

Aimee Shipman

From: Sid Eder [side@uidaho.edu]
Sent: Thursday, December 11, 2008 10:55 AM
To: Aimee Shipman
Subject: Re: exhibit request

Hi Aimee, Could you also include George Grader's? Thanks. Sid

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

From: Aimee Shipman
To: 'Sid Eder'
Sent: Thursday, December 11, 2008 10:12 AM
Subject: RE: exhibit request

Sid,
I will include those exhibits as you requested. I could not find anything submitted by Jerry Fairly as part of the packet but there is an exhibit submitted by George Grader who I believe is a geologist.

Sincerely,
Aimee

From: Sid Eder [mailto: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 #: 28
Date: 12/17/2008

To: Latah County Commissioners
Latah Zoning and Planning Commission
Citizens and Farmers of Moscow and Latah Country

RECEIVED
OCT 31 2006
LATAH COUNTY

From: Dr. George W. Grader, Geologist.

Oct 31, 2006

The following letter pertains to the rezone request by Terramark (Michael Hoffman) on the agricultural land between Lewis Road and the established larger residential/ forestry acreages, from the point of view of a non-land owner, Latah County citizen, expert geologist, and member of the Citizens Advisory Group to the Palouse Basin Aquifer Committee (a group of volunteers mandated by the Director of Idaho Water Resources). The following is provided for the purposes for all parties concerned, and adding recent historic comment and review of local hydrogeology and terminology.

Letter Summary:

It is my submission that the rezone and development of the acreage above Lewis Road (the "Whitmore and Bennett supported Terramark - M. Hoffman Application) would have direct negative local effects and cumulative, unconstrained future regional effects to the Moscow area. If multiple groundwater wells and septic systems were to be placed onto this sensitive, dry-side/south-side farmland, this will negatively affect 1) up-gradient local residents, 2) future intra-rezone property consumers, and 3) will over a less tangible time frame also affect down-gradient rural residents.

Introduction:

Properties in Latah County are understood mainly by their historical to present zoning and surficial land use, but less common is an understanding of their location with regard to surficial and subsurface geologically controlled watersheds. Information on the latter is provided below, although there are other ways to understand abstracted Latah County properties including also biologic, archeological, architectural, conservational, or scenic areas. Whereas the latter are not discussed, and perhaps remain less quantified, elements of Latah County geology and hydrology are fast becoming household concepts.

The hydrogeology can be understood at multiple scales affecting human beings from

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 29
Date: 12/17/2008

LCZC Hrg: RZ731
Applicant: Terramark-
Michael Hoffman
Exhibit #: 21
Date: 11/01/2006

1 to 10 to 100 to 1000s of living people, their future children or people not yet arrived to this area.

"To understand a problem or question one must look at it from the point of view of one's ancestors and one's grandchildren's children" Patrick Shea (Moscow Water, Summit 2005).

Are we doing what Mr. Shea, natural resource leader in the West has suggested with regards to this rezone application? Without knowing precisely the regional water budget and without understanding what is a viable regional carrying capacity in terms of population and commerce type, we are beholden to the opinions of liberal optimists or conservative pessimists, driven by ideological and reactive reasoning. Without a progressive plan that incorporates science and education, especially in the light of changing climate and clear examples for the eventual declines of previous civilizations, we are destined to repeat the same essentially environmental land use failures, of which there are inexhaustible examples across our country and the world attributable to political entities both on the Right and Left.

The following places hydrogeology at the proposed area for rezone into a regional frame work. By understanding the hydrology all parties are therefore invited to gain further insight into the often overlooked basic natural resource questions that affect State, County and City law, economic structure and domestic habitation in the form of Zoning and Architecture.

Geographic and Geologic Description of the area

The subject area for rezone falls mainly along a geographic high (~3000') that is connected to draws that feed the headwaters of Paradise Creek and Missouri Flat with clear visual and hydrologic connections to the entire Moscow area (Fig 1). Granite outcrops and subcrops are common on this property and nearby, and there is an established east-west trend in a fractured fault zone that can be extrapolated at depth across the entire acreage. The age of slip across this fault zone and the amount of displacement is at present unknown, but Miocene (~15 million years) or younger reactivation of an older fault system is probable. Note that any activity along this fault in the near future is highly unlikely, although very

grossly similar lineaments within the same geology where described following the 2001 Spokane earthquake.

The inherent nature of the granite in the area can be extrapolated using a transect line from Steakhouse Hill outcrops, across the nearby rock pit belonging to Russell Perrigo to the land belonging to William Anderson and Sid Eider, and extrapolated directly within the subsurface of the Whitmore property (including the area of the rezone request). Ancient East-West metamorphic fabrics common elsewhere on Moscow Mountain may be associated with older faulting events, but the faults show both vertical and horizontal movement and complex associated fractures (suggestive of fault remobilization). These faults were probably reactivated during the Neogene (last 23 million years). They help to define regional topography and have ramifications for regional groundwater. Other lines including erosional and depositional remnants above the granite of Moscow Mountain also suggest post-Miocene uplift.

The proposed rezone area is located precisely on the Moscow sub-basin margin, and the horseshoe-shaped geologically transitional margin defining a key area of hydrologic recharge to shallow aquifers including the Wanapum Aquifer (Fig. 1). Figs. 2, 3 and 4 show further details about how this area relates to regional geology and hydrology, and people involved in planning or development should be at least conversant in the basic local stratigraphic terminologies. No longer is the geology of the area a mystery - it is quite concrete. No longer must citizens guess when drilling their wells. Resources are slowly becoming available to them that allow them to grasp local water issues, and allow them to understand how their well or wells might produce or affect their neighbors. Although wells terminated within the granitic basement are cryptically peripheral to these otherwise widely connected and productive shallow aquifers, the granitic basement configuration and surficial sediment/soil geometries control a key recharge zone for the already once drained upper communal aquifer (the Wanapum aquifer was pumped dry by the 1960s, and is still used by municipalities and rural residents down-gradient from the proposed rezone site).

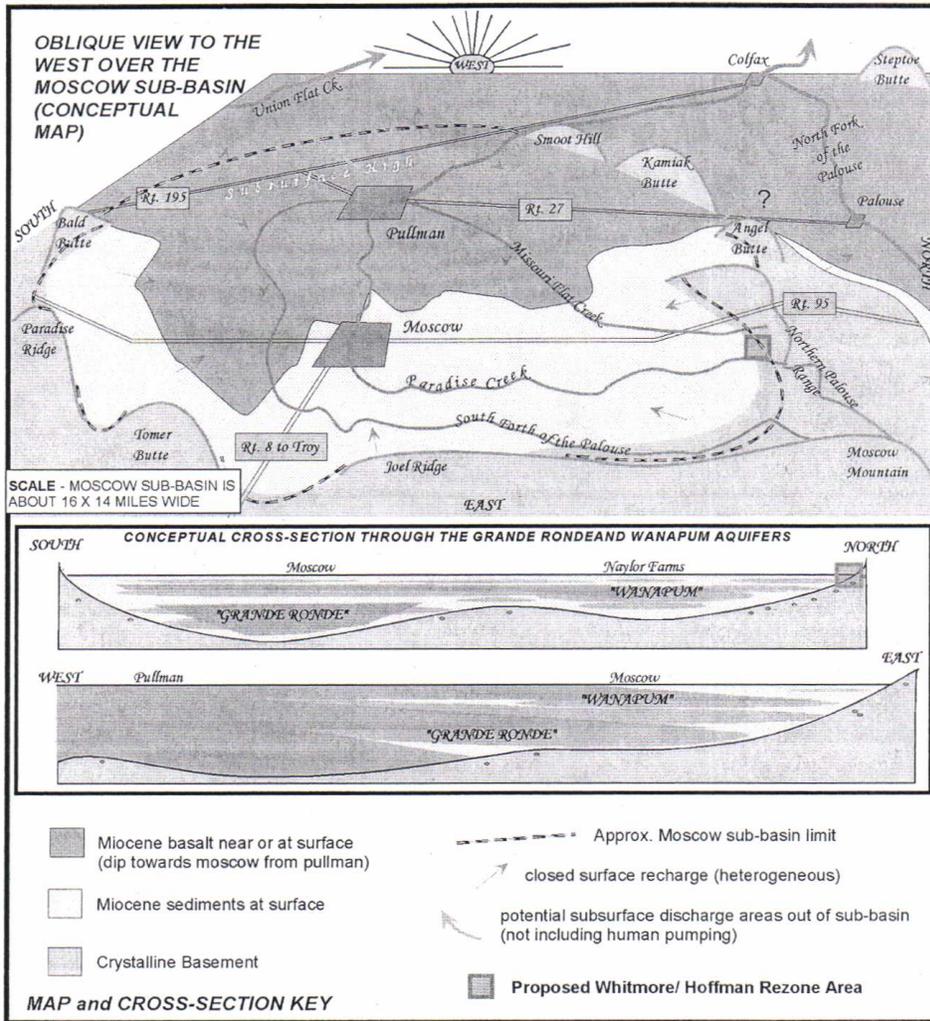


FIG 1. Conceptual Map and Cross-section of the Moscow Subbasin

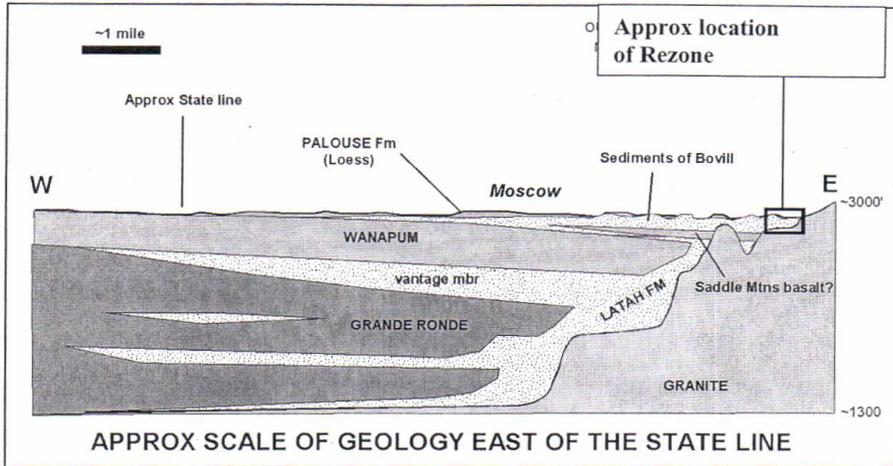


Fig 2. General W-E Geology of the Moscow Region

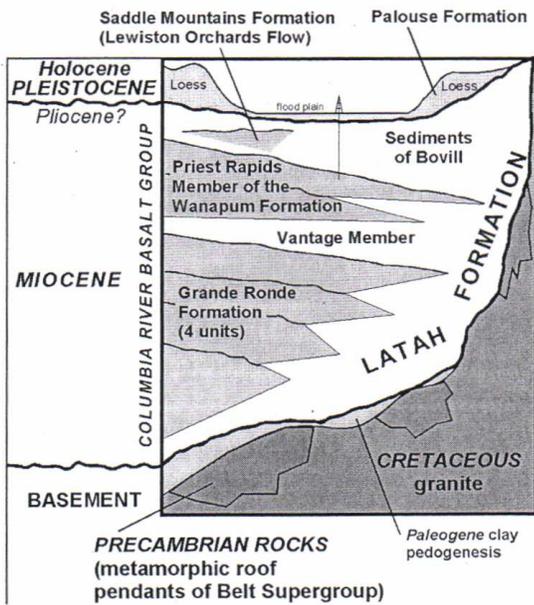
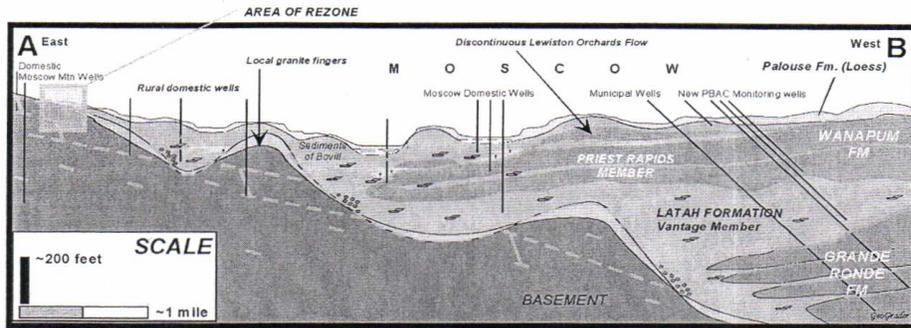
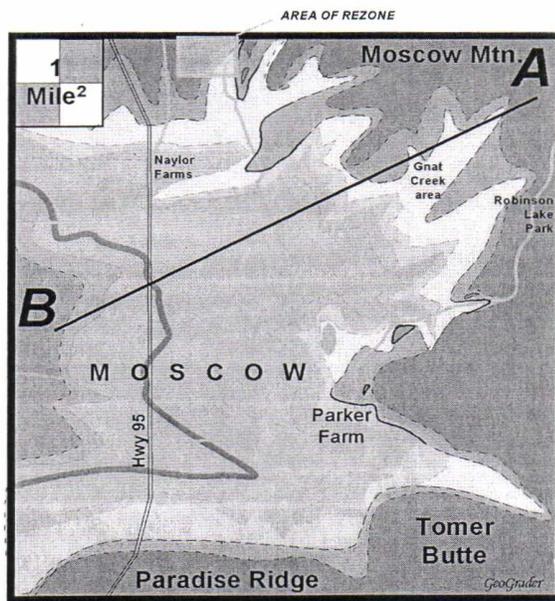


Fig 3. Names and Geologic Ages of Basalt Flows and Stratigraphy of the Paradise Creek near Moscow

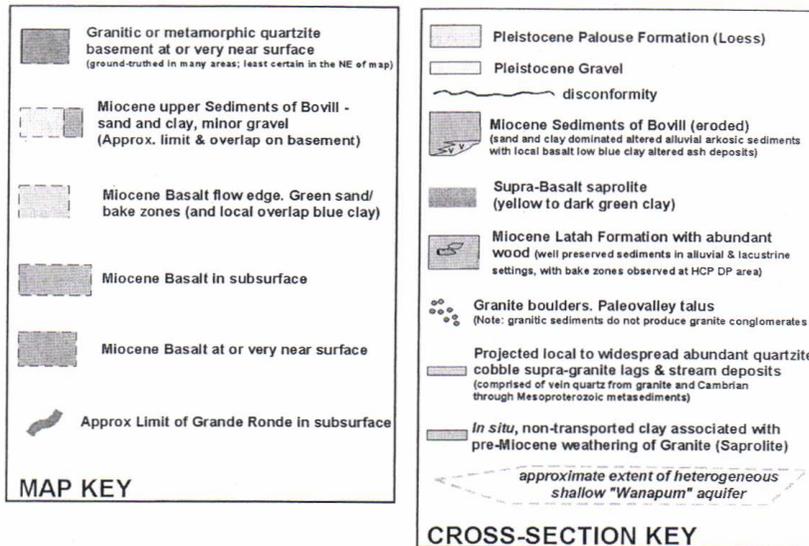


Conceptual cross-section of the Moscow sub-basin



Developed conceptual map and superimposed limits of rocks in the Moscow sub-basin

Fig 4. Regional conceptual cross-section and Map showing well targets and details of Basalt flooded Paleogeographic subsurface paleovalleys - see KEY on next page



((Fig. 4. Regional conceptual Cross section and Map - KEY))

Associated predictions in hydrologic Interconnectivity: Up-gradient and within the Rezone Area

A variety of observational and anecdotal evidence already suggests important seasonal variations and interconnections between extant, relatively widely distributed water wells within fractured to granular, competent to decomposed granite with mostly very low (4 to 0.5 gallons / minute) to rare, initially high water yields (30(-) gallons / minute). Averages run at about 3 gallons/minute in Section 17, not including rare wells such as the 30 gal/min well mentioned above of Jacobs (See Table 1 below, which had to be redrilled after their other well went dry after blasting at the nearby Quarry). The latter producing well is at the base of a major draw, that is quite different to the proposed property of rezone (i.e., the Whitmore / Hoffman Rezone application). Occurrences of seasonal variability or even dry-up are demonstrable and well known among neighbors in this area. The mistakes of development in the 1970s and 1980s (eg Nearing Addition) are not comparable to the present rezone, nor should such lighter development be even be repeated in the 2000s.

The above described unpredictable granitic subsurface and internal obscured paleolandscapes (buried paleovalleys), and the highly fractured nature of the granite in the above said fault will have significant effects not only between established wells but on any new wells. Furthermore there may be lateral complications between numerous anticipated wells and septic leech field systems (see also letters of Dr. Dave Elliot and Kevin Brackney, P.G.).

There is clear evidence from IDWR well logs (E.g. See T40N R5, Section 17 below for known, incomplete, mostly post-1980 well summaries recorded in the area) and surficial geology that this area occurs within the transition zone between granitic basement rocks (with intermittent aquifer) to the 15 million year old "Sediments of Bovill" which contain limited waters feeding down-gradient wells and ultimately the Moscow-Pullman Aquifer System. Section 17 wells and sections further south locally overlie granitic highs over decomposed associated ancient soils or they fill gigantic granitic subsurface valleys (lows that collect water) which were once alluded to by Phil Nesbit, the Geologist working for Naylor Farms LLC. The Sediments overlie/ transition with the basalts of the Wanapum Aquifer – see Figs. 2, 3, and 4).

Recent History

Questions of illegal aquifer mining, aquifer volumes, interconnectivity, associated surface stream flows, land use (e.g. vegetation cover and building types, flood plains vs. hill tops), precipitation and schedules of well monitoring, while having been regional back-burner issues since the 1960s, have recently become questions of "emergency," with state-mandated and locally executed plans for technical resolution by 2010 and 2020. This "crisis pitch" reached the city of Moscow and Latah County residents with the recent Naylor Farms land use application, and serves as a harbinger of international, state and local *corrections* in water availability and associated perceptions in commerce/economy/ conservation. Clearly Latah County land use and zoning near to the City of Moscow and economic sustainability based on a continued supply of non-polluted water are major questions facing the regional community; these are questions and realities now being actively studied by a completely reorganized leadership of the Palouse Basin Aquifer Committee and a huge new Program at the University of Idaho (Water of the West). So far we have been spared the water

controversies of the Rathdrum Prairie and southern Idaho – if we want to remain a special and autonomous area, we must deal with our Zoning Laws with VISION and DATA.

Conclusion

A spot rezone such as the one proposed by Terramark – M. Hoffman will set a visible precedent for the future of the Moscow Area. There are multiple reasons why this rezone request should be denied; my purpose here is mainly to provide readable graphics and example of well logs showing local geology, and already stressed water resources. Multiple already barely tenable wells up- and down-gradient from the proposed site are already in trouble with dropping regional water levels in all aquifers. Why or how could anyone with integrity exacerbate this situation, except under the most progressive of building and architectural plans, using a gentler foot print, using (finally!) soon to be well-established local geohydrological data and clearly buildable artistic architectures with engineering that conserves energy and water? Clearly viable structures that will create or fill communal space will require extra expense. It is not just the market that drives the economy; it is the climate together with natural resources (see for example Jared Diamond). Consumer Developments are part of California culture – a very expensive place that is drying up.

Thus, The County's Comprehensive Zoning plan should be adhered to, if people want to subdivide and build on their land, they should be constrained to establish laws and intelligent decisions that take into account the ways and practices of the established agricultural economy AND THE GEOLOGY WHICH CONTROLS THE WATER!

Table 1 Township 40N Range 5W SECTION 17

Idaho Department of Water Resources
Listing of Driller Reports

RECEIVED
OCT 31 2006
LATAH COUNTY

Contact	Use	TWP	RNG	SEC	Tract	Gov. Lot	WellAddress	Sub	Bl L	Gallons Per Minute	Static Water Level	Total Depth	Casing Depth	CSG. DIA.	Construction Date	Permit Number	Tag Number	
CONITZ, MERRILL W	Domestic- Single Residence	40N	05W	17	NENE					0.5	60	322	21	6	10/28/1968	747028		
Related Documents																		
TAYLOR, ROY	Domestic- Single Residence	40N	05W	17	SESE					1.5	90	305	67	6	7/1/1969	747054		
Related Documents																		
STORM, LEO	Domestic- Single Residence	40N	05W	17	SWSW					6	347	448	19	6	7/13/1970	747063		
Related Documents																		
BETTS, EDITH	Domestic- Single Residence	40N	05W	17	NENE					1.5	160	285	20	8	3/14/1973	747152		
Related Documents																		
BELLES, WAYNE	Domestic- Single Residence	40N	05W	17	SESW					7	25	179	19	8	1/17/1977	747264		
Related Documents																		
WILLIAMS, SCOTT	Domestic- Single Residence	40N	05W	17	NWNE					6	1.5	149	195	36	8	7/25/1980	747333	

Related Documents

LEPPELMAN, JOHN	Domestic- Single Residence	40N 05W 17	NENW					0.33	75	304	19	8 6/10/1981	747343
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Related Documents

LEPPELMAN, LOU	Domestic- Single Residence	40N 05W 17	SENW					6	30	200	29	8 7/30/1982	747359
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Related Documents

SCHILLING, NICK	Domestic- Single Residence	40N 05W 17						8	120	360	20	6 8/21/1984	747392
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Related Documents

O CONNELL, DAN	Domestic- Single Residence	40N 05W 17	SWNE					3	215	507	54	6 3/8/1984	747396
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Related Documents

NEARING, GUY	Domestic- Single Residence	40N 05W 17	SESW					5	10	178	39	8 7/8/1984	747402
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Related Documents

BETTS, PETERSON	Domestic- Single Residence	40N 05W 17	SENE					1.5	69	353	21	8 10/31/1985	747410
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Related Documents

BETTS, PETERSON	Domestic- Single Residence	40N 05W 17	SENE					3	107	304	19	8 10/24/1985	747414
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Related Documents

PIEL, KEN	Domestic- Single Residence	40N 05W 17						016	4	20	129	20	8 6/14/1988	747471
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Related Documents

HENEN, JIM	Domestic- Single Residence	40N 05W 17					30	165	228	184	8 11/23/1990	747542	
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Related Documents

HUGHES, DOUG	Domestic- Single Residence	40N 05W 17			9		1	100	404	57	8 5/5/1991	747550	
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Related Documents

TANNER, MACK	Domestic- Single Residence	40N 05W 17		GOVERNMENT LOT 6			0	Above Ground Level	510	56	6	747553	
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Related Documents

TANNER, MAURICE	Domestic- Single Residence	40N 05W 17	NWNE			99999 99		270	606	30	8 7/3/1991	747555	
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Related Documents

BURNS, GILBERT	Domestic- Single Residence	40N 05W 17	SWNW1W				1	85	604	88	8 4/10/1992	747591	
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Related Documents

GREEN, DAN	Domestic- Single Residence	40N 05W 17	NWNE	NEARING ROAD			3	15	229	23	8 8/16/1994	747717	
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Related Documents

JACOBS, KATHLEEN, JACOBS, RICHARD	Domestic- Single Residence	40N 05W 17	NESW	HIGHWAY 95 NORTH, 5 MILES		030	30	10	350	38	8 8/30/1997	747929	D0003138
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Related Documents

AXFORD, PAUL, AXFORD, BONNIE	Domestic- Single Residence	40N 05W 17	SWNE	1/2 MI NEARING RD			0 33	220	375	108	8 6/24/1998	747971	D0003910
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Related Documents

AXFORD, PAUL	Domestic- Single Residence	40N 05W 17	SWNE	5 MI NEARING RD			2	93	270	50	8/6/26/1998	747972	D0003911
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Related Documents

KARL, ALICE F. GRISWOLD, MICHAEL D	Domestic- Single Residence	40N 05W 17	SWSW	4 MI OFF HWY 95, LOT 8 & 10, NEARING ADDITION	NEARING- ADDITION	8&10	2.5	150	710	-18	8/6/10/2000	764483	D0013195
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Related Documents

BERGER, PHIL	Domestic- Single Residence	40N 05W 17	NWNNE	1086 nearing rd	1086 NEARING RD	23	50	150	370	-18	8/10/26/2000	767244	D0013537
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Related Documents

EDER, SIDNEY	Domestic- Single Residence, Domestic- Single Residence	40N 05W 17	SENE	1237 TOLO TRAIL			1.25	120	403	19	8/8/24/2001	770613	D0017380
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Related Documents

BEEBE, RICHARD C	Domestic- Single Residence	40N 05W 17	SWSW	5 MI ON TIMBER LN	NEARING- 3RD ATTID	17B	0.5	205	445	21	8/8/11/2005	835129	D0040589
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Related Documents

PETERSEN, RAY D	Domestic- Single Residence	40N 05W 17	NWSW	NEARING ADDITION 6 MILES FROM MOSCOW		012	0.08	300	628	70	8/6/14/1995	747767	
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Related Documents

PETERSON, RAY	Domestic- Single Residence	40N 05W 17	SWNW				0.5	154	403	55	8/8/25/1995	747798	
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Related Documents

BEBBE, RICHARD C	Domestic- Single Residence	40N	05W	17	SWNW	5 MI ON TIMBER LN	NEARINGS 3RD ADDIT	17B	0.5	110	380	380	8/8/21/2005	835328	D00040590
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Related Documents

David L. Mendenhall
3404 Foothill Road
Moscow, Idaho 83843

Planning and Zoning commission

County of Latah, State of Idaho

RE: Rezone Application #780

Dear Commissioners,

I would first like to thank the Commissioners in their 2006 Findings in the Terramark-Hoffman matter concerning application #731 for the petition for a spot rezone of this very same parcel, and the County Commissioners' adoption of this Commissions' findings of fact and conclusions of law in the matter.

Since the substantive facts in current application are simply "another" petition for a spot rezone to what has already been decided with respect to this parcel of land, I would respectfully beg the Commissioners to dismiss this application arbitrarily as a frivolous petition without merit and not based on fact or conclusions of law, which would be in violation of the Latah County Comprehensive Plan Ordinances listed in the 2006 decision .

The various promises and expressions of intent in the petition should have no force or effect on this Commission's actions, since expressions of intent and promises are unenforceable and have no direct bearing on the substantive matters in this petition. Even were the Applicants to realize their expressed promises and expressions of intent, the applicants fail to understand the basic process of farming, and even should the applicants indeed assign all right title and interest of the mentioned 52 acres to the Palouse Land Trust, and should said land trust deem to allow the continued farming of said 52 acres, those 52 would not be amenable to continued farming. Current farming practices are not amenable to close proximity to residential neighborhoods, due to the

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 31
Date: 12/17/2008

applications of fertilizers, pesticides and herbicides. Therefore, this plan would essentially be a withdrawal of the entire 135 parcel from agriculture.

The expressed intent to designate 40 acres to a Conservation Area, conducive to small acreage farming activity are ludicrous at best. Whereas the adjacent property owner, Dr. Aicha Elshabini has disclosed that it takes 16 minutes for toilet to re-fill after flushing and has tried to remediate her water problem by having constructed a water catch basin. The applicants have entirely avoided the water supply issue in their application, and have not made a full disclosure in this application verging on the point of fraud by doing so. Water studies of the area lead experts to conclude water supplies are not available for further development of housing. The proposed small acreage farming activity is simply not sustainable, since any small acreage farming activity requires a bit more water than what is required to flush a toilet.

In conclusion, I would like to say that should this ridiculous application somehow be approved, I would warn the Commissioners that any further development in this area of the Palouse, could lead to existing homeowners to seek legal redress against the County, should Dr. Aicha Elshabini and others simply not be able to flush their toilets, because they have "NO" water due to over development.

Sincerely,

David Mendenhall

December 11, 2008

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

This letter is to affirm that we are in support of the 40 acre rezone off Lewis/Foothill Road from AG/F to Rural Residential to create 4 home sites. The conservation easement can only be a bonus for people and animals.

Thank you.

Cliff Byers
Lynette Deschamp Byers

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 32
Date: 12/17/2008

Latah County Commissioners and Zoning Commission
522 S. Adams
Moscow, Id 83843

As Residents of Latah County, We are in support of the 40 acre re-zone
off Lewis/Foothill Rd. from AG/F to Rural Residential to create 4 home sites.
And, We believe this is a great project for all involved.

Thank You

Scott & Kelly Hall
107 N. 9th Street
Kendrick, ID 83537

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 33
Date: 12/17/2008

Aimee Shipman

From: CRAIG.KNOTT@usbank.com
Sent: Thursday, December 11, 2008 11:26 AM
To: ashipman@latah.id.us
Subject: Rezone #780

Aimee - see below for Rezone #780.

"Hiatt, Chanc" <CHiatt@sd281.k12.id.us>

To <CRAIG.KNOTT@usbank.com>

cc

Subject RE: Letter

12/11/2008 11:10 AM

I agree with the plan to rezone the 40 acres on Lewis Rd. to allow for 4 homes. With the land being set-aside for conservation and such a few number of homes, this makes sense for Latah County.

Thanks
CHanc HIatt

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.

12/11/2008

LCZC Hrg: RZ780
Applicant: BGB LLC
Exhibit #: 34
Date: 12/17/2008

December 11, 2008

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

RE: Rezone #780

To Whom It May Concern:

I am writing in support for Rezone #780. I feel the change of 40 acres from Agricultural/Forest to Rural Residential would be good fit for demands of this area.

The proposed plan is very well conceived keeping the neighboring properties in mind. The buffer area between the existing residential area and the proposed residential area was designed to keep the idea of preserving the Landscape of the Palouse.

With 70% of the parcel designed for a conservation area, this could be a great model for future developments.

Sincerely,

Linda Sprenger

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 35
Date: 12/17/2008

December 11, 2008

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

RE: Rezone #780

I am writing in support of the rezone #780 which changes 40 acres from Agricultural/Forest to Rural Residential. The plan proposed by the owners is very well thought out and would be a good possible model for future development plans.

The development plan takes 70% of the parcel and turns it into a designated conservation area. This conservation area also means that the new development will have a large buffer area between the existing residential area and the proposed residential area as well as keeping with the model of conserving the Palouse Landscape.

Sincerely,

Mike Sprenger
General Contractor

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 36
Date: 12/17/2008

Aimee Shipman

From: Dave Potter [depotter@moscow.com]
Sent: Friday, December 12, 2008 12:14 AM
To: ashipman@latah.id.us
Cc: side@uidaho.edu; marilynbeckett@gmail.com; iskra@moscow.com; 'Lauren Fins'
Subject: Topographical Views
Attachments: potter_zoning.ppt; potter_zoning1.jpg; potter_zoning2.jpg; potter_zoning3.jpg

Re: Rezone Application #780

Dear Latah County Planning and Zoning Commission,

Attached are three exhibits we'd like to present to on December 17. All three are part of the attached powerpoint file, and just in case you have trouble with the powerpoint file, I've included each view as a separate jpg file.

potter_zoning1.jpg: This comes directly from the application, showing the area in question and surrounding land. Notice that most of the homes (yellow) are north of the 135 acres. Nearly every one of these homes are in forested areas, unlike the 135 acres, which are, of course, farmland.

potter_zoning2.jpg: This shows the same area, but this aerial photo shows more clearly the topographical difference between the rezone area and residential area to the north.

potter_zoning3.jpg: This shows the same area, but from the ground, taken from a hill just south of Lewis Road. The difference between the rezone area and the residential areas to the north are even clearer here. The tree line is the northern boundary of the rezone area.

Aimee mentioned that you'd be able to have a computer and projector available to show these at the hearing on the 17th. I don't know if you'll be actually putting these files on the computer, so I'll bring a thumbdrive with me that has them on it.

Thanks for giving us the opportunity to speak in opposition to the application.

Yours,

Dave Potter

12/12/2008

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 37
Date: 12/17/2008

Topographical Views of Proposed Rezone Area

Submitted by Dave Potter

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 38
Date: 12/17/2008

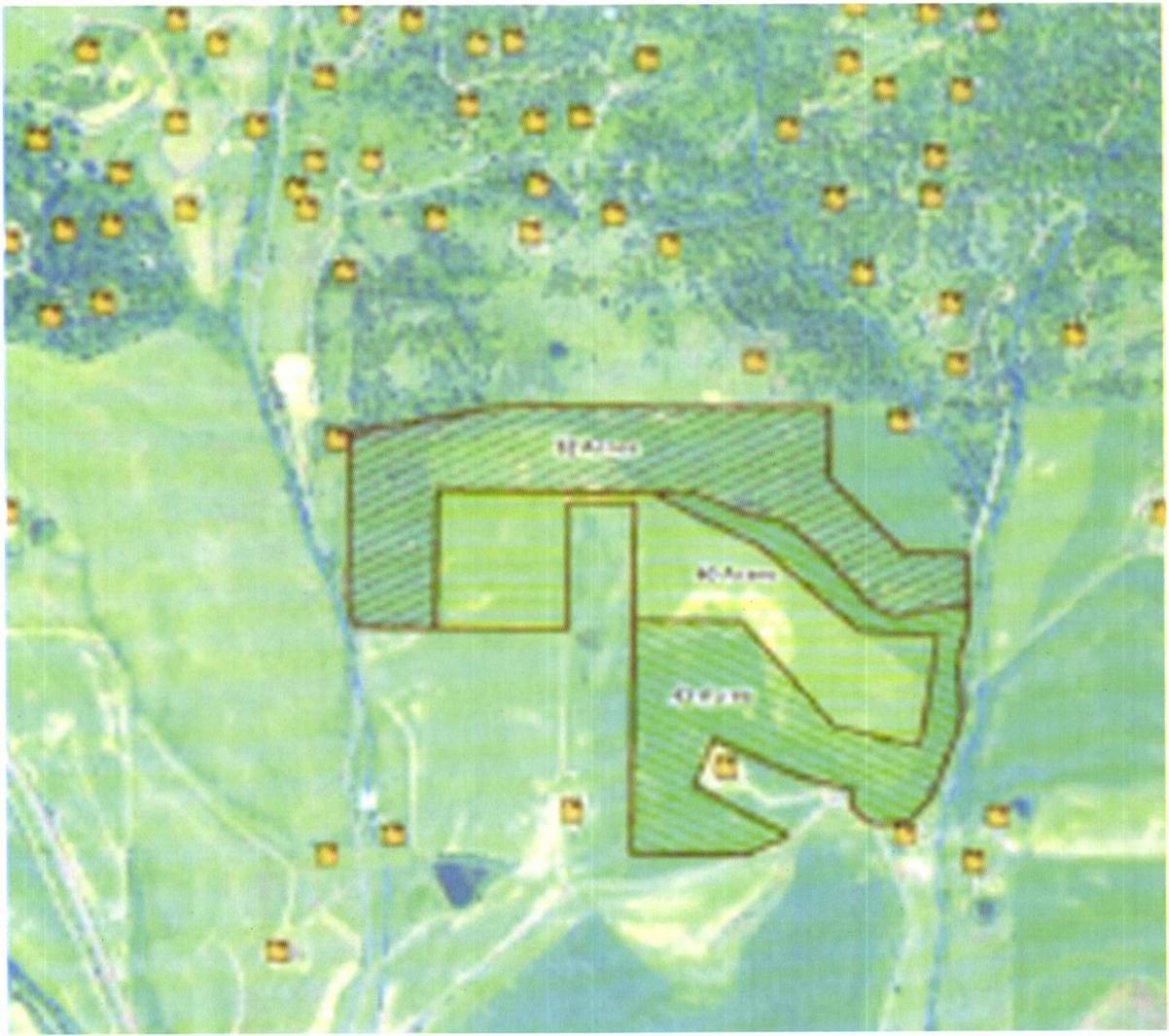




Image © 2008 DigitalGlobe

© 2008 Tele Atlas

©2008 Goo



Aimee Shipman

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

December 13, 2008

To: Latah County Rezoning Commission:

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

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

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

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

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

12/12/2008

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 39
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develop the property. I would categorize this venture as a very risky move on their part.

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

Sincerely,

Shelley Frei
1031 Tolo Trail
Moscow, ID 83843

12/12/2008

To: Latah County Planning and Zoning Commission

From: William Bonney
1064 Tolo Trail
Moscow, ID 83843

RECEIVED
DEC 12 2008
LATAH COUNTY

Date: 12 December 2008

Re: Rezone application #780, BGB LLC

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

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

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

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

LCZC Hrg: RZ780
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In Proposal #780 the argumentative use of the phrase "less productive" requires a brief comment. The word "less" is a form of what is known as the "comparative level" of an adjective (in this case, the adjective "small"). In order to employ such a word meaningfully, it is necessary to complete the comparison. That is, it's necessary to state exactly what is "less" than what. The use of a comparative level of an adjective without ever completing the comparison is sub-literate and empty of content, though it's a slick way to create the illusion that a precise statement has been made. When done to a conscious purpose, it is also intellectually dishonest, hence typical of manipulative writers of ad-copy.

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

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

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

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

"Groundwater is a nonrenewable resource."

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

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

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

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

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

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

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

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

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

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

Respectfully,

William Bonney

Aimee Shipman

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

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

December 12, 2008

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

Dear Commissioners,

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

For the following four reasons, I oppose RZ 780:

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

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

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

12/12/2008

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 41
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human faces on that expert testimony by pointing out that at least two wells in close proximity to the proposed homesites and thus well sites - including mine - have gone dry within the past four years, requiring costly (in our case over \$18,000) well enhancement measures or a new well. While acknowledging the rights of developers to earn a return from an investment, a view most likely shared by some of the commissioners, I also assert that the commissioners must be sensitive to the rights of existing property owners, some of whom, including me, have their life savings invested in their homes. Without adequate water, these homes are literally WORTHLESS. My point is that homeowners like me look to local government to protect their property rights.

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

Thank you very much for consideration of this testimony.

Sincerely,

Sid Eder

12/12/2008

December 12, 2008

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

RE: Rezone #780

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

Shawna Yuill

Shawna Yuill
2203 Shelby Lane
Moscow, ID 83843

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LATAH COUNTY

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

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

MARC SHELLY THIEL <we3thiels@msn.com>

To <craig.knott@usbank.com>

cc

12/11/2008 01:51 PM

Subject Re-Zone

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LATAH COUNTY

Craig - please forward.

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

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

Sincerely,

Marc L Thiel
Thiel Brothers, LLC

12/12/2008

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 43
Date: 12/17/2008

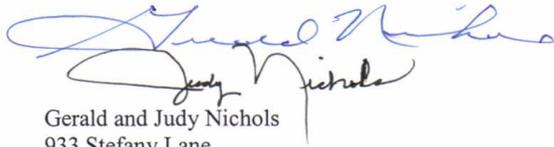
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DEC 12 2008
LATAH COUNTY

December 11, 2008

Latah County Zoning Commission Members,

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

Sincerely,



Gerald and Judy Nichols
933 Stefany Lane
Moscow, ID 83843

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 44
Date: 12/17/2008

DEC 12 2008
LATAH COUNTY

December 12, 2008

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

Tiffany Bentley
517 Britton Lane
Moscow, Idaho 83843

RE: Rezone #780

To Whom It May Concern:

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

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

Sincerely,



Tiffany Bentley

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

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

December 11th 2008

RECEIVED
DEC 12 2008
LATAH COUNTY

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

Dear Aimee,

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

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

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

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

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

Sincerely,

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

12/11/2008

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 46
Date: 12/17/2008

Aimee Shipman

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

Dear Zoning Commission,

just another NIMBY here voicing displeasure.

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

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

Creative, sustainable solutions must sought/negotiated.

George Grader
Geologist

12/12/2008

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 47
Date: 12/17/2008

Aimee Shipman

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

December 11, 2008

Kyle Hawley
1052 Lewis Rd
Moscow, Id 83843

Re: RZ 780 Lewis/Foothill Roads

To: Latah County Zoning Commission

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

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

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LCZC Hrg: RZ780
Applicant: BGB LLC.
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productive soils.

Further points:

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

Kyle Hawley & Lisa Hawley

12/12/2008

Dear Zoning Commission,

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

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

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

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

"The Zoning Commission may recommend approval for rezone proposals that do not initially meet these criteria, if the applicant can provide substantial **mitigation** through a written development agreement as provided by Section 6.01.03.4 of this ordinance. The Zoning Commission may also recommend approval for applications not meeting the criteria listed above if the Zoning Commission finds that the rezone is **essential to the public health, safety, or welfare.**"

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

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

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

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

LCZC Hrg: RZ780
Applicant: BGB LLC.
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another blister on the landscape (see attached photo). The wildlife will feel the impact of a smaller territory, where currently they migrate and forage unencumbered. These factors are important aspects of the Comprehensive Plan, and are supported by the agricultural environment.

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

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

Every state is losing some of its best farmland.

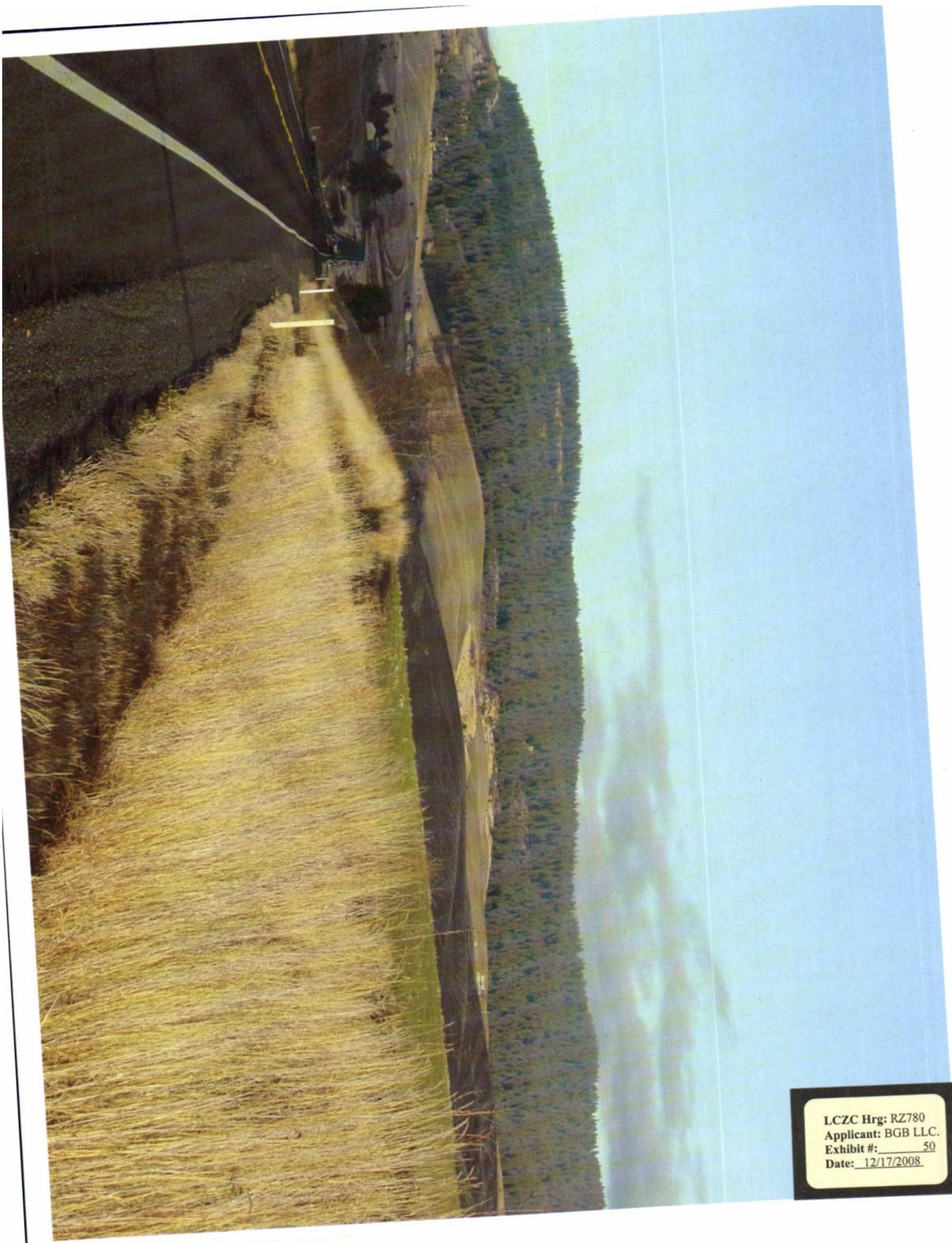
Texas leads the nation in high-quality acres lost, followed by Ohio, Georgia, North Carolina and Illinois. And for each of the top 20 states, the problem is getting worse. (American Farmland Trust, 2008)

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

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

Sincerely,

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



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

Total Cropland - Change in Acreage: 1997 to 2002

