



# 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 Agriculture Forest to Rural Residential.

## Description of application:

A request by David Wagner 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.

## 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 3.01 Agriculture Forest Zone*

*Section 3.02 Rural Residential 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"

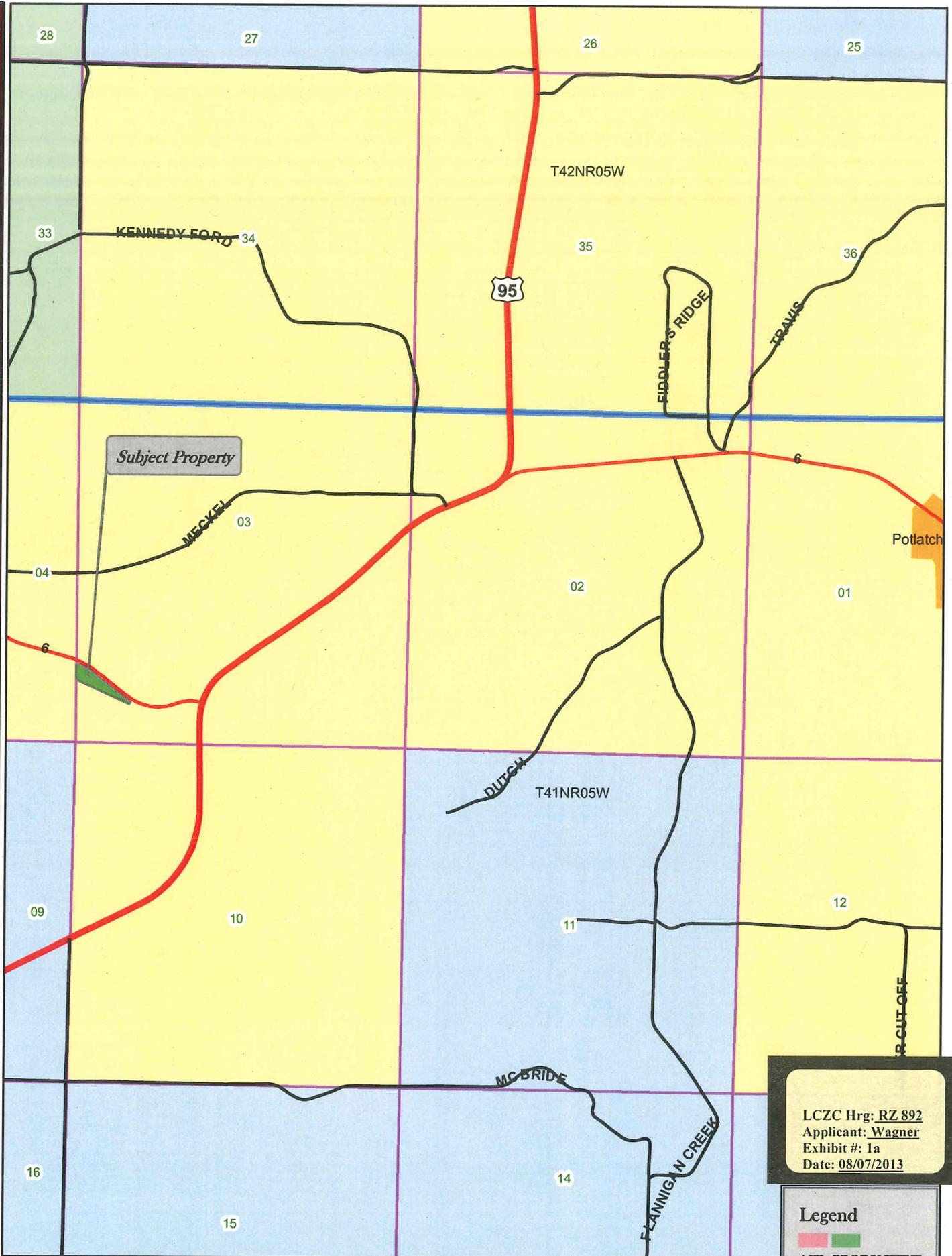
### Land Use and Regulations:

**Comprehensive Plan Designation:** Industrial, Commercial, Residential  
**Existing Zoning:** Agriculture/Forest  
**Existing Uses:** Bare Land  
**Neighboring Zoning:** Agriculture Forest  
**Neighboring Uses:** Public Right of Way, Residential, Agriculture, Industrial

**Infrastructure/Services:**

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

RZ #892 Wagner Rezone



LCZC Hrg: RZ 892  
 Applicant: Wagner  
 Exhibit #: 1a  
 Date: 08/07/2013

**Legend**

- AFR PRODUCTIVE
- AOI RURAL
- ICR

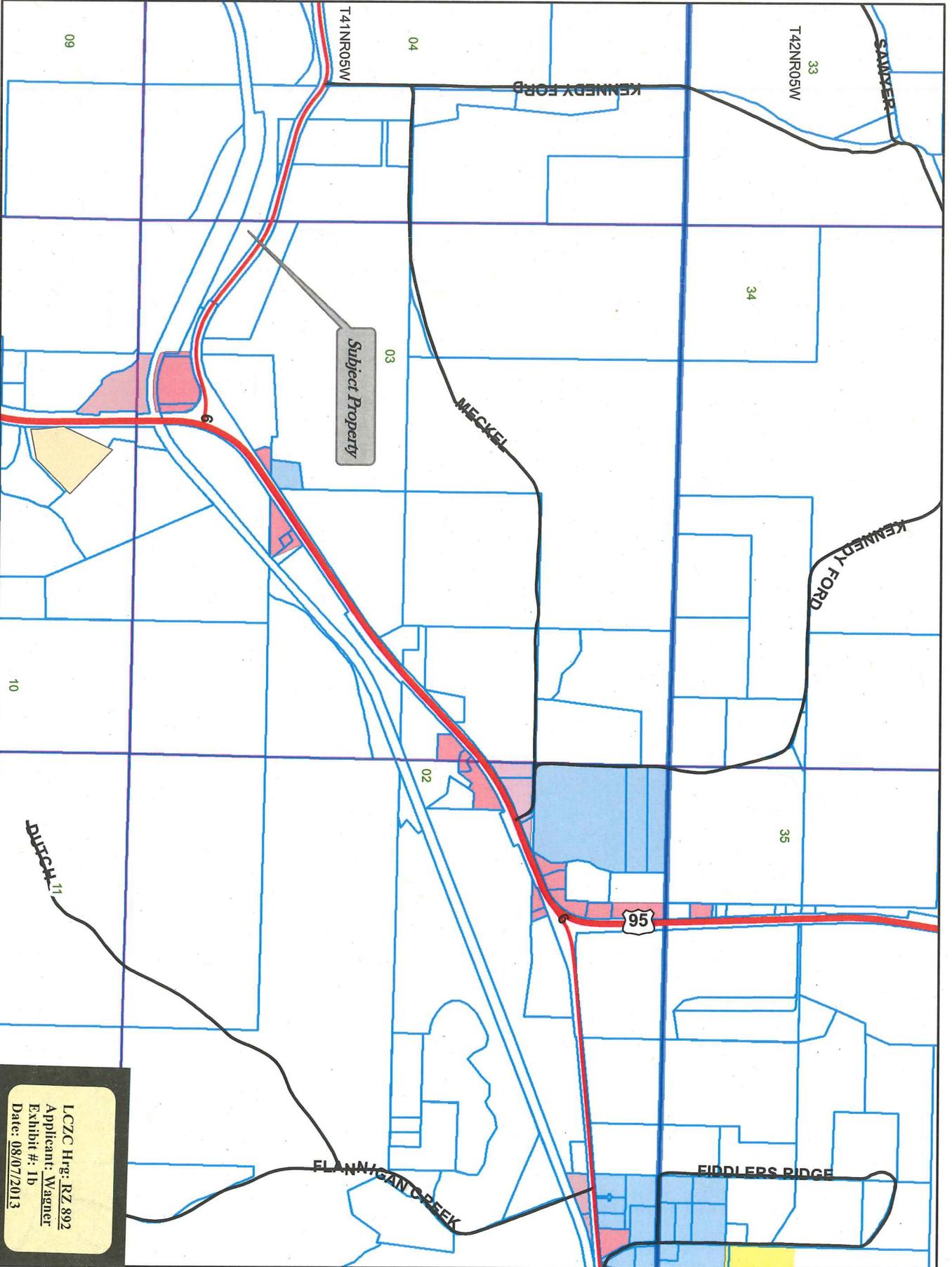
NOTE: This Document is a representation only.  
 Latah County bears no responsibility for errors or omissions.



\*Created on 7/23/2013 by JB



# RZ #892 Zoning Map



Subject Property

LCZC Hrg: RZ 892  
Applicant: Wagner  
Exhibit #: 1b  
Date: 08/07/2013

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

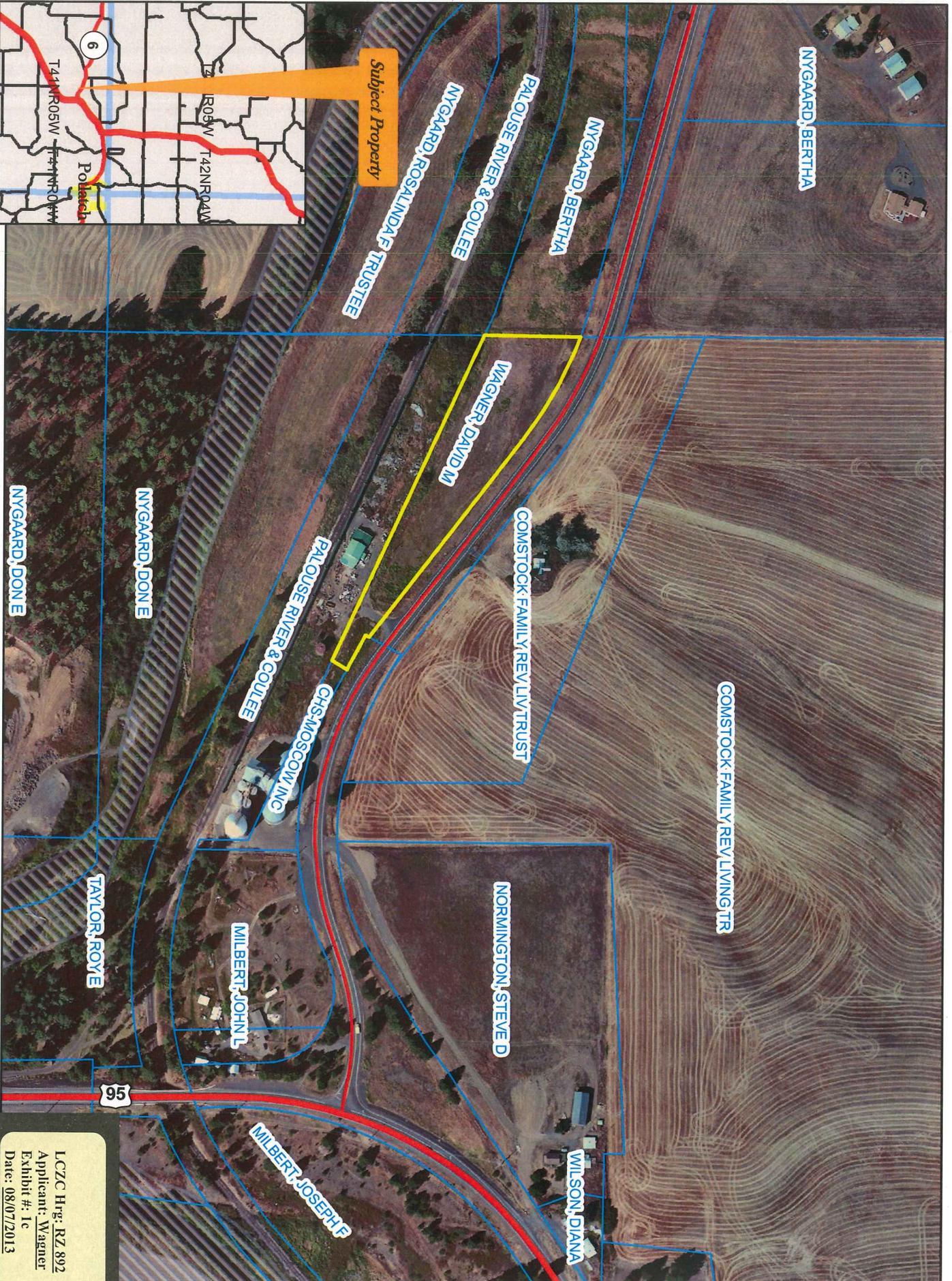
\*Created on 7/23/2013 by JB



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



# RZ #892 Wagner Rezone



Subject Property

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

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### Legend



Parcels



Floodplain



LCZC Hrg. RZ 892  
 Applicant: Wagner  
 Exhibit #: 1c  
 Date: 08/07/2013



# 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 <b>David Wagner</b>		B. Home Phone / Work Phone <b>(206) 403-1128</b>		C. Email <b>dwagner633@me.com</b>	
D. Mailing Address <b>909 Geary Street #621</b>		E. City <b>San Francisco</b>		F. State <b>CA</b>	G. Zip Code <b>94109-8215</b>
H. Property Owner (If Different than Applicant) <b>N/A</b>		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) <b>RP41N05W034853</b>			B. Parcel Address (If Applicable) <b>N/A</b>		
C. Acreage of Existing Parcel <b>+/- 3 Acres</b>	D. Existing Zoning <b>Ag / Forest</b>	E. Comprehensive Plan Designation <b>Industrial/Commercial/Residential</b>		F. Floodplain Designation(s) <b>None</b>	G. FEMA Panel # <b>1600860130B</b>
H. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.		I. Impact City <b>N/A</b>		J. Road Used to Access Site <b>Highway 6</b>	

*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  
**None**

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

A. Fire District <b>Potlatch Rural</b>		B. Road District <b>North Latah</b>		C. School District <b>Potlatch</b>	
D. Source of Potable Water (i.e. Water District or Private Well) <b>Private Well (proposed)</b>			E. Sewage Disposal (i.e. Sewer District or Septic System) <b>Septic System (proposed)</b>		

## 4. Adjacent Properties Information

A. Zoning of Adjacent Properties <b>Ag / Forest, Commercial, Residential</b>	B. Existing Uses of Adjacent Properties <b>Agriculture, commercial, residential, industrial (railroad)</b>
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## 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 <p style="text-align: center;"><b>Applicant wants to obtain one residential building permit for the parcel.</b></p>
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*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 <i>Susan R. Wilson, Attorney</i>	b. Date <b>6/27/2013</b>
c. Signature of Property Owner (If Different than Applicant)	d. Date

## 7. Attachments

- Fee: (\$300.00)** 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 <b>6/27/13</b>	Amount <b>300.00</b>	Receipt No. <b>986810</b>	By <i>mw</i>
RZ# <b>892</b>	Date Determined Technically Complete <b>6/27/13</b>	By <i>mk</i>	
Hearing Date <b>July 19, 2013</b>			

01/29/2013

**LCZC Hrg: RZ 892**  
**Applicant: Wagner**  
**Exhibit #: 2**  
**Date: 08/07/2013**



# Rezone 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 Proposal

Describe your proposal in detail. Include all aspects of your proposal.

Applicant wants to obtain one residential building permit for the parcel. The parcel, approximately 3 acres, is currently zoned Ag/Forest, but is not used for any agricultural or forestry purpose. The only efficient land use of the property would be as residential. The Latah County Comprehensive Plan designates the area as Industrial/Commercial/Residential, which allows for residential development. Land use surrounding the area includes residential use and there is a suburban residential zone nearby. The Applicant is proposing to rezone the property to rural residential with a one acre minimum and intends to apply for a short plat that would enable him to obtain one residential building permit for the property.

## Existing Uses of Property

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

The parcel is currently unused. There are no structures.

## 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 parcel is within the area designated for Industrial/Commercial/Residential (ICR) uses by the Latah County Comprehensive Plan. There is one residence directly across Highway 6, and approximately a dozen residences within a half mile radius. A railroad yard is on the adjacent parcel to the East, and there are several grain elevators beyond that. The railroad runs East/West on the South side of the parcel, along the Palouse River. The parcel runs along State Highway 6, which intersects with U.S. Highway 95 approximately 1/4 mile to the East. To the West, Highway 6 runs to the border where it becomes Highway 272 to Palouse, Washington.

The parcel is within the area designated ICR by the Comprehensive Plan. The area within the half mile radius of the parcel already contains all three permitted uses, including nearby parcel zoned suburban residential.

LCZC Hrg: RZ 892  
Applicant: Wagner  
Exhibit #: 2a  
Date: 08/07/2013



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

The Latah County Comprehensive Plan designates the area ICR. Several residences and commercial uses exist within a half mile radius of the parcel. One of the major objectives under the Comprehensive Plan is private property rights. In this case, residential use of the land is its most efficient use since the property is too small for any significant agricultural operation. Allowing for the residential use provides the landowner with a property that would otherwise be of significantly less value and which does nothing to help contribute to the agricultural character of the county. Another objective of the Comprehensive Plan is to foster other land uses which will help achieve a solid broad based and sustainable economic foundation; with no viable agricultural or forestry use, the residential use of the property will help increase the tax base and therefore contribute to the economy.

*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**

A residence on the parcel will result in the orderly and attractive development of Latah County. The parcel is currently unused and is too small for agriculture. Commercial/industrial uses exist nearby, but the area is largely agricultural and residential. A residence will be consistent with the current character of the area. There will be no conflict with existing uses, minimal if any public service costs, and discourage the area from becoming a commercial strip. A suburban residential zone is located approximately 600 feet away.

**b. Population Element**

The rezone will allow one single-family residence to be constructed. The parcel is too small to be productive for agricultural use. An additional residence will not conflict with the surrounding uses, and in fact will be consistent with the current rural residential character of nearby parcels.

**c. Housing Element**

A single-family residence on the parcel will attract people who enjoy a rural lifestyle, whereby providing a mix of housing consistent with the goals of the comprehensive plan.

**d. Economic Development Element**

The rezone is not anticipated to contribute to the economic development in the sense of commercial use; however, providing for a residential use is appropriate for local needs and to increase its tax base which is in the County's best interests.

**e. Public Services, Facilities, and Utilities Element**

The parcel lies along State Highway 6, and there is already an access driveway from the highway. The parcel will have a private well and septic system. Power service already exists and is accessible to the parcel. There will be minimal if any impact on public services, facilities or utilities.

**f. School Facilities and Student Transportation Element**

The parcel will contain one single-family residence. The parcel lies along existing school bus routes that provide transportation to the Potlatch School District. There will be minimal impact on the school facilities.

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**g. Transportation Element**

The parcel lies along State Highway 6. There is already a driveway providing access. There will be not additional impact on highway traffic.

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**h. Natural Resource Element**

The parcel is currently unused. There is no habitat on the parcel. Use of the parcel for residential rather than commercial will help to prohibit development that could significantly pollute or degrade the natural environment.

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**i. Special Areas Element**

There are no special areas, or sites of historic, archeological, architectural, geological, biological, or scenic significance on or near the parcel.

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**j. Hazardous Areas Element**

There are no natural hazards on or near the parcel.

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**k. Recreation Element**

This element is not applicable to this application.

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**l. Land Use Element**

The parcel is unproductive as agricultural land and sits within the area designated as ICR by the Comprehensive Plan. The parcel is too small and too remote from an urban center for high density development. A commercial or industrial use is impractical in that location, and would have a higher impact on traffic and utilities. A low-density, single-family residential use is most consistent with the character of the area.

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**m. Implementation**

The process of this application is in and of itself in furtherance of the implementation element of the Comprehensive Plan.

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**n. Property Rights Element**

The parcel is unproductive as agricultural land and sits within the area designated as ICR by the Comprehensive Plan. The parcel is too small and too remote from an urban center for high density development. Residential use is the only practical way for the applicant to enjoy the right and value of ownership. This further's the goal of eliminating actions that would significantly impact the owner's economic interest.

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**o. Water Resource Element**

The parcel will be served by a private well. A single family residence will have minimal impact on water resources. Soil tests confirm that a private septic system can safely be used to preserve water quality.

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# Map



LCZC Hrg: RZ 892  
Applicant: Wagner  
Exhibit #: 2b  
Date: 08/07/2013

## RZ-892 - Staff Introduction

A request by David Wagner 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: Aerial (Submitted by Applicant)
- Exhibit #3: Staff Introduction for Latah County Zoning Commission hearing for RZ #892 held on August 7, 2013.
- Exhibit #4: Site Pictures

**That is all staff has unless the Commission has questions.**



LCZC Hrg: RZ 892  
Applicant: Wagner  
Exhibit #: 4  
Date: 08/07/2013

