

NOTICE OF PUBLIC HEARINGS
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, February 3rd, 2016 5:30 p.m.

The Latah County Zoning Commission will hold public hearings on Wednesday, February 3rd, 2016, in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

RZ #972 – A request by Mike Hicks to rezone approximately 2.96 acres of David Wagner’s property from Rural Residential to Commercial. The property is located South of Hwy 6, in Section 03, Township 41 North, Range 05 West, B.M., in Latah County, and referenced as Assessor’s Parcel Number RP41N05W034853A.

CUP #974 – A request by North Latah Highway District to operate a mineral resource development on a 15 acre portion of a 562 acre parcel owned by Majorie Anderson Family LLC, in the agriculture/forest zone. The parcel is accessed off Hwy 95 in Section 09, of Township 41 North, Range 05 West, B.M., in Latah County, and referenced as Assessor’s Parcel Number RP41N05W090649A and RP41N05W093159A.

RZ #971 - A request by Nathan Wilson to rezone approximately 26 acres of a 125 acre parcel from Agriculture/Forest to Rural Residential. The property is located South of Darby Road, in Section 01, Township 39 North, Range 05 West, B.M., in Latah County, and referenced as Assessor’s Parcel Number RP39N05W012570.

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 proposal, is available from the Planning Dept., Latah County Courthouse, Moscow, Idaho, (208) 883-7220. Written comments will be accepted at the above office no later than 2:00 pm on Friday, January 29th, 2016. **Written exhibits will not be accepted after that time.** Written exhibits include, but are not limited to: written comments, submissions, exhibits, emails, videos, recorded audio, DVD’s, PowerPoint presentations, slide shows, photographs, and regular mail/submittals.

Mauri Knott
Senior Planner

(This is a public service announcement)

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

Public Hearing: RZ 972 **Date:** February 3, 2016 **Time:** 5:30 p.m.

Applicant: Michael Hicks

- 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** : Addendum (Submitted by Applicant)
- Exhibit #3** : Staff Introduction for Latah County Zoning Commission hearing on February 3 2016
- Exhibit #4** : Site Photos
- Exhibit #5** : Email from Shane Niemela with ITD
- Exhibit #6** : Letter from IDL

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 rezone request to change the zoning designation on a 2.96 acre parcel from Rural Residential to Commercial.

Description of application:

A request by Mike Hicks to rezone approximately 3 acres from Rural Residential to Commercial of David Wagner's property. 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:

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

Latah County Comprehensive Plan

Latah County Land Use Ordinance:

Section 6.01 Zoning Map Amendments

Section 3.02 Rural Residential Zone

Section 3.04 Commercial Zone

Section 6.01.02 Rezone Criteria

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, if the applicant can provide substantial mitigation through a written development agreement as provided by Section 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.

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: Rural Residential
Existing Uses: Bare Land
Neighboring Zoning: Agriculture Forest, Commercial within 500 ft
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:

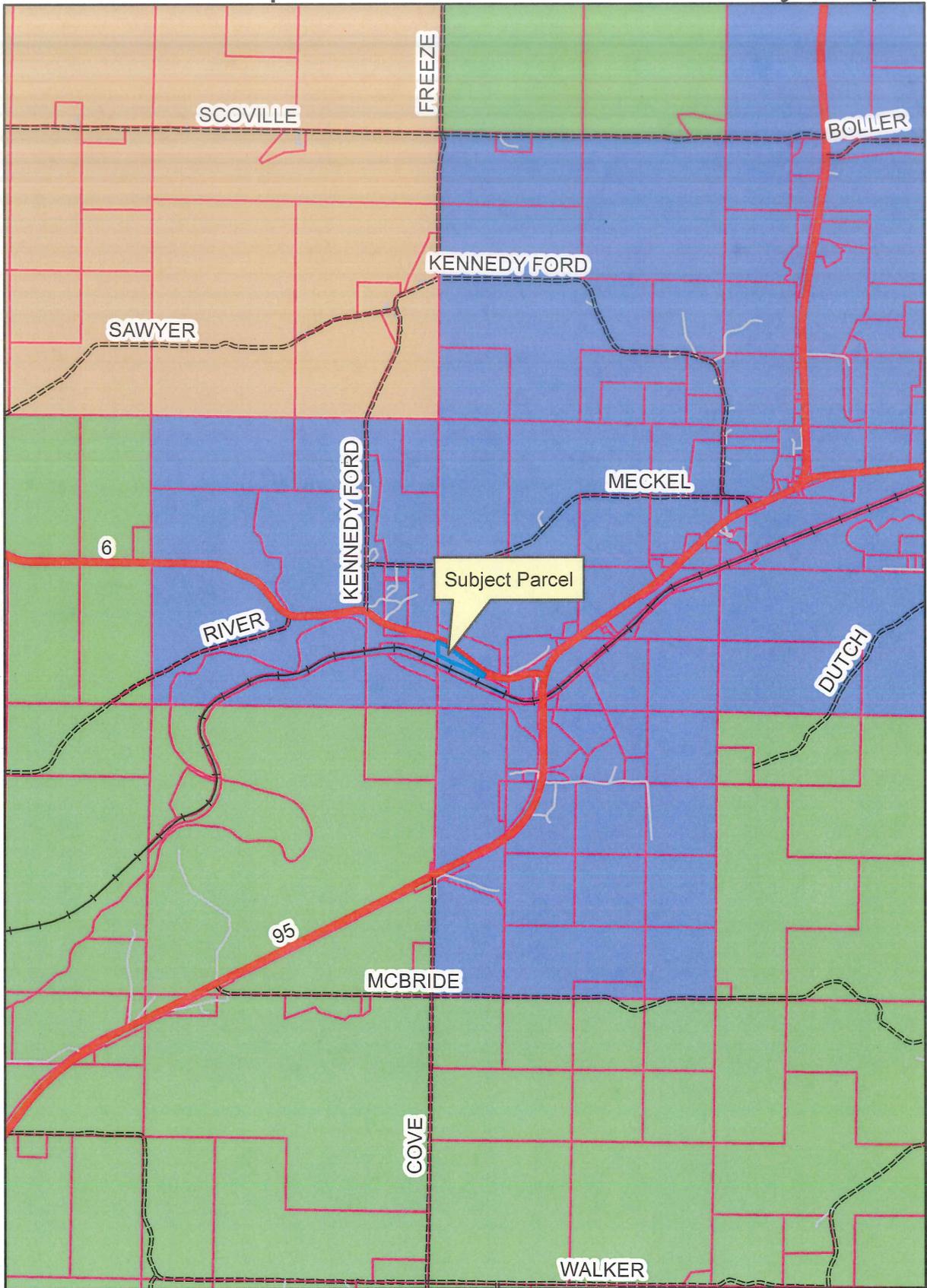
Potlatch Fire District

Law Enforcement:

Latah County Sheriff

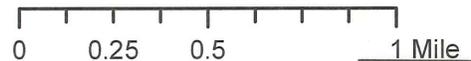
RZ 972 Comprehensive Plan and Vicinity Map

Planning and Building Department



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

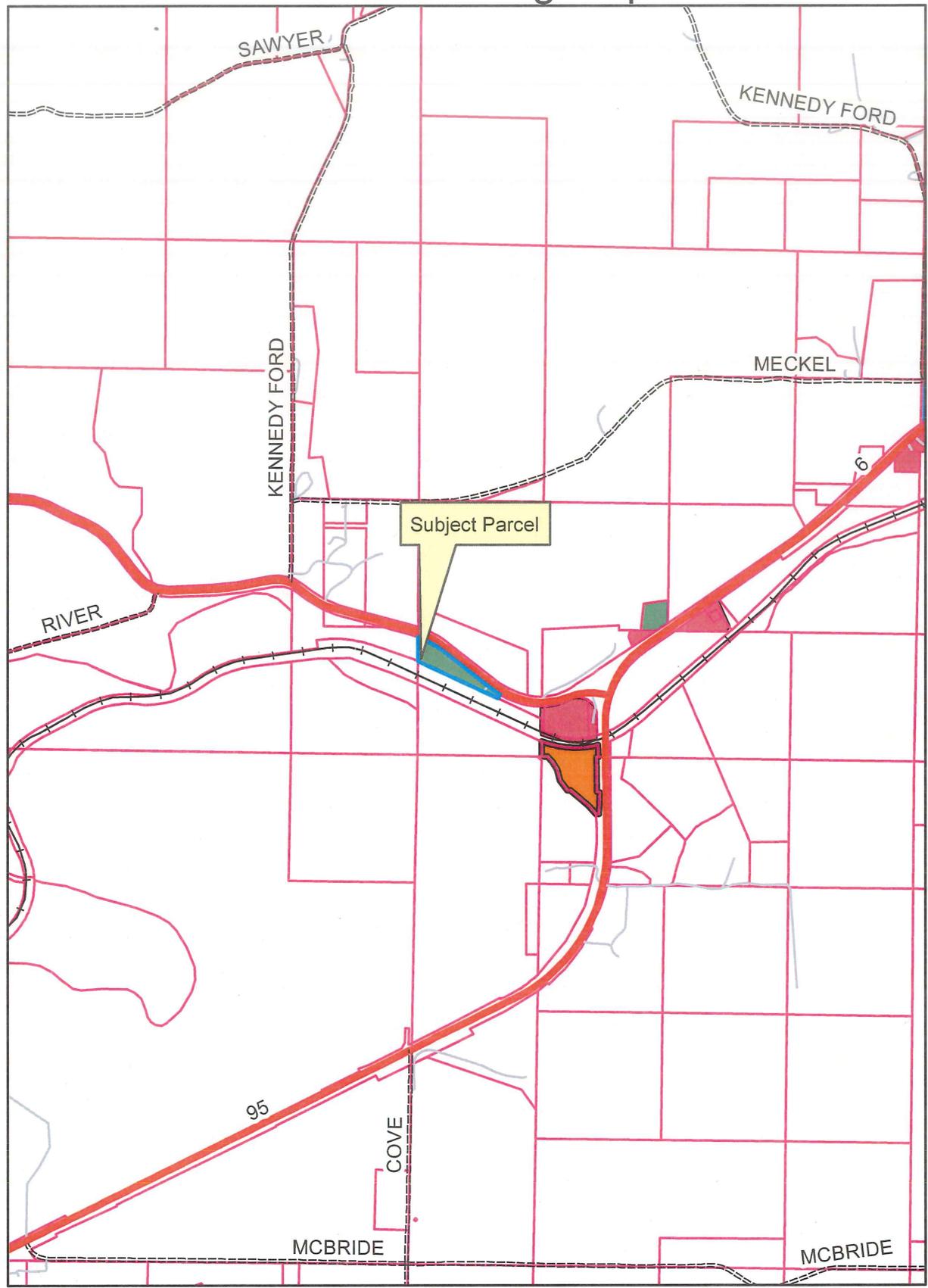
Created by: CAB



LCZC Hrg: **RZ 972**
 Applicant: **Hicks**
 Exhibit #: 1A
 Date: 02/03/2016

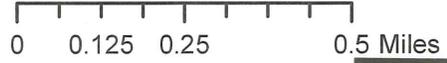
RZ 972 Zoning Map

Planning and Building Department



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Created by: CAB

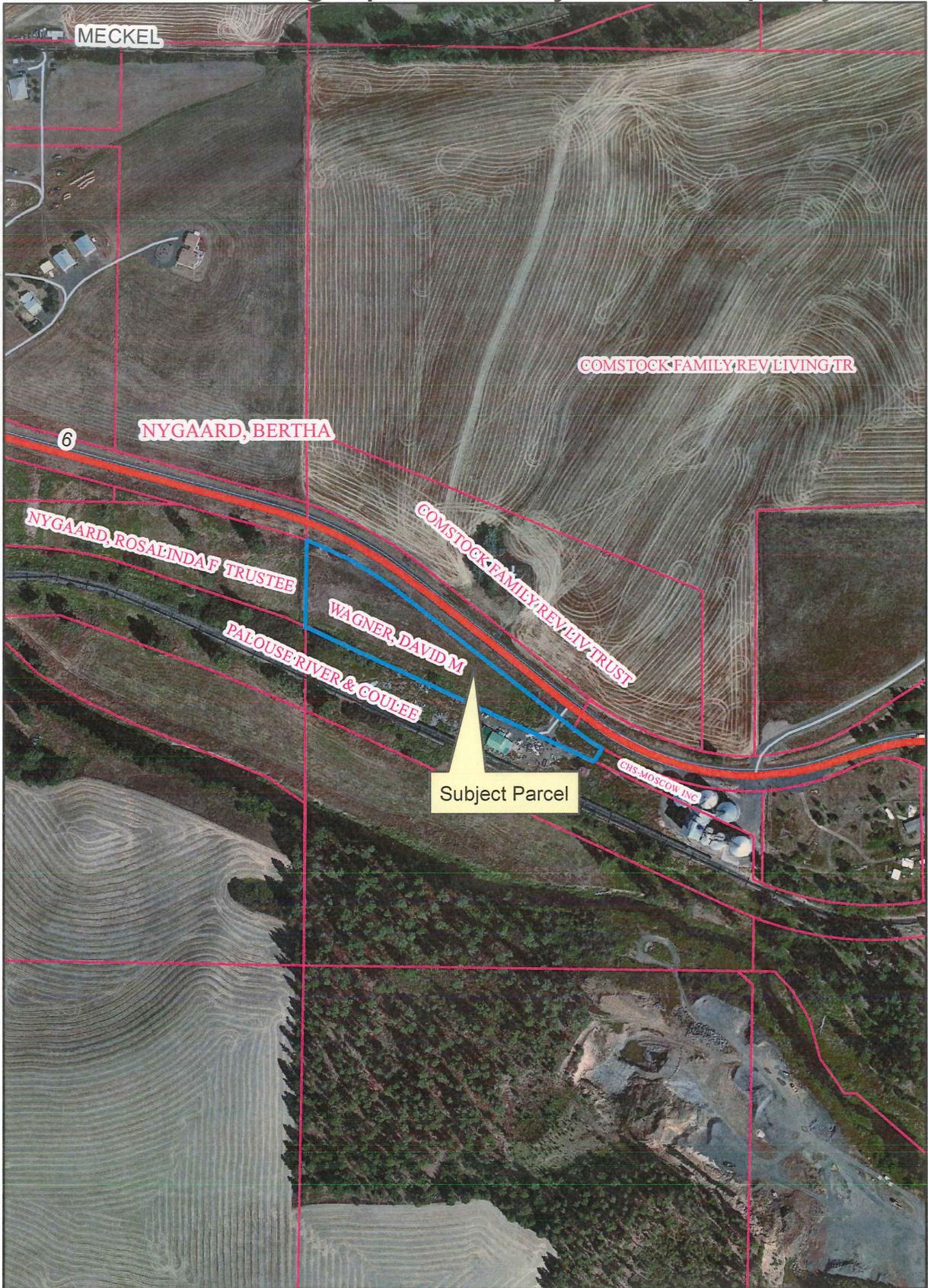


- | | | |
|----------------------|-----------------------------|---------------------------|
| Agriculture Forestry | Motor Business | Rural Residential |
| Commercial | Multiple Family Residential | Single-Family Residential |
| Industrial | Municipality | Suburban Residential |

LCZC Hrg: RZ 972
Applicant: Hicks
Exhibit #: 1B
Date: 02/03/2016

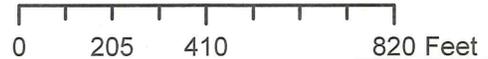
RZ 972 Aerial Photograph and Adjacent Property Owners

Planning and Building Department



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

Created by: CAB



LCZC Hrg: RZ 972
Applicant: Hicks
Exhibit #: 1C
Date: 02/03/2016



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 <i>Michael Hicks</i>	B. Home Phone / Work Phone <i>(208) 8742544</i>	C. Email <i>mike@ctio5thepubuse.com</i>	
D. Mailing Address <i>P.O. Box 32</i>	E. City <i>Patouse</i>	F. State <i>WT</i>	G. Zip Code <i>89161</i>
H. Property Owner (If Different than Applicant) <i>Sellez - David Wayne (Buyer Same)</i>	I. Home Phone <i>(Same)</i>	J. Work Phone	
K. Mailing Address	L. City	M. State	N. Zip Code

2. General Site Information			
A. Assessor's Parcel Number(s) <i>RP41N05W034R534</i>		B. Parcel Address (If Applicable): <i>1370 Hwy 6 Potlatch, ID</i>	
C. Acreage of Existing Parcel <i>2.96 Acres</i>	D. Existing Zoning <i>Rural Residential</i>	E. Comprehensive Plan Designation <i>3.04.02</i>	F. Floodplain Designation(s)
G. FEMA Panel #		J. Road Used to Access Site	
H. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.		I. Impact City	

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

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

4. Adjacent Properties Information	
A. Zoning of Adjacent Properties	B. Existing Uses of Adjacent Properties

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 <i>We are going to build a shop for our business and need to be rezoned properly for the right usage</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	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 <i>[Signature]</i>	b. Date <i>9/30/15</i>
c. Signature of Property Owner (If Different than Applicant) <i>Juan R. Wilson David Wayne</i>	d. Date <i>1/14/16</i>
<input type="checkbox"/> Fee: (\$400.00) 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"/> Survey or Boundary Description: This must be prepared by a surveyor licensed in the state of Idaho.	
<input type="checkbox"/> Other Attachments:	

Office Use Only			
Date Received <i>1/12/2016</i>	Amount <i>300.00</i>	Receipt No. <i>267</i>	By <i>MK</i>
RZ # <i>972</i>	Date Determined Technically Complete		By
Hearing Date			

LCZC Hrg: RZ 972
Applicant: Hicks
Exhibit #: 2
Date: 02/03/2016



Rezone Narrative Worksheet

Application Information

Applicant's Name

Michael Hicks

Phone Number

(208) 874-2549

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.

Our proposal is to construct an approx. 40'x60' shop for our concrete construction company. This building would be at the attached site. It would be a storage facility for our tools, equipment and product. We are wanting to re-zone to a commercial zoning to accommodate this need.

Existing Uses of Property

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

Currently, this parcel is zoned Rural Residential and does not have any structures on it. The land is flat and has basically an agriculture field look.

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.

There are no immediate buildings or residences that would be hindered by a commercial zone. The land all around is very open, except for a few far away scattered houses.

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

Having this rezone will allow for a shop to be built here. One business^s being in Latah County will allow us to produce more revenue in the county area.

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

This parcel and shop, when complete will have a private well, septic tank & drain field and is not near or within city limits.

4. The rezone shall not be a spot zone.

It is my understanding that the nearby zoning classifications will justify this parcel to be re-zoned commercial.

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

The new shop will be a masonry building w/ a metal roof. It will aesthetically fit the landscape.

b. Population Element

N/A

c. Housing Element

N/A

d. Economic Development Element

This zoning allows for a new business to be built up and operate in Latah County.

e. Public Services, Facilities, and Utilities Element

Construction company that does over \$100,000k in just Latah County.

f. School Facilities and Student Transportation Element

N/A

g. Transportation Element

N/A

h. Natural Resource Element

N/A

i. Special Areas Element

N/A

j. Hazardous Areas Element

be dumped.

N/A

- No hazardous properties will

k. Recreation Element

N/A

l. Land Use Element

Commercial development.

m. Implementation

N/A

n. Property Rights Element

N/A

o. Water Resource Element

employers.

Private well. low usage. 1-2

Latah County Building Permit 3.04.02 Information

Parcel# RP41N05W034853A

Current Owner :David Wagner

Buyer: Michael Hicks (208- 874-2549)

- 1) All parking around the building will be on gravel lot without parking spaces. The 80' x 32' building will have gravel surrounded by approx. 50' out.
- 2)Lighting- Any lighting for the building will be a cutoff fixture type or attached to the building. There are no residences close to the building.
- 3) Fire Protection- The building is a steel exterior/roof in a pole building style. There will be an accessible fire extinguisher inside the building.
- 4)The water system will be a private well with a pump system.
- 5)The sewer system is to be a drain field system done by a licensed contractor that meets all set backs and current codes.
- 6) Hours of Operation- The hours of business operation are 7:00 am - 5:30 pm, Monday through Friday with Saturday on occasion.
- 7) We are primarily a Warehouse with a service yard

RZ-972 - Staff Introduction

A request by Mike Hicks to rezone approximately 3 acres from Agriculture/Forest to Rural Residential. 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 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: Criteria Worksheet
- Exhibit #1A: Vicinity and Comprehensive Plan Land Use Map
- Exhibit #1B: Zoning Map
- Exhibit #1C: Aerial Photo and Adjacent Property Owners Map
- Exhibit #2: Application Form (Submitted by Applicant)
- Exhibit #2A: Applicant's Narrative (Submitted by Applicant)
- Exhibit #2B: Addendum (Submitted by Applicant)
- Exhibit #3: Staff Introduction for Latah County Zoning Commission hearing for RZ #972 held on February 3 2016.
- Exhibit #4: Site Pictures
- Exhibit #5 : Email from Shane Niemela with ITD
- Exhibit #6 : Letter from IDL

That is all staff has unless the Commission has questions.



LCZC Hrg: RZ 972
Applicant: Hicks
Exhibit #: 4
Date: 02/03/2016



jboal@latah.id.us

From: Shane Niemela <Shane.Niemela@itd.idaho.gov>
Sent: Wednesday, July 31, 2013 1:19 PM.
To: 'jboal@latah.id.us'
Subject: RE: Highway 6 Wagner access

Hi Jason,

The access to Mr. Wagoner's property was permitted as a commercial use on the most recent project--2006 I think. As residential use is considered a lesser use than commercial it can be used for residential as well. I think it had been a commercial access for many years before the 2006 project.

Shane

-----Original Message-----

From: jboal@latah.id.us [<mailto:jboal@latah.id.us>]
Sent: Wednesday, July 31, 2013 9:59 AM
To: Shane Niemela
Subject: Highway 6 Wagner access

Shane, on Highway 6 west of 95 (approx. 1500 ft.) we have an application for a rezone and eventually a short plat. Mr. Wagner is not planning on splitting the property, but the property was not eligible for a building permit without a Rezone & Short Plat.

The question I have is with the access point. It is on Mr. Wagner's property but the salvage yard in the old railroad ROW uses the access as well. Was this approach approved as a commercial/industrial approach? Can it also be used for a residence? When was it approved?

I appreciate your time.

Jason Boal
Latah County Planning & Building
Phone:(208) 883-7220
Fax:(208) 883-7225

This message is confidential and may be legally privileged. Unless you are the intended recipient, you may not use, copy or disclose this message or any information herein. If you have received this message in error, please immediately delete it and any attachments, and notify the sender.

**PONDEROSA
SUPERVISORY AREA**
3130 Highway 3
Deary ID 83823
Phone (208) 877-1121
Fax (208) 877-1122



TOM SCHULTZ, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
C.L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon Woolf, State Controller
Tom Luna, Sup't of Public Instruction

August 5, 2013

Michelle Fuson
Planning and Building Director
Latah County
P.O. Box 8068
Moscow, ID 83843

e-mail to: pb@latah.id.us

RE:

1. **David Wagner – Rezone from Agriculture/Forest to Rural Residential, Parcel Number RP41N05W034853A, Latah County, Idaho – Section 03 T41N R5W BM – Case #RZ892**
2. **David Wagner – Variance to allow access to State Highway, Parcel Number RP41N05W034853A, Latah County, Idaho – Section 03 T41N R5W BM – Case #VAR893**

Dear Ms. Fuson:

Thank you for the opportunity to review and comment on the applications as listed above.

As you may know, Idaho Department of Lands' (IDL) mission is to manage State Endowment Trust Lands (Endowment Lands) in a manner that will maximize long-term financial returns to the Beneficiary Institutions. The IDL mission is a constitutional mandate and is overseen by the State Board of Land Commissioners. Endowment Lands are not managed for the public at large and should not be referred to as "public lands" or "open space," either specifically or in a generic sense. These are working lands producing revenue for the Beneficiary Institutions.

IDL has reviewed the public hearing notice provided by Latah County for the applications as listed above. Based on the documentation provided to IDL, the applications will not impact Endowment Lands at this time. Should the applications be modified during the review or approval process, IDL requests that updated information be submitted to the IDL Ponderosa Area Office for additional review.

Thank you again for the opportunity to review and comment on these applications. Please feel free to contact IDL's Ponderosa Area Manager Mark Lesko at (208) 877-1121 or myself if you have questions or need more information.

Sincerely,

A handwritten signature in black ink, appearing to read "Julianne Shaw".

Julianne Shaw
Assistant Planner
(208) 334-0262
jshaw@idl.idaho.gov

cc: Mark Lesko, Ponderosa Area Manager
Jerry Northrup, Resource Supervisor – Forest Management
Kate Langford, Strategic Business Analyst – Planning

"Trusted Stewards of Idaho's Resources, From Main Street to Mountaintop"

LCZC Hrg: **RZ 972**
Applicant: **Hicks**
Exhibit #: **6**
Date: **02/03/2016**