

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, April 20th, 2011, 5:30PM

The Latah County Zoning Commission will hold public hearings on Wednesday, April 20th, 2011 in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

RZ #835 A request by Jacob & Laretta Sesock to rezone approximately five acres of a 117-acre parcel in the Agriculture/Forest Zone to Rural residential to create one additional parcel. The property is located at 1020 Lisher Cut-Off Road, approximately ¼ mile east of the intersection of Flannigan Creek Road and Lisher Cut-Off Road and ½ mile south of the City of Potlatch, in Section 12, Township 41 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP41N05W123612A.

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

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

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

Jason Boal
Associate Planner
(This is a public service announcement)

**LAURETTA SESOCK
REZONE APPLICATION #835
STAFF REPORT**

SUMMARY OF APPLICATION:

A request by Jacob & Laretta Sesock to rezone approximately five (5) acres of a 117-acre parcel in the Agriculture/Forest Zone to Rural Residential. The property is located at 1020 Lisher Cut-Off Road, approximately ¼ mile east of the intersection of Flannigan Creek Road and Lisher Cut-Off Road and ½ mile south of the City of Potlatch, in Sections 11 and 12, Township 41 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP41N05W111800A and RP41N05W123612A.

Site Characteristics:

Size of Parcel: 117-acres
Soils: Driscoll-Larkin Silt Loams, 7-25 % Slopes;
Taney Silt Loam, 3-7 % Slopes;
Taney Silt Loam, 7-25 % Slopes;
Latahco-Lovell Silt Loams, 0-3 % Slopes;
(Latah County Soil Survey Sheet #42)
Floodplain: Zone "C" (FIRM Panel #160086 0135B)

Land Use and Regulations:

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

Infrastructure/Services:

Water: Private well
Sewer: Private septic
Access: Lisher Cut Off Road, North Latah County Highway District
Schools: Potlatch School District
Fire Protection: Potlatch Fire District
Law Enforcement: Latah County Sheriff

EXHIBITS:

Exhibit #1: Staff Report
Exhibit #1A: Criteria Worksheet
Exhibit #1B: Vicinity and Comprehensive Plan Land Use Map
Exhibit #1C: Zoning Map
Exhibit #1D: Aerial Photo and Adjacent Property Owners Map
Exhibit #2: Application Form (Submitted by Applicant)
Exhibit #2A: Applicant's Narrative (Submitted by Applicant)
Exhibit #2B: Plat Map (Submitted by Applicant)
Exhibit #2C: Vicinity Map (Submitted by Applicant)
Exhibit #2D: Site Plan (Submitted by Applicant)
Exhibit #3: Staff Introduction for Latah County Zoning Commission hearing for RZ #835 held on April 20, 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 from Agriculture Forestry to Rural Residential

Description of Application:

Jacob & Laretta Sesock submitted an application to rezone approximately five (5) acres of a 117-acre parcel in the Agriculture/Forest Zone to Rural residential. The property is located at 1020 Lisher Cut-Off Road, approximately ¼ mile east of the intersection of Flannigan Creek Road and Lisher Cut-Off Road and ½ mile south of the City of Potlatch, in Sections 11 and 12, Township 41 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP41N05W111800A and RP41N05W123612A.

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 March 14, 2011. The rezone application was signed by the property owner, Laretta Sesock.

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.

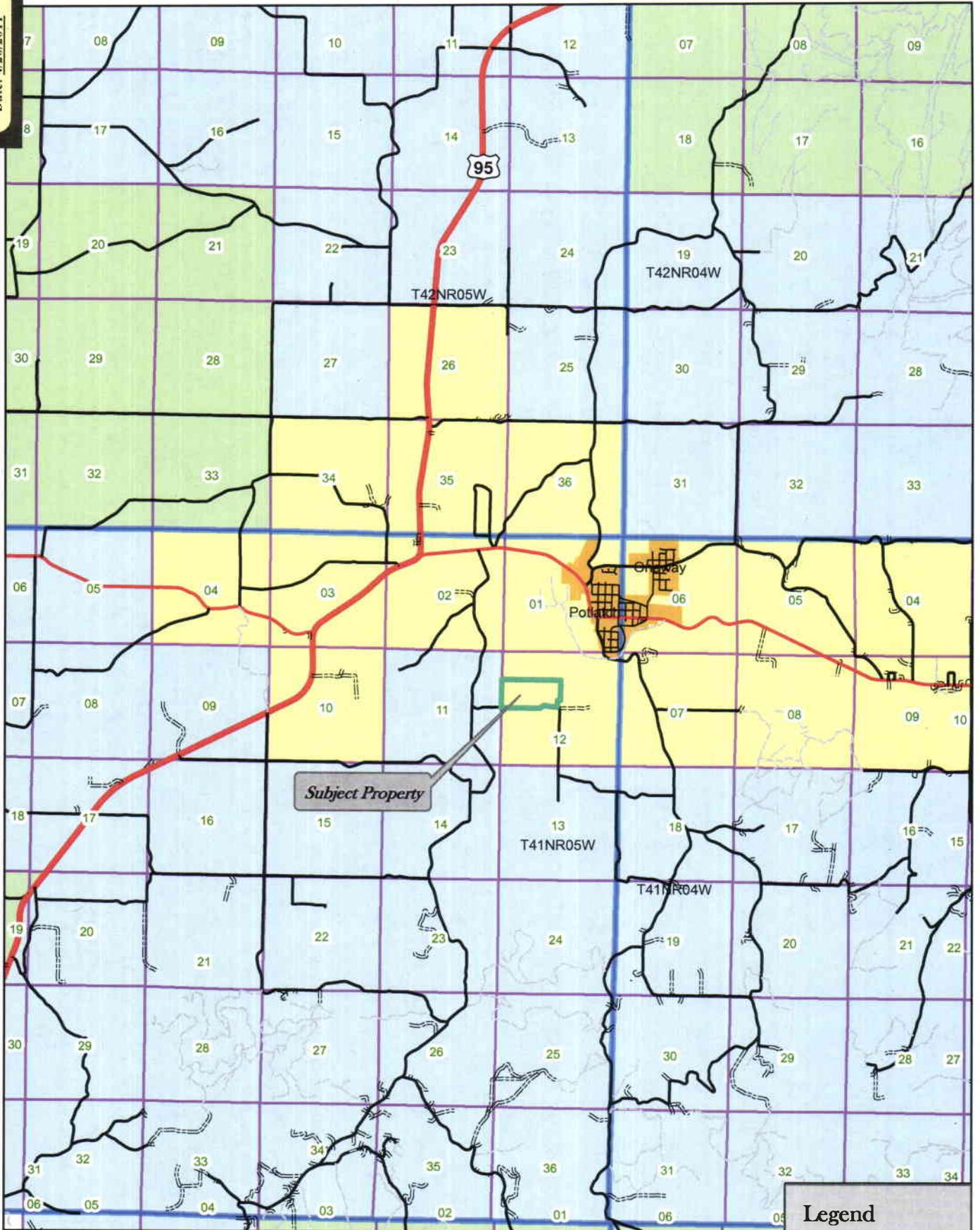
The creation, form, recording, modification, enforcement, and termination of conditional commitments are governed as follows:

- 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

LCZC Hrg: RZ #835
Applicant: Sesock
Exhibit #: 1B
Date: 4/20/2011

RZ #835 Vicinity and Comprehensive Plan Map



Subject Property

Legend

- AOI PRODUCTIVE
- ICR RURAL

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

*Created on 3/30/2011 by JB

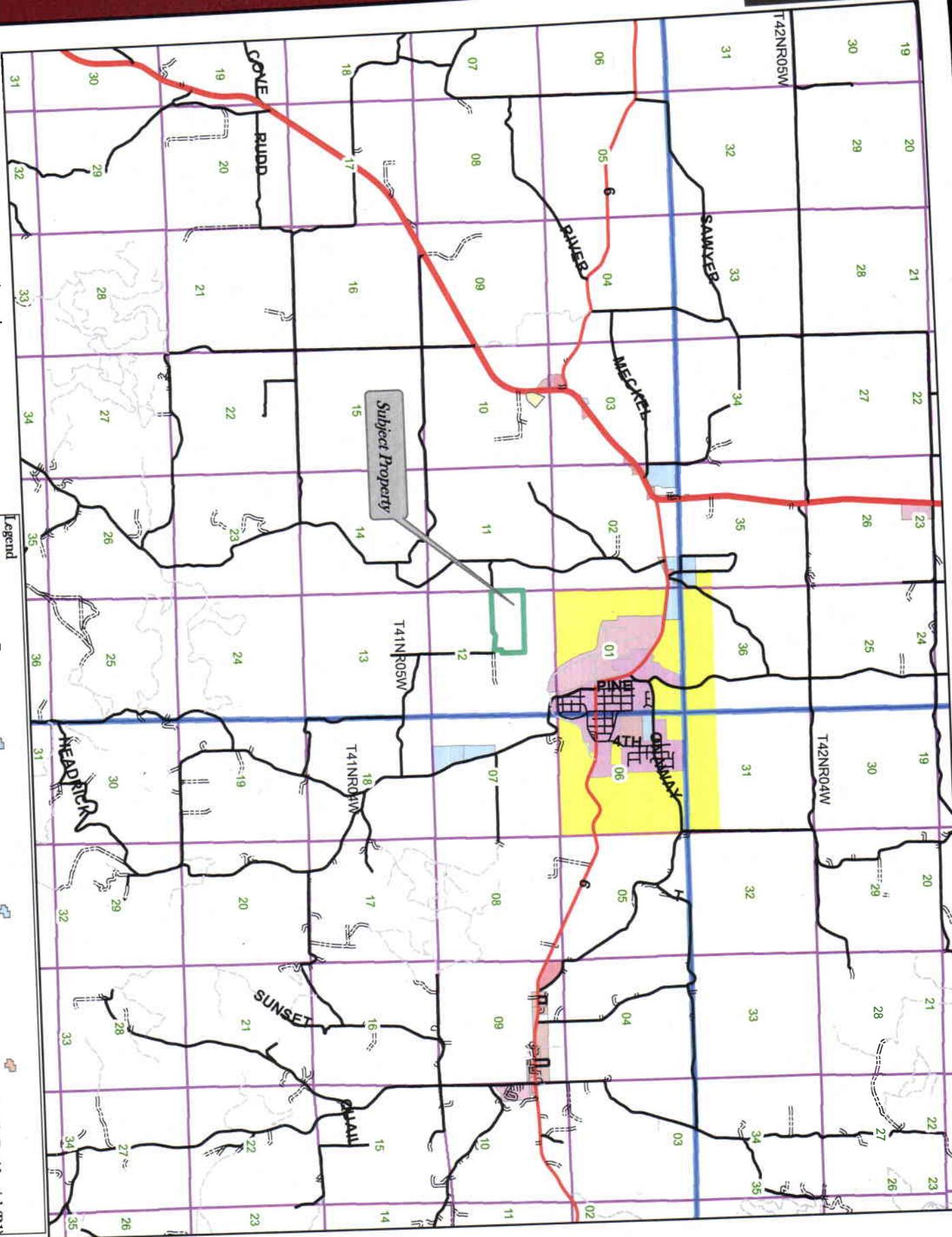
0 2,500 5,000 10,000
Feet





RZ #835 Zoning Map

LCZC Hrg: RZ #835
Applicant: Sesock
Exhibit #: 1C
Date: 4/20/2011



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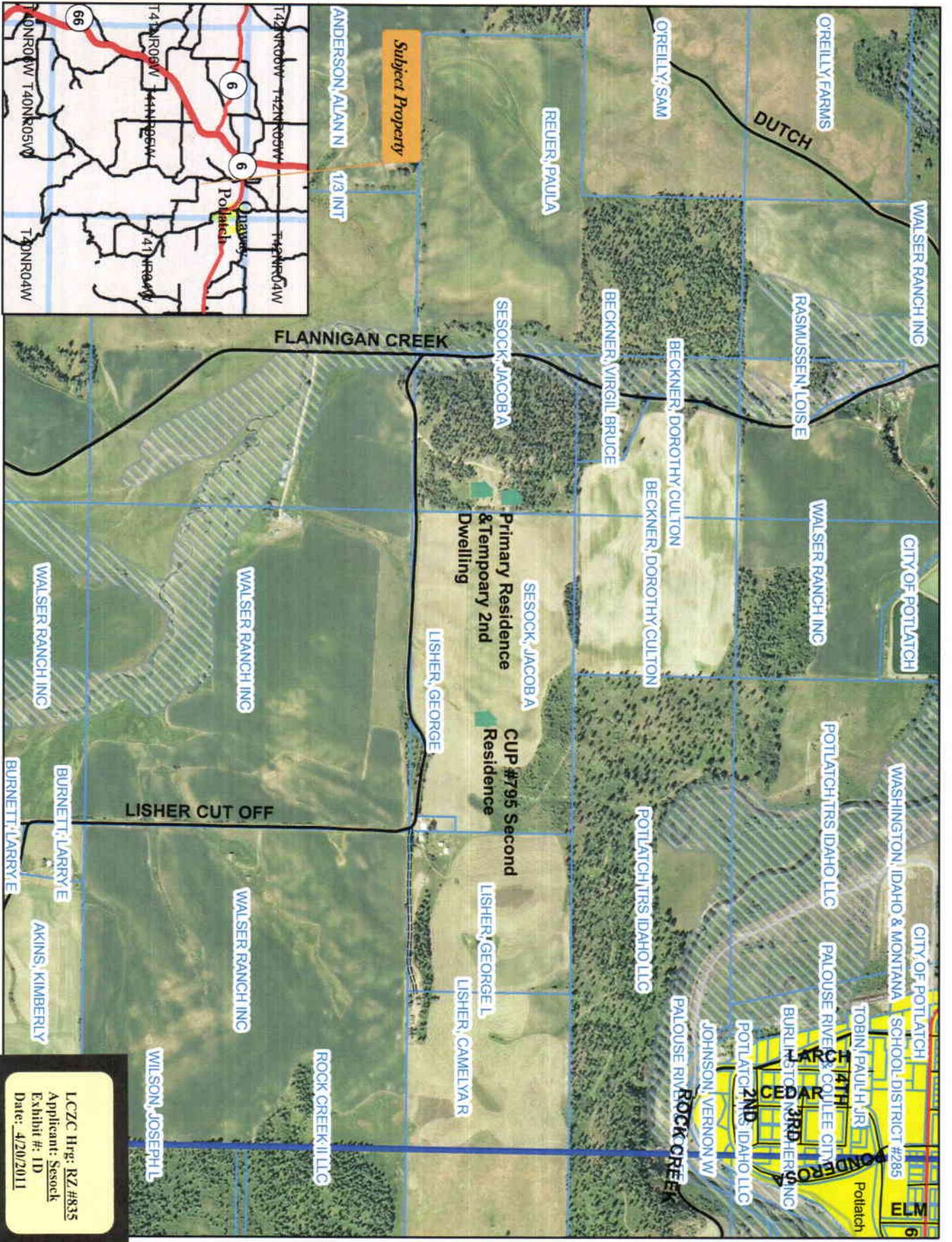
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- Legend**
- Agriculture / Forest Industrial
 - Commercial
 - Motor Business Municipality
 - Multiple Family Residential
 - Rural Residential
 - Single-Family Residential
 - Single-Family Residential Suburban Residential
 - Areas of City Impact



RZ #835 Aerial & Adjacent Propert Owner Map



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

*Created on 3/30/11 by JB

Legend

- Parcels
- Potlatch
- Floodplain



LCZC Hrg: RZ #835
 Applicant: Sesock
 Exhibit #: 1D
 Date: 4/20/2011





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 Jacob A. & Lauretta R. Sesock		B. Home Phone 208 875-0807	C. Work Phone
D. Mailing Address 1020 Lisher Cutoff		E. City Potlatch	F. State ID
G. Zip Code 83855		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) RP41N05W123612A			B. Parcel Address (If Applicable) 1068 Lisher Cutoff	
C. Acreage of Existing Parcel 77.52	D. Existing Zoning Ag/Forest	E. Comprehensive Plan Designation ICR	F. Floodplain Designation(s) None	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 Lisher Cutoff	

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 Homesite, farming
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3. Service Provider Information (please attach additional information if requested)		
A. Fire District Potlatch	B. Road District N. Latah Co	C. School District Potlatch
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 Ag/Forest	B. Existing Uses of Adjacent Properties Residential, Farming

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 Economic necessity requires the use of property as collateral for a mortgage/loan. Banks will not accept the parcel as is - require a parcel of 40A. or less.

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	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.	
a. Signature of Applicant Lauretta R. Sesock	All attachments should be reproducible in black and white at 8 1/2" x 11" <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:
b. Date 3/14/11	
c. Signature of Property Owner (If Different than Applicant)	d. Date

Office Use Only			
Date Received 3/14/2011	Amount 300.00	Receipt No. 270459	By MSZ
RZ # 835	Date Determined Technically Complete 3/14/2011	By MSZ	
Hearing Date			

LCZC Hrg: RZ #835
Applicant: Sesock
Exhibit #: 2
Date: 4/20/2011



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.

A residence was built at 1068 Lisher Cutoff after receiving a CUP from Latah Co. We now wish to have a portion of parcel 3612 re-zoned from ag/forest to rural residential. This parcel would include the residence at 1068 Lisher Cutoff. The preferred size of the parcel would be 5 acres but that is negotiable. It could be smaller or larger, whichever the board determined would be better.

Existing Uses of Property

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

The property has one residence and the remainder of the property is farmed.

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 rezone would not affect the surrounding area at all. Nothing would change. It would continue the pattern of primarily farming with a residence per forty acres.

LCZC Hrg: RZ #835
Applicant: Sesock
Exhibit #: 2A
Date: 4/20/2011

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

The rezone would add no costs to the public.

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

The rezone would add no additional public services to be provided.

4. The rezone shall not be a spot zone.

This rezone is in close proximity to another rural residential classification as well as being within one-half mile of an incorporated town. It also falls within the area designated by the Comprehensive plan for higher density residential development.

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

The rezone is within the area designated by the Comprehensive Plan for higher density housing for the Potlatch area.

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

This rezone would be in the category of low density residential development and is in the area designated by the Comprehensive Plan for that use. It would have no impact on public services.

b. Population Element

This rezone is adjacent to property owned by Potlatch Corp. that is being looked at to annex on to the City of Potlatch.

c. Housing Element

A residence meeting the requirements for this element has already been constructed on this property.

d. Economic Development Element

This rezone will allow for the continued residing of a family with a member employed by a business that was the result of development by a graduate of a local university.

e. Public Services, Facilities, and Utilities Element

This rezone would not change the public services or utilities offered in the area.

f. School Facilities and Student Transportation Element

This rezone would have no effect on school facilities or student transportation.

g. Transportation Element

This rezone would have no effect on the transportation element

h. Natural Resource Element

No areas of natural significance would be affected by this rezone.

i. Special Areas Element

This rezone would have no effect on any areas of cultural, scenic or natural significance

j. Hazardous Areas Element

This rezone would not be affected by any natural hazards

k. Recreation Element

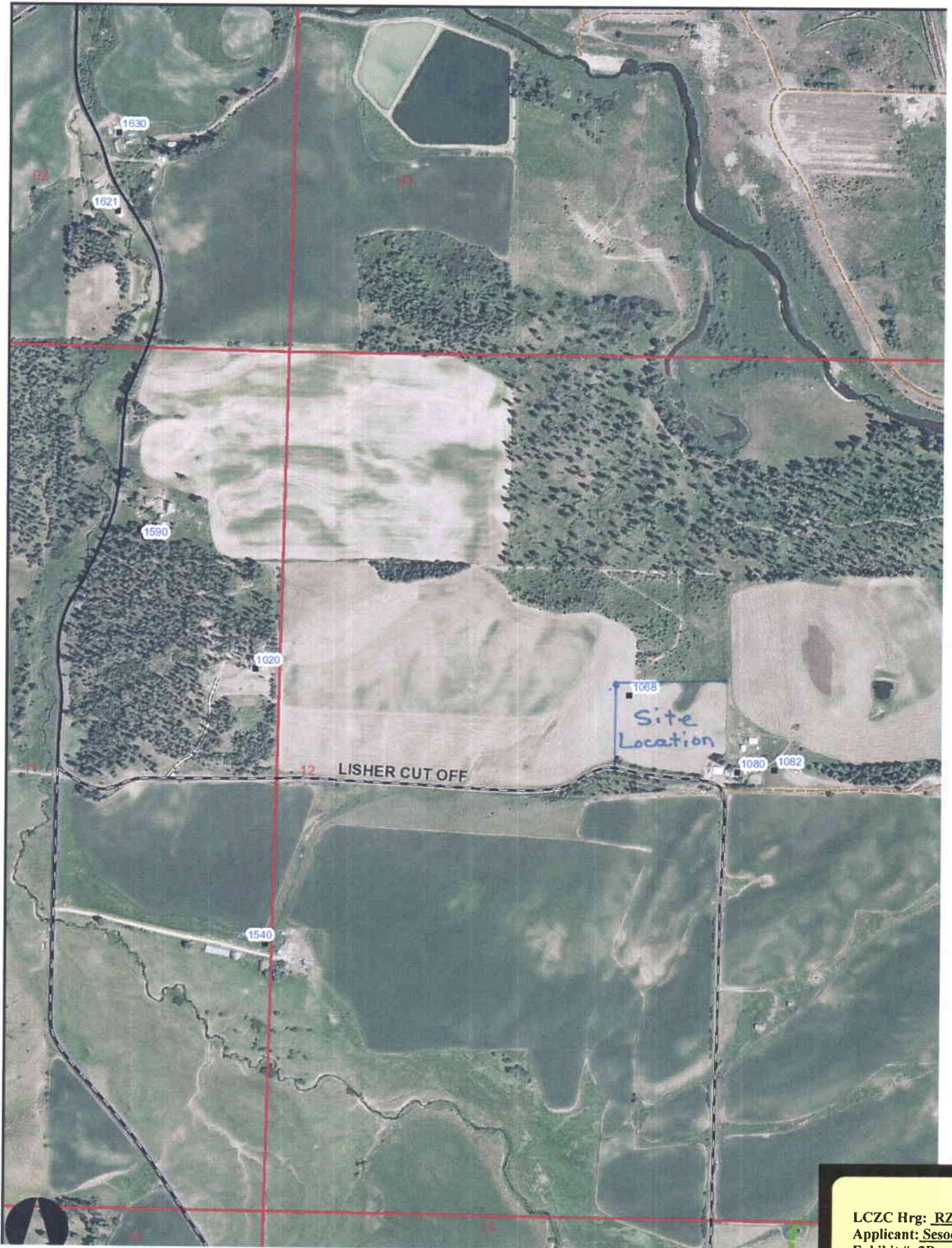
The recreational element would not be affected by this rezone.

l. Land Use Element

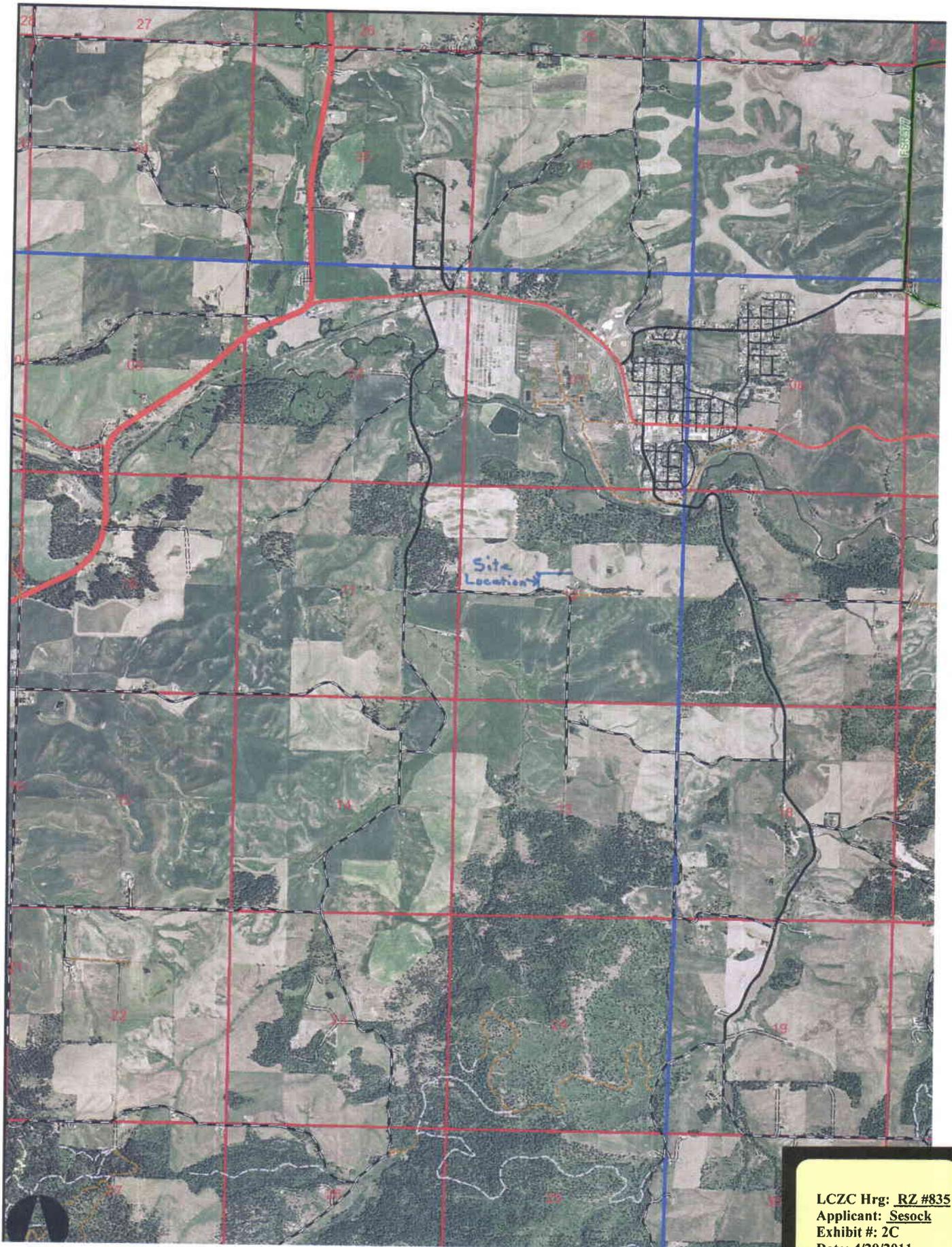
This rezone falls within the Residential/Commercial/Industrial classification of the Comprehensive plan allowing for higher residential development.

m. Property Rights Element

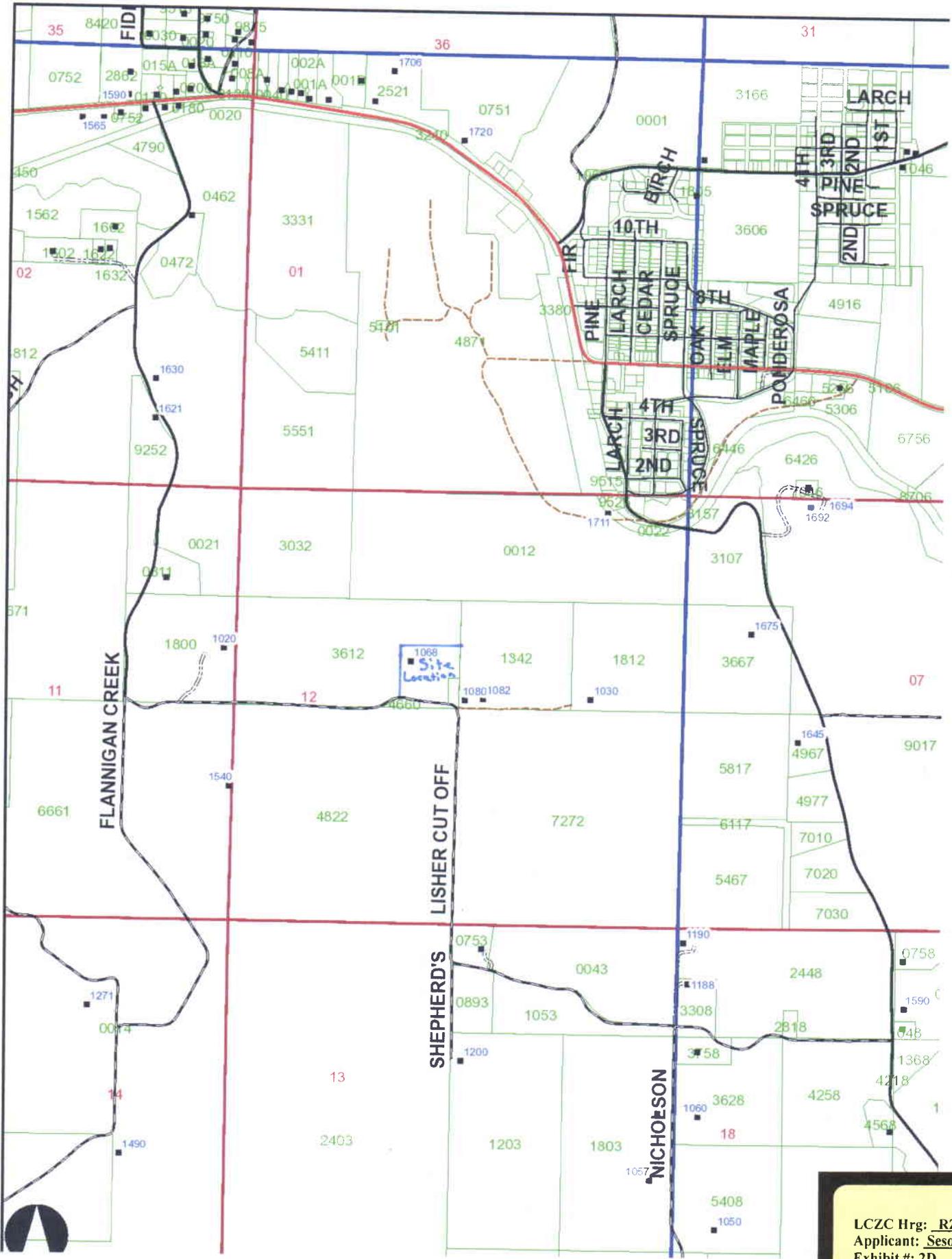
This rezone would allow the property owners to use their land to assist them in overcoming an economic hardship.



LCZC Hrg: RZ #835
Applicant: Sesock
Exhibit #: 2B
Date: 4/20/2011



LCZC Hrg: RZ #835
Applicant: Sesock
Exhibit #: 2C
Date: 4/20/2011



LCZC Hrg: RZ #835
 Applicant: Sesock
 Exhibit #: 2D
 Date: 4/20/2011

RZ-835 - Staff Introduction

A request by Jacob & Laretta Sesock to rezone approximately five (5) acres of a 117-acre parcel in the Agriculture/Forest Zone to Rural residential. The property is located at 1020 Lisher Cut-Off Road, approximately ¼ mile east of the intersection of Flannigan Creek Road and Lisher Cut-Off Road and ½ mile south of the City of Potlatch, in Sections 11 and 12, Township 41 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP41N05W111800A and RP41N05W123612A.

There are two permanent single family dwelling units on the parcel; one was approved through CUP #795 in 2009. The Sesocks also have a dependent dwelling on the property which was approved by the Board of Latah County Commissioners in September, 2007, so that they could reside in close proximity to Mrs. Sesock's aging parents. The dependent dwelling has been renewed annually based upon continuing need and must be completely removed once the need no longer exists. The 117-acre existing parcel is not eligible for any land divisions based upon less productive soils or size which was the reason for CUP #795. The rezone will permit the Sesocks to divide off a five (5) acre portion of the existing parcel where the (CUP #795) second dwelling currently exists.

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:"

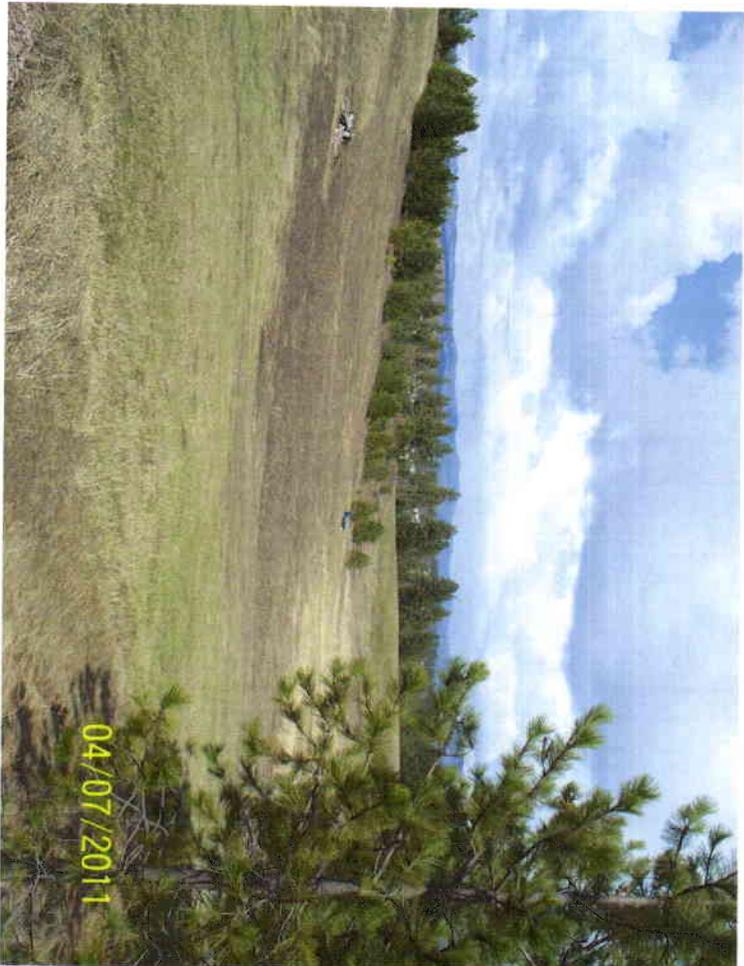
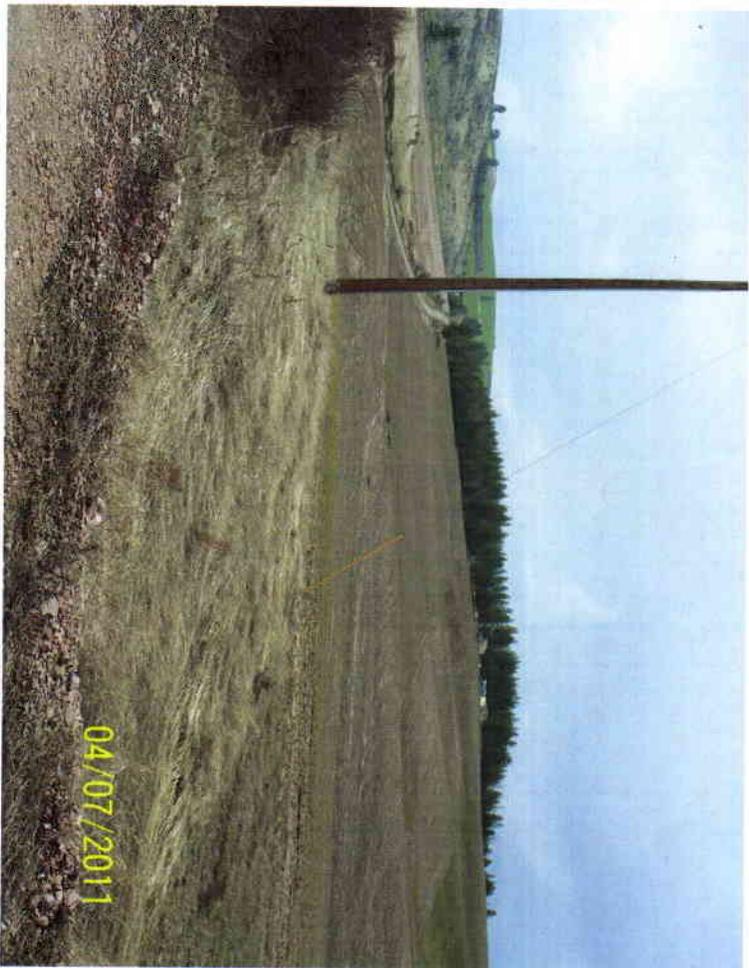
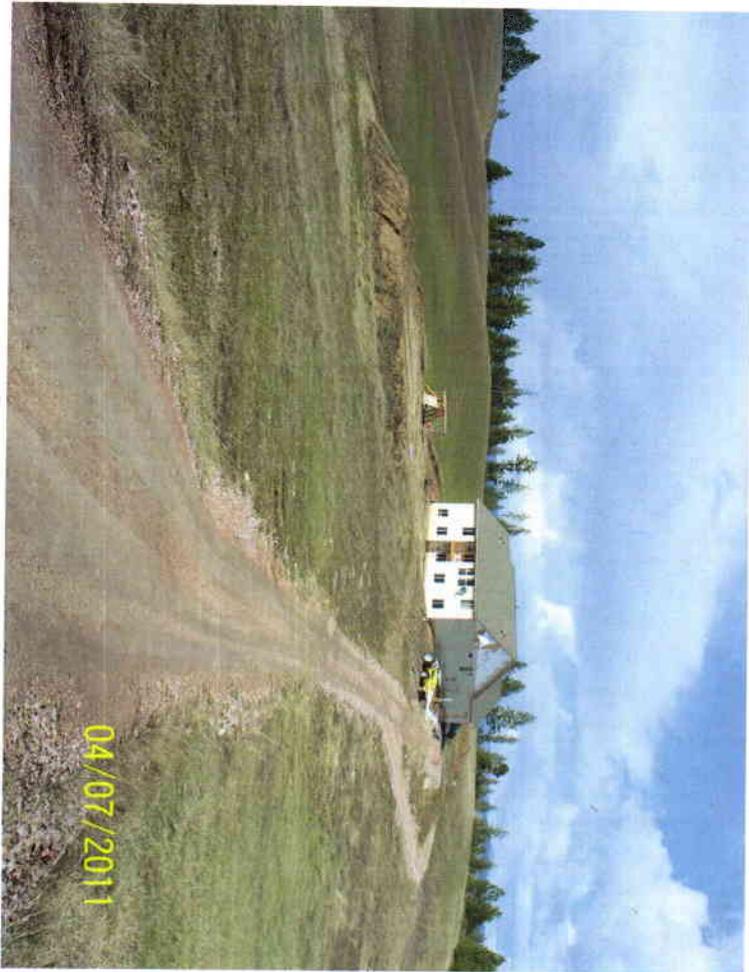
1. The rezone is in accordance with the goals and policies of the Comprehensive Plan.
2. The rezone, and the uses it permits, shall not be detrimental to or incompatible with the surrounding area, and the uses permitted in that area.
3. The rezone must provide some public benefit that exceeds any costs 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 were submitted with the staff packet:

Exhibit #1.	Staff Report
Exhibit #1A.	Criteria Worksheet
Exhibit #1B.	Latah County Comprehensive Plan and Vicinity Map
Exhibit #1C.	Zoning Map
Exhibit #1D.	Adjoining Property Owners and Aerial Photograph Map
Exhibit #2.	Application Form (Submitted by Applicant)
Exhibit #2A.	Applicant's Narrative (Submitted by Applicant)
Exhibit #2B.	Vicinity Map/Plat Map (Submitted by Applicant)
Exhibit #2C.	Site Plan (Submitted by Applicant)
Exhibit #3.	Staff Introduction for Latah County Zoning Commission hearing

That is all staff has unless the Commission has questions.



LCZC Hrg: RZ #835
Applicant: Sesock
Exhibit #: 4
Date: 4/20/2011