

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

The Latah County Zoning Commission will hold a public hearing on Wednesday, April 6th, 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)

**LINDQUIST
REZONE APPLICATION #832
STAFF REPORT**

BASIC FACTS:

In response to a violation issued by the Planning and Building Office a request was made by Brent and Shawna Lindquist to rezone a portion of their 2.18 acre parcel from Agriculture Forest to Commercial to bring the existing automobile repair shop, Brent's Autoworks, into compliance with the Latah County Land Use Ordinance, #269, as amended. 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.

Site Characteristics:

Size of Parcels:	2.18 acres
Soils:	Naff-Thatuna, 7 to 25% slopes Westlake-Latahco Silt Loams, 0 to 3% slopes Latah County Soil Survey Sheet #51
Floodplain:	Zone

Land Use and Regulations:

Comprehensive Plan Designation:	Residential/Commercial/Industrial
Existing Zoning:	Agriculture/Forest (A/F)
Existing Uses:	Residential, Automobile Repair Shop, Agriculture
Neighboring Zoning:	Agriculture/Forest (A/F)
Neighboring Uses:	Agriculture

Infrastructure/Services:

Water:	Private Well
Sewer:	Private Septic
Access:	Highway 95
Schools:	Genesee School District
Fire Protection:	Genesee Fire District
Law Enforcement:	Latah County Sheriff

EXHIBITS:

Exhibit #1 : Staff Report
Exhibit #1A : Criteria Worksheet
Exhibit #1B : Vicinity and Comprehensive Plan Land Use Map
Exhibit #1C : Zoning Map
Exhibit #1D : Aerial Photo and Adjacent Property Owners Map
Exhibit #1F : Photos of site
Exhibit #2 : Application Form (Submitted by Applicant)
Exhibit #2A : Applicant's Narrative (Submitted by Applicant)
Exhibit #2B : Vicinity Map (Submitted by Applicant)
Exhibit #2C : Plat Map (Submitted by Applicant)
Exhibit #2D : Site Plan (Submitted by Applicant)
Exhibit #3 : Staff Introduction for Latah County Zoning Commission hearing for RZ #832 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 3.04 Commercial Zone
Article 6 Zoning Map Amendments

Latah County Comprehensive Plan

RZ 832

STAFF REPORT FOR LINDQUIST

1 OF 1

LCZC Hrg: RZ 832
Applicant: LINDQUIST
Exhibit #: 1
Date: 04/06/2011

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 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.

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 8, 2011. The application was signed by the property owner, Brent Lindquist.

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.

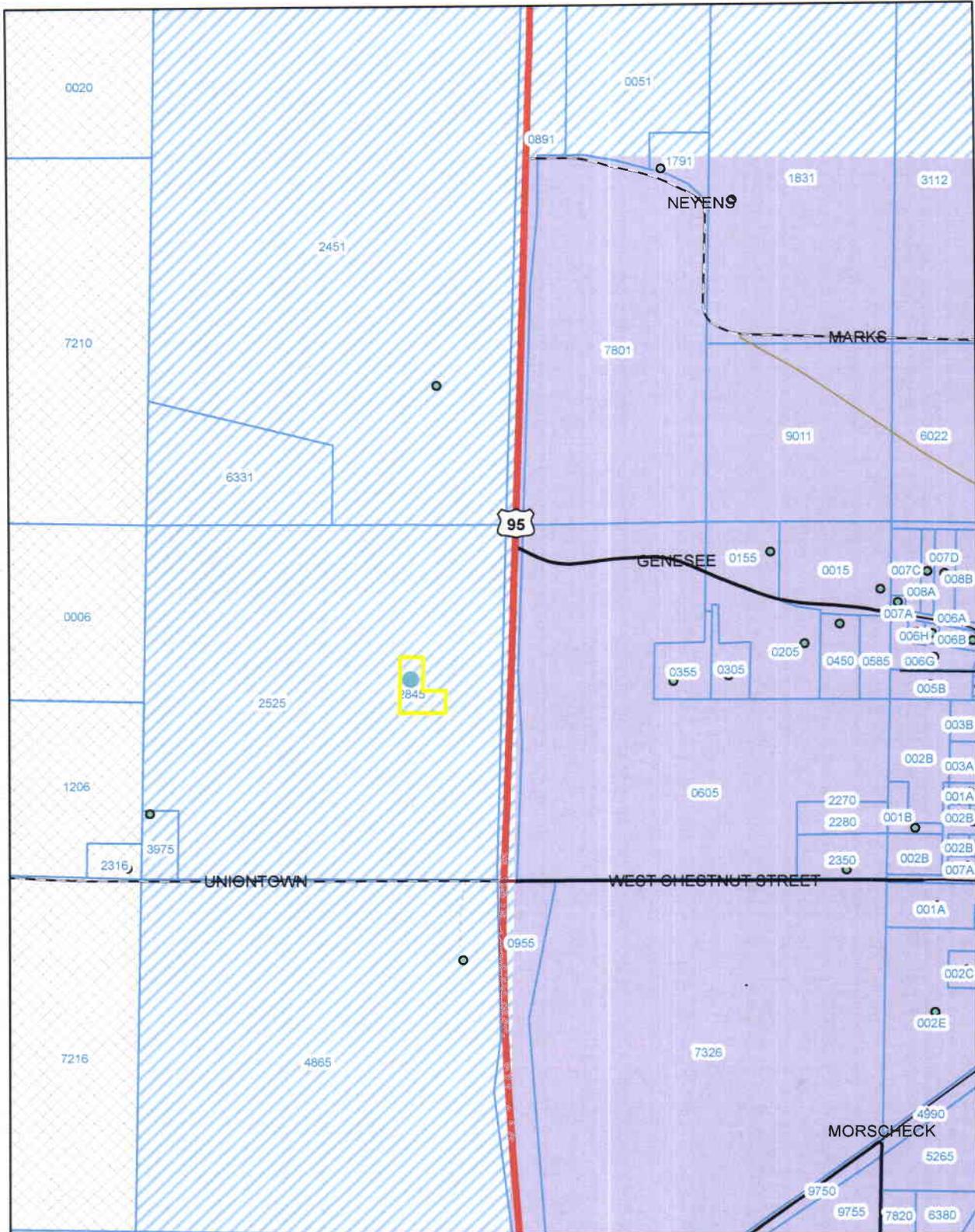
The Zoning Commission may recommend approval for rezone proposals that do not initially meet criteria 1-5, if the applicant can provide substantial mitigation through a written development agreement as provided by 6.01.03.4 of this ordinance. The Zoning Commission may also recommend approval for applications 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.

RZ832 Vicinity and Comprehensive Plan Map

Planning & Building Department

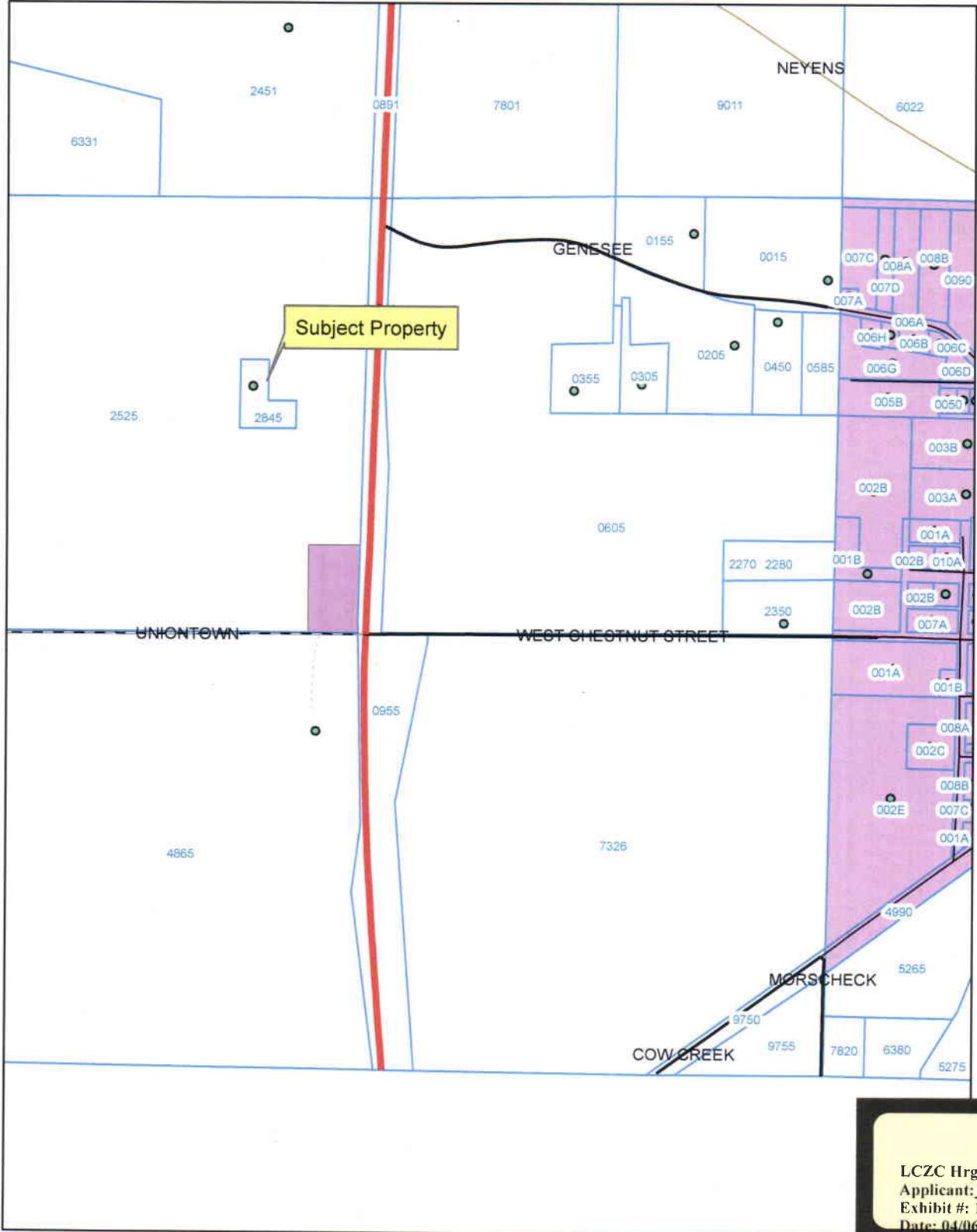


- Legend**
- Comprehensive Plan**
- ZONE**
- AOI
 - ICR
 - PRODUCTIVE
 - RURAL

*Created on 03/25/2011

LCZC Hrg: RZ 832
 Applicant: LINDQUIS
 Exhibit #: 1B
 Date: 04/06/2011

RZ 832 Zoning



LCZC Hrg: **RZ 832**
 Applicant: **LINDQUIST**
 Exhibit #: **1C**
 Date: **04/06/2011**



Legend

Zoning_Districts_2009	Area of Impact - Genesee	Multiple Family Residential	Single-Family Residential (R1)
ZONE_TYPE	Commercial	Municipality	Suburban Residential
Agriculture / Forest	Industrial	Rural Residential	
Agriculture / Forestry	Motor Business	Single-Family Residential	

*Created on 01/25/2011 by MK



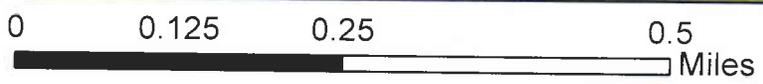
RZ 832 Aerial and Adjacent Property Owners

Planning & Building Department



Legend

- Addresses
- ▲ Communication Towers



*Created

LCZC Hrg: RZ 832
 Applicant: LINDQUIST
 Exhibit #: 1D
 Date: 04/06/2011

Lindquist RZ 832



Existing Access Looking Southwest



Existing Access West



Commercial Automobile Mechanic Operation



Existing Median Crossing



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 BRENT & SHAWNA LINDQUIST		B. Home Phone (208) 285-1292	C. Work Phone (208) 285- 0285
D. Mailing Address 2681 Hwy 95 S.		E. City GENESEE	F. State ID
G. Zip Code 83832		H. Property Owner (If Different than Applicant) SAME AS ABOVE	
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) RP37N05W152845A		B. Parcel Address (If Applicable)	
C. Acreage of Existing Parcel 2.18	D. Existing Zoning AGRICULTURE/FORESTRY	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 checked="" type="checkbox"/> No.	
I. Impact City		J. Road Used to Access Site	
<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 RESIDENCE AND LARGE SHOP BUILDING - MACHINERY BUILDING USED AS A BUSINESS			
3. Service Provider Information (please attach additional information if requested)			
A. Fire District GENESEE FIRE DEPARTMENT		B. Road District SOUTH LATAH COUNTY	C. School District GENESEE SCHOOL DISTRICT #282
D. Source of Potable Water (i.e. Water District or Private Well) PRIVATE WELL		E. Sewage Disposal (i.e. Sewer District or Septic System) SEPTIC SYSTEM	
4. Adjacent Properties Information			
A. Zoning of Adjacent Properties AGRICULTURE/FORESTRY		B. Existing Uses of Adjacent Properties ALL AGRICULTURE	
5. Rezone Information			
A. Proposed Zoning District(s) <input type="checkbox"/> Agriculture/Forestry <input type="checkbox"/> Rural Residential <input type="checkbox"/> Suburban Residential <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial		B. Explain for Rezone Request REZONE A PORTION OF THE PROPERTY TO COMMERCIAL BECAUSE BRENT LINDQUIST HAS A MOTOR VEHICLE REPAIR BUSINESS	
<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.</i>			
6. Authorization		7. Attachments	
The applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true, and further acknowledges that approval of this application may be revoked if it is found that any such statements are false.		<i>All attachments should be reproducible in black and white at 8 1/2" x 11"</i>	
a. Signature of Applicant 		<input checked="" type="checkbox"/> Fee: (\$300.00) Make checks payable to Latah County.	
b. Date 2-7-11		<input checked="" type="checkbox"/> Completed Narrative Worksheet: See instructions on the Rezone Narrative Worksheet.	
c. Signature of Property Owner (If Different than Applicant)		<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.	
d. Date		<input type="checkbox"/> Vicinity Map: The map should show the site location in relation to neighboring communities and natural features.	
Office Use Only		<input type="checkbox"/> Assessor's Plat Map: Include a copy of that portion of the map that shows the subject parcel and adjoining parcels.	
Date Received 2/8/2011	Amount 300.00	Receipt No. 270444	By MSA
RZ # RZ832	Date Determined Technically Complete 2/8/2011	By MSA	
Hearing Date 4/Cel/2011			

LCZC Hrg: RZ 832
Applicant: LINDQUIST
Exhibit #: 2
Date: 04/06/2011



Rezone Narrative Worksheet

Application Information

Applicant's Name

BRENT & SHAWNA LINDQUIST

Phone Number

(208) 285-1292

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.

WE PROPOSE TO CHANGE PART OF OUR PROPERTY TO COMMERCIAL SO I CAN OPERATE MY REPAIR SHOP. I AM THE ONLY EMPLOYEE OF MY BUSINESS. FOR HEALTH REASONS I STARTED MY OWN REPAIR BUSINESS. IF I NEED TO TAKE A BREAK FROM WORK I CAN.

Existing Uses of Property

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

THE LARGE SHOP/MACHINE STORAGE SHED HAS BEEN USED FOR YEARS AS A SHOP.

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 SHOP/MACHINE STORAGE SHED HAS BEEN USED AS A SHOP. It is located in the ICR and close to Genese.

LCZC Hrg: RZ 832
Applicant: LINDQUIST
Exhibit #: 2A
Date: 04/06/2011

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

NO COSTS WILL BE IMPOSED ON THE PUBLIC.

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

NO PUBLIC SERVICES WILL CHANGE.

4. The rezone shall not be a spot zone.

THE SHOP/MACHINE STORAGE BUILDING WILL BE THE SAME USE IT ALWAYS HAS BEEN.

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

YES

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

NONE.

b. Population Element

NO CHANGE.

c. Housing Element

NO CHANGE.

d. Economic Development Element

~~NONE~~ This would allow me to have a viable business to accommodate my medical problem.

e. Public Services, Facilities, and Utilities Element

NONE.

f. School Facilities and Student Transportation Element

NO CHANGE.

g. Transportation Element

NO CHANGE.

h. Natural Resource Element

NO CHANGE.

i. Special Areas Element

NO CHANGE.

j. Hazardous Areas Element

NO CHANGE.

k. Recreation Element

NO CHANGE.

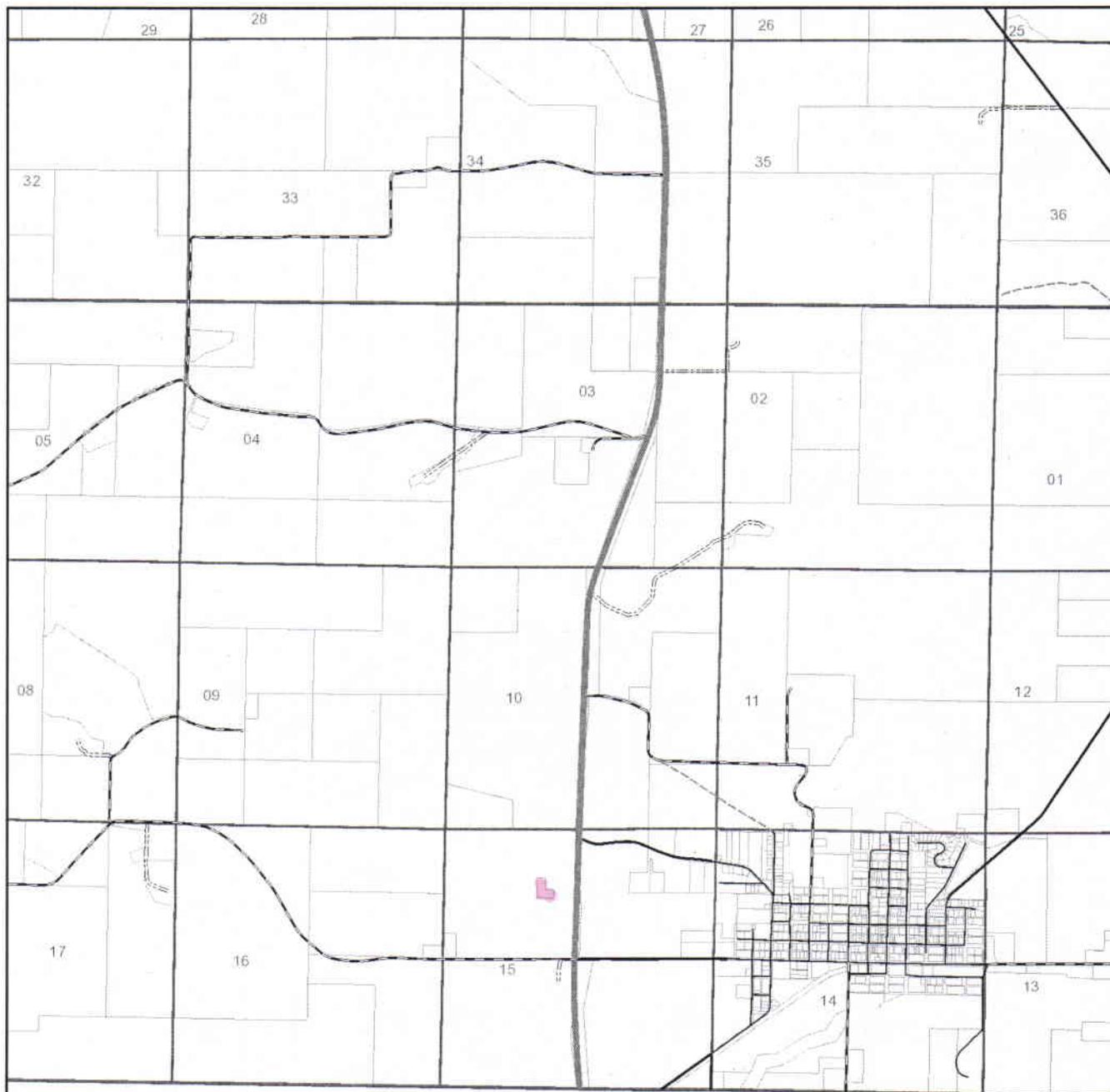
l. Land Use Element

NO CHANGE.

m. Property Rights Element

NO CHANGE.

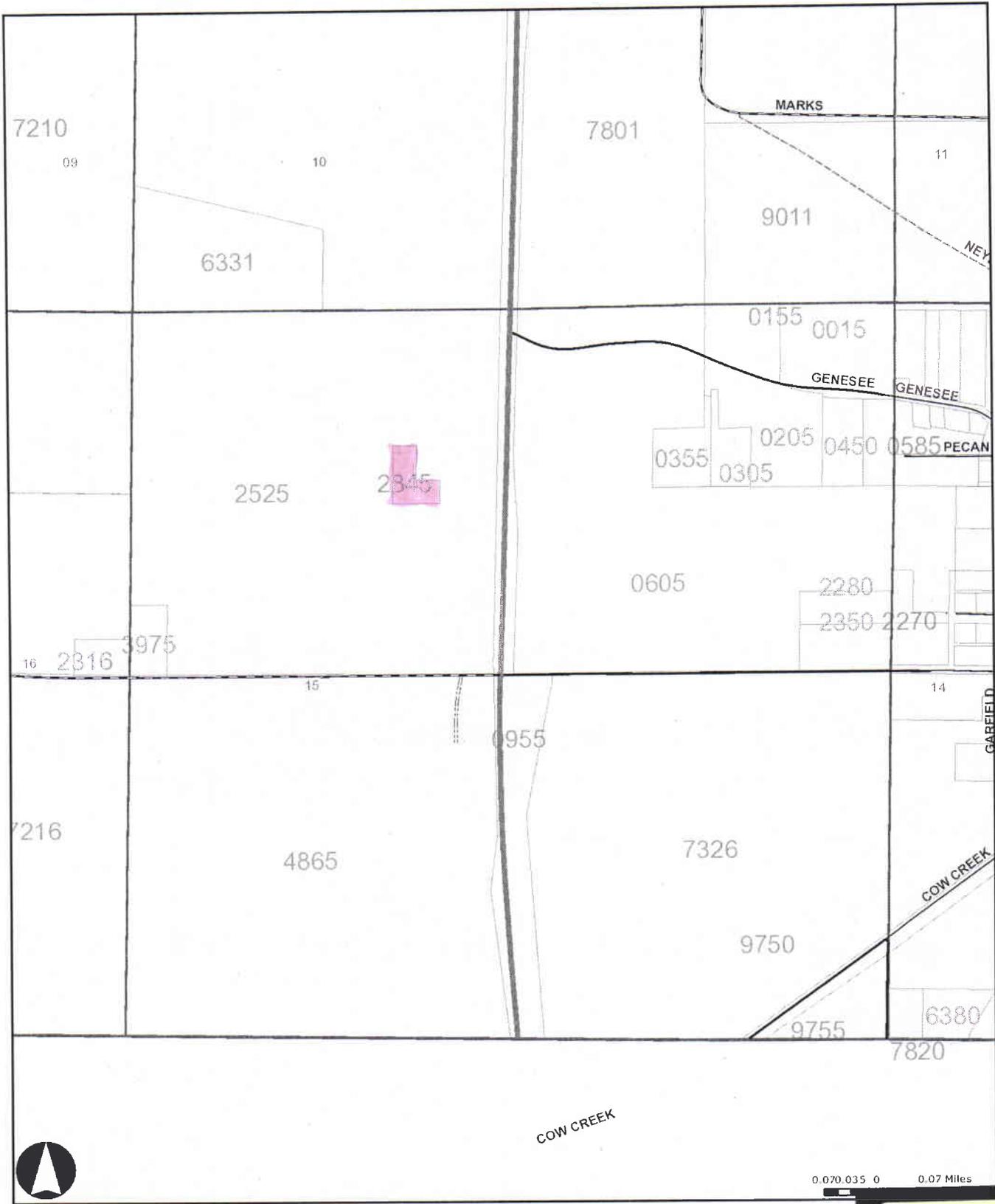
Map



0.2 0.1 0 0.2 Miles

LCZC Hrg: RZ 832
Applicant: LINDQUIST
Exhibit #: 2B
Date: 04/06/2011

Map



LCZC Hrg: **RZ 832**
 Applicant: **LINDQUIST**
 Exhibit #: **2C**
 Date: **04/06/2011**

Map



LCZC Hrg: RZ 832
Applicant: LINDQUIST
Exhibit #: 2D
Date: 04/06/2011

STAFF INTRODUCTION-RZ #832

A request was made 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.

Section 6.01.02 states, "the Zoning Commission may recommend the Board of Latah County Commissioners approval of a rezone application if the Zoning Commission finds that the proposed rezone conforms to each of the following criteria:"

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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
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- Exhibit #3 : Staff Introduction for Latah County Zoning Commission hearing for RZ #832 held on April 6, 2011.

That is all staff has unless the Commission has questions.