

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, October 7, 2009
5:30 p.m.

The Latah County Zoning Commission will hold public hearings on Wednesday, October 7, 2009 in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

5:35 p.m. – VAR #801 – A request by Robert Hendrix for a variance to allow a forty seven (47) foot setback from the public right of way in lieu of the sixty (60) foot setback required for residential structures in the Suburban Residential zone from the center line of a public road. The property is located approximately in Harvard at 3005 Deary Street, in Section 9, Township 41 North, Range 3 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP01750000018C.

5:40 p.m. – CUP #799 – A request by Marilyn Shattuck for a conditional use permit for a second dwelling on 80-acres in the Agriculture/Forest Zone. The property is located at 5965 Highway 95 N, approximately 6 miles north of the City of Potlatch, in Sections 1 and 12, Township 42 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP42N05W011341A and RP42N05W120612A.

5:45 p.m. – VAR #802 – A request by Terry Cummings for a variance to allow a six (6) foot setback from the south and east property lines in lieu of the ten (10) foot setback required for structures in the Suburban Residential zone from any adjacent property line. The property is located approximately 4 miles east of the city of Moscow at 1045 Juliene Way, in Section 13, Township 39 North, Range 5 West, B.M., in Latah County and referenced as Assessor's Parcel Number RP01630005014A.

All interested parties are encouraged to attend the hearings. 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 hearings in order to acquire accommodations.

The hearings will be held pursuant to the Latah County Hearing Procedures Ordinance and under authority of the Idaho Local Planning Act, the Latah County Comprehensive Plan and the Latah County Land Use Ordinance. The Latah County Zoning Commission reserves the right to limit the length of testimony.

Additional information on this request, including full copies of the proposals, is available from the Planning and Building 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)

MARILYN SHATTUCK
CONDITIONAL USE PERMIT APPLICATION #799
STAFF REPORT

SUMMARY OF APPLICATION:

A request by Marilyn Shattuck for a conditional use permit for a second dwelling on 80-acres in the Agriculture/Forest Zone. The property is located at 5965 Highway 95 N, approximately 6 miles north of the City of Potlatch, in Sections 1 and 12, Township 42 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP42N05W011341A and RP42N05W120612A.

Site Characteristics:

Size of Parcel:	152-acres
Soils:	Porrett Silt Loam, 0-3 % Slopes; Santa Silt Loam, 5-20 % Slopes; Santa Silt Loam, 20-23 % Slopes; Taney Silt Loams, 7-25 % Slopes; (Latah County Soil Survey Sheet #5)
Floodplain:	Zones "C" and "A" (FIRM Panel #160086 0035B)

Land Use and Regulations:

Comprehensive Plan Designation:	Rural
Existing Zoning:	Agriculture/Forest (A/F)
Existing Uses:	Agriculture, Residential
Neighboring Zoning:	Agriculture/Forest (A/F)
Neighboring Uses:	Residential, Agriculture

Infrastructure/Services:

Water:	Private well
Sewer:	Private septic
Access:	Highway 95 N, Idaho Transportation Department
Schools:	Potlatch School District
Fire Protection:	Potlatch Rural Fire District
Law Enforcement:	Latah County Sheriff

EXHIBITS:

Exhibit #1.	Staff Report
Exhibit #1A.	Criteria Worksheet
Exhibit #1B.	Latah County Comprehensive Plan and Vicinity Map
Exhibit #1C.	Zoning Map
Exhibit #1D.	Adjoining Property Owners and Aerial Photograph Map
Exhibit #1E.	FEMA Firm Panel 160086035 with Subject Property boundaries
Exhibit #1F.	Photos of Subject Property
Exhibit #2.	Application Form (Submitted by Applicant)
Exhibit #2A.	Applicant's Narrative (Submitted by Applicant)
Exhibit #2B.	Vicinity Map/Plat Map (Submitted by Applicant)
Exhibit #2C.	Building Permit Application Form with Health District Approval Signature (Submitted by Applicant)
Exhibit #2D.	Right of Way Contract Between Marilyn Shattuck and Idaho Transportation Department (Submitted by Applicant)

Exhibit #2E.

Exhibit #2F.

Exhibit #2G.

Site plan (Submitted by Applicant)

Layout of Proposed Second Residence (Submitted by Applicant)

Aerial Photograph of Subject Property (Submitted by Applicant)

NOTE: Exhibits not included in the staff packet are available for review in the Planning Office, and will be entered into the record during the public hearing.

APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:

Local Planning Act: Idaho Code 67-6512

Latah County Land Use Ordinance:

Section 3.01 Agriculture/Forest Zone

Article 7 Conditional Use Permits

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, staff has identified policies which may be applicable to this particular request. Information submitted to the Planning Department prior to the mailing of the staff packet has been organized herein in relation to the applicable criteria for approval or denial. This worksheet is intended only to help identify if all relevant criteria have been addressed with supporting factual information and to provide a juxtaposition of any conflicting testimony that has been presented.

Type of request:

Conditional Use Permit

Description of application:

A request by Marilyn Shattuck for a conditional use permit for a second dwelling on 80-acres in the Agriculture/Forest Zone. The property is located at 5965 Highway 95 N, approximately 6 miles north of the City of Potlatch, in Sections 1 and 12, Township 42 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Number RP42N05W011341A and RP42N05W120612A.

Facts of application and the information submitted

1) Section 7.01 requires that specific uses within a particular zone require special consideration prior to being permitted in that zone (Section 3.01, Latah County Land Use Ordinance)

The Latah County Land Use Ordinance, under section 3.01.02(11), lists additional single family dwelling units for parcels that have existing residences as a conditionally permitted use in the Agriculture/Forest (A/F) Zone.

The intent of this Section of the ordinance is to enable the placement of an additional single family dwelling unit on any site within the parcel, subject to a maximum total density of one unit per 40 acres. Accordingly, a parcel must have 80 acres to be eligible for a second dwelling or 120 acres to be eligible for a third dwelling, etc.

2) Section 7.01.01 requires that an application for a conditional use be made by the owner of the affected property.

The conditional use permit application was signed and submitted by Marilyn Shattuck, owner of the subject property, on August 31, 2009.

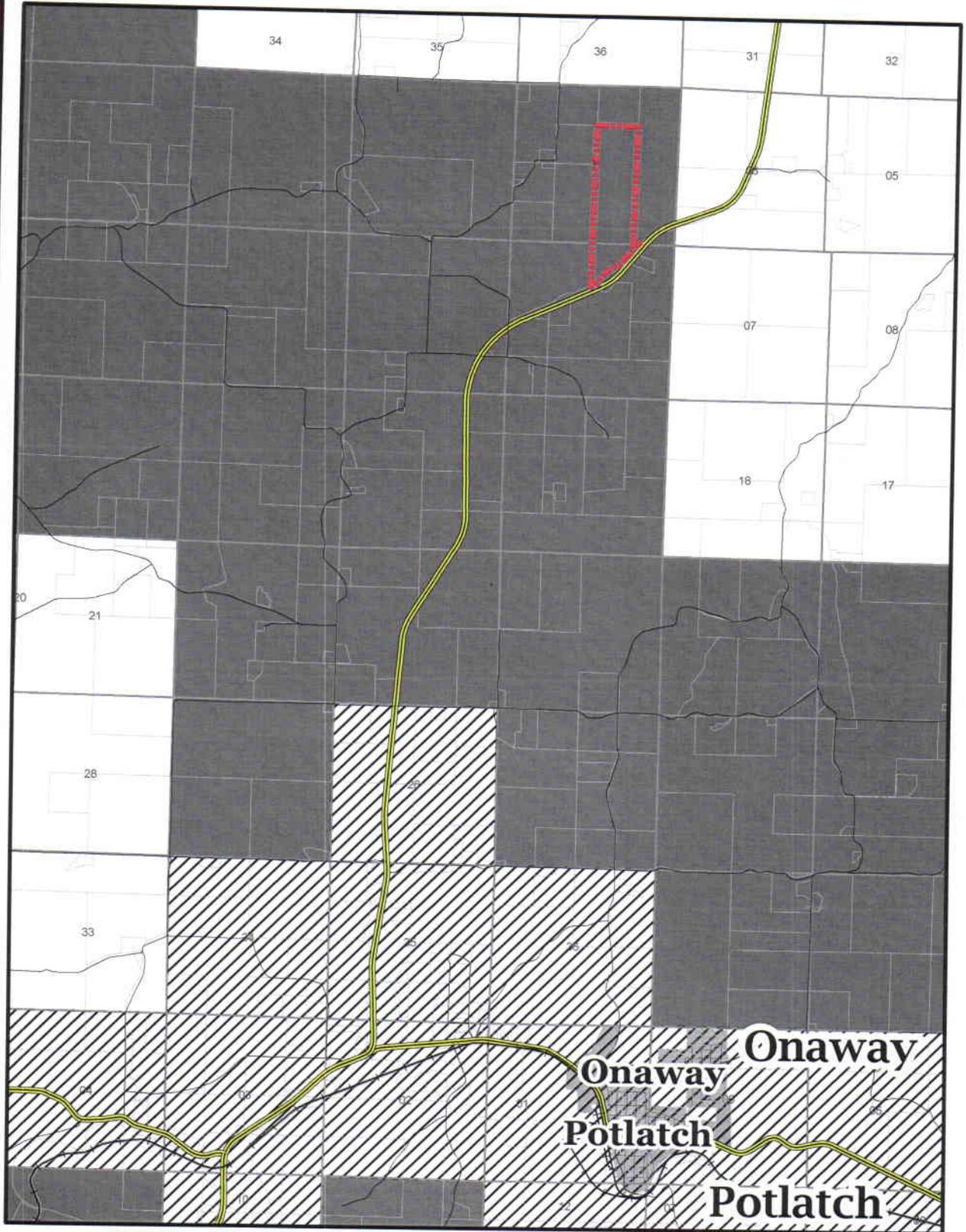
3) Section 7.01.02 requires:

1. A conditional use permit may be granted if the Zoning Commission finds that the proposed use conforms to each of the following criteria:

- A. The use is not detrimental to the health and safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone;
- B. The use will not require facilities or services with excessive costs to the public;
- C. The use is consistent with the goals and policies of the Latah County Comprehensive

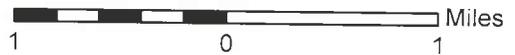
2. **If the Zoning Commission finds that a proposed use is essential to the public health, safety, or welfare, such use may be permitted even if the use is not found to meet the criteria listed above.**
3. **The Zoning Commission shall have the authority to set an expiration date for any conditional use permit so long as the reasons for such are included in their finding of fact and conclusions of law.**

CUP#799 Vicinity and Comprehensive Plan Land Use Map



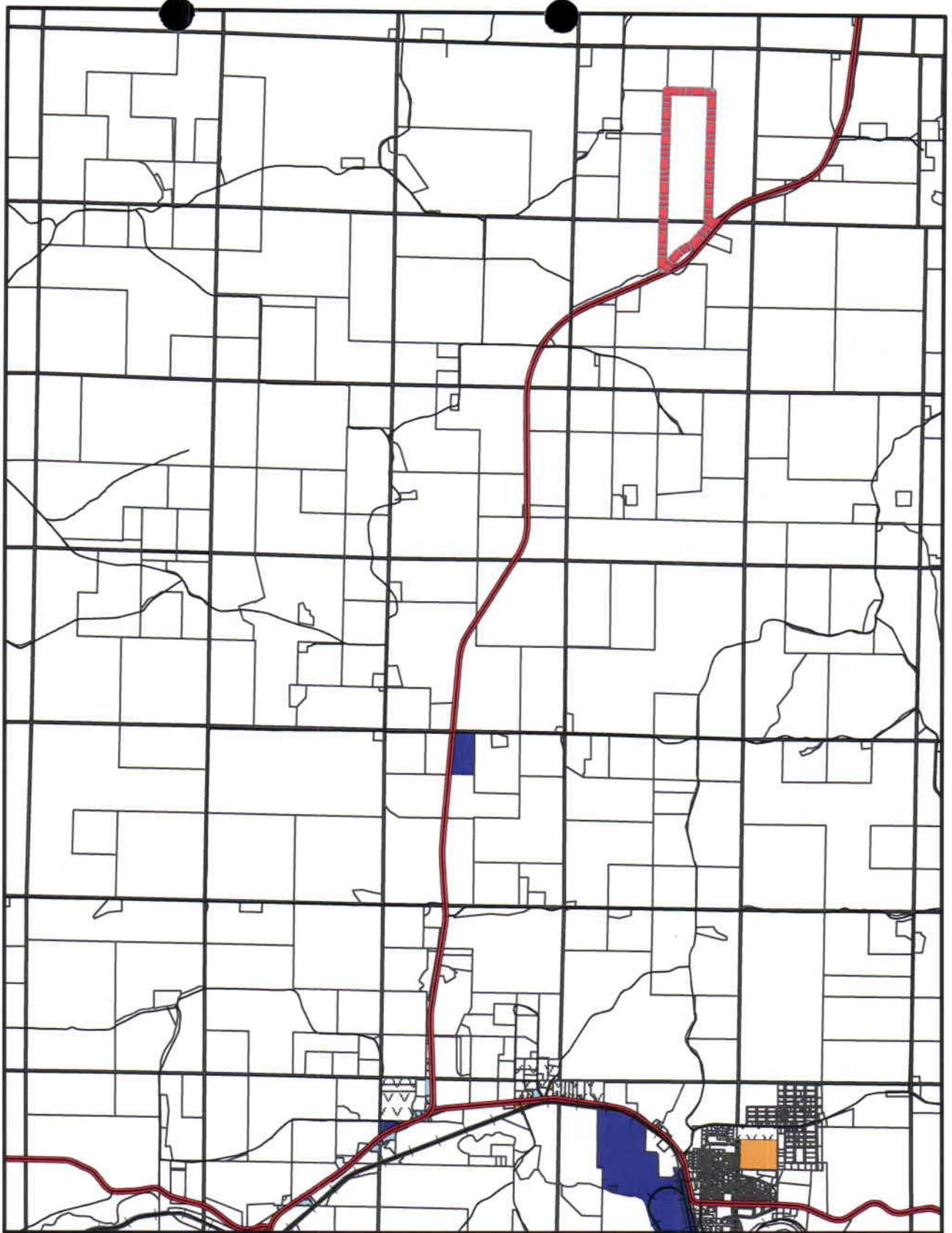
Legend

-  Subject CUP Property
-  Parcels
-  Productive
-  Rural
-  Residential, Commerical Industrial
-  Incorporated Places



LCZC Hrg: CUP799
 Applicant: Shattuck
 Exhibit #: 1B
 Date: 10/7/2009

CUP # 799 Zoning Map



Legend

- | | |
|--|--|
|  Subject CUP Parcel | Zoning Districts |
|  Parcels |  Agriculture / Forest |
| |  Commercial |
| |  Industrial |
| |  Rural Residential |
| |  Suburban Residential |

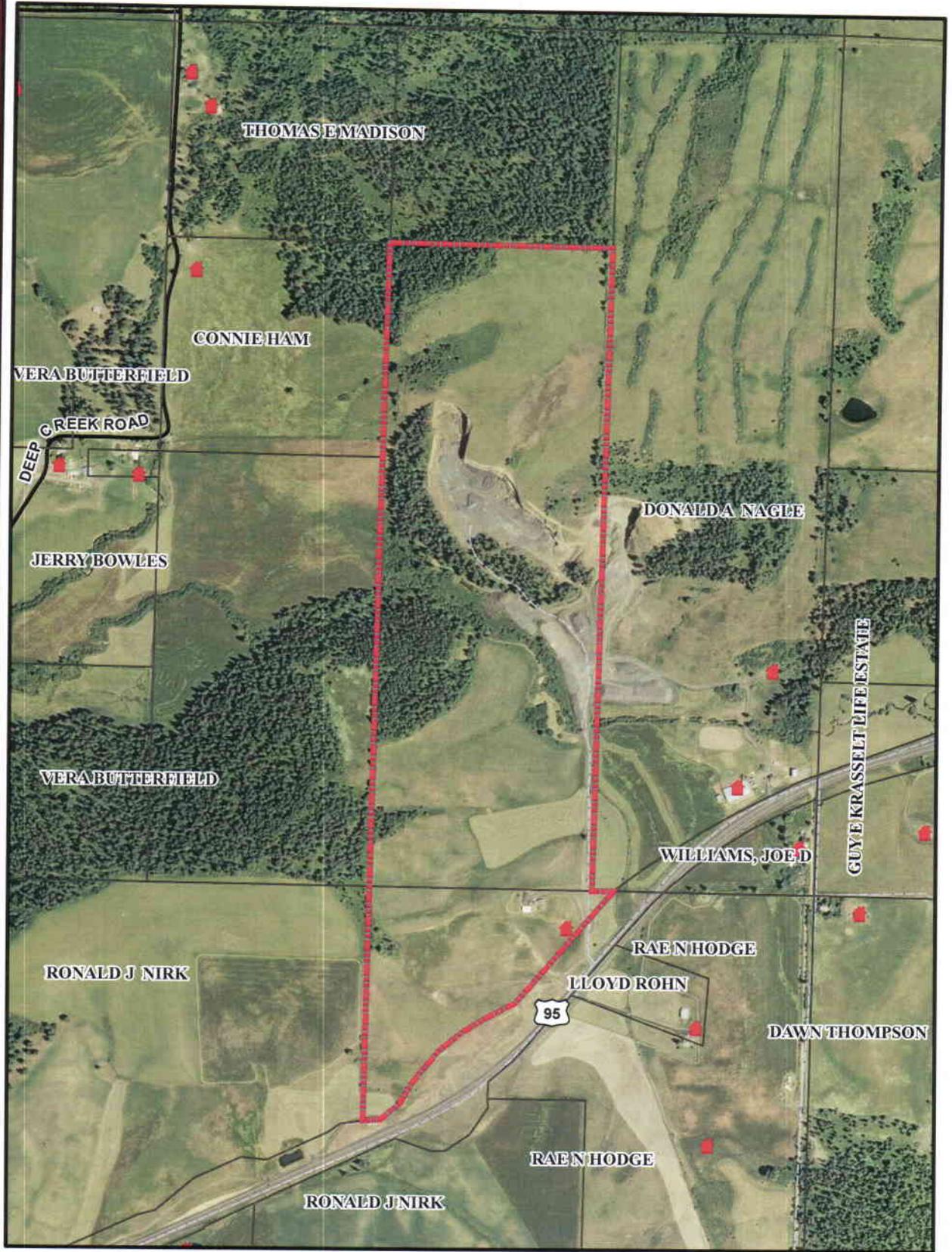


0 0.5 1 Miles



LCZC Hrg: CUP799
Applicant: Shattuck
Exhibit #: 1C
Date: 10/7/2009

CUP #799 Adjacent Property Owners



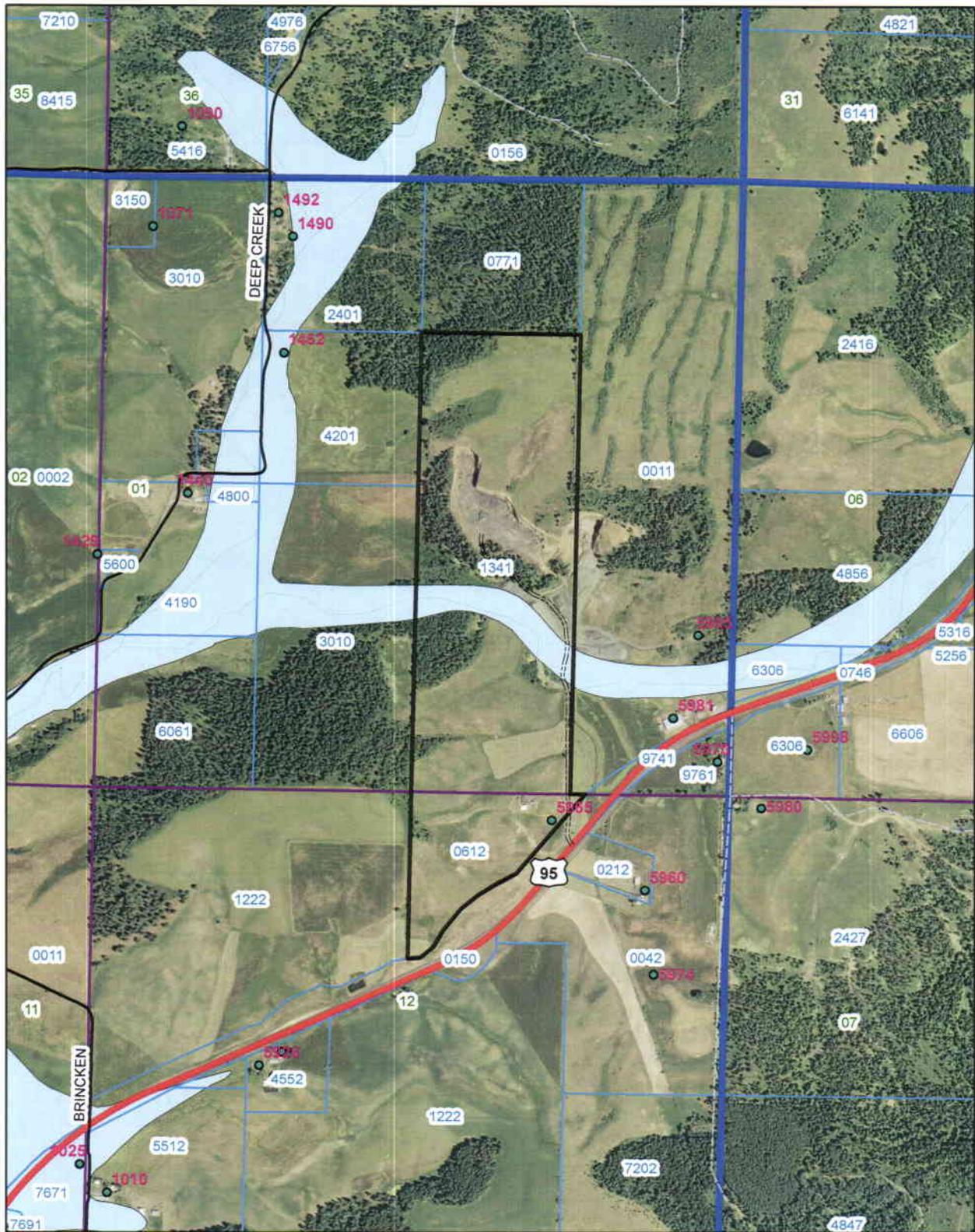
Legend

- Subject CUP Property
- ▲ Location of Structures
- Parcels



LCZC Hrg: CUP799
 Applicant: Shattuck
 Exhibit #: 1D
 Date: 10/7/2009

Subject CUP Property with FEMA Mapped Floodplain

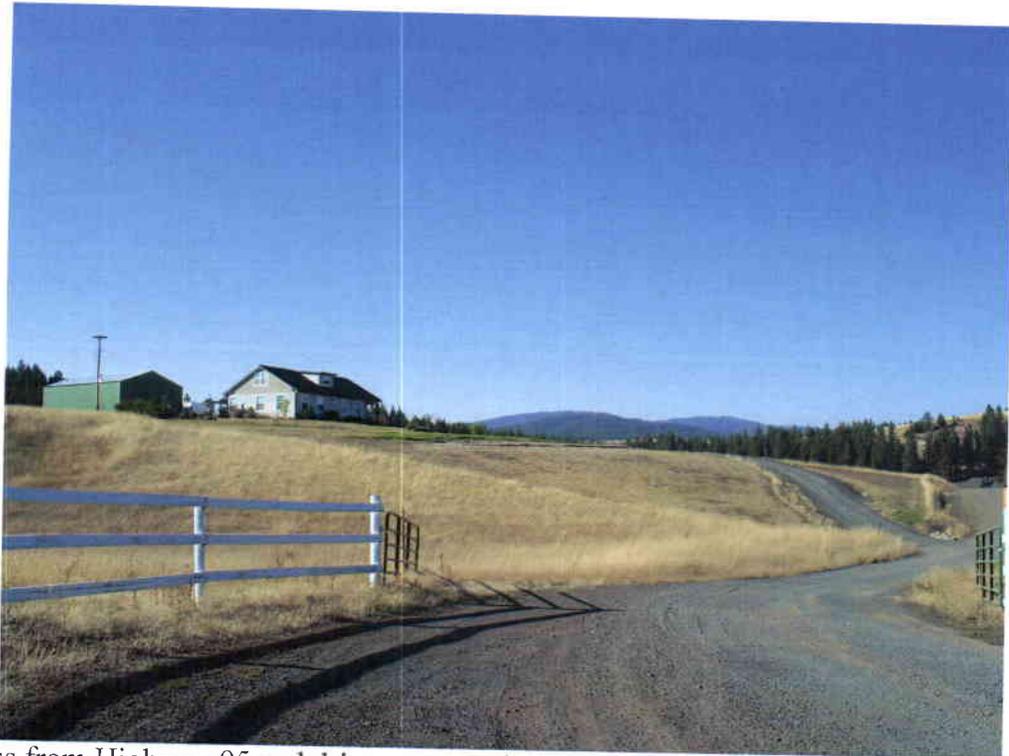


Legend

-  Parcels
-  Subject CUP Property

LCZC Hrg: CUP799
Applicant: Shattuck
Exhibit #: _____ IE
Date: 10/7/2009

PHOTOS OF SUBJECT PROPERTY

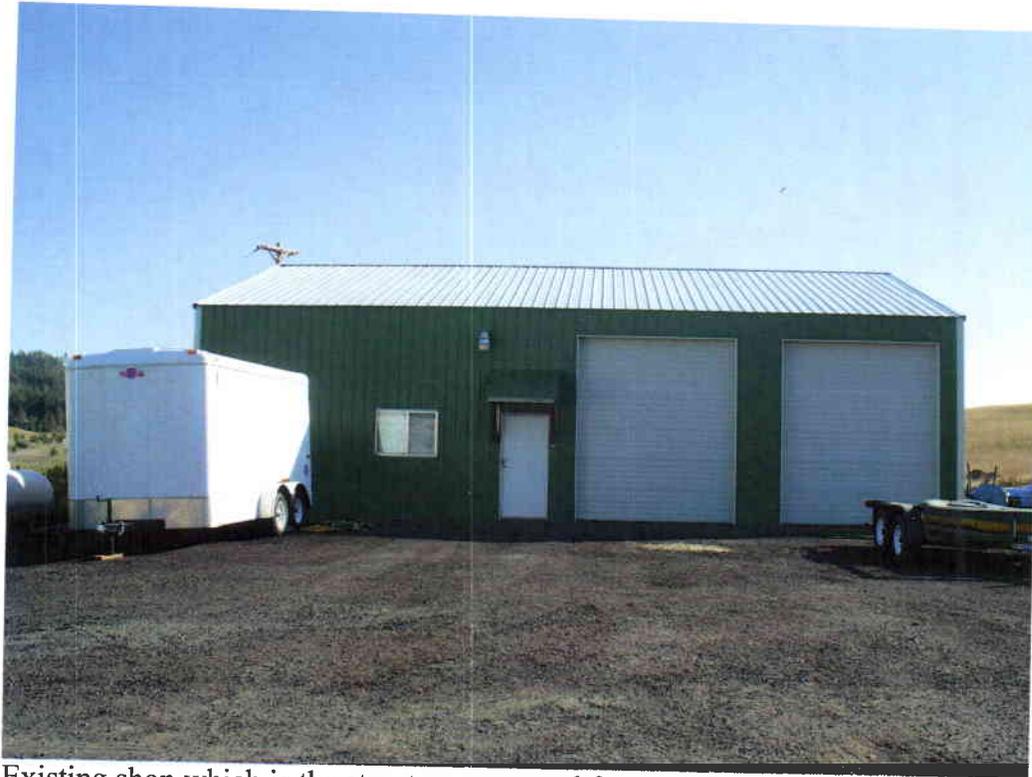


Access from Highway 95 and driveway to existing residence and existing shop proposed for conversion to second residence



Existing residence and corner of existing shop.

LCZC Hrg: CUP799
Applicant: Shattuck
Exhibit #: 1F
Date: 10/7/2009



Existing shop which is the structure proposed for modification to accommodate a second residence on 80 acres



Application for Conditional Use Permit

Instructions

Please complete the application and required attachments. For certain uses, additional information may be necessary. Incomplete applications or applications without all required attachments will not be accepted. A public hearing will be scheduled only after Staff has determined the application is technically complete.

Please submit to: **Latah County Department of Planning & Building**

Latah County Courthouse 522 S Adams, Room 205, P.O. Box 8068, Moscow, ID 83843 (208) 883-7220

1. Applicant Information

a. Applicant Name Marilyn Shattuck		b. Home Phone 208-875-1211	c. Work Phone -0	
d. Mailing Address 5965 Hwy 95		e. City Potlatch	f. State Id	g. Zip code 83855
h. Property Owner (if different than applicant) N/A		i. Home Phone N/A		j. Work Phone N/A
k. Mailing Address		l. City	m. State	n. Zip code

2. General Site Information

a. Assessor's Parcel Number(s) RP42ND05W120612A / RP42ND05W011341A		b. Parcel Address (if applicable) Same as above		
c. Acreage of Existing Parcel 15.2	d. Zoning AgIF	e. Comprehensive Plan Designation Rural	f. Floodplain designation(s)	g. FEMA Panel #
h. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.	i. Impact City Potlatch		j. Road Used to Access Site Hwy 95	

Note: Sites within an area of city impact may require additional notification time prior to public hearings or a hearing before the other jurisdiction.

i. Existing Uses
residence, Rock P.T., CRP, Hwy

3. Service Provider Information (please attach additional information if requested)

a. Fire District Potlatch	b. Road District Latah	c. School District Potlatch
d. Source of Potable Water (i.e. water district or private well) Private well	e. Sewage Disposal (i.e. sewer district or private septic system) Private septic	

4. Adjacent Properties Information

a. Zoning of Adjacent Properties Agriculture Forest	b. Existing Uses of Adjacent Properties Farming, CRP, horse training
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5. Permit Information

a. Proposed Use
an extension of existing shop to include living quarters for me to be able to stay on the farm with help from my children for health needs.

b. What provision of the Latah County Zoning Ordinance allows the proposed use to be considered for a Conditional Use Permit in the Zoning District in which the property is located?
3.01.02 Cond. uses # 11

Note: If the proposed use is not specifically listed, please contact the Department prior to submittal to determine if the use is similar to those that are specifically listed as conditionally permitted uses. The Department may require additional information in order to make a determination.

6. Authorization

The applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true, and further acknowledges that approval of this application may be revoked if it is found that any such statements are false.

a. Signature of Applicant Marilyn Shattuck	b. Date 8-31-09
c. Signature of Property Owner (if different than applicant)	d. Date

7. Attachments

All attachments should be reproducible in black and white at 8 1/2" x 11"

- Fee:** (\$200.00) Make checks payable to Latah County.
- Completed Narrative Worksheet:** See instructions on the Conditional Use Permit Narrative Worksheet.
- Site Plan:** The site plan should include a north arrow, location of roads and rights-of-way, existing buildings, improvements and features; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Zoning Commission to make a decision.
- Vicinity Map:** The map should show the site location in relation to neighboring communities and natural features.
- Assessor's Plat Map:** Include a copy of the plat map of the map that shows the subject parcel and adjoining parcels.
- Other Attachments:** Required by staff / Zoning Commission for certain proposed uses.

Office Use Only

Date Received 8-31-09	Amount \$200	Receipt No. 279808	By AS
CUP # 799	Date Determined Technically Complete 8-31-09		By AJ
Hearing Date October 7, 2009			

LCZC Hrg: CUP799
Applicant: Shattuck
Exhibit #: 2
Date: 10/7/2009



Conditional Use Permit Narrative Worksheet

Application Information

Applicant's Name

Marilyn Shattuck

Phone Number

208-875-1211

Purpose: To assist the Zoning Commission in making an informed decision regarding the applicant pursuant to the requirements of the Latah County Land Use Ordinance.

Instructions: Please respond to each section of this form. If you need more space, you may attach additional sheets to the worksheet.

Description of Proposal

Describe your proposal in detail. Include all aspects of your proposal.

Since my husband passed away May of this year, I have had 2 major cancer surgeries and have required extensive in-home care. My son and his family have moved in temporarily to care for me. We propose to add 20 ft. across the south end of my existing shop and enclosing off the east section to house a 1 brm, 1 bath, liv/din/kitchen and util. Rm. for me to live in. My son and family would then permanently move into my present home to be close to care for me. We are proposing the additional residence under Section 3.01.02 Conditional uses, paragraph 11. I own 152 acres.

Existing Uses of Property

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

My present home is a 1 1/2 story house and one shop. I have CRP ground, some hay, some timber and a rock quarry.

Consistency Requirements

Please respond to each of the three criteria listed in Section 7.01.02 of the Latah County Land Use Ordinance by explaining how your proposal meets each criteria. If the provided space is insufficient, please attach your responses to this packet.

A. The use is not detrimental to the health or safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone.

The addition we propose would not effect any of the existing land use. Clearwater Power has checked the site and sees no changes or cost. Latah Sanitation approves the addition with minor changes I would need to add. The existing land around the shop is not encroaching on any CRP ground. The extension will be using the same siding and roofing of existing shop.

B. The use will not require facilities or services with excessive costs to the public.

By adding this addition, we will not need to add any new services. We will be using the same mailbox, same sanitary pick-up, same driveway and same access onto Hwy 95.

C. The use is not in conflict with the goals and policies of the Comprehensive Plan.

I feel that this addition meets all of your Comprehensive plan. We are not disturbing any of the agriculture or forest floors. We are not incurring any additional expenses to any public services or disturbing or changing any scenic, cultural or natural amenities of the county.

In addition to your response above, please explain your proposal's consistency with the proceeding elements of the Comprehensive Plan. If a certain element is not applicable to your proposal, please explain why. Please refer to the Latah County Comprehensive Plan for specific goals and policies of the particular elements.

a. Community Design Element

This extension has no change in the existing design and more lawn and flowers will be added.

b. Population Element

With my family moving into my existing house, will add 2 more students to Potlatch Schools and 2 adults to the voting population.

c. Housing Element

By only adding on to an existing shop, we will save farm land by not having to add a separate structure.

d. Economic Development Element

Since this addition will not effect Ag. or forest land, it doesn't apply.

e. Public Services, Facilities, and Utilities Element

We have power approval and expect to meet the sewer needs. Our well gets 30 g.p.m. and is more than adequate.

f. School Facilities and Student Transportation Element

Our entrance is commercial size and plenty of room for school bus to pull off. The bus currently comes by our house on Hwy 95. The schools have been notified and acceptable.

g. Transportation Element The addition would not disrupt or create any changes to access off Hwy 95. The addition is set well off main road. The County hauls rock down the gravel road down and is commercial driveway
(see attached right of way P 2, 7+7A)

h. Natural Resource Element

The Structure is well away from any stream, woodland, wetland or flood zone. It would not disturb any wildlife habitat.

i. Special Areas Element

The Shattucks have owned this land for many generations and we desire to have our next generation to be able to continue living here.

j. Hazardous Areas Element

Our addition would have no hazardous conditions. It already is in a green area with mowing and watering around existing structure.

k. Recreation Element

The addition is compatible to recreational areas.

l. Land Use Element

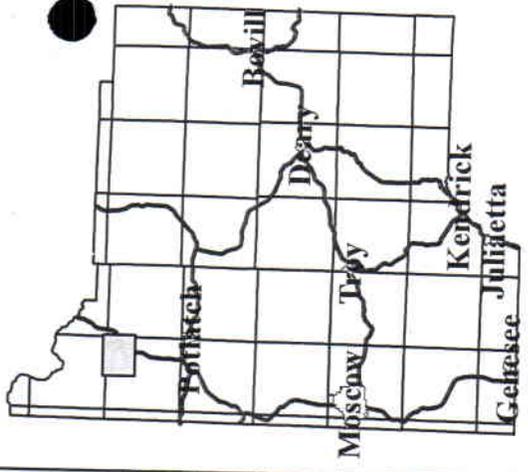
We are rural.

m. Property Rights Element

As owner of existing buildings, I would also own the addition as well.

SECTIONS
1,2,3,10,11,12

LOCATION

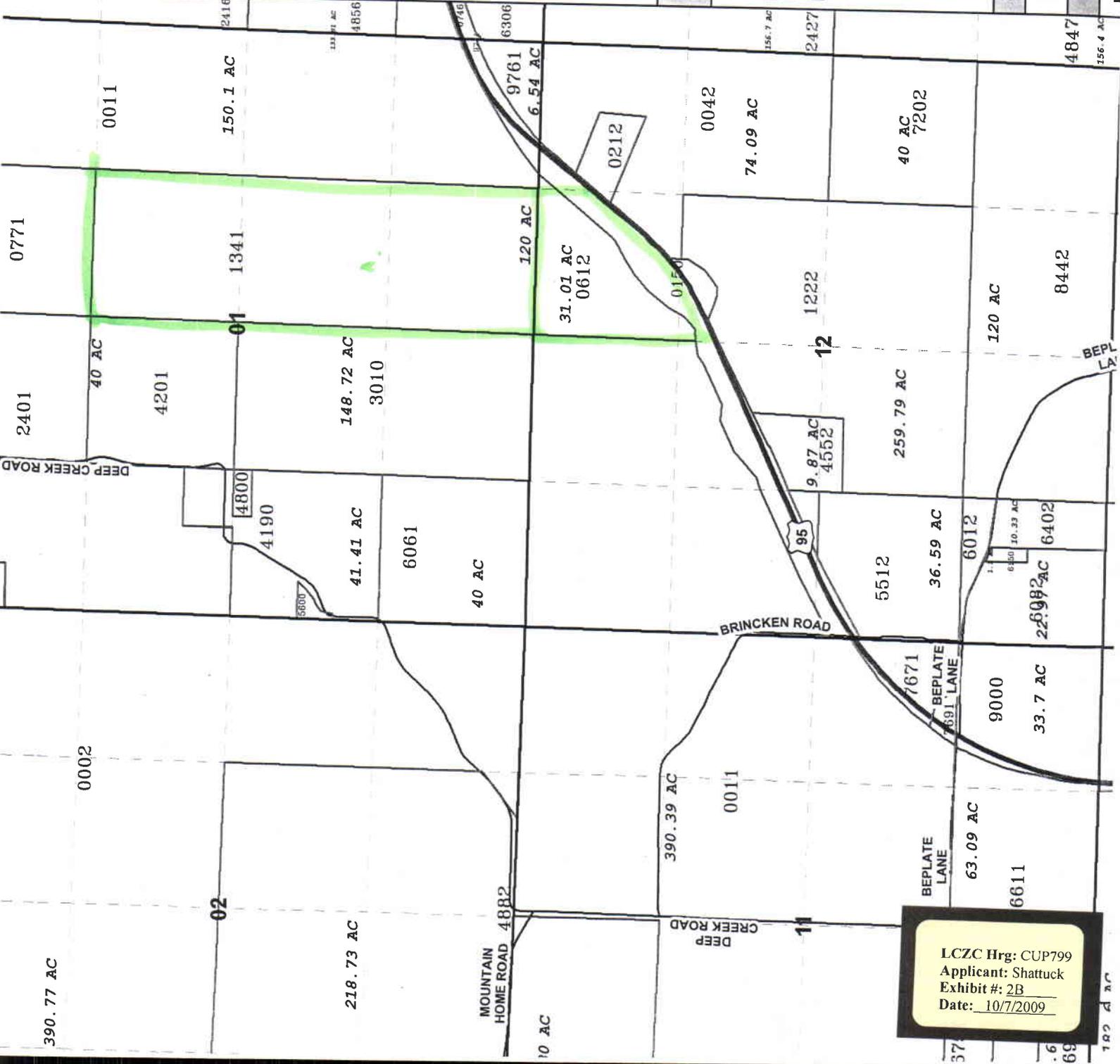


LEGEND

- Legend
- Parcels
 - platted sections
 - platted subdivisions
 - Subdivisions
 - Roads
 - ROAD_TYPE
 - CITY
 - COUNTY
 - FEDERAL HIGHWAY
 - PRIVATE ROAD
 - STATE HIGHWAY

© Latah County Official Plat Record.
These maps are provided by The Latah County Assessor.
Due to the variability of sources used Latah County makes no claims or warranties regarding the data contained herein.

SCALE	SHEET NUMBER
1 in = 1,200 ft	M181
PLOT DATE	May 10 2000



LCZC Hrg: CUP799
Applicant: Shattuck
Exhibit #: 2B
Date: 10/7/2009

BUILDING PERMIT APPLICATION

LATAH COUNTY DEPARTMENT OF PLANNING & BUILDING

Applicant to Complete Numbered Spaces, Obtain Septic/Sewer Approval; Owner and Builder must both sign.

Job Address:																							
1:	Assessor's Parcel #: T:	R:	S: Parcel#:																				
2:	Snow Load (Consult With Building Department):																						
		MAILING ADDRESS	PHONE																				
3.	Owner:																						
4.	Contractor:																						
5.	Architect/Engineer:																						
6.	Number of Existing Dwelling Units on Parcel:																						
7.	Use of Building (For This Permit):																						
8.	Class of Work: <input type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Move <input type="checkbox"/> Remove																						
9.	Describe Work:																						
10.	Change of Use From:	Change Use To:																					
11.	Size of Exterior Decks: <input type="checkbox"/> Covered <input type="checkbox"/> Uncovered																						
12.	VALUATION OF WORK: \$	HOMEOWNER AND/OR BUILDER/CONTRACTOR: PLEASE OBTAIN THE SEPTIC/SEWER AND ROAD ACCESS APPROVAL PRIOR TO SUBMITTING APPLICATION. OTHER APPROVALS REQUIRED PRIOR TO PERMIT ISSUANCE.																					
SPECIAL CONDITIONS TO BE MET: Before Certificate of Occupancy Can Be Issued: <input type="checkbox"/> State Plumbing Final Inspection <input type="checkbox"/> State Electrical Final Inspection <input type="checkbox"/> Special Zoning Requirements:		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">SPECIAL APPROVALS</th> <th style="width: 20%;">APPROVED BY</th> <th style="width: 15%;">DATE</th> <th style="width: 50%;">COMMENTS</th> </tr> </thead> <tbody> <tr> <td>SEPTIC SEWER</td> <td><i>Moncep Beckwith</i></td> <td><i>8/28/09</i></td> <td><i>Add extra 100' long tie into MOI - \$5</i></td> </tr> <tr> <td>ROAD ACCESS</td> <td></td> <td></td> <td></td> </tr> <tr> <td>ZONING</td> <td></td> <td></td> <td></td> </tr> <tr> <td>FLOOD PLAIN</td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		SPECIAL APPROVALS	APPROVED BY	DATE	COMMENTS	SEPTIC SEWER	<i>Moncep Beckwith</i>	<i>8/28/09</i>	<i>Add extra 100' long tie into MOI - \$5</i>	ROAD ACCESS				ZONING				FLOOD PLAIN			
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NOTICE: SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, AND PLUMBING AND ARE OBTAINED THROUGH THE IDAHO DIVISION OF BUILDING SAFETY. THE PERMIT APPLIED FOR WITH THIS APPLICATION BECOMES NULL AND VOID IF NO INSPECTION IS REQUESTED AND PERFORMED FOR THE WORK AUTHORIZED WITHIN 180 DAYS FROM DATE OF ISSUANCE, AND/OR IF NO INSPECTION IS REQUESTED AND PERFORMED FOR A PERIOD OF 180 DAYS FROM THE MOST RECENT INSPECTION. I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION. WARNING: COMMENCEMENT OF CONSTRUCTION PRIOR TO THE ISSUANCE OF A LATAH COUNTY BUILDING PERMIT, AND PRIOR TO ZONING APPROVAL, IS DONE WITH THE UNDERSTANDING THAT ALL WORK WILL BE REMOVED IF A PERMIT IS NOT ISSUED OR IF ZONING APPROVAL IS NOT RECEIVED.		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">OFFICE USE ONLY:</td> <td style="width: 40%;">TYPE:</td> <td style="width: 45%;">NO. OF STORIES:</td> </tr> <tr> <td>SIZE OF BLDG: SQ. FT.</td> <td>OCCUPANCY:</td> <td>MAX OC LOAD:</td> </tr> <tr> <td></td> <td></td> <td>FIRE SPRINKERS REQUIRED: <input type="checkbox"/> YES <input type="checkbox"/> NO</td> </tr> <tr> <td>OTHER APPROVAL</td> <td></td> <td>DATE:</td> </tr> <tr> <td>ENERGY AUDIT</td> <td></td> <td>COMMENT:</td> </tr> </table>		OFFICE USE ONLY:	TYPE:	NO. OF STORIES:	SIZE OF BLDG: SQ. FT.	OCCUPANCY:	MAX OC LOAD:			FIRE SPRINKERS REQUIRED: <input type="checkbox"/> YES <input type="checkbox"/> NO	OTHER APPROVAL		DATE:	ENERGY AUDIT		COMMENT:					
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BOTH SIGNATURES REQUIRED:		<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">PERMIT FEE</td> <td style="width: 40%;">RECEIVED BY:</td> </tr> <tr> <td>OWNER: _____ DATE: _____</td> <td></td> </tr> <tr> <td>BUILDER/CONTRACTOR: _____ DATE: _____</td> <td></td> </tr> <tr> <td>PLAN CHECK FEE</td> <td></td> </tr> <tr> <td>TOTAL FEE</td> <td></td> </tr> </table>		PERMIT FEE	RECEIVED BY:	OWNER: _____ DATE: _____		BUILDER/CONTRACTOR: _____ DATE: _____		PLAN CHECK FEE		TOTAL FEE											
PERMIT FEE	RECEIVED BY:																						
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BUILDER/CONTRACTOR: _____ DATE: _____																							
PLAN CHECK FEE																							
TOTAL FEE																							

LCZC Hrg: CUP799
 Applicant: Shattuck
 Exhibit #: _____ 2CI
 Date: 10/7/2009

RIGHT OF WAY CONTRACT

Project No.: NH-STP-4110(110)
 Parcel No: 3
 Parcel ID No: 0041573
 Key No: 6298
 County: LATAH/BENEWAH

THIS AGREEMENT, made this 16TH day of DECEMBER, 2002, between the STATE OF IDAHO, IDAHO TRANSPORTATION DEPARTMENT, by and through the IDAHO TRANSPORTATION BOARD, by its Chief Engineer or the authorized representative, herein called "STATE," and Arthur Winthrop Shattuck and Marilyn Kay Shattuck, as Trustees of the Shattuck Family Trust dated June 1, 2000, herein called "GRANTOR."

NOW THEREFORE, the parties hereto agree as follows:

1. State shall pay Grantor and the Lienholder(s), if any, such sums of monies as are set out below. Grantor agrees to pay all taxes and assessments due and owing, including those for year 2002; and Grantor shall execute and deliver to State a notarized instrument of conveyance corresponding to the interest being acquired.

2. This contract shall not be binding unless and until executed by the Chief Engineer or the authorized representative.

3. The parties have herein set out the whole of their agreement, the performance of which constitutes the entire consideration for the grant of said right of way and shall relieve the State of all future claims or obligations on that account or on account of the location, grade and construction of the proposed highway.

4. Grantor represents that to the best of their knowledge no hazardous materials have been stored or spilled on the subject property during their ownership or during previous ownerships at least insofar as they observed or have been informed. In the alternative, if the grantor has knowledge of storage or spill of hazardous materials on the subject property, that information is set out below. This sale is conditional upon full disclosure of any such information. _____

5. Grantor hereby grants the State or its contractor a Temporary Easement of ingress and egress for construction of any item requiring a Temporary Easement. Said Easement to terminate upon completion of construction.

6. Grantor agrees to give the State legal and physical possession of the property herein being purchased by the State on JANUARY 16, 2003, or upon grantors receipt of payment, whichever is later.

7. State agrees to construct a 8.0 meter (Approximately 26 feet) commercial/residential approach at Highway Survey Station 101+06 Left.

7A. STATE AGREES TO CONSTRUCT A MAIL BOX TURNOUT AT APPROXIMATE HIGHWAY SURVEY STATION 101+96 RIGHT.

8. State agrees to construct a 6.1 meter (Approximately 20 feet) approach at Highway Survey Station 102+43 Left.

9. State will pay Grantor for right of way, improvements and control of access as follows:

5.056 acre(s) of land and control of access	\$8,690.00
0.099 acre(s) temporary easement	<u>\$20.00</u>

JUST COMPENSATION	\$8,710.00
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IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

IDAHO TRANSPORTATION DEPARTMENT
Recommended for Approval

GRANTOR: Arthur Winthrop Shattuck and Marilyn Kay Shattuck, as Trustees of the Shattuck Family Trust dated June 1, 2000

By [Signature]
District Engineer

Arthur W. Shattuck
(Arthur W. Shattuck)

By Michael A. Ahler
Right of Way Agent

Marilyn K. Shattuck
(Marilyn K. Shattuck)

By [Signature]
District Right of Way Supervisor

Approved for Chief Engineer

On Dec. 30, 2002

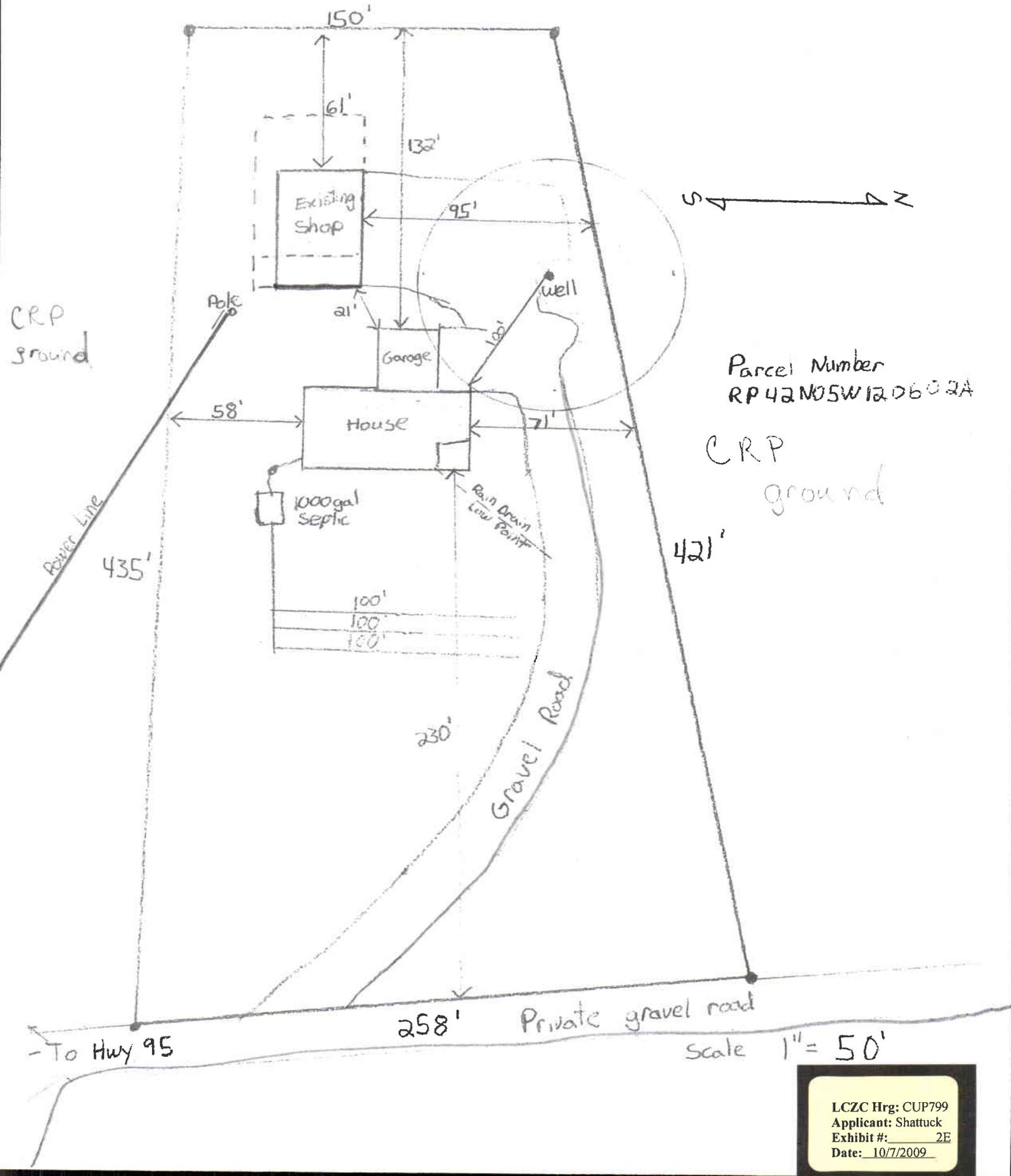
By Jose W. Smith
for Right of Way Manager

CRP ground

CRP ground

Parcel Number
RP42N05W120602A

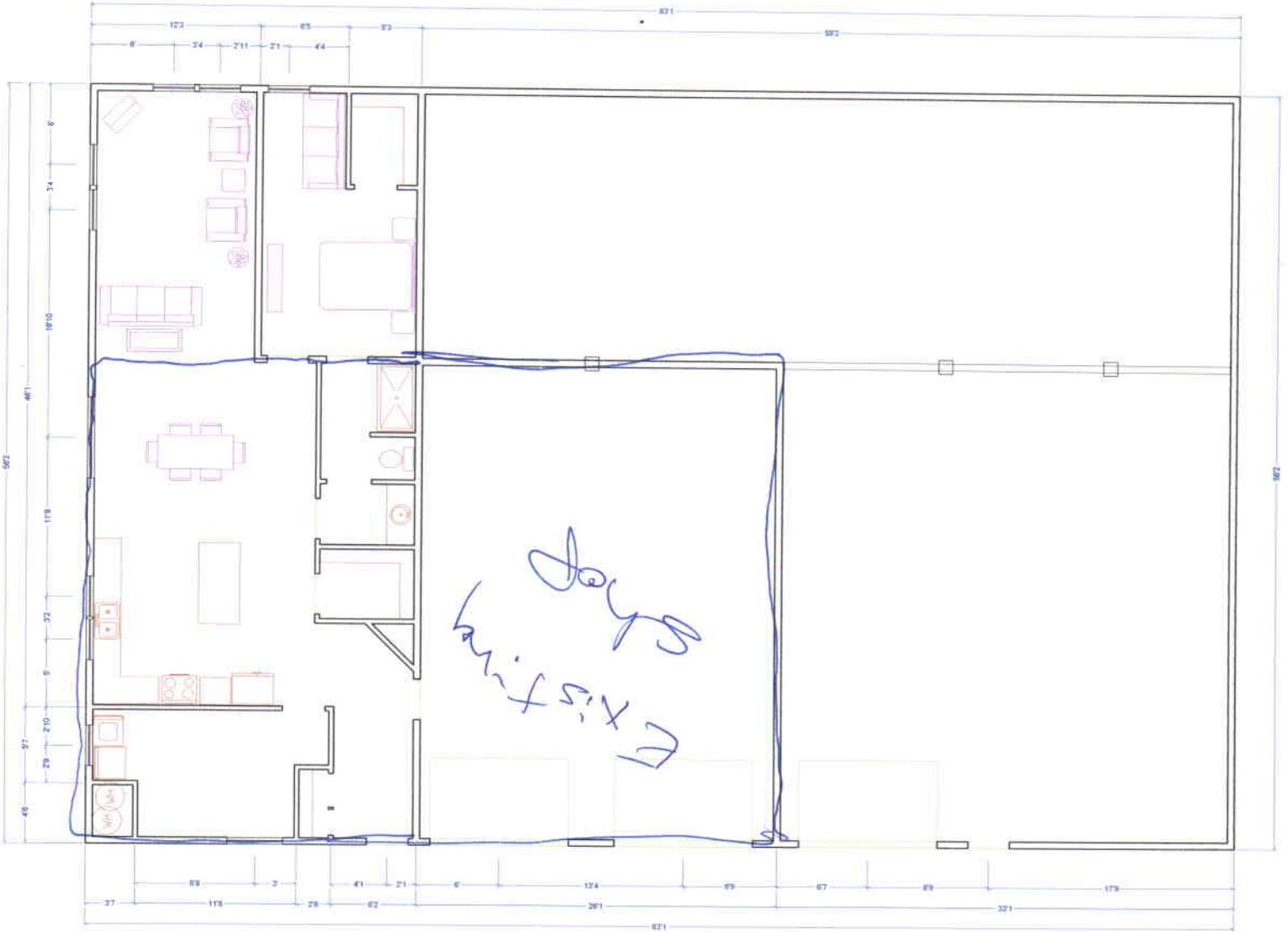
CRP ground



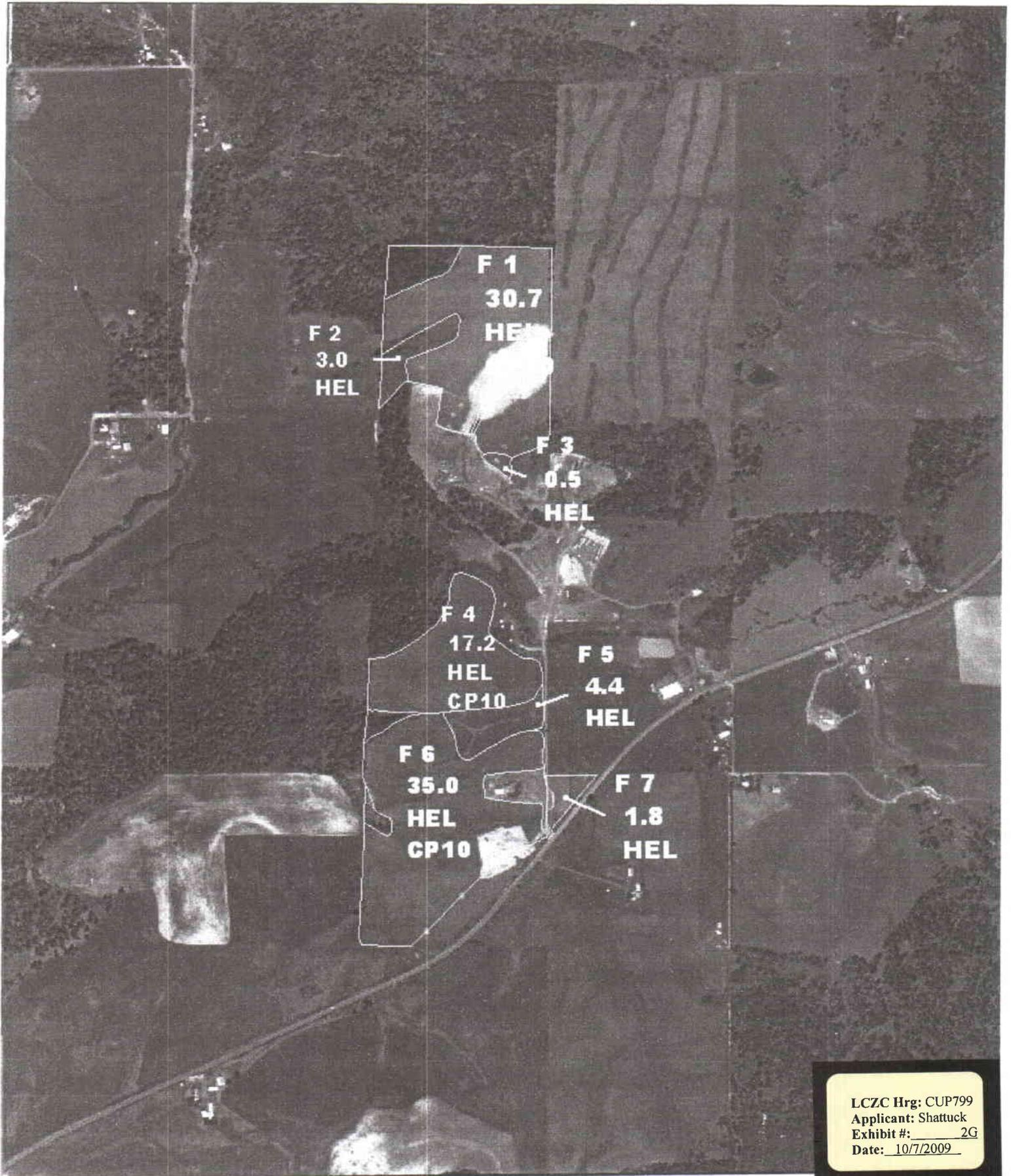
-To Hwy 95

Scale 1" = 50'

LCZC Hrg: CUP799
 Applicant: Shattuck
 Exhibit #: 2E
 Date: 10/7/2009



LCZC Hrg: CUP799
 Applicant: Shattuck
 Exhibit #: 2F
 Date: 10/7/2009



LCZC Hrg: CUP799
Applicant: Shattuck
Exhibit #: 2G
Date: 10/7/2009

Tract 11835
Farm 4120

