

**Aimee Shipman**

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**From:** Jarrod Nichols [JNichols@LatahRealty.com]  
**Sent:** Monday, December 01, 2008 10:41 AM  
**To:** Aimee Shipman  
**Subject:** Fw: Letter of Support

>  
>>>>  
>>>> -----Original Message-----  
>>>> From: The Breakfast Club [mailto:clary@turbonet.com]  
>>>> Sent: Friday, November 28, 2008 11:37 AM  
>>>>  
>>>> >> To: Craig and Kathy Knott  
>>>> Subject: Re: Letter of Support  
>>>>  
>>>>  
>>>> To: Latah County Commissioners and Zoning Commission  
>>>> 522 S. Adams  
>>>> Moscow, ID 83843  
>>>>  
>>>> We are in support of the 40 acre rezone off Lewis/Foothill Rd. from  
>>>> AG/F to Rural Residential to create 4 home sites. My wife and I  
>>>> have been looking to build a home on a larger piece of land that is  
>>>> still close to Moscow and the availability of such land is very  
>>>> limited. Please strongly consider this application.  
>>>>  
>>>> Sincerely,  
>>>> Kevin Clary  
>>>>  
>>>>  
>>>>  
>>>>  
>>>>  
>>>>  
>>>>

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 3  
Date: 12/17/2008

**Aimee Shipman**

**From:** Michelle Fuson [mfuson@latah.id.us]  
**Sent:** Monday, December 01, 2008 10:06 AM  
**To:** 'Besser, Tom'  
**Cc:** 'Aimee Shipman'  
**Subject:** RE: Rezone application #780 BGB LLC

Tom and Kathleen,

I have forwarded your e-mail to Aimee Shipman and it will be given to the Zoning Commission prior to the hearing.

Michelle Fuson

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**From:** Besser, Tom [mailto:tbesser@vetmed.wsu.edu]  
**Sent:** Saturday, November 29, 2008 11:31 PM  
**To:** mfuson@latah.id.us  
**Subject:** Rezone application #780 BGB LLC

November 30, 2008

Latah County Planning and Zoning Commission  
Moscow ID

Re: Rezone application #780, BGB LLC, 40 acres of a 135 parcel

We are currently travelling but as Latah County landowners with our primary residence adjacent to the property affected by this re-zone request, we would like to comment on this issue. It is not clear from the website when the hearing on this request will be scheduled – while it is not on the December 3, 2008 meeting agenda currently posted, the public hearing packed is on the calendar on this date. Therefore, we hope that these comments will be received in time for their consideration prior to ruling on this rezone request. We apologize if these comments are late, but we only today became aware of this rezone proposal and the possibility of a hearing..

This rezone proposal is very similar to the proposal RZ731, Terramark / Michael Hoffman from 2006 in that it requests conversion of 40 acres of productive farmland to rural residential, with a plan for four new building sites. We think that the decision on RZ731 was entirely appropriate and consistent with the Latah County Comprehensive Plan, and strongly urge you to reject the current proposal based on the same solid reasoning:

1. This rezone proposal is inconsistent with the community design element of the Latah county comprehensive plan as the land involved is currently in use for productive agriculture, and in that respect differs from adjacent residential land to the north and east where the nearest residential areas are located. This land is suitable for ag and in fact has been farmed for >80 years.
2. This rezone proposal is inconsistent with the population element of the comprehensive plan in that the topography of the land is very suitable for productive agriculture, and the change would take <sup>the land</sup>

12/2/2008

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 4  
Date: 12/17/2008

out of production. It would encourage growth in sites that are not existing residential sites and in sites not likely to be annexed to cities. As the land is not near any incorporated area or any existing public services, it will not be annexed in the foreseeable future.

3. The proposed building lots would be entirely surrounded by agricultural land currently in production, and therefore this proposal would not promote economic diversification, foster agriculture and forestry and provide for land uses appropriate to local and regional economic needs; therefore this proposal is inconsistent with the economic development element of the comprehensive plan.

4. Highway improvements maybe required to accommodate the increased traffic to the area in support of these new building sites and the NLCHD may be required to cover the expenses of developing turn lanes off Highway 95, at considerable expense to the Latah county taxpayers. Therefore this proposal is inconsistent with the Public Services, Facilities and Utilities element of the comprehensive plan.

5. Similarly, the transportation element of the comprehensive plan would require development of safer means of turning off Highway 95 to reach this proposed development. Therefore significant public costs could be incurred meeting this element of the plan if the proposed re-zone is approved.

6. The Housing element of the comprehensive plan seeks to encourage a variety of housing types on land 'suitable for development'. The proposed development is on land that has been in productive agriculture for >80 years and therefore is not suitable for development, therefore inconsistent with the housing element of the plan.

7. The comprehensive plan seeks to preserve agricultural and forest lands to ensure continued viability of the ag and forest based county economy. These four sites would take productive agricultural land out of production so is inconsistent with this most basic element of the county plan.

8. The comprehensive plan seeks to promote clustered housing of higher density residential uses in and around areas with adequate public services. The proposed development is inconsistent with nearly all aspects of this plan: it is scattered, it is low density (10 ac / lot), it is away from public services, and therefore is not in accordance with the comprehensive plan.

9. Finally, the proposed re-zone meets all the definitions of a 'spot zone' and spot zoning is inconsistent with the comprehensive plan.

Thank you for your consideration of these comments.

Sincerely,

Thomas Besser and Kathleen Potter  
3443 Foothill Road, Moscow, ID 83843  
besser@hughes.net

12/2/2008

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DEC 04 2008

LATAH COUNTY

December 3, 2008

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

RE: Rezone #780

I am in favor of the proposal to rezone this property. Growing up on a 10 acre parcel of land, I know these larger home sites will provide a great opportunity for some families. I also appreciate the consideration taken to keep a majority of the land a conservation area.

Sincerely,

Emily Hurley

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 5  
Date: 12/17/2008

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DEC 05 2008  
LATAH COUNTY

December 2, 2008

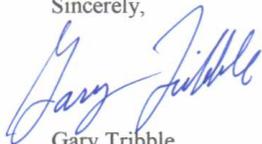
Latah County Zoning Commission  
522 S. Adams St.  
Moscow, ID 83843

RE: Rezone #780

I am in support of the 40 acre rezone from Agricultural/Forest to Rural Residential. I believe the proposal is compatible with the existing developments that are in close proximity to the subject property and that the conservation subdivision model may prove to be an effective new tool for land use development. Given that over 70% of the parcel will be designated as a conservation area, this will translate to more open space which will provide large buffers between the proposed home sites and the neighboring property owners. Additionally, this rezone will help meet a market demand for parcels of this size and design close to the Moscow area.

The owners of the property have a well thought out plan that takes into the account the well being of neighboring property owners and the goals of Latah County.

Sincerely,



Gary Tribble  
2027 E. 6<sup>th</sup> St.  
Moscow, ID 83843

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 6  
Date: 12/17/2008

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LATAH COUNTY

Rezone #780  
Nearing addition

We want to write this letter in support of the 40 acre rezone from Ag Forest to Rural Residential. As resident of Latah County my whole life I feel this plan would work best for the area. I like the fact that they are taking a large number of acres and donating them to the palouse land trust. I feel like this shows that the developer have the neighbors best interest at heart.

Russel Spangler  
1025 Matson Rd  
Viola, Id.



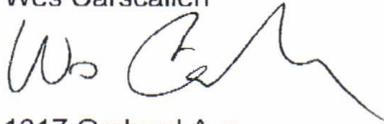
LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 7  
Date: 12/17/2008

Subject: Rezone #780

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DEC 05 2008  
LATAH COUNTY

I am writing to pledge my support of the rezone of 40 acres, from Ag Forest to rural residential, for four home sites. I feel there is a need in Latah County for more rural home sites and think this plan fits the comprehensive plan well.

Wes Carscallen



1317 Orchard Ave  
Moscow, Id

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 8  
Date: 12/17/2008

12/2/08

Rezoning #780

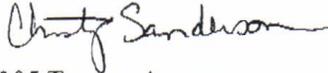
RECEIVED

DEC 02 2008

LATAH COUNTY

I am writing this letter to show my support for the rezoning of the 40 acres on Lewis Road to be changed from Ag Forest to rural residential. Creating additional home sites will accommodate the need for future homes.

Christy Sanderson



105 Terrace Avenue  
Deary, ID 83823

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 9  
Date: 12/17/2008

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DEC 05 2008  
LATAH COUNTY

12/2/08

Rezoning #780

I am in support for the rezoning of the 40 acres on Lewis Road to be changed from Ag Forest to rural residential.

David Whitcomb

*David Whitcomb*

PO BOX 36  
Deary, ID 83823

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 10  
Date: 12/17/2008

**Aimee Shipman**

**From:** CRAIG.KNOTT@usbank.com  
**Sent:** Monday, December 08, 2008 9:23 AM  
**To:** ashipman@latah.id.us  
**Cc:** jnichols@latahrealty.com  
**Subject:** Fw: Letter of Support

RECEIVED  
DEC 08 2008  
LATAH COUNTY

Aimee - below is a letter of support for our upcoming rezone proposal, Rezone #780, I believe you have been in conversation with Jarrod Nichols about this.

Please confirm receipt, and I will be sending another in a few minutes. Thanks. - Craig Knott

**From:** Sam Dial [mailto:sam.dial@hotmail.com]  
**Sent:** Friday, December 05, 2008 10:09 PM  
**To:** cdknott@potlatch.com  
**Subject:** RE: Letter of Support

To: Latah County Commissioners and Zoning Commission  
522 S. Adams  
Moscow, ID 83843

*I am in support of the 40 acre rezone off Lewis/Foothill Rd. from AG/F to Rural Residential to create 4 home sites. I think that this kind of development in this specific area is a logic, reasonable and favorable use of the property.*

SAM E. DIAL  
929 Bitterroot  
Moscow, ID 83843

U.S. BANCORP made the following annotations

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12/8/2008

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 11  
Date: 12/17/2008

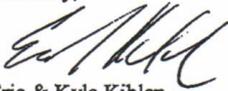
December 4, 2008

RECEIVED

DEC 08 2008

To Latah County Zoning Commission,  
We reside at 1019 Nearing Road in Moscow, Idaho. I have also been a lifelong resident to this area. It has come to my attention the proposal of the property across the road from us. I think the development is a good idea. I personally know the owners of the land and they want what is in the best interest of the community. They are all people of honesty and integrity. My fear is that if you don't allow them to split this property up into large lots, they will then sell it to an outside investor who is looking to develop this into smaller parcels. It will just take the right people and attorneys and this will eventually happen. With current proposal, this will not change the landscape of the area much and the wildlife in the area. Let me be the first person to say I am not in favor of that area being developed. I plan to be a lifelong resident at 1019 Nearing road and do not want the area to be populated. I do know that it will eventually happen and would rather see it split up the way they are proposing. Please call me with any questions.

Sincerely,



Eric & Kyla Kiblen  
1019 Nearing Rd.  
Moscow, Id 83843  
208-882-8281

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

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DEC 08 2008  
LATAH COUNTY

December 3, 2008

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

RE: Rezone #780

I am writing in support of the 40 acre rezone from Agricultural/Forest to Rural Residential. I believe the owners of this property have a great plan that will be desirable for Latah County and the surrounding neighbors. I think the county will benefit from the conservation subdivision model that is proposed and use it for future developments.

I have known the owners of this development both personally and professionally for over 10 years and know they have the county's best interest at heart.

If you have any further questions please feel free to contact me.

Sincerely,



Jeff Pilcher  
814 Conestoga  
Moscow, ID 83843

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 13  
Date: 12/17/2008

December 3, 2008

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

RECEIVED  
DEC 08 2008  
LATAH COUNTY

Re: Rezone #780

To Whom It May Concern:

I am in favor of the proposal to rezone the acreage from forest/agricultural to rural residential. The owners of this land have a carefully planned design of how to divide the land. Making an immense portion of the land designated towards conservation use will not only preserve the Palouse scenery, but also create a partition between existing properties and the proposed plan.

Regards,

Shannon McLuen  
Moscow Resident

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: \_\_\_\_\_14  
Date: 12/17/2008

December 5, 2008

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DEC 08 2008

LATAH COUNTY

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

RE: Rezone #780

As a citizen of Latah County I am in support of the proposed rezone #780 moving 40 acres from Agricultural/Forest to Rural Residential. There are two pillars to this rezone that make sense. First, this rezone would be consistent with similar developments in the area. Second, the conservation area allows for development while preserving the natural landscape. Not only do I support this rezone I think this can provide a model by which to make rezoning decisions in the future.

Please accept my sincerest thanks for considering this letter of support for rezone #780.

Sincerely,

Ben McLuen  
Moscow Resident

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 15  
Date: 12/17/2008

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DEC 08 2008

LATAH COUNTY

December 8, 2008

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

RE: Rezone #780

I support the 40 acre rezone to Rural Residential. The proposed development designates over 70% to conservation area. This conscientious approach to land development could prove to be a model of future sound development practices on the Palouse. The rezone is also compatible with the parcel sizes of neighboring developments.

As a Latah County land owner, I understand the desire to live out of town where your neighbors are not 20 or 30 feet away. This development allows for the privacy of country living, as well as taking into account the conservation mindedness that contributes to the ideals of responsible growth and land use. This conservation approach to a rezone plan takes into account the needs of the residences, both current neighboring land owners as well as potential buyers.

Sincerely,



Lani K. Lemmon

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 16  
Date: 12/17/2008

**Aimee Shipman**

**From:** CRAIG.KNOTT@usbank.com  
**Sent:** Wednesday, December 10, 2008 8:42 AM  
**To:** ashipman@latah.id.us  
**Subject:** Fw: Letter of support

RECEIVED  
DEC 10 2008  
LATAH COUNTY

Aimee - here is another support letter for Rezone #780 off Lewis Rd. from Brad Broenneke. See below. Thanks.

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

**From:** Brad Broenneke [mailto:bbroenneke@latah.id.us]  
**Sent:** Monday, December 08, 2008 10:38 AM  
**To:** cdknott@potlatch.com  
**Subject:** RE: Letter of support

To: Latah County Commissioners and Planning & Zoning Commission  
522 S Adams  
Moscow, ID 83843

I would like to voice my support to have the two parcels ( RP40N05W177230 and RP40N05W165616) totaling 135.12 acres located about 5 miles north of Moscow where Saddle Ridge Rd. hits Lewis Road on the south side of Moscow Mtn/Steakhouse Hill, be rezoned from Ag land with the 40 acres of rural residential for 4 homesites and the remaining 95 acres to be donated as conservation land. I feel this is a correct and responsible use of the land and the rezone should be approved.

Brad Broenneke  
1548 Dogwood Ct  
Moscow, ID 83843

U.S. BANCORP made the following annotations

Electronic Privacy Notice. This e-mail, and any attachments, contains information that is, or may be, covered by electronic communications privacy laws, and is also confidential and proprietary in nature. If you are not the intended recipient, please be advised that you are legally prohibited from retaining, using, copying, distributing, or otherwise disclosing this information in any manner. Instead, please reply to the sender that you have received this communication in error, and then immediately delete it. Thank you in advance for your cooperation.

12/10/2008

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

Tim Kinkeade  
121 East Third Street  
Moscow, Idaho 83843  
208 883 1815

RECEIVED

December 10, 2008

DEC 10 2008

LATAH COUNTY

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

RE: Rezone #780

I am in support of the 40 acre rezone to Rural Residential. The proposed change appears to be compatible with the surrounding area. The owners of the property have sought professional advice on mitigating conflicting water issues with neighbors.

I noted that 70% of the parcel will be designated as a conservation area, this open space which will prove compatibility with the existing uses and neighbors.

Additionally, continual supplies of available lots will enable a steady – smart growth for our area.

It seems apparent development is designed to for the greater good of the surrounding neighbors and Latah County.

Best regards,

Tim Kinkeade



LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 18  
Date: 12/17/2008

December 8, 2008

RECEIVED  
DEC 10 2008  
LATAH COUNTY

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

RE: Rezone #780

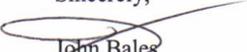
To whom it may concern,

I support the 40 acre rezone from Agricultural/Forest to Rural Residential #780. I believe the proposal is compatible with existing developments in close proximity of the subject property and appreciate the high priority given to conservation aspects of this model.

Today our local market lacks a supply of parcels of this size and features. These additional parcels will add to our local tax base while maintaining open space and habitat.

I believe this development is well researched and designed to include the well being of neighboring property owners and Latah County.

Sincerely,

  
John Bales  
1233 Wallen Rd  
Moscow ID, 83843

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: \_\_\_\_\_ 19  
Date: 12/17/2008

**Aimee Shipman**

**From:** Dave Kiblen [dave@latahtitle.com]  
**Sent:** Thursday, December 11, 2008 8:34 AM  
**To:** ashipman@latah.id.us  
**Subject:** Rezone 780

RECEIVED  
DEC 11 2008  
LATAH COUNTY

Hello I am writing this in support of the rezone 780. My great grandfather Guy Nearing and my grandfather Guy J. Nearing who was the developer of Nearing addition, 1, 2 and 3 had a great opportunity to share and develop this wonderful part of Latah County. My brother Eric Kiblen and father Tod Kiblen and my mother Karen McGarvey (Nearing) also own land across the road from proposed development. I think this rezone could make some wonderful home sites combined with a large conservation area which will provide large open areas for free range of wildlife.

I know that owners well, they are long time residents of Latah County and only have the best interest's of Latah County at heart. I am very confident that this would be developed in a very professional and thoughtful way to not upset any neighboring properties.

I am in full support of this rezone.

DAVE KIBLEN  
Chief Executive Officer  
Phone: 208-882-4822 Fax: 208-882-4255  
Latah County Title  
Founded, family owned and operated since 1909  
Underwritten by  


12/11/2008

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 20  
Date: 12/17/2008

RECEIVED

DEC 11 2008

LATAH COUNTY

December 10, 2008

Latah County Zoning Commission/Board of County Commissioners  
522 S. Adams St.  
Moscow, ID 83843

RE: 40 Acre Rezone

I am in support of the 40 acre rezone near Lewis Road. The area near the subject property has evolved into a rural residential setting and the current proposal is a great fit for the area.

Sincerely,



Chuck Spurgeon  
1227 Wallen Rd.  
Moscow, ID 83843

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 21  
Date: 12/17/2008

RECEIVED  
DEC 11 2008  
LATAH COUNTY

Latah County Zoning  
Rezone #780  
Nearing Addition

I want to give my support of the 40-acre rezone from Ag Forest to Rural Residential. As a resident of Latah County for over 30 years, I feel this plan will work best for the area. I believe the fact that they are donating a large number of acres to the Palouse Land Trust shows the developer has the neighbor's best interest in mind. I feel this rezone is a good plan for all involved.

*Nancy Largent*

Nancy Largent  
1300 Cora Road  
Potlatch, Idaho 83855

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 22  
Date: 12/17/2008

RECEIVED

DEC 11 2008

LATAH COUNTY

Latah County Zoning  
Rezone #780  
Nearing Addition

I want to give my support of the 40 acre rezone from Ag Forest to Rural Residential. As a resident of Latah County I feel this plan will work best for the area. I believe the fact that they are donating a large number of acres to the Palouse Land Trust shows the developer has the neighbors best interest in mind. I feel this rezone is a good plan for all involved.



David Germer  
551 Northwood Dr.  
Moscow, Idaho 83843

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 23  
Date: 12/17/2008

**Aimee Shipman**

---

**From:** Sid Eder [side@uidaho.edu]  
**Sent:** Thursday, December 11, 2008 9:51 AM  
**To:** ashipman@latah.id.us  
**Subject:** exhibit request

I request that exhibits #10 and #13 from the Rezone 731 packet be submitted as written testimony into the RZ 780 packet, as their comments and conclusions are just as pertinent to RZ 780 as they were for RZ 731. Thank you for your assistance. Sid Eder

12/11/2008

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: \_\_\_\_\_ 24  
Date: 12/17/2008

Elliot, 3281 Foothill Road, Moscow, ID 83843  
208 883 4494      elliot@mosow.com

October 25<sup>th</sup>, 2006

Latah County Zoning Commission  
Latah County Courthouse  
522 South Adams  
Moscow, ID 83843

**RECEIVED**  
**OCT 26 2006**  
**LATAH COUNTY**

Dear Sirs:

Proposed Rezone of 36 of 135 acres at the intersection of Lewis and Foothill Roads

It has come to my attention that Bennett Realty, on behalf of their client, has requested a rezone of 36 acres within a 135 acre parcel north of the intersection of Foothill and Lewis Roads. I am opposed to this rezone. My main concern is that the water in this area may not be adequate to support this level of housing density.

1. I am a registered professional engineer, and have studied the well yields in this area in some detail in preparation for the Naylor Water Rights Application in 2005.
2. I have checked the yields of 21 wells in the area of the proposed zoning change, in Sections 17 to the north and 21 to the south of the site. The IDWR records show that of these 21 wells, one was dry, 5 yielded less than 1 gal/min, 7 were between 1.5 and 5 gal/min, 4 were between 6 and 10 gal/min, and only 4 yielded more than ten gal/min.
3. Four of the 21 owners had to drill two wells in this area, and one owner drilled 3 wells before getting an acceptable yield.
4. The well logs record that all of these wells were in granite. In granite, water is stored in fissures and cracks, and not in the mass of rock. Therefore, the chances of drilling into a fissure or crack is low, as demonstrated by the above distribution of well yields. Also, if a well does intersect a crack that was already tapped into by a previous owner, there is a high likelihood that the new well could dewater the previous one, particularly if it is downhill. The proposed rezoning is in fact, downhill from many of the 21 wells noted in point 2. Prior to this application, I have heard from two property owners in this area that they have had such an experience when a new well was drilled downhill from their well. There are likely others who have had similar experiences.

I am not opposed to all rezoning requests to allow additional rural residences. In this case, however, with a large number of existing wells immediately uphill from the proposed rezoning site, and with all wells in granite, I believe it is technically unwise to start such dense housing development in the absence of any plans for a community water supply. Therefore, unless the developers can provide sound evidence of an adequate water source, not in granite, to support such a development, it must be rejected as it will adversely impact water resources, and the value of existing properties.

Sincerely

William J. Elliot, PE, PhD



Kevin M. Brackney, P.G.  
Hydrogeologist  
838 Lynn St.  
Moscow, Idaho 83843

October 29, 2006

Latah County Zoning Commission  
Latah County Courthouse  
522 South Adams  
Moscow, ID 83843

**RECEIVED**  
**OCT 30 2006**  
**LATAH COUNTY**

Attn: Chris Nicholson

Re: Proposed Rezone of 36 of 135 acres at the intersection of Lewis and Foothill Roads

Dear Sirs,

I am an Idaho Registered Professional Geologist, Certificate No. 817, and a Certified Ground Water Professional by the Association of Ground Water Scientists and Engineers, Certificate No. 120675. I have previously commented on the Naylor Farms Conditional Use Permit Application and the Naylor Farms Water Application to the Idaho Department of Water Resources in 2005.

I have reviewed Bill Elliot's comments to the Latah County Zoning Commission dated October 25, 2006, and I concur with his assessment that the groundwater resources of the local granitic bedrock are probably inadequate to support four home sites on 36 acres without negatively impacting the water levels of the existing wells. I have worked with Mr. Elliot on the Naylor Farms water right appeal, and I am confident in his ability to compile the publicly available water well records. His interpretation of the data leads me to the same obvious conclusions.

1. It is difficult to find sufficient groundwater in this fractured granitic aquifer to support a home.
2. Fracture networks may be interconnected and drained by water wells intercepting the network at the lowest elevation.
3. In addition, a well owner with a depleted well may be unsuccessful in finding additional groundwater deeper than 300 feet below ground surface, because the pressure exerted by the overlying rock tends to compress fractures too tightly below this depth, reducing the permeability and storage volume of these deeper fractures.

The west end of Moscow Mountain is relatively dry, particularly in the summer and fall, and local precipitation is the only mechanism for recharging this granitic aquifer. Because the storage capacity of granitic aquifers are low compared to basalt aquifers, the

Zoning Comments 102906.doc

LCZC Hrg: RZ780  
Applicant: BGB LLC.  
Exhibit #: 26  
Date: 12/17/2008

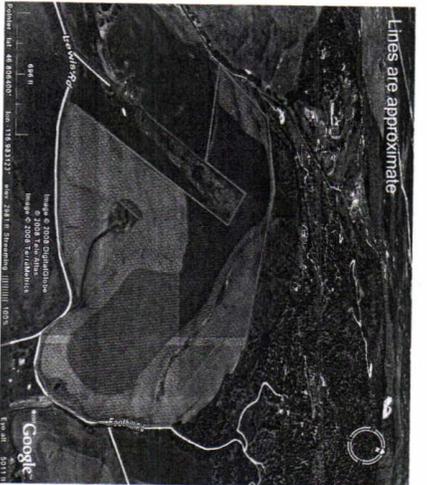
LCZC Hrg: RZ731  
Applicant: Terramark-  
Michael Hoffman  
Exhibit #: 13  
Date: 11/01/2006

quantity of water available for pumping will vary from year to year depending on the quantity and timing of precipitation.

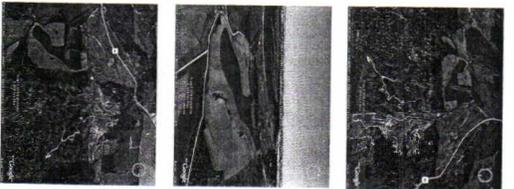
In my opinion, new developments requiring water in this area should first be required to have a developed and proven water supply that can be demonstrated, through hydrogeologic analysis, not to deplete the existing marginal water wells in the vicinity. To do otherwise will invite inevitable water supply conflicts between neighbors that will be difficult to resolve.

Sincerely,

Kevin M. Brackney, P.G.



## Subject Property 135 Acres



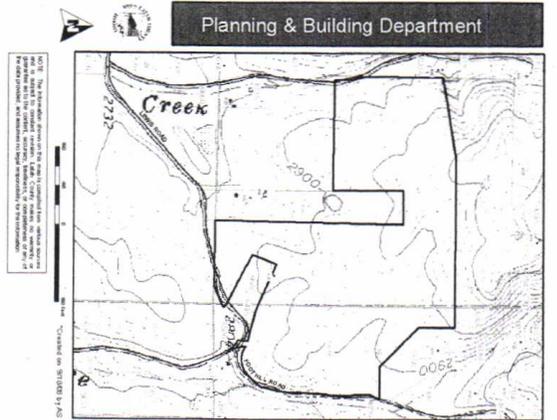
**REZONE #780**  
**LATAH COUNTY**

Latah County Zoning Commission

LCZC ME 780  
APPLICANT: BIRN LLC  
DATE: 12/17/2008

## Description of Subject Property

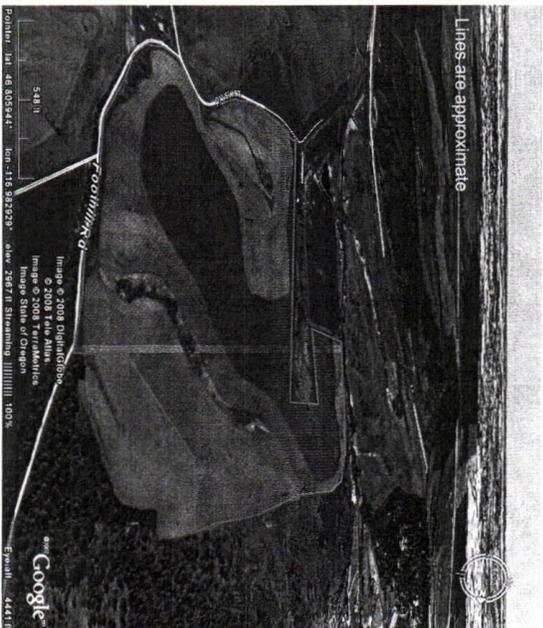
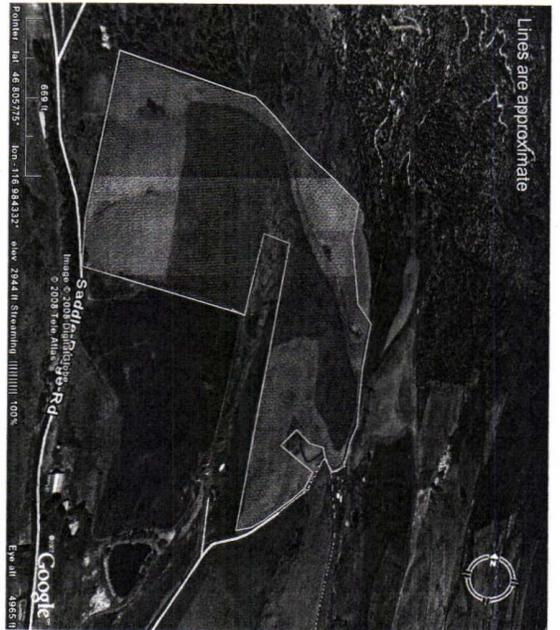
- The land is in Sections 16 and 17, Township 40 North, Range 5 West, Boise Meridian, located on Lewis Road, approximately 3.5 miles north of Moscow
- Also identified as Assessor's parcels RP40N05W177220 and RP40N05W165606, as indicated in the attached plat map
- The property is designated Rural in the Comprehensive Plan
- The subject property is approximately 135 acres in size and lies south of Nearing 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Additions and Takimnah Phase I and II, and east of Hideaway Hills Addition and the McCoy parcel which was recently approved with conditions to be rezoned to Rural Residential

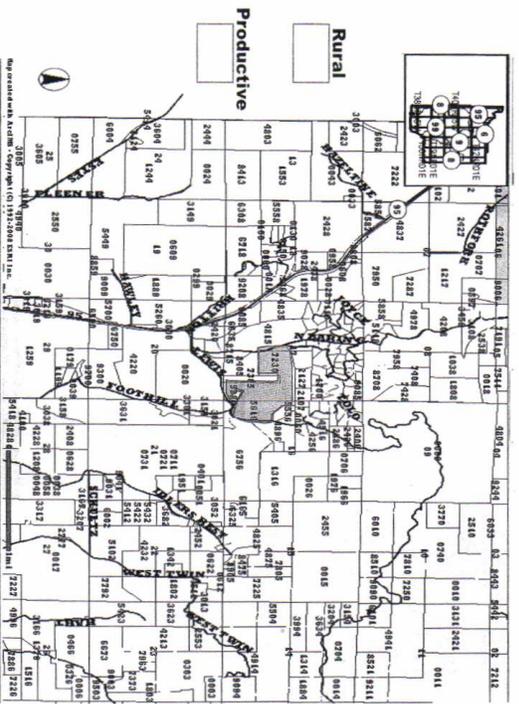


## Comprehensive Plan Designation

- **Subject Property is Designated Rural**
  - Area generally less productive agricultural lands
  - Low density residential development
  - Area should be protected from conversion to more concentrated residential development; however, sites within this area may be suitable for consideration for further low density residential development

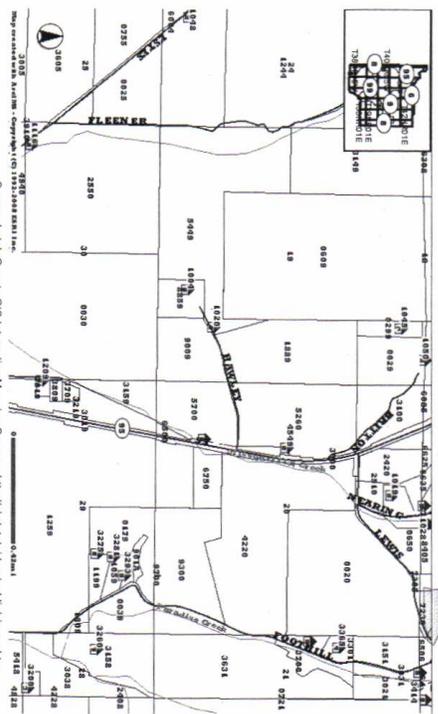
Source: Latah County Comprehensive Plan as Amended January 5, 2004



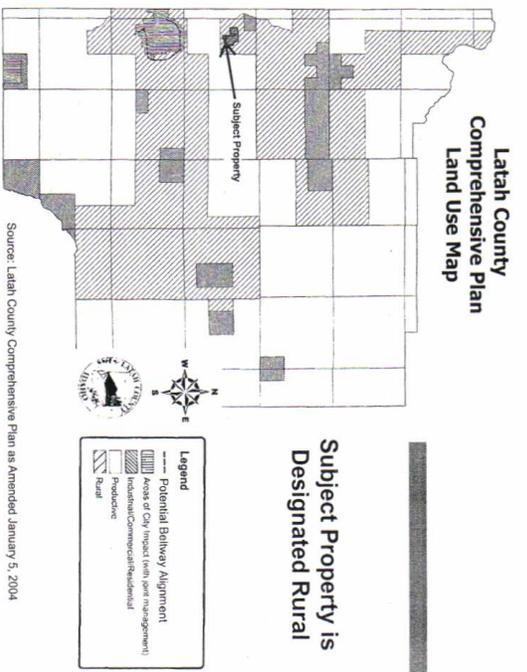


Source: Latah County GIS Interactive Mapping Server – <http://gis.latahid.us/publicviewer.htm>

## # Residences – In Productive Designation



Source: Latah County GIS Interactive Mapping Server – <http://gis.latahid.us/publicviewer.htm>



Source: Latah County Comprehensive Plan as Amended January 5, 2004

## Comprehensive Plan – Rural vs. Productive

- The comprehensive plan designates the subject property as Rural
- The Rural designation allows for low density residential development vs. a Productive designation which is reserved for the most productive lands
- Analysis of home sites in this area with a Rural vs. Productive designation

## Permitted Uses – Ag/Forest Zone

- Agronomy and all uses associated with raising, harvesting, and selling of crops, including trees and other plants
- Animal husbandry and all uses associated with raising, feeding, and selling of livestock (can include feedlots and dairies with fewer than 250 animal units)
- Forestry and all uses associated with raising, harvesting, and selling of timber and other forest products
- Accessory buildings required to conduct uses permitted under this Section
- One single family dwelling for each eligible parcel
- Home occupations (as provided by Section 4.02)
- Wind powered electrical generating equipment (including low impact or domestic windmills)
- Veterinary clinics

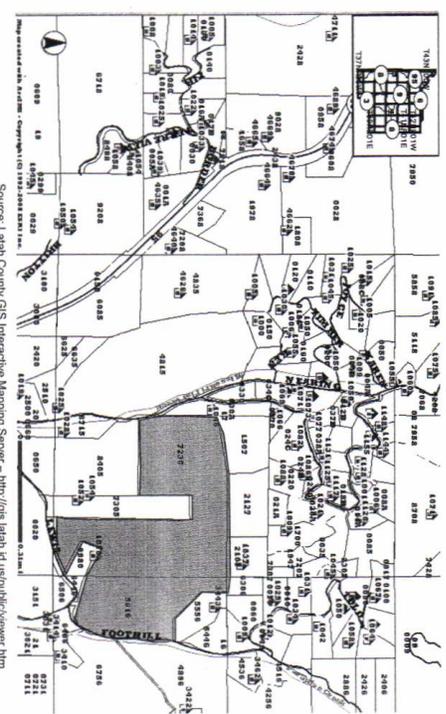
Source: Latah County Land Use Ordinance #2569 - August 2006

## Permitted Uses – Rural Residential Zone

- One single family dwelling for each eligible parcel
- Orchards, commercial fruit and vegetable gardening, plant nurseries, and related horticultural operations (not including any processing or year round sales facilities)
- Animal husbandry not to exceed 10 animal units (not including uses permitted under Section 3.02.02.3)
- Residential and agricultural accessory buildings and uses normally associated with the uses permitted in this zone
- Home occupations (as provided in Section 4.02)

Source: Latah County Land Use Ordinance #2569 - August 2006

## # Residences – In Rural Designation



Source: Latah County GIS Interactive Mapping Server - <http://gis.latah.id.us/publicviewer.htm>

## Land Use Zoning Designations

Both zones established to achieve goals of the Latah County Comprehensive Plan

- Agricultural / Forest Zone
  - Achieve goals by accommodating, providing opportunities for, and the continuation of agricultural and forest land uses
- Rural Residential Zone
  - Achieve goals by providing opportunities for residential development in areas appropriate for limited low density housing

Source: Latah County Land Use Ordinance #2569 - August 2006

## Conditional Uses – Rural Residential Zone

- Mini-storage or recreational vehicle storage facilities
- Animal husbandry, dairy, and feedlots with more than 10 animal units (with restrictions)
- Dog boarding operations with 4 or more dogs
- Golf courses, recreational fields, public parks, and meeting halls
- Public buildings and utility structures and uses
- Full plats subject to Section 8.03
- Veterinary clinics with associated boarding facilities
- Solid waste disposal facilities, water, and waste water treatment facilities
- Cemeteries, mortuaries, crematoriums, churches, and schools
- One duplex or single family home converted into no more than 2 separate dwelling units
- A single building office or professional clinic
- Bed and Breakfasts
- Processing and year round sales facilities for orchards and nurseries

Source: Lalah County Land Use Ordinance #269 - August 2006

## Proposed Rezone

- The applicant desires to rezone approximately 40 acres of a 135 acre parcel of land from Agriculture/Forestry (AF) to Rural Residential (RR) to create 4 new building sites
- The remaining 95 acres (70% of the parcel) will remain zoned AF and will be designated as conservation areas
- A total of 52 acres will be donated to the Palouse Land Trust at the time of short plat approval and will be restricted from residential development, while the remaining 43 acres will be designated a conservation area and also restricted from residential development

## Conditional Uses – Ag/Forest Zone

- Agricultural or forestry related commercial or industrial business or service uses with more than 5 full-time employees
- Feedlots, dairies, continuous confined animal operations with more than 250 animal units
- Campgrounds, recreational vehicle parks, golf courses, public parks, recreational fields, gun clubs, meeting halls, and fairgrounds
- Dog boarding operations with 4 or more dogs
- Public buildings and utility structures and uses
- Communication towers and transmission facilities
- Mineral resource developments subject to Section 4.03

Source: Lalah County Land Use Ordinance #269 - August 2006

## Conditional Uses – Ag/Forest Zone (cont.)

- Landing strips, heliports, and airports
- Solid waste disposal facilities, water and waste treatment facilities
- Cemeteries, mortuaries, crematoriums, churches, child day care facilities, and schools
- Additional single family dwelling units for parcels that have existing residences
- Bed and Breakfasts
- Wind powered electrical generating equipment (high impact or commercial windmill)
- Accessory cottage housing
- Salvage, wrecking, and junk yards

Source: Lalah County Land Use Ordinance #269 - August 2006

## What is a Conservation Subdivision?

- An innovative land use development tool that can be implemented to preserve farmland and natural resources while accommodating growth and preserving property values
- It is a subdivision that concentrates home sites in specific areas on the development site to allow the remaining land to be open space
- Conservative CC&Rs outline the plan to create home sites with rural character

Sources: <http://www.alburmatatama.org/planning/Treemall%20Review/Conservation%20Subdivision%20Website.pdf>  
<http://www.landchoices.org/conservationsubs.htm>

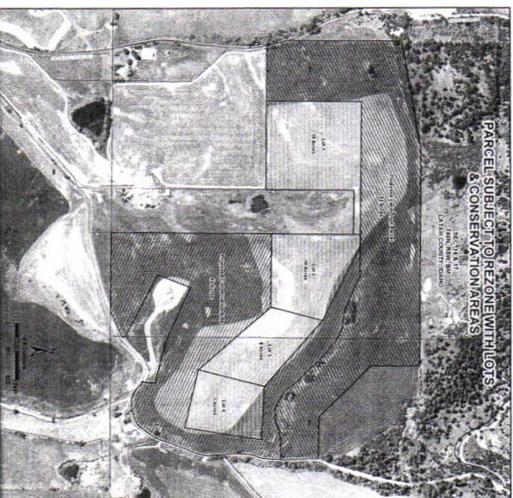
## Benefits of Conservation Subdivisions

- Minimizes environmental impacts
- Protects water quality
- Protects wildlife habitat
- Reduces infrastructure costs
- Meets market demands for homes in natural settings
- Possible increased property value and increased tax revenue
- Provides open space

Sources: <http://www.alburmatatama.org/planning/Treemall%20Review/Conservation%20Subdivision%20Website.pdf>  
<http://www.landchoices.org/conservationsubs.htm>



Source: Latah County Surveyor, John Dunn – Rim Rock Consulting, Inc.



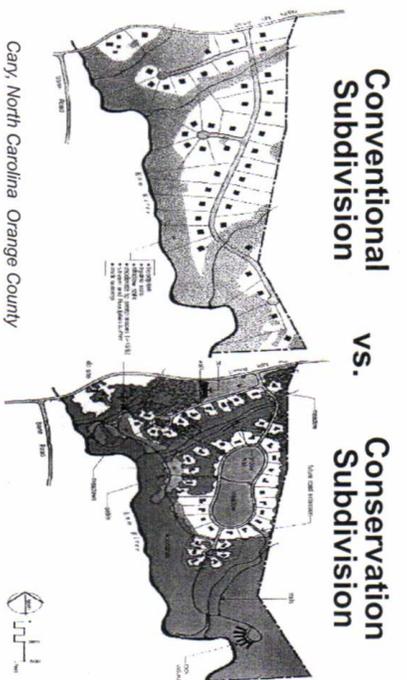
Source: Latah County Surveyor, John Dunn – Rim Rock Consulting, Inc.

## Covenants, Conditions, and Restrictions (CC&Rs) Highlights

- Water holding tank (2,000 gallons) required for each residence regardless of well production
- Underground utilities
- Site built homes only which meet Architectural Committee standards (one per lot; lots cannot be subdivided)
- Homes constructed to meet Green Building standards
- No open burning
- No livestock / livestock fencing (to provide open range for wildlife)
- Xeriscaping requirements to reduce water usage (including native grasses and plants)

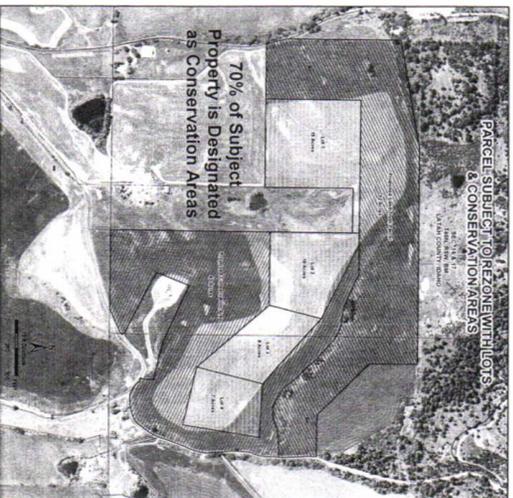
## Addressing Water Issues

- Consultation with John Bush, Geologist
- Consultation with John Monks, Hydrogeologist
- Consultation with Ted Wright, Well Driller
- 2,000 gallon holding tanks required in CC&Rs
- Conservation subdivisions:
  - Protect water quality
  - Reduce storm water run-off
  - Preserve ground water



Cary, North Carolina Orange County

Source: Town of Cary Open Space and Historic Resource Plan, <http://www.alburnsalabama.org/planning/Triennial%20Review/Conservation%20Subdivision%20Website.pdf>



Source: Latah County Surveyor, John Dunn — Rim Rock Consulting, Inc.

## Geologist Consultation (cont.)

- Based on the geography for this area:
  - There are some nonproductive wells and numerous low-yield wells
  - Interconnection over long distances is unlikely
- In his opinion, 4 wells per 135 acres in granite bedrock will not impact surrounding areas

Source: John Bush, Retired Geologist – 11/27/07 letter

## Hydrogeologist Consultation

- Description of hydrogeology similar to that described by geologist
  - Granite has a limited capacity to store water
  - Permeability is not evenly distributed; supported by the wide range of production and well depths (production ranges from 30 to <1 gallon/min; depth varies from 129 to 710 feet)
- In his opinion, it is unlikely that the development of 4 new wells in the proposed subdivision will have a measureable impact on existing wells in the area

Source: John Monks, Hydrogeologist – 11/8/06 letter  
permission granted from Michael Hoffmann to submit letter

## Geologist Consultation

- Subject parcel is located over granite bedrock, which has a limited capacity to store water
- Typically ground water in granite is located in open fractures and/or weathered zones, which are rarely continuous over large areas
- Data from numerous wells in granite in Moscow Mountain area show a wide range of production rates due to conditions stated above

Source: John Bush, Retired Geologist – 11/27/07 letter

## Area Well Statistics

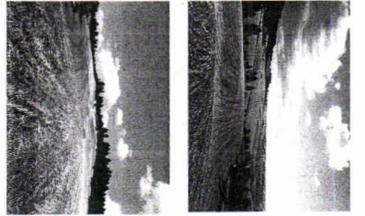
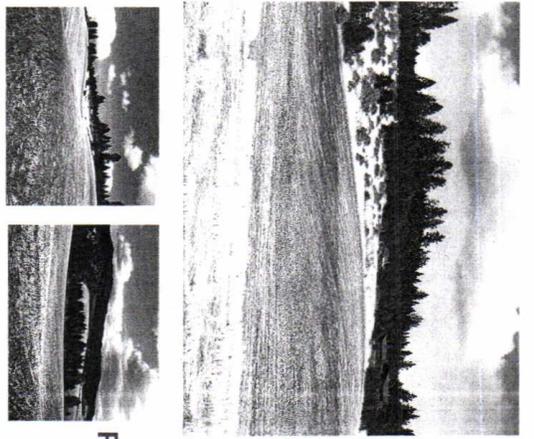
- Four Proximal Sections Analyzed
  - Section 16 (16 wells)\*
    - Gallons/min: Average (SD) = 5.7 (4.8), Median = 4.8
  - Section 17 (32 wells)\*
    - Gallons/min: Average (SD) = 5.5 (10.8), Median = 1.5
  - Section 20 (2 wells)
    - Gallons/min: Average (SD) = 15.5 (13.4), Median = 15.5
  - Section 21 (12 wells)
    - Gallons/min: Average (SD) = 7.6 (14.0), Median = 3

Notes: \* Indicates subject property location; SD = standard deviation;

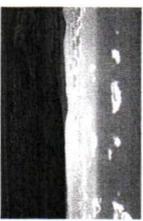
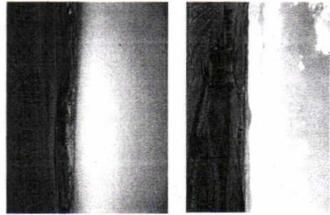
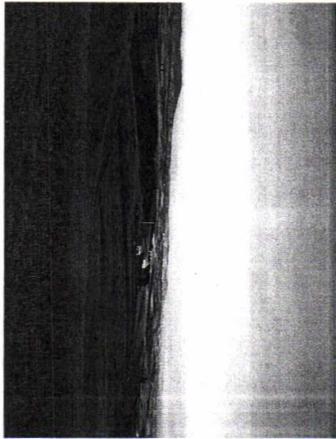
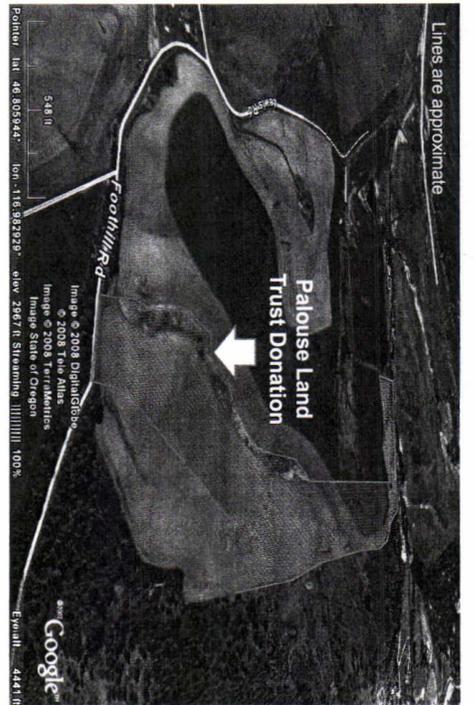
One well had an unknown production and was not included (Section 17)

Source: Idaho Department of Water Resources – <http://www.idwr.idaho.gov>

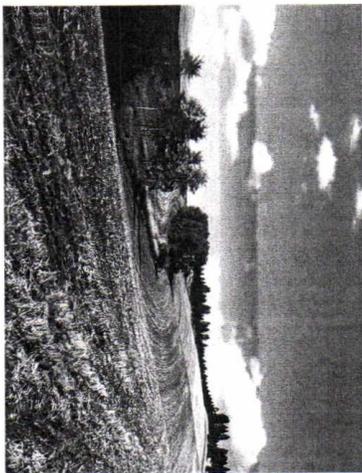




**Palouse Land Trust  
Donation  
52 Acres**



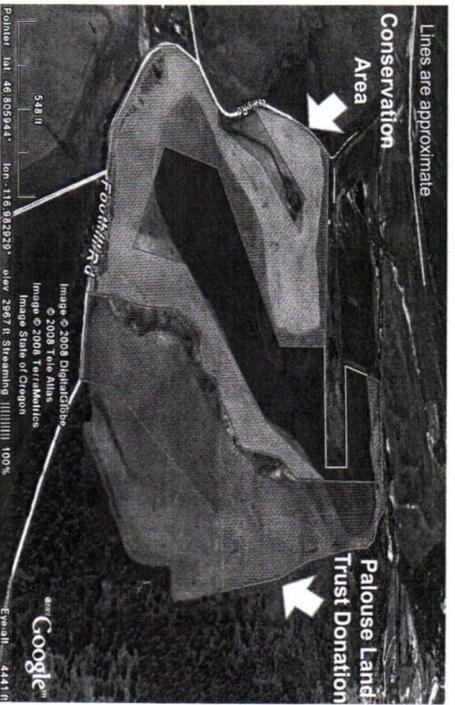
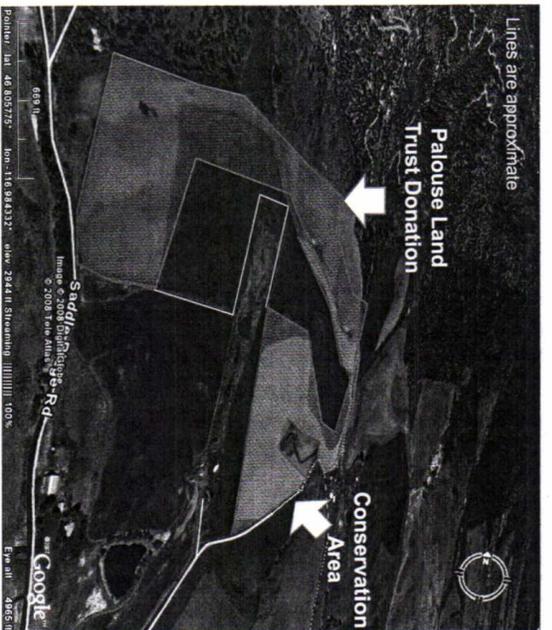
**Conservation Area  
Restricted from Residential  
Development  
43 Acres**



**Palouse Land Trust Donation  
52 Acres**

# Meeting the Goals and Policies of the Comprehensive Plan

- **Community Design Element**
  - Implements a strategy with long-term vision which ensures planned growth in a manner that meets the outlined policies (e.g., low density residential development, landscaping, open spaces, minimizes conflicts with existing land uses, preserves rural character)
  - Creates natural home sites in an agricultural setting which is similar to developments to the north which are home sites in a forest setting
- **Population Element**
  - The area in proximity to the subject property has evolved toward residential development (> 100 rural home sites)
  - Proposal is low density with 4 home sites on 135 acres
  - Represents an orderly plan where low density development is combined with conservation



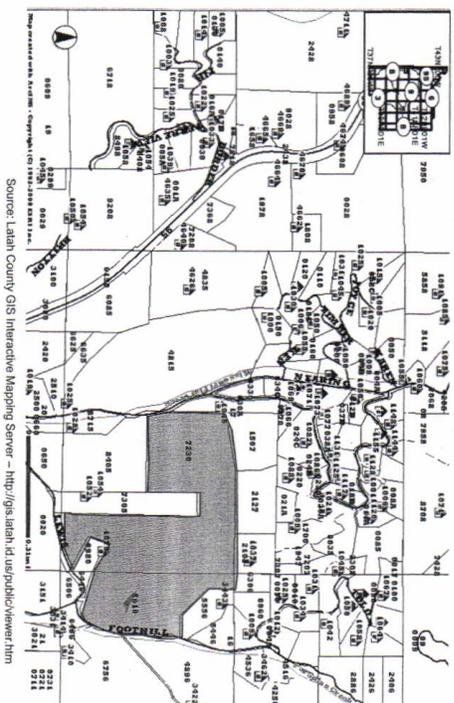
## Meeting the Goals and Policies of the Comprehensive Plan

- Public Services, Facilities, and Utilities Element
  - The proposed rezone is in close proximity to > 100 rural home sites which are already served by fire protection, police, school, health, solid waste, and other services
  - The addition of 4 homes sites will not impose a significant burden
  - Properties will be served by private wells, septic systems, and driveways and power/telephone are within close proximity
  - North Central District Health Department letter states the parcels support subsurface septic systems for single family dwellings
  - Latah County Sheriff's Department letter states that the proposed short plat will not have an adverse effect upon existing service capabilities or finances of the jurisdiction

## Meeting the Goals and Policies of the Comprehensive Plan

- School Facilities and Student Transportation
  - Moscow School District letter states proposed short plat will not have an adverse effect upon existing service capabilities or finances of the jurisdiction
  - Student transportation is currently provided to surrounding homes
- Transportation Element
  - Private driveways will be designed to meet Latah County standards for emergency response vehicles
  - Letter from North Latah County Highway District stated that given this is a relatively small plat, they do not foresee a negative impact on the road system in this area

## Residences in Proximity to Subject Parcel

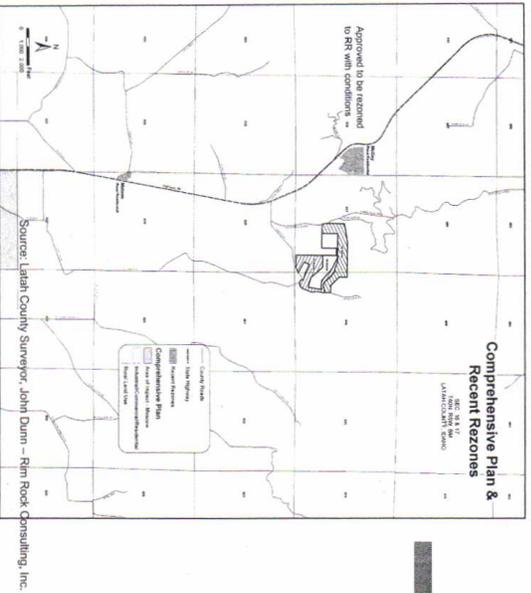


## Meeting the Goals and Policies of the Comprehensive Plan

- Housing Element
  - Architectural Committee will guide process and conform to building codes and public health standards
  - Green Built homes will provide energy efficient housing
  - Conservative CC&Rs will be implemented
- Economic Development Element
  - Encourages economic diversification
  - Creates additional opportunities for buyers seeking rural home sites
  - Increases the assessed valuation of parcel for tax purposes
  - Palouse Land Trust will have the option to receive farm proceeds from their 52 acre parcel, which may be allocated to projects beneficial to Latah County

## Meeting the Goals and Policies of the Comprehensive Plan

- Land Use Element
  - The subject property is designated as Rural by the Latah County Comprehensive Plan
  - The area in proximity to the subject property is currently utilized for rural residential housing (>100 rural home sites, including Nearing 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Additions, Talkinah Phase I and II, and Hideaway Hills)
  - Other parcels zoned Ag/Forest have recently been approved to be rezoned to Rural Residential
- Property Rights Element
  - Approval of the proposed rezone will be consistent with the residential uses allowed in the subject area



## Meeting the Goals and Policies of the Comprehensive Plan

- Natural Resource Element
  - Designating 95 acres (70% of the parcel) as a conservation area will help to protect the natural environment
  - Letter from Palouse Land Trust stating that they will accept the 52 acre donation
  - CC&Rs will provide requirements for energy efficiency, fire prevention, water storage, underground utilities, and open space
- Special Areas Element
  - There are no identified special areas
- Hazardous Areas Element
  - There are no identified natural hazards with the potential to significantly affect the property
- Recreation Element
  - The conservation areas may provide additional options for recreation

## Meeting the Goals and Policies of the Comprehensive Plan

## Public Services

- The surrounding properties are already served by fire protection, police, school, health, solid waste, and other services
- The addition of 4 home sites will not impose a significant burden on public services
- Tentative approval letters provided by:
  - Moscow School District
  - North Latah County Highway District
  - Latah County Sheriff's Department
  - North Central District Health Department

## Compatibility with Surrounding Area

- Subject property designated as Rural in Comprehensive Plan
- The area in proximity to the subject property is currently utilized for rural residential housing (>100 rural home sites, including Nearing 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Additions, Tatkinmah Phase I and II, and Hideaway Hills)
- Additional homes border property to the north, east, south, and west
- The proposal will be very compatible with the rural residential character that is currently present with low density housing and ample open space
- 70% of the parcel will be designated a conservation area

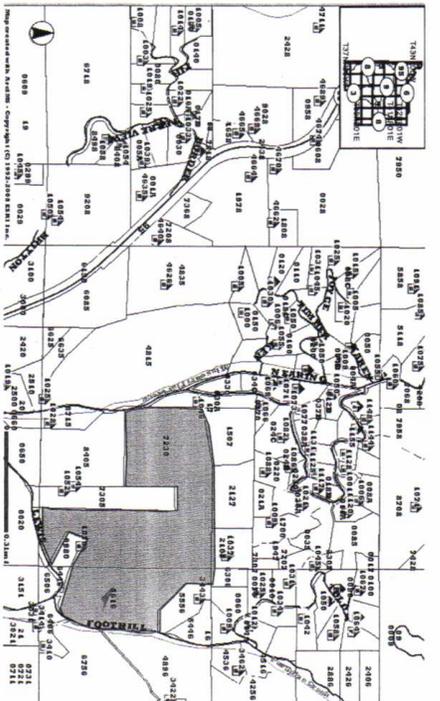
## Why this Rezone is Not a Spot Zone

- This rezone does not differ measurably from the zoned land uses surrounding the area
  - Creates natural home sites in an agricultural setting which is similar to developments in the area which are home sites in a forest setting (>100 rural home sites)
- The density of homes on this parcel will be similar to surrounding rural subdivisions
- The Latah County Comprehensive Plan designates this area as Rural
- The public benefits outweigh the costs

## Public Benefits

- 52 acres donated to Palouse Land Trust
  - PLT will have the option to retain future farm proceeds which may be allocated toward other projects that are beneficial to Latah County
- 43 acres designated as conservation area
- The proposed rezone will significantly increase the assessed valuation of this parcel for tax purposes
- The proposed rezone will provide additional opportunities for buyers looking for rural home sites in a natural setting
- Costs for improvements will be made at the expense of the owner and the home sites will be served by private wells, septic systems, and driveways

## Residences in Proximity to Subject Parcel



## Why Should the Subject Property Be Zoned Rural Residential?

- We believe this plan encompasses the highest and best use for this property having desirable natural home sites combined with the preservation of the Palouse landscape similar to surrounding subdivisions (Nearing 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Additions, Takimian Phase I and II, and Hideaway Hills)
- Conservative CCRs will regulate the four home sites requiring water storage, underground utilities, ample open space, xeriscaping requirements, and green building standards
- Based on Land Use Ordinance #269, the subject property and the surrounding area appear to more indicative of a Rural Residential zone
- The Rural Residential zoning designation would align with the comprehensive plan's Rural designation for the property
- 70% of the subject property (95 acres) will be designated as conservation areas which will be restricted from residential development and will provide ample open space for free range of wildlife and large buffers between the proposed residences and the surrounding neighbors
- We believe the best plan for this subject property is to implement a strategy that incorporates long-term vision which combines controlled growth with conservation