Date: 12/06/2010

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



# RZ 819 Aerial Map

Planning & Building Department



**Legend**

- Addresses
- Parcels

0312.625 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

BOCC HRG: RZ 819  
Applicant: Blum  
Exhibit No. 5  
Date: 12/06/2010

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 <b>J. Curtis Blum</b>		B Home Phone <b>208-835-4068</b>		C Work Phone <b>509-336-0173</b>	
D Mailing Address <b>3831 Hwy 8</b>		E City <b>Troy</b>		F State <b>ID</b>	G Zip Code <b>83871</b>
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) <b>Rp39N04W140757A</b>			B Parcel Address (If Applicable)		
C Acreage of Existing Parcel <b>70 ±</b>	D Existing Zoning <b>Ag/Forest</b>	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 <b>Schumacker Road</b>	

*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 <b>Troy</b>	B Road District <b>North Latah Highway Dist.</b>	C School District <b>White Pine (Troy)</b>
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 <b>Ag/Forest</b>	B Existing Uses of Adjacent Properties <b>Residential &amp; Agriculture</b>
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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 <b>To develop 3 additional home sites that will be 5 – 10 acres in size.</b>
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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 <i>J. Curtis Blum</i>	b Date <b>7-22-10</b>
c Signature of Property Owner (If Different than Applicant)	d Date

## Office Use Only

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

BOCC HRG: RZ 819  
 Applicant: Blum  
 Exhibit No. 6  
 Date: 12/06/2010

**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.

BOCC HRG: RZ 819  
Applicant: Blum  
Exhibit No. 7  
Date: 12/06/2010

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 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**

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.



BOCC HRG: RZ 819  
 Applicant: Blum  
 Exhibit No. 8  
 Date: 12/06/2010

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

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 18<sup>th</sup> 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  
Fran Little  
Bob Lynd  
Dave Coleman  
Janna L Smith  
Duff D. Cahn  
Robin Schumacker  
Bart Schumacker

Hennrik Jensen  
Marilyn Hoesid

BOCC HRG: RZ 819  
Applicant: Blum  
Exhibit No. 9  
Date: 12/06/2010

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

Date: August 18, 2010  
To: Latah County Zoning Commission  
From: Gail Jensen  
Subject: RZ#819

- 1) I appreciated receiving the notice of this rezoning request in the mail and I'd like to thank you for this opportunity to express my concerns regarding this proposed rezoning. Several of my neighbors met as a group and we are all against rezoning this property.
- 2) While we have several major concerns in regards to this request, after reading the County's Comprehensive Plan and Objectives we believe these concerns will be alleviated if the Commission follows the goals and objectives of the County and its plan, for the **number one objective of this county according to the CP is to preserve agricultural land and ensure the continued viability of an agriculture based economy in rural Latah County.** This property was purchased as farm ground and we support the County's Plan to have it remain so. To the best of our knowledge it has been in continual production for close to 100 years producing wheat, barley, peas and lentils. To take this land out of farming production clearly violates the objectives of the County's CP. This request does not benefit the neighboring community and would require the county to rezone a small land area for a use that differs measurably from the zoned land uses surrounding the area and would be inconsistent with adjacent parcel sizes; therefore, this would be considered a **spot zone**, which is not in compliance with the goals and objectives of the CP. There is no need for this development. There are currently approximately 80

BOCC HRG: RZ 819  
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Exhibit No. 10  
Date: 12/06/2010

rural properties for sale in Latah County between 1-40 acres, in addition, there are 9 rural properties for sale in the immediate Troy area.

- 3) Furthermore, the **fourth objective of the Comprehensive Plan is the preservation of the rural character of Latah County to ensure the protection of the cultural, scenic and natural amenities presently found in the County...** this particular property is one of the last fields people see on their way into the community of Troy. It sets the scene as a rural farming community. It protects the character of Troy and its community. It provides a beautiful Palouse view and landscape of gently rolling hills of grain.
- 4) Next, the goal of the Community Design Element contained in the Comprehensive Plan is to **ensure a pattern of planned growth which results in the orderly and attractive development of Latah County.** Removing productive farm land adjacent to public roads and many neighbors, as well as the entire community of Troy, would not be an attractive development. And perhaps most importantly, the **granting of this proposal would encourage other land owners in the area to ask to rezone their agricultural land!** We could literally lose hundreds of acres of productive dry-land farm ground in our county if this proposal went through. Also, the #8 and #9 Policies under the Community Design Element clearly state that it is the **County's goal to protect existing land uses from conflicting uses and to preserve the rural character of Latah County.** While there are many homes in this area, the vast majority of them have been built in draws, scrub land, on existing home sites, close to the highway or in a copse or stand of trees- they are not built on productive agriculture land and it is those

surrounding fields of grain that provide all of us with that rural landscape and character. Removing the existing farmland and replacing it with three home sites would clearly deteriorate the rural landscape in this area and obviously would open the door to further development in the future.

- 5) Another goal of the Comprehensive Plan is **to encourage growth in existing cities or areas likely to be annexed into existing cities.** This property certainly does not meet this goal.
- 6) Under Part 4 of the Comprehensive Plan- Economic Development Element- **the first goal is to foster agriculture and its supporting activities.** Again, it is obvious that this request would go against the County's Comprehensive Plan for the residents of this county. Furthermore under the Policies of this section the first policy states that the county desires to **protect agricultural lands from scattered development.**
- 7) Another concern under part 7-Transportation- **is to limit the number of access points to state highways.** Highway 8 between Troy and Moscow is a busy highway with 3500 cars traveling between Troy and Moscow on a daily basis. Even though this proposal states that the driveways for these new homes would be off of Shumacker Road, all residents would have to enter, exit, and access Highway 8 to get to these homes. Furthermore, Shumacker Road is directly across the highway from another county road, Howell Road, and is on a corner with guard rails and is a dangerous entry and exit on and off of Highway 8. (Driscoll Road is also a possibility but again enters directly onto highway 8.)
- 8) Under Section 8- Natural Resource Element- we do have some serious concerns about maintaining **our groundwater resources.**

We are not aware of any studies in the area that would alleviate our worries and we need to have some degree of confidence that three new homes would not further drop the water table in our area. For the first time a spring on my property is not running this summer, the Parkins have lost their artesian well status, the Fredricksons' well has been depleted to the point where they can't water outside. Common sense seems to tell us that perhaps the two new homes completed this spring in our neighborhood may have finally been the last straw. We would strongly oppose any further development by anyone in our neighborhood until we get some expert opinions.

9) Next, in Section 12- **Land Use Element- the County states that its goal is to protect rural areas from conversion to more concentrated residential development.** Mr. Blum states that there are already 50 residences in a one mile radius; clearly this area does not need any further development, especially development that eliminates productive farm ground.

10 ) Last of all, the Comprehensive Plan clearly states in **Section 13- Implementation Element- #2,** that the County will administer zoning...with the policies and goals of the Comprehensive Plan. We believe it is very clear that this request is in direct conflict with that Plan and simply ask you to abide by the plan and zoning currently in place.

Thank You,

Gail Jensen

**BEFORE THE ZONING COMMISSION  
COUNTY OF LATAH, STATE OF IDAHO**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING 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 SCHUMACKER ROAD, IN SECTION 14, TOWNSHIP 39 NORTH, RANGE 04 WEST, B.M., IN LATAH COUNTY, AND IS REFERENCED AS ASSESSOR'S PARCEL NUMBER RP39N04W140757A.

WHEREAS, Curtis Blum made application for rezone on July 22, 2010; and

WHEREAS, this matter came before the Latah County Zoning Commission for public hearing on August 18<sup>th</sup>, 2010; and

WHEREAS, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents,

**THE LATAH COUNTY ZONING COMMISSION, STATE OF IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY MAKES THE FOLLOWING FINDINGS OF FACT:**

**I. FINDINGS OF FACT**

1. The subject parcel is 70 acres.
2. The subject parcel is zoned Agriculture/Forest (A/F).
3. The applicant requests to rezone thirty (30) acres from Agriculture/Forest (A/F) to Rural Residential (RR) to create three (3) additional residential building sites with lots ranging in size from five (5) acres to ten (10) acres. The remaining forty (40) acres will remain in Agriculture/Forest.
4. The surrounding properties are zoned Agriculture/Forest (A/F).
5. Surrounding uses include agricultural and residential.
6. The subject parcel is designated "Rural" on the Comprehensive Plan Land Use Map. The Comprehensive Plan states, "This area should be protected from conversion to more concentrated residential, commercial, or industrial development; however, sites within this area may be suitable for consideration for further low density residential development."
7. The existing use of the parcel is agriculture and it is currently in agricultural production.

8. The proposed three (3) lots will have private wells and septic systems.
9. The proposed three (3) lots will be accessed off of Schumacker Road.
10. The applicant gave written testimony that the property is adjacent to Mathwig Acres, a small platted subdivision with lot sizes ranging from five (5) to ten (10) acres. (Exhibit #2A) Staff gave oral testimony that Mathwig Acres subdivision was created in 1976 prior to the current Land Use Ordinance and Comprehensive Plan. The current zoning of Mathwig acres is Agriculture/Forest.
11. The applicant's representative gave oral testimony that there is one (1) parcel between 5-20 acres in size for sale in the Troy School District. Neighbors testified that there are approximately eighty rural properties for sale in Latah County and nine (9) rural properties for sale in the Troy area.
12. Neighbors testified the primary objective of the Latah County Comprehensive Plan is to protect lands designated for agricultural uses from development and they testified regarding the conflicts of this proposal with said policy. Specifically, they testified the rezone would be a spot zone, and they stated the proposal would remove agricultural land from production and would convert agricultural land into residential land.
13. Neighbors, Mr. Jensen and Mr. Robertson testified that the proposed rezone would increase traffic in an already dangerous area of State Highway 8. Both individuals testified that they have assisted with numerous accidents at the intersections of State Highway 8 and Driscoll Road, and State Highway 8, Schumaker Road and Howell Road.
14. Neighbors testified that the granting of this proposal would encourage other land owners in the vicinity to rezone their properties, which are currently in agricultural production, to a higher-density residential zoning. They testified that approval of this application would set precedent allowing neighboring property owners to rezone their properties, and that this is wholly inconsistent with the Comprehensive Plan.
15. Testimony was given that the property is currently in agricultural production. Neighbors testified that once agricultural land is taken out of production and homes are placed on the property it is not possible to return the land to agricultural production. Additionally, they testified that taking land out of agricultural production and converting it to housing would have a detrimental effect on the area's agrarian economy.

**BASED ON THE ABOVE FINDINGS OF FACT, THE ZONING COMMISSION ENTERS  
THE FOLLOWING:**

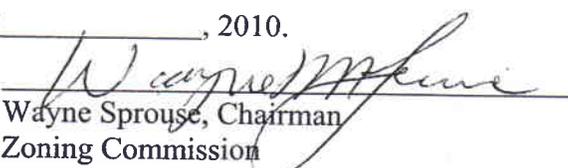
**II. CONCLUSIONS OF LAW**

1. As required by §6.01.02(1) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal as it relates to the Latah County Comprehensive Plan. The Zoning Commission concludes that this application is not consistent with goals and policies of the Latah County Comprehensive Plan.
2. As required by §6.01.02(2) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal and determined that the rezone is not compatible with the surrounding area and the uses permitted in that area.
3. As required by §6.01.02(3) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal and determined that the rezone will not impose costs upon the public that exceed the benefits.
4. As required by §6.01.02(4) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal and because of the safety of Schumaker Road with State Highway 8, has determined that the rezone would impose a significant burden to any public services.
5. As required by §6.01.02(5) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal and determined that the rezone is a spot zone.

**III. DECISION**

Based on the above Findings of Fact and Conclusions of Law, the Zoning Commission recommends to the Latah County Board of Commissioners denial of the application to rezone 30-acres of a 70-acre parcel of land from Agriculture/Forest (A/F) to Rural Residential (RR

PASSED BY THE ZONING COMMISSION OF LATAH COUNTY THIS 5 DAY OF

SEPT., 2010.  
  
Wayne Sprouse, Chairman  
Zoning Commission

**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:"

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 : 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.**

RZ #819

Staff Introduction

BOCC HRG: RZ 819  
Applicant: Blum  
Exhibit No. 12  
Date: 12/06/2010

LCZC Hrg: RZ 819  
Applicant: Blum  
Exhibit #: 3  
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.

**Section 6.01.03 of the Latah County Land Use Ordinance states that the Board of Latah County Commissioners shall follow the same criteria and procedures of the Zoning Commission when conducting its own public hearing on a rezone application. Section 6.01.02 states that a rezone application may be approved if the Board 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 Board of Latah County Commissioners may approve 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 Board may also approve applications not meeting the criteria listed above, if the Board 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 #2 : Criteria Worksheet
- Exhibit #3 : Vicinity Map and Comprehensive Plan Land Use Map
- Exhibit #4 : Zoning Map
- Exhibit #5 : Aerial Photo and Adjacent Property Owners Map
- Exhibit #6 : Application Form (Submitted by Applicant)
- Exhibit #7 : Applicant's Narrative (Submitted by Applicant)
- Exhibit #8 : Plat Map and Site Plan (Submitted by Applicant)
- Exhibit #9 : Letter submitted by neighbors on August 11<sup>th</sup>, 2010
- Exhibit #10 : Letter submitted by Gail Jensen on August 18<sup>th</sup>, 2010
- Exhibit #11 : Latah County Zoning Commission's Findings of Fact and Conclusions of Law for RZ 819
- Exhibit #12 : Staff Introduction for Latah County Zoning Commission hearing for RZ 819 held on August 18, 2010
- Exhibit #13 : Staff Introduction for Latah County Board of Commissioners hearing for RZ 819 held on August 18, 2010

**That is all staff has unless the Commission has questions.**

**BEFORE THE ZONING COMMISSION  
COUNTY OF LATAH, STATE OF IDAHO**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING 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 SCHUMACKER ROAD, IN SECTION 14, TOWNSHIP 39 NORTH, RANGE 04 WEST, B.M., IN LATAH COUNTY, AND IS REFERENCED AS ASSESSOR'S PARCEL NUMBER RP39N04W140757A.

**WHEREAS**, Curtis Blum made application for rezone on July 22, 2010; and

**WHEREAS**, this matter came before the Latah County Zoning Commission for public hearing on August 18<sup>th</sup>, 2010; and

**WHEREAS**, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents,

**THE LATAH COUNTY ZONING COMMISSION, STATE OF IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY MAKES THE FOLLOWING FINDINGS OF FACT:**

**I. FINDINGS OF FACT**

1. The subject parcel is 70 acres.
2. The subject parcel is zoned Agriculture/Forest (A/F).
3. The applicant requests to rezone thirty (30) acres from Agriculture/Forest (A/F) to Rural Residential (RR) to create three (3) additional residential building sites with lots ranging in size from five (5) acres to ten (10) acres. The remaining forty (40) acres will remain in Agriculture/Forest.
4. The surrounding properties are zoned Agriculture/Forest (A/F).
5. Surrounding uses include agricultural and residential.
6. The subject parcel is designated "Rural" on the Comprehensive Plan Land Use Map. The Comprehensive Plan states, "This area should be protected from conversion to more concentrated residential, commercial, or industrial development; however, sites within this area may be suitable for consideration for further low density residential development."
7. The existing use of the parcel is agriculture and it is currently in agricultural production.

8. The proposed three (3) lots will have private wells and septic systems.
9. The proposed three (3) lots will be accessed off of Schumacker Road.
10. The applicant gave written testimony that the property is adjacent to Mathwig Acres, a small platted subdivision with lot sizes ranging from five (5) to ten (10) acres. (Exhibit #2A) Staff gave oral testimony that Mathwig Acres subdivision was created in 1976 prior to the current Land Use Ordinance and Comprehensive Plan. The current zoning of Mathwig acres is Agriculture/Forest.
11. The applicant's representative gave oral testimony that there is one (1) parcel between 5-20 acres in size for sale in the Troy School District. Neighbors testified that there are approximately eighty rural properties for sale in Latah County and nine (9) rural properties for sale in the Troy area.
12. Neighbors testified the primary objective of the Latah County Comprehensive Plan is to protect lands designated for agricultural uses from development and they testified regarding the conflicts of this proposal with said policy. Specifically, they testified the rezone would be a spot zone, and they stated the proposal would remove agricultural land from production and would convert agricultural land into residential land.
13. Neighbors, Mr. Jensen and Mr. Robertson testified that the proposed rezone would increase traffic in an already dangerous area of State Highway 8. Both individuals testified that they have assisted with numerous accidents at the intersections of State Highway 8 and Driscoll Road, and State Highway 8, Schumaker Road and Howell Road.
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15. Testimony was given that the property is currently in agricultural production. Neighbors testified that once agricultural land is taken out of production and homes are placed on the property it is not possible to return the land to agricultural production. Additionally, they testified that taking land out of agricultural production and converting it to housing would have a detrimental effect on the area's agrarian economy.

**BASED ON THE ABOVE FINDINGS OF FACT, THE ZONING COMMISSION ENTERS  
THE FOLLOWING:**

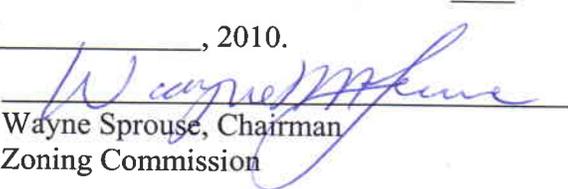
**II. CONCLUSIONS OF LAW**

1. As required by §6.01.02(1) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal as it relates to the Latah County Comprehensive Plan. The Zoning Commission concludes that this application is not consistent with goals and policies of the Latah County Comprehensive Plan.
2. As required by §6.01.02(2) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal and determined that the rezone is not compatible with the surrounding area and the uses permitted in that area.
3. As required by §6.01.02(3) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal and determined that the rezone will not impose costs upon the public that exceed the benefits.
4. As required by §6.01.02(4) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal and because of the safety of Schumaker Road with State Highway 8, has determined that the rezone would impose a significant burden to any public services.
5. As required by §6.01.02(5) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal and determined that the rezone is a spot zone.

**III. DECISION**

Based on the above Findings of Fact and Conclusions of Law, the Zoning Commission recommends to the Latah County Board of Commissioners denial of the application to rezone 30-acres of a 70-acre parcel of land from Agriculture/Forest (A/F) to Rural Residential (RR

PASSED BY THE ZONING COMMISSION OF LATAH COUNTY THIS 15 DAY OF

Sept., 2010.  
  
Wayne Sprouse, Chairman  
Zoning Commission

**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:**

<b>Size of Parcel:</b>	Approximately 30 acres of (1) one 70 acre parcel
<b>Soils:</b>	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
<b>Floodplain:</b>	None (FIRM Panel # 160086 0335B and 160086 0355B )

**Land Use and Regulations:**

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

**Infrastructure/Services:**

<b>Water:</b>	Proposed Private Wells
<b>Sewer:</b>	Proposed Private Septic Systems
<b>Access:</b>	Shumacker Road, North Latah Highway District
<b>Schools:</b>	Troy School District #287
<b>Fire Protection:</b>	Troy Fire District
<b>Law Enforcement:</b>	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:**

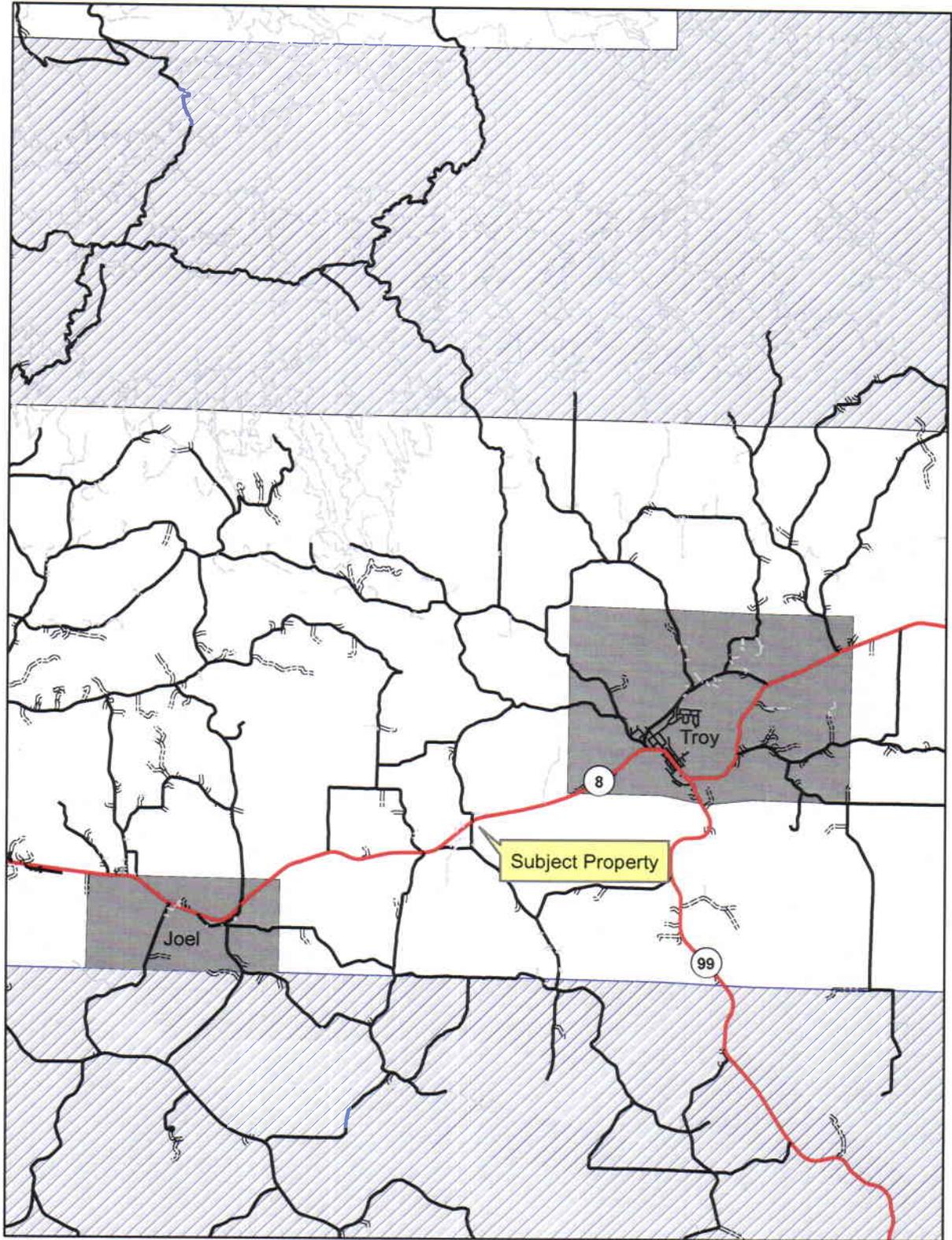
- A. The Board of Latah County Commissioners may require the developer to make a written commitment regarding the specific use and development of the subject property. If required by the Board of Latah County Commissioners, these commitments or conditions shall be considered part of the basis for approval.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



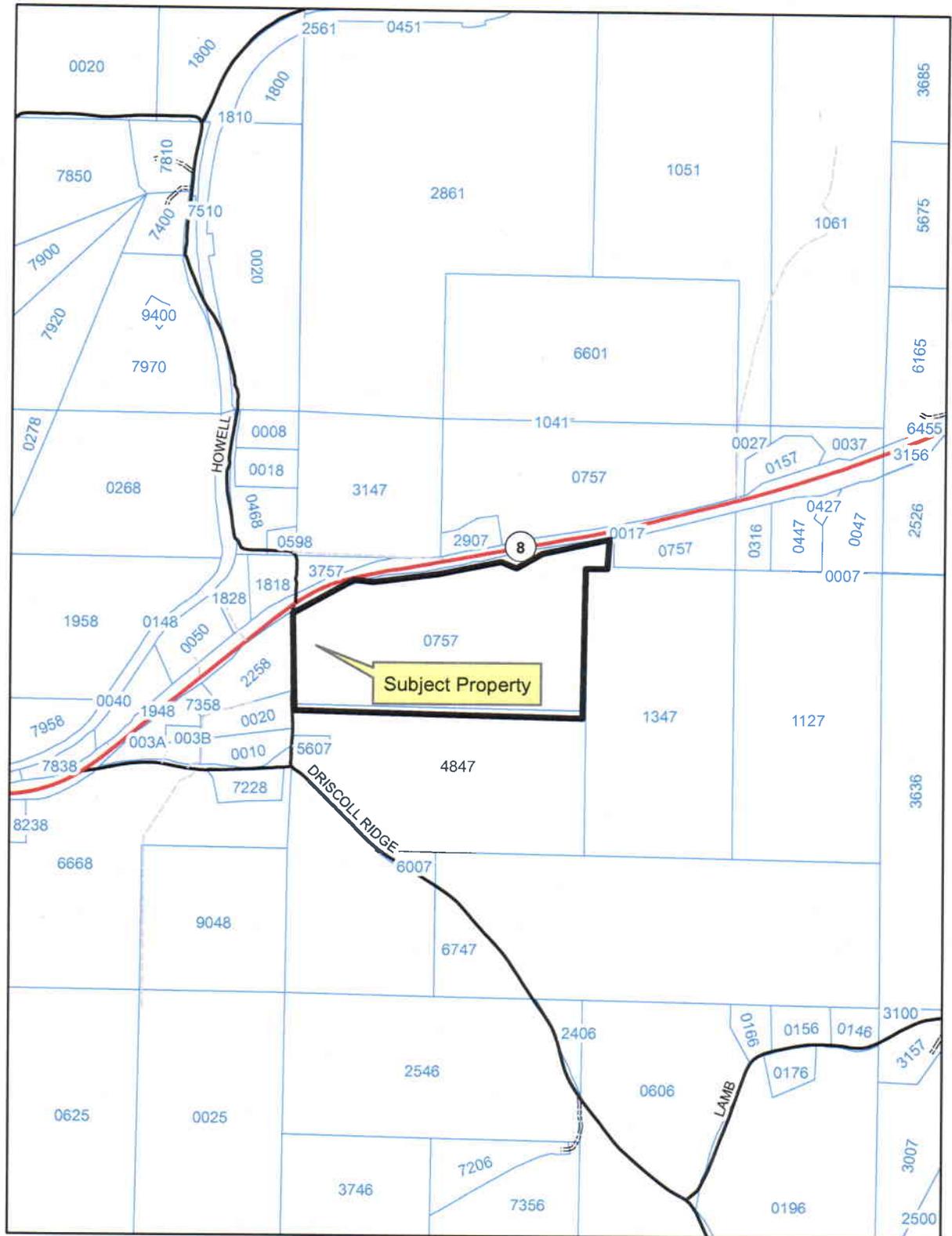
\*Created on 7/26/2010

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



0 500 1,000 2,000 3,000 Feet

Zoning\_Districts\_2009 ZONE\_TYPE

- Agriculture / Forestry
- Rural Residential
- Suburban Residential

\*Created on 7/26/2010 by MK

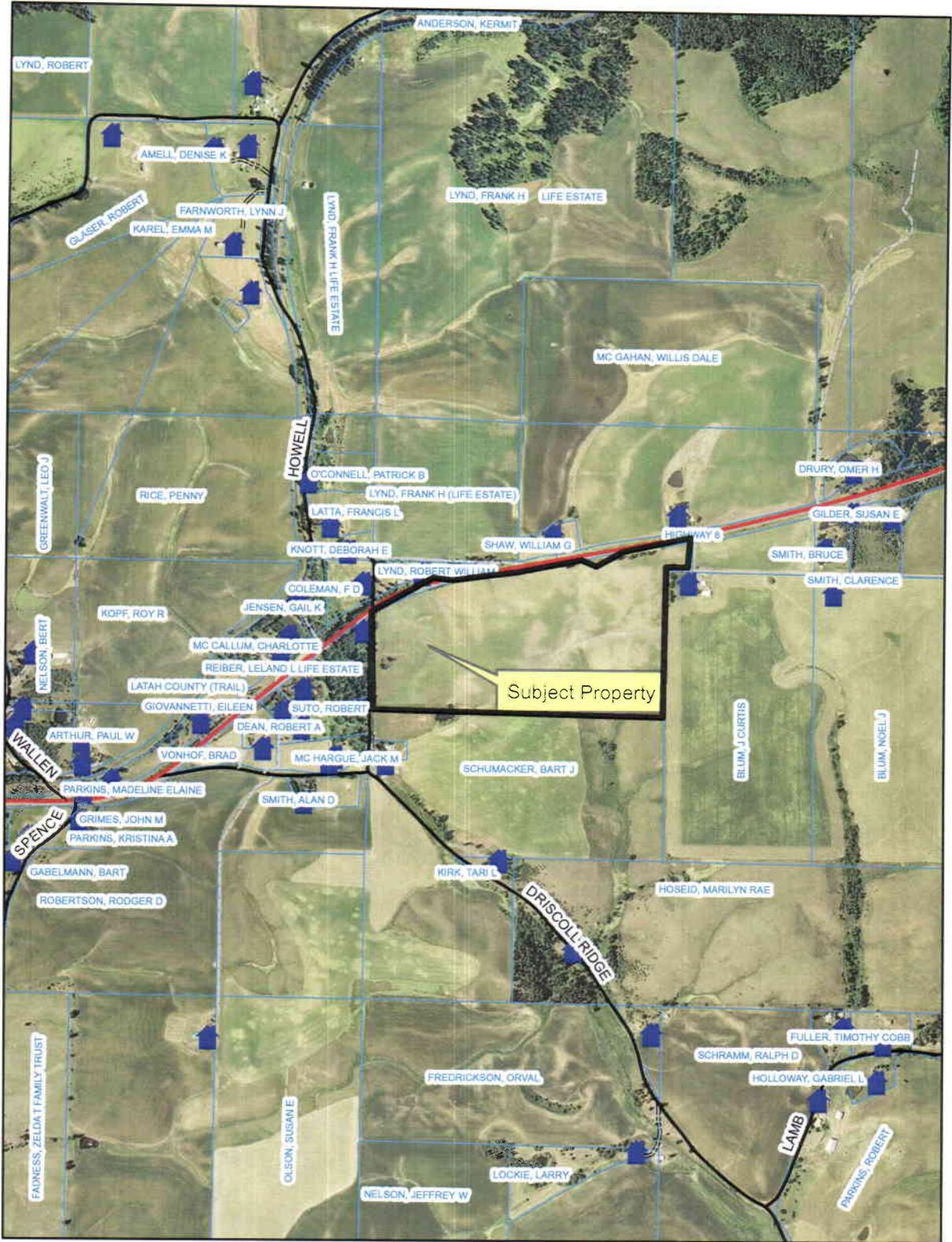
NOTE: This Document is a representation only.  
Latah County bears no responsibility for errors or omissions.

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



# RZ 819 Aerial Map

Planning & Building Department



## Legend

-  Addresses
-  Parcels

0312.625 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**

<b>1. Applicant Information</b>			
A. Applicant Name <b>J. Curtis Blum</b>		B. Home Phone <b>208-835-4068</b>	C. Work Phone <b>509-336-0173</b>
D. Mailing Address <b>3831 Hwy 8</b>		E. City <b>Troy</b>	F. State <b>ID</b>
G. Zip Code <b>83871</b>		H. Property Owner (If Different than Applicant)	I. Home Phone
J. Work Phone		K. Mailing Address	
L. City		M. State	N. Zip Code

<b>2. General Site Information</b>			
A. Assessor's Parcel Number(s) <b>Rp39N04W140757A</b>		B. Parcel Address (If Applicable)	
C. Acreage of Existing Parcel <b>70 ±</b>	D. Existing Zoning <b>Ag/Forest</b>	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 <b>Schumacker Road</b>	

*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 <b>Crop production</b>		
<b>3. Service Provider Information (please attach additional information if requested)</b>		
A. Fire District <b>Troy</b>	B. Road District <b>North Latah Highway Dist.</b>	C. School District <b>White Pine (Troy)</b>
D. Source of Potable Water (i.e. Water District or Private Well)		E. Sewage Disposal (i.e. Sewer District or Septic System)

<b>4. Adjacent Properties Information</b>	
A. Zoning of Adjacent Properties <b>Ag/Forest</b>	B. Existing Uses of Adjacent Properties <b>Residential &amp; Agriculture</b>

<b>5. Rezone Information</b>	
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 <b>To develop 3 additional home sites that will be 5 – 10 acres in size.</b>

*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.*

<b>6. Authorization</b>		<b>7. Attachments</b>																	
The applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true, and further acknowledges that approval of this application may be revoked if it is found that any such statements are false.		<i>All attachments should be reproducible in black and white at 8 1/2" x 11"</i>																	
a. Signature of Applicant 	b. Date <b>7-22-10</b>	<input checked="" type="checkbox"/> <b>Fee: (\$300.00)</b> Make checks payable to Latah County.																	
c. Signature of Property Owner (If Different than Applicant)	d. Date	<input checked="" type="checkbox"/> <b>Completed Narrative Worksheet:</b> See instructions on the Rezone Narrative Worksheet.																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="4"><b>Office Use Only</b></td> </tr> <tr> <td>Date Received <b>7/22/10</b></td> <td>Amount <b>300.00</b></td> <td>Receipt No. <b>348062</b></td> <td>By <b>TS</b></td> </tr> <tr> <td>RZ.# <b>818</b></td> <td>Date Determined Technically Complete <b>7/23/2010</b></td> <td colspan="2">By <b>MZ</b></td> </tr> <tr> <td colspan="4">Hearing Date</td> </tr> </table>		<b>Office Use Only</b>				Date Received <b>7/22/10</b>	Amount <b>300.00</b>	Receipt No. <b>348062</b>	By <b>TS</b>	RZ.# <b>818</b>	Date Determined Technically Complete <b>7/23/2010</b>	By <b>MZ</b>		Hearing Date				<input checked="" type="checkbox"/> <b>Site Plan:</b> 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.	
		<b>Office Use Only</b>																	
		Date Received <b>7/22/10</b>	Amount <b>300.00</b>	Receipt No. <b>348062</b>	By <b>TS</b>														
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Hearing Date																			
<input type="checkbox"/> <b>Vicinity Map:</b> The map should show the site location in relation to neighboring communities and natural features.		<input type="checkbox"/> <b>Assessor's Plat Map:</b> Include a copy of that portion of the map that shows the subject parcel and adjoining parcels.																	
<input type="checkbox"/> <b>Other Attachments:</b>																			

**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.

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**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 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**

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.

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**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.

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**h. Natural Resource Element**

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

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**i. Special Areas Element**

There does not appear to be any special area designation.

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**j. Hazardous Areas Element**

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

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**k. Recreation Element**

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

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**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.

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**m. Property Rights Element**

Property Rights will not be affected by this rezone.

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**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:"

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 : 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 18<sup>th</sup> 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  
Cary Jensen  
Jo Lynd  
Frai Little  
Bob Lynd  
Dave Coleman  
Janna L Smith  
Duffas D. Carlin  
Robert Schumacker  
Bar Schumacker

Henna Jensen  
Marilyn Hoesid

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

Date: August 18, 2010

To: Latah County Zoning Commission

From: Gail Jensen

Subject: RZ#819

- 1) I appreciated receiving the notice of this rezoning request in the mail and I'd like to thank you for this opportunity to express my concerns regarding this proposed rezoning. Several of my neighbors met as a group and we are all against rezoning this property.
- 2) While we have several major concerns in regards to this request, after reading the County's Comprehensive Plan and Objectives we believe these concerns will be alleviated if the Commission follows the goals and objectives of the County and its plan, for the **number one objective of this county according to the CP is to preserve agricultural land and ensure the continued viability of an agriculture based economy in rural Latah County.** This property was purchased as farm ground and we support the County's Plan to have it remain so. To the best of our knowledge it has been in continual production for close to 100 years producing wheat, barley, peas and lentils. To take this land out of farming production clearly violates the objectives of the County's CP. This request does not benefit the neighboring community and would require the county to rezone a small land area for a use that differs measurably from the zoned land uses surrounding the area and would be inconsistent with adjacent parcel sizes; therefore, this would be considered a **spot zone**, which is not in compliance with the goals and objectives of the CP. There is no need for this development. There are currently approximately 80

rural properties for sale in Latah County between 1-40 acres, in addition, there are 9 rural properties for sale in the immediate Troy area.

- 3) Furthermore, the **fourth objective of the Comprehensive Plan is the preservation of the rural character of Latah County to ensure the protection of the cultural, scenic and natural amenities presently found in the County...** this particular property is one of the last fields people see on their way into the community of Troy. It sets the scene as a rural farming community. It protects the character of Troy and its community. It provides a beautiful Palouse view and landscape of gently rolling hills of grain.
- 4) Next, the goal of the Community Design Element contained in the Comprehensive Plan is to **ensure a pattern of planned growth which results in the orderly and attractive development of Latah County.** Removing productive farm land adjacent to public roads and many neighbors, as well as the entire community of Troy, would not be an attractive development. And perhaps most importantly, the **granting of this proposal would encourage other land owners in the area to ask to rezone their agricultural land!** We could literally lose hundreds of acres of productive dry-land farm ground in our county if this proposal went through. Also, the #8 and #9 Policies under the Community Design Element clearly state that it is the **County's goal to protect existing land uses from conflicting uses and to preserve the rural character of Latah County.** While there are many homes in this area, the vast majority of them have been built in draws, scrub land, on existing home sites, close to the highway or in a copse or stand of trees- they are not built on productive agriculture land and it is those

surrounding fields of grain that provide all of us with that rural landscape and character. Removing the existing farmland and replacing it with three home sites would clearly deteriorate the rural landscape in this area and obviously would open the door to further development in the future.

- 5) Another goal of the Comprehensive Plan is **to encourage growth in existing cities or areas likely to be annexed into existing cities.** This property certainly does not meet this goal.
- 6) Under Part 4 of the Comprehensive Plan- Economic Development Element- **the first goal is to foster agriculture and its supporting activities.** Again, it is obvious that this request would go against the County's Comprehensive Plan for the residents of this county. Furthermore under the Policies of this section the first policy states that the county desires to **protect agricultural lands from scattered development.**
- 7) Another concern under part 7-Transportation- **is to limit the number of access points to state highways.** Highway 8 between Troy and Moscow is a busy highway with 3500 cars traveling between Troy and Moscow on a daily basis. Even though this proposal states that the driveways for these new homes would be off of Shumacker Road, all residents would have to enter, exit, and access Highway 8 to get to these homes. Furthermore, Shumacker Road is directly across the highway from another county road, Howell Road, and is on a corner with guard rails and is a dangerous entry and exit on and off of Highway 8. (Driscoll Road is also a possibility but again enters directly onto highway 8.)
- 8) Under Section 8- Natural Resource Element- we do have some serious concerns about maintaining **our groundwater resources.**

We are not aware of any studies in the area that would alleviate our worries and we need to have some degree of confidence that three new homes would not further drop the water table in our area. For the first time a spring on my property is not running this summer, the Parkins have lost their artesian well status, the Fredricksons' well has been depleted to the point where they can't water outside. Common sense seems to tell us that perhaps the two new homes completed this spring in our neighborhood may have finally been the last straw. We would strongly oppose any further development by anyone in our neighborhood until we get some expert opinions.

9) Next, in Section 12- **Land Use Element- the County states that its goal is to protect rural areas from conversion to more concentrated residential development.** Mr. Blum states that there are already 50 residences in a one mile radius; clearly this area does not need any further development, especially development that eliminates productive farm ground.

10 ) Last of all, the Comprehensive Plan clearly states in **Section 13- Implementation Element- #2,** that the County will administer zoning...with the policies and goals of the Comprehensive Plan. We believe it is very clear that this request is in direct conflict with that Plan and simply ask you to abide by the plan and zoning currently in place.

Thank You,

Gail Jensen