

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 971 Date: February 3, 2016 Time: 5:30 pm

Applicant: Nathan Wilson File #: RZ 971 Page: 1 of 1

EXHIBITS:

- 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:** Site Plan (Submitted by Applicant)
- Exhibit #3:** Staff Introduction for Latah County Zoning Commission hearing for RZ #971 held on February 3rd, 2016

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 an approximately 26 acre portion of a 125 parcel from Agriculture/Forest to Rural Residential.

Description of application:

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.

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: 125 acre
Floodplain: Zone "C"

Land Use and Regulations:

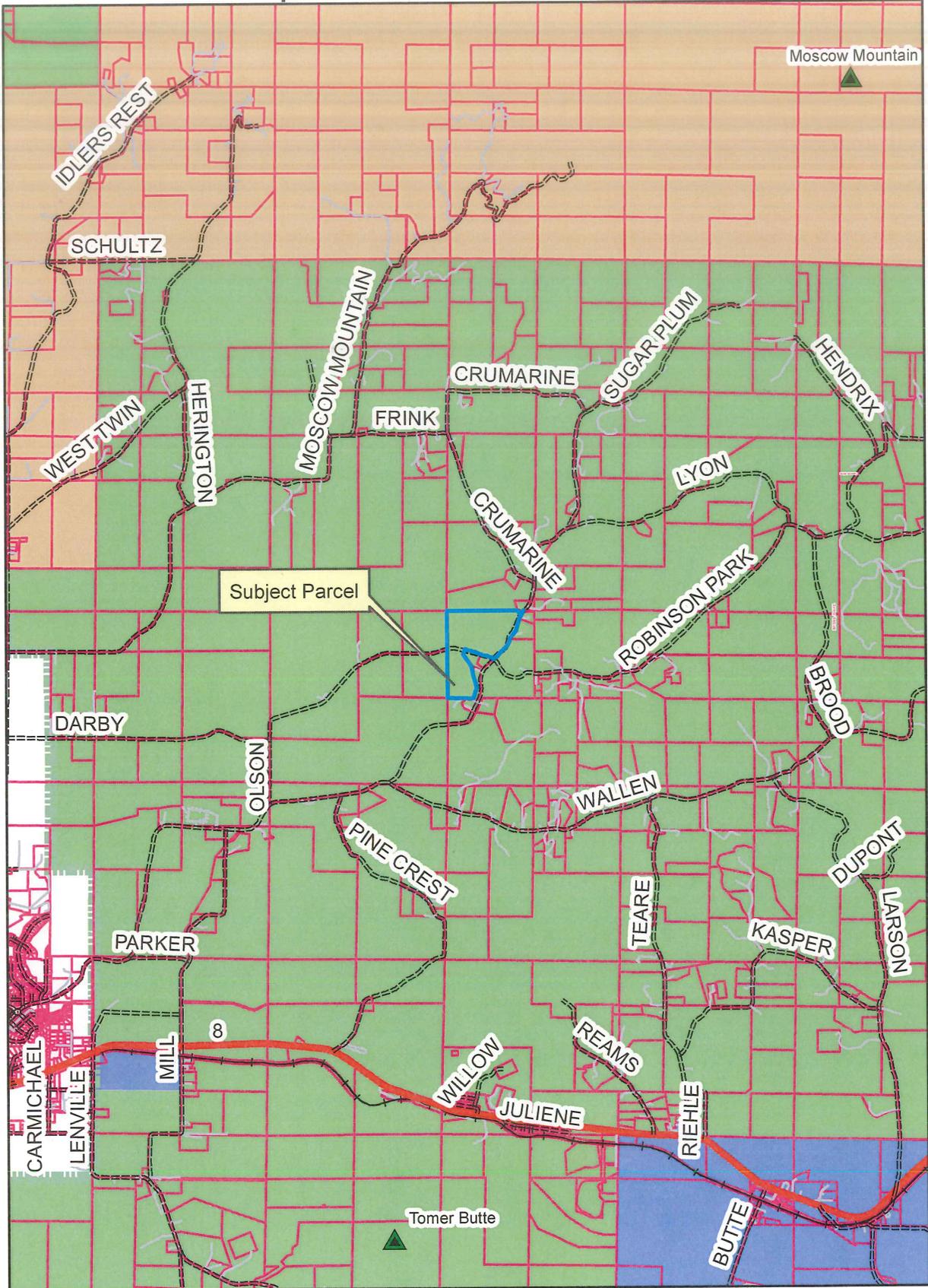
Comprehensive Plan Designation: Rural
Existing Zoning: Agriculture/Forest
Existing Uses: Agriculture
Neighboring Zoning: Agriculture/Forest, Rural Residential
Neighboring Uses: Public Right of Way, Residential, Agriculture, Forestry

Infrastructure/Services:

Water:	Private Well
Sewer:	Private Septic
Access:	Darby Road
Schools:	Moscow School District
Fire Protection:	Moscow Fire District
Law Enforcement:	Latah County Sheriff

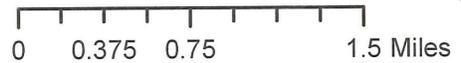
RZ 971 Comprehensive Plan and Vicinity Map

Planning and Building Department



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

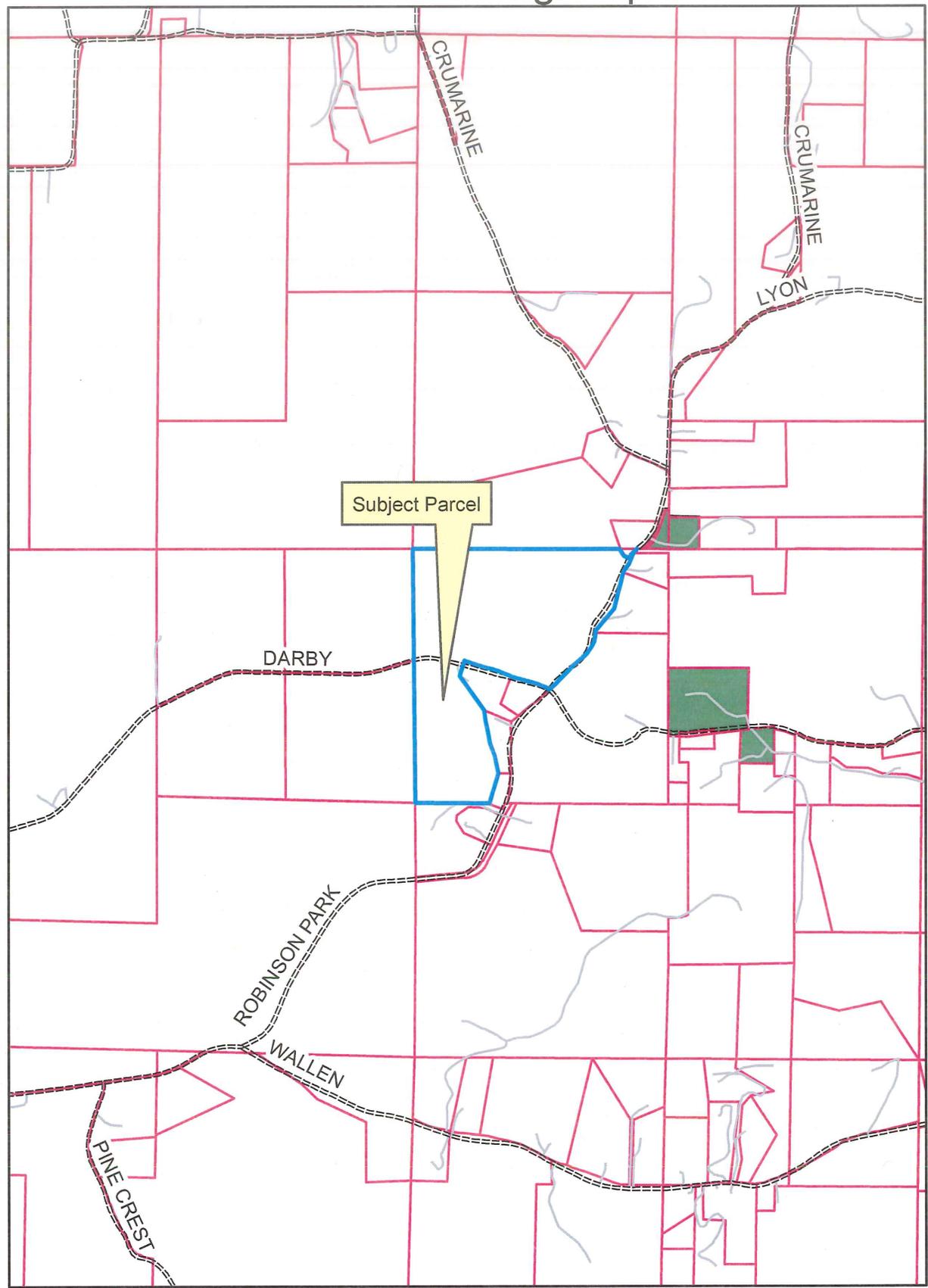
Created by: CAB



LCZC Hrg: **RZ 971**
 Applicant: **Wilson**
 Exhibit #: 1A
 Date: 02/03/2016

RZ 971 Zoning Map

Planning and Building Department



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

Created by: CAB

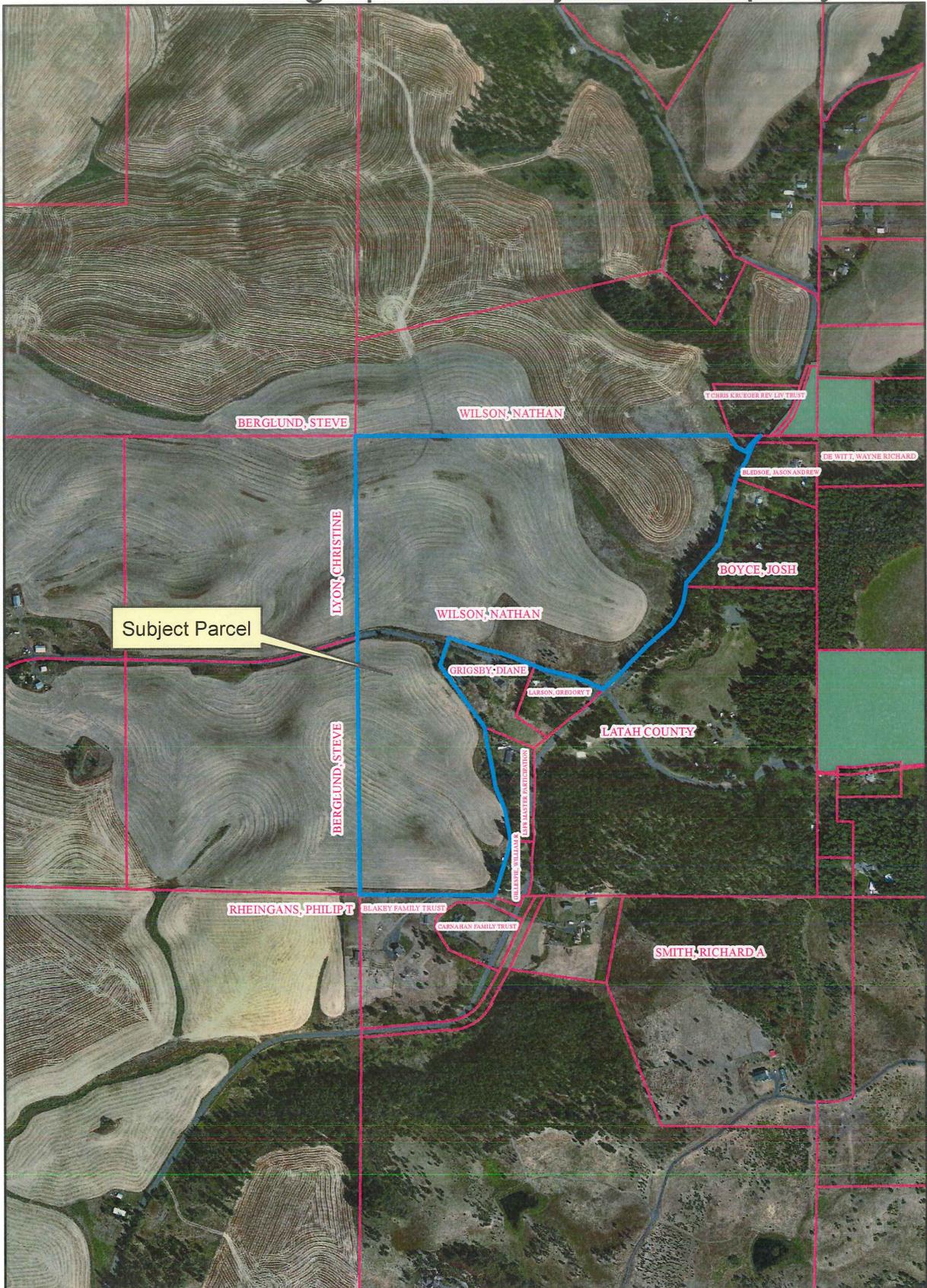


- | | | |
|----------------------|-----------------------------|---------------------------|
| Agriculture Forestry | Motor Business | Rural Residential |
| Commercial | Multiple Family Residential | Single-Family Residential |
| Industrial | Municipality | Suburban Residential |

LCZC Hrg: **RZ 971**
 Applicant: Wilson
 Exhibit #: 1B
 Date: 02/03/2016

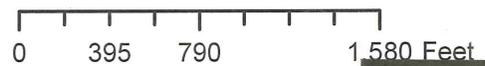
RZ 971 Aerial Photograph and Adjacent Property Owners

Planning and Building Department



Note: This document is a representation only.
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Created by: CAB



LCZC Hrg: **RZ 971**
Applicant: **Wilson**
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>Nathan Wilson</i>		B. Home Phone / Work Phone <i>208-882-1991/208-596-5944</i>		C. Email <i>nathandavidwilson@gmail.com</i>	
D. Mailing Address <i>708 S. Jefferson</i>		E. City <i>MOSCOW</i>		F. State <i>ID</i>	G. Zip Code <i>83843</i>
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) <i>RP 39N05W012570A</i>			B. Parcel Address (If Applicable) <i>TBD Darby Road</i>		
C. Acreage of Existing Parcel <i>27 ±</i>	D. Existing Zoning <i>AF</i>	E. Comprehensive Plan Designation <i>Rural</i>		F. Floodplain Designation(s) <i>NA</i>	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>Darby Road (County road)</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.

L. Existing Uses
Agriculture (currently farmed)

3. Service Provider Information (please attach additional information if requested)

A. Fire District <i>MOSCOW</i>		B. Road District <i>Latah County</i>		C. School District <i>MOSCOW</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) <i>Septic System</i>		

4. Adjacent Properties Information

A. Zoning of Adjacent Properties <i>AF</i>		B. Existing Uses of Adjacent Properties <i>Single family rural residential</i>	
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5. Rezone Information

A. Proposed Zoning District(s)		B. Explain for Rezone Request	
<input type="checkbox"/> Agriculture/Forestry <input checked="" type="checkbox"/> Rural Residential <input type="checkbox"/> Suburban Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial		<i>Rezoning the subject property to rural residential so as to do a short plat creating four parcels ranging in size from five to seven acres.</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>12.29.15</i>	
c. Signature of Property Owner (If Different than Applicant)		d. Date	

7. Attachments

- Fee:** (\$400.00) Make checks payable to Latah County.
- Completed Narrative Worksheet:** See instructions on the Rezone Narrative Worksheet.
- 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.
- Survey or Boundary Description:** This must be prepared by a surveyor licensed in the state of Idaho.
- Other Attachments:**

Office Use Only

Date Received <i>12/29/15</i>	Amount <i>400.00</i>	Receipt No. <i>258</i>	By <i>M. [Signature]</i>
RZ # <i>971</i>	Date Determined Technically Complete		By
Hearing Date <i>3 Feb 2016</i>			

LCZC Hrg: **RZ 971**
 Applicant: **Wilson**
 Exhibit #: **2**
 Date: **02/03/2016**



Rezone Narrative Worksheet

Application Information

Applicant's Name

Nate Wilson

Phone Number

208-596-5914

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.

Rezone the subject property from AF (Agriculture/Forestry) to RR (Rural Residential) so as to do a "short plat" creating four buildable parcels ranging in size from 5 to 7 acres. The private access will come off of Darby Road & would service all four parcels. There will be a cul-de-sac at the end of the access road which will have turning radius large enough to accommodate emergency vehicles. A road maintenance agreement will be in place for maintaining the access road along with the cul-de-sac. Utilities will be brought in along the access road, which will consist of power, telephone, & cable. Each parcel will have its own private well & septic system.

Existing Uses of Property

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

The subject property is bareland with no improvements. Mostly open fields with some trees & bushes along part of the perimeter. The open areas have been and are currently in farm production.

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.

Under an old ordinance, five of the parcels contiguous to the subject property were broken into small residential acreages ranging in size from 1.4 acres to 11.5 acres. Within 1/2 mile radius of the subject property there are four areas along Wallen Road, Robinson Park Road, Lyon Road & Crumaine Loop that have been developed into small rural residential acreages ranging in size similar to the size that will be created in the proposed short plat. Within a one mile radius of the subject property there are 95 homes on similar small acreages. Even though the zoning around the subject property is still zoned (AF) Agriculture/Forestry, those parcels were allowed to be broken into small parcels under an older ordinance that did not require a rezoning. Under today's Comprehensive Plan the subject property is designated Rural. A rezone from (AF) to (RR) must occur before a "short plat" can be accomplished, to have the subject property be similar to its contiguous properties.

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

The rezone will allow for the property to be developed which will create four new homes which in turn will increase the tax base by the increase of tax revenue. The infrastructure roads, utilities are already in use providing services to the bordering & neighboring properties. The increase in tax revenue will help to sustain the preservation of the roads, utilities, & infrastructure.

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

The addition of four homes will not have a negative impact on public services. The increase in tax revenue will be an added blessing to maintaining the already in place public services such as roads & parks.

4. The rezone shall not be a spot zone.

Under a different ordinance, the bordering & neighboring properties were broken down to their small rural acreage size without having to have the property rezoned. Today these properties would rightly have a zone designation of "rural residential". Five of the parcels that are contiguous to the subject property are similar in size to the proposed size of the parcels that will be created through the "short plat" process. (5 acres - 7 acres). The rezone will be consistent to what has been approved and is in use of the majority of the properties within 1/2 mile radius of the subject property.

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

Currently there is a high demand for rural residential parcels close to the City of Moscow. Many residents of Latah County prefer a rural life style. In making the opportunity available for rural living while staying within the goals or policies of Latah County Comprehensive Plan is consistent with encouraging low density residential development to occur in areas which minimize conflicts with agriculture or forestry by protecting agriculture & forest land from scattered development. Agriculture & forest lands are valuable to the economy of Latah County. In creating rural residential parcels that do not negatively impact this economic base is central in the rezone of the subject property.

A driving force for families to want to live on small acreage is to be able to provide for themselves having gardens, orchards, farm animals, & poultry. One of the ten policies of the Comprehensive Plan is to encourage local & regional food self-sufficiency.

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 In allowing lands such as the subject property, to be rezoned & developed in accordance with bordering & neighboring properties that have similar size rural residential parcels is in compliance with the goals of Latah County Comprehensive Plan, which encourages low density residential development to occur in a pattern which minimizes both conflicts with existing land uses & public service cost.

b. Population Element With the rezone & development of the subject property, the vision & implementation of Latah County's Comprehensive Plan, to direct development of rural residential parcels in the area of Latah County where "like kind properties" are located & in a close proximity to urban area allowing the open areas to remain open.

c. Housing Element There continues to be a high demand for rural residential properties within a close proximity to the city of Moscow. By allowing development in areas where the use is already permitted helps to preserve areas from growth occurring in agriculture & forest areas.

d. Economic Development Element In developing land to conform to neighboring & bordering properties not only controls growth but also increase revenue through the increase in tax revenue.

e. Public Services, Facilities, and Utilities Element Public Service, facilities, & utilities are enhanced by the increase in added tax revenue when development occurs within areas where those services are already in place.

f. School Facilities and Student Transportation Element Both public & private schools are rewarded when plan growth occurs. The added revenue is always needed to run the school system & it's transportation. The subject property is located where these services are already in place. The increase in tax revenue will be a blessing to these services.

g. Transportation Element The subject property has two main county roads leading to it. Robinson Park Road which is a paved county maintained road & Darby Road which is a county maintained gravel road. The increase in tax revenue to the county by having four additional rural residential parcels will be added blessing to the county's base.

h. Natural Resource Element The Comprehensive Plan includes the preservation of Latah County's natural resources. Allowing growth to occur in areas that are suited for development, Latah County preserves the natural resources for future generations.

i. Special Areas Element

The subject property is not in an area of cultural, scenic, or natural significance.

j. Hazardous Areas Element

The subject property is not in a flood plain & its topography is most suited for residential construction with no unstable slopes or wildland urban interface. The development of the land will reduce the possibility of wildfire to the neighboring properties.

k. Recreation Element

The subject property is within close proximity to Robinson Park Recreation Area. The development of the subject property will increase the tax base that supports the operation & maintenance of the park, & its preservation.

l. Land Use Element

The subject property is in the designated "Rural" area of Latah County's Comprehensive Plan map which is suited for low density residential development.

m. Implementation

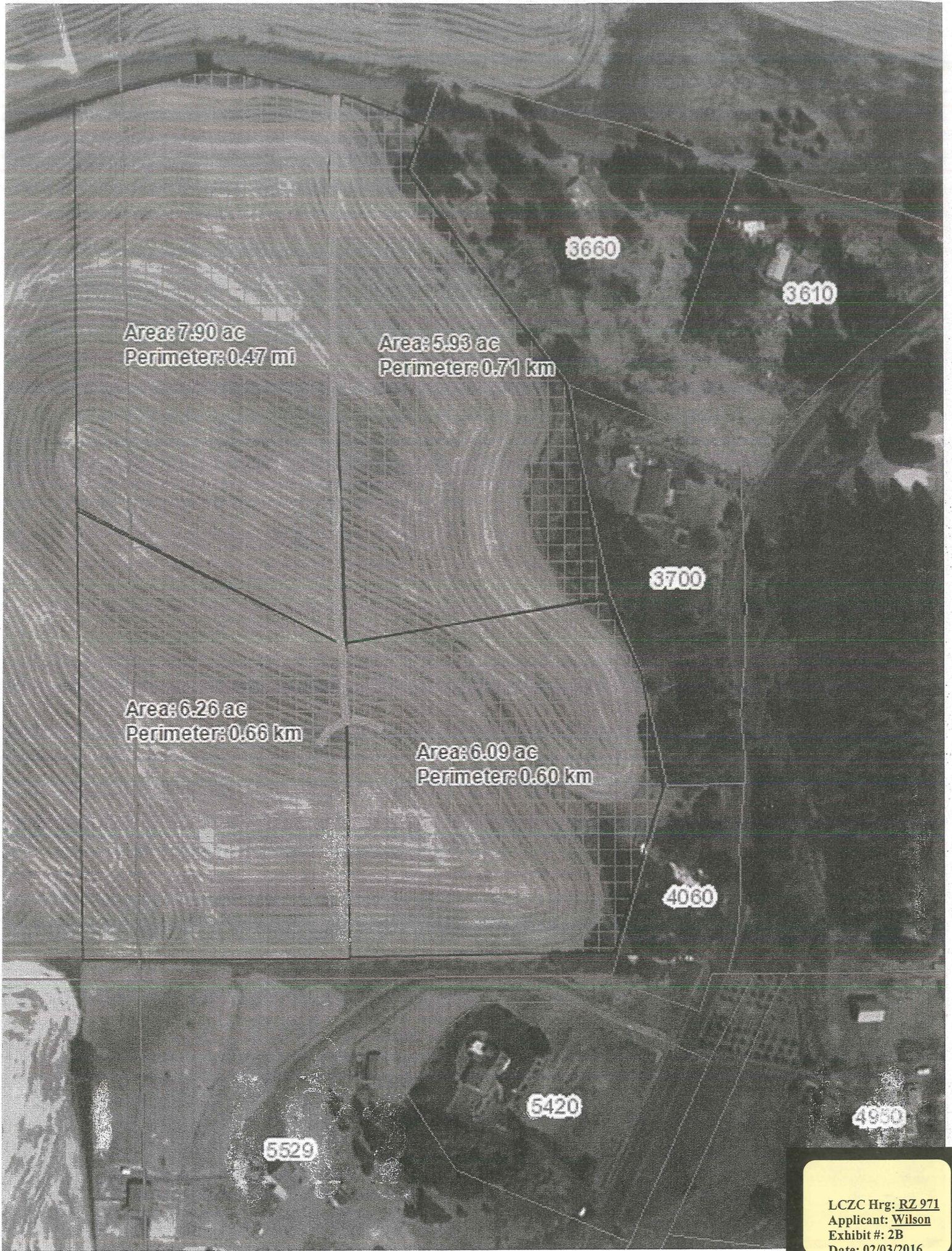
The rezone of the subject property will be in accordance with the implementation element of Latah County as stipulated in Latah County Comprehensive Plan.

n. Property Rights Element

In working with the owner in developing the subject property to the highest & best use Latah County will be meeting one of its goals & policies of the Comprehensive Plan.

o. Water Resource Element

The addition of four private wells will not have a negative impact on preserving the water resources of Latah County. The same amount of water would be used if the four families lived in Moscow.



Area: 7.90 ac
Perimeter: 0.47 mi

Area: 5.93 ac
Perimeter: 0.71 km

Area: 6.26 ac
Perimeter: 0.66 km

Area: 6.09 ac
Perimeter: 0.60 km

3660

3610

3700

4060

5529

5420

4950

LCZC Hrg: RZ 971
Applicant: Wilson
Exhibit #: 2B
Date: 02/03/2016

RZ #971 - Staff Introduction

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.

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: Site Plan (Submitted by Applicant)
Exhibit #3: Staff Introduction for Latah County Zoning Commission hearing for RZ #971 held on February 3rd, 2016

That is all staff has unless the Commission has questions.