

NOTICE OF PUBLIC HEARING
BEFORE THE BOARD OF LATAH COUNTY COMMISSIONERS
Monday, August 31, 2009
200 p.m.

The Board of Latah County Commissioners will hold a public hearing on Monday, August 31, 2009, in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

2:00 p.m.— Review and Decision on the Final Plat for FP #730 - A request by Developers of the Palouse LLC., for a Full Plat to create twenty-five (25) one-acre lots with approximately thirty-four (34) acres of open space on a 75.88-acre parcel. The property is zoned Rural Residential, 3-acre minimum (RR-3), and is located approximately 1 ½ miles south of Moscow and ¼ mile south of Clyde Road on the West side of Hwy 95 to the southwest of the Valhalla Mobile Home park and the Valhalla Storage units in Section 30, Township 39 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Numbers RP39N05W305426A and RP39N05W303706A. The Board of Latah County Commissioners will hold a public hearing to review the Zoning Commission recommendation and consider the final plat, in particular with respect to compliance with the conditions of approval of the preliminary plat.

All interested parties are encouraged to attend the hearing. Accommodations for individuals who qualify under the Americans with Disabilities Act are available upon request. Notice is required in the Planning Office three working days prior to the hearing in order to acquire accommodations.

The hearing will be held pursuant to the Latah County Hearing Procedures Ordinance and under authority of the Idaho Local Planning Act, Latah County Comprehensive Plan, The Latah County Zoning Ordinance, and the Latah County Subdivision Ordinance. The Board of County Commissioners reserves the right to limit the length of testimony.

Additional information on the request, including a full copy of the proposal, is available from the Planning Department at the Latah County Courthouse, Moscow, Idaho. Phone (208) 883-7220. Written comments will be accepted at the above office prior to the public hearings.

Aimee Shipman
Associate Planner

(This is a public service announcement)

**DEVELOPERS OF THE PALOUSE
FULL PLAT #730 FINAL PLAT REVIEW
STAFF REPORT**

Summary of Application:

A request by Developers of the Palouse, LLC. for determination that the proposed full plat is in compliance with the submitted preliminary plat. The property is owned by Developers of the Palouse and is zoned Rural Residential (R-3), 3-acre minimum. The property is located approximately 1 ½ miles south of Moscow, in Section 30, Township 39 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Numbers RP39N05W305426A and the west portion of RP39N05W303606A.

Site Characteristics:

Size of Parcel: 75.88-acres
Soils: Garfield Silt Loam, 3-30% slopes;
Latahco Silt Loam, 0-3% slopes;
Latahco-Thatuna Silt Loams, 0-5% slopes;
Naff-Palouse Silt Loams; 7-25% slopes;
Palouse Silt Loam, 3-7% slopes;
Palouse Silt Loam, 7-25% slopes;
Spokane Loam, 15-35% slopes;
Thatuna-Naff Silt Loams, 25-40% slopes;
Tilma-Naff Silt Loams, 7-25% slopes;
(Soil Survey Plate #41)
Floodplain: Zone "C" (FIRM Panel # 160086 0330D)

Land Use and Regulations:

Comprehensive Plan Designation: Rural
Existing Zoning: Agriculture/Forestry (A/F)
Existing Uses: Mainly Agriculture, Bare Land, Sand Pit
Neighboring Zoning: Agriculture/Forestry (A/F); Rural Residential 3-acre Minimum (RR-3); Multiple Family Residential (RM)
Neighboring Uses: Agriculture; Residential; Manufactured Home Park; Mini-Storage

Infrastructure/Services:

Water: Proposed Private Wells
Sewer: Proposed Private Septic
Access: Hwy 95 – Idaho Transportation Department
Schools: Moscow School District
Fire Protection: Moscow Rural Fire District
Law Enforcement: Latah County Sheriff

EXHIBITS:

Exhibit #1. Staff Report
Exhibit #2. Criteria Worksheet
Exhibit #3. Sky View Estates Site Photos
Exhibit #4. Latah County Zoning Commission Motion and Order dated August 19, 2009

- approving Chair's Signature on letter to Board of Latah County Commissioners
- Exhibit #5.** Latah County Zoning Commission letter to Board of Latah County Commissioners
- Exhibit #6.** Latah County Zoning Commission Motion and Order recommending approval of the FP #730 final plat application to the Board of Latah County Commissioners
- Exhibit #7.** Memo to Latah County Zoning Commission from Latah County Planning and Building Department dated July 29, 2009
- Exhibit #8.** Summary of Final Plat Review Procedure-Latah County Subdivision Ordinance
- Exhibit #9.** Board of County Commissioners Findings of Fact and Conclusions of Law for FP 730
- Exhibit #10.** Proposed Final Plat Layout
- Exhibit #11.** Minutes from North Latah County Highway District Board of Commissioners meeting on December 10, 2008
- Exhibit #12.** Latah County Certificate of Completion for a retaining wall issued to Larry Gerber/Jim Miltenberger on July 27, 2009
- Exhibit #13.** Minutes from North Latah County Highway District Board of Commissioners meeting on July 25, 2007
- Exhibit #14.** Cost Estimates to Construct Interior Paths and Mail Kiosk
- Exhibit #15.** Cost Estimates to Construct Fire Suppression System
- Exhibit #16.** Board of Latah County Commissioners Motion and Order, signed June 18, 2009, approving a water supply based upon individual wells provided that the total number of lots is reduced from 25 to 20 lots.
- Exhibit #17.** Letter from North Central District Health Department to Developers of the Palouse dated July 14, 2009
- Exhibit #18.** Letter from Idaho Transportation Department to Richard Miltenberger received July 27, 2009
- Exhibit #19.** Idaho Department of Water Resources Application for Construction of a Small Dam and Department of Water Resources Administrative Code definition of a small dam
- Exhibit #20.** Cost Estimates to Bore and Install a 12" Culvert Pipe under Road Fill
- Exhibit #21.** Submission from Applicant discussing compliance with required conditions of approval

APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:

Local Planning Act: Idaho Code 67-6511, Zoning Ordinance

Latah County Zoning Ordinance:

Article 3. A/F Agriculture/Forestry Zone

Article 4. RR Rural Residential Zone

Section 13.11. Zoning Amendments

Section 13.11.03. Standards for Zoning Amendments

Latah County Subdivision Ordinance:

Section 4.05.02.C-F Final Plat Review

Latah County Comprehensive Plan

CRITERIA WORKSHEET

NOTE: This criteria worksheet does not represent staff analysis of information provided by the applicant, supporters, or opponents; however, policies which may be applicable to this particular request have been identified by staff. 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. The 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:

Full Plat

Description of application:

A request by Developers of the Palouse LLC., for a Full Plat to create twenty-five (25) one-acre lots with approximately thirty-four (34) acres of open space on a 75.88-acre parcel. The property is zoned Rural Residential, 3-acre minimum (RR-3), and is located approximately 1 ½ miles south of Moscow and ¼ mile south of Clyde Road on the West side of Hwy 95 to the southwest of the Valhalla Mobile Home park and the Valhalla Storage units in Section 30, Township 39 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Numbers RP39N05W305426A and RP39N05W303706A.

Facts of application and the information submitted:

Final Plat

1.) Section 4.05.02 requires the following for Final plat review:

- A.) Administrator Review: The Administrator shall have ten (10) days from receipt of the final plat to review the final plat for compliance with the approved or conditionally approved preliminary plat, and to determine whether all conditions and requirements have been met. If the Administrator determines that there are substantial differences in the final plat from that which was approved as a preliminary plat or that there are conditions which have not been met, the Administrator may require that the final plat be submitted to the Commission in the same manner as required in the preliminary plat process, and that all conditions have been met before submission.
- B. Review Agencies: The Administrator may transmit one (1) copy of the final plat, or other documents submitted, for review and recommendation to the departments and agencies as deemed necessary to ensure compliance with the preliminary approval and/or conditions of preliminary approval. Such agencies shall have ten (10) days from receipt of the final plat or other documents to review and make final recommendations on the final plat. Such agency review shall also include the construction standards of improvements, compliance with health standards, the cost estimate for all improvements and the legal review of the performance bond.
- C. Submission to Commission: Upon determination that the final plat is in compliance with the preliminary plat and all conditional requirements have been met, the Administrator shall certify that the application is complete, affix the date of acceptance thereon, and place the final plat on the Commission agenda for action at the next regularly scheduled meeting, which is scheduled no less than ten (10) days after said date of certification and no more than forty-five (45) days thereafter.
- D. Commission Action: The Commission shall consider the final plat and determine compliance with the submitted preliminary plat. After consideration, the Commission shall either recommend approval or denial of the final plat. The action taken by the Commission shall be transmitted by letter to the Board.

E. Public Notification: Upon notice from the Commission of its actions, the Board shall set a public hearing date to hear comments from interested persons and agencies. Notice shall be published in the paper of record at least fifteen (15) days prior to the hearing date. All adjoining property owners shall be given notice of the hearing in writing at least seven (7) days prior to the hearing.

F. Board Action: The Board at its next meeting following receipt of the Administrator's report and public notification shall consider the Commission's findings and comments from concerned persons and agencies to arrive at a decision on the final plat. The Board shall approve, approve conditionally, disapprove or table the final plat for additional information within thirty (30) days of the date of the regular meeting at which the plat is first considered. A copy of the approved plat shall be filed with the Administrator. Upon granting or denying the final plat, the Board shall specify:

1. The Ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain approval.

17.) Section 6.04 requires that the approval of all final subdivision plats shall be conditioned on the accomplishment of one (1) of the following:

- a. The construction of improvements required by this Ordinance shall have been completed by the subdivider and approved by the Board; or
- b. Surety acceptable to the Board shall have been filed in the form of a cash deposit, certified check, negotiable bond, irrevocable bank letter of credit or surety bond.

18.) Section 4.05.03 states that the final plat shall be filed with the County Recorder within one (1) year after written approval by the Board; otherwise, such approval shall become null and void unless prior to said expiration date an extension of time is applied for by the subdivider and granted by the Board.

Additional Information

On September 19th, 2007, the Latah County Zoning Commission recommended approval, with conditions, for the Developers of the Palouse Full Plat (FP 730) and Planned Unit Development (PUD #729) applications. On January 16th, 2008 the Zoning Commission recommended denial of the Developers of the Palouse request (ADA 760) to amend the Development Agreement for RZ 719 to allow for widening of the northbound land of Hwy 95 in lieu of installing a left hand turn lane. On May 7, 2008 the Board of Latah County Commissioners denied the Developers of the Palouse request (ADA 760) to amend the Development Agreement for RZ 719 to allow for widening of the northbound land of Hwy 95 in lieu of installing a left hand turn lane which upheld the requirement that right and turn lanes be installed to access the development from Hwy 95. On June 5, 2008, the Board of Latah County Commissioners approved the Developers of the Palouse application PUD #729 and the preliminary plat for FP#730 with conditions. Per §4.05.02.B of the Latah County Subdivision Ordinance, the Latah County Planning and Building Department forwarded copies of the final plat to the North Latah County Highway District; Idaho Transportation Department; Moscow Rural Fire District; and the North Central Health District for review and comment on July 7, 2009. On July 22, 2009 the Latah County Department of Planning and Building certified that the FP#730 final plat application was complete. Per §4.05.02.D the final plat was placed on the Zoning Commission agenda on August 5th, 2009, for review and determination whether it is in compliance with the preliminary plat and the conditions of approval. As per §4.05.02.D of the Latah County Subdivision Ordinance, the Zoning Commission considered the final plat and its compliance with the submitted preliminary plat and found that the applicant has adequately met the conditions as stated in the Board's decision in its Findings of Fact, Conclusions of Law and Decision dated July 30, 2008.

PHOTOS OF SKY VIEW ESTATES FULL PLAT DATED AUGUST 21, 2009



Lower southwest corner of Sky View Loop Road showing pond and embankment



Entrance to Sky View Loop Road—the road to the left leads to lower Lots 1 and 2

BOCC HRG: FP 730
Applicant: Developers of
Palouse
Exhibit No. 3
Date: August 31, 2009



Site of future school bus turnaround and mail kiosk



LATAH COUNTY
ZONING COMMISSION
MOTION AND ORDER

P.O. Box 8068 ♦ 522 S. Adams ♦ Moscow, ID 83843
(208) 883-7208 ♦ Fax: (208) 883-2280

COMMISSIONER DP Priest MOVES:

To approve the Latah County Zoning Commission Chair's signature on the letter transmitting the Zoning Commission's recommendation of approval of the Developers of the Palouse final plat for FP #730 to the Board of Latah County Commissioners.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>Wayne Sprouse</u> Wayne Sprouse, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Kevin Gergely</u> Kevin Gergely, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Duane E. Priest</u> Duane Priest, Secretary	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Jim Hagedorn</u> Jim Hagedorn, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Bob Henricksen</u> Bob Henricksen, Commissioner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DATE: _____

BOCC HRG. FP 730
Applicant: Developers of Palouse
Exhibit No. 4
Date: August 31, 2009

LATAH COUNTY ZONING COMMISSION

Fifth and Van Buren * PO Box 8068 * Moscow ID * (208) 883-7220

Kevin Gergely
Vice Chair

Rotating Member of
Planning Commission

Wayne Sprouse
Chair

James Hagedorn

Duane Priest
Secretary

August 19, 2009

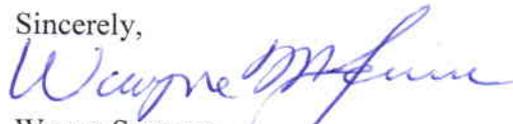
Board of Latah County Commissioners
522 South Adams Street
Moscow, ID 83843

RE: Recommendation of Approval for the Developers of the Palouse FP #730 Final Plat

Dear Board of Latah County Commissioners,

This letter transmits the Latah County Zoning Commission's recommendation to approve the final plat for the Developers of the Palouse Full Plat (FP#730). As per §4.05.02.D of the Latah County Subdivision Ordinance, the Zoning Commission considered the final plat and its compliance with the submitted preliminary plat at a regularly scheduled meeting held on August 5, 2009. In our review of the final plat for compliance with the conditions required for approval, we found that the applicant, Developers of the Palouse LLC., had adequately met the conditions as stated in the Board's decision in its Findings of Fact, Conclusions of Law and Decision on FP #730 dated July 30, 2008. Our deliberations during the final plat review included discussion on whether the final plat should show a public utility easement designation for the fire suppression system and storage system and the fire protection access turnaround at the applicant's proposed location, Tract 3, or the Board's approved location for the fire protection system. Therefore, as part of our recommendation to approve the final plat for the Developers of the Palouse Full Plat (FP#730), we also forward the recommendation to require a public utility easement designation on the final plat for the fire protection system and access turnaround for the Board's consideration in its review of the final plat at the public hearing scheduled for August 31, 2009 at 2:00 P.M.

Sincerely,



Wayne Sprouse
Chair, Latah County Zoning Commission

BOCC HRG: FP 730
Applicant: Developers of
Palouse
Exhibit No. 5
Date: August 31, 2009



LATAH COUNTY
ZONING COMMISSION
MOTION AND ORDER

P.O. Box 8068 ♦ 522 S. Adams ♦ Moscow, ID 83843
(208) 883-7208 ♦ Fax: (208) 883-2280

COMMISSIONER Priest MOVES THAT THE ZONING COMMISSION:

Has determined that the final plat for FP #730 is in compliance with the submitted preliminary plat and the conditions of approval and recommends approval of the FP #730 final plat application to the Board of Latah County Commissioners.

WITH DUE CONSIDERATIONS BEING PAID TO THE FINDINGS OF FACTS.

YES

NO

ABSTAIN

Wayne Sprouse
Wayne Sprouse, Chair

Kevin Gergely
Kevin Gergely, Vice Chair

Duane E. Priest
Duane Priest, Secretary

Jim Hagedorn
Jim Hagedorn, Commissioner

Bob Henricksen
Bob Henricksen, Commissioner

DATE: 8-5-2009

BOCC HRG: FP 730
Applicant: Developers of
Palouse
Exhibit No. 6
Date: August 31, 2009



LATAH COUNTY PLANNING & BUILDING

Latah County Courthouse

PO Box 8068, 522 South Adams

Moscow, ID 83843

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

Memorandum

To: Latah County Zoning Commission
From: Planning & Building
Date: Wednesday, July 29, 2009
RE: Developers of the Palouse Full Plat Final Plat Determination (FP # 730)

The Developers of the Palouse LLC. have submitted a proposed final plat for the Latah County Zoning Commission to determine whether the final plat is in compliance with the approved preliminary plat and the conditions for approval.

Background for Proposal Consideration

On September 19th, 2007, the Latah County Zoning Commission recommended approval, with conditions, for the Developers of the Palouse Full Plat (FP 730) and Planned Unit Development (PUD #729) applications. On January 16th, 2008 the Zoning Commission recommended denial of the Developers of the Palouse request (ADA 760) to amend the Development Agreement for RZ 719 to allow for widening of the northbound land of Hwy 95 in lieu of installing a left hand turn lane. On May 7, 2008 the Board of Latah County Commissioners denied the Developers of the Palouse request (ADA 760) to amend the Development Agreement for RZ 719 to allow for widening of the northbound land of Hwy 95 in lieu of installing a left hand turn lane which upheld the requirement that right and turn lanes be installed to access the development from Hwy 95. On June 5, 2008, the Board of Latah County Commissioners approved the Developers of the Palouse application PUD #729 and the preliminary plat for FP#730 with conditions. Per §4.05.02.B of the Latah County Subdivision Ordinance, the Latah County Planning and Building Department forwarded copies of the final plat to the North Latah County Highway District; Idaho Transportation Department; Moscow Rural Fire District; and the North Central Health District for review and comment on July 7, 2009. On July 22, 2009 the Latah County Department of Planning and Building certified that the FP#730 final plat application was complete. Per §4.05.02.D the final plat has been placed on the Zoning Commission agenda for review and determination whether it is in compliance with the preliminary plat and the conditions of approval.

The Zoning Commission is scheduled to discuss this proposal on Wednesday, August 5th, 2009, at 5:30 p.m. At that time, the Zoning Commission will determine whether to recommend approval or denial of the final plat.

BOCC HRG: FP 730
Applicant: Developers of Palouse
Exhibit No. 7
Date: August 31, 2009

Included in the packets are the Board of Latah County Commissioners' Findings for FP#730, a copy of the final plat, and other relevant materials.

Thanks,

A handwritten signature in blue ink, appearing to read "Aimee Shipman". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Aimee Shipman
Associate Planner

SUMMARY OF FINAL PLAT REVIEW PROCEDURE-LATAH COUNTY SUBDIVISION ORDINANCE

Type of request:

Final Plat Review

Description of application:

On September 19th, 2007, the Latah County Zoning Commission recommended approval, with conditions, for the Developers of the Palouse Full Plat (FP 730) and Planned Unit Development (PUD #729) applications. On January 16th, 2008 the Zoning Commission recommended denial of the Developers of the Palouse request (ADA 760) to amend the Development Agreement for RZ 719 to allow for widening of the northbound land of Hwy 95 in lieu of installing a left hand turn lane. On May 7, 2008 the Board of Latah County Commissioners denied the Developers of the Palouse request (ADA 760) to amend the Development Agreement for RZ 719 to allow for widening of the northbound land of Hwy 95 in lieu of installing a left hand turn lane which upheld the requirement that right and turn lanes be installed to access the development from Hwy 95. On June 5, 2008, the Board of Latah County Commissioners approved the Developers of the Palouse application PUD #729 and the preliminary plat for FP#730 with conditions. Per §4.05.02.B of the Latah County Subdivision Ordinance, the Latah County Planning and Building Department forwarded copies of the final plat to the North Latah County Highway District; Idaho Transportation Department; Moscow Rural Fire District; and the North Central Health District for review and comment on July 7, 2009. On July 22, 2009 the Latah County Department of Planning and Building certified that the FP#730 final plat application was complete. Per §4.05.02.D the final plat has been placed on the Zoning Commission agenda for review and determination whether it is in compliance with the preliminary plat and the conditions of approval.

Section 4.05.02.C-F of the Latah County Subdivision Ordinance – Final Plat Review

- C. Submission to Commission: Upon determination that the final plat is on compliance with the preliminary plat and all conditional requirements have been met, the Administrator shall certify that the application is complete, affix the date of acceptance thereon, and place the final plat on the Commission agenda for action at the next regularly scheduled meeting, which is scheduled no less than ten (10) days after said date of certification and no more than forty-five (45) days thereafter.
- D. Commission Action: The Commission shall consider the final plat and determine compliance with the submitted preliminary plat. After consideration, the Commission shall either recommend approval or denial of the final plat. The action taken by the Commission shall be transmitted by letter to the Board.
- E. Public Notification: Upon notice from the Commission of its actions, the Board shall set a public hearing date to hear comments from interested persons and agencies. Notice shall be published in the paper of record at least fifteen days prior to the hearing date. All adjoining property owners shall be given notice of the hearing in writing at least seven (7) days ^{pr. 07 to} the hearing.

BOCC HRG: FP 730
Applicant: Developers of
Palouse
Exhibit No. 8
Date: August 31, 2009

F. Board Action: The Board at its next meeting following receipt of the Administrator's report and public notification shall consider the Commission's findings and comments from concerned persons and agencies to arrive at a decision on the final plat. The Board shall approve, approve conditionally, disapprove or table the final plat for additional information within thirty (30) days of the date of the regular meeting at which the plat is first considered. A copy of the approved plat shall be filed with the Administrator. Upon granting or denying the final plat, the Board shall specify:

1. The Ordinance and standards used in evaluating the application;
2. The reasons for approval or denial; and
3. The actions, if any, that the applicant could take to obtain approval

The following documents are included in the packet to assist with final plat review

1. Board of Latah County Commissioners' Findings of Fact and Conclusions of Law for FP #730
2. Copy of Final Plat for FP #730
3. Certificate of Completion for a retaining wall issued to Richard Miltenberger/Skyview Estates by the Latah County Department of Planning and Building on July 27, 2009
4. Minutes of the North Latah County Highway District Board of Commissioners meeting on December 10, 2008
5. Minutes of the North Latah County Highway District Board of Commissioners meeting on July 11, 2007
6. Cost Estimates to Construct Interior Paths and Mail Kiosk
7. Cost Estimates to Construct Fire Suppression System
8. Board of Latah County Commissioners Motion and Order, signed June 18, 2009, approving a water supply based upon individual wells provided that the total number of lots is reduced from 25 to 20 lots.
9. Letter from North Central District Health Department to Developers of the Palouse dated July 14, 2009
10. Letter from Idaho Transportation Department to Richard Miltenberger received July 27, 2009
11. Idaho Department of Water Resources Application for Construction of a Small Dam and Department of Water Resources Administrative Code definition of a small dam
12. Cost Estimates to Bore and Install a 12" Culvert Pipe under Road Fill
13. Submission from Applicant discussing compliance with required conditions of approval

BEFORE THE BOARD OF COUNTY COMMISSIONERS COUNTY OF LATAH, STATE OF IDAHO

FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THE PETITION BY DEVELOPERS OF THE PALOUSE, LLC., FOR A FULL PLAT (FP #730) TO CREATE TWENTY-FIVE (25) ONE-ACRE LOTS WITH APPROXIMATELY 34 ACRES OF OPEN SPACE ON A 75.88-ACRE PARCEL. THE PROPERTY IS ZONED RURAL RESIDENTIAL, MINIMUM THREE ACRE PARCEL (RR3) AND IS OWNED BY DEVELOPERS OF THE PALOUSE, LLC. THE PROPERTY IS LOCATED APPROXIMATELY 1 ½ MILES SOUTH OF MOSCOW, IN SECTION 30, TOWNSHIP 39 NORTH, RANGE 5 WEST, B.M., IN LATAH COUNTY, AND REFERENCED AS ASSESSOR'S PARCEL NUMBERS RP39N05W305426A AND THE WEST PORTION OF RP39N05W303706A.

WHEREAS, Developers of the Palouse, LLC made application for a Full Plat on 75.88 acres owned by Developers of the Palouse, LLC. on August 15, 2006; and

WHEREAS, This matter came before the Latah County Zoning Commission for public hearing on September 19, 2007.

WHEREAS, This matter came before the Latah County Board of Commissioners for public hearing on May 7th, 2008, was continued to June 2, 4, and 5, 2008, and included a silent site visit on May 19, 2008 that was open to the public;

WHEREAS, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents;

THE BOARD OF LATAH COUNTY COMMISSIONERS, STATE OF IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY MAKES THE FOLLOWING FINDINGS OF FACT:

I. FINDINGS OF FACT

1. The subject parcel is 75.88-acres zoned Rural Residential, minimum 3-acre parcels (RR-3).
2. Adjacent parcels are zoned Agriculture/Forestry (A/F), Rural Residential 3-acre minimum (RR-3) and Multiple Family Residential (RM).
3. The subject application is to create a Full Plat with twenty-five (25) one-acre residential lots; approximately thirty-four (34) acres of open space to be planted with native vegetation and a pond; and 9.44 acres of public right-of-way for access. The name of the proposed development is Sky View Estates.
4. The subject application was considered concurrently with a planned unit development (PUD) application involving the subject property. The PUD was submitted to allow for a smaller lot size (one acre) than that associated with the underlying zoning designation (RR-3).

5. The subject parcel is composed of Latah County Assessor's Parcel Number RP39N05W305426A and the west half of Latah County Assessor's Parcel Number RP39N05W303706A.
6. The existing use of the subject parcel is agriculture and bare land.
7. Surrounding uses are residential, agriculture, manufactured home park and a mini-storage facility.
8. The subject parcel and surrounding properties are designated "Rural" on the Comprehensive Plan Land Use Map.
9. The subject parcel is located 1 ½ miles south of the city limits of Moscow.
10. The Latah Board of County Commissioners considered the request pursuant to the Latah County Comprehensive Plan, Latah County Zoning Ordinance #29, the Latah County Subdivision Ordinance #31A, the Local Land Use Planning Act, and other applicable development regulations.
11. Larry Hodge, the applicant's representative, testified that the proposal includes 25 clustered houses on lots ranging in size from over one (1) acre to over three (3) acres. He stated that the proposal includes thirty-one acres of building sites, approximately thirty-four (34) acres of open space, and ten (10) acres that will be dedicated public right of way.
12. Larry Hodge testified that he and the applicant had met with a representative from the Idaho Department of Water Resources (IDWR) in January, 2007, to discuss the prospect of a public versus private water supply for the proposed development. He testified that IDWR was not partial one way or another concerning individual wells or a community water system. He also stated that in May, 2007, the applicant drilled two test wells to determine whether to use a public versus a private system. The first produced 10-12 gallons per minute (gpm) and the second 4 gpm based upon air tests conducted by the well driller. He added that two additional wells were also drilled which produced 2 gpm and 3 gpm and that based upon this well production the applicant decided to move forward with a water supply system consisting of private wells.
13. The applicant obtained drilling permits for 26 wells from the Idaho Department of Water Resources (Exhibit #57).
14. The Planning and Building Department learned that significant infrastructure improvements, including the drilling of wells, occurred on the subject property prior to approval of the application, and sent letters to the applicant on July 17 and August 1, 2007 informing the applicant that the work was in violation of §4.01 of Latah County Subdivision Ordinance #31A and instructing the applicant to cease and desist (Exhibit #13 & #14).
15. Larry Hodge testified that wells have been drilled on each lot in the proposed development and that the well locations are identified on Exhibit #56. He further stated that the well production ranged from 1.5 to 15 gpm and that the majority of the wells are between 150 to 350 feet deep.

16. The IDWR submitted written testimony stating that the well logs it has received from the applicant's driller reported production rates ranging from 2 gpm to 12 gpm and that there are wells on site for which reports have not been submitted. The driller reports submitted by IDWR also show well depths ranging from 150 feet to 650 feet.
17. The IDWR recommended that a qualified hydrologist conduct a review of the adequacy of the water resource to support the proposed development in light of the production rates and density of the wells (Exhibit #50).
18. Mr. Hodge stated that the applicant had complied with IDWR's recommendation for a hydrologic study (Exhibit #50), which was also included as a condition for approval in the Latah County Zoning Commission's Findings of Fact and Conclusions of Law prior to scheduling a hearing before the Board of County Commissioners (Exhibit #62).
19. Mr. Hodge testified that the applicant hired a hydro-geologist with the consulting firm USKH from Lewiston to conduct test pumping on two wells and measure water levels on adjacent wells. He stated that according to the hydro-geologist's report (Exhibit #54) no drawdown had been measured and that the hydro-geologist considered the water supply to be adequate (Exhibit #55).
20. Jack Flack, a neighboring property owner, testified that he had water concerns related to the proposed development. Mr. Flack stated that his experience with farm wells indicated that many wells in an area will result in one well impacting another as they are close together. He also stated that problems may develop between the neighbors if one has good water and others do not.
21. Written testimony submitted by neighboring property owners Ian Von Lindern, Frank and Cathy Merickel, and Raymond Richmond (Exhibits #70, #71, #72) discussed neighborhood concerns with aspects of the proposed development related to water supply and water quality. In particular Mr. Von Lindern discussed concerns with the low well yields reflected on the IDWR water well logs (Exhibit #57) and the related potential impacts on future lot owners in the proposed development as well as potential impacts on neighboring wells. Mr. Von Lindern also expressed concern about the potential aggregate effects of the proposed development on the aquifer and the area's existing infrastructure.
22. During the May 12, 2008 hearing, the Commissioners observed that there has never been a development in Latah County that included such a large number of wells so close together, and, given the concerns raised by the testimony of neighboring property owners, the Commissioners determined that more information was needed in order to address the question of sustainability of the water supply for the development. The Commissioners scheduled a silent site visit for May 19, 2008, which was open to the public, and the Commissioners instructed staff to solicit testimony from the following parties: Bob Haynes, Idaho Department of Water Resources, regarding water issues; Kevin Brackney, a licensed hydrologist, regarding localized knowledge of water issues; Palouse Basin Aquifer Committee, regarding water issues, and Nancy Becker, North Central Health District, regarding septic systems. The Commissioners continued the hearing until June 2, 2008, in order to receive the additional testimony. The hearing which took place on June 2, 2008 was restricted to testimony regarding water and septic systems, and the public was given an opportunity to comment, and the applicant was given an opportunity for rebuttal.

23. In response to the Commissioners' request, Bob Haynes, northern Regional manager with the IDWR, testified concerning the results from the applicant's pump and recovery test for water wells (Exhibit #54) and the applicant's statement on the water supply (Exhibit #55). Mr. Haynes stated that the duration of the test was not sufficient to adequately stress the aquifer to a point where you might expect impact. Mr. Haynes stated that more extensive well testing should be done to test the viability of the water supply. He suggested if the Commissioners wanted the applicant to submit a proposal for additional data collection regarding viability, he could look at it or forward it to the hydrology section at the Boise state office. He expressed an interest in having the recovery of wells monitored after pumping was stopped which was not done as part of the applicant's testing.
24. In response to the Commissioner's request, Kevin Brackney, a licensed hydrologist submitted written testimony reviewing the hydrologic feasibility of utilizing individual wells and septic systems for the proposed subdivision (Exhibit #68). Mr. Brackney stated that he researched the Department of Housing and Urban Development's well yield criterion for use in federally insured mortgages by the Federal Housing Administration (FHA) to see how these wells might satisfy that criteria to secure financing. He specified that the FHA regulations consider well yield sustainable when a properly constructed well is capable of supplying a minimum of an average of 5 gpm over a 4 hour consecutive period. Mr. Brackney examined data from the 26 water well logs submitted (Exhibit #57) and the pumping test report from USKH (Exhibit #54). Mr. Brackney included analysis in his written testimony that showed that only 5 of the 26 wells drilled by the applicant satisfy the HUD 5 gpm criteria and commented that none of the 5 wells had been hydrologically tested for over a 4 hour period as required by the FHA regulations. Mr. Brackney also commented on the water well data that 9 of the 25 wells yielded a production volume of 2 gpm with the maximum depth water of the water bearing zone at 305 feet below the surface.
25. Mr. Brackney remarked that the replacement options for the applicant's wells would be limited if they go dry due to the small lot size and the physical characteristics of water wells in granite which are unlikely to produce additional water if the well is deepened. Additionally, Mr. Brackney commented that he could find no indication of water quality testing or of whether the water was potable other than what was written on the well logs. He further commented that a typical potable water determination is based upon bacterial tests to measure E. coli and coliform bacteria and chemical tests to measure for primary and secondary constituents and that potability cannot be verified without these test results being provided for each well.
26. In response to the Commissioners' request, Steve Robischon, Executive Manager of the Palouse Basin Aquifer Commission (PBAC), submitted written and oral testimony based upon his review of the application materials and participation in the silent site visit on the subject property (Exhibit #69). Mr. Robischon stated in his letter that during the site visit he noted erosion issues near proposed lots 2, 3 and 22. He also submitted photos of this observed erosion in support of the letter. Mr. Robischon also stated that the pump test information submitted by the applicant provided little useful information as "the test duration was not sufficiently long and the pumping rate not sufficiently high to stress the aquifer adequately".

27. In his testimony, Mr. Robischon also discussed the 1992 Ground Water Management Plan (GWMP) which Latah County has signed and agreed to an action plan that "includes a commitment to attempt to limit annual aquifer pumping increases to 1%". He stated that an analysis based upon Census population figures translated this increase to about 8 households per year and commented that if the build out for the proposed development comprised more than 8 homes per year, he would request that PBAC be given an opportunity to review and comment upon the proposed plans.
28. Terry Kristoff and Allen Gay, a hydrogeologist and engineer with the consulting firm USKH, also testified on behalf of the applicant in rebuttal to concerns about the water supply. Ms. Kristoff testified that from the developer's point of view it is difficult to say what comprises adequate water. She agreed with testimony that the aquifer had not been stressed adequately and commented that the FHA loaning standard discussed in Mr. Brackney's testimony was conservative and not applicable. Mr. Gay testified that additional testing might need to take place.
29. Larry Hodge testified that the applicant could write into the CC &Rs the ability for lot owners to drill additional wells in the common area if a well goes dry.
30. Mr. Gay stated that he agreed with Larry Hodge's comments about drilling replacement wells in the common area as long as setback requirements are observed. Mr. Gay further stated that with the amount of acreage in the common area it would seem the applicant could find adequate area for replacement wells.
31. One of the Commissioners expressed concerns that due to the steepness of the terrain much of the common area would be difficult to put wells in as it might not be accessible to bulldozers and drill rigs.
32. Larry Hodge testified that the applicant did not anticipate more than one or two of the 25 wells to go dry and that approximately 37 acres would be available in the common area to accommodate replacement wells and septic areas. Jim Westberg, a representative of the applicant, testified that there are currently two uncommitted wells in the common area that could be committed for lots whose wells have gone dry through changing the CC & Rs.
33. Although the hearing was closed and deliberations began on June 2, 2008, the Commissioners reopened the hearing briefly on June 5, 2008, and instructed staff to contact the City of Moscow to determine whether it would be feasible to connect the development to the Moscow water system as a backup in case the individual wells failed. In response to the Commissioners' inquiry, staff reported that the City of Moscow typically requires annexation before it will consider such a request. The City of Moscow estimated that the cost of connecting the development to the city system would be about \$15 - \$20 per foot, plus \$3 - 4 Million for a storage facility, for a total cost of between \$7 and 8 Million.
34. Larry Hodge testified that he and the applicant had met with the North Central District Health Department (NCDHD) last spring to discuss potential sewer types for the proposed development. He stated that they talked about the advantages and disadvantages of public versus private sewers and that the hilly topography of the site and the physical separation between the proposed upper

ring road lots and the lower court lots (Exhibit #36) limited the feasible options for a public sewer. Mr. Hodge testified that every lot had been tested and approved by the NCDHD for individual septic systems and he submitted a drainfield and well layout map (Exhibit # 56) displaying these locations for each proposed lot.

35. According to the evaluation results received from the NCDHD (Exhibit #25) lots 1,2,3,4,6,7,17,18 and 21 (as proposed) will require alternative systems. The evaluation also stated that lots 1,2,6,17 and 21 will require a cap and fill system or a sand mound system due to poor soil conditions. The NCDHD's additional specific guidance for the proposed development's septic systems includes the following: lots 3 and 18 will require a steep slope system; lots 4 and 7 will require a variance for the bottom of the drainfield trench; and lots 1 and 2 have additional limitations due to their triangular shapes (Exhibit #25). As a part of the evaluation the NCDHD cautioned that any drainfield area potentially compromised by excavation and recontouring may require another evaluation.
36. The NCDHD submitted additional written testimony stating that the soils are at the lowest end of acceptability on the permeability scale (Exhibit #43). The NCDHD also recommended a public water system instead of the proposal of individual wells primarily to enhance the septic potential on individual lots (Exhibit #43).
37. The applicant submitted written testimony from the NCDHD (Exhibit #52) stating that the configurations for lots 2 and 3 were adjusted; new test holes were conducted and both lots were approved for individual septic systems which was also included as a condition for approval in the Latah County Zoning Commission's Findings of Fact and Conclusions of Law prior to scheduling a hearing before the Board of County Commissioners (Exhibit #62).
38. Nancy Becker from the NCDHD testified that 6 foot test holes, and in most cases 2 test holes, were dug on all proposed lots. She stated that all soils would be able to serve a reasonably sized home and accommodate setback requirements. Nancy Becker further stated that the NCDHD's concerns related to how big the homes would be and that the size and shape of the lot will determine the size of the septic system which can be accommodated on the lots and that some lots may be limited to homes with 1 or 2 bedrooms.
39. Nancy Becker testified concerning varying requirements for septic systems. She stated that the NCDHD typically designs systems for 250 gallons per day which would service a 3 bedroom home and that for each additional bedroom another 50 gallons per day are added. She further stated that several things are considered when calculating the septic system such as prescribed lineal feet per bedroom and the soil factor, as different soil types have different absorption rates. Each home will be given the proposed square footage of drainfield and each site must have a primary and a replacement area.
40. Ms. Becker commented that the Department of Environmental Quality (DEQ) is currently undergoing rulemaking to increase the required lineal feet for a 3 bedroom home from 200 feet to 500 feet and this change will affect the size of homes built on the lots.

41. Ms. Becker further stated even with an approval of the preliminary plat with individual septic systems on each lot the NCDHD would still require another site evaluation for septic placement and design prior to construction of a residence on all of the lots in the proposed development.
42. Jack Flack, a neighboring property owner, testified that he had septic concerns related to the proposed development. Mr. Flack stated that he had concerns about siting so many septic systems in one area and that some of the proposed lots may have to pump sewage uphill into their drainfield systems.
43. Written testimony submitted by neighboring property owners Ian Von Lindern, Frank and Cathy Merickel, and Raymond Richmond (Exhibits #70, #71, #72) discussed neighborhood concerns with aspects of the proposed development related to sewage disposal and surface and storm water management.
44. Tom Moore, a regional engineer with the Idaho Department of Environmental Quality (DEQ) testified that some of the additional testimony that had been received subsequent to the hearing before the Zoning Commission, in particular the Geologic Hazard Investigation report submitted by the applicant (Exhibit #53), had alleviated some of the agency's initial concerns related to lack of topsoil and inadequate onsite treatment of septic system waste water.
45. Mr. Moore noted the presence of adjacent surface waters, a waste water lagoon at the Valhalla Trailer park and quarry lagoons, and recommended that the water quality of the individual wells be studied and that the possibility of requiring a central water supply be considered.
46. Larry Hodge, representative of the applicant, testified on water supply, water quality and septic concerns. Mr. Hodge stated that the applicant's proposed Declaration of Covenants, Conditions and Restrictions (CC &Rs) (Exhibit #33) includes language that allows each lot to expand its septic system into the common area if needed.
47. Larry Hodge testified that the road that provides access through the proposed development is intended to be a county road and meet county road standards. Mr. Hodge mentioned that the proposed road width of twenty-eight (28) feet, of which twenty-four (24) feet will be paved, and all other road dimensions, including those of the proposed turn around for Harvest Court, are in compliance with the requirements of the North Latah County Highway District (NLCHD) for acceptance into its road system.
48. The applicant submitted a transportation study (Exhibit #29) which was required by the Idaho Transportation Department (ITD). The estimated potential traffic volume associated with the proposed development is 250 vehicle trips per day.
49. Rezone #719, which pertained to this property, was approved on August 7, 2006, with conditions requiring that the applicant install turn lanes on Hwy 95 at the applicant's expense in conformance with the requirements of the Idaho Transportation Department, and that the rezone and subsequent development be in substantial compliance with the application and testimony as submitted. The applicant's written and oral testimony in Rezone #719 stated that both left and right turn lanes would be installed regardless of ITD requirements.

50. On August 14, 2006, the applicant signed and recorded a development agreement that included the required conditions. On December 19, 2007, the applicant made application to amend the development agreement to eliminate the requirement for a left turn lane. At a public hearing held on May 7, 2008, the Commissioners denied the request to amend the development agreement, and to retain the requirement for both left and right turn lanes.
51. The Moscow Rural Fire District Fire Chief submitted testimony identifying significant service requirements and financial impacts or costs to the public for providing additional services associated with the proposed development. Chief Button recommended compliance with Section 404 of the 2003 International Urban-Wildland Interface Code which addresses on site water supply storage for fire protection needs (Exhibit #18).
52. The Moscow Rural Fire District Commissioners submitted testimony outlining their requirements for an adequate fire protection system which include installation of a 20,000 gallon water storage tank with a one inch supply line. Written testimony also identified their suggested location for the fire protection system as next to the proposed turnaround/kiosk area at the entrance of the proposed development (Exhibit #46).
53. The applicant submitted written testimony suggesting an alternative location for the proposed fire protection system which would be between lots 16 and 11 (Exhibit #50). Mr. Hodge testified that the fire protection system would share a well with lot 16 which is one of the adjacent lots.
54. Larry Hodge testified that the applicant envisioned an ambient lighting system for the proposed development with gas lit lights in front of every lot. Mr. Hodge stated that the applicant's envisioned ornamental lighting would require clear glass fixtures, which would not be consistent with condition #3 of the Latah County Zoning Commission's Findings of Fact and Conclusions of Law. Mr. Hodge clarified that the applicant would not object to the additional lighting requirements listed in condition # 3 of the Zoning Commission's Findings if the glass requirements for lighting under 1800 lumens were removed.
55. The Commissioners had concerns after visiting the site about the steepness of the slope between the proposed road and waste water pond. In particular they expressed concern about the prospect of children walking along the road and falling down the sloped area adjacent to the road into the pond and questioned whether the applicant had plans to build a fence along that section of road.
56. Larry Hodge, a representative of the applicant, stated that they never had the intention of fencing in the pond as it is meant to be recreation based and that they did not want to fence in the pond.
57. Testimony was received in favor of the proposed development as it would offer additional small acreages with nice homesites, that the clustering of homes leaves more land as farmground, and that a market exists for these types of properties in the County.
58. Dave Barber, a neighboring property owner, testified that his primary concerns about the proposed development related to the water level in the pond and whether additional water would have to be supplied to avoid it becoming an eyesore. Additionally Mr. Barber stated concerns related to maintenance of the common area and weed control and that any additional lighting

associated with the development not radiate outward and upward. Mr. Barber also testified that he had concerns about the amount of work done on the subject property prior to plat approval.

59. Larry Hodge previously testified during the Zoning Commission hearing, that he and the applicant had met with the Superintendent and Transportation Supervisor from the Moscow School District and that they liked the idea of the turnaround/school bus kiosk proposed at the entrance to the development from Highway 95.
60. The Moscow School District submitted testimony that the proposed development did not present any significant financial impacts or costs to the public for providing service requirements (Exhibit #20).
61. The Latah County Sheriff submitted testimony that the proposed development did not present any significant financial impacts or costs to the public for providing service requirements (Exhibit #21).
62. No written or oral testimony identified any recreational areas that would be impacted by the proposed development. The applicant's submitted materials suggest that the proposed full plat and PUD would add recreational opportunities to the area with a trail on site for pedestrian use.
63. No written or oral testimony identified any cultural or natural areas of significance impacted by this proposal.
64. The subject parcel is not within a designated floodplain and no written or oral testimony identified any specific natural hazard threats at this site.

Based on the above findings of fact, the Latah County Board of Commissioners enters the following:

II. CONCLUSIONS OF LAW

1. The Community Design Element of the Latah County Comprehensive Plan seeks to ensure a pattern of planned growth which results in the orderly and attractive development of Latah County. Policy #1 encourages the designation of open space in new developments. This proposed use is consistent with this as approximately 32-acres will be made available for open space. Policy #7 encourages landscaping of new developments to protect the existing character of the surrounding area. The proposed use is consistent with this as there are existing adjacent residential properties and the designation of open space is in keeping with the preservation of the area's rural character.
2. The Population Element of the Latah County Comprehensive Plan seeks to ensure that population growth is accommodated in an orderly pattern and to encourage growth in existing cities or areas likely to be annexed into existing cities. The proposed development is within 1 and ½ miles from the City of Moscow and therefore likely to be annexed at some point in the future.
3. The Housing Element seeks to encourage the development of a variety of housing types on land suitable for development. The development is located on land that is zoned Rural Residential,

minimum 3-acre parcel and commercial agriculture is no longer a permitted use. Additionally, it is adjacent to existing residential properties, an existing mobile home park, and there are existing commercial storage units in the vicinity. Therefore the subject property is suitable land and the proposed use is consistent with the Housing Element of the Comprehensive Plan.

4. The Economic Development Element provides for land uses appropriate to local and regional needs. Testimony was provided at the public hearing that the proposed use would supply additional small acreages with suitable building sites and that a market exists for these types of properties within the County and therefore the proposed use is consistent with this element of the Comprehensive Plan.
5. The goal of the Public Services, Facilities and Utilities Element of the Latah County Comprehensive Plan is to provide an orderly pattern of development which will ensure adequate public facilities and services without excessive costs. Testimony was received from the Moscow Rural Fire District that the required public services could involve excessive costs to the public. However, a fire protection system that complies with Moscow Fire District requirements and puts a majority of the system's infrastructure and maintenance responsibilities on the applicant would minimize costs to the public. Policy #4 seeks to ensure that adequate sewer and water systems are provided at minimal public cost by requiring developers to provide for necessary facilities and establish a maintenance program. The proposed development will include individual septic systems and has received septic approval on all lots from the NCDHD. The proposed development will include either a public water system, or individual private wells on each property, so long as the applicant conducts extensive additional testing on the water supply that satisfies the Board of County Commissioners that individual private wells will meet the requirements of §8.03A of Latah County Subdivision Ordinance that states "the developer shall demonstrate the existence of a potable water supply adequate to serve the proposed development in the Rural Subdivision".
6. The School Facilities and Student Transportation Element seeks to minimize the adverse effects of new residential development on school facilities and student transportation. The Moscow School District did not submit any testimony that the proposed development would have adverse effects for the school district. Additionally, the applicant has proposed a turnaround/kiosk at the entrance to the development to assist with school bus traffic among other things therefore the proposed development is consistent with this element.
7. The Transportation Element seeks to promote an efficient and safe transportation system in Latah County. More specifically, policy #1 of this element ensures that access onto public roads will not disrupt traffic flow and that access is adequate for emergency response vehicles and policy #2 requires that the number of access points to state and federal highways are limited. The applicant coordinated access with an adjoining property owner, which required moving the access point from one initially proposed obtained a right of way easement across the adjacent property. Additionally the applicant is required to install both left and right turn lanes into the proposed development from the access road to Hwy 95. Also the applicant will be dedicating the road to the public and the NLCHD has agreed to accept it. Therefore, the proposed development is consistent with policies #1 and #2 of this element.

8. The Natural Resource Element seeks to ensure sound stewardship of the County's natural resources. Policy #1 seeks to conserve streams, floodplains, wetlands, wooded areas and other areas of natural significance and, where appropriate, incorporate natural features into planned developments as open space or buffers. The proposed development will have approximately 32 acres of open space that will be landscaped in native shrubs and grasses which is consistent with the character of the area. Policy #2 seeks to prohibit development that significantly pollutes or degrades the natural environment. The proposed development's approximately 32 acres of open space will be landscaped in native shrubs and grasses which conserve and enhance the natural environment. Policy #3 ensures maintenance of sustainable groundwater resources and prevents the degradation of groundwater quality. Relying on the testimony of Bob Haines (IDWR), Steve Robischon (PBAC), other professionals and neighbors, the Board concludes that to be in compliance with §8.03A of Latah County Subdivision Ordinance the applicant will either have a central public water system or conduct additional testing and submit data that satisfy the Board that individual wells "demonstrate the existence of a potable water supply adequate to serve the proposed development in the Rural Subdivision" as required by said section. Therefore, as conditioned, the proposed development is consistent with policy #3 of this element. Policy #4 seeks to protect wildlife habitat, particularly critical winter range, from encroachment of incompatible development. The applicant testified that the open space associated with the proposed development is intended to maintain opportunities for wildlife habitat. As such the proposed development is consistent with this element.
9. The policies of the Special Areas Element do not apply to this application.
10. The Hazardous Areas element ensures appropriate regulation of development in hazardous areas such as floodplains and on unstable slopes. The proposed development has no floodplain and there was testimony that there was no visible evidence of landslides on the property. Additionally the Geologic Hazard Investigation Report submitted by the applicant did not identify any hazard related issues with the subject property. Policy #2 ensures that appropriate measures are used to minimize loss of property due to wildfire in rural developments. The Moscow Rural Fire District submitted requirements for an adequate fire protection system installed within the proposed development. Therefore the proposed development is consistent with this element.
11. The Recreation Element encourages the dedication of land within new developments for recreational use. The proposed development will have a pedestrian trail, 32-acres of open space and a pond which will provide recreational opportunities for its future residents; therefore it is consistent with this element.
12. The site is located within the Rural land use designation of the Comprehensive Plan Land Use Map. The proposed density is consistent with the land use element in that the proposed development with the PUD overlay and its associated open space would conform to the RR-3 zone's low density requirements. Therefore, the Board finds that the proposed development is consistent with the goal to protect this area from "conversion to more concentrated residential, commercial or industrial development."
13. The Property Rights Element of the Comprehensive Plan seeks to protect property owners from policies and regulations that unconstitutionally violate private property rights. There was no testimony received regarding this element. A denial of the proposed development would still

allow the applicant to continue to use the property for other uses that are permitted in the RR-3 Zone.

14. As required by §4.04.09.B.1 of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the subdivision as it conforms to the Latah County Comprehensive Plan. As conditioned, the Board concludes that this application, as conditioned, is consistent with goals and policies of the Comprehensive Plan.
15. As required by §4.04.09.B.2 of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that, as conditioned, the subdivision will have a sufficient availability of services to accommodate the proposed development.
16. As required by §4.04.09.B.3 of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that, as conditioned, adequate public financial capability to support services for the proposed development exists.
17. As required by §4.04.09.B.4 of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that, as conditioned, the subdivision does not present other health, safety or environmental problems that may be brought to the Board's attention.
18. As required by §4.04.09.B.5 of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that, as conditioned, the subdivision is, as a whole, compatible with the existing uses of the adjoining land.
19. As required by §5.01.A of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that, as conditioned, the intent and design of the proposed plat are in accordance, as a whole, with the provisions of the Latah County Comprehensive Plan.
20. As required by §5.01.B of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that the subdivision, as presented, provides adequate protection of residential properties and separation of through traffic from local traffic.
21. As required by §5.01.C of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that the design and development of the proposed subdivision, as presented and conditioned, will preserve, insofar as possible, the natural terrain, natural drainage, existing topsoil, and trees. The Board has also determined that the design, insofar as possible, will preserve or provide for solar access.
22. As required by §5.01.D of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that the subdivision, as conditioned, does not include land which the Board has determined to be subject to hazardous conditions such as flood threats, poor drainage, steep slopes, non-potable water supply, or other features likely to be harmful to the safety and general health of the future residents. As conditioned it will not be subdivided until the hazards have been eliminated or until plans for their elimination are approved

by the Health Department or the Board.

23. As required by §5.01.E of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that, as conditioned, a central water system will be adequate in size and capacity to fully provide for the proposed subdivision, or the alternate of the subdivision's proposed water system of individual wells commensurate with the testing and data submission procedures set by the Board and the Board's approval.
24. As required by §5.01.F of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that, as conditioned, the subdivision's sewage treatment and drainage systems are adequate in size and capacity to fully provide for the proposed population and are suitable for the type of soil they are to be located in and the surrounding terrain of the proposed subdivision.
25. As required by §5.01.G of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that as conditioned the proposed fire protection system is adequate to provide protection for the proposed subdivision.
26. As required by §5.01.H of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that as conditioned, full consideration has been given to the impact of adjacent uses and land uses in the vicinity of the proposed subdivision.
27. As required by §5.01.I of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that, as conditioned, full consideration has been given to the impact of the proposed subdivision on the local economy, schools, parks, and other community services.
28. As required by §5.01.J of the Latah County Subdivision Ordinance, the Board of County Commissioners has reviewed the proposal and determined that, as conditioned, the Commission has given full consideration to the estimated cost of road development and expansion resulting from the increased traffic from the proposed subdivision.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, the Board of Latah County Commissioners approves the request by Developers of the Palouse, LLC for a preliminary Full Plat to create twenty-five (25) one-acre lots (consistent with the size approved in the PUD #729) with approximately thirty-four (34) acres of open space on a 75.88-acre parcel with the following conditions to be set forth in a development agreement:

1. The applicant shall obtain any necessary permits from the Idaho Department of Water Resources and shall install a central water supply system that shall be maintained by the homeowners association and approved by the Department of Environmental Quality if applicable, unless the applicant conducts additional hydro-geologic testing as prescribed by a qualified hydro geologist to assess the adequacy of individual wells to supply water to the development and demonstrates to the satisfaction of the Board of County Commissioners that a water supply based upon

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individual wells is adequate and sustainable for each property included in the development. The testing procedure shall be approved by the Board of County Commissioners prior to commencement of testing. The applicant can obtain approval from the IDWR of the testing procedure prior to submission to the Board of County Commissioners or the Board of County Commissioners can request assistance from the IDWR in evaluating the adequacy of the applicant's submitted testing procedures. Department of Planning and Building staff can contact the IDWR with regard to evaluation of the submitted testing procedure or to obtain an agency endorsed testing plan for comparison with the applicant's testing procedures. The testing data shall be submitted to the Board of County Commissioners for its review and evaluation. The Board of County Commissioners shall have the discretion to request any IDWR, other agency, or independent professional selected by the Board for assistance in reading and assessing the testing data. The evaluation shall be based upon standards set by the Board which may include input from the IDWR, another agency, or independent professionals selected by the Board regarding said standards. If the Board of County Commissioners determines that the data demonstrate that individual wells will provide a sufficient and sustainable water supply for each property included in the subdivision, the applicant may use individual wells for the development's water supply. If the Board of County Commissioners determines that the data demonstrate that individual wells will not provide an adequate and sustainable water supply for each property included in the subdivision, the applicant must install a central water supply system.

2. If the applicant chooses to do additional testing in lieu of installing a central water system, all testing and a decision by the Board regarding the water system shall be completed prior to submission of the final plat.
3. If individual wells are approved for use by the Board, the applicant will drill two additional wells in the common area. These wells, in addition to the two existing wells in the common area, will be available to provide an alternate water supply to lots within the development with insufficient or failed wells. The location for the wells are as follows: One by the fire suppression tank located between lots 11 and 16; two in the northern common area; and one in the lower common area.
4. The North Latah County Highway District (NLCHD) must accept Sky View Loop, the proposed access road for the development, as a public roadway into its County road system. The road will be built with the full oversight of the NLCHD to ensure that it is constructed to its standards. *minutes*
5. The development shall be in compliance with federal, state and local regulations.
6. Public use areas, including the school bus/mail kiosk, are required to have adequate outdoor lighting with full cut off fixtures. *bp*
7. The lighting in the subdivision shall comply with the following lighting standards:
 1. All outdoor luminaires of 1800 or more lumens (60 watts using a standard bulb) shall be full cutoff as installed.
 2. Flood lights shall be aimed no higher than 45 degrees below horizontal

Definitions:

Floodlight: An outdoor lighting fixture, luminaire or lamp that incorporates a reflector or refractor to concentrate the light output in a particular direction and area.

Full-Cutoff: An outdoor lighting fixture, shielded or constructed in such a manner that all light emitted by the light fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

Outdoor Lighting: The illumination of an outside area or object by a luminaire not inside a building.

Exemptions:

The following are exempt from the above mentioned lighting standards:

- A. Temporary outdoor lighting needed during construction projects, provided reasonable measures are taken to reduce off-site glare.
 - B. Temporary seasonal outdoor lighting decorations using low-wattage or low-voltage incandescent lamps.
 - C. All temporary lighting needed to respond to an emergency.
8. The fire suppression storage system will be located at the applicant's proposed location, as shown on Exhibit #47. A turn around will be constructed that is adequately sized and leveled to accommodate emergency vehicles and equipment.
 9. The fire protection system will be the one proposed by the Moscow Rural Fire District Commissioners in Exhibit #46 and will be engineered by a professional engineer licensed in the State of Idaho. *band*
 10. The applicant will complete a maintenance agreement for the fire suppression system.
 11. The applicant will obtain a building permit and engineering for the retaining wall constructed at the entrance and shall obtain building permits for any other retaining wall constructed on site. *cert. of completion*
 12. The applicant will get all required Idaho Department of Water Resource permits and approvals for the pond and embankment. Copies of these will be provided to the Department of Planning and Building within sixty (60) days of approval. *Small dam documents*
 13. The applicant shall allow designated areas of the common areas to be used to replacement septic systems. The applicant shall designate these areas prior to the final plat approval. The areas shall be large enough to accommodate replacement areas for each home and maintain well setbacks. *HO letter*
 14. Compliance with items 1-5 of the North Central Health District Health Department concerns identified in Exhibit #43. These items include the following:
 1. Conduct additional test holes at two sites, one in the upper common area and one in the lower common area, for approval as alternative sites for sewage disposal systems. *HO letter*

2. If domed chamber systems are installed, no reduction allowance is to be granted. All 100% sized systems.
 3. Licensed contractors in the State of Idaho install drainfields. No self-installed systems.
 4. Drainfields only be installed when dry conditions allow.
 5. Assure that surface water runoff from the lots, and roof drainage run off be directed around the drainfield areas, not across them.
15. The applicant will use only natural runoff to fill the pond in the common area. No underground water source will be used for the common pond. Additionally, the applicant is required to secure any required permit from the IDWR or the Army Corps of Engineers or other agency in regards to the pond. This approval may require a water right be obtained.
 16. The applicant will conduct water quality testing for bacteria and nitrates on all wells prior to approval of the final plat.
 17. Landscaping with low water use vegetation is encouraged.
 18. The applicant is encouraged to plant vegetation in the steeply sloped area between the road and the pond to form a natural barrier for the purpose of enhancing pedestrian and vehicle safety.
 19. The applicant shall provide walking paths as proposed in the application materials with the final placement of the paths subject to approval of the NLCHD.
 20. The applicant shall provide left and right turning lanes as required by RZ # 719.

IV. REQUIRED LEGAL NOTICES

NOTICE OF EFFECTIVE DATE AND NOTICE OF RIGHT TO APPEAL

This decision is effective on the date passed and signed by the Latah County Board of Commissioners. This is a final action. An affected person aggrieved by this decision may, within twenty-eight (28) days after the effective date, seek judicial review as provided by Chapter 52, Title 67, Idaho Code.

NOTICE OF RIGHT TO REQUEST REGULATORY TAKINGS ANALYSIS

The owner of the property that is the subject of this decision may make a written request to the Latah County Planning and Building Department for a Regulatory Takings Analysis within twenty-eight (28) days from the date of this decision as provided by Chapter 80, Title 67, Idaho Code.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF LATAH COUNTY THIS

30th DAY OF JULY, 2008.



Tom Stroschein, Chair
Board of Latah County Commissioners

The regular meeting of the North Latah County Highway District Board of Commissioners was held at the Moscow office on December 10, 2008 at 1:30 pm. Present were Chairman Orland Arneberg, Commissioners Richard Hansen and Charles Bond, Foremen Dan Payne and Tim Sturman, and Dan Carscallen.

The minutes from November 12, 2008 were approved as read.

Richard Hansen made a motion to pay the bills as listed. Charles Bond seconded. The motion passed.

Larry Hodge came in to discuss the retaining wall at the entrance of Skyview Estates. The highway district had accepted the road into the system but was not sure about the retaining wall as part of the right-of-way. Tim Sturman and Charles Bond said they had concerns about whether the retaining wall should end up being highway district property by being left in the right-of-way. Larry said the approach to the highway was negotiated with landowners to that point and that changes to the right-of-way would be difficult. Larry said the wall was built to keep the small hill as a buffer to the property owner to the north, and that the wall would end up being less maintenance than a sloped bank. Ron Landeck thought the highway district could enter into some sort of agreement like was done on the Cameron Road just to the north and across the highway. Orland Arneberg said he'd like to see some sort of warranty on the wall. Charles Bond said that since the prior commission signed off on the acceptance of the road, and the wall was included, he did not see how the highway district could not take in the wall, but that he would like to have seen plans for it before it got approved. Richard Hansen said he saw it as a structure similar to a fill to the lower side of the road. Richard Hansen made a motion to accept the 60 foot right-of-way and the wall as a supporting structure and that there be a three year comprehensive warranty on the properly permitted wall along with the road proper and have the warranty available for signatures before the final plat is signed off on. Charles Bond seconded. The motion passed.

Scott Becker came in with some more information on the Viola Bridge project. Scott said they would solicit bids for a bridge of the proper size to accept the water that would happen if there was to be another flood. Scott said the design was still being set, and should go out to bid shortly after that was finalized. Scott figured it would be about March.

Scott Becker talked about the surface transportation grant which applies to paving of collector roads. Scott said the best choice now for an application would be the Robinson Park Road project. There would be a better chance for success if the project shifted more toward town. Scott said the grant could be up to \$1,000,000.00 with a 7.34% match. The commissioners agreed to change the scope of the project feeling that was a good direction to move. Scott said he'd have more information on January 14.

The commissioners went into executive session at 2:47 pm.
The commissioners adjourned from executive session at 3:10 pm.

There was some discussion about the weather.

Verbal approval
Received from NLCHD
on 7/27/2009



LATAH COUNTY PLANNING & BUILDING

Latah County Courthouse

PO Box 8068, 522 South Adams

Moscow, ID 83843

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

CERTIFICATE OF COMPLETION

July 27, 2009

COPY

Richard Miltenberger/
Skyview Estates
254 Lump Gulch Road
Clancy, MT 59634

RE: Permit #2009-177

Dear Mr. Miltenberger:

The Latah County Department of Planning & Building is pleased to issue this Certificate of Completion for your retaining wall built in county right of way in Lucas Estates at approximately 3045 Highway 95 S, Moscow, ID 83843 .

At the time of issuance of this certificate, the described work has been inspected for compliance with Latah County ordinances regulating building construction, which includes the provisions of the 2006 International Residential/International Building Code. This completes all work authorized by Latah County Building Permit #2009-177.

Please contact me at this office if you have any questions.

Sincerely,

Eric Pah
Certified Building Official

cc: Larry Hodge for Skyview Estates

BOCC HRG: FP 730
Applicant: Developers of Palouse
Exhibit No. 12
Date: August 31, 2009

The regular meeting of the North Latah County Highway District Board of Commissioners was held at the Moscow office on July 11, 2007 at 1:30 pm. Present were Chairman Orland Arneberg, Commissioners Sherman Clyde and Richard Hansen, Foremen Paul Stubbs and Tim Sturman, and Dan Carscallen.

The minutes from June 20, 2007 were approved as read.

Richard Hansen made a motion to pay the bills as listed. Sherman Clyde seconded. The motion passed.

Sherman Clyde introduced Tim Sturman as the new foreman for the Moscow maintenance area.

Gary Smith came in to talk about dust control on the Tamarack Road. Mr. Smith says he feels he's spent a lot of money on dust control over the years and is not satisfied with how well it works. Dorothy Smith said she was also dissatisfied and that she had a well close by and was worried about the mag chlorite leaching into her well. Ms. Smith also said she heard Randall Flat Road had mag application at no cost to property owners. Sherman Clyde said that Randall Flat Road was done not for dust control, but to keep the road from getting rough due to heavy truck traffic. Ron Gobel said there was also some logging coming off of Tamarack Road. Sherman Clyde and Richard Hansen also said that the road is identified as an arterial and potential bypass, so that justifies the Highway District applying the mag chlorite as a road stabilizer. Gary Smith reiterated that he has spent a lot of money on the road. Richard Hansen said that other dust control products create a maintenance headache and that the mag is not a hazardous material. Richard Hansen said that it might look like the Randall Flat Road, as well as other roads throughout the county, had mag applied due to favoritism, but traffic counts show that it is for maintenance purposes. Gary Smith said that Latah County plans on opening up The Cedars as a county park and was concerned about more traffic. Mr. Smith asked about having logging companies pay for dust control. Richard Hansen explained that the cost would have to be figured in before the timber sale, and that the timber companies argue that they have the right to use public roads as they pay taxes just like everyone else. Dorothy Smith said she wanted a traffic counter on the road. The commissioners said they would have Dan Payne put a counter on Tamarack Road.

Larry Hodge brought in some information regarding the Thatuna Subdivision. Larry wanted the commissioners to define a width of the road and the construction specifications. There was some discussion about a path system and where it would be located. Larry Hodge suggested the path be adjacent to the road, thereby getting snow removal at the same time as the road. Larry also proposed a 24 foot road section with 4 feet designated as path. Ron Landeck said the commissioners should be concerned about identifying a path. Ron was worried about the liability that would be incurred by the highway district by having a path alongside the road and wanted the commissioners to be aware of it. Ron was also worried about the "county" putting a requirement on a "developer" that ends up being a "highway district" responsibility. There was some discussion about the clarity of the ordinance and that the highway district should discuss the ordinance with the county commissioners. Sherman Clyde said there could also be a liability if the path was left covered with snow. Richard Hansen made a motion to accept a 24 foot wide roadway with 4 feet of the road surface designated as a pathway and that there be a total of 60 feet of dedicated right-of-way. Sherman Clyde seconded. The motion passed.

Larry Hodge then asked if the Skyview Estates road could be a 24 foot wide section. Sherman Clyde made a motion to accept the Skyview Estates road as presented. Richard Hansen seconded. The motion passed.

NLLHD verbal approval
received 7/27/2009

BOCC HRG: FP 730
Applicant: Developers of
Palouse
Exhibit No. 13
Date: August 31, 2009

Larry Hodge said the Mann Survey would be estimated at \$2000.00. Orland Arneberg said he would talk to Greg Mann.

Larry Hodge talked about the right-of-way maps project. Larry said they had made it through research of 53 of 176 packets. Larry said that Laura Taylor had underestimated the volume of work that the project would require and asked the commissioners if they would consider paying on time and materials to allow research. Richard Hansen said the original offer was accepted because the commissioners thought it was a bargain due to the amount of work that it would entail. Richard made a motion to allow Hodge and Associates to continue research and bill the highway district for time and materials. Sherman Clyde seconded. The motion passed.

Scott Becker said the Boulder Creek Bridge project was coming along. Scott said he was still working on permits and hoped to have more information by next month.

There was some discussion about the Sand Road rock pit proposal. Dan Carscallen said he had begun the CUP process.

Sherman Clyde made a motion to purchase a hydroseeder. Richard Hansen seconded. The motion passed.

Richard Hansen said he had given approval for an 18 foot cattle guard up toward the end of Big Creek road to be put in by Potlatch Corporation.

Paul Stubbs said that Randy McCall told him there would be an estimated 7500 ton of rock that could become available and North Idaho Crushing would offer it for \$3.00 per ton. Paul said it would have to be stored on Nagle's for \$0.10 per tone. Sherman Clyde made a motion to buy the rock, Richard Hansen seconded. The motion passed.

Tim Sturman asked for a new pump for the Mack water truck that would suck out of the creek. The commissioners told him to find one.

Paul Stubbs said the flail mower at the Potlatch shop doesn't work as well as he'd like. Paul says it works well when the grass is mowed early and is continuously mowed throughout the growing season, but does not work well when the grass gets tall. Paul said that Jim Kerns might have something that would work better. The commissioners told Paul to try out some demo models and report back.

The commissioners went into executive session at 4:10 pm.

The commissioners left executive session at 4:30 pm.

The commissioners asked Ron Landeck to draft a letter to the county commissioners regarding paths in subdivisions.

Being no further business, the meeting adjourned at 4:40 pm

The next meeting was scheduled for July 25, 2007.

Chairman

Secretary

EISINGER CONSTRUCTION

2205 NURSREY ST.
 MOSCOW, IDAHO 83843
 Phone-208-883-4780
 Fax-208-882-0266

Estimate

(60/£) £50-1

Date	Estimate #
6/23/2009	79

Name / Address
DEVELOPERS OF THE PALOUSE

		P.O. No.	Terms	Job	
				BUS STOP AND M...	
Item	Description	Qty	U/M	Rate	Total
BS&MP	BUS STOP & MAIL PICKUP BUILDING	1	ea	15,000.00	15,000.00
WALK PATH	GRAVEL WALKING PATH	2,700	ft	2.00	5,400.00
				Total	\$20,400.00

Phone #	Fax #	E-mail
208-883-4780	208-882-0266	EISINGERCONST@MOSCOW.COM

BOCC HRG: FP 730
 Applicant: Developers of Palouse
 Exhibit No. 14
 Date: August 31, 2009

Sky View Estates Fire Suppression System Cost Estimate		Project No.:	2785
By:	SB		
Date:	7/2/2009		
ITEM	Quantity	Units	Unit Cost
10,000 gal Storage Tank installed	2	Each	\$4,000.00
Dry Fire Hydrant	1	Each	\$3,000.00
Pipe Material and installation	1	L.S.	\$2,000.00
Electrical and pumps	1	L.S.	\$12,000.00
Structure including permits	1	L.S.	\$4,500.00
			\$0.00
			\$0.00
Construction Total			\$29,500.00
10% increase	10	%	\$2,950.00
Total			\$32,450.00

RECEIVED

JUL 02 2009

LATAH COUNTY

Hodge & Associates, Inc
P.O. Box 8728
Moscow, ID 83843

ew Estates
Suppression System
Estimate

BOCC HRG: FP 730
Applicant: Developers of
Palouse
Exhibit No. 15
Date: August 31, 2009

MOSCOW RURAL FIRE DEPT.

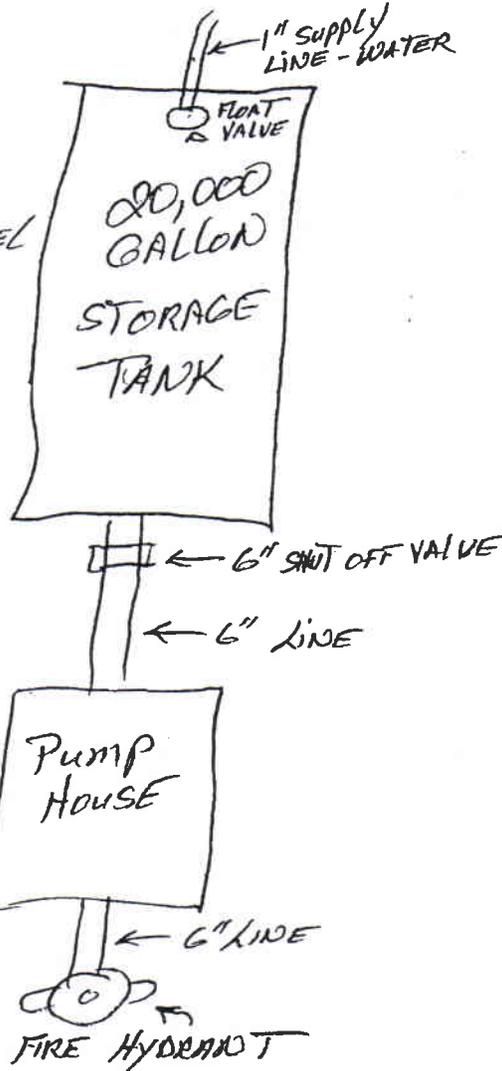
7/10/07

CLOSED PUMPING SYSTEM STORAGE TANK TO HYDRANT

LC2C Proj: EP730
Applicant: Developers
Exhibit: 48
Date: 9/19/2007

STORAGE TANK

1. 20,000 GALLONS
2. COAT INSIDE EPOXY IF STEEL
3. COAT OUTSIDE - TAR BASE IF STEEL
4. 6" VENT
5. 1" WATER SUPPLY LINE
6. SHUT OFF FLOAT VALVE ON 1" LINE
7. DEVELOPER TO SUPPLY WATER



Pump House

- SIZE 8'6" X 10'6"
- INSULATED MIN. 6"
- HEATED - PREVENT FREEZING
- CONCRETE FLOOR
- ~~PERMITTED~~ MAXIMUM DISTANCE
PUMP HOUSE TO HYDRANT 20'
- 350^{gpm} MINUTE WATER FLOW FROM HYDRANT

MAINTENANCE

1. FIRE DEPT. IS RESPONSIBLE FOR MAINTENANCE -
2. FIRE DEPT. IS THE SOLE USER OF FIRE HYDRANT - FOR FIRE SUPPRESSION



LATAH COUNTY
BOARD OF COMMISSIONERS
MOTION AND ORDER

P.O. Box 8068 ♦ 522 S. Adams ♦ Moscow, ID 83843
 (208) 883-7208 ♦ Fax: (208) 883-2280
 bocc@latah.id.us

COMMISSIONER Nelson MOVES THAT:

The Board and the applicant have complied with the following requirements set forth in Condition #1 of the Findings of Fact and Conclusions of Law for FP 730: 1) The Board reviewed and approved on December 1, 2008, a hydro-geologic testing protocol submitted by Developers of the Palouse to assess the adequacy of individual wells to supply water to the development, Sky View Estates; 2)The Board reviewed the Sky View Estates Long-term Water Supply Report prepared by USKH dated March 2009, which presented and discussed the testing data collected through the approved protocol; 3) In evaluation of the water supply testing data, the Board reviewed the Memorandum from Dale Ralston dated May 12, 2009; the Lot Consolidation Exhibit dated May 18, 2009; and the Memorandum from Dale Ralston dated June 4, 2009. The Board is satisfied that a water supply based upon individual wells is adequate and sustainable for each property in the development provided that the total number of lots is reduced from 25 to 20 lots, also relying on the amendments to the restrictions to be placed in the Covenants, Conditions, and Restrictions at Skyview presented by the applicant on June 18, 2009.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>[Signature]</u> Tom Stroschein, Chairman District II	<u>X</u>	_____	_____
<u>[Signature]</u> John A. Nelson, Commissioner District III	<u>X</u>	_____	_____
<u>[Signature]</u> Jennifer Barrett, Commissioner District I	<u>X</u>	_____	_____

ATTEST: [Signature] DATE: 6/18/09
 Clerk/Deputy Clerk

BOCC HRG: FP 730
 Applicant: Developers of Palouse
 Exhibit No. 16
 Date: August 31, 2009



Public Health

North Central District Health Department

Nez Perce County

215 10th Street
Lewiston, ID 83501
(208) 799-3100
Fax (208) 799-0349

Latah County

333 E Palouse River Drive
Moscow, ID 83843
(208) 882-7506
Fax (208) 882-3494

Clearwater County

105 115th Street
Orofino, ID 83544
(208) 476-7850
Fax (208) 476-7494

Idaho County

903 West Main
Grangeville, ID 83530
(208) 983-2842
Fax (208) 983-2845

Lewis County

132 N. Hill Street
P O Box 277
Kamiah, ID 83536
(208) 935-2124
Fax (208) 935-0223

July 14, 2009

Developers of the Palouse, LLC
c/o Hodge & Hodge & Associates, Inc.
140 East Palouse River Drive
Moscow, ID 83843

RE: Sky View Estates

Dear Developers of the Palouse, LLC,

This letter is the final review of the Sky View Estates planned unit development for the suitability of the site to support individual subsurface sewage disposal systems. I have been provided a copy of subdivision plat for well and sewer layout. The updated plat map shows a reduction from 25 to 20 lots.

On July 9, 2009 additional test holes were dug on track 1 and 2 of the plat map known as the common area. The additional test hole evaluations were requested to provide information and reassurance that if the initial and the replacement subsurface sewage disposal systems on each lot fail, then the common area is available and acceptable for subsurface sewage disposal. The test holes excavated in the common area were dug to a depth of 9' instead of the standard 6' to assess for limiting clay layers, high ground water table or a seasonal high ground water table. Track 1 & 2 field site evaluations demonstrated well draining soils with no mottling or graying layers of the soils. The test holes also revealed no hard pan or high percentage of clay. If the individual sewage systems on the lots fail and there is no room on the owner's property to correct the failure, then tracks 1 and 2 can be used as an alternative site for construction. In the unlikely event that the whole development would experience wide spread failure due to unanticipated conditions, tract 2 could be a site used for a community large soil absorption (LSAS) system.

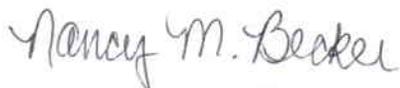
Since my initial review of Sky View Estates was conducted, prior to wells being drilled and reduction in lots, the data provided in the letter of May 29, 2007 no longer reflects the new plat. I have worked with Scott Becker, engineer from Hodge and Associates, Inc. in physically measuring the area available for individual subsurface sewage systems on each lot to meet setback requirements from wells and property lines. The well and sewer layout plan provided by Hodge & Associates, Inc. illustrates that a proposed initial and a replacement drainfield area can be provided on each lot. All setback requirements can be met, and the layout plan for each lot is sized for a three (3) bedroom home. Each individual lot will be served by existing individual wells that provide a range of water from 2-15 gallons/minute.

BOCC HRG: FP 730
Applicant: Developers of
Palouse
Exhibit No. 17
Date: August 31, 2009

In summary, my review of the proposed subdivision has found the proposed lots for Skyview Estates are acceptable for on-site single family subsurface sewage disposal systems. In addition, subsurface sewer systems must be installed by a licensed contractor by the State of Idaho, no self-installed systems. If domed chamber systems are installed the 25% reduction shall not be granted. This Department reserves the right to re-evaluate the parcels when the property owner applies for a sewer permit, in order to determine final location, type of system and size of the drainfield.

Please don't hesitate to contact me if you have questions or comments. My phone number is (208)-882-7506 and e-mail address is nbecker@phd2.idaho.gov.

Sincerely,



Nancy M. Becker, REHS
Sr. Environmental Health Specialist

Cc: Latah County Planning & Zoning



IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 837
Lewiston, ID 83501-0837

(208) 799-5090
itd.idaho.gov

July 24, 2009

F
JUL 27 2009
LATAH COUNTY

RECEIVED
JUL 27 2009
LATAH COUNTY

Mr. Richard Mittenberger
254 Lump Gulch Road
Clancy, MT 59634

Developers of the Palouse
1140 E. Palouse River Dr.
Moscow, ID 83843

Re: Right-of-Way Use Permit No. 02-06-048 Amended

Dear Sirs:

The Idaho Transportation Department has inspected the highway access work permitted at U.S. 95 Milepost 342.189 as defined in the referenced permit. ITD accepts the work and the permitted access is approved. ITD will complete the final turn-lane striping this week and file the permit as complete.

Please feel free to contact me at (208) 799-5090 if you need further information. Thank you for your efforts in completing the safety improvements.

Sincerely,

DAVID P. COUCH, P.E.
District Traffic Engineer

DPC:ss/Z:\ADMIN\NOM\WRDFILES\ADM\mittenberg rofw02-06-048 amend.docx

cc: Latah County Planning & Zoning
Hodge and Associates, Inc.

BOCC HRG: EP 730
Applicant: Developers of
Palouse
Exhibit No. 18
Date: August 31, 2009

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES

APPLICATION FOR CONSTRUCTION OF SMALL DAM

As required for construction or alteration of a dam 20 feet or less in height and capable of storing less than 100 acre-feet of water.

Name of Owner (print or type): _____ Phone No. _____

Post Office Address: _____

Application for: [] Construction of new dam, [] Reconstruction, Alteration of existing dam.

Location: _____ 1/4, _____ 1/4, Section _____, Township _____, Range _____, _____ County.

Source of Water _____ tributary to _____ (Name, Unnamed Stream, Other-describe) (Stream Name)

Drainage Area: _____ (Approximate) acres, above the site of the dam.

Downstream Development _____

Describe land use below site of dam, indicate approximate distances to buildings or development, roads, etc.

NOTE: If the small dam is (to be) located in or immediately above a high risk area (urban, concentrated development, or in proximity to a habitable dwelling, that could be adversely affected by a release from the dam) this application shall be accompanied by plans and specifications prepared by a registered engineer.

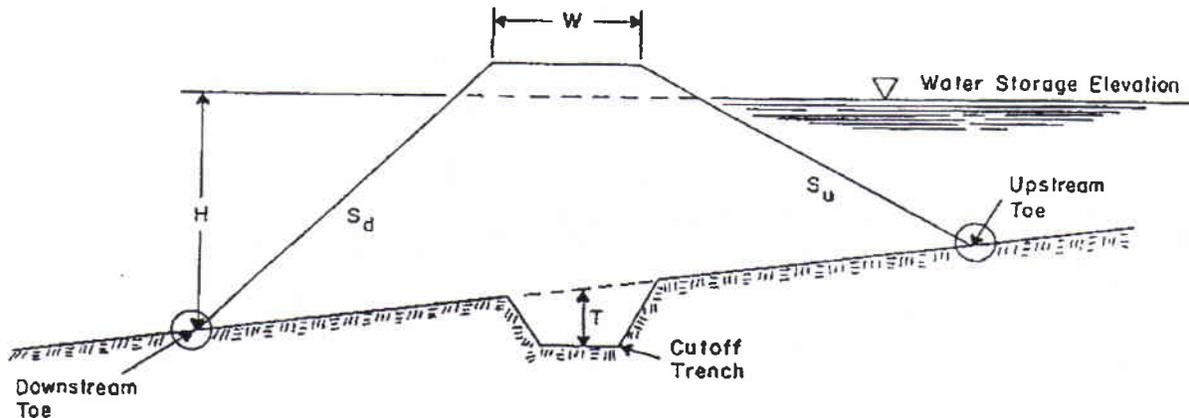
Reservoir: Surface area _____ acres; Storage Capacity _____ acre-feet.

Reservoir Storage Purpose: _____ (Irrigation, Stockwater, Recreation, Other-describe)

BOCC HRG: FP 730 Applicant: Developers of Palouse Exhibit No. 19 Date: August 31, 2009

DETAILS OF DAM AND APPURTENANT STRUCTURES

Type of dam (embankment, other, describe) _____



Hydraulic Height (H) _____ feet. If dam is being raised, indicate increase in height _____ feet.

Crest Length _____ feet. Crest (top of dam) Width (W) _____ feet.

Downstream Slope (S_d) _____ : _____; Upstream Slope (S_u) _____ : _____.

Depth of Cutoff Trench (T) _____ feet.

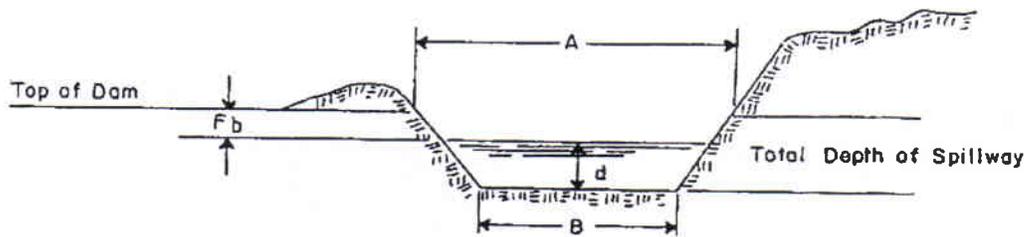
OUTLET _____; _____; Maximum Release Rate _____ cfs.
(Size) (Type) (under full reservoir head)

Size and number of anti-seep collars _____
(also indicate spacing of collars along outlet)

SPILLWAY

Service (auxiliary) Spillway, describe _____

Emergency Spillway, Located at: left, right abutment, other location.



Total Depth of Spillway (below top of dam) _____ feet.

Spillway: Bottom width (B) _____ feet; Top Width (A) _____ feet.

Discharge Capacity of Spillway _____ cfs at spillway flow depth (d) _____ feet.

Freeboard (F_b) _____ feet (total depth of spillway minus the spillway flow depth).

Spillway Channel Lining _____
(Rock Cut, Rock Riprap, Other-describe)

CONSTRUCTION SCHEDULE

Proposed date for start of construction _____

(Date)

Applicant's Signature

FOR DEPARTMENT USE ONLY

Date application received _____ By _____ Fee \$ _____

Date receipted _____ Received by _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

In accordance with the provisions of Title 42, Chapter 17, Idaho Code, and the Department's Rules and Regulations for Safety of Dams, the application for construction of _____ Dam is hereby approved, subject to the following conditions:

1. This action does not constitute the required authority to appropriate water under Idaho Water Law.
2. The applicant shall notify the Department at the following times and at such other times deemed necessary, to conduct inspections.
 - a. After clearing and excavation of the foundation area, and prior to placing fill material.
 - b. After installation of the outlet conduit, and before placing any backfill material around the conduit.
 - c. After construction is complete and before any water is stored in the reservoir.
3. Approval of the application for construction of the dam shall not be construed to grant the applicant other authorization required to proceed. It is the responsibility of the applicant (dam owner) to secure all lands, easements, and rights-of-way; water rights; or the approval of other regulatory agencies, prior to commencing to construct the dam or to store water in the reservoir area.
4. In the event the owner fails to pursue actual construction and maintain reasonable progress on construction of the dam, in conformance with this approval, the Director may revoke the approval one year after such approval.
5. Additional Conditions:

Witness my hand this _____ day of _____, 19_____.

**IDAPA 37
TITLE 03
CHAPTER 06**

37.03.06 - SAFETY OF DAMS RULES

000. LEGAL AUTHORITY (RULE 0).

These rules are adopted pursuant to Chapter 17, Section 42-1714, Idaho Code, and implement the provisions of Sections 42-1709 through 42-1721, Idaho Code. (7-1-93)

001. TITLE AND SCOPE (RULE 1).

01. Title. (7-1-93)

02. Scope. (7-1-93)

a. The requirements that follow are intended as a guide to establish acceptable standards for construction and to provide guidelines for safety evaluation of new or existing dams. The rules apply to all new dams, to existing dams to be enlarged, altered or repaired, and maintenance of certain existing dams, as specifically provided in the rules. The Director will evaluate any deviation from the standards hereinafter stated as they pertain to the safety of any given dam. The standards are not intended to restrict the application of other sound engineering design principles. Engineers are encouraged to submit new ideas which will advance the state of the art and provide for the public safety. (7-1-93)

b. Under no circumstances shall these rules be construed to deprive or limit the Director of the Department of Water Resources of any exercise of powers, duties and jurisdiction conferred by law, nor to limit or restrict the amount or character of data, or information which may be required by the Director from any owner of a dam for the proper administration of the law. State sovereignty as expressed in Policy 1A of the adopted State Water Plan for independent review and approval of dam construction, operation and maintenance will not be waived due to any overlapping jurisdiction from federal agencies. (7-1-93)

002. WRITTEN INTERPRETATION (RULE 2).

003. ADMINISTRATIVE APPEALS (RULE 3).

Any owner who is aggrieved by a determination or order of the Director may request a hearing pursuant to the provisions of Section 42-1701A(3), Idaho Code, and the Department's adopted Rules of Procedure. (7-1-93)

004. -- 009. (RESERVED).

010. DEFINITIONS (RULE 10).

Unless the context otherwise requires, the following definitions govern these rules. (7-1-93)

01. Active Storage. The water volume in the reservoir stored for irrigation, water supply, power generation, flood control, or other purposes but does not include flood surcharge. Active storage is the total reservoir capacity in acre-feet, less the inactive and dead storage. (7-1-93)

02. Alterations, Repairs or Either of Them. Only such alterations or repairs as may directly affect the safety of the dam or reservoir, as determined by the Director. Alterations, repairs does not include routine maintenance items. (See Rule Subsections 055.02.a. and 055.02.b.) (7-1-93)

03. Appurtenant Structures. Ancillary features (e.g. outlets, tunnels, gates, valves, spillways, auxiliary barriers) used for operation of a dam, which are owned by the dam owner or the owner has responsible control. (7-1-93)

04. Board. The Idaho Water Resource Board. (7-1-93)

05. Certificate of Approval. A certificate issued by the Director for all dams listing restrictions imposed by the Director, and without which no new dams shall be allowed by the owner to impound water. A

certificate of approval is also required for existing dams before impoundment of water is authorized. (7-1-93)

06. Dam. Any artificial barrier together with appurtenant works, which is or will be ten (10) feet or more in height or has or will have an impounding capacity at maximum storage elevation of fifty (50) acre-feet or more. Height of a dam is defined as the vertical distance from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the Director, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation. (7-1-93)

07. Small Dams. Artificial barriers twenty (20) feet or less in height that are capable of storing less than one hundred (100) acre-feet of water. (7-1-93)

08. Intermediate Dams. Artificial barriers more than twenty (20) feet, but less than forty (40) feet in height, or are capable of storing one hundred (100) acre-feet or more, but less than four thousand (4,000) acre-feet of water. (7-1-93)

09. Large Dams. Artificial barriers forty (40) feet or more in height or are capable of storing four thousand (4,000) acre-feet or more of water. (7-1-93)

10. Department Jurisdiction. The following are not subject to department jurisdiction: (7-1-93)

a. Artificial barriers constructed in low risk areas as determined by the Director, which are six (6) feet or less in height, regardless of storage capacity. (7-1-93)

b. Artificial barriers constructed in low risk areas as determined by the Director, which impound ten (10) acre-feet or less at maximum water storage elevation, regardless of height. (7-1-93)

c. Artificial barriers in a canal used to raise or lower water therein or divert water therefrom. (7-1-93)

d. Fills or structures determined by the Director to be designed primarily for highway or railroad traffic. (7-1-93)

e. Fills, retaining dikes or structures, which are under jurisdiction of the Department of Environmental Quality, designed primarily for retention and treatment of municipal, livestock, or domestic wastes, or sediment and wastes from produce washing or food processing plants. (7-1-93)

f. Levees, that store water regardless of storage capacity. Levee means a retaining structure alongside a natural lake which has a length that is two hundred (200) times or more greater than its greatest height measured from the lowest elevation of the toe to the maximum crest elevation of the retaining structure. (7-1-93)

11. Days Used in Establishing Deadlines. Calendar days including Sundays and holidays. (7-1-93)

12. Dead Storage. The water volume in the bottom of the reservoir stored below the lowest outlet and generally is not withdrawn from storage. (7-1-93)

13. Department. The Idaho Department of Water Resources. (7-1-93)

14. Design Evaluation. The engineering analysis required to evaluate the performance of a dam relative to earthquakes, floods or other site specific conditions that are anticipated to affect the safety of a dam or operation of appurtenant facilities. (7-1-93)

15. Director. The Director of the Idaho Department of Water Resources. (7-1-93)

16. Engineer. A registered professional engineer, licensed as such by the state of Idaho. (7-1-93)

17. Enlargement. Any change in or addition to an existing dam or reservoir, which raises or may raise the water storage elevation of the water impounded by the dam. (7-1-93)

Culvert Pipe Cost Estimate		Project No.:	2785
By:	SB		
Date:	7/13/2009		
ITEM	Quantity	Units	Unit Cost
Equipment set up	1	L.S.	\$400.00
Directional Drilling	135	L.F.	\$116.00
12" HDPE	145	L.F.	\$35.50
Item Cost			
			\$400.00
			\$15,660.00
			\$5,147.50
Cost estimates are from RSMeans Site Work and Landscape Cost Data, 26th Addition, Pages 411, and 417			
Construction Total			
			\$21,207.50
10% increase	10	%	\$2,120.75
Total			\$23,328.25

New Estates
 T Pipe
 Estimate

BOCC HRG: FP 730
 Applicant: Developers of
 Palouse
 Exhibit No. 20
 Date: August 31, 2009

Hodge & Associates, Inc
 P.O. Box 8728
 Moscow, ID 83843

June 30, 2009

Michelle Fuson
Latah County Planning Department
PO Box 8068
Moscow, ID 83843

Re: Sky View Estates Subdivision Response to "Decision" from the Latah County
Commissioner meetings May & June 2008

Dear Michelle,

In addition to the following responses to the County Commissioners Decisions, the Developers of the Palouse would like to post bonds for three items that have yet to be constructed. The estimated costs are listed below and the construction bid estimates are attached:

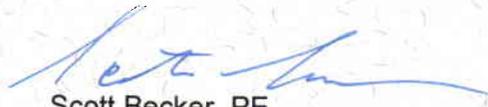
1. The fire suppression system. (to follow on Thursday)
2. The interior paths (\$5,400).
3. The mail kiosk (\$15,000)

The following are responses to the "Decision" from the Latah County Commissioners meetings conducted May 7th, June 2nd, 4th, and 5th, 2008:

1. In regards to the "Central Water Supply System" Developers of the Palouse hired a hydro-geologist and an outside engineering firm to perform extensive well testing on selected wells within the subdivision. After considerable review time and discussion with the County commissioners and hydrology expert Mr. Dale Ralston a reduced lot plan was submitted to the commissioners for review. The revised plat has 20 lots instead of the original proposed 25 lots, allowing for private wells to be utilized as an alternative to a community water system.
2. Developers of the Palouse have submitted well test results and conclusions for the purpose of using individual wells for the development.
3. The newly proposed plat combines lots with lower yielding wells thus reducing the need for additional wells in the common area. No new wells are planned at this time.
4. North Latah County Highway District representatives have inspected and approved the roadway system in the Sky View Estates subdivision. The acceptance of the roadway system will be complete upon their signing of the plat.
5. Developers of the Palouse believe they are in compliance with Federal, State and Local regulations.
6. A lighting plan for the kiosk will be included in the kiosk building permit application.
7. All lighting will comply with the County Commissioners' requirements.
8. The fire suppression system will be located in the easement area as previously submitted. The Developers of the Palouse would like to bond the construction of the fire suppression system.

9. The fire suppression storage system will be constructed per County requirements based on engineered plans and previously agreed to tank size.
10. As per LC2C Hearing: FP730, Exhibit #8 Dated 9-19-2007 Maintenance:
 - a. Fire Department is responsible for maintenance.
 - b. Fire Department is the sole user of the fire hydrant for fire suppression.
11. A building permit and engineered plan have been obtained for the retaining wall constructed at the entrance of the development.
12. Dave LePard with Idaho Department of Water Resources has conducted a site inspection and reviewed the embankment fill which creates the pond.
13. All lots have designated areas for sewer drain fields and replacement drain fields. The CC&Rs allow for additional access into the common area if required and the new plat reduces the number of lots there by increasing the size of some lots.
14. Sky View Estates is in compliance with all of the North Central Health District Department concerned (Letter from Nancy Becker is enclosed).
15. The Developers will not use ground water to fill the pond. Dave LePard with IDWR has reviewed the plans and conducted a site inspection.
16. The Developers will request, the "Water Quality" tests be conducted as pumps are placed in wells prior to a building permit issuance for home construction.
17. Native plants and grasses have been planted.
18. Native grasses have been planted on sloped area between the road and pond. Additional planting may be considered.
19. Pathway construction will be bonded and for construction at a later date.
20. Left and right turning lanes have been constructed to ITD standards. The construction was inspected by ITD personel. ITD is responsible for highway striping. Letter from Dave Couch, ITD Engineer to follow.

Sincerely,



Scott Becker, PE
Hodge & Associates, Inc.

Attachments:

1. Three copies of the Final Plat.
2. Copy of the Findings of Fact from May 7th, and June 2nd, 4th, and 5th 2008.
3. Letter from Nancy Becker dated March 18, 2008.
4. Construction Estimate from Eisinger Construction.
5. Copy of LC2C Hearing: FP730, Exhibit #8 Dated 9-19-2007.

Additional information to be submitted on Thursday July 2nd:

1. Letter from ITD's Dave Couch.
2. Fire suppression system Cost Estimate.

Cc. Jim Westberg
Larry Germer

July 13, 2009

Michelle Fuson
Latah County Planning Department
PO Box 8068
Moscow, ID 83843

Re: Sky View Estates Subdivision Conditions for Final Plat

Dear Michelle,

This letter is written in response to a letter from Drew Blankenbaker dated July 7, 2009 addressing Final Plat conditions that have yet to be met. Enclosed is information or bond estimates the remaining requirements for the plat.

Previously unmet conditions for the Final Plat:

4: North Latah County Highway District acceptance. Letter from Dan Carscallen at the Highway District will be sent to the County.

12: Idaho Department of Water Resources Permit approval. IDWR approval is taking longer than anticipated. To ensure the County receives approval of the fill as a small regulated small dam, a bond to bore and pipe under the road fill in the location of the lowest point in the pond could be used. If a pipe were installed at this location and at the bottom of the fill, the fill would no longer be regulated as a small dam under IDWR's rules. Enclosed is a copy of the Application for Construction of a Small Dam illustrating requirements to be classified as a small dam, definition of a small dam and an estimate for boring and installing a 12" culvert pipe to. The estimate can be used for bonding purposes.

14: Health Department concerns have been addressed. Nancy Becker, North Central Idaho Health Department called Drew Blankenbaker 7-13-09 to discuss the approval of the site. A letter from Nancy to follow.

15: See # 12.

20: Left and Right Turn Lanes. Enclosed is a copy of the invoice for the remainder of the work to finish the turn lanes. This can be used to set a bond for completion of the turn lanes.

Sincerely,



Scott Becker, PE
Hodge & Associates, Inc.

Cc. Jim Westberg
Larry Germer