

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, March 5th, 2014, 5:30 pm

The Latah County Zoning Commission will hold public hearing on Wednesday, March 5th, 2014, in Room 2-B, Latah County Courthouse, Moscow, Idaho, to receive comments on:

RZ #913 A request by Norman Odekirk to rezone approximately 5.9 acres from Agriculture/Forest to Commercial. The property is located on State Hwy 95 south of the Palouse River in Section 10, Township 41 North, Range 05 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP41N05W102550A.

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 prior to the hearing.

Mauri Knott, Associate Planner

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

Public Hearing: RZ 913 **Date:** March 5th, 2014 **Time:** 5:30 p.m.

Applicant: Norman Odekirk

- 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 #913 held on March 5th, 2014.

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 5 acre parcel from Agriculture Forest to Commercial.

Description of application:

A request by Norman Odekirk to rezone approximately 5.9 acres from Agriculture/Forest to Commercial. The property is located on State Hwy 95 south of the Palouse River in Section 10, Township 41 North, Range 05 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP41N05W102550A.

The application was received on February 3rd, 2014 and was signed by property owner Norman Odekirk.

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 3.04 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: 5 acre
Floodplain: Zone "A" and "C"
History: Restaurant, Lounge, Race Track

Land Use and Regulations:

Comprehensive Plan Designation: Industrial, Commercial, Residential

Existing Zoning:

Existing Uses:

Neighboring Zoning:

Neighboring Uses:

Infrastructure/Services:

Water:

Sewer:

Access:

Schools:

Fire Protection:

Law Enforcement:

Agriculture/Forest

Commercial Auto Repair Shop, Floodplain/River

Commercial, Suburban Residential and Agriculture Forest

Public Right of Way, Residential, Agriculture, Mineral Resource

Private Well

Private Septic

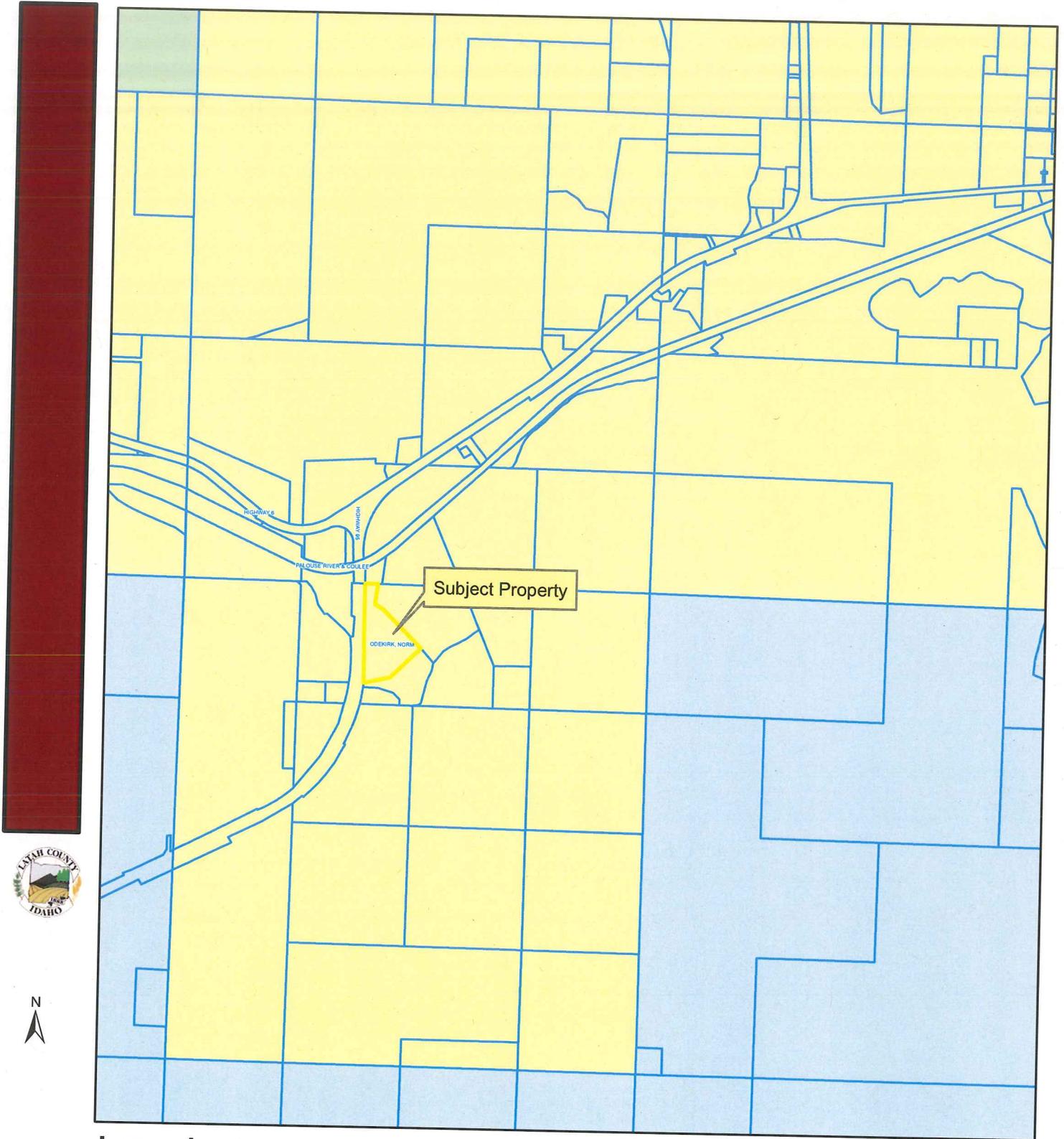
State Hwy 95, Idaho Department of Transportation

Potlatch School District

Potlatch Fire District

Latah County Sheriff

RZ #913 Comprehensive Plan and Vicinity Map



Legend

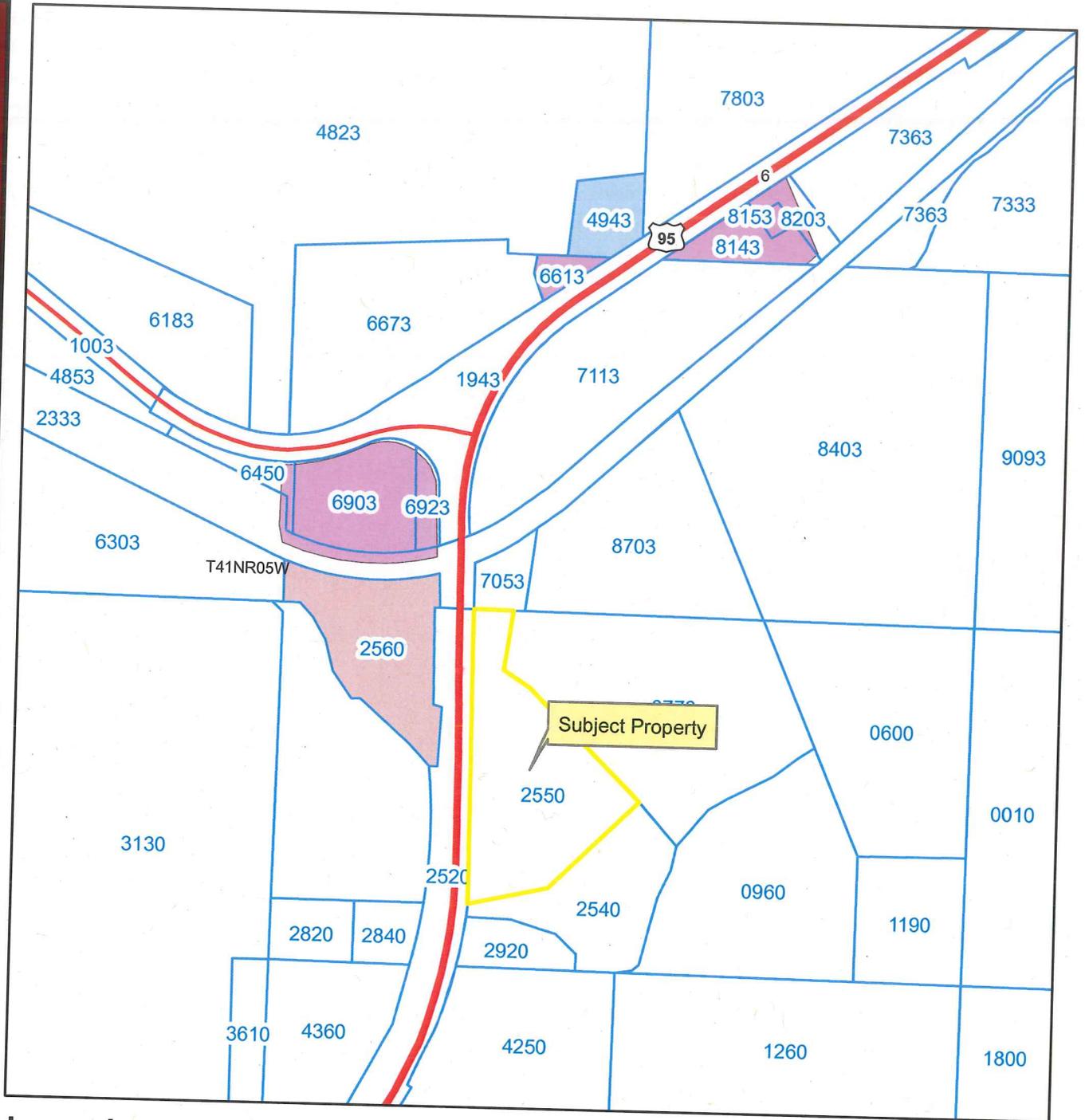
Comprehensive Plan ZONE	
	ICR
	AOI
	PRODUCTIVE
	RURAL

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



LCZC Hrg: RZ 913
Applicant: Odekirk
Exhibit #: 1A
Date: 3/5/2014

RZ #913 Zoning



Legend

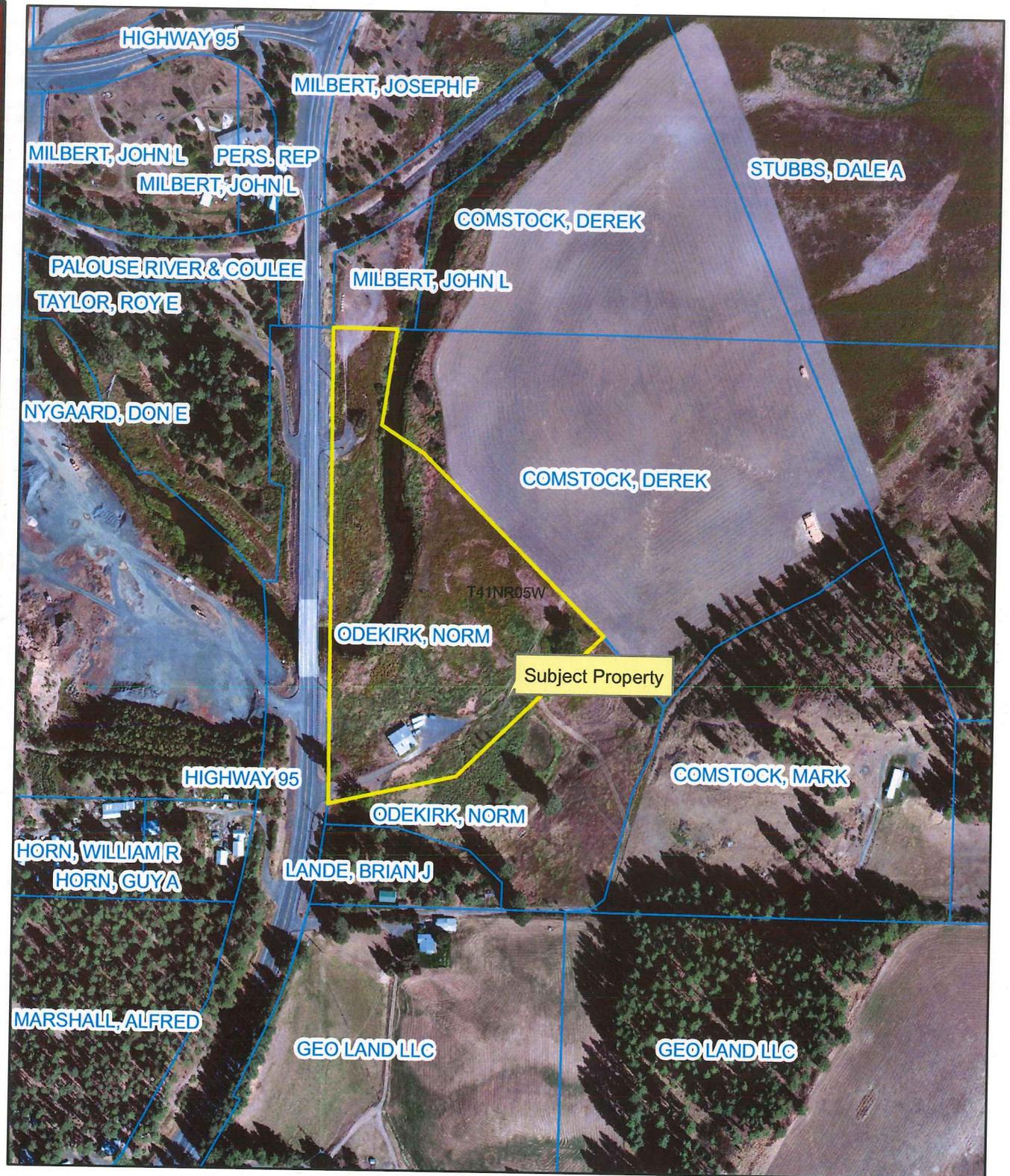
- | | | |
|------------------------------|-----------------------------|--------------------------------|
| Parcels | Area of Impact - Genesee | Municipality |
| Zoning_Districts_2009 | Commercial | Rural Residential |
| ZONE_TYPE | Industrial | Single-Family Residential |
| Agriculture / Forest | Motor Business | Single-Family Residential (R1) |
| Agriculture / Forestry | Multiple Family Residential | Suburban Residential |

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



LCZC Hrg: RZ 913
Applicant: Odekirk
Exhibit #: 1B
Date: 3/5/2014

RZ #913 Aerial Photograph and Adjacent Property Owners



Legend

Parcels

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



LCZC Hrg: RZ 913
Applicant: Odekirk
Exhibit #: 1C
Date: 3/5/2014



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>Norman C. Odekirk</i>		B. Home Phone / Work Phone <i>907 469 0630</i>		C. Email <i>ncodekirk@gmail</i>	
D. Mailing Address <i>P.O. Box 345 (work)</i>		E. City <i>King Salmon</i>		F. State <i>AK</i>	G. Zip Code <i>99613</i>
H. Property Owner (If Different than Applicant) <i>OR</i>		I. Home Phone <i>907 469 0630</i>		J. Work Phone <i>907 - 246-2140</i>	
K. Mailing Address <i>777 Odekirk Rd. ST. Maries</i>		L. City <i>Id.</i>		M. State <i>Id.</i>	N. Zip Code <i>83861</i>
2. General Site Information					
A. Assessor's Parcel Number(s) <i>RP41 N05W 102550A</i>			B. Parcel Address (If Applicable) <i>'Pending'</i>		
C. Acreage of Existing Parcel <i>5.9</i>	D. Existing Zoning <i>Aq. Forest</i>	E. Comprehensive Plan Designation <i>ICR</i>	F. Floodplain Designation(s) <i>ZONE C</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>U.S. 95</i>		
<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.</i>					
L. Existing Uses					
3. Service Provider Information (please attach additional information if requested)					
A. Fire District <i>Potlatch</i>		B. Road District <i>(N. Latah Co) / ITD</i>		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) <i>Septic System</i>		
4. Adjacent Properties Information					
A. Zoning of Adjacent Properties <i>Aq. Forest - Commercial</i>			B. Existing Uses of Adjacent Properties <i>Aq. / Commercial / Industrial</i>		
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>Site has historically been a commercial site from the Riverside Restaurant/Lounge Race Track and has an ITD Commercial Approach from U.S. 95 which facilitates an ag. related Shop.</i>			
<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.</i>					
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>Norman C Odekirk</i>		b. Date <i>1-22-14</i>			
c. Signature of Property Owner (If Different than Applicant)		d. Date			
Office Use Only					
Date Received <i>2/3/14</i>	Amount <i>450.⁰⁰</i>	Receipt No. <i>995173</i>	By <i>WCC</i>		
RZ # <i>913</i>	Date Determined Technically Complete <i>2/3/14</i>		By <i>WCC</i>		
Hearing Date <i>3/5/14</i>					
<input checked="" type="checkbox"/> Fee: (\$400.00) Make checks payable to Latah County. <input checked="" type="checkbox"/> Completed Narrative Worksheet: See instructions on the Rezone Narrative Worksheet. <input checked="" 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. <i>AS EXISTING ON SITE</i> <input checked="" type="checkbox"/> Survey or Boundary Description: This must be prepared by a surveyor licensed in the state of Idaho. <i>BRASS CAPT MONUMENTS IN PLACE</i> <input type="checkbox"/> Other Attachments:					

LCZC Hrg: RZ 913
Applicant: Odekirk
Exhibit #: 2
Date: 3/5/2014



Rezone Narrative Worksheet

Application Information

Applicant's Name

Norman C. Odekirk

Phone Number

907 469 0630

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.

Automotive Repair Shop, Office + 3 bays. Existing as an agricultural repair shop past 17 years for private repair.

Existing Uses of Property

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

Shop + Machine Shed, Stock pond + Well, 2 acres husbanded by Palace Environmental Institute for Wildlife + historical recognition by students at PEI.

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.

1. Complementary addition/relocation of Loyd's Automotive to area
2. No detriment or incompatibility with area.
3. No change from previous lands. Benefits of Services to local area
4. Increases in burdens to public Services not recognizable
5. Not spot zone. Commercial/Industrial Rock Pit across the road.

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

Significant Public Benefit in Technician expertise
for Local Industries considering rates of advancement in
electronic control for fuel conservation + emission standards.

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

Utilities remain the same as previous use

4. The rezone shall not be a spot zone.

NOT spot zone. Aggregate Inventory and
Rock Pit across the road.

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

Rezone meets Goals & Plans for Community Comprehensive Plan

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

Complimentary addition to local area cosmetically due to lease restricting any unsightliness.

b. Population Element

No increase

c. Housing Element

N/A No Housing

d. Economic Development Element

Economic development remains unchanged because business is a relocation.

e. Public Services, Facilities, and Utilities Element

No changes from current usage

f. School Facilities and Student Transportation Element

N/A No impact

g. Transportation Element

No impact on Transportation. ITD Commercial Approach

h. Natural Resource Element

No Change

i. Special Areas Element

Palouse Environmental Initiative protected from encroachment by lease agreement

j. Hazardous Areas Element

No hazardous areas, elevation above Flood Plain.

k. Recreation Element

No Impact. Recreational ingress & egress allowed.

l. Land Use Element

No Change

m. Implementation

No change.

n. Property Rights Element

No incursion on property rights

o. Water Resource Element

No impact on Water resources / river bank not in lease parameters

RZ #913 - Staff Introduction

RZ #913 A request by Norman Odekirk to rezone approximately 5.9 acres from Agriculture/Forest to Commercial. The property is located on State Hwy 95 south of the Palouse River in Section 10, Township 41 North, Range 05 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP41N05W102550A.

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 #913 held on March 5th, 2014

That is all staff has unless the Commission has questions.