

NOTICE OF PUBLIC HEARINGS
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, April 20th, 2016, 5:30 pm

Latah County Zoning Commission Public Hearings - April 20, 2016, 5:30pm, Room 2-B, Latah County Courthouse, 522 S Adams, Moscow, Idaho:

CUP #981 – Proposed accessory cottage in Rural Residential zone located on Rothwell Rd, Viola, parcel #RP040041532001 in S32, T41N, R05W.

RZ #982 –Proposed rezone-11 acres of a 56 acre parcel from Agriculture Forest to Rural Residential located on Hwy 8 between Grand Fir & Reams Rds, Moscow, Idaho, parcel #RP39N05W138410A.

ADA Accommodations available upon request. The Commission reserves the right to limit length of testimony. Proposal available from Latah County Planning Dept, 208-883-7220. All written testimony must be received by April 15, 2016 at 2:00pm.

(This is a public service announcement only)

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST
Public Hearing for Rezone #982

Date: April 20, 2016 **Time:** 5:30 pm **Applicant:** Greenwalt **File #:** RZ 982

EXHIBITS:

- | | |
|---------------------|--|
| Exhibit #1. | Criteria Worksheet |
| Exhibit #1A. | Zoning Map |
| Exhibit #1B. | Comprehensive Plan and Vicinity 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 public hearing for RZ 982 on April 20, 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 a 11 acre parcel from Agriculture Forest to Rural Residential.

Description of application:

A request by Craig and Tammy Greenwalt to rezone approximately 11 acres of a 56 acre parcel from Agriculture/Forest to Rural Residential. The property is located on Hwy 8, in Section 13, Township 39 North, Range 05 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP39N05W138410A.

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: 11 acre portion of a 56 acre parcel
Floodplain: Zone "C"

Land Use and Regulations:

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

Infrastructure/Services:

Water:

Proposed Private Well

Sewer:

Proposed Private Septic

Access:

State Hwy 8

Schools:

Moscow School District

Fire Protection:

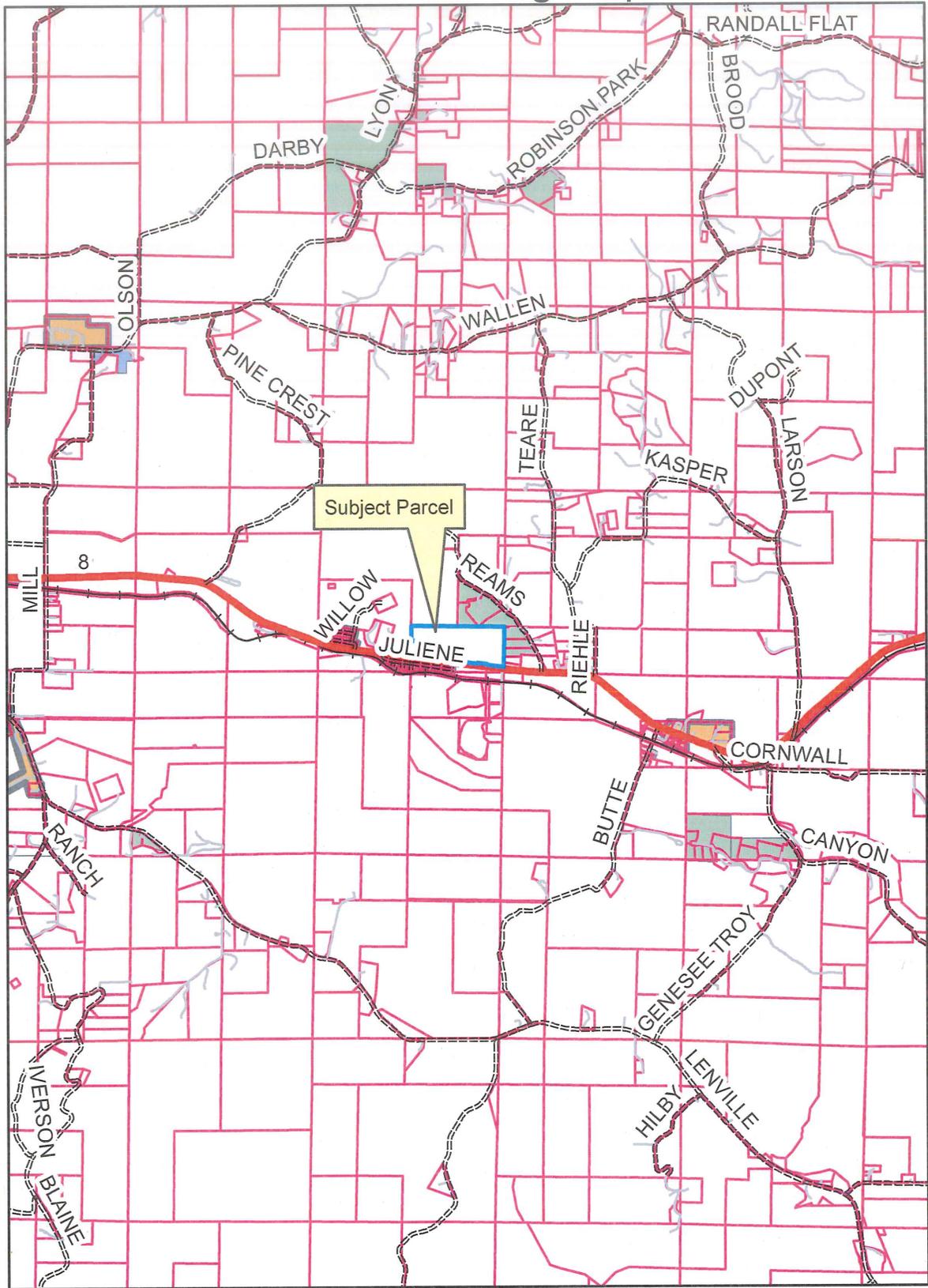
Moscow Rural Fire District

Law Enforcement:

Latah County Sheriff

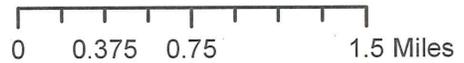
RZ 982 Zoning Map

Planning and Building Department



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

Created by: CAB

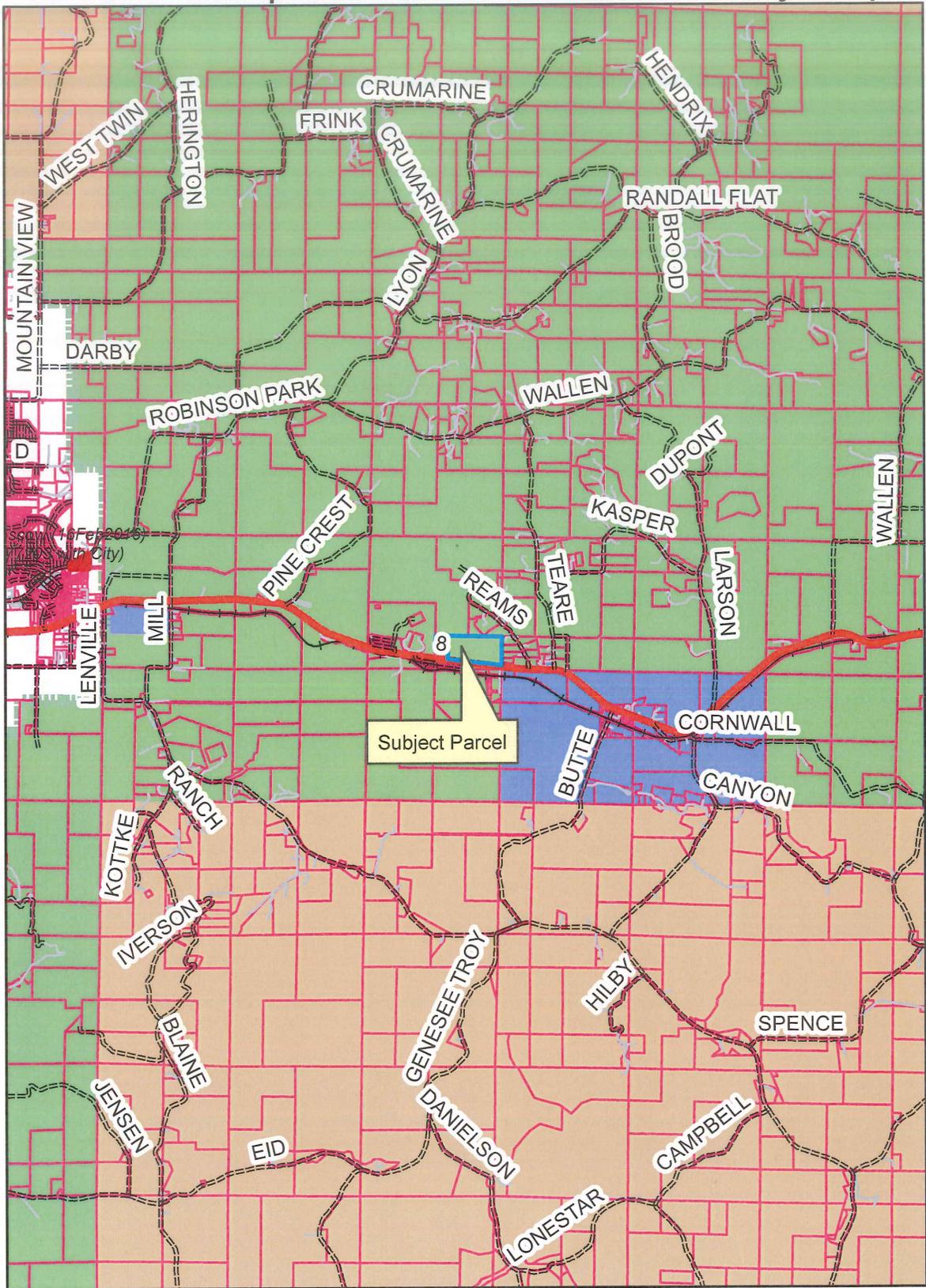


- | | | |
|----------------------|-----------------------------|---------------------------|
| Agriculture Forestry | Motor Business | Rural Residential |
| Commercial | Multiple Family Residential | Single-Family Residential |
| Industrial | Municipality | Suburban Residential |

LCZC Hrg: RZ 982
 Applicant: Greenwalt
 Exhibit #: 1A
 Date: 04/20/2016

RZ 982 Comprehensive Plan and Vicinity Map

Planning and Building Department



Note: This document is a representation only.
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LCZC Hrg: **RZ 982**
 Applicant: **Greenwalt**
 Exhibit #: **1B**
 Date: **04/20/2016**

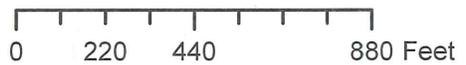
RZ 982 Aerial Photograph and Adjacent Property Owners Map

Planning and Building Department



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

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LCZC Hrg: RZ 982
 Applicant: Greenwalt
 Exhibit #: 1C
 Date: 04/20/2016



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 Craig J. and Tammy R. Greenwalt		B. Home Phone / Work Phone 208-883-4901		C. Email greenwalt.craig@gmail.com	
D. Mailing Address 2116 Vandal Drive		E. City Moscow		F. State ID	G. Zip Code 83843
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) RP39N05W138410A			B. Parcel Address (If Applicable) TBD		
C. Acreage of Existing Parcel 56.09 acres		D. Existing Zoning Ag/Forest	E. Comprehensive Plan Designation Rural	F. Floodplain Designation(s)	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 State Highway 8	
<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 Existing uses are lesser productive agricultural and pasture land.					
3. Service Provider Information (please attach additional information if requested)					
A. Fire District Moscow Rural		B. Road District Idaho Trans. Dept.		C. School District Moscow	
D. Source of Potable Water (i.e. Water District or Private Well) Private Well			E. Sewage Disposal (i.e. Sewer District or Septic System) Septic System		
4. Adjacent Properties Information					
A. Zoning of Adjacent Properties Rural Res./Ag/For.		B. Existing Uses of Adjacent Properties Residential to the East, North, Southwest and Ag directly to West			
5. Rezone Information					
A. Proposed Zoning District(s) <input type="checkbox"/> Agriculture/Forestry <input type="checkbox"/> Rural Residential <input type="checkbox"/> Suburban Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial		B. Explain for Rezone Request Applicant respectfully requests a rezone of approximately 11 acres of the 56 acre parcel to rural residential to allow him to create three buildable parcels via the short plat process. Two of the parcels would be approximately 3.5 acres each and one would be about 4.2 acres. As described further in the narrative, the Rural Residential zone is consistent with the character of the neighborhood.			
<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.			<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 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:		
a. Signature of Applicant <i>Susan K. Wilson, Attorney</i>		b. Date 3-24-16			
c. Signature of Property Owner (If Different than Applicant) <i>for Craig Greenwalt</i>		d. Date			
Office Use Only					
Date Received 3/24/16	Amount 400.00	Receipt No. #313	By TJ		
RZ# 982	Date Determined Technically Complete 3/24/16		By ML		
Hearing Date 4/20/16					

LCZC Hrg: RZ 982
Applicant: Greenwalt
Exhibit #: 2
Date: 04/20/2016



Rezone Narrative Worksheet

Application Information

Applicant's Name

Phone Number

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 desires to rezone approximately 11 acres of the 56 acre parcel to Rural Residential for the purposes of short platting the property to create three buildable parcels of approximately 3.5 acres (2) and 4.2 acres. Applicant intends to continue farming the property for the time being; however, in the event it is no longer financially feasible, the applicant would like to be able to use the income from a residential parcel to support farming operations. The Rural Residential zone is consistent with the integrity and character of the neighborhood as there are small acreage parcels immediately to the east of the subject property and a higher density residential development to the southeast (Juliene Way) and a bit further to the West (Woodland Hills). The subject property has been pre-approved for up to five residential accesses by Idaho Transportation Department. Water is sufficient in the area, as there is an existing well on the proposed remnant parcel producing 18+ gpm. The applicant has chosen not to maximize the value of the subject property to take advantage of the most marketable parcels; but instead has chosen to selectively design parcels so as to promote continued agricultural use to the extent possible. These proposed parcels are what the applicant describes as 'panic buttons'; they are his retirement and possibly the only way he will be able to protect farm operations in difficult financial times.

Existing Uses of Property

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

The property under consideration for rezone consists of agricultural land and pasture land.

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 surrounding area is predominantly residential to the east, southwest, and north. Directly across Highway 8 to the south are the lagoons for Juliene Way residential development. Directly to the west is additional farmland and then Woodland Hills residential development. Directly to the East and North are small acreage residential parcels. To the Northwest is additional agricultural land. Juliene Way and Woodland Hills are higher density residential developments. To the East are mostly five acre parcels. To the North there are parcels of 6.5 acres, 7.9 acres and 12 acres. The subject property will be composed of three residential parcels of approximately 3.5 acres (2) and 4.2 acres. All sized consistent with the adjacent residential properties. Rural residential use is consistent with the existing rural residential uses surrounding the property.

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

The rezone is in accordance with the goals and policies of the Comprehensive Plan under a number of its objectives:

1. Community Design Element - this rezone encourages low density residential development to occur in a pattern which minimizes conflicts with existing land uses and public service costs;
2. Housing Element - this rezone allows for a diversity of housing, which will help provide adequate living environments for residents with varying levels of income, ages, family sizes and lifestyles. This particularly provides additional area for those who want to provide for sustainable living at a manageable level. There are not many small acreage residential parcels minutes from Moscow, so this provides the market with additional options.
3. Property Rights - this rezone allows the applicant to exercise his private property rights. If applicant is unable to farm the property, then the next most economically viable option is use as residential. Given the compatibility of the proposed use with the surrounding uses, a denial of the rezone would significantly impact the applicant's economic interest in the property, it would also deny the applicant a fundamental attribute of ownership.
4. Land Use Element - the subject property is designated Rural under the Land Use designation in the Comp Plan. Area under the Rural designation is 'generally composed of less productive agricultural and forest lands and contains low density residential development not directly related to agriculture. This area should be protected from conversion to more concentrated residential, commercial or industrial; however, sites within this area may be suitable for consideration for further low density residential development.' This proposal is for very low density residential development; lower density than what is currently to the southwest, or further west.
5. Agricultural Element - This proposal encourages low density residential development to occur in a pattern that minimizes the impact on the existing agricultural; it proposes that the existing pasture land be used as a buildable parcel and that the other buildable parcels take up the least productive portion of the property. The larger parcel sizes provide for preservation of the rural character of the County as well.

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

Encourages low density residential development to occur in a pattern which minimizes conflicts with existing land uses and public service costs. The addition of three residential building parcels is compatible with existing uses to the east and to the north. In fact, it is generally less dense than the existing surrounding residential developments.

b. Population Element

The low density aspect of this request is consistent with the policy to discourage high density development where it would conflict with agriculture or forestry. Plus unproductive ag lands may be developed, if the lands are suitable for development and do not otherwise conflict with surrounding uses; such is the case here.

c. Housing Element

This request will allow for diversity in the real estate market by providing small acre residential parcels within minutes from Moscow. This helps provide opportunities for those with diverse lifestyles and income levels. The parcels are sized to allow for sustainable living in a manageable size.

d. Economic Development Element

Available housing opportunities contribute to the economic development within the County. The rezone and its subsequent short plat is designed to limit the impact on the existing agricultural property, which protects it from scattered development, a policy of this element. Another policy is to encourage local food self-sufficiency, which this can help to foster.

e. Public Services, Facilities, and Utilities Element

The subject property will be served by private wells and septic systems, so there will be little to no burden on public facilities or utilities. The parcels will be accessed by one access point off of Highway 8 and will be easily located by emergency vehicles. All development costs will be borne by the applicant. Maintenance of the shared access road will be governed by an agreement which will run with the land.

f. School Facilities and Student Transportation Element

Moscow School District has adequate facilities to accommodate students which may come from the three additional parcels. Further, there is already school bus transportation to the area, so this addition will not create any need for new services not already provided.

g. Transportation Element

Applicant has already received pre-approval for a total of one access point off Highway 8 from the State of Idaho Transportation Department; to serve up to five residential parcels and one for ag purposes.

h. Natural Resource Element

This is not really applicable to the subject area; however, that portion of the subject property that is timbered and contains pasture land is intended to be retained by the applicant to preserve its current natural state.

i. Special Areas Element

To the applicant's knowledge, there are no special areas designated within the subject property.

j. Hazardous Areas Element

To the applicant's knowledge, there are no hazardous areas designated within the subject property.

k. Recreation Element

Depending upon the recreation, the proposed parcels can provide some viable options for homebuyers. More importantly though, the parcels are located outside of Moscow and across the highway from the Latah Trail, a pathway of recreation in and of itself.

l. Land Use Element

The subject parcel is designated Rural under the Comprehensive Plan, which provides for low density residential development.

m. Implementation

The County's rezone process is established to meet the goals under this Element, which provides for a notice and hearing process on the application. Citizen participation in the hearing process ensures public interest is reflected in land use issues.

n. Property Rights Element

The policies under the Plan include eliminating any actions which would directly prohibit a land use; which would significantly impact an owner's economic interest in the affected property, or which would deny an owner a fundamental attribute of ownership without clearly articulated legitimate public purposes. Denial of this application may do all three.

o. Water Resource Element

There is currently a well on what is proposed to be the remnant parcel, which provides approximately 18+ gpm, indicating there is a sufficient supply of water to sustain the three buildable parcels and to meet present and future needs.

RZ #982 - Staff Introduction

A request by Craig and Tammy Greenwalt to rezone approximately 11 acres of a 56 acre parcel from Agriculture/Forest to Rural Residential. The property is located on Hwy 8, in Section 13, Township 39 North, Range 05 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP39N05W138410A.

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 #982 held on April 20th, 2016

That is all staff has unless the Commission has questions.