

**NOTICE OF PUBLIC HEARING**  
**BEFORE THE LATAH COUNTY ZONING COMMISSION**  
**Wednesday, April 6<sup>th</sup>, 2011, 5:30 pm**

The Latah County Zoning Commission will hold a public hearing on Wednesday, April 6<sup>th</sup>, 2011, in Room 2-B, Latah County Courthouse, Moscow, Idaho, to receive comments on:

**5:35 p.m. – CUP # 834A** – A request by David Port and Keith Haley to amend Conditional Use Permit #834 to include overnight tent camping with the previously approved challenge course recreational field on a portion of a 378 acre parcel located in the Agriculture/Forest zone. The property is located at 1127 Paradise Ridge Road, in Sections 28, 29, 32, and 33, Township 39 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel numbers RP39N05W286064A, RP39N05W327228A, RP39N05W297375A, RP39N05W327228A, RP39N05W333009A, RP39N05W333049A.

**5:40 p.m. RZ #832** – A request by Brent and Shawna Lindquist to rezone a portion of their 2.18 acre parcel from Agriculture Forest to Commercial. The property is located at 2681 Hwy 95 South, in Section 15, Township 37 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP37N05W152845A.

**5:45 p.m. RZ #833** – A request by Jerry Leonard to rezone a portion of his 54.84 acre parcel from Agriculture Forest to Rural Residential. The property is located at 5253 Robinson Park Road, in Section 06, Township 39 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP39N04W063625A.

Interested parties are encouraged to attend. Accommodations for individuals who qualify under the ADA are available upon request. Notice to acquire accommodations must be made 3 working days prior to the hearings to the Planning Dept. These hearings will be held pursuant to the Latah County Hearing Procedures Ordinance and under authority of the Idaho Local Land Use Planning Act, the Latah County Comprehensive Plan and the Latah County Land Use Ordinance. The Latah County Zoning Commission reserves the right to limit length of testimony.

Additional information, including copies of the proposals, are available from the Planning Dept., Latah County Courthouse, Moscow, Idaho, (208) 883-7220. Written comments will be accepted at the above office prior to the hearing.

Mauri Knott, Associate Planner

(This is a public service announcement only)



**LEONARD**  
**REZONE APPLICATION #833**  
**STAFF REPORT**

**BASIC FACTS:**

A request by Jerry Leonard to rezone a portion of his 54.84 acre parcel from Agriculture Forest to Rural Residential. The property is located at 5253 Robinson Park Road, in Section 06, Township 39 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP39N04W063625A.

**Site Characteristics:**

|                         |  |
|-------------------------|--|
| <b>Size of Parcels:</b> | 54.84 acre parcel  |
| <b>Soils:</b>           | Taney Silt Loam 7 to 25%<br>Latah County Soil Survey Sheet #51<br>Panel 1600860235B Zone C |
| <b>Floodplain:</b>      |  |

**Land Use and Regulations:**

|  |   |
|--|---|
| <b>Comprehensive Plan Designation:</b> | Rural   |
| <b>Existing Zoning:</b>                | Agriculture/Forest (A/F)                      |
| <b>Existing Uses:</b>                  | 3 Non-Conforming Residences, Agriculture      |
| <b>Neighboring Zoning:</b>             | Agriculture/Forest (A/F)                      |
| <b>Neighboring Uses:</b>               | Residential, Agriculture, Public Right of Way |

**Infrastructure/Services:**

|                         |                            |
|-------------------------|----------------------------|
| <b>Water:</b>           | Private Well               |
| <b>Sewer:</b>           | Private Septic             |
| <b>Access:</b>          | Robinson Park Road         |
| <b>Schools:</b>         | Moscow School District     |
| <b>Fire Protection:</b> | Moscow Rural 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 and Vicinity Map  
Exhibit #1D : Aerial Photo and Adjacent Property Owners Map  
Exhibit #1E : Photographs of site  
Exhibit #2 : Application Form (Submitted by Applicant)  
Exhibit #2A : Applicant's Narrative (Submitted by Applicant)  
Exhibit #2B : Plat Map (Submitted by Applicant)  
Exhibit #2C : Site Plan  
Exhibit #3 : Staff Introduction for Latah County Zoning Commission hearing for RZ #833 held on April 6, 2011.

**NOTE: Exhibits not included in the staff packet are available for review in the Planning Office, and will be entered into the record during the public hearing.**

**APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:**

**Local Planning Act:** Idaho Code 67-6511, Zoning Ordinance

**Latah County Land Use Ordinance:**

Section 3.01 Agriculture/Forestry Zone  
Section 3.02 Rural Residential Zone  
Article 6 Zoning Map Amendments

**Latah County Comprehensive Plan**

# CRITERIA WORKSHEET

NOTE: This criteria worksheet does not represent staff analysis of information provided by the applicant, supporters, or opponents; however, policies which may be applicable to this particular request have been identified by staff. Information submitted to the Planning Department prior to the mailing of the staff packet has been organized herein in relation to the applicable criteria for approval or denial. The worksheet is intended only to help identify if all relevant criteria have been addressed with supporting factual information, and to provide a juxtaposition of any conflicting testimony that has been presented.

## Type of request:

Rezone

## Description of Application:

An application was submitted by Jerry Leonard to rezone a portion of his 54.84 acre parcel from Agriculture Forest to Rural Residential. The property is located at 5253 Robinson Park Road, in Section 06, Township 39 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP39N04W063625A.

## 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 application was submitted to the Latah County Planning and Building Department on February 11, 2011. The application was signed by the property owner, Jerry Leonard and Tamolin Lanting.

**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.

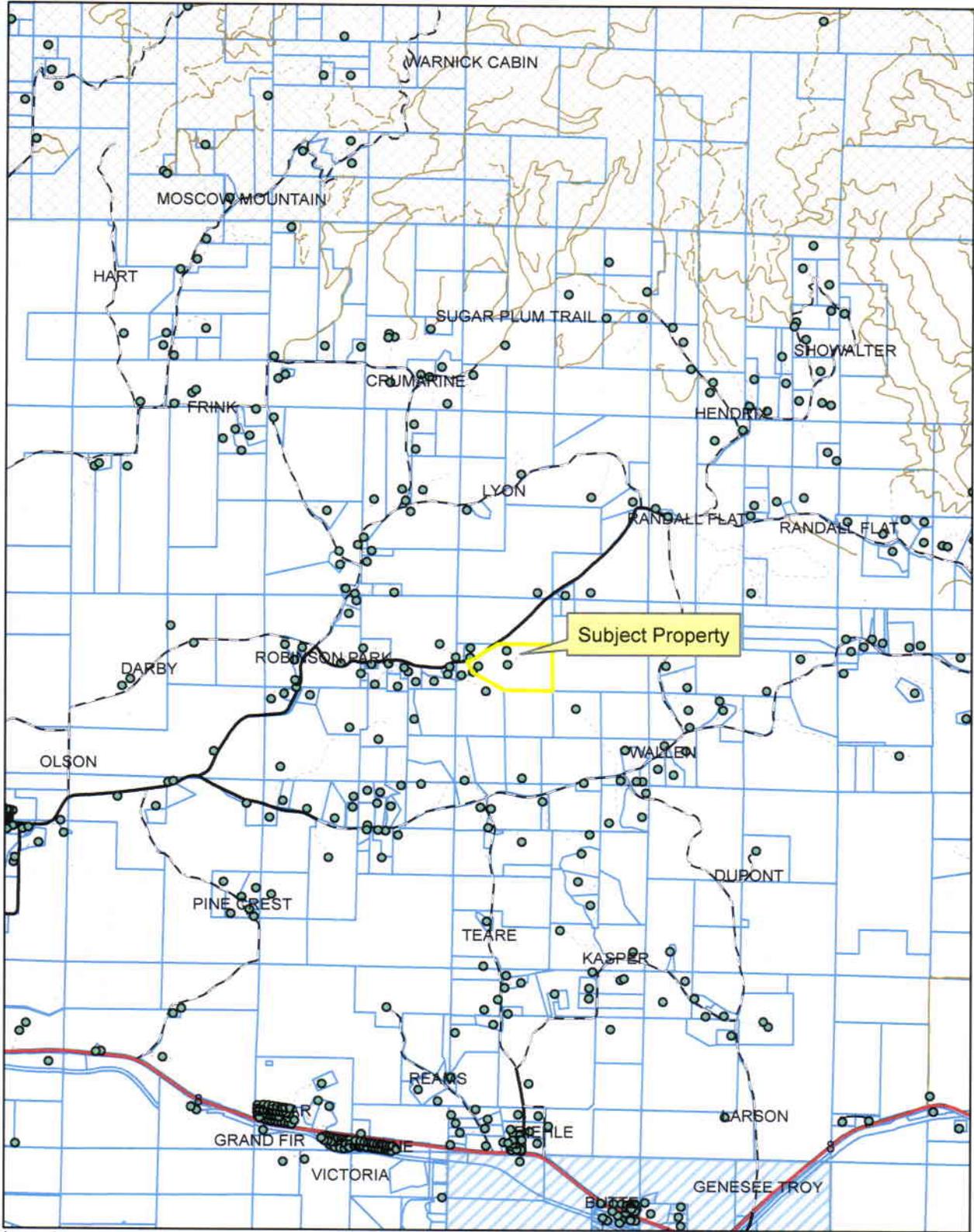
The Zoning Commission may recommend approval for rezone proposals that do not initially meet criteria 1-5, if the applicant can provide substantial mitigation through a written development agreement as provided by 6.01.03.4 of this ordinance. The Zoning Commission may also recommend approval for applications not meeting the criteria listed above, if the Zoning Commission finds that the rezone is essential to the public health, safety, or welfare.

**3.) Section 6.01.03.4 states the Zoning Commission may recommend, as a condition of approval, that the Board of Latah County Commissioners require the owner or developer to make a written Development Agreement concerning the use or development of the subject parcels as provided by 67-6511A, Idaho Code. The creation, form, recording, modification, enforcement, and termination of conditional commitments are governed as follows:**

- A. The Board of Latah County Commissioners may require the developer to make a written commitment regarding the specific use and development of the subject property. If required by the Board 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 ensue that the application meets the criteria of 6.01.02.
- C. Prior to adoption of the zoning map amendment, the agreement shall be submitted to the Board 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.
- E. The agreement shall remain in effect until formally modified or terminated by the Board of Latah County Commissioners, or the property is rezoned. The agreement may be terminated or modified by the Board 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 of Latah County Commissioners from rezoning a property subject to these agreements after four years from the date of approval, or under the restriction set forth in Title 67, Chapter 65, Idaho Code.

# RZ833 Vicinity and Comprehensive Plan Map

Planning & Building Department



**Legend**  
**Comprehensive Plan**  
**ZONE**  
 AOI  
 ICR  
 PRODUCTIVE  
 RURAL

0 0.25 0.5 1  
 Miles

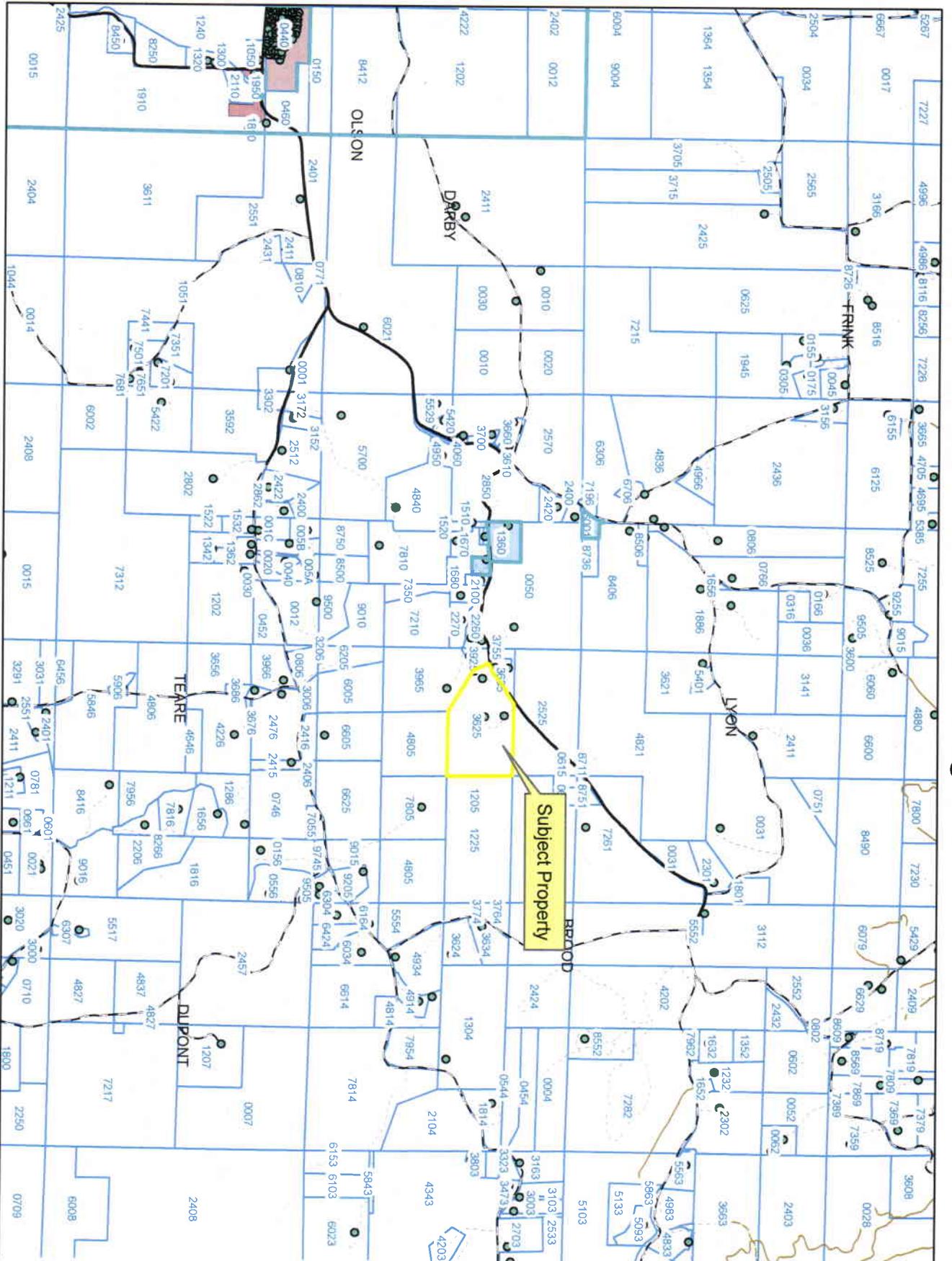
\*Created on 03/25/2011 by MK



LCZC Hrg: RZ 833  
 Applicant: LEONARD  
 Exhibit #: 1B  
 Date: 04/06/2011

# Planning & Building Department

## RZ 833 Zoning



**Legend**

**Zoning\_Districts\_2009**

- Area of Impact - Genesee
- Commercial
- Industrial
- Multiple Family Residential
- Municipality
- Rural Residential
- Single-Family Residential (R1)
- Suburban Residential

**ZONE\_TYPE**

- Agriculture / Forest

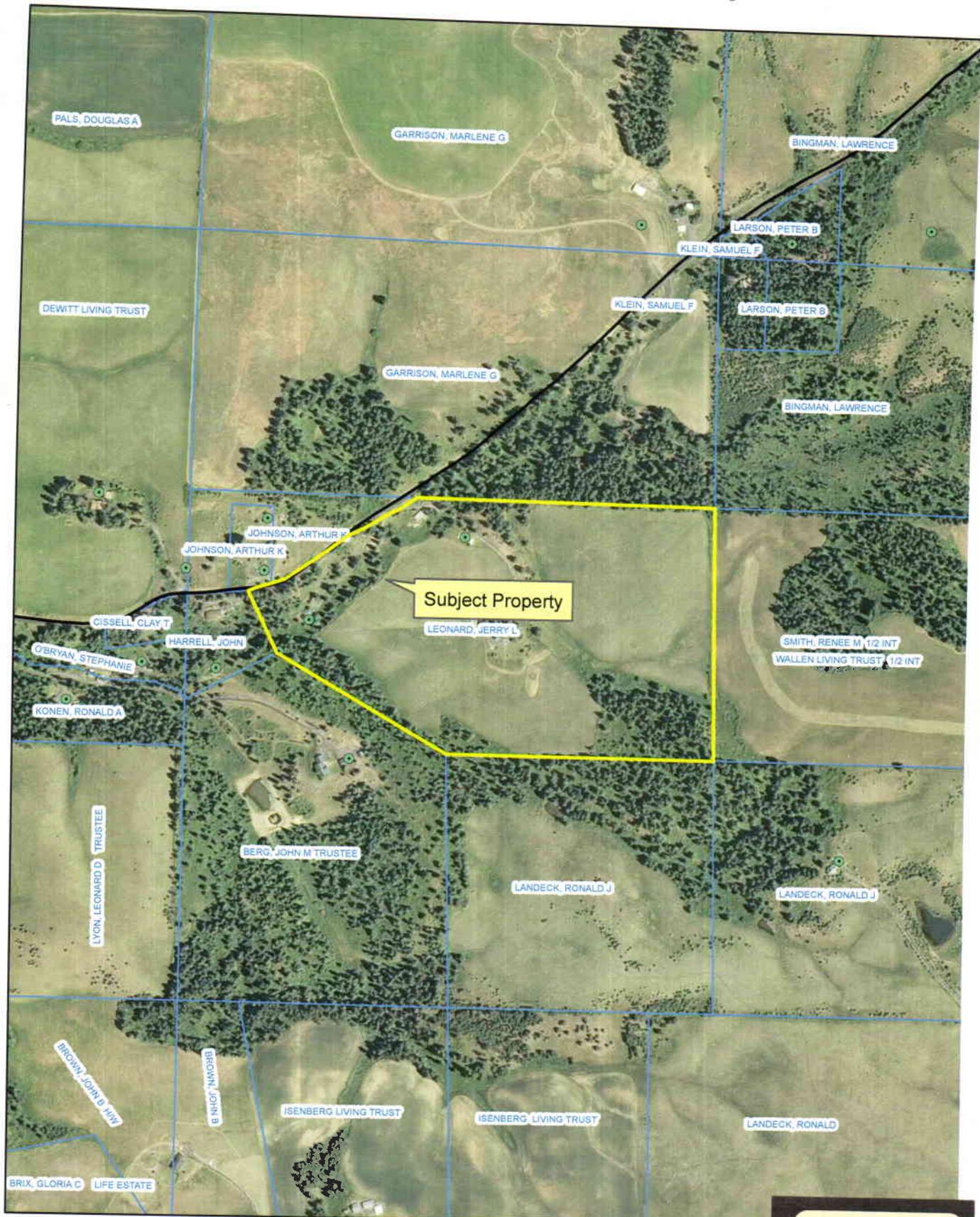
0 1,500 3,000 6,000

\*Created on 01/25/2011 by MK



# RZ 833 Aerial and Adjacent Property Owners

Planning & Building Department



Subject Property



Legend  
 Addresses

0 250 500 1,000 \*Created  
 Feet

LCZC Hrg: RZ 833  
 Applicant: LEONARD  
 Exhibit #: 1D  
 Date: 04/06/2011

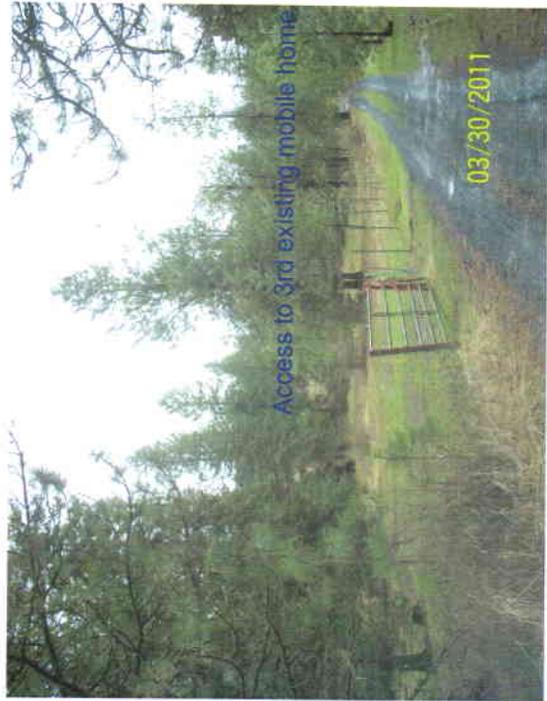
Leonard RZ 833



Property from Robinson Park Road looking South



Looking Northwest



Existing driveway looking west



Looking Southeast



# 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. Home Phone         | C. <sup>Cell</sup> Work Phone |              |
| <i>Jerry L. Leonard &amp; Tamolin L. Lenting</i> | <i>(208) 882-7148</i> | <i>(720) 560-5211</i>         |              |
| D. Mailing Address                               | E. City               | F. State                      | G. Zip Code  |
| <i>P.O. Box 9621</i>                             | <i>Moscow</i>         | <i>Id</i>                     | <i>83843</i> |
| H. Property Owner (If Different than Applicant)  | I. Home Phone         | J. Work Phone                 |              |
| <i>Same</i>                                      |                       |                               |              |
| K. Mailing Address                               | L. City               | M. State                      | N. Zip Code  |
|  |                       |                               |              |

| 2. General Site Information  |                           |                                   |                              |
|--|---------------------------|-----------------------------------|------------------------------|
| A. Assessor's Parcel Number(s)   |                           | B. Parcel Address (If Applicable) |                              |
| <i>RP39N04W063625A (Less 2.45 AC Tax #4900SE NW)</i>   |                           | <i>Approx. 5253 Robison Pk Rd</i> |                              |
| C. Acreage of Existing Parcel  | D. Existing Zoning        | E. Comprehensive Plan Designation | F. Floodplain Designation(s) |
| <i>54.84</i>   | <i>Agriculture/Forest</i> | <i>Rural</i>                      |                              |
| H. Is the parcel within an Area of City Impact?  | I. Impact City            | J. Road Used to Access Site       |                              |
| <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.  |                           | <i>Robison Park Road</i>          |                              |
| <i>Note: Sites within an Area of City Impact may require additional notification time prior to public hearings or may require a hearing before the other jurisdiction.</i> |                           |                                   |                              |
| L. Existing Uses   |                           |                                   |                              |
| <i>Residential, Pasture</i>  |                           |                                   |                              |

| 3. Service Provider Information (please attach additional information if requested) |   |                    |
|---|---|--------------------|
| A. Fire District  | B. Road District  | C. School District |
| <i>Moscow</i>   | <i>North Latah</i>  | <i>Moscow</i>      |
| D. Source of Potable Water (i.e. Water District or Private Well)                    | E. Sewage Disposal (i.e. Sewer District or Septic System) |                    |
| <i>Well</i>   | <i>Septic Systems</i>                                     |                    |

| 4. Adjacent Properties Information |   |
|------------------------------------|---|
| A. Zoning of Adjacent Properties   | B. Existing Uses of Adjacent Properties |
| <i>Agriculture/Forestry</i>        | <i>Residential and Agricultural</i>     |

| 5. Rezone Information   |                               |
|---|-------------------------------|
| A. Proposed Zoning District(s)  | B. Explain for Rezone Request |
| <input type="checkbox"/> Agriculture/Forestry<br><input checked="" type="checkbox"/> Rural Residential<br><input type="checkbox"/> Suburban Residential<br><input type="checkbox"/> Commercial<br><input type="checkbox"/> Industrial | <i>Please See Attached</i>    |

*Note: If you would like to change different sections of your property to different zoning designations, please provide a map depicting which zoning designations will be located on the corresponding sections of your property.*

| 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          |
| <i>[Signature]</i>  | <i>2/11/2011</i> |
| c. Signature of Property Owner (If Different than Applicant)  | d. Date          |
|   |                  |

| 7. Attachments  |  |
|---|--|
| <i>All attachments should be reproducible in black and white at 8 1/2" x 11"</i>  |  |
| <input type="checkbox"/> Fee: (\$300.00) Make checks payable to Latah County.   |  |
| <input type="checkbox"/> Completed Narrative Worksheet: See instructions on the Rezone Narrative Worksheet.   |  |
| <input type="checkbox"/> Site Plan: The site plan should include a north arrow, location of roads and rights-of-way, existing buildings, improvements and features; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Zoning Commission to make a decision. |  |
| <input type="checkbox"/> Vicinity Map: The map should show the site location in relation to neighboring communities and natural features.   |  |
| <input type="checkbox"/> Assessor's Plat Map: Include a copy of that portion of the map that shows the subject parcel and adjoining parcels.  |  |
| <input type="checkbox"/> Other Attachments:   |  |

| Office Use Only |                                      |             |    |
|-----------------|--------------------------------------|-------------|----|
| Date Received   | Amount                               | Receipt No. | By |
|                 |                                      |             |    |
| RZ #            | Date Determined Technically Complete | By          |    |
|                 |                                      |             |    |
| Hearing Date    |                                      |             |    |
|                 |                                      |             |    |

LCZC Hrg: RZ 833  
 Applicant: LEONARD  
 Exhibit #: 2  
 Date: 04/06/2011

## APPLICATION FOR REZONING

Applicants: Jerry L. Leonard and Tamolin L. Lanting  
Assessor's Parcel #: RP39N04W063625A (Less 2.45 AC Tax #4900 SENW)  
Phone number: (208)882-7148 Cell: (720)560-5211

5. Rezone Information
  - a. Proposed Zoning District(s)
    - Rural Residential

b. Explain for Rezone Request: The rezoning of a minimum of 9 acres up to a maximum of 21 acres in the north west portion of Assessor's parcel number RP39N04W063625A (Less 2.45 AC Tax #4900 SENW) from a designation of agricultural/forestry to a designation of rural residential. A short plat would then be proposed to create 3 parcels of three to 15 acres each on the rezoned land. This would bring the property's 3 nonconforming mobile home primary residences, which have been located and occupied in their current locations for more than 35 years, into substantial compliance. (The setback on one may be less than 35 feet from a newly created parcel property line.) It would also be consistent with other small acreage parcels in the same area and located within a 1/2 mile of Robinson Park Road. This proposed rezone and the short plat to follow would bring the property into substantial conformity with its new proposed rezoned designation.

### Rezone Narrative Worksheet

#### Description of Proposal

The proposal is to rezone a minimum of 9 acres and a maximum of 21 acres located in the northwest corner of Assessor's parcel number RP39N04W063625A (Less 2.45 AC Tax #4900 SENW) to create 3 new parcels and the residual parcel. The three new parcels would each contain one of the current mobile home sites. Each new parcel would be a minimum of 3 acres and up to a maximum of 15 acres, with the size and shape of each parcel to be determined in consultation with a surveyor. The determination of size and shape would be with the intent to make each a desirable separate parcel containing a quality building site. Road or driveway easements would be established to provide proper access to each parcel.

#### Existing Use of Property

The property currently contains three mobile home sites, each of which is rented and used by a mobile home owner as a primary single-family home site. Each site has its own separate power service and a separate septic system. All sites are provided water, which is piped from the property owner's well. The sites do not currently have separate wells. During part of the year, a portion of the land proposed for rezoning is used to pasture horses and cattle. Gravel driveways maintained by the landowner currently provide access to each site.

LCZC Hrg: RZ 833  
Applicant: LEONARD  
Exhibit #: 2A  
Date: 04/06/2011

## **Consistency Requirements**

**1. The rezoning, and the uses it permits, shall not be detrimental to or incompatible with the surrounding area, and the uses permitted in that area.**

The area within ½ mile either side of Robinson Park Road from Robinson Park to just beyond the proposed rezone property contains numerous small acreage parcels with single family dwellings. The three mobile home sites currently on the subject property were also some of the earlier single family dwelling located in this area and helped to establish the character of the area.

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

Because 3 single-family dwellings are currently located on the proposed rezone property, there should be very little, if any, increased cost imposed on the public. The proposed rezone would create 3 new parcels which would be added to and increase the county's tax base. This increase in the assessable value of the land should more then offset any possible cost to the public.

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

The three proposed new parcels to be created in the proposed rezone area currently have single-family dwellings located on them. Consequently, no significant burden will be added to any public services by the proposed rezone. If there were any added burden created, it should be insignificant due to the numerous other single-family dwellings already located in the area.

**4. The rezone shall not be a spot zone.**

The resulting characteristics of the proposed rezoning, with 3 current residences located on the subject property, would not significantly change the character of the surrounding area. The property proposed for rezoning actually has contributed to the character of the area for over 35 years. This proposal does not create a spot zone.

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

The proposal provides the opportunity for residential parcels to be created for single-family dwellings in an area appropriate for low density residential housing without any noteworthy increase in population density or any significant change to the character of the area. Three currently nonconforming residences have been located on the property for over 35 year. This proposal would allow property owners of the newly created parcels with these non-conforming mobile home residences to consider optional residential types and locations, which would be more ecologically friendly. The proposal

would not add any significant burden on public services, schools, or the County, and would increase the County's tax base to offset any possible unforeseen burdens.

**a. Community Design Element**

The proposal will continue the current character of the rural area where the property is situated and is a move toward creating pride of ownership on the part of those who reside on the property in the future. It will not create any significant conflict with existing land use and likewise should not significantly increase public service costs. By allowing for continuing its current use in a more permanent fashion through rezoning to rural residential, it will help to protect against any significant change in use in the future. It also helps to perpetuate the continuation of low-density residential housing in an area where other low-density residential dwellings already exist.

**b. Population Element**

The proposed rezoning will not contribute to any sizable population growth in Latah County. It will, however, help to accommodate current population without any significant negative impact on the environmental features of the area. Approximately 5 or the acres proposed for rezoning are categorized as less productive soils.

**c. Housing Element**

The current dwellings on the land proposed for rezoning are older and less energy efficient mobile homes. Maintaining the current zoning and keeping nonconforming uses on the property does not allow for the construction of other types of dwellings that are more energy efficient and diverse in type. Rezoning to rural residential will allow for property owners to select newer more permanent, diverse, and energy efficient dwellings types.

**d. Economic Development Element**

The proposal should not have any major impact on the current use of the land and does not propose any new business or mining activity. This element does not appear to apply.

**e. Public Services, Facilities, and Utilities Element**

With the three dwellings and the residents currently on the land proposed for rezoning, which are already provided with public services and utilities as pre-1997 dwellings allowed to remain as nonconforming, the proposal should not have any significant impact on public services, facilities, or utilities. The proposed rezoning will actually allow for new types of housing to replace the current types and accordingly may bring about more efficient use of such resources in the future.

**f. School Facilities and Student Transportation Element**

Due to the current residences on the property, and the school district having provided (currently and in the past) such services to some of their occupants and other residents in surrounding similarly situated homes, there should be no significant impact on the School District's facilities and transportation services for students.

**g. Transportation Element**

There should be very little if any impact on current traffic flow and patterns as a result of the proposed rezone. This is because there are already 3 longtime nonconforming residences located on the property and only 3 new parcels would be created by the proposal. Any possible changes that might impact transportation in the future will be subject to review and approval in the building permit process. The steep slope of the subject land immediately adjacent to Robinson Park Road makes it very unlikely that any additional road accesses would be sought in the future and access to the 3 propose new parcels will be provided by use easements over the current driveways.

**h. Natural Resources Element**

The three current residences on the property proposed for rezoning are within close proximity to the seasonal stream running through the property. In the future, if building permits are sought, they would be subject to the codes setback requirements, and each parcel will have better and more ecologically beneficial building sites that meet the setback requirements. No flood plains or wetlands will be affected by the proposal and if there is any impact on wildlife habitat, it would be insignificant.

**i. Special Areas Element**

No recognized special areas sites would be impacted by the proposal.

**j. Hazardous Areas Element**

No wetlands, wildland urban interface issues, or unstable slopes would be impacted by the proposal. There is no increase in wildfire hazard created by the rezone, and if and when buildings permits are sought for the newly created parcels the issue would be addressed under current code requirements at that time.

**k. Recreation Element**

No recreational areas or uses will be affected by the proposal as only private land is involved and only private land and a road are located in close proximity to the subject property. The proposal also would not result in any significant population change in the area.

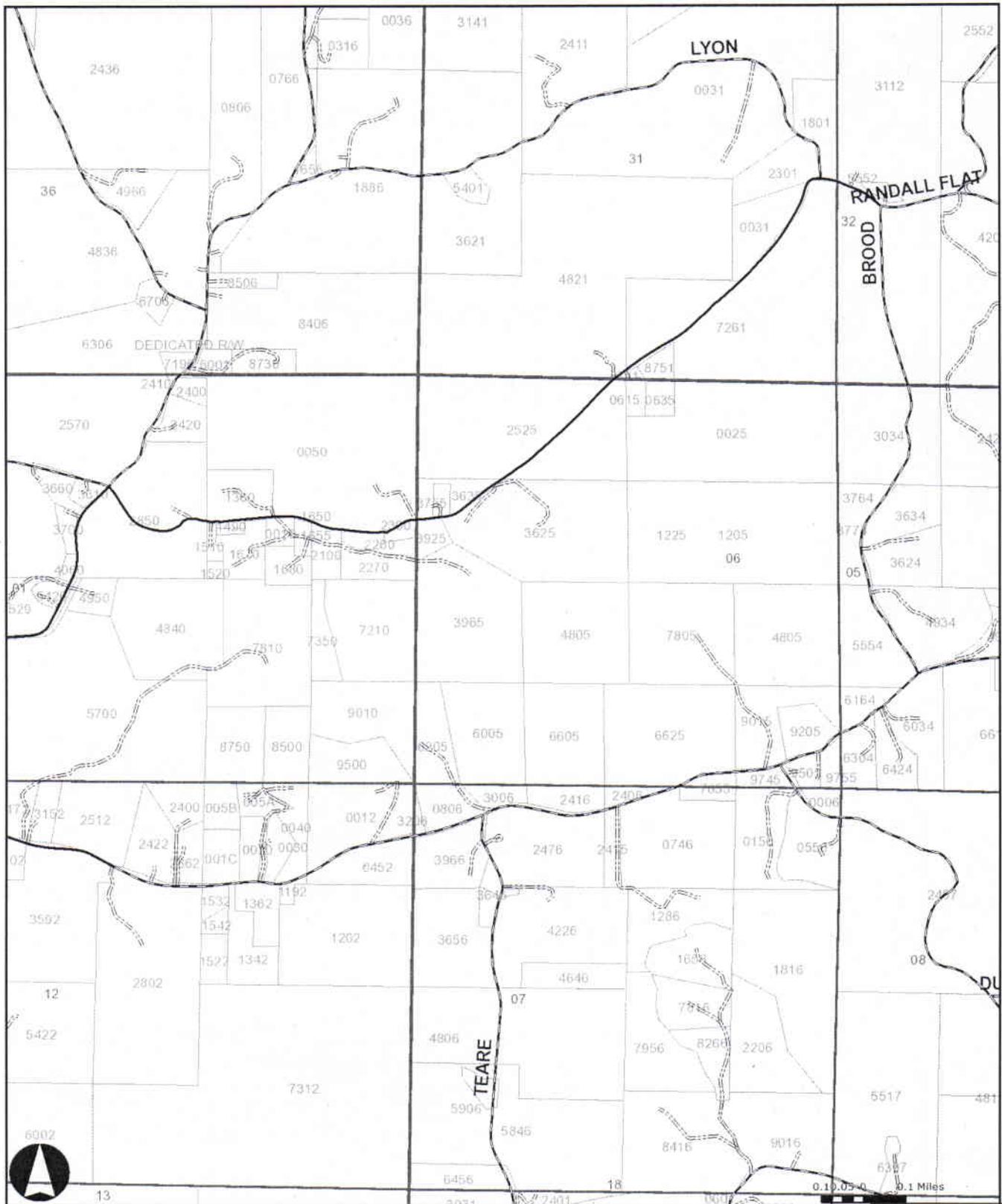
**l. Land use Element**

On the Comprehensive Plan Land Use Map the subject property is identified as Rural. This identification includes the consideration of sites therein for further low density residential development. This proposal would rezone between 9 and 21 acres to rural residential without any significant change to residential concentration and therefore fits well with the design for future land use as identified in the Comprehensive Land Use Plan.

**m. Property Rights Element**

Whereas no action has been taken, proposed or denied by any governmental entity that would deprive the current or a future owner of the free use of the property proposed for rezoning, this element is not currently applicable.

# Map



LCZC Hrg: **RZ 833**  
Applicant: **LEONARD**  
Exhibit #: **2B**  
Date: **04/06/2011**

# Map



## STAFF INTRODUCTION-RZ #833

A request by Jerry Leonard to rezone a portion of his 54.84 acre parcel from Agriculture Forest to Rural Residential. The property is located at 5253 Robinson Park Road, in Section 06, Township 39 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP39N04W063625A.

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.

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 and Vicinity Map
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- Exhibit #2A : Applicant's Narrative (Submitted by Applicant)
- Exhibit #2B : Plat Map (Submitted by Applicant)
- Exhibit #2C : Site Plan
- Exhibit #3 : Staff Introduction for Latah County Zoning Commission hearing for RZ #833 held on April 6, 2011.

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