

Aimee Shipman

From: Shelley Frei [shelleyf@clearwire.net]
Sent: Friday, December 12, 2008 10:03 AM
To: ashipman@latah.id.us
Cc: Shelley Frei
Subject: REZONE APPLICATION #780

December 13, 2008

To: Latah County Rezoning Commission:

I live north of the proposed rezone application on Tolo Trail. I have lived at my address for 17 years. I am apposed to the rezone application for the following reasons:

1) The current 135 acres is currently and has been used for productive agriculture for many years. If this farm land is divided and allowed to be developed, it will forever be lost to any type of production. This would set a precedence for future developments that current zoning ordinances have tried to prevent. This property has been referred to our association as "similar type property". There is absolutely no comparison. The proposed rezone is completely productive farm land and our association is completely forested and not productive. If division of this property were allowed, this would be considered spot zoning which is against planning and zoning plans.

2) The sugar coated proposal of donating 52 acres to the Palouse Land Trust (to date without signed contracts) with restriction for residential development sounds delightful. However, I am also concerned about the additional 43 acres that could be easily accessed by both Lewis Road and Foothill Road that is "designated" (not donated) as conservation. I don't feel very comfortable with the offer that it would remain in a permanent conservation as the above 52 acres is proposed. Basically, I don't buy the sugar coated offer without feeling there is a hidden agenda for future development.

3) The area is well known for having poor developing wells. There has never been a specific water study on this complaint that I am aware of (probably due to cost) but it is definitely a large concern for many of the local property owners. I know of at least 2 property owners bordering the rezone property that have had failed wells. It's a fact, you draw water from the bottom of the tub and the water level will drop even further decreasing available water. If you don't have water, you don't have much. The burden is being left with the current property owners to prove if the additional water usage depletes the water levels.

4) The five developers that purchased the 135 acres purchased it at a very good price essentially after the previous owner attempted to do a similar rezone and failed. They still, with this knowledge, purchased the property with the i

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develop the property. I would categorize this venture as a very risky move on their part.

I hope that the board seriously considers my concerns with this zoning change request and doesn't pass the development on an economic short site or the fact that these developers are well known in the community.

Sincerely,

Shelley Frei
1031 Tolo Trail
Moscow, ID 83843

12/12/2008

To: Latah County Planning and Zoning Commission

From: William Bonney
1064 Tolo Trail
Moscow, ID 83843

DEC 12 2008
LATAH COUNTY

Date: 12 December 2008

Re: Rezone application #780, BGB LLC

This application for rezoning virtually duplicates the proposal RZ 731, Terramark / Michael Hoffman, which was denied by the Zoning Commission on 6 December 2006. This denial was based upon exhaustive, detailed testimony from the public and subsequent careful, inclusive reasoning by the Zoning Commission. Given the similarity of these two proposals, this precedent suggests that application #780 should also be denied on virtually identical grounds. Furthermore, it is appropriate to stress that the present owners of this land purchased it apparently knowing full-well that it had just been denied a rezoning application virtually identical to their own.

Contrary to the assertions made in application #780, this application does not satisfy the five criteria for rezoning stated in the Latah County Land Use Ordinance, section 6.01.02. Proposal #780 also fails to satisfy several basic objectives stated in the Latah County Comprehensive Plan. It clashes with LCCP, "Objectives, Community Design Element," numbers 5, 8, and 9; "Population Element," numbers 1, 2, 3, and 4; "Transportation Element," numbers 1, 2, and 3. But for the sake of brevity, I will only actively discuss a few pertinent issues, below.

Although the authors of this proposal make the predictable rhetorical move of using the phrase "less productive" to describe the agricultural land that they wish to develop, the facts are that this land consists of soil-types (Southwick, Larkin, and Taney) common to farmland in Latah County, which are officially cited in the Latah County Land Use Ordinance, section 8.01.02, as productive soils, and that the land generates, for instance, quite "productive" yields of winter wheat of over 100 bushels / acre.

Indeed, the land directly adjacent to that targeted for development in proposal #780 has been farmed continuously and productively for over 80 years. Given the context of Proposal #780, which involves the supposed sequestration of a 95-acre parcel, to develop the 40 acres of this land to which the applicants seek commercial access would mean removing all 135 acres from agricultural production, and this at a time when population is relentlessly increasing and food-supplies dwindling. Hence, such development would not provide for land-use appropriate to local and regional economic needs. It would definitely not help "ensure the continued viability of an agriculture and forest based economy in rural Latah County" (LCCP, Objectives, 1).

BOCC HRG: RZ 780
Applicant: BGB LLC.
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In Proposal #780 the argumentative use of the phrase "less productive" requires a brief comment. The word "less" is a form of what is known as the "comparative level" of an adjective (in this case, the adjective "small"). In order to employ such a word meaningfully, it is necessary to complete the comparison. That is, it's necessary to state exactly what is "less" than what. The use of a comparative level of an adjective without ever completing the comparison is sub-literate and empty of content, though it's a slick way to create the illusion that a precise statement has been made. When done to a conscious purpose, it is also intellectually dishonest, hence typical of manipulative writers of ad-copy.

Very significantly, this proposal is inconsistent with LCCP, "Objectives, Natural Resource Element," number 3, in that the proposed residential development, with its "private wells and septic systems" (p. 3) would most certainly not "Maintain sustainable groundwater resources and prevent degradation of groundwater quality."

Indeed, proposal #780, p. 2, even offers, as a supposedly positive detail, the scheme that the residential parcels "will be conducive to orchards, gardening, tree planting, and other horticultural and small acreage farming activities" ! In view of the sheer amount of irrigation that such projects would require, and the already well-documented scarcity of groundwater--and consequent low-yield, if not unreliable, wells--in the immediate area, this assertion seems either naively uninformed or obsequiously misleading. A residential sub-division alone, much less attached "orchards, gardening . . . and small acreage farming," would constitute a significant additional and unjustifiable threat to the present, ever-diminishing local "groundwater resources."

Of course, there historically has been much local debate about the the long-term adequacy, and even renewability, of these resources. Some members of local university faculties have indulged in comforting, economically convenient suggestions that the size of the Grande Ronde aquifer may even be far larger than ever before estimated. And optimistic speculations about the supposed ability of local aquifers to "recharge" seem constant. In order with brevity to cut through this particular pro-"growth" flak, let me offer the following comments.

1) John J. Renton, Distinguished Professor of Geology at the University of West Virginia (a school supported by a local economy that, with its resources of coal and timber, is at least as dependent upon resource-extraction as Idaho), states emphatically and absolutely in *The Nature of the Earth: An Introduction to Geology* (2006):

"Groundwater is a nonrenewable resource."

In fact, in his basic courses in Geology, Prof. Renton stresses that, if students remember nothing else from his lectures, they must remember this. So we might appropriately dismiss all the soothing pro-"growth" vaguery about the

possible "recharging" of local aquifers (at least, over a time-span of less than a million years).

2) To emphasize how absolutely basic the issue of conserving groundwater is, I offer these citations. "In a special feature on the global water industry, in May, 2000, *Fortune* magazine declared: 'Water promises to be to the 21st century what oil was to the 20th century: the precious commodity that determines the wealth of nations. ...' In 1998, the World Bank predicted that the global trade in water would ... by 2001 [be] one trillion [U. S.] dollars." Maude Barlow, *Blue Gold* (2006), pp. 104-05. "[B]y 1996 ... we were using over half of the available runoff. In other words, if, as ... predict[ed], water use doubles over the next thirty-five years, the taps will run dry. ... Water is a fundamental limit to economic growth." Philip Ball, *Life's Matrix: A Biography of Water* (1999), p. 338. This writer was an editor of *Nature*, a hard-science journal, for ten years.

In closing, I wish to discuss a basic argumentative strategy in this application: the repeated invocation of vague intentions, which are not legally binding, as a way of justifying absolute claims that the proposal "is compatible" legally with the Comprehensive Plan (p. 1). These intentions involve the frequently cited "95 acres" that the applicants claim they intend to set aside as "conservation areas," to be accomplished by deeding 52 acres to the Palouse Land Trust and by having, somehow, an additional 43 acres "designated as a conservation area" (pp. 1, 2). At times the two parcels are cited as a single "95 acres," then again, they are on occasion distinguished from one another, and only the "52 acre conservation area" is mentioned (cf. pp. 2, 3).

Consistently, though, these 95 acres are cited within sentences that use verbs ("will be") which overtly signify predictive finality--e. g., "95 acres will be restricted from further residential development"; "95 acres will be designated a conservation area"; "95 acres will designated [sic] as a conservation area"; a "95 acre conservation area will be established" (pp. 2, 4).

But this aura of predictive finality is merely an illusion. For even if 52 acres of land are deeded to the Palouse Land Trust (which, by the way, does not endorse this attempt to rezone), there will be no binding legal guarantees that define the future fate of this parcel. And furthermore, "the applicant's" mere "intent" that "Another 43 acres will be designated as a conservation area" is hopelessly vague and utterly non-binding, legally, from the very start. Similarly, it is largely meaningless to assert that the "applicant will also implement Covenants ... on the rezone area" (p. 6) because such covenants, whatever they may be, are likewise not legally binding.

In effect, the proposal's overall argument seeks to secure an absolute, legally binding ruling from the County, that will favor a rezone, in exchange for verb-forms which imply that there exists a concomitant final commitment on behalf of the applicants to protect 95 acres of land from future development, when in fact such a legally binding commitment does not exist at all.

This seems either an attempt to manipulate the members of the general public and the Zoning Board, or a symptom of remarkable intellectual incompetence.

In addition, the legally meaningless claim-of-intent--that "Seventy percent of the parcel will be designated as conservation areas" (p. 1)--serves other purposes in the overall argument. This is why references to it (nine times in six pages) constitute a virtual litany. The applicants' hazy, non-legally binding "intent" with regard to the 95-acre parcel camouflages a pursuit of private profit as charity, public service, creation of "opportunities for buyers," establishment of recreational sites, preservation of existing community-design, and stewardship of natural resources. And this single assertion of non-legally binding "intent," in turn, allows the proposal to seem to fulfill all manner of requirements mandated by the Comprehensive Plan. The applicants even assert that their scheme will generate "an increase in the County's tax base" (p. 3), conveniently ignoring the fact of the substantial tax-breaks that they will probably receive in exchange for variously manipulating the 95-acre parcel about which their proposal chants on every page.

Finally, and quite simply, what the applicants seek under this all-purpose camouflage would clearly constitute just a "spot zone," according to the definition in Latah County Land Use Ordinance #269, p. 21. It is imperative that the Zoning Board not establish what would become an inclusively subversive precedent by granting the rezone sought in Proposal #780.

Respectfully,

William Bonney

Aimee Shipman

From: Sid Eder [side@uidaho.edu]
Sent: Friday, December 12, 2008 11:38 AM
To: Aimee Shipman
Subject: Written Testimony for the 12/17/08 Planning & Zoning Commission Hearing on RZ 780

Aimee, Below is testimony for the 12/17/08 RZ 780 hearing, which I appreciate your forwarding to the Planning and Zoning Commissioners for insertion in their hearing packets. Thank you. Sid Eder

December 12, 2008

To: Latah County Commissioners
From: Sid Eder
Re: RZ 780

Dear Commissioners,

I am writing to state my opposition to the RZ 780 application. My home is located on nineteen acres of forested land due north of the proposed rezone from Agricultural/Forest to Rural Residential. First, though, I want to express my appreciation for the public service you perform on the behalf of the citizens of Latah County, often under difficult circumstances. I certainly recognize that applications such RZ 780 often in a small community like ours cut across personal and professional relationships but have confidence, as evidenced in the past, in your ability to review submitted information and testimony impartially and render a fair decision.

For the following four reasons, I oppose RZ 780:

1. RZ 780 is similar in EVERY important respect to RZ 731, for which you recommended denial in your "Findings of Fact and Conclusions of Law." More specifically, RZ 780 is clearly SPOT REZONING, which violates the Latah County Land Use Ordinance prohibiting spot zoning, a conclusion you reached in point 14 of your "Findings of Fact . . ." for RZ 731. Since your reasoning in RZ 731 was so clear and unequivocal, I see no point in further elaboration.

2. The proposed rezone would disrupt long established, existing land use - farming - and would create an incompatible conflict of uses between farming and residential uses. (As you know, the 135 acres have been continuously farmed for over eighty years.) Though the applicants' attempt to soften the impact on farming with their stated intent of donating 52 acres to the Palouse Land Trust and setting aside an additional 43 acres as a "conservation area," the proposed 40 acre residential development literally cuts the heart out of the 135 acres currently farmed, leaving a patchwork land use quilt that could reduce, if not eliminate, the viability of future farming on the non residential portions of the 135 acres. On a related point, as any farmer would testify, farming in proximity to dense (four homes) residential development is difficult at best and has the potential for endless conflicts between farmers and homeowners in respect to weed and pest management control, dust, noise, and other by products of modern farming. The botton line is that RZ 780 is in conflict with the Latah County Comprehensive Plan and point # 8 in your RZ 731 "Findings of Fact . . ." regarding "ensuring the continued viability of agriculture and forest based economy . . ." and the proposed development of four new residential sites on this property would take agricultural land in production out of production, which is not in accordance with the objectives of the Comprehensive Plan."

3. The proposed four residential home sites requiring the drilling of four new wells pose a threat to the well output of neighboring existng wells. You already have in your packets expert testimony from highly respected hydrologists, gelologists, and engineers such as Willian Elliott and Kevin Brackney about the fragile water resources of the area in question. Some of this testimony was originally submitted for the RZ 731 hearing but has been resubmitted because RZ 780 is located a few hundred meters south of R

RZ 731. But I'd like to put some

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BOCC HRG: <u>RZ 780</u> Applicant: <u>BGB LLC</u> Exhibit No. <u>61</u> Date: <u>March 31, 2009</u>	LCZC Hrg: RZ780 Applicant: BGB LLC. Exhibit #: <u>41</u> Date: <u>12/17/2008</u>
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human faces on that expert-testimony by pointing out that at least two wells in close proximity to the proposed homesites and thus well sites - including mine - have gone dry within the past four years, requiring costly (in our case over \$18,000) well enhancement measures or a new well. While acknowledging the rights of developers to earn a return from an investment, a view most likely shared by some of the commissioners, I also assert that the commissioners must be sensitive to the rights of existing property owners, some of whom, including me, have their life savings invested in their homes. Without adequate water, these homes are literally WORTHLESS. My point is that homeowners like me look to local government to protect their property rights.

4. While I do not question the sincerity of the applicants' stated intention of donating 52 of the 135 acres to the Palouse Land Trust, an organization I strongly support, and designating an additional 43 acres as a "conservation area," I do think it is not unreasonable to question whether these statements of intention - particularly the 43 acre "conservation area" - are legally binding or enforceable. For example, even if the rezone was granted and the 43 acres were indeed reserved by the developers as a "conservation area," could not at some future date the developers change their minds and/or sell the 43 acres to a buyer who would want to build a home on the site? Also, the word "restricted" doesn't seem strong enough, as it's open to interpretation.

Thank you very much for consideration of this testimony.

Sincerely,

Sid Eder

12/12/2008

December 12, 2008

Latah County Zoning Commission
522 South Adams Street
Moscow, Idaho 83843

RE: Rezone #780

I am in support of the 40 acre rezone off Lewis/Foothill Road to create four new home sites. I feel that setting aside a portion of the land as a conservation area shows that the developer has Latah County and the neighbor's best interest in mind.

Shawna Yuill
Shawna Yuill
2203 Shelby Lane
Moscow, ID 83843

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BOCC HRG: RZ 780
Applicant: BGB LLC.
Exhibit No. 62
Date: March 31, 2009

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 42
Date: 12/17/2008

----- Forwarded by Craig D Knott/ID/USB on 12/12/2008 08:27 AM -----

MARC SHELLY THIEL <we3thiels@msn.com>

To <craig.knott@usbank.com>

cc

12/11/2008 01:51 PM

Subject Re-Zone

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DEC 12 2008

LATAH COUNTY

Craig - please forward.

To: Latah County Commissioners and Zoning Commission
522 South Adams
Moscow, Id 83843

I am in complete support of the 40 acre re-zone off Lewis/Foothill Rd. from AG/F sites.

Sincerely,

Marc L Thiel
Thiel Brothers, LLC

12/12/2008

BOCC HRG: RZ 780
Applicant: BGB LLC
Exhibit No. 63
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Applicant: BGB LLC.
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Date: 12/17/2008

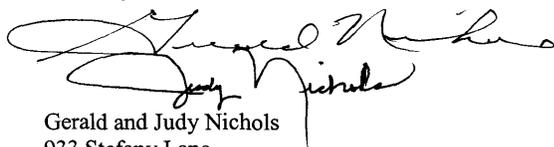
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DEC 12 2008
LATAH COUNTY

December 11, 2008

Latah County Zoning Commission Members,

We are in full support of rezone #780 to create four new home sites on the 40 acres near Lewis Road. We are long time residents of Latah County and believe this type of conservation development is unique and would be beneficial for this area. We encourage the Zoning Commission to seriously consider this proposal.

Sincerely,



Gerald and Judy Nichols
933 Stefany Lane
Moscow, ID 83843

BOCC HRG: RZ 780 Applicant: BGB LLC. Exhibit No. 64 Date: March 31, 2009	LCZC Hrg: RZ780 Applicant: BGB LLC. Exhibit #: 44 Date: 12/17/2008
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DEC 12 2008
LATAH COUNTY

December 12, 2008

Latah County Zoning Commission
522 South Adams Street
Moscow, Idaho 83843

Tiffany Bentley
517 Britton Lane
Moscow, Idaho 83843

RE: Rezone #780

To Whom It May Concern:

I am an active licensed real estate agent in Latah County. In my professional opinion, I believe the rezone of the 40 acre parcel located on Lewis Road from Agriculture/Forest to Rural Residential, would be a positive contribution to the surrounding area and neighbors. The surrounding area supports the rezone based on similar properties in proximity to the subject parcel. There are very few parcels of this size and proximity to Moscow. The addition of a few additional home sites would add to our local tax base. Above all, I am especially impressed with the Owners contribution of the additional acreage. Preserving 95 acres in conservation land promotes keeping our rural areas protected yet invites a few more additional families to enjoy the amenities of "country living".

The owners have done a lot of research for this specific parcel. I believe they have established a concept that fits well with the surrounding community and property owners, all the while, preserving some of our natural rural areas.

Sincerely,



Tiffany Bentley

BOCC HRG: RZ 780
Applicant: BGB LLC
Exhibit No. 65
Date: March 31, 2009

LCZC Hrg: RZ780
Applicant: BGB LLC
Exhibit #: 45
Date: 12/17/2008

From: Rick Whitmore [mailto:gwhitmore@ci.moscow.id.us]
Sent: Thursday, December 11, 2008 4:23 PM
To: Cade Konen
Subject: The well

December 11th 2008

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DEC 12 2008
LATAH COUNTY

Aimee Shipman
Associate Planner
525 S. Adams Street
P.O. Box 8068
Moscow, Idaho 83843

Dear Aimee,

In January of 2003, my wife and I started the process of building our home on our land north of Lewis Road in Latah County. Our address was 1070 Lewis Road.

The first thing we did was drill a well. Although I don't remember the firm's name that drilled our well, my cousin Darin French was there to witness drilling. I only drilled one well on the property, it was successful and knowing the present owner it is still working normally. A rumor had surfaced that I drilled two dry wells. That is not true.

At about 100 feet we started getting water. The drill team would stop periodically to check how many gallons per minute we were getting. I had the team drill to 300 feet and at that depth they checked the water flow which was at 5 gallons per minute. I had the team stop at 330 feet. The last check was 6 gallon per minute. As the well aged, I reached 10 gallons per minute. The static pressure pushed the water to about 50 feet from the surface. Needless to say we had plenty of water. I should also note that there were three other veins of water that passed very close to the house, but I chose the one next to our planned garage.

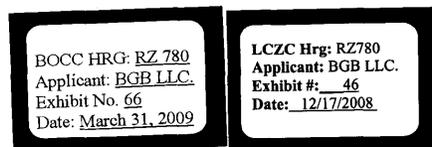
To give you an idea of just how much water we had. I accidentally left a large sprinkler on for nearly 24 hours. The water never stopped and the well never had to re-charge.

If you have any questions, please feel free to call me at anytime.

Sincerely,

Rick Whitmore
1927 Fletcher Place
Moscow, Idaho 83843
208-883-4445

12/11/2008



Aimee Shipman

From: Georgeo Grader [georgeo.g@gmail.com]
Sent: Friday, December 12, 2008 1:43 PM
To: ashipman@latah.id.us
Subject: Rezone Application RZ #780

Dear Zoning Commission,

just another NIMBY here voicing displeasure.

We are wasting time and resources on the desires of speculators.
It's a hard process and decision - but you have to draw a line somewhere. There is a clear established line here, so lets keep it.

All the yuppies / suburbanites living behind it are fairly well camouflaged, save a few unfortunate habitations (unlike the immense opulent dreams of those building "starter castles" on the arable hills of Latah Country).

Creative, sustainable solutions must sought/negotiated.

George Grader
Geologist

12/12/2008

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Aimee Shipman

From: Kyle Hawley [khawley@turbonet.com]
Sent: Friday, December 12, 2008 2:28 PM
To: ashipman@latah.id.us
Subject: rezone 780

December 11, 2008

Kyle Hawley
1052 Lewis Rd
Moscow, Id 83843

Re: RZ 780 Lewis/Foothill Roads

To: Latah County Zoning Commission

My wife Lisa and I have lived at this location since 1974. We have farmed in the area since 1978. We oppose the rezone for the following reasons:

1. Our home depends on a natural spring fed shallow well. We believe that the drilling of wells and the water use associated with the proposed homes will put our water supply at great risk.
2. We believe that the Application is in direct conflict with the first objective of the Latah County Comprehensive Plan. The objective is for: the preservation of agricultural and forest land uses to ensure the continued viability of an agriculture and forest based economy in rural Latah County.
3. We believe the application does not meet the five rezone criteria of the Latah County Land Use Ordinance as stated in section 6.01.02. They read as follows:
 1. The rezone is in accordance with the goals and policies of the Comprehensive Plan. It is not. It does not meet the first objective.
 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. The rezone uses are detrimental and incompatible with the agricultural uses. Dust, noise, spraying of pesticides, etc.
 3. The rezone must provide some public benefit that exceeds any costs imposed upon the public. What public benefit does the rezone bring that out weighs the risks to water quantity and water quality and incompatibility with the surrounding agricultural use.
 4. The rezone shall not impose a significant burden to any public services. More people in the rural sector equates to more services required. (road maintenance, police services, fire protection etc.)
 5. The rezone shall not be a spot zone. The rezone is a spot zone.
4. The application states that the land to be rezoned is comprised of less productive agricultural land. This is not correct. The land consists of three soils, they are classified as Southwick, Larkin, and Taney. All three soils are very common agricultural soils in Latah County, with Southwick and Larkin being the most common of the three. I farm several hundred acres of these soils. These soils produce winter wheat yields ranging from 65 to over 100 bushels of grain per acre. I certainly would classify these soils as productive. Furthermore, in section 8.01.02 of the Latah County Land Use Ordinance these three soils are ~~not~~ ^{classified as} ~~productive~~ ^{productive}.

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productive soils.

Further points:

1. The developers purchased the land knowing that it had just been rejected for the same zone change proposal as what they are currently asking for.
2. There is no guarantee that the remaining acreage beyond the proposed 40 acre rezone will remain in any permanent agriculture/conservation use. There might very well be another rezone request for some or all the remaining land in the future. Thank you,

Kyle Hawley & Lisa Hawley

Dear Zoning Commission,

The above proposal is against the stated intent and character of the Comprehensive Plan in regard to the preservation of agricultural ground. It is in direct violation of each criteria stated in the County Ordinance as it relates to Agriculture:

- “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.”

Neither is the proposed rezone integral to the public health, safety, or welfare.

Additionally, there is no mitigation for the loss of productive soils--soils that 1) have an extensive history of respectable yield, 2) are characterized by their features as productive, and 3) whose loss is a detriment to public welfare:

"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.**"

The area that abuts the property to the north is wooded, classified A/F, with residences that were allowed under a different plan more than 30 years ago. The subject property consists of farmed fields, adjacent to same on the east, south, and extending west. It is worth noting that the proposal does not conform to the agricultural uses surrounding it.

4.01.02 "The existence of a nonconforming use shall not be adequate justification for permitting other uses prohibited by this ordinance."

I live in an area to the north, not adjacent to the subject property. My concern emanates from my life history on the Palouse, on both the Washington and Idaho side. I believe to further fragment farmland in this area of high productivity, stewardship, and history is a means of eliminating agricultural viability, and therefore economic viability, in the County. Even with the conservation suggested (not legally binding) for the remaining acres, the farming potential will be lessened due to the fragmentation, ultimately forcing the cessation of farming the remaining land.

I believe that the scenic value of Palouse farmland has an intrinsic value that is difficult to measure. The subject area is high and can be seen for miles to the south on Hwy 95; even from Moscow. The appearance of houses there will be readily observed as a yet

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another blister on the landscape (see attached photo). The wildlife will feel the impact of a smaller territory, where currently they migrate and forage unencumbered. These factors are important aspects of the Comprehensive Plan, and are supported by the agricultural environment.

The County is committed to its support of agriculture for many of the reasons referred above. It is vitally important, because as world populations increase, climates become more volatile, and we have concerns about water, we will need more, not less productive, manageable agricultural acreage. We are moving from a national economy based on debt, to one based on renewal production. The dry land farming of the Palouse will be more important than ever in the long term, especially given the statistics:

- **Every single minute of every day, America loses two acres of farmland.**
From 1992-1997, we converted to developed uses more than six million acres of agricultural land—an area the size of Maryland.
- **We lost farm and ranch land 51 percent faster in the 1990s than in the 1980s.**
The rate of loss for 1992-1997, 1.2 million acres per year, was 51 percent higher than from 1982-1992.
- **We're losing our best land—most fertile and productive—the fastest.**
The rate of conversion of prime land was 30 percent faster, proportionally, than the rate for non-prime rural land from 1992-1997. This results in marginal land, which requires more resources like water, being put into production.
- **Our food is increasingly in the path of development.**
86 percent of U.S. fruits and vegetables, and 63 percent of our dairy products, are produced in urban-influenced areas.
- **Wasteful land use is the problem, not growth itself.**
From 1982-1997, U.S. population grew by 17 percent, while urbanized land grew by 47 percent. Over the past 20 years, the acreage per person for new housing almost doubled; since 1994, 10+ acre housing lots have accounted for 55 percent of the land developed.

Every state is losing some of its best farmland.

Texas leads the nation in high-quality acres lost, followed by Ohio, Georgia, North Carolina and Illinois. And for each of the top 20 states, the problem is getting worse. (American Farmland Trust, 2008)

The USDA website affirms the above with a map showing the loss of crop acreage for 5 years to 2002 (attached).

I trust in the County Officials and the tenor of the Comprehensive Plan to insure this piece of cropland does not become another red spot on the map.

Sincerely,

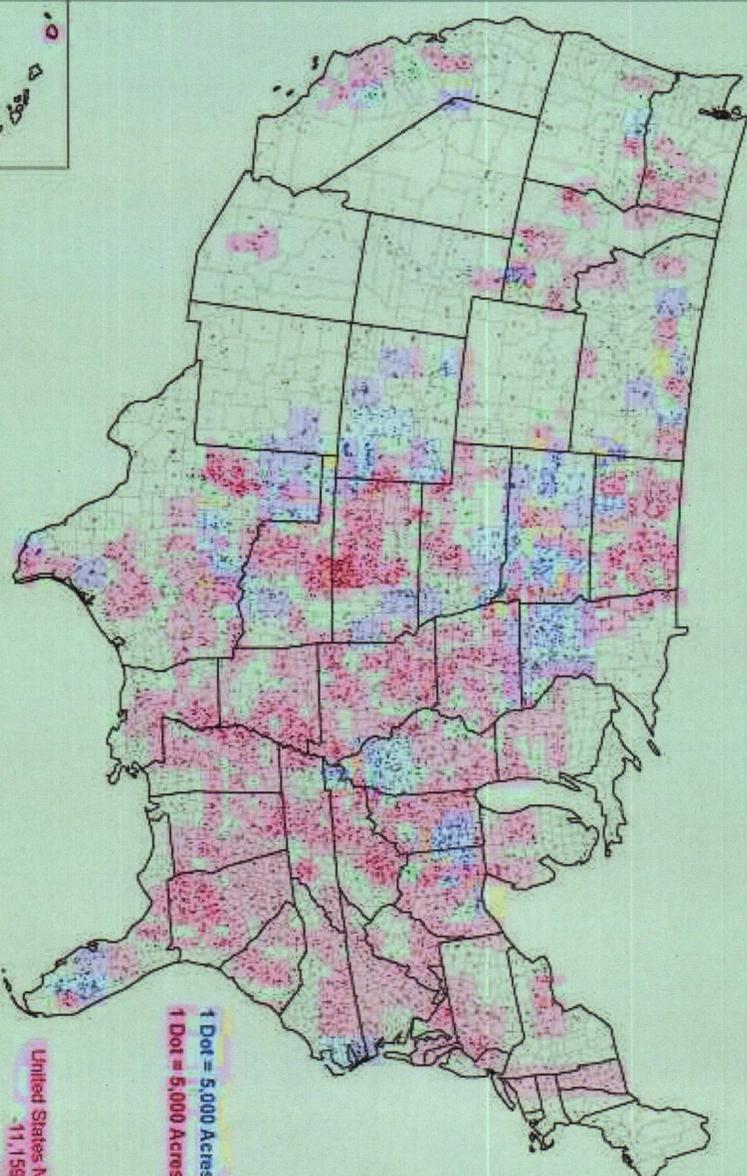
Marilyn Beckett
1066 Nearing Road, Moscow (12/12/08)



BOCC HRG: RZ 780
Applicant: BGB LLC.
Exhibit No. 70
Date: March 31, 2009

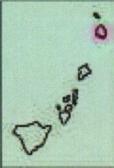
LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 50
Date: 12/17/2008

Total Cropland - Change in Acreage: 1997 to 2002



1 Dot = 5,000 Acres Increase
1 Dot = 5,000 Acres Decrease

United States Net Decrease
-11,159,819



02-M003
U.S. Department of Agriculture, National Agricultural Statistics Service

RECEIVED
DEC 12 2008
LATAH COUNTY

1009 Tolo Trail
Moscow, ID 83843
December 12, 2008

RE: Rezone Application #780

Dear Latah County Planning and Zoning Commission:

I am writing this letter in opposition to the proposed rezoning described in Rezone Application #780. My opposition is based on many factors, but I am going to focus in this letter on my concern about the potential loss of more of our productive farmlands on the Palouse.

Our Palouse farms produce food that is consumed not only locally, but around the nation and around the world. By year 2050, the U.S. population is predicted to reach 420 million people (we're at 305 million now). That's an increase of about 38%. If we're going to feed that many more people, we can only do so if we have farmlands available to produce the food. We must protect our productive soils...our farmlands. Allowing productive farmlands to be rezoned for development on the Palouse will provide short-term gains for a few investors, but ultimately removes these acres from productivity...a long-term loss we can little afford as a community, a county and a nation.

A long-term focus on the preservation of agricultural lands is evident in the Latah County Comprehensive Plan and the criteria used in the County Ordinance to evaluate proposed zoning changes. Specifically, it says that a rezone shall be

1. in accordance with the goals and policies of the Comprehensive Plan
2. shall not be detrimental to or incompatible with the surrounding area, and the uses permitted in that area
3. must provide some public benefit that exceeds any costs imposed upon the public
4. shall not impose a significant burden to any public services
5. shall not be a spot zone

In December 2006, the Planning and Zoning Commission, faced with a nearly identical proposal for the same parcel of land (RZ application #731), found against that proposed rezone, largely because the proposal did not measure up to the criteria cited above. Among the many conclusions of law for that application is a statement (#6) that the "proposed development is located [on] land that has been in productive agriculture for the last 80 years and the proposed development would take the land out of production and is therefore not suitable for development." I see no significant difference in the current application that would alter such a conclusion.

As with the previous application, application #780 requests a rezone for only a portion of the parcel, 40 acres. But these acres are currently farmed and completely surrounded by additional

BOCC HRG: RZ 780
Applicant: BGB LLC.
Exhibit No. 71
Date: March 31, 2009

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 51
Date: 12/17/2008

acres that are currently farmed. Testimony from Mr. Kyle Hawley (which you have on hand) states that the rezone is incompatible with agricultural uses, citing "dust, noise, spraying of pesticides, etc." Because of such incompatibility, one likely scenario to come out of such a rezone would be the loss of production from the entire 135 acres, not just the 40 acres...a significant loss, indeed.

The rezone application includes aerial photos of the landscape and a figure indicating the locations of houses in developments near the proposed rezone acres. If one overlays the one on the other, it is immediately apparent that the proposed rezone is completely on currently productive farmlands, whereas most of the existing homes are located in the forested area. They are not comparable lands and should not be treated as such.

There are many other reasons to oppose this rezone, including increased turning traffic off of and onto Highway 95 (posing increased risks of accidents), and increased road maintenance costs on Lewis and Foothill Roads. The area of the proposed rezone is highly used by wildlife species. Deer frequently congregate on these lands. Hawks, coyotes and moose are frequently seen these lands as well as an occasional bear. The establishment of houses and the increased noise and traffic they will bring will increase the fragmentation of our landscape to the detriment of these wildlife species.

A shocking statistic is that we lose two acres of farmland every minute of every day in this country (some of it the best farmland we have). This loss depletes one of our nation's most critical resources. With our nation's population continuing to increase, and the world's population continuing to increase, it is ever more critical to protect this resource for future generations.

At the risk of repetition, I urge you to find against this proposed rezone. Such a finding would be an inspiring use of the precautionary principle and a consistent application of the guiding principles spelled out in the county's Comprehensive Plan.

Thank you for taking my comments into consideration.

Sincerely,

Lauren Fins
1009 Tolo Trail
Moscow, ID 83843

Aimee Shipman

From: Richard Jacobs [rajacobsk@clearwire.net]
Sent: Sunday, December 14, 2008 10:47 AM
To: ashipman@latah.id.us
Cc: sid@uidaho.edu
Subject: proposal RZ780

RECEIVED
DEC 15 2008
LATAH COUNTY

Dear Commissioners:

Once again an attempt to inveigle spot rezoning of productive agricultural land has encored following rejection in 2006. We oppose application #RZ780 based upon the following considerations:

1. Paucity of reliable water resources:

We already have had our well fail, and neighbors require holding tanks because of tepid recharge rates. Visions of orchards and high water use does not comport with the experience of those who reside in this region of thin water supply.

2. Application #780 appears to contradict the letter and spirit of the comprehension plan. Spot rezoning in effect would rob our county of another portion of productive farm land. This was documented in the previously rejected proposal in 2006.

3. The proposed application would disrupt wildlife populations. Bear, moose, deer, quail and wild turkey among others would be victim of this development.

Thank you for your kind consideration of this matter.

Sincerely,

Richard Jacobs, M.D.
Kathleen Jacobs

12/15/2008

BOCC HRG: RZ 780
Applicant: BGB LLC
Exhibit No. 72
Date: March 31, 2009

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 52
Date: 12/17/2008

Aimee Shipman

RECEIVED

From: Jarrod Nichols [JNichols@LatahRealty.com]
Sent: Monday, December 15, 2008 7:39 AM
To: Aimee Shipman
Subject: Fw: rezone 780

DEC 15 2008
LATAH COUNTY

----- Original Message -----

From: Tod Kiblen
To: JNichols@latahrealty.com
Sent: Friday, December 12, 2008 9:16 PM
Subject: rezone 780

November 12, 2008

Latah County Zoning Commission
522 S. Adams
Moscow, ID 83843

Re: Rezone 780

Dear Zoning Commission:

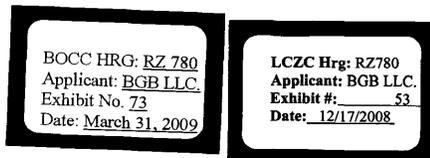
It has been brought to my attention that Jarrod Nichols et al are in the process of rezoning rural property close to my home. I have enjoyed the luxury of living in the county without nearby neighbors for over 34 years and I also appreciate that others also have the right to do the same. I do favor smart growth and I feel that 4 homesites in the middle of 135 acres would not overpopulate the surrounding area. Currently rural land is taxed at a low value and doesn't generate very much tax money for Latah County. 4 new homes could generate \$12,000.00 to \$20,000.00 in taxes annually and Latah County would have very little in expenses. Latah County is always looking for ways to save money or generate more of it. Please give a thumbs up for rezone 780.

Thank you.

Very truly yours,

Tod Kiblen
4626 Hwy 95 N.
Moscow, ID 83843

12/15/2008



Aimee Shipman

From: Jarrod Nichols [JNichols@LatahRealty.com]
Sent: Monday, December 15, 2008 10:32 AM
To: Aimee Shipman
Subject: Fw: Rezone Letter

RECEIVED
DEC 15 2008
LATAH COUNTY

----- Original Message -----

From: [mcgarvey](#)
To: [Jarrod Nichols](#)
Sent: Monday, December 15, 2008 10:27 AM
Subject: Rezone Letter

December 15, 2008

Latah County Zoning Commission:

I own 80 acres on Nearing Road, close to the proposed 135 acre parcel on Foothill Road. I am in favor of rezoning 40 acres of the 135 acre parcel of land from Agriculture/Forest to Rural Residential. This property is 1/4 mile north of the intersection of Foothill Road and Lewis Road, Moscow (Sections 16 & 17, Township 40N, Range 5, WBM, in Latah County.

Sincerely,
Karen (Nearing) McGarvey
Anchorage, AK

12/15/2008

BOCC HRG: RZ 780
Applicant: BGB LLC
Exhibit No. 74
Date: March 31, 2009

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 54
Date: 12/17/2008



McPherson & Wright Drilling Water Wells

2246 Burrell Ave • Lewiston ID 83501 • (208) 743-7295

December 1, 2007

To whom it may concern,

Subject: Wells on 130 acres, Latah County

I have drilled hundreds of domestic wells in Latah and Whitman counties. Many of those wells are located in the Moscow Mountain area which includes the 130 acres under consideration. In that area the bedrock is granite and it is not uncommon for wells to have less than 5 gallons / minute. It is also not uncommon on 20 acres or less to drill two low productive wells >1 gallon/minute and one 75 gallons / minute.

It has been the practice by most drillers in the area to move to a second location in granite on one property. This practice is common because wells over 500 to 1000 feet apart rarely show interconnection in granite.

In my opinion I would question drilling two wells in granite in areas less than 5 acres. However, four wells in 130 acres will not affect each other nor surrounding areas.

Ted Wright

McPherson and Wright Drilling

BOCC HRG: RZ 780
Applicant: BGB LLC
Exhibit No. 75
Date: March 31, 2009

LCZC Hrg: RZ780
Applicant: BGB LLC
Exhibit #: 55
Date: 12/17/2008

November 27, 2007

To whom it might concern,

Subject: Wells on 130 acres in Latah County

The 130 acres under consideration for domestic wells is located over granite bedrock. Typically ground water in granite rock is located in open fractures and/ or weathered zones. Solid granite stores very little water because the mineral grains are tightly interlocked. Open fractures and weathered zones in granite are rarely continuous over large areas.

Data from the numerous wells in granite in the Moscow Mountain area show a wide range of production rates produced by the conditions stated above.

The nature of the bedrock plus associated ground water in the Moscow Mountain area produces a positive and a negative situation. The negative is that there are some nonproductive wells and numerous low-yield wells. The positive is that interconnection over long distances is unlikely. Therefore, a well in granite that is productive and even overused, rarely affect low yield wells as long as they are not located to close to each other.

I'm a retired Geologist and have been giving advice on basalt and granite wells in the Moscow -Pullman area since 1967. I don't know what the "magic" number of acres per well in the granite. However, I strongly believe that 10-15 acres per well and 500-1,000 feet between wells is above the requirements to ensure the lack of interconnection. In my opinion 4 wells per 130 acres in granite bedrock will not impact surrounding areas.



John Bush

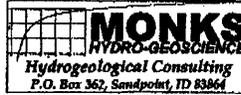
BOCC HRG: RZ 780
Applicant: BGB LLC
Exhibit No. 76
Date: March 31, 2009

LCZC Hrg: RZ780
Applicant: BGB LLC
Exhibit #: 56
Date: 12/17/2008

RECEIVED

NOV 08 2006

LATAH COUNTY



November 8, 2006

Michael Hoffmann, PLS
 Terramark Incorporated
 213 S. Main St.
 Moscow, ID 83843

RE: Hydrogeology of Proposed Subdivision Area

Dear Mr. Hoffmann:

Terramark Incorporated of 213 South Main Street in Moscow, Idaho is requesting a rezone of approximately 36 acres in Sections 18 and 17 of Township 40 north, Range 5 west, in Latah County. The rezone, if granted, would allow for subdivision of the 36 acres into four lots. Nearby property owners have testified in opposition to the rezone, based on concerns regarding water supply to their wells. Some nearby property owners have reported that production from their wells has decreased over time.

This letter describes the hydrogeology of the subdivision area and addresses the concerns of nearby well owners regarding potential de-watering of their wells due to water resource development at the proposed subdivision. *In my opinion, it is unlikely that the development of four new wells in the proposed subdivision will have a measurable impact on existing wells in the area.*

Hydrogeology of Subdivision area

The proposed subdivision area is located near the base of Moscow Mountain, approximately 5 miles north of Moscow, Idaho. The subdivision area lies between Paradise Creek and Missouri Flat Creek. Bedrock in the area is mapped as undifferentiated Idaho Batholith (Bush et al., 1998; Rember and Bennett, 1979). These igneous intrusive rocks are referred to as "granite" on well driller's reports from wells drilled in the area. The bedrock is overlain by unconsolidated deposits that vary in thickness from 5 to 180 feet. Near-surface fractured rock forms the aquifer that homes in the area withdraw water from.

Granitic rocks such as those that occur at Moscow Mountain possess very little primary porosity and have limited capacity to store ground water. The mineral grains that comprise the rocks are interlocked, with very little pore space between the grains. Ground water in granitic rocks primarily occurs in and moves through secondary openings such as fractured and weathered zones in the rock (Trainer, 1988).

Weathering increases the water storage capacity of granitic rocks by creating a porous regolith that overlies un-weathered rock. Secondary openings resulting from jointing and fracturing increase the porosity and permeability of granitic rocks. The permeability imparted by weathering, jointing and fracturing generally decreases with depth. The ability of granitic rocks to produce water is dependent on the hydraulic characteristics of joints and fractures and the nature of the fracture network. The hydraulic characteristics that control water movement through fractures are aperture

LCZC Hrg: RZ780
 Applicant: BGB LLC.
 Exhibit #: 57
 Date: 12/17/2008

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 Applicant: BGB LLC.
 Exhibit No. 77
 Date: March 31, 2009

● Page 2

November 8, 2006

(opening size) and roughness of the fractures. Fracture network characteristics that control water production are abundance and extent of fractures and joints, and the geometry of their occurrence.

The secondary permeability imparted by weathering, joints and fractures in the subdivision area is not evenly distributed. This fact is supported by the wide ranges of production and well depth reported in well driller's reports from the area. Production ranges from thirty to less than one gallon per minute and well depth from 129 feet to 710 feet.

Decreased production from water wells can be caused by mechanical problems with the well and/or by a decrease in the quantity of water available to the well (Driscoll, 1989). Production decreases can be caused by plugging of the openings that allow water to enter the well, either by sediments, mineral precipitation, bacterial growths, or combinations of all three. This plugging of the well can occur in the perforations in the liner or in the fractures in the rock. Production lost to mechanical plugging of wells can often be recovered through well rehabilitation measures.

Decreased production from wells can also be caused by decreased amounts of water available to the well. If the fracture network the well withdraws water from is of limited extent, the rate of water withdrawal may exceed the rate of recharge, and the amount of water available to withdraw from the fracture decreases over time. Essentially, the fracture dries up.

Pumping water from a well causes drawdown in the well and lowers the water table near the well. The amount of drawdown that occurs depends on the discharge from the well and the hydraulic characteristics of the aquifer the well is withdrawing water from. In low producing wells that withdraw water from low permeability fracture networks with limited extent, the drawdown caused by pumping is large but not widespread. In higher producing wells that are completed in more permeable fracture networks that extend over wider areas, the drawdown caused by pumping is smaller and is distributed over a larger area.

Conclusions

The construction of four new wells in the proposed subdivision is unlikely to have a measurable impact on existing nearby wells. It is more likely that decreases in production that have been reported by nearby well owners have been caused by mechanical plugging of well openings or well locations that intercepted fracture networks of limited extent with hydraulic characteristics that limit the ability of the well to produce water, rather than construction of additional wells in the area. It is unlikely that the drawdown caused by four new wells in the proposed subdivision will have a measurable effect on nearby wells.

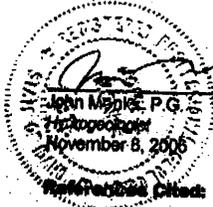
● Page 3

November 8, 2006

Statement of Qualifications

John Monks received a Bachelor of Science degree in Geology in May of 1986 and a Master of Science degree in Hydrology in 1994, both from the University of Idaho in Moscow, Idaho. Mr. Monks is a Registered Professional Geologist (#916) in Idaho, and a Licensed Geologist/Hydrogeologist in Washington (#1891). Mr. Monks currently serves as Vice Chairman of the Idaho Board of Registration for Professional Geologists. Mr. Monks has twenty years of professional experience as a geologist and hydrogeologist. As owner and principal of Monks Hydro-Geoscience, Mr. Monks has considerable experience in characterizing the hydrogeology of and developing water resources in granitic and metamorphic rocks.

Sincerely,



- Bush, John H. and Andrew P. Provant, 1998, Bedrock Geologic Map of the Viola Quadrangle, Latah County, Idaho, and Whitman County, Washington. GEOLOGIC MAP 24, Idaho Geological Survey, Moscow, Idaho.
- Driscoll, Fletcher G., 1989, Groundwater and Wells, 2nd Edition. Johnson Filtration Systems, Inc. St. Paul, Minnesota.
- Rember, William C. and Earl H. Bennett, 1979, Geologic Map of the Pullman Quadrangle, Idaho. Geologic Map Series, Idaho Bureau of Mines and Geology, Moscow, Idaho.
- Trainer, F. W., 1987, Hydrogeology of the plutonic and metamorphic rocks, *in* Back, W., Rosenhein, J. S. and Seaber, P. R., eds., Hydrogeology: Boulder, Colorado, Geological Society of America, The Geology of North America, v. O-2.

To whom it may concern,

My name is Jeff DeMeerleer. I am a long time citizen of Latah County. I am writing this letter to support the proposed rezone on Lewis Rd. I feel this land and area are a prime candidate for the rezone #780.

Jeff DeMeerleer

BOCC HRG: RZ 780
Applicant: BGB LLC
Exhibit No. 78
Date: March 31, 2009

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 58
Date: 12/17/2008

14 Dec 2008

Dear Zoning Board/Commissioners,

Last week I wrote a letter to the Board stating my strong advocacy for Agriculture on the Palouse. I spoke to the intrinsic, scenic, natural resource, utilitarian, and economic values of our Agricultural ground, all of which are supported by the tenets of the Comprehensive Plan, and would suffer degradation by the approval of this rezone.

I would like to impress upon the Board a few additional points in the interest of Agriculture. I am framing my comments around the agricultural aspect (note "forest" reference is in parentheses).

#1—Section 12 / "Land Use Element" states that this element is presented in the Comp Plan Map, and is representative of "the goals and policies of the Comp Plan" and "has been prepared to reflect the principles of protecting productive agricultural (and forested) areas and to identify suitable areas for future residential, commercial, or industrial development."

The designations of the map are:

1) **Productive** 2) **Rural** 3) Residential/Commercial/Industrial, & 4) Areas of Impact
My comments are in regard to the first two designations.

Definition for 1) "Productive" reads, "this area is generally composed of **the most productive** agricultural (and forest) lands in the County. **This area should be protected from residential, commercial and industrial uses** which are not directly related to agriculture (or forestry), and **which may intrude upon existing use of the land for normal agricultural (or forest) practices.**"

Definition for 2) "Rural" (which is how this land is designated) --- "this area is generally composed of less 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 development....**"

Combining the criteria from these two definitions seems appropriate for the subject area—highly productive soils in a segment acreage. Whether viewed separately, or melded together, the criteria signifying protection of agricultural land from development, in this case, clearly indicate the denial of the rezone.

#2---Section 14 / "Property Rights Element" --- The applicants assert that approval of the rezone will "ensure that Latah County's land use policies, regulations, and conditions **do not unreasonably impact the owner's economic interest in the effected parcel.**" It is known that the current owners of this land obtained it at Ag Land price. Therefore, it is not an unreasonable economic impact for them to receive Ag profits from this land.

BOCC HRG: <u>RZ 780</u> Applicant: <u>BGB LLC</u> Exhibit No. <u>79</u> Date: <u>March 31, 2009</u>	LCZC Hrg: <u>RZ780</u> Applicant: <u>BGB LLC</u> Exhibit #: <u>59</u> Date: <u>12/17/2008</u>
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Also, the Comp Plan states, “ (#6) “Eliminate regulations or actions which would serve the purpose as directly prohibiting a land use, **unless the regulation or action clearly advances an articulated and legitimate public purpose.**”

1)Adoption of the rezone would ultimately prohibit agricultural land use.

2)The protection of Ag Land is well articulated in the Comp Plan.

3)There is no more legitimate public purpose than sustaining food and water resources.

Finally,

#3--The rezone proposal states “There are no identified special areas or sites of **historic**, archeological, architectural, geological, biological, or scenic significance on the subject property” as applies to **Section 9—“Special Areas Element”** of the Comprehensive Plan to recognize and preserve such sites.

In response to this, I would like to quote from **pg. 13 of the Comp Plan, under “Historical Perspective”,**

“The south and southwestern parts of the county, which are included in the Palouse region, have large farms, some of which have been in **one family for generations.**”

And,

“The rich soil of the Palouse hills is **legendary**. Farming, which began with diversified crops, is now mainly confined to wheat, dry pea and lentil crops (although now we should add garbanzo beans). Genesee and **Moscow** are two **centers of these rich farmlands.**”

We have an obligation to abide in these soils, and to support the continuation of the family and historical legacy they represent.

Sincerely,

Marilyn Beckett
Moscow

Aimee Shipman

From: CRAIG.KNOTT@usbank.com
Sent: Monday, December 15, 2008 3:49 PM
To: ashipman@latah.id.us
Subject: Rezone #780

Aimee - here is another letter (below) from Terri Guenther at Re-Max Connections real estate. - Craig

----- Forwarded by Craig D Knott@USB on 12/15/2008 03:47 PM -----

"Terri Guenther" <tguenther@remax.net>
To: <tstroschein@latah.id.us>, <jnelson@latah.id.us>, <jbarrett@latah.id.us>
cc
12/15/2008 03:31 PM
Subject

Please respond to
<tguenther@remax.net>

To: Latah County Commissioners & Zoning Commission:

I am in support of the 40 acre re-zone off Lewis/Foothill Road, Moscow, ID from Ag/F to Rural Residential to create 4 home-sites.

Sincerely,

Terri Guenther

Terri Guenther, GRI



RE/MAX Connections

325 W. Third Street
Moscow, ID 83843
208-883-9700 office
208-301-2374 cell
866-509-3249 fax
tguenther@remax.net
www.homesinmoscow.com

12/15/2008

BOCC HRG: RZ 780
Applicant: BGB LLC.
Exhibit No. 80
Date: March 31, 2009

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 60
Date: 12/17/2008