



LATAH COUNTY PLANNING & BUILDING

Latah County Courthouse

PO Box 8068, 522 South Adams

Moscow, ID 83843

(208) 883-7220 ♦ FAX (208) 883-7225 ♦ pb@latah.id.us ♦ In Latah County, Toll Free: 1-800-691-2012

REZONES

Section 6.01 of the Latah County Land Use Ordinance

Note: Before filing an application for rezoning, the applicant is encouraged to meet with staff to discuss the process involved with changing zoning designations.

6.01 QUASI-JUDICIAL AMENDMENTS TO THE ZONING MAP (REZONES RECOMMENDED BY THE ZONING COMMISSION)

To allow changes in permitted land uses which are in accordance with the Comprehensive Plan, requests from the owner of the affected property to amend the Zoning Map may be considered. Overlay zones are not eligible for rezone under this section. These requests for rezoning of property must be reviewed by the Zoning Commission and a recommendation forwarded to the Board of Latah County Commissioners for a final decision. This review shall determine the extent and nature of the requested amendment, including any effects of the zone change upon the delivery of services by entities providing public services, including school, road, public safety, sewer, water, and other relevant services.

6.01.01 APPLICATION

Application for rezoning shall be made by the owner of the affected property. The completed application form, fee, and any other information required by the Planning Department shall be submitted to the Department prior to scheduling a public hearing.

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.

6.01.03 PUBLIC HEARINGS AND PROCEDURES

1. A public hearing before the Zoning Commission shall be held on each complete application received by the Planning Department within six months of receiving the complete application. In the event that the applicant does not want a hearing to be held within this six month period, at the end of the six month period the application will be returned to the applicant, with a refund of 80% of the application fee if the hearing has not been noticed. The applicant can withdraw an application at any time, with a refund of 80% of the application fee if the hearing has not been noticed.
2. Notice for the public hearing shall be given as set forth in Idaho Code Section 67-6511, or when notice is required to 200 or more property owners

notice shall be given as set forth in Section 6.02.01 of this ordinance.

3. The Zoning Commission shall determine whether the proposal conforms to the rezone criteria set forth in Section 6.01.02. Based on its determination, the Zoning Commission shall recommend the Board of Latah County Commissioners approve or deny the application for rezone.

4. The Zoning Commission may recommend, as a condition of approval, that the Board of Latah County Commissioners require the owner or developer to make a written development agreement concerning the use or development of the subject parcel as provided by Idaho Code Section 67-6511A. The creation, form, recording, modification, enforcement, and termination of conditional commitments are governed as follows:

A. The Board of Latah County Commissioners may require the developer to make a written commitment regarding the specific use and development of the subject property. If required by the Board of Latah County Commissioners, these commitments or conditions shall be considered part of the basis for approval.

B. The terms of the written agreement shall be specified in the Board of Latah County Commissioners' written decision. If the Board of Latah County Commissioners adopts the decision of the Zoning Commission, it shall also adopt the Zoning Commission's recommended conditions for approval. The conditions imposed shall be limited to requirements necessary to ensure that the application meets the criteria of Section 6.01.02.

C. Prior to adoption of the zoning map amendment, the agreement shall be submitted to the Board of Latah County Commissioners as a written development agreement that enumerates and describes the conditions for approval. This agreement must include the following:

1. The responsibility of current and subsequent property owners to comply with the terms and conditions.

2. The statement that failure to meet those terms will result in enforcement proceedings against the applicant and / or reversion of the property to its former designation.

3. The statement that this agreement shall be deemed written consent that upon determination by the County that the conditions of approval are not being met, the property be reverted to its original zoning designation and all uses not consistent with that designation shall be considered a violation of this ordinance.

4. Notarized signatures of the applicant and the property owner(s).

5. Notarized signature of the chairperson of the Board of Latah County Commissioners. The Board of Latah County Commissioners shall only authorize the Chairman to sign the document if it is determined that the document meets the terms specified for the written agreement as well as the requirements specified in this paragraph.

D. Once signed by all parties, the applicant shall have the document recorded in the Latah County Recorder's Office. The Board of Latah County Commissioners shall not adopt the zoning map amendment until the document has been recorded by the applicant. Once recorded, the Board of Latah County Commissioners shall adopt, by ordinance, an amendment to the zoning map. This amendment shall reference the development agreement and shall provide that the zoning map be designated in a manner that indicates

that the new zoning designation has been assigned specific conditions.

E. The agreement shall remain in effect until formally modified or terminated by the Board of Latah County Commissioners, or the property is rezoned. The agreement may be terminated or modified by the Board of Latah County Commissioners with the written permission of the current property owner. Prior to termination or modification, at least one public hearing shall be conducted in accordance with the notice and procedural provisions for a rezone application. Nothing in this Section shall prevent the Board of Latah County Commissioners from rezoning a property subject to these agreements after four years from the date of approval, or under the restrictions set forth in Title 67, Chapter 65, Idaho Code.

5. The Zoning Commission shall announce its decision and approve findings of fact and

conclusions of law within forty days of closing the public hearing. Once the Zoning Commission has approved its written findings of fact and conclusions of law, the Board of Latah County Commissioners may adopt the Zoning Commission's written findings and conclusions or conduct its own public hearing regarding the application. If the Board of Latah County Commissioners chooses to conduct its own hearing, the Board of Latah County Commissioners shall follow the same criteria and procedures as the Zoning Commission, except that the Board of Latah County Commissioners' decision shall be considered final. If the Board of Latah County Commissioners chooses to make a material change in the recommendation, it shall conduct its own public hearing. If the Board of Latah County Commissioners adopts the Zoning Commission's recommendation for approval or otherwise approves the request for rezone, the Board of Latah County Commissioners shall also adopt by ordinance the approved amendments to the Latah County Zoning Map.



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. Home Phone / Work Phone		C. Email	
D. Mailing Address		E. City		F. State	G. Zip Code
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)			B. Parcel Address (If Applicable)		
C. Acreage of Existing Parcel	D. Existing Zoning	E. Comprehensive Plan Designation		F. Floodplain Designation(s)	G. FEMA Panel #
H. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input type="checkbox"/> No.		I. Impact City		J. Road Used to Access Site	
<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		B. Road District		C. School District	
D. Source of Potable Water (i.e. Water District or Private Well)			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
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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
<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

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	
c. Signature of Property Owner (If Different than Applicant)		d. Date	

Office Use Only

Date Received	Amount	Receipt No.	By
RZ #	Date Determined Technically Complete		By
Hearing 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:**



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.

Existing Uses of Property

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

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.

g. Transportation Element

h. Natural Resource Element

i. Special Areas Element

j. Hazardous Areas Element

k. Recreation Element

l. Land Use Element

m. Implementation

n. Property Rights Element

o. Water Resource Element
