

CRITERIA WORKSHEET & APPLICATION SUMMARY

Note: This exhibit does not represent staff analysis of information provided by the applicant supporters, or opponents; however, staff has identified policies which may be applicable to this particular request. 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. This 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:

A variance to allow an access for a lot created via a short plat to a state highway.

Description of application:

A request by David Wagner for a variance to allow an access for a lot created via a short plat to a state highway. The property is located south of State Highway 6 in Section 03, Township 41 North, Range 05 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP41N05W034853A.

Applicable Code:

Section 7.02 Variances

Section 8.02.0(5)

A. An applicant for a short plat may request a hearing before the Zoning Commission, applying the general procedures set forth in Section 7.02 of this ordinance, excepting 7.02.02 and using the criteria set below, to ask for permission to use an existing residential access approach (existing residential access approach defined as approval from Idaho Transportation Department for a residential access approach given prior to the adoption of this section) to a state highway maintained by the Idaho Transportation Department if no reasonable lot configuration can meet the requirement and one of the following applies:

1. The original parcel from which a rezone was created does not touch any other public roadway.
2. An area rezoned prior to the adoption of this provision does not touch any other public roadway.
3. It is physically impractical for the new or existing parcel to gain access to a public roadway that is not a state highway maintained by the Idaho Transportation Department that touches that parcel.

If the Zoning Commission finds that a variance is essential to the public health, safety, or welfare, such use may be permitted even if the use is not found to meet the criteria listed above.

Facts of application and the information submitted

Site Characteristics:

Size of Parcel: 2.96 acre
Floodplain: Zone "C"

Land Use and Regulations:

Comprehensive Plan Designation: Industrial, Commercial, Residential
Existing Zoning: Agriculture/Forest (RZ 892 to Rural Residential)
Existing Uses: Bare Land
Neighboring Zoning: Agriculture Forest
Neighboring Uses: Public Right of Way, Residential, Agriculture, Industrial

Infrastructure/Services:

Water: Private Well
Sewer: Private Septic
Access: State Highway 6
Schools: Potlatch School District
Fire Protection: Potlatch Fire District
Law Enforcement: Latah County Sheriff

APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:

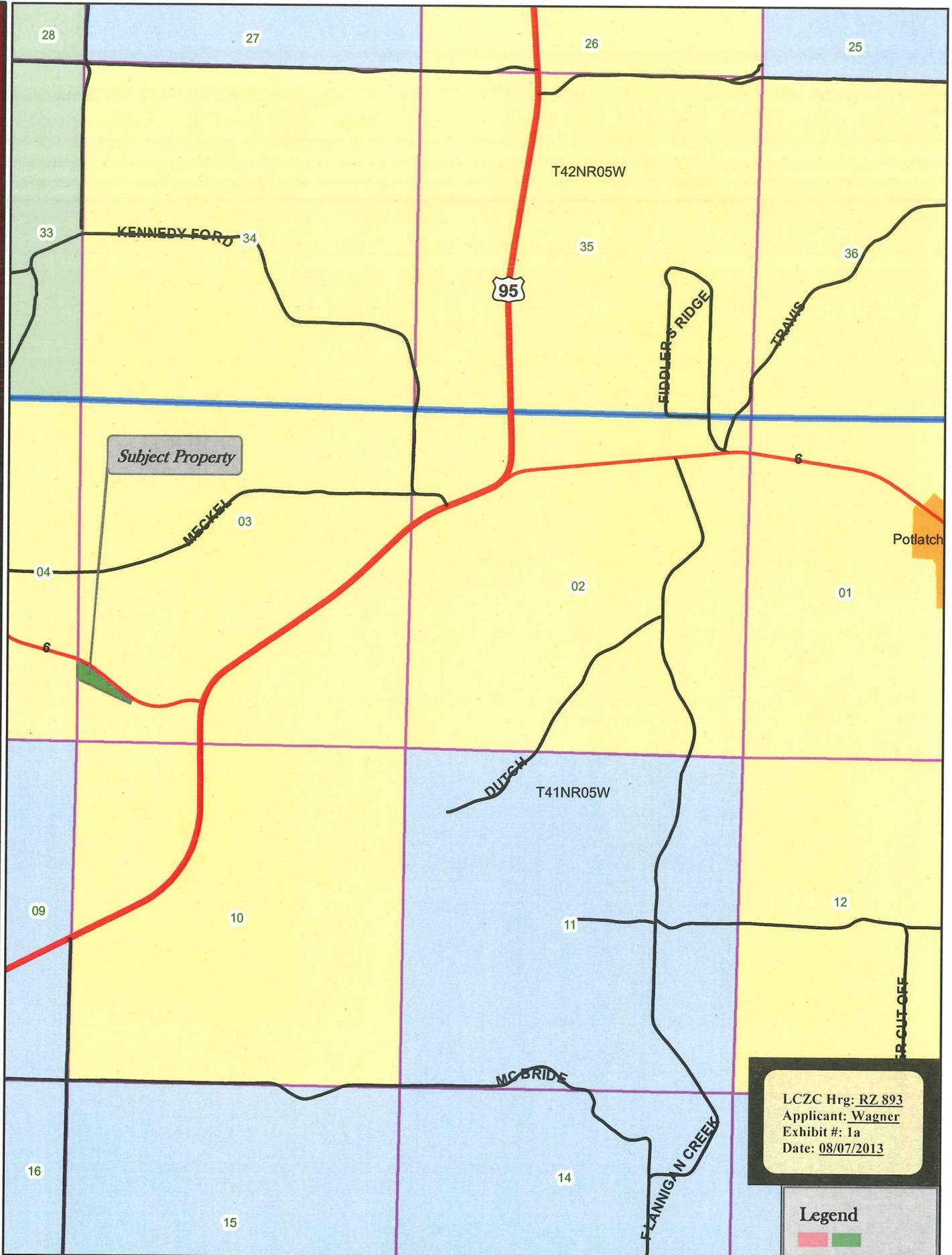
Local Planning Act: Idaho Code 67-6512

Latah County Land Use Ordinance # 269, as amended:

Article 7 Variances
Article 8.02 Short Plats

Latah County Comprehensive Plan

VAR #893 Wagner Variance



Subject Property

Potlatch

LCZC Hrg: RZ 893
 Applicant: Wagner
 Exhibit #: 1a
 Date: 08/07/2013

Legend

- AFR PRODUCTIVE
- AOI RURAL
- ICR

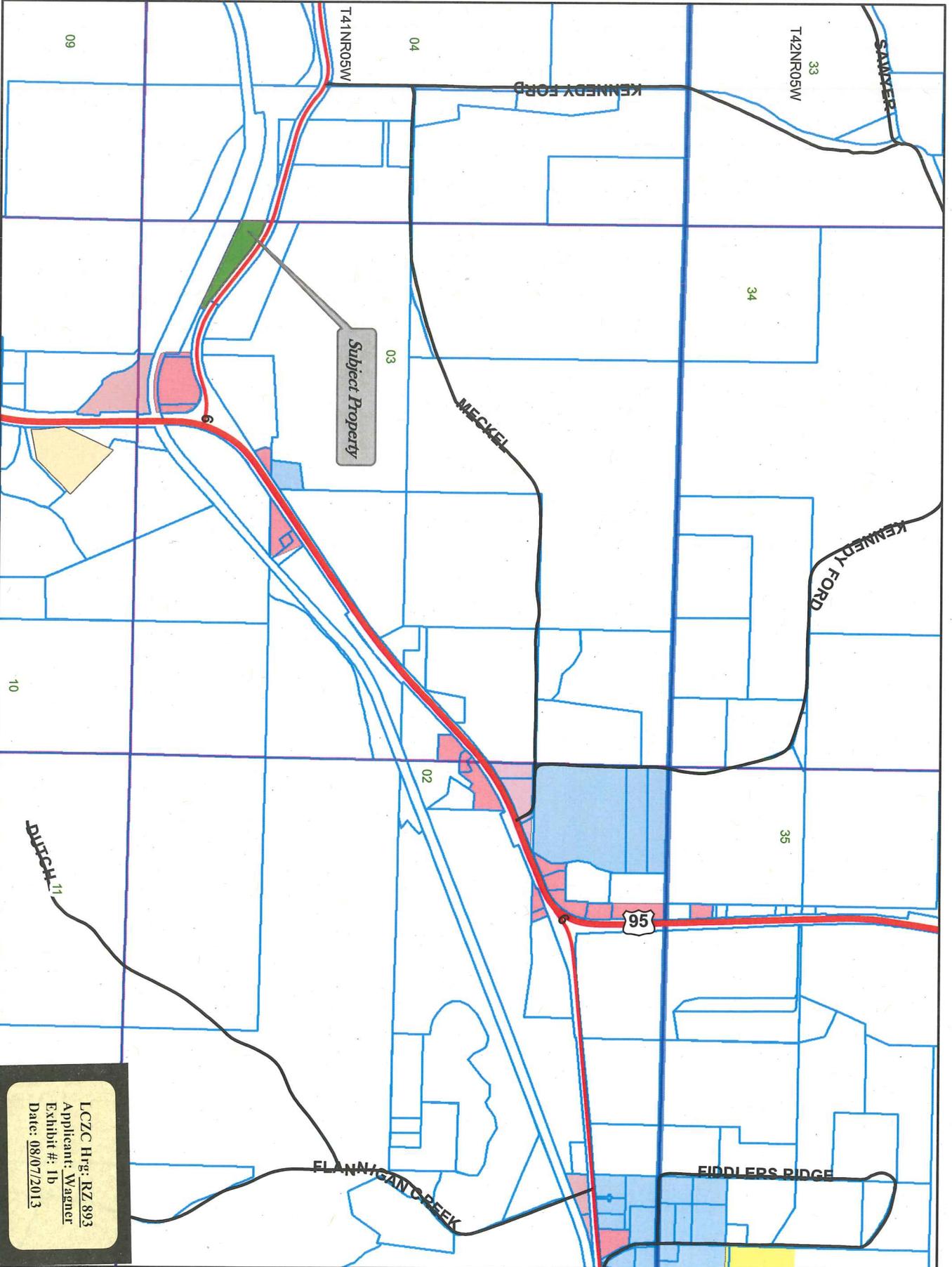
NOTE: This Document is a representation only.
 Latah County bears no responsibility for errors or omissions.



*Created on 7/23/2013 by JB



VAR #893 Zoning Map



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

*Created on 7/23/2013 by JB

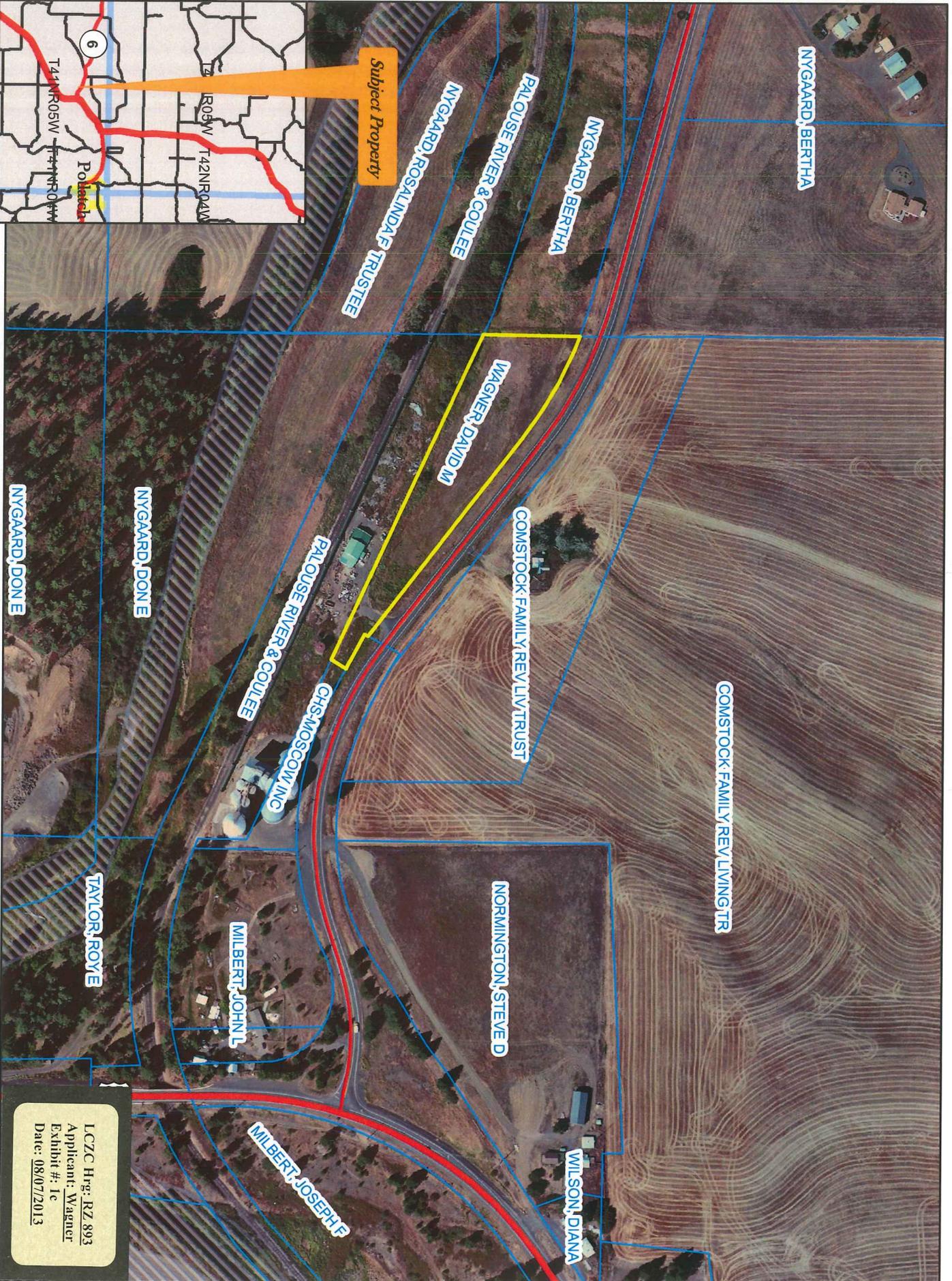


LCZC Hrg: RZ 893
Applicant: Wagner
Exhibit #: 1b
Date: 08/07/2013

- Legend**
-  Agriculture / Forest Industrial
 -  Motor Business Municipality
 -  Multiple Family Residential
 -  Rural Residential
 -  Single-Family Residential
 -  Single-Family Residential (R1)
 -  Suburban Residential
 -  Areas of City Impact



VAR #893 Wagner Variance



Subject Property

NYGAARD, BERTHA

NYGAARD, BERTHA

PALOUSE RIVER & COULEE

NYGAARD, ROSALINDA F TRUSTEE

WAGNER, DAVID M

COMSTOCK FAMILY/REVLIV/TRUST

COMSTOCK FAMILY/REVLIVING TR

NORMINGTON, STEVE D

WILSON, DIANA

MILBERT, JOSEPH F

MILBERT, JOHN L

TAYLOR, ROY E

NYGAARD, DONE

NYGAARD, DONE



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*Created on 07/23/2013 by JB

Legend

Parcels

Floodplain



LCZC Hrg: RZ 893
 Applicant: Wagner
 Exhibit #: 1c
 Date: 08/07/2013



Application for Short Plat to Use Existing Residential Access Approach to a State Highway

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 type or print plainly with dark ink.

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 David Wagner		b. Home Phone (206) 403-1128		c. Work Phone	
d. Mailing Address 909 Geary Street #621		e. City San Francisco		f. State CA	g. Zip code 94109-8215
h. Property Owner (if different than applicant) N/A		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) RP41N05W034853		b. Site Address (if applicable) N/A			
c. Road Used to Access Site Highway 6		d. Floodplain designation(s) None		e. FEMA Panel # 1600860130B	
f. Existing Uses None					

Note: Sites within an Area of City Impact may require additional notification time prior to public hearings or a hearing before the other jurisdiction.

3. Short Plat Application Information

a. Short Plat Application in association with this application: Short Plat (proposed)	b. Number of lots of proposed Short Plat: 1
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4. Adjacent Properties Information

a. Zoning of Adjacent Properties Ag / Forest, Commercial, F	b. Existing Uses of Adjacent Properties Agriculture, commercial res
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5. Existing Residential Access Approach to State Highway Request Information

A. Existing Residential Access Approach Requested for Approval per Section 8.02.01 of the Latah County Land Use Ordinance	B. Explanation of Request Requesting approval for residential access to parcel.
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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>Susan K. Wilson, Attorney</i>	b. Date 6/27/2013
c. Signature of Property Owner (if different than applicant)	d. Date

8. Attachments

All attachments should be reproducible in black and white at 8½" x 11"

- Fee:** (\$150.00) Make checks payable to Latah County.
- Completed Narrative Worksheet:** See instructions on the Attached Narrative Worksheet.
- Site Plan:** The site plan should include a north arrow, location of roads and rights-of-way, and existing buildings; the location and dimensions of proposed facilities, location of proposed access approach, improvements and operations; as well as any other details necessary for the Planning and Zoning Commission or Board of Adjustment to make a decision.
- Copy of ITD Permit:** Copy of permit from ITD for residential access approach for one or more homes dated December 23, 2008 or before or a letter from ITD that states that they recognized the approach on the subject property for residential use prior to December 23, 2008 *from ITD*
- Vicinity Map:** The map should show the site location in relation to the city or town nearest your location, outlying neighborhoods, highways and roads, and natural features.
- Other Attachments:** The Zoning Commission / Staff shall have the authority to require any additional information it feels is necessary to make a fair recommendation on the request.

7. Other Requirements

Per §8.02.02 of the Latah County Land Use Ordinance select which of the following applies to this request:

The original parcel from which a rezone was created does not touch any other public roadway (If applicable indicate Rezone # _____)

An area rezoned prior to the adoption of this provision (12/23/2008) does not touch any other public roadway (If applicable indicate Rezone # _____ and date of rezone _____)

It is physically impractical for the new or existing parcel to gain access to a public roadway that is not a state highway maintained by the Idaho Transportation Department that touches the parcel. (If applicable additional documentation may be required as per the discretion of Staff or the Latah County Zoning Commission)

Office Use Only

Date Received by County 6/28/2013	Fee Amount 150.00	Receipt No. 986813	By <i>MW</i>
SPAR #	Date Determined Technically Complete	By	
Hearing Date			

LCZC Hrg: VAR 893
Applicant: Wagner
Exhibit #: 2
Date: 08/07/2013



Short Plat Request to Use Existing Residential Access Approach to a State Highway Narrative Worksheet

Application Information

Applicant's Name
David Wagner

Phone Number
(206) 403-1128

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 Request

Describe your request in detail.

The applicant desires to obtain a residential building permit and has requested a rezone to rural residential and is preparing a short plat application. As per the Idaho Transportation Department, the existing approach that would serve as residential access to the parcel has already been approved for light commercial use, which is inclusive of the lesser intensive use of residential.

The applicant requests confirmation that the existing access is permitted to be used as residential access to the parcel.

Existing Uses of Property

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

The property is currently unused. There are no existing structures.

Relevant Criteria and Standards

Please respond to the criteria listed in Section 8.02.01.5.B of the Latah County Land Use Ordinance by explaining how your proposal meets the criteria. If the provided space is insufficient, please attach your responses to this packet.

The proposed access is not detrimental to the health or safety of those in the surrounding area or the safety of the public at large.

The parcel is accessed from State Highway 6 and is located less than 1/4 mile to the West of the intersection of State Highway 6 and U.S. Highway 95. Because the proposed access already exists and in fact has already been approved by ITD for commercial use, it is the applicant's position that it is has already been determined not to be detrimental to the health or safety of those in the surrounding area or the safety of the public at large.

LCZC Hrg: VAR 893
Applicant: Wagner
Exhibit #: 2a
Date: 08/07/2013

Map



LCZC Hrg: RZ 893
Applicant: Wagner
Exhibit #: 2b
Date: 08/07/2013

VAR #893 – Staff Introduction

A request by David Wagner for a variance to allow an access for a lot created via a short plat to a state highway. The property is located south of State Highway 6 in Section 03, Township 41 North, Range 05 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP41N05W034853A

1. Section 7.02.01 requires that an application for a variance shall be made by the owner of the affected property

The application was signed and submitted by the property owner's attorney Susan Wilson, to the Planning and Building Department on June 27, 2013.

2. Section 8.02.01(5) requires that each lot shall have at least 25 feet of frontage on a public road or at least 50 feet of frontage onto one 50 foot easement that is a shared private driveway that accesses a public road. Each access onto the public road must be approved in writing by the jurisdiction maintaining the public road. No short plat may include new public roads or shared private driveways, unless required and approved in writing by the responsible highway district in the interest of public safety. As part of a development agreement via the rezone, the Board of Latah County Commissioners can require the private driveway be built to highway district standards for a public road. In addition to meeting the requirements of Section 9.01.02.4, all shared private driveways in a short plat shall have 20 feet of graveled surface. The shared private driveway meeting the previous requirements shall be built to completion prior to issuance of any building permit for said short plat.

Unless the following requirements are met, no short plat may include driveways entering directly onto state highways maintained by the Idaho Transportation Department. All new lots created via a short plat, and rezones which will ask for a subsequent subdivision, must be designed to meet this requirement.

A. An applicant for a short plat may request a hearing before the Zoning Commission, applying the general procedures set forth in Section 7.02 of this ordinance, excepting 7.02.02 and using the criteria set below, to ask for permission to use an existing residential access approach (existing residential access approach defined as approval from Idaho Transportation Department for a residential access approach given prior to the adoption of this section) to a state highway maintained by the Idaho Transportation Department if no reasonable lot configuration can meet the requirement and one of the following applies:

1. The original parcel from which a rezone was created does not touch any other public roadway.
2. An area rezoned prior to the adoption of this provision does not touch any other public roadway.
3. It is physically impractical for the new or existing parcel to gain access to a public roadway that is not a state highway maintained by the Idaho Transportation Department that touches that parcel. The Zoning Commission may also approve applications not meeting the criteria listed above if the Commission finds that the variance is essential to the public health, safety, or welfare.

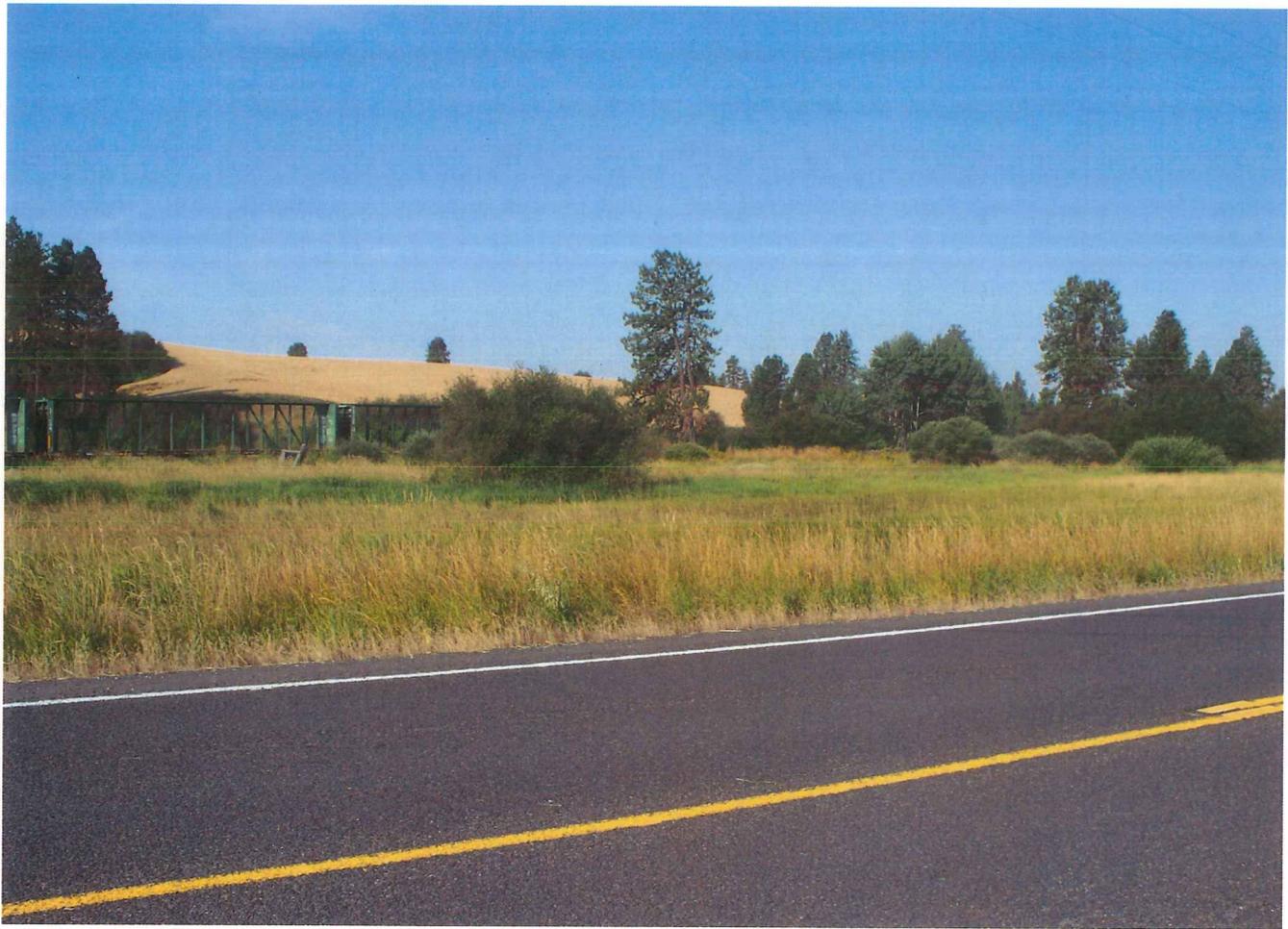
Exhibits will now be entered into the record.

The following exhibits were submitted with the staff packet:

EXHIBITS:

- Exhibit #1 :** Criteria Worksheet Application Summary
- Exhibit #1A :** Latah County Comprehensive Plan and Vicinity Map
- Exhibit #1B :** Zoning Map
- Exhibit #1C :** Aerial Photograph and Adjacent Property Owners Map
- Exhibit #2 :** Application Form (Submitted by Applicant)
- Exhibit #2A :** Applicant's Narrative (Submitted by Applicant)
- Exhibit #2B :** Site Plan (Submitted by Applicant)
- Exhibit #3 :** Staff Introduction for Latah County Zoning Commission hearing on August 7, 2013.
- Exhibit #4 :** Site Photographs

That is all staff has unless the Commission has questions.



LCZC Hrg: RZ 893
Applicant: Wagner
Exhibit #: 4
Date: 08/07/2013

