

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, December 17, 2008
5:30 p.m.

The Latah County Zoning Commission will hold a public hearing on Wednesday, December 17, 2008 in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

5:35 p.m. – RZ #780 –A request by BGB LLC. to rezone 40-acres of a 135-acre parcel from Agriculture/Forest (A/F) to Rural Residential (RR). The property is located on Foothill Road, ¼ mile north of the intersection of Foothill Road and Lewis Road, Moscow, in Sections 16 and 17, Township 40 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Numbers RP40N05W177230A and RP40N05W165616A.

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

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

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

Aimee Shipman
Associate Planner
(This is a public service announcement)

**BGB LLC.
REZONE APPLICATION #780
STAFF REPORT**

SUMMARY OF APPLICATION:

A request by BGB LLC. to rezone 40-acres of a 135-acre parcel of land from Agriculture/Forest (A/F) to Rural Residential (RR). The property is located on Foothill Road, ¼ mile north of the intersection of Foothill Road and Lewis Road, Moscow, in Sections 16 and 17, Township 40 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Numbers RP40N05W177230A and RP40N05W165616A.

Site Characteristics:

Size of Parcel:	40-acres of a 135-acre parcel
Soils:	Larkin silt loams, 12 – 35% slopes; Southwick Silt Loam, 12 – 25% slopes; Latahco-Thatuna silt loams, 0 – 5% slopes; (Latah County Soil Survey Sheet #22)
Floodplain:	Zone "C" (FIRM Panel #160086 0230B)

Land Use and Regulations:

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

Infrastructure/Services:

Water:	Proposed private wells
Sewer:	Proposed private septic
Access:	Foothill Road, North Latah County Highway District
Schools:	Moscow School District
Fire Protection:	Moscow Rural Fire District
Law Enforcement:	Latah County Sheriff

EXHIBITS:

Exhibit #1.	Staff Report
Exhibit #1A.	Criteria Worksheet
Exhibit #1B.	Latah County Comprehensive Plan and Vicinity Map
Exhibit #1C.	Zoning Map
Exhibit #1D.	Aerial Photo and Adjacent Property Owners Map
Exhibit #1E.	U.S.G.S. 7.5 Minute Topographic Map
Exhibit #1F.	Photos of Subject Property
Exhibit #1G.	Latah County Zoning Commission Findings of Fact and Conclusions of Law for RZ 731
Exhibit #2.	Application Form (Submitted by Applicant)
Exhibit #2A.	Applicant's Narrative (Submitted by Applicant)
Exhibit #2B.	Aerial Photo Map with Proposed Rezone and Conservation Areas (Submitted by Applicant)

- Exhibit #2C. Aerial Photo Map with Proposed Lots and Conservation Areas (Submitted by Applicant)
- Exhibit #2D. Parcel Map with Proposed Rezone Area (Submitted by Applicant)
- Exhibit #2E. Aerial Photo Map with Addressed Structures with a 6700 foot radius of Section 17 (Submitted by Applicant)
- Exhibit #2F. Latah County Comprehensive Plan Land Use Map (Submitted by Applicant)
- Exhibit #2G. Vicinity Map (Submitted by Applicant)
- Exhibit #2H. Assessor's Plat Map (Submitted by Applicant)
- Exhibit #2I. Latah County Short Plat Acknowledgement Form for School District (Submitted by Applicant)
- Exhibit #2J. Letter from North Latah County Highway District to Brad Lewis dated July 29, 2008 (Submitted by Applicant)
- Exhibit #2K. Letter from North Central District Health Department to Jarrod Nichols dated November 26, 2008 (Submitted by Applicant)
- Exhibit #2L. Latah County Short Plat Acknowledgement Form for Sheriff (Submitted by Applicant)
- Exhibit #2M. Letter to Brad Lewis from Palouse Land Trust (Submitted by Applicant)
- Exhibit #3. Email to Planning and Building Department from Kevin Clary received December 1, 2008
- Exhibit #4. Email to Planning and Building Department from Tom Besser and Kathleen Potter received November 29, 2008
- Exhibit #5. Letter to Latah County Zoning Commission from Emily Hurley received December 4, 2008
- Exhibit #6. Letter to Latah County Zoning Commission from Gary Tribble received December 5, 2008
- Exhibit #7. Letter to Planning and Building Department from Russell Spangler received December 5, 2008
- Exhibit #8. Letter to Planning and Building Department from Wes Carscallen received December 5, 2008
- Exhibit #9. Letter to Planning and Building Department from Christy Sanderson received December 5, 2008
- Exhibit #10. Letter to Planning and Building Department from David Whitcomb received December 5, 2008
- Exhibit #11. Email to Planning and Building Department from Sam Dial via Craig Knott received December 8, 2008
- Exhibit #12. Letter to Latah County Zoning Commission from Eric and Kyla Kiblen received December 8, 2008
- Exhibit #13. Letter to Latah County Zoning Commission from Jeff Pilcher received December 8, 2008
- Exhibit #14. Letter to Latah County Zoning Commission from Shamon McLuen received December 8, 2008
- Exhibit #15. Letter to Latah County Zoning Commission from Ben McLuen received December 8, 2008
- Exhibit #16. Letter to Latah County Zoning Commission from Lani Lemmon received December 8, 2008
- Exhibit #17. Email to Planning and Building Department from Brad Broenneke via Craig Knott received December 10, 2008
- Exhibit #18. Letter to Latah County Zoning Commission from Tim Kinkeade received December 10, 2008
- Exhibit #19. Letter to Latah County Zoning Commission from John Bailes received December 10, 2008
- Exhibit #20. Email to Planning and Building Department from Dave Kiblen received December 11, 2008
- Exhibit #21. Letter to Latah County Zoning Commission from Chuck Spurgeon received December 11, 2008
- Exhibit #22. Letter to Latah County Zoning Commission from Nancy Largent received December 11, 2008
- Exhibit #23. Letter to Latah County Zoning Commission from David Germer received December 11, 2008
- Exhibit #24. Email to Planning and Building Department from Sid Eder received December 11, 2008
- Exhibit #25. Letter to Latah County Zoning Commission Concerning RZ 731 from William Elliott received October 26, 2006 (Requested by Sid Eder)
- Exhibit #26. Letter to Latah County Zoning Commission Concerning RZ 731 from Kevin Brackney received October 30, 2006 (Requested by Sid Eder)
- Exhibit #27. Copy of Powerpoint Presentation (Submitted by Applicant)
- Exhibit #28. Email to Planning and Building Department from Sid Eder received December 11, 2008
- Exhibit #29. Letter and Attachments to Latah County Zoning Commission Concerning RZ 731 from Dr. George Grader received October 31, 2006 (Requested by Sid Eder)
- Exhibit #30. Email to Planning and Building Department from Kevin Driskill via Craig Knott received December 11, 2008
- Exhibit #31. Letter to Latah County Zoning Commission from David Mendenhall received December 11, 2008
- Exhibit #32. Letter to Latah County Zoning Commission from Cliff and Lynette Byers received December 11, 2008
- Exhibit #33. Letter to Latah County Zoning Commission from Scott and Kelly Hall received December 11, 2008

- Exhibit #34. Email to Planning and Building Department from Chanc Hiatt via Craig Knott received December 11, 2008
- Exhibit #35. Letter to Latah County Zoning Commission from Linda Sprenger received December 11, 2008
- Exhibit #36. Letter to Latah County Zoning Commission from Mike Sprenger received December 11, 2008
- Exhibit #37. Email to Planning and Building Department from Dave Potter received December 12, 2008
- Exhibit #38. Copy of Powerpoint Presentation of Topographical Views of Proposed Rezone Area (Submitted by Dave Potter)
- Exhibit #39. Email to Planning and Building Department from Shelley Frei received December 12, 2008
- Exhibit #40. Letter to Latah County Zoning Commission from William Bonney received December 12, 2008
- Exhibit #41. Email to Planning and Building Department from Sid Eder received December 12, 2008
- Exhibit #42. Letter to Latah County Zoning Commission from Shawna Yuill received December 12, 2008
- Exhibit #43. Email to Latah County Zoning Commission from Marc Thiel received December 12, 2008
- Exhibit #44. Letter to Latah County Zoning Commission from Gerald and Judy Nichols received December 12, 2008
- Exhibit #45. Letter to Latah County Zoning Commission from Tiffany Bentley received December 12, 2008
- Exhibit #46. Email to Planning and Building Department from Rick Whitmore received December 12, 2008
- Exhibit #47. Email to Planning and Building Department from George Grader received December 12, 2008
- Exhibit #48. Email to Latah County Zoning Commission from Kyle Hawley received December 12, 2008
- Exhibit #49. Letter to Latah County Zoning Commission from Marilyn Beckett received December 12, 2008
- Exhibit #50. Photo of Subject Property and Cropland Acreage Map Submitted by Marilyn Beckett
- Exhibit #51. Letter to Latah County Zoning Commission from Lauren Fins received December 12, 2008
- Exhibit #52. Email to Planning and Building Department from Richard and Kathleen Jacobs received December 15, 2008
- Exhibit #53. Email to Planning and Building Department from Tod Kiblen forwarded via Jarrod Nichols received December 15, 2008
- Exhibit #54. Email to Planning and Building Department from Karen McGarvey forwarded via Jarrod Nichols received December 15, 2008
- Exhibit #55. Letter from Ted Wright of McPherson and Wright Drilling received December 15, 2008
- Exhibit #56. Letter from John Bush received December 15, 2008
- Exhibit #57. Letter to Michael Hoffman from John Monks dated November 8, 2006
- Exhibit #58. Letter to Planning and Building Department from Jeff DeMeerleer received December 15, 2008
- Exhibit #59. Letter to Latah County Zoning Commission from Marilyn Beckett received December 15, 2008
- Exhibit #60. Email to Planning and Building Department from Terri Guenther forwarded via Craig Knott received December 15, 2008
- Exhibit #61. Board of County Commissioners Findings of Fact and Conclusions of Law for Rezone #RZ754

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

APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:

Local Planning Act: Idaho Code 67-6511

Latah County Land Use Ordinance:

- Section 3.01 Agriculture/Forestry Zone
- Section 3.02 Rural Residential Zone
- Article 6 Zoning Map Amendments

Latah County Comprehensive Plan

CRITERIA WORKSHEET

Note: This criteria worksheet does not represent staff analysis of information provided by the applicant supporters, or opponents; however, staff has identified policies which may be applicable to this particular request. Information submitted to the Planning Department prior to the mailing of the staff packet has been organized herein in relation to the applicable criteria for approval or denial. This worksheet is intended only to help identify if all relevant criteria have been addressed with supporting factual information and to provide a juxtaposition of any conflicting testimony that has been presented.

Type of Request:

Rezone

Description of Application:

A request by BGB LLC to rezone 40-acres of a 135-acre parcel of land from Agriculture/Forest (A/F) to Rural Residential (RR). The property is located on Foothill Road, ¼ mile north of the intersection of Foothill Road and Lewis Road, Moscow, in Sections 16 and 17, Township 40 North, Range 5 West, B.M., in Latah County, and referenced as Assessor's Parcel Numbers RP40N05W177230A and RP40N05W165616A.

Facts of application and the information submitted:

1) Section 6.01.01 requires that an application for a rezone be made by the owner of the affected property or the owner's authorized agent.

The application was signed and initially submitted by Brad Lewis, a representative of the applicant, BGB LLC, to the Planning and Building Department on July 30, 2008. It was determined technically complete by Planning and Building staff on November 19, 2008.

2) Section 6.01.02 states that the Zoning Commission may recommend Board approval of a rezone application if the Commission finds that the proposed rezone conforms to each of the following criteria:

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.

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 1A
Date: 12/17/2008

The Zoning Commission may recommend approval for rezone proposals that do not initially meet criteria 1-5, if the applicant can provide substantial mitigation through a written development agreement as provided by 6.01.03.4 of this ordinance. The Zoning Commission may also recommend approval for applications not meeting the criteria listed above, if the Commission finds that the rezone is essential to the public health, safety, or welfare.

3) Section 6.01.03.4 states the Zoning Commission may recommend, as a condition of approval, that the Board of Latah County Commissioners require the owner or developer to make a written Development Agreement concerning the use or development of the subject parcel as provided by 67-6511A, Idaho Code. The creation, form, recording, modification, enforcement, and termination of conditional commitments are governed as follows:

- A. The Board of Latah County Commissioners may require the developer to make a written commitment regarding the specific use and development of the subject property. If required by the Board, these commitments or conditions shall be considered part of the basis for approval.
- B. The terms of the written agreement shall be specified in the Board's written decision. If the Board adopts the decision of the Zoning Commission, it shall also adopt the Zoning Commission's recommended conditions for approval. The conditions imposed shall be limited to requirements necessary to ensure that the application meets the criteria of 6.01.02.
- C. Prior to adoption of the zoning map amendment, the agreement shall be submitted to the Board as a written development agreement that enumerates and describes the conditions for approval. This agreement must include the following
 1. The responsibility of current and subsequent property owners to comply with the terms and conditions.
 2. The statement that failure to meet those terms will result in enforcement proceeding against the applicant and/or reversions of the property to its former designation.
 3. The statement that this agreement shall be deemed written consent that upon determination by the County that the conditions of approval are not being met, the property be reverted to its original zoning designation and all uses not consistent with that designating shall be considered a violation of this ordinance
 4. Notarized signatures of the applicant and the property owner(s).
 5. Notarized signature of the chairperson of the Board of Latah County Commissioners. The Board shall only authorize the Chairman to sign the document if it is determined that the document meets the terms specified for the written agreement as well as the requirements specified in this paragraph.

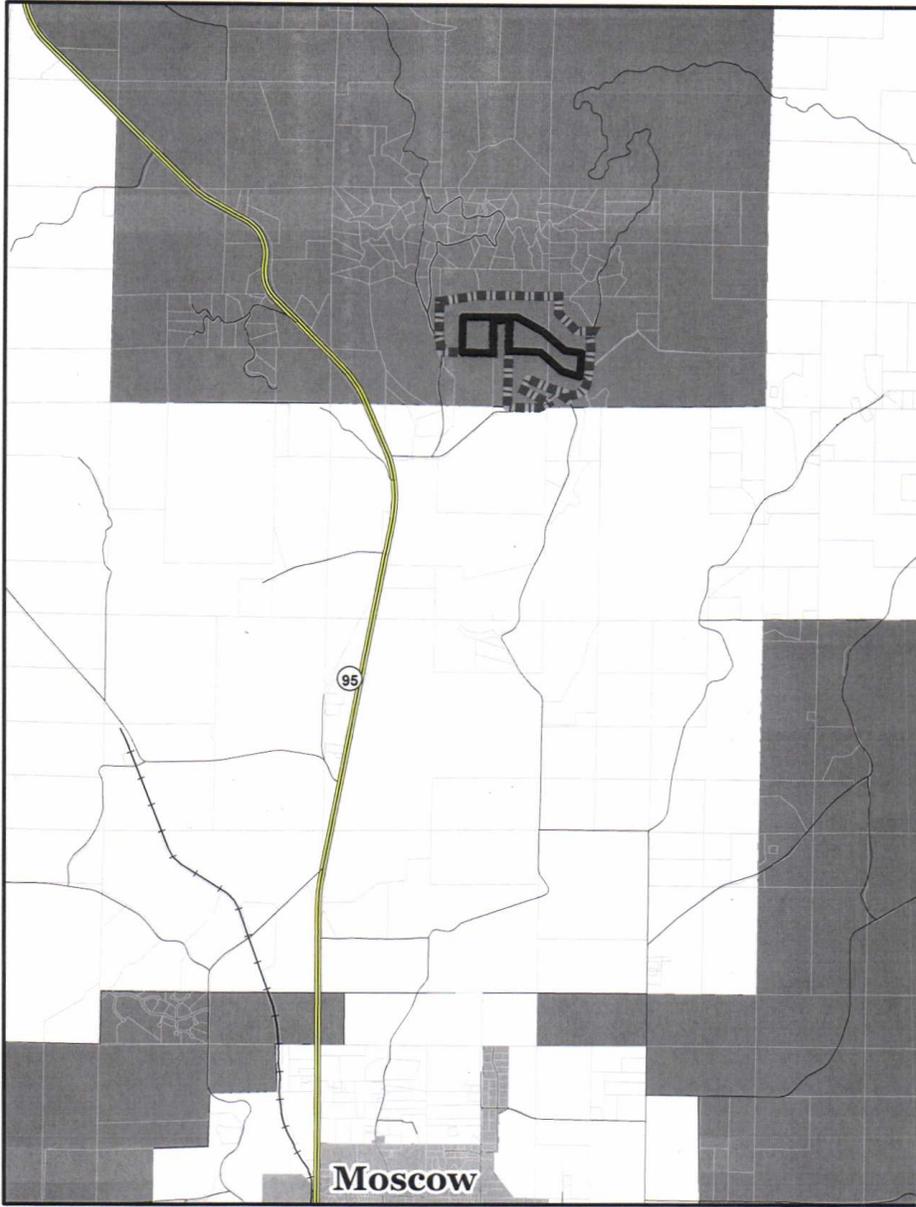
- D. Once signed by all parties, the applicant shall have the document recorded in the Latah County Recorder's Office. The Board of Latah County Commissioners shall not adopt the zoning map amendment until the document has been recorded by the applicant. Once recorded, the Board shall adopt, by ordinance, an amendment to the zoning map. This amendment shall reference the development agreement and shall provide that the zoning map be designated in a manner that indicates that the new zoning designation had been assigned specific conditions.
- E. The agreement shall remain in effect until formally modified or terminated by the Board of Latah County Commissioners, or the property is rezoned. The agreement may be terminated or modified by the Board with the written permission of the current property. Prior to termination or modification, at least one public hearing shall be conducted in accordance with the notice and procedural provision for a rezone application. Nothing in this Section shall prevent the Board from rezoning a property subject to these agreements after four years from the date of approval, or under the restriction set forth in Title 67, Chapter 65, Idaho Code.

Additional Information

In 2002, Richard Whitmore applied for a land division (LD02-036) on a 308-acre parcel owned by Claudine Lewis. The land division created a 5.91-acre buildable parcel and left an approximately 302-acre remainder buildable parcel. The new parcel was conveyed to Richard Whitmore. In 2004, the remainder property was transferred to Richard Whitmore and Lynette Jordan through the estate of Ms. Lewis. Lynette Jordan then quitclaimed her 1/2 interest to Mr. Whitmore. The portion of the property that was located south of Lewis Road in sections 20 & 21 was then deeded to Charlene Connelly thru the estate of Ms. Lewis, which created a new existing parcel. The building permit for the parcel north of Lewis Road that was owned by Mr. Whitmore was transferred to a 10-acre parcel and deeded to Thomas Besser and Kathleen Potter. This left Mr. Whitmore with an unbuildable parcel of 135 acres. This 135-acre parcel, that is the subject of this rezone, is not eligible for any other land divisions.

Additionally, in 2006 this 135-acre parcel was the subject of a similar rezone request (RZ 731). At that time the Latah County Zoning Commission recommended denial of the rezone application based upon lack of consistency with the goals and policies of the Comprehensive Plan; incompatibility with the surrounding area and the uses permitted in that area; likely imposition of costs on the public that exceed the benefits; imposition of significant burden on public services; and the determination that the rezone would constitute a spot zone.

RZ #780 Vicinity and Comprehensive Plan Land Use Map



- Proposed rezone area
- Subject Rezone parcel
- Parcels

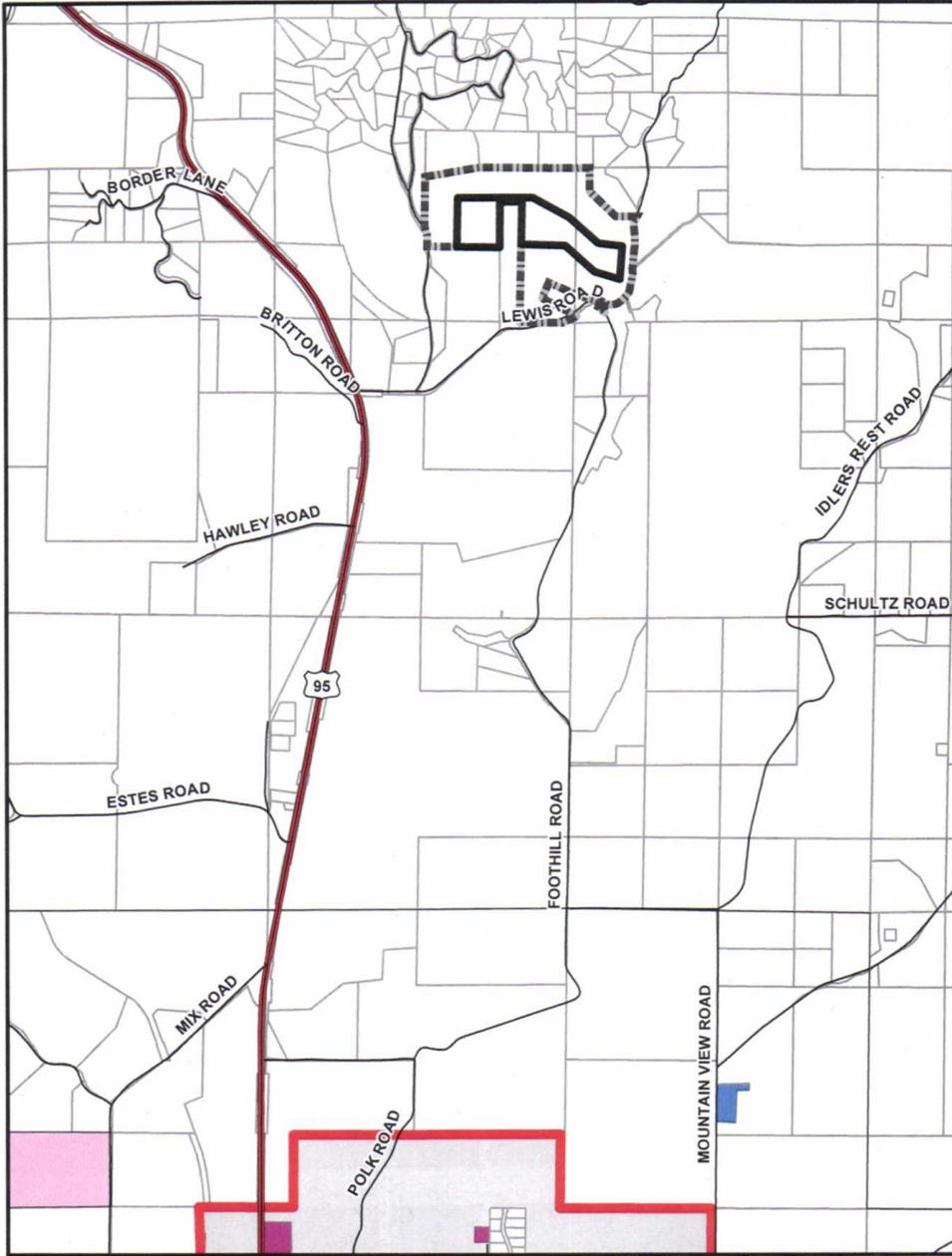
Legend

- Latah County Comprehensive Plan**
- Productive
 - Rural
 - Residential, Commerical Industrial
 - Incorporated Places



LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 1B
Date: 12/17/2008

RZ # 780 Zoning Map



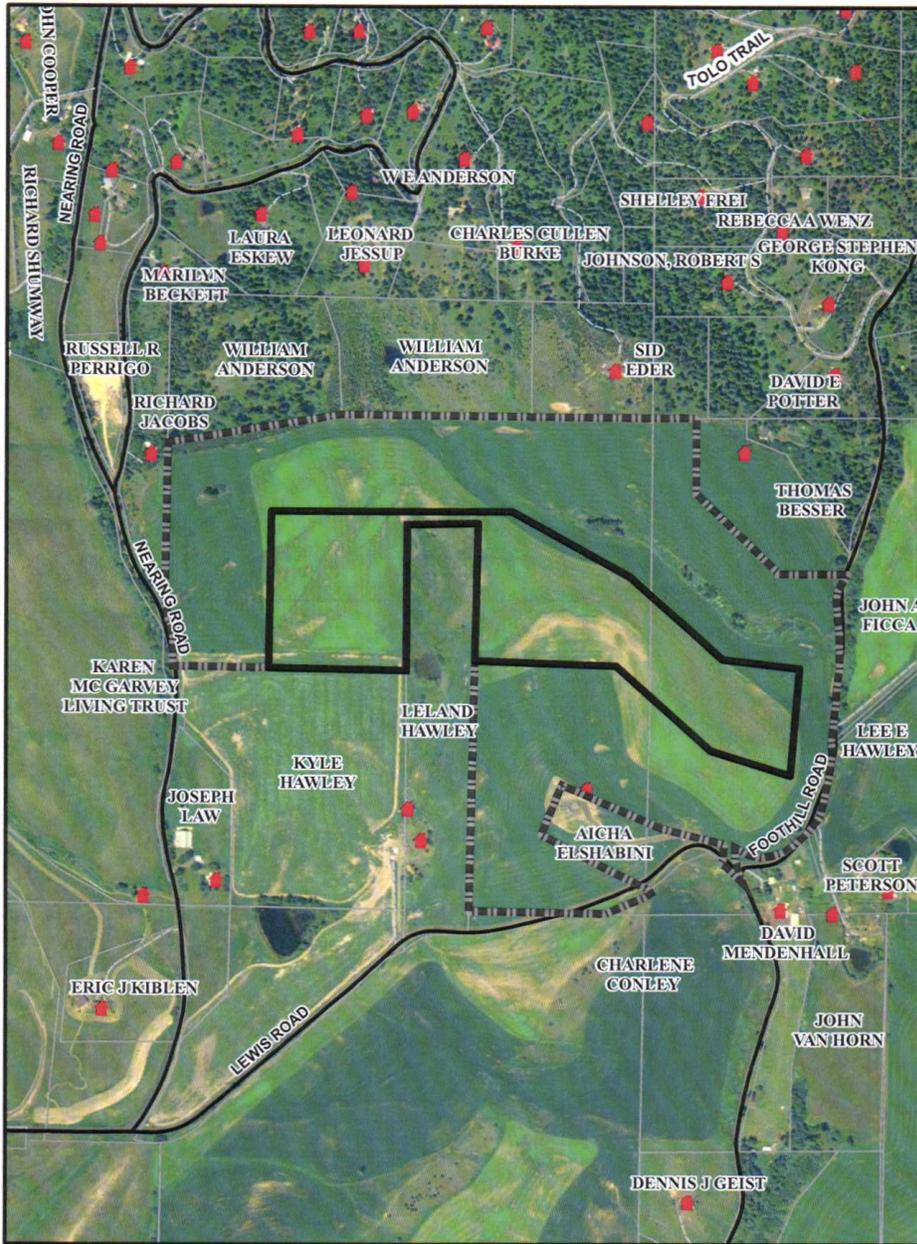
Legend

- modifications selection 2
- modifications selection
- Moscow Area of Impact Boundary
- Rural Residential - Minimum 3 Acre Lots
- Rural Residential - Minimum 1 Acre Lots
- Agriculture / Forestry (Moscow Area of City Impact)
- Agriculture / Forest
- Parcels
- Suburban Residential (Moscow Area of City Impact)



LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 1C
Date: 12/17/2008

RZ #780 Adjacent Property Owners



Legend

-  Proposed Rezone area
-  Subject Rezone Parcel
-  Location of Structures
-  Parcels



LCZC Hrg: RZ780
 Applicant: BGB LLC.
 Exhibit #: 1D
 Date: 12/17/2008

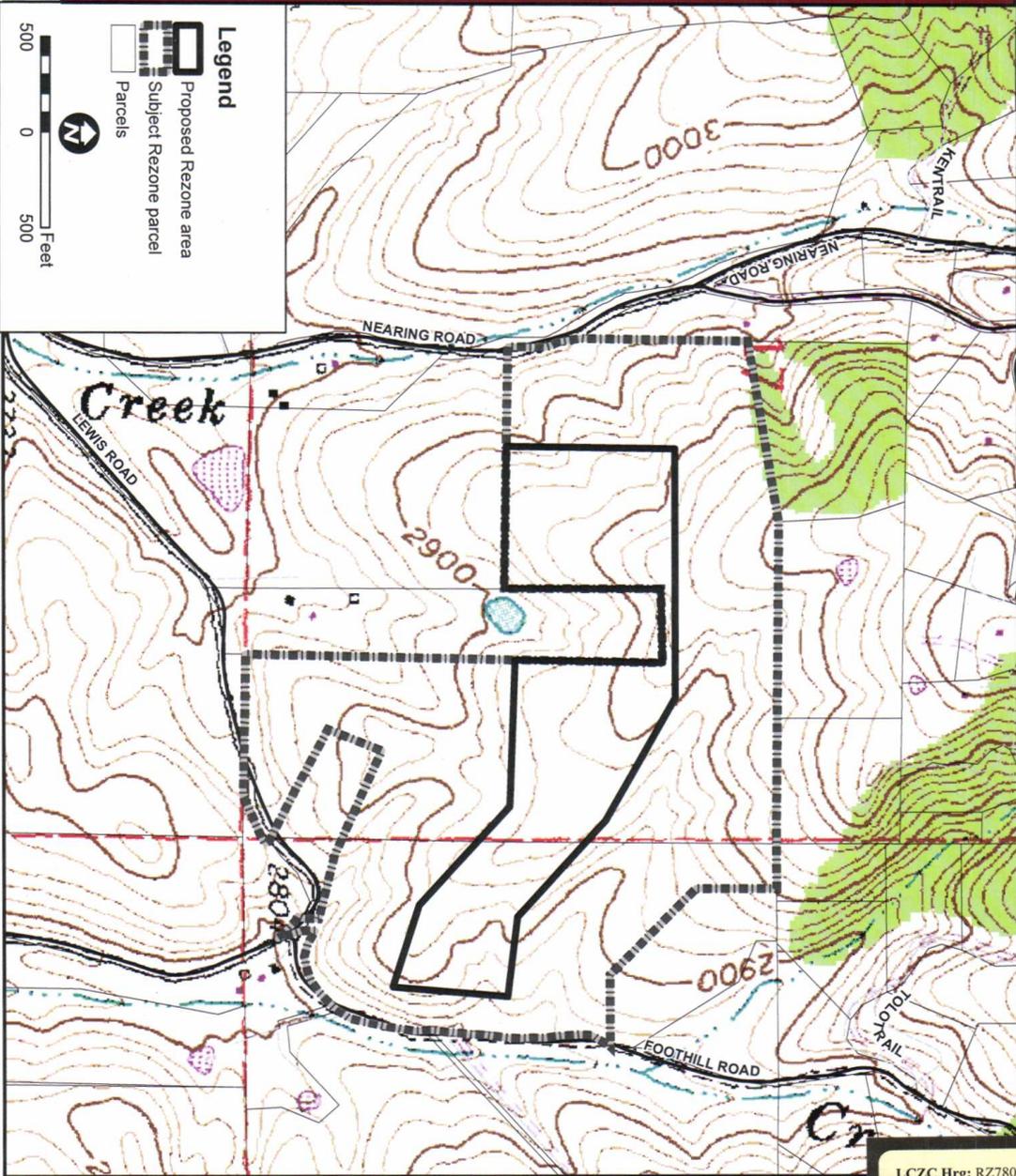


RZ #780 7.5 Minute Quad Topographic Map

Legend

- Proposed Rezone area
- Subject Rezone parcel
- Parcels

500 0 500 Feet



LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 1E
Date: 12/17/2008

PHOTOS OF SUBJECT PROPERTY



LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 1F
Date: 12/17/2008



**BEFORE THE ZONING COMMISSION
COUNTY OF LATAH, STATE OF IDAHO**

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING A PETITION BY TERRAMARK-MICHAEL HOFFMAN TO REZONE (RZ #731) APPROXIMATELY 36-ACRES OF A 135-ACRE PARCEL OF LAND FROM AGRICULTURE/FORESTRY (A/F) TO RURAL RESIDENTIAL (RR). THE PROPERTY IS LOCATED ON FOOTHILL ROAD, ¼ MILE NORTH OF THE INTERSECTION OF FOOTHILL ROAD AND LEWIS ROAD, MOSCOW, IN SECTIONS 16 AND 17, TOWNSHIP 40 NORTH, RANGE 5 WEST, B.M., IN LATAH COUNTY, AND REFERENCED AS ASSESSOR'S PARCEL NUMBERS RP40N05W177220A AND RP40N05W165606A.

WHEREAS, Michael Hoffman made application for rezoning on September 22, 2006; and

WHEREAS, this matter came before the Latah County Zoning Commission for public hearing on November 1st and was continued until November 15th, 2006; and

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

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

I. FINDINGS OF FACT

1. The subject parcel is 135 acres.
2. The subject parcel is zoned Agriculture/Forestry (A/F).
3. The applicant requests to rezone thirty-six (36) acres from Agriculture/Forestry (A/F) to Rural Residential (RR) to create four additional residential building sites.
4. The surrounding properties are zoned Agriculture/Forestry (A/F).
5. The subject parcel is designated "Rural" on the Comprehensive Plan Land Use Map. The Comprehensive Plan states, "This area should be protected from conversion to more concentrated residential, commercial, or industrial development; however, sites within this area may be suitable for consideration for further low density residential development."
6. Surrounding uses include agricultural, timber and residential.

7. The existing use of the parcel is agriculture. Neighboring property owners testified that the property has been farmed continuously for 80 years.
8. The North Latah County Highway District (NLCHD) submitted written testimony that the proposal, if approved, would be required to dedicate an appropriate and sufficient amount of public right-of-way for public highway purposes, be made responsible to pay for and/or construct, as the District may determine, any access and/or public highway improvements occasioned by the Applicant's development of the rezoned property. The letter also states that the NLCHD would prefer one proposed access onto Foothill Road (Exhibit #11).
9. The Idaho Department of Transportation (IDT) submitted written testimony that they would call upon NLCHD for left and/or right turn lanes to accommodate the increased traffic from the local road approach at the intersection of Lewis Road and Highway 95 North (Exhibit #26).
10. The applicant submitted written testimony from the Latah County Sheriff's Department stating that they do not anticipate a significant impact or cost to the public for providing services to the proposed residential sites. The North Central District Health Department submitted written testimony stating the property could support additional subsurface septic systems for single-family dwellings on 5- to 6-acre parcels. No testimony was submitted from the Moscow Rural Fire District or Moscow School District on potential impacts of the proposed residences on those public services.
11. There was testimony that there are several smaller, non-adjacent properties further to the north of the proposed rezone.
12. Neighboring property owners testified the primary objective of the Latah County Comprehensive Plan is to protect lands designated for agricultural uses from development and they testified regarding the conflicts of this proposal with said policy. Specifically, they testified the rezone would be a spot zone, and they stated the proposal would remove agricultural land from production and would convert agricultural land into residential land.
13. Neighboring property owners testified that the residential properties to north of the proposed rezone were not previously in agricultural production because of topographic constraints and presence of less productive soil. Additionally, they testified that the topography of the land directly north of the proposed rezone is drastically more steep and rocky, and is comprised of timber land, which is not conducive for agriculture.
14. Neighboring property owners testified that the granting of this proposal would encourage other land owners in the vicinity to rezone their properties, which are currently in agricultural production, to a higher-density residential zoning. They testified that approval of this application would set a precedent allowing neighboring property owners to rezone their properties, and that this is wholly inconsistent with the Comprehensive Plan which seeks to encourage growth in existing cities or areas likely to be annexed into existing cities.

15. Neighboring property owners testified the proposed development is a departure from the current pattern of residential development adjacent to the north boundary of this property. The proposed development is for four new home sites, each with a minimum of five acres. There is currently only one residence located on the parcels directly to the north of the proposed development. The properties that abut the proposed rezone to the north are greater than 17-acres in size and are owned by two owners, Sid Eder and William Anderson. Sid Eder owns a 17-acre parcel, which is comprised of three tax parcels, and has one residence on the property. William Anderson owns a 54-acre parcel comprised on five tax parcels with one residence on the property.
16. The applicants' property is located within the "Rural" designation on the Comprehensive Plan Land Use Map. Testimony was given that the incremental development of this area, which has been farmed continuously for 80 years, promotes a scattered pattern of growth that is inconsistent with the goal of protecting this area from conversion to more concentrated residential, commercial or industrial development.
17. Neighboring property owners testified that the addition of more residences would negatively affect existing uses, cause roadway damage due to the increased traffic off of Highway 95 North onto Lewis Road and onto Foothill Road, and cause more accidents on the corner of Highway 95 and Lewis Road.
18. Neighboring property owners testified that the proposed rezone would be a departure from the current zoning designation of adjacent properties, which are zoned Agriculture/Forestry, the allowed land uses, other adjacent land uses which are predominately agricultural uses, and the other adjacent parcel sizes which are larger than those new parcels in the proposed rezone.
19. Testimony was given that the additional residential properties would cause problems for adjacent agricultural operations. It was stated that the occupants of the new residences close to agricultural production areas commonly complain about noise, dust, smoke and pesticide use, all of which are common in this area and common in the current zoning designation for this and adjacent properties.
20. Testimony was given that the property is currently in agricultural production and that all of the soil on the property is comprised of highly productive dry-land soils. Neighboring property owners testified that once agricultural land is taken out of production and homes are placed on the property it is not possible to return the land to agricultural production. Additionally, they testified that taking land out of agricultural production and converting it to housing would have a detrimental effect on the area's agrarian economy.
21. Testimony was given that this proposal would be considered a spot zone due to the inconsistency with adjacent parcel sizes and the allowed uses, and the fact that the physical characteristics of this property make it uniquely different from non-adjacent property located further north that has smaller parcel sizes.

**BASED ON THE ABOVE FINDINGS OF FACT, THE ZONING COMMISSION ENTERS
THE FOLLOWING:**

II. CONCLUSIONS OF LAW

1. The Community Design Element of the Latah County Comprehensive Plan seeks to ensure a pattern of planned growth which results in the orderly and attractive development of Latah County. There was discussion that the proposed rezone is not consistent with this element, as the rezone conflicts with existing agricultural activities that abut the site to the south and west and that the property is currently and has been farmed for the last 80 years.
2. The Population Element of the Latah County Comprehensive Plan seeks to ensure that population growth is accommodated in an orderly pattern. The non-adjacent area with residences to the north of the proposed development were described as being a better fit for residences due to the topographic change in character from the agricultural lands to the south and west. Additionally, the property is currently in productive agriculture and the proposed development would take the land out of production. This element of the Comprehensive Plan also seeks to encourage growth in existing cities or areas likely to be annexed into existing cities. The proposed development is not near any incorporated area or existing public services and therefore has no chance of being annexed.
3. The Economic Development Element seeks to promote economic diversification, foster agriculture and forestry, as well as provide for land uses appropriate to local and regional economic needs. There was discussion that the proposal conflicts with this element as the site is almost entirely bounded by agricultural land currently in production.
4. The goal of the Public Services, Facilities and Utilities Element of the Latah County Comprehensive Plan is to provide an orderly pattern of development which will ensure adequate public facilities and services without excessive costs. The applicant received written testimony from the Latah County Sheriff's Department stating that the proposed rezone will not result in excessive costs in providing services to the site. The North Central District Health Department submitted written testimony stating the property could support additional subsurface septic systems for single-family dwellings on 5- to 6-acre parcels. The Idaho Department of Transportation (IDT) submitted written testimony that they would call upon NLCHD for the necessary highway improvements (left and/or right turn lanes) at Highway 95 and Lewis Road to accommodate the increased traffic from the local road approach which could result in excessive costs to the public.
5. The Transportation Element seeks to promote an efficient and safe transportation system in Latah County. Written testimony from the NLCHD stated that they would require the Applicant to dedicate an appropriate and sufficient amount of public right-of-way for public highway purposes, be made responsible to pay for and/or construct, as the District may determine, any access and/or public highway improvements occasioned by the Applicant's development of the rezoned property. The Idaho Department of Transportation (IDT) submitted written testimony that they would call upon NLCHD for the necessary highway improvements (left and/or right turn

lanes) at Highway 95 and Lewis Road to accommodate the increased traffic from the local road approach which could result in excessive costs to the public.

6. The Housing Element seeks to encourage the development of a variety of housing type so land suitable for development. The proposed development is located land that has been in productive agriculture for the last 80 years and the proposed development would take the land out of production and is therefore not suitable for development.

7. The School Facilities and Student Transportation, Special Areas, Hazardous Areas, Implementation, and Recreation Elements of the Comprehensive Plan were determined to be not applicable to the proposed development.

8. The Comprehensive Plan seeks to preserve agricultural and forest lands to ensure the continued viability of agriculture and forest based economy. 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.

9. The Comprehensive Plan seeks to cluster housing of higher density residential uses in and around areas with adequate public services. The proposed development is scattered away from any existing public services and/or any cites and is on productive agricultural land, which is not in accordance with the objectives of the Comprehensive Plan.

10. As required by §6.01.02(1) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal as it relates to the Latah County Comprehensive Plan. The Zoning Commission concludes that this application is not consistent with goals and policies of the Latah County Comprehensive Plan.

11. As required by §6.01.02(2) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal and determined that the rezone is not compatible with the surrounding area and the uses permitted in that area.

12. As required by §6.01.02(3) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal and determined that the rezone will impose some costs upon the public that exceed the benefits.

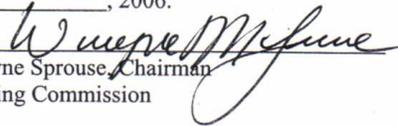
13. As required by §6.01.02(4) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal and determined that the rezone will impose a significant burden to any public services.

14. As required by §6.01.02(5) of the Latah County Land Use Ordinance, the Zoning Commission has reviewed the proposal and determined that the rezone is a spot zone.

III. DECISION

Based on the above Findings of Fact and Conclusions of Law, the Zoning Commission recommends to the Latah County Board of Commissioners denial of the application to rezone the subject property from Agriculture/Forestry (A/F) to Rural Residential (RR).

PASSED BY THE ZONING COMMISSION OF LATAH COUNTY THIS 6 DAY OF
Dec., 2006.


Wayne Sprouse, Chairman
Zoning Commission



APPLICATION FOR REZONING

INSTRUCTIONS

Please complete the application and required attachments. Incomplete applications or applications without all required attachments will not be accepted. A public hearing will be scheduled only after Staff has determined the application is technically complete.

Please submit to: *Latah County Department of Planning & Building*
Latah County Courthouse 522 S Adams, Room 205, P.O. Box 8068, Moscow ID 83843 (208) 883-7220

1. Applicant Information			
A. Applicant Name BGB LLC	B. Home Phone 208-882-4354	C. Work Phone 208-883-1525	
D. Mailing Address 2173 E. 6th St.	E. City Moscow	F. State ID	G. Zip Code 83843
H. Property Owner (If Different than Applicant)	I. Home Phone	J. Work Phone	
K. Mailing Address	L. City	M. State	N. Zip Code
2. General Site Information			
A. Assessor's Parcel Number(s) RP40N05W17220A + RP40N05W165616		B. Parcel Address (If Applicable) N/A	
C. Acreage of Existing Parcel 135	D. Existing Zoning A/F	E. Comprehensive Plan Designation Rural	F. Floodplain Designation(s) C
G. FEMA Panel # 160086 0230B		H. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I. Impact City N/A		J. Road Used to Access Site Nearing, Lewis, Foothill	
<i>Note: Sites within an Area of City Impact may require additional notification time prior to public hearings or may require a hearing before the other jurisdiction.</i>			
L. Existing Uses Ag/Unimproved			
3. Service Provider Information (please attach additional information if requested)			
A. Fire District Moscow Rural Fire Dept.	B. Road District North Latah Co. Hwy Dist	C. School District Moscow School District	
D. Source of Potable Water (i.e. Water District or Private Well) Private Wells		E. Sewage Disposal (i.e. Sewer District or Septic System) Septic Systems	
4. Adjacent Properties Information			
A. Zoning of Adjacent Properties A/F		B. Existing Uses of Adjacent Properties Residential/Ag	
5. Rezone Information			
A. Proposed Zoning District(s) <input type="checkbox"/> Agriculture/Forestry <input checked="" type="checkbox"/> Rural Residential <input type="checkbox"/> Suburban Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial		B. Explain for Rezone Request See Narrative	
<i>Note: If you would like to change different sections of your property to different zoning designations, please provide a map depicting which zoning designations will be located on the corresponding sections of your property.</i>			
6. Authorization		7. Attachments	
The applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true, and further acknowledges that approval of this application may be revoked if it is found that any such statements are false.		<i>All attachments should be reproducible in black and white at 8 1/2" x 11"</i>	
a. Signature of Applicant Bud Lewis	b. Date 7/29/08	<input checked="" type="checkbox"/> Fee: (\$300.00) Make checks payable to Latah County.	
c. Signature of Property Owner (If Different than Applicant)		<input checked="" type="checkbox"/> Completed Narrative Worksheet: See instructions on the Rezone Narrative Worksheet.	
d. Date		<input checked="" type="checkbox"/> Site Plan: The site plan should include a north arrow, location of roads and rights-of-way, existing buildings, improvements and features; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Zoning Commission to make a decision.	
Office Use Only		<input checked="" type="checkbox"/> Vicinity Map: The map should show the site location in relation to neighboring communities and natural features.	
Date Received 7/30/08	Amount 300-018964	Receipt No.	By AS
RZ # 780	Date Determined Technically Complete 11/19/08	By	By AS
Hearing Date December 17, 2008		<input checked="" type="checkbox"/> Other Attachments:	

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 2
Date: 12/17/2008

REZONE NARRATIVE WORKSHEET

**OWNER/APPLICANT: BGB, LLC
315 S. Almon St.
Moscow, ID 83843**

DESCRIPTION OF PROPOSAL:

It is the goal of the applicant to create a project that blends with the foothills character through design and architectural standards and is sensitive to the surrounding neighbors and environment. The project will take a very conservative approach with low density housing, water storage requirements, underground utilities, ample open space for free range of wildlife, and large buffers between the proposed residences and the surrounding neighbors. The applicant, BGB, LLC, 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 Agriculture/Forestry (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. 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. It is 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 1st, 2nd, and 3rd Additions and Tatkinmah Phase I and II, and east of Hideaway Hills Addition and the McCoy parcel which was recently approved to be rezoned to Rural Residential.

EXISTING USES OF PROPERTY:

There are currently no improvements on the subject property and the land is being used for commercial agricultural purposes.

CONSISTENCY REQUIREMENTS:

1. The rezone is in accordance with the goals and policies of the Comprehensive Plan.

This proposal is compatible with the Comprehensive Plan's objective to preserve agricultural and forest land uses to ensure the continued viability of an agricultural and forest based economy in rural Latah County. Seventy percent of the parcel will be designated as conservation areas, where it is the applicant's intent to see the land used for conventional farming practices. A total of 52 acres



will be deeded to the Palouse Land Trust at the time of short plat approval and will remain Agriculture/Forestry (AF). The Palouse Land Trust will have the option to continue with conventional agricultural uses. Another 43 acres will be designated as a conservation area. These 95 acres will be restricted from further residential development. While the proposal will convert 40 acres from conventional agriculture uses, the size of the parcels will be conducive to orchards, gardening, tree planting, and other horticultural and small acreage farming activities.

This property is designated rural in the Comprehensive Plan. This designation is defined as an area that is generally composed of less productive agricultural and forest land, and contains low density residential development not directly related to agriculture. This area should be protected from conversion to more concentrated residential, commercial, or industrial development; however, sites within this area are suitable to be considered for further low density residential development. This area is adjacent to other low density development.

This proposal promotes the Comprehensive Plan's objective of fostering other land uses which will help achieve a solid broad-based and sustainable economic foundation. By creating additional opportunities for buyers seeking rural residential home sites, it will increase the assessed valuation of this parcel for tax base purposes. This proposal is similar to surrounding rural residential developments where property owners will have private wells, septic systems, and driveways.

The project will take a conservative approach with low density housing (4 home sites on 40 acres), water storage requirements, underground utilities, ample open space for free range of wildlife, and large buffers between the proposed residences and the surrounding neighbors. Additionally, 95 acres will be designated a conservation area where conventional farming practices are encouraged and residential development is restricted, which achieves the Comprehensive Plan's objective of preserving the rural character of Latah County.

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 area adjacent to the subject property is currently used for rural residential housing. The parcel lies south of Nearing 1st, 2nd, and 3rd Additions and Tatkinmah Phase I and II, and east of Hideaway Hills Addition and the McCoy parcel which was recently approved to be rezoned to Rural Residential. There are additional homes that border the 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 (4 home sites on 40 acres) and ample open space. The remaining 95 acres will designated as a conservation area where conventional farming practices are encouraged and residential development is

restricted. It is the goal of the applicant to create a project that is consistent with the Comprehensive Plan and is compatible 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:

The proposed rezone provides additional opportunities for buyers looking for rural home sites and will increase the assessed valuation of this parcel for tax purposes, resulting in an increase in the County's tax base. The 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. There will be virtually no costs imposed on the public.

The 52 acre conservation area to be deeded to the Palouse Land Trust will be left as Agriculture/Forestry (AF) and restricted from future development. The Palouse Land Trust will have the option to receive future farm proceeds, which may be allocated towards projects that are beneficial to Latah County.

4. The rezone shall not impose a significant burden to any 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. The home sites will be served by private wells, septic systems, and driveways.

5. The rezone is not a spot zone.

The proposed rezone is in close proximity to approximately 100 rural residential home sites. Although the surrounding properties have not been rezoned to Rural Residential, these residential developments are compatible with properties zoned with a Rural Residential (RR) designation. The proposed rezone will not, if rezoned, differ measurably from the surrounding uses.

The County recently approved a rezone of the McCoy parcel west of the subject property, from (AF) to (RR), demonstrating the compatibility of these two zones and the Comprehensive Plan's policy of considering low density housing in the Rural designation. The McCoy rezone has not been finalized, but demonstrates this rezone is not a spot zone.

The actual use of a majority of the surrounding land is residential and this application therefore does not propose departure from the Comprehensive Plan, other adjacent land uses, or other adjacent eligible parcels. The proposed rezone will extend privileges which have been generally extended to similar properties located in this area and the proposed use will not differ in kind from actual land uses surrounding the rezoned parcel.

A. Community Design Element

This proposal is consistent with the Comprehensive Plan's goal of ensuring a pattern of planned growth which results in the orderly and attractive development of Latah County. This project will implement a conservative design approach with low density housing (4 home sites on 40 acres), water storage requirements, underground utilities, ample open space for free range of wildlife, and large buffers between the proposed residences and the surrounding neighbors. The size of the parcels on the 40 acres will be conducive to orchards, gardening, tree planting, and other horticultural and small acreage farm activities. A 95 acre conservation area will be established where conventional farming practices are encouraged and residential development is restricted. This will allow for significant open space, protect the existing character of the surrounding area, and preserve the rural character of Latah County.

B. Population Element

This proposal is consistent with the Comprehensive Plan's goal of ensuring that population growth is accommodated in an orderly pattern. The area surrounding the rezoned area has evolved toward residential development; this proposal's low density development is compatible with the properties that surround it.

C. Housing Element

This proposal is consistent with the Comprehensive Plan's goal to ensure adequate and attracting living environment to meet the needs of residents in Latah County. The proposed development will include Covenants, Conditions, and Restrictions which will include requirements for energy efficiency, water storage, fire prevention, and open range. Additionally, an architectural committee will be established to approve all house plans to ensure conformity with building codes and public health standards required by Latah County and consistency with building design standards stipulated within the Covenants. These home sites will provide new options to potential buyers desiring to live in a rural setting.

D. Economic Development Element

This proposal promotes the Comprehensive Plan's objective of encouraging economic diversification and providing for land uses appropriate to local and regional economic needs. By creating additional opportunities for buyers seeking rural residential home sites, it will significantly increase the assessed valuation of this parcel for tax purposes. The size of the parcels creates an opportunity for a variety of small acreage farm endeavors including orchards, gardening, and tree planting. The subject property is in close proximity to residential subdivisions. A rezone to Rural Residential would protect the existing residential uses by discouraging commercial and industrial developments and potential future high density residential developments.

A 95 acre conservation area will be established where conventional farming practices are encouraged and residential development is restricted. The Palouse Land Trust will have the option to receive all farm proceeds from their 52 acre parcel, which may be allocated toward projects that are beneficial to Latah County.

E. Public Services, Facilities, and Utilities Element

This proposal is consistent with the Comprehensive Plan's goal to provide an orderly pattern of development which will ensure adequate public facilities and services without excessive costs. The proposed rezone is in close proximity to approximately 100 rural residential home sites. 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 to public services.

Additionally, the properties will be served by private wells, septic systems, and driveways and power/telephone are within close proximity to the subject parcel. No new public facilities will be necessary.

F. School Facilities and Student Transportation

This proposal is consistent with the Comprehensive Plan's goal of minimizing adverse effects of new residential development on school facilities and student transportation. The subject property is located within the Moscow School District. Student transportation is currently provided to surrounding residences with the subject property bordering Nearing Road, Lewis Road, and Foothill Road.

G. Transportation Element

This proposal is consistent with the Comprehensive Plan's goal to promote an efficient and safe transportation system. The access points will be limited to Nearing Road and Foothill Road which are maintained by the North Latah County Highway District. The parcels will provide ample space for set back distance from public roads. The private driveways will be designed to meet Latah County standards for emergency response vehicles.

H. Natural Resource Element

This proposal is consistent with the Comprehensive Plan's goal to ensure sound stewardship of the County's natural resources. A total of 4 home sites on 40 acres will allow for large open spaces, free range of wildlife, and ample buffer zones between the proposed residences and the surrounding neighbors. Designating 95 acres (70% of the parcel) as a conservation area will help to protect the natural environment.

The applicant will also implement Covenants, Conditions, and Restrictions on the rezone area which will provide requirements for energy efficiency, fire prevention, water storage, underground utilities, open space, and buffer zones.

I. Special Areas Element

There are no identified special areas or sites of historic, archeological, architectural, geological, biological, or scenic significance on the subject property.

J. Hazardous Areas Element

There are no identified natural hazards with the potential to significantly affect the property. The property is not in a floodplain, slopes are stable, and there is no significant risk of wildfire. There will be a large buffer between the proposed residences and the housing developments to the north.

K. Recreation Element

The goals and policies of the recreation element may be improved with this proposal. The donation to the Palouse Land Trust may provide additional options for recreation.

L. Land Use Element

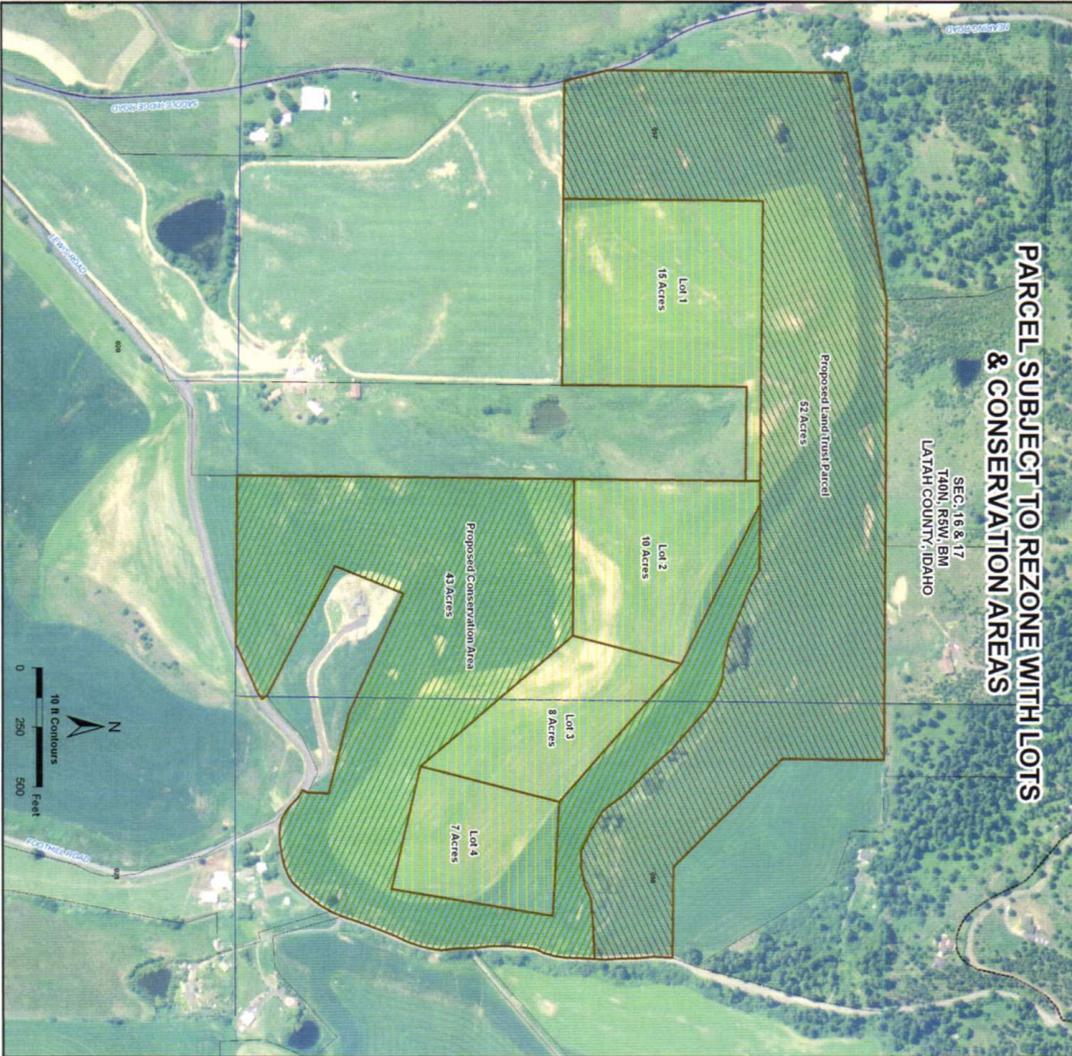
The subject property is designated as Rural by the Latah County Comprehensive Plan land use map. The subject property is within close proximity to Nearing 1st, 2nd, and 3rd Additions, Tatkinmah Phase I and II, Hideaway Hills Addition, and the McCoy parcel which was recently approved to be rezoned to Rural Residential (RR). This proposal is consistent with the Comprehensive Plan's policy to consider further low density residential development within the Rural designation.

M. Property Rights Element

Approval of the proposed rezone will ensure that Latah County's land use policies, regulations, and conditions, do not unreasonably impact the owner's economic interest in the affected parcel.

**PARCEL SUBJECT TO REZONE WITH LOTS
& CONSERVATION AREAS**

SEC. 16 & 17
T40N. R5W. BM
LATAH COUNTY, IDAHO



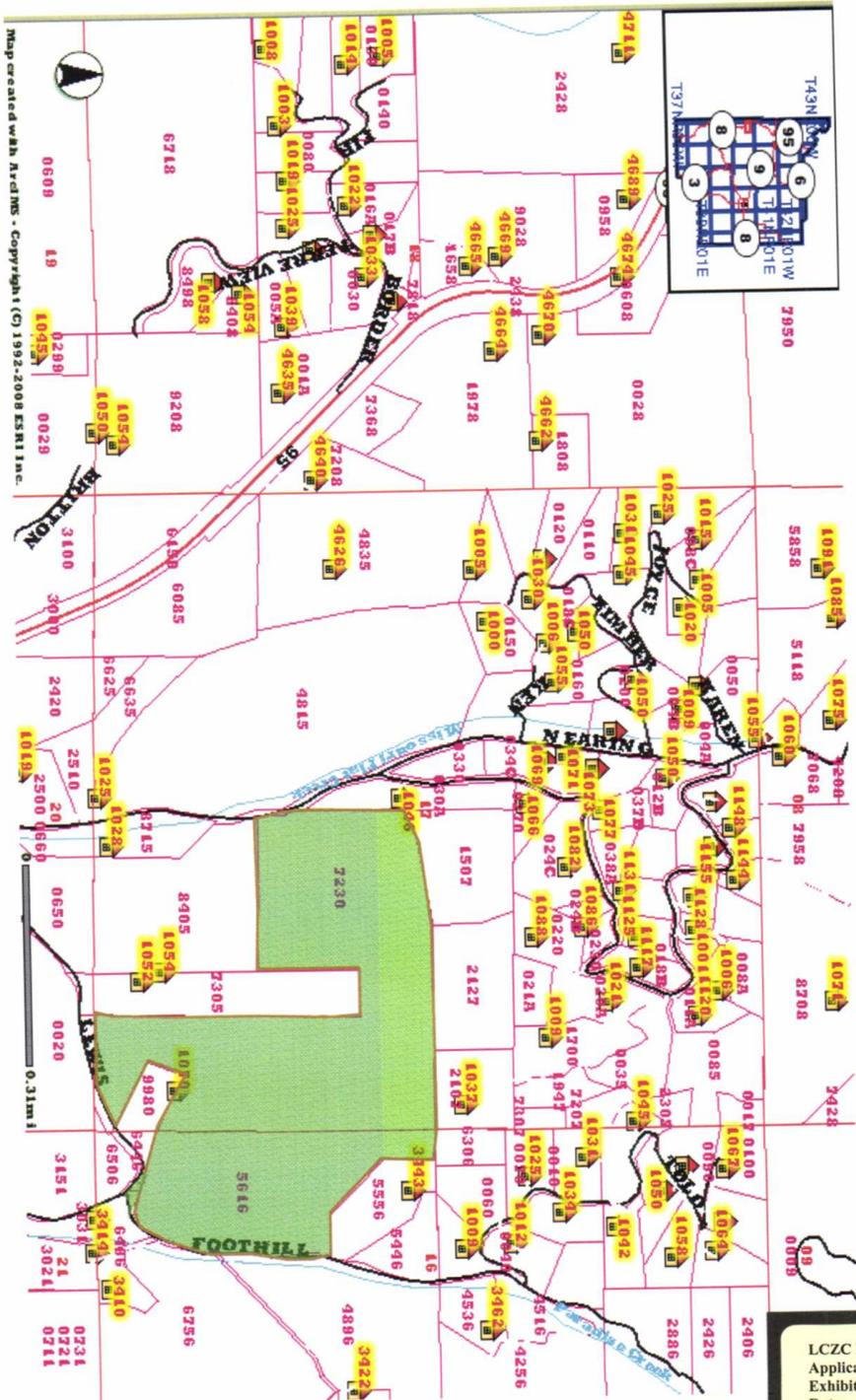
LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 2B
Date: 12/17/2008

**PARCEL SUBJECT TO REZONE
& CONSERVATION AREAS**

SEC. 16 & 17
T40N, R5W, E8M
LATAH COUNTY, IDAHO

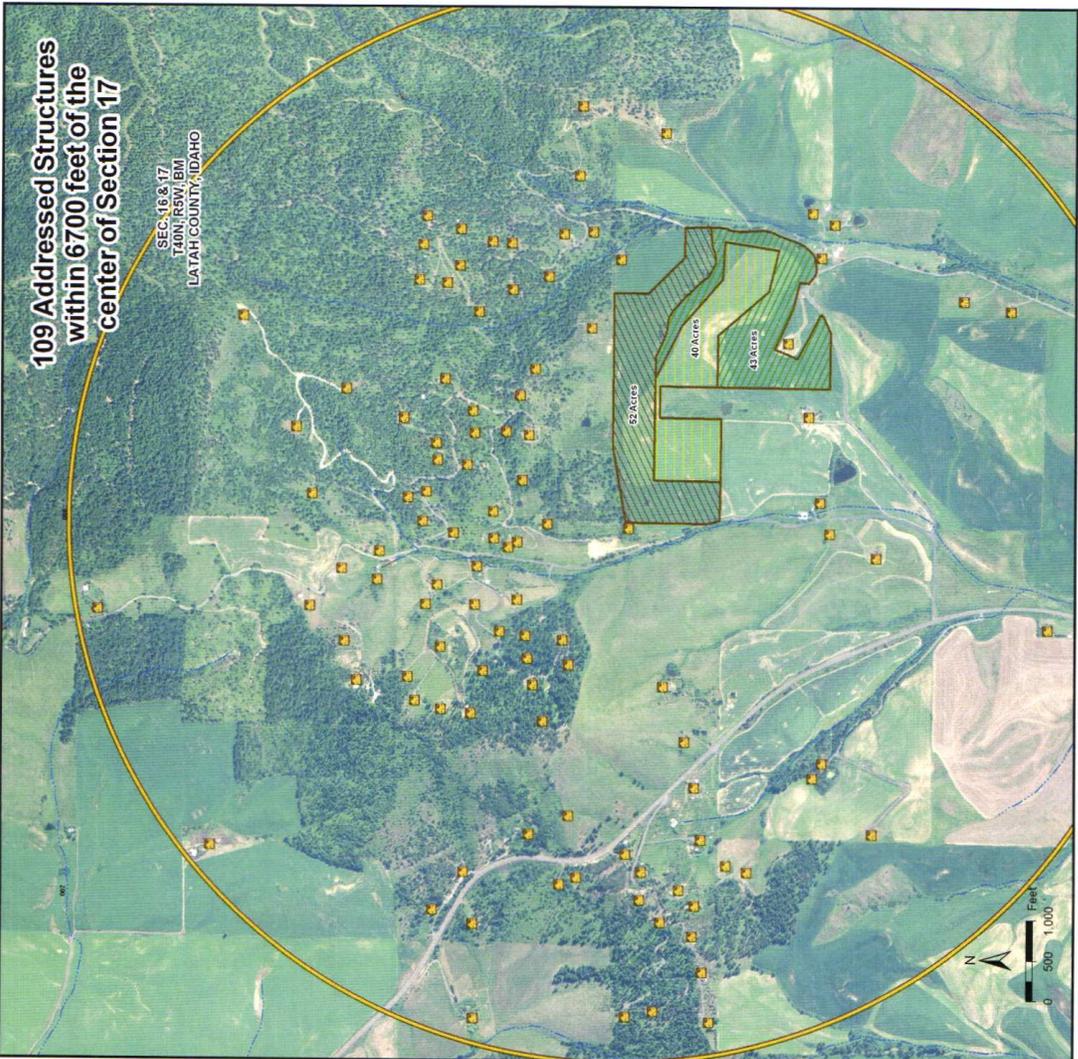


LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 2C
Date: 12/17/2008

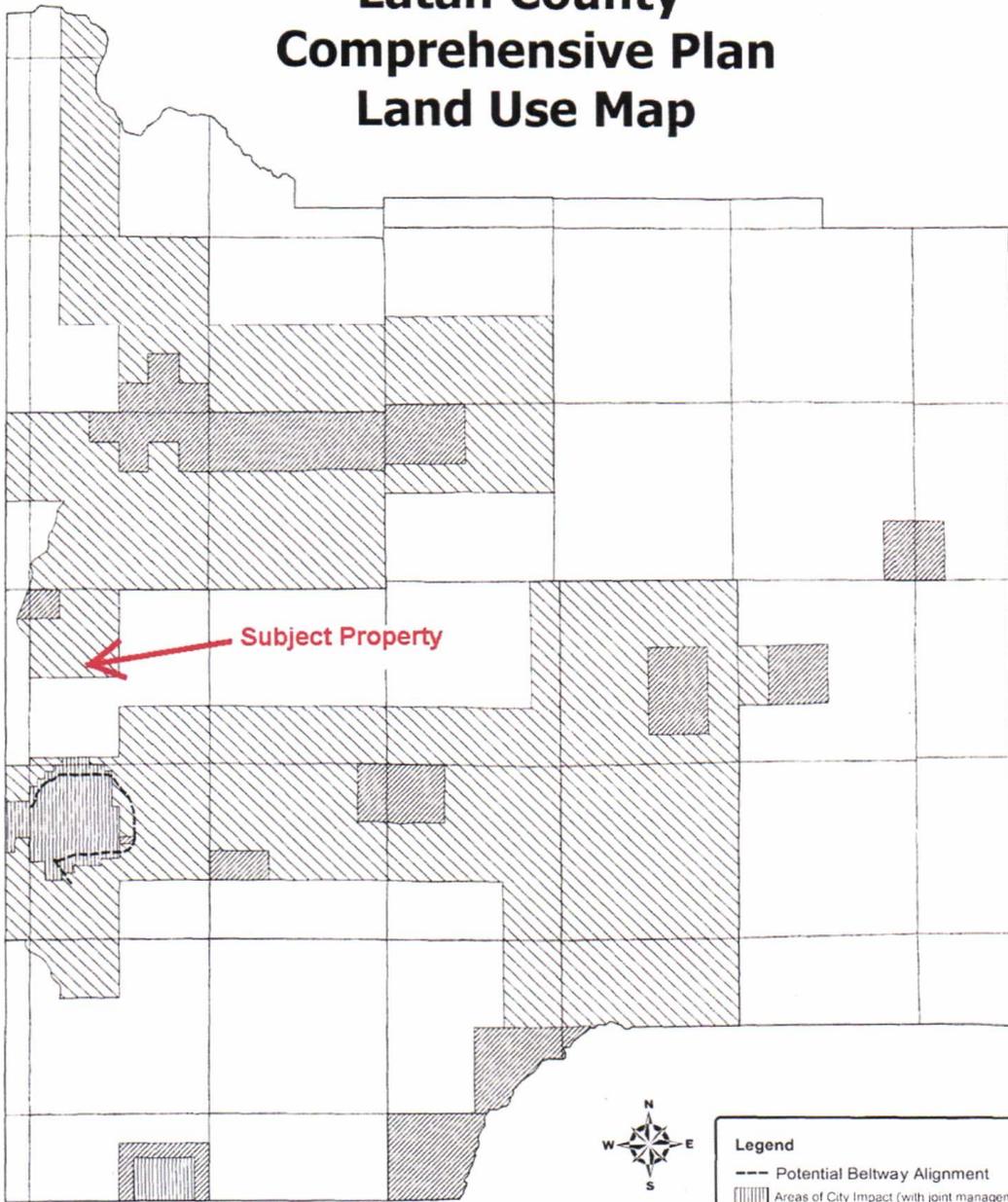


Source: Latah County GIS Interactive Mapping Server - <http://gis.latah.id.us/public/viewer.htm>

LCZC Hrg: RZ780
Applicant: BGB LLC
Exhibit #: 2E
Date: 12/17/2008



Latah County Comprehensive Plan Land Use Map



Subject Property



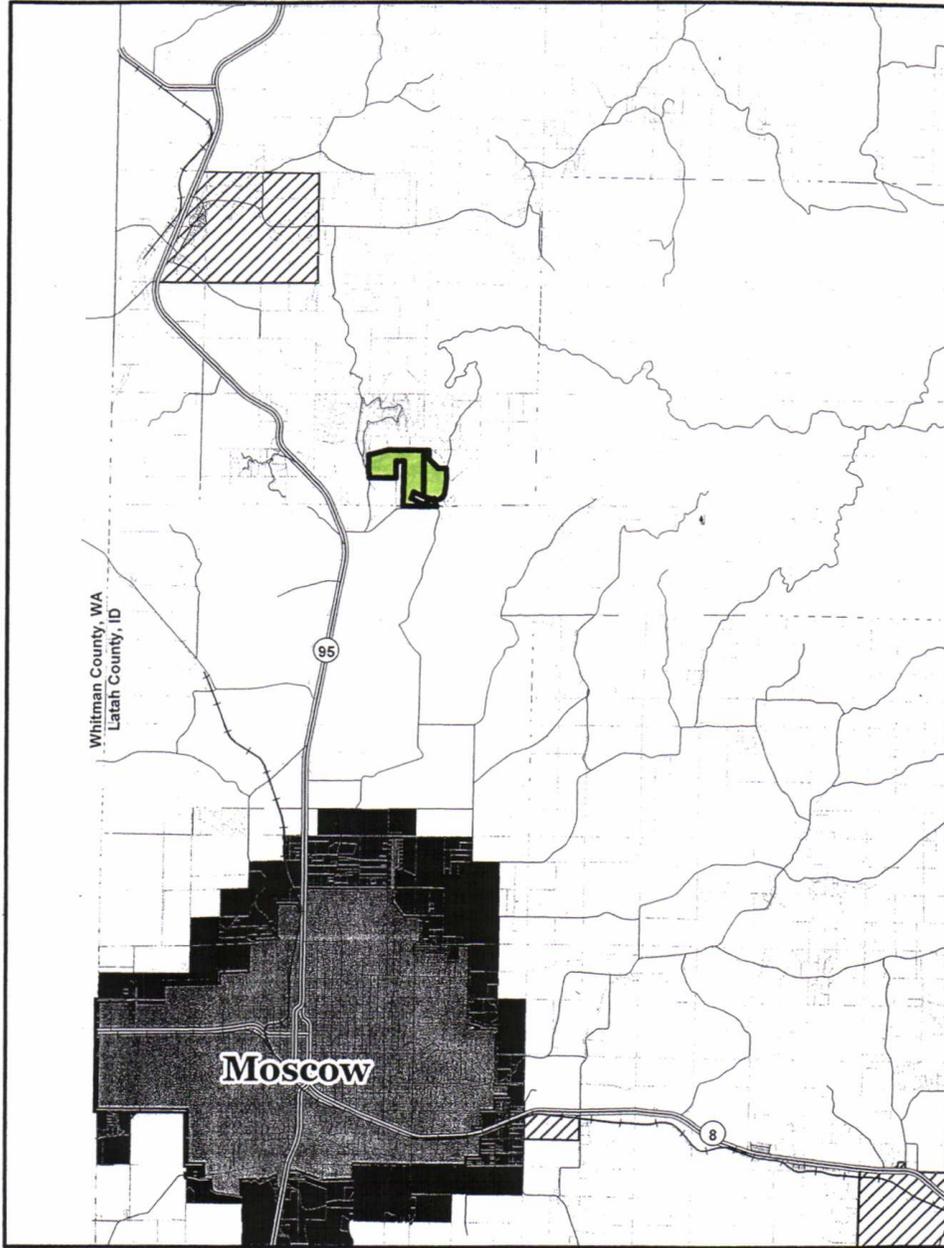
6a

Legend

- Potential Beltway Alignment
- ▤ Areas of City Impact (with joint management)
- ▨ Industrial/Commercial/Residential
- Productive
- ▧ Rural

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 2F
Date: 12/17/2008

Vicinity Map



Whitman County, WA
Latah County, ID

Moscow

Legend

-  Subject Property
-  Incorporated Places
-  Parcels

- Comprehensive Plan**
-  Area of Impact
-  Productive
-  Rural
-  Residential, Commerical Industrial



1 0 1 Miles



LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 2G
Date: 12/17/2008

LATAH COUNTY ACKNOWLEDGEMENT FORM FOR SCHOOL DISTRICT

SHORT PLAT - 4 OR FEWER LOTS

THE Moscow SCHOOL DISTRICT ACKNOWLEDGES FOR
BGB, LLC SHORT PLAT CONSISTING OF 4 LOTS:

The service requirements for the proposed short plat **will not** have an adverse effect upon existing service capabilities or finances of the jurisdiction.

The service requirements for the proposed short plat **will** have an adverse effect upon existing service capabilities or finances of the jurisdiction.

SIGNED: Candis L. Bonnell

TITLE: Superintendent

DATE: 4-6-08

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

North Latah County Highway District

1132 White Avenue
Moscow, Idaho 83843

Deary Phone: (208) 877-1101 Moscow Phone: (208) 882-7490 Potlatch Phone: (208) 875-0717
Fax: (208) 877-1298 Fax: (208) 883-3926 Fax: (208) 875-8967
nchhd@turbonet.com

July 29, 2008

Brad Lewis
315 S Almon
Moscow, ID 83843

Mr. Lewis:

As per our conversation on this date, this letter is in regards to your proposed rezone of the property on Foothill Road.

Normally, the North Latah County Highway District would make a request to the Latah County Zoning Commission that – in addition to compliance with any applicable requirements of the Land Use Ordinance – the following conditions be put upon the rezone:

- The applicant shall be required to dedicate an appropriate and sufficient amount of public right-of-way for public highway purposes along the property.
- The applicant shall be made responsible to pay for and/or construct, as the Highway District may determine, any access and/or public highway improvements occasioned by the Applicant's development of the rezoned property.

This being a relatively small plat, the North Latah County Highway District does not foresee negative impact on the road system in that area, but the proposed conditions are suggested to mitigate problems that may occur in the future. There are three possible accesses to the property (Foothill, Lewis, and Nearing Roads) and any are acceptable, but the Board of Highway District Commissioners would prefer only one of them to be used and that it be the only access to the rezoned property.

Sincerely,
For the Board of Highway District Commissioners



Dan Carscallen, Clerk

cc: Latah County Planning and Building Dept. (via email)

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 2J
Date: 12/17/2008



Public Health

North Central District Health Department

Nez Perce County
216 10th Street
Lewiston, ID 83501
(208) 769-3100
Fax (208) 758-0849

Latah County
233 E Palouse River Drive
Moscow, ID 83843
(208) 882-7500
Fax (208) 882-9494

Clearwater County
105 115th Street
Coeuro, ID 83344
(208) 476-7850
Fax (208) 476-7494

Idaho County
908 West Main
Grangeville, ID 83230
(208) 883-2842
Fax (208) 959-3845

Lewis County
132 N. Hill Street
P. O. Box 277
Kamiah, ID 83638
(208) 956-2124
Fax (208) 935-0225

November 26, 2008

Jarrod Nichols
Latah Realty
128 East Main St.
Moscow, ID 83843

Dear Mr. Nichols,

At your request I reviewed your land division proposal of 135-acre area located off Lewis Road north of Moscow, ID known as T 40 North, R 05 West, Section 16 and 17. The evaluation was conducted for a preliminary review of the parcel to be rezoned to create four building site out of an area approximately 40 acres. The remaining 95 acres will be in a conservation program. It is my opinion that these large proposed lots can support subsurface septic systems for single-family dwellings. Typically the soils found in this area are silty clay and clay loam. These soils are classified as C-2 soils, which are very tight and slow to perk. If sized properly for daily use have a very long-term acceptance rate and work very well. If the site evaluation reveals soils with clay content greater than 40% or a limiting layer within 6' of the surface the property can still be deemed suitable for sewage disposal. The large proposed parcel size and gentle slopes will accommodate alternative systems.

You have provided me with the following items:

- ❖ A map of the approximate boundaries
- ❖ Description of proposal

To grant approval for a land division I will need the following information:

- ❖ Roads proposed and / or existing
- ❖ Easements if any are going to be needed
- ❖ Proposed locations of wells that would serve the homes
- ❖ Test holes 6' deep on each proposed lot to determine soil type
- ❖ Land division review fee

If you have any questions please call me at 208-882-7506.

Sincerely,

Nancy M. Becker, REHS

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 2K
Date: 12/17/2008

**LATAH COUNTY ACKNOWLEDGEMENT
FORM FOR SHERIFF
SHORT PLAT - 4 OR FEWER LOTS**

THE LATAH COUNTY SHERIFF'S DEPARTMENT ACKNOWLEDGES FOR

BGB SHORT PLAT CONSISTING OF 4 LOTS:
RZ # 780

The service requirements for the proposed short plat will not have an adverse effect upon existing service capabilities or finances of the jurisdiction.

The service requirements for the proposed short plat will have an adverse effect upon existing service capabilities or finances of the jurisdiction.

SIGNED: Harve Rausch

TITLE: SHERIFF

DATE: 07/31/08

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 2L
Date: 12/17/2008



Conserving the open space,
wildlife, water and scenery
of the Palouse

P.O. Box 8506
Moscow, Idaho 83843
208-862-5208
www.PalouseLandTrust.org

January 30, 2008

Brad Lewis, Manager BGB, LLC
315 South Almon St.
Moscow, ID 83843

Dear Mr. Lewis:

This letter is to formally confirm the acceptance by the Board of Directors of the Palouse Land Trust of your organization's donation of property on Lewis Road in Moscow, Idaho. The Palouse Land Trust takes this action based on the assumption that the general outline of the property conveyance process outlined in our meeting with your group on January 7th remains valid. Thus we will assume that the donors (BGB, LLC) will cover any costs involved with property transfer, such as a formal survey and title insurance, and that the conveyance be similar to the map presented to the Palouse Land Trust in the January 7th meeting.

The Palouse Land Trust, will in turn, assure that the conveyed property remains undeveloped and, to the extent possible, remains in active agricultural production. Lacking this option, we will pursue others, such as the reestablishment of native Palouse Prairie. We feel it is most appropriate to refrain from discussing any other specific management options on the donated property until after the public hearings. We look forward to working with you.

Sincerely, (For the Board)

Gerry Wright, President

LCZC Hrg: RZ780
Applicant: BGB LLC.
Exhibit #: 2M
Date: 12/17/2008