

March 20, 2009

Latah County Board of County Commissioners
P.O. Box 8068
Moscow, ID 83843

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MAR 20 2009
LATAH COUNTY

Public testimony (written exhibit) for RZ #780

Dear Commissioners,

The Latah County Commissioners must deny rezone application RZ #780 based on several considerations.

SPOT ZONE

RZ780 does not comply with Latah County Land Use Ordinance #269 which prohibits spot zoning.

Spot zoning is flat-out disallowed and has been used as a basis for denying rezone requests in the county in the past. It must not be allowed here.

COMPREHENSIVE PLAN VIOLATIONS

This proposed rezone violates many objectives of the comprehensive plan.

Objective 1 is the "preservation of agricultural and forest land uses to ensure the continued viability..." This rezone and subdivision would permanently destroy productive farmland (and set a precedence to allow much more of the same). It seems that the preservation of good productive agricultural land (which this is, and has been in production for about 80 years) will be increasingly important in the future as the time of "cheap" oil is over and peak oil is upon us.

Objective 2 cites a "sustainable economic foundation." Converting annually productive land into residences is unsustainable. It will be increasingly important to produce food locally.

Objective 3 states that higher density residential uses should be clustered. This development would not be clustered, and would require a five-mile or so drive into Moscow for services.

Objective 4 is to preserve the rural character of the county. This rezone would erode the rural character of the county.

BOCC HRG: RZ 780
Applicant: BGB LLC
Exhibit No. 146
Date: March 31, 2009

GROUNDWATER ISSUES

The region of the proposed rezone is problematic with regard to groundwater. Groundwater in the area of the rezone request (southern flanks of Moscow Mountain/Palouse Range) is concentrated in local fractures, whose orientation is more or less random. There can be a 100-gallon-per-minute well within 50 yards of a dry well. Many wells are only marginally acceptable in this part of the county. Further exploitation of the extremely limited groundwater resource could affect existing wells that might tap the same fracture network.

Less applicable immediately but also important to note is that the southern flank of Moscow Mountain could be a zone of recharge for the Wanapum Aquifer.

CONSISTENCY

The Board of County Commissioners rejected a similar rezone application that proposed a four home-site subdivision on the same parcel of farmland in December 2006. Unless this is a substantially different proposal, and I do not believe that it is, then this request must be rejected as well. Any vague indication by the developers that some nearby land might be preserved in some fashion should not enter into the decision.

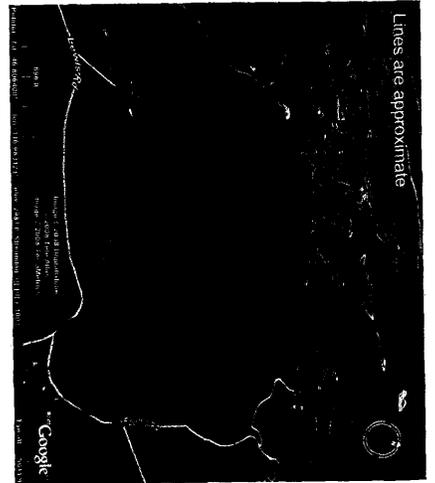


David Hall
1334 Wallen Road
Moscow, ID 83843

Description of Subject Property

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

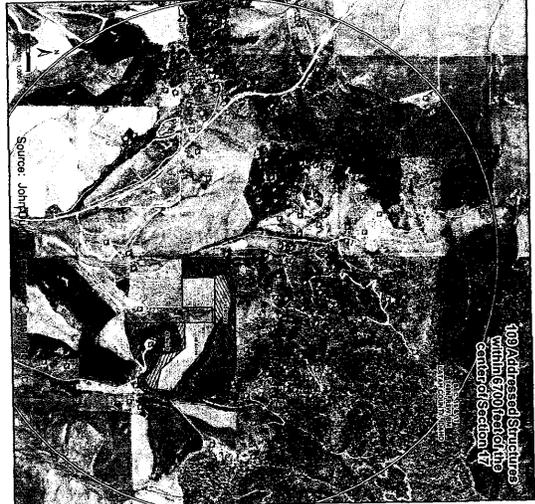
Subject Property 135 Acres



REZONE #780 - LATAH COUNTY

Board of County Commissioners

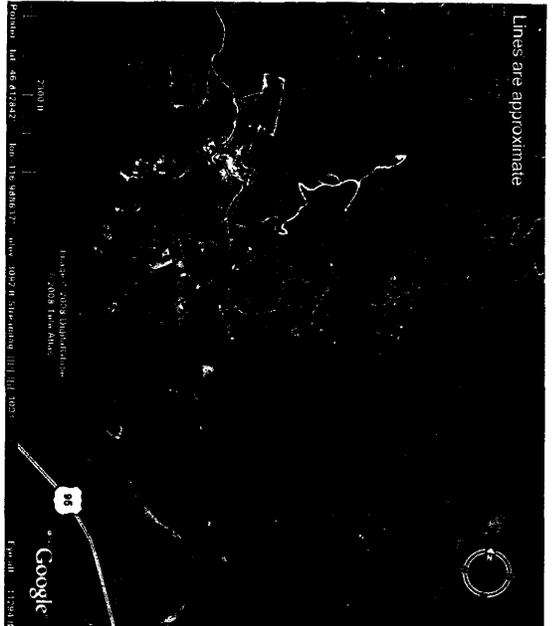
APPLICANT: BGB LLC
 EXHIBIT No. 127
 DATE: March 31, 2009



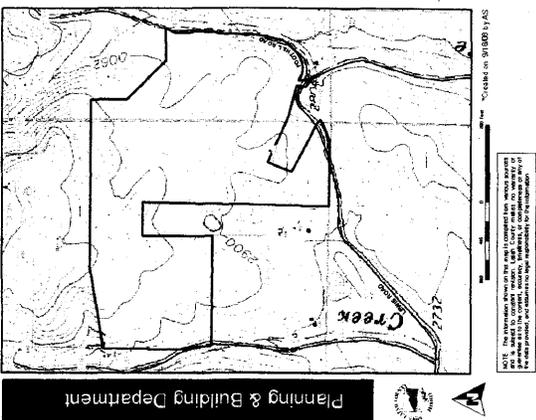
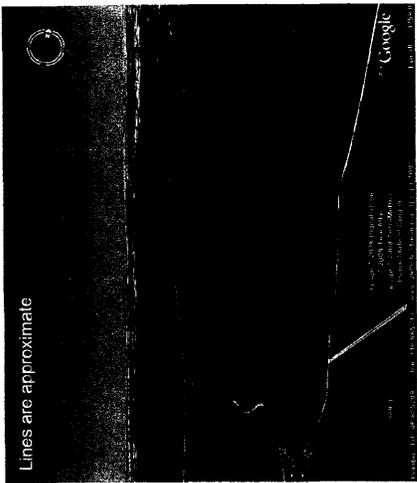
Comprehensive Plan Designation

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

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

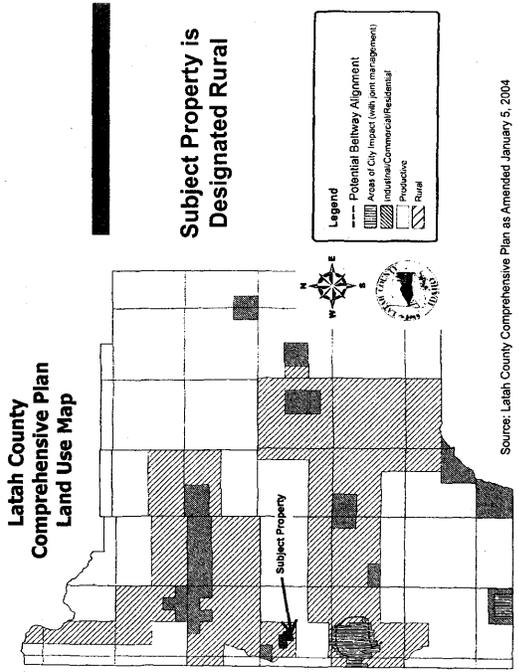


**Subject Property
135 Acres**



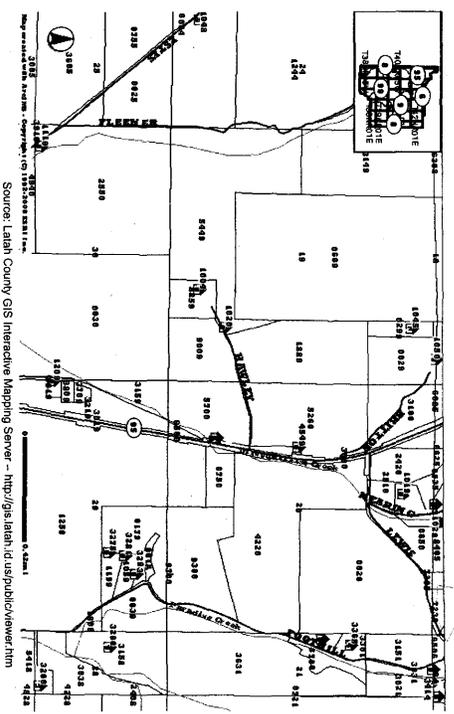
Comprehensive Plan – Rural vs. Productive

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

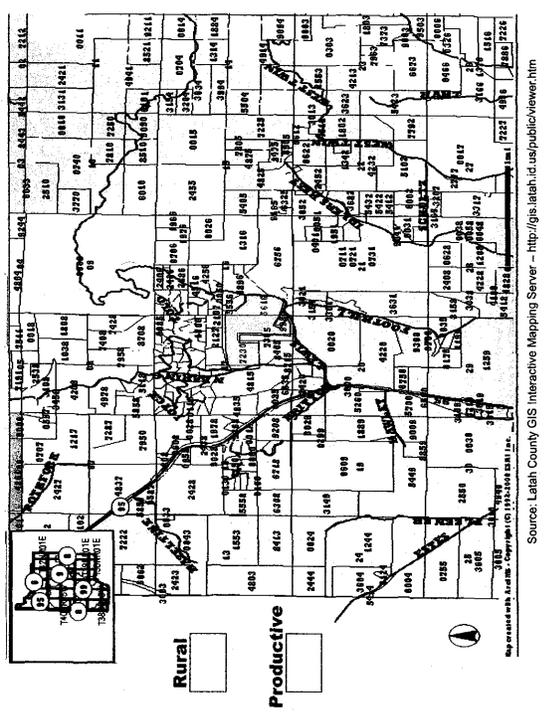


Source: Latah County Comprehensive Plan as Amended January 5, 2004

Residences – In Productive Designation



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

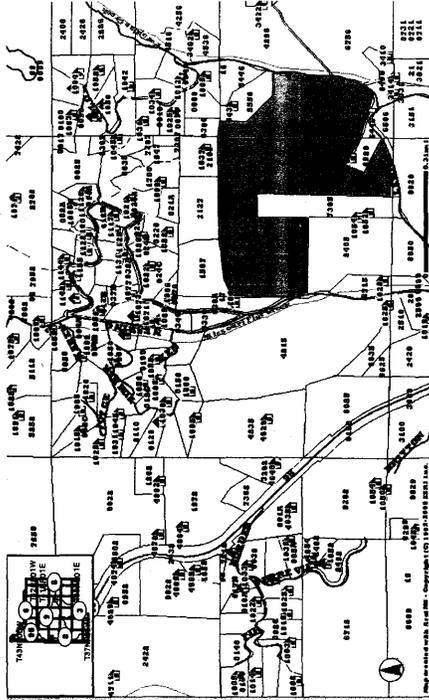


Source: Latah County GIS Interactive Mapping Server – <http://gis.latah.id.us/publicviewer.htm>

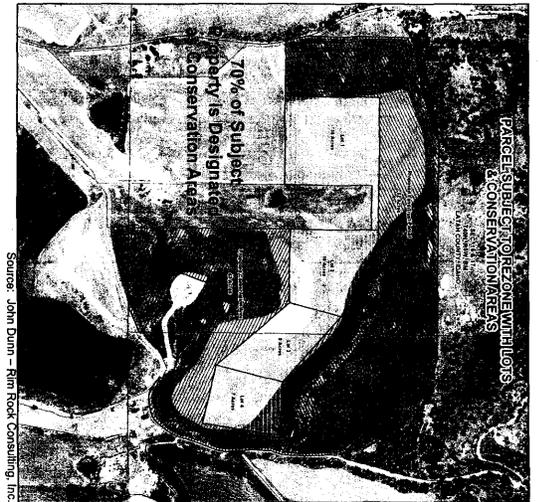
Proposed Rezone

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

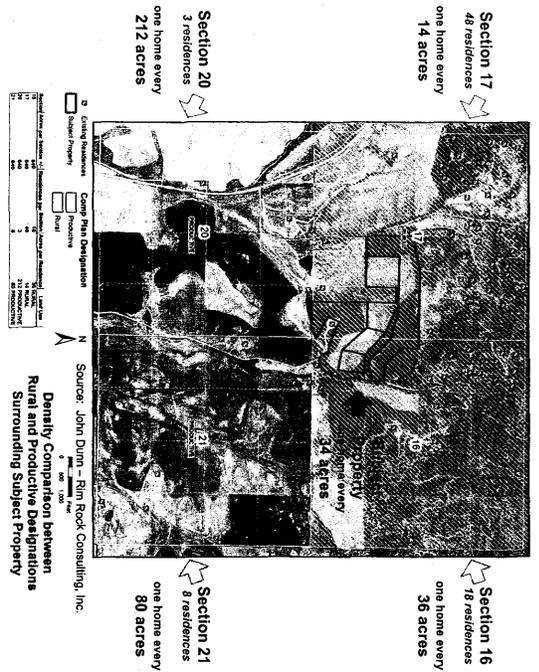
Residences – In Rural Designation



Source: Latah County GIS Interactive Mapping Server – <http://gis.latah.idaho.gov/viewer.htm>



Source: John Dunn – Rim Rock Consulting, Inc.



Source: John Dunn – Rim Rock Consulting, Inc.

Density Comparison between Rural and Productive Designations Surrounding Subject Property

Legend: Conservation Areas, Rural Residential, Agriculture/Forestry, Other

Scale: 0 to 1000 feet, 0 to 1 mile

- Section 17
48 residences
one home every
14 acres
- Section 20
3 residences
one home every
212 acres
- Section 21
8 residences
one home every
80 acres
- Section 16
18 residences
one home every
36 acres

What is a Conservation Subdivision?

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

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

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

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

Palouse Land Trust Donation

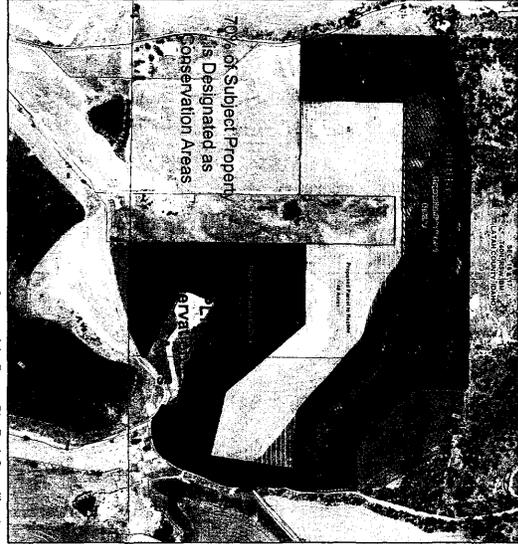
Palouse Land Trust (PLT) Mission:

To conserve open space, wildlife habitat, water quality, and scenery of the Palouse

52 acres to be donated at the time of short plat approval in addition to a 43 acre conservation easement that will be managed by the Palouse Land Trust

- PLT has been contacted and will accept the donation
- In turn, they will assure the conveyed property remains undeveloped and to the extent possible remains in active agricultural production
- PLT has the option to retain future farm proceeds from the 52 acres and will receive a yearly fee for managing the 43 acre conservation easement

Source: John Dunn - Rim Rock Consulting, Inc.



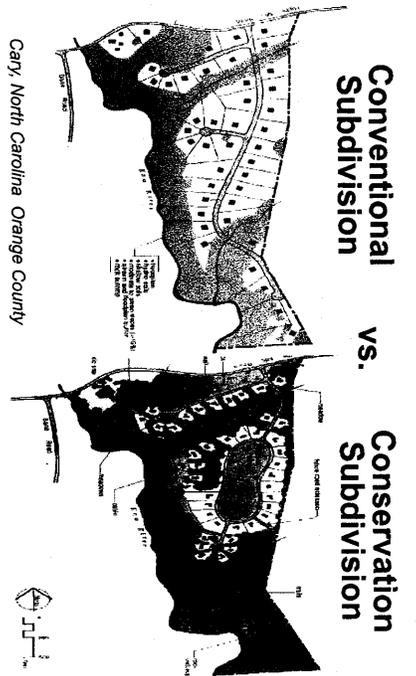
Benefits of Conservation Subdivisions

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

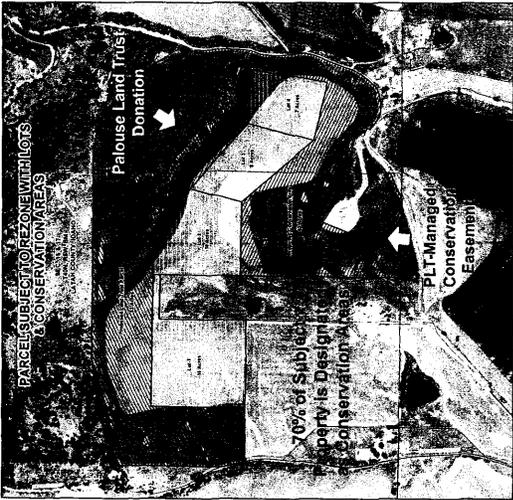
- Water holding tank (2,000 gallons) required for each residence regardless of well production
- Underground utilities
- Site built homes only which meet Architectural Committee standards (one per lot; lots cannot be subdivided)
- All residential construction will comply with NAHB Green Building Guidelines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

Addressing Water Issues

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



Source: Town of Cary Open Space and Historic Resource Plan, <http://www.auburnaldana.org/pamphlet/frames%20viewer/Conservation%20Subdivision%20Website.pdf>



Source: John Dunn - Rim Rock Consulting, Inc.

Geologist Consultation (cont.)

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

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

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

Geologist Consultation

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

Well Driller Consultation

- Based on drilling hundreds of domestic wells in Latah and Whitman County (many of those located in the Moscow Mountain area) the following were relayed:
 - The bedrock is granite
 - It is not uncommon for wells to have less than 5 gallons/min
 - It is also not uncommon on 20 acres or less to drill wells with varied productivity (e.g.: 2 wells producing >1 gallon/min and 1 well producing 75 gallons/min)
- In his opinion, he would question drilling 2 wells in granite in less than 5 acres; however, he does not believe drilling 4 wells in 135 acres will impact each other or wells in surrounding areas

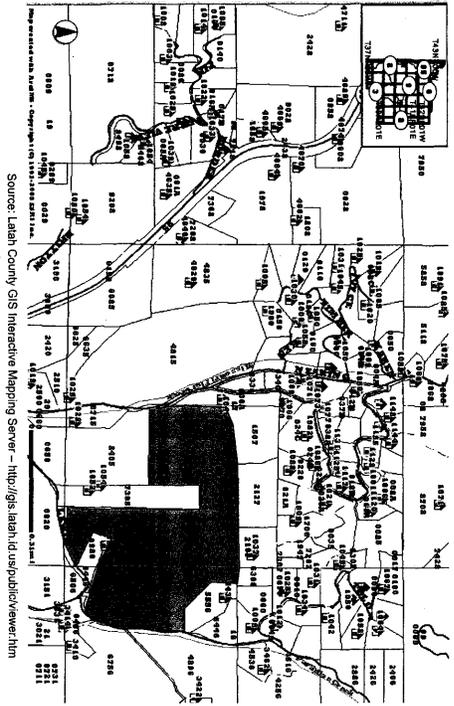
Source: Ted Wright, McPherson and Wright Drilling - 12/1/07 letter

Source: John Monks, Hydrogeologist - 11/8/06 letter
John Monks granted permission and affirmed the letter is still accurate

Hydrogeologist Consultation

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

Residences in Proximity to Subject Parcel

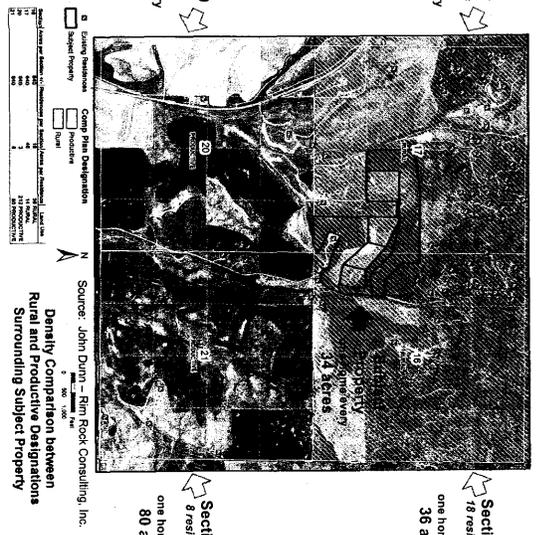


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one home every
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Source: John Dunn - Rim Rock Consulting, Inc.
Density Comparison Between
Rural and Productive Designations
Surrounding Subject Property

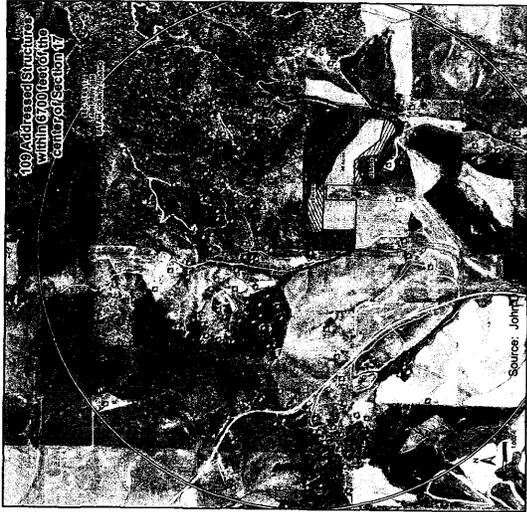
Why Should the Subject Property Be Zoned Rural Residential?

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



Meeting the Goals and Policies of the Comprehensive Plan

- Community Design Element
- Population Element
- Housing Element
- Economic Development Element
- Public Services, Facilities, and Utilities Element
- School Facilities and Student Transportation Element
- Transportation Element
- Special Areas Element
- Hazardous Areas Element
- Natural Resource Element
- Recreation Element
- Land Use Element
- Implementation Element
- Property Rights Element



Meeting the Rezone Criteria

- Meeting the Goals and Policies of the Comprehensive Plan
- Compatibility with Surrounding Area
- Public Benefits
- Public Services
- Why this Rezone is Not a Spot Zone



Linn County Assessor
 ASSESSMENT LICENSING - VEHICLE
 P.O. Box 6086
 Linn County Courthouse
 Marion, IA 52802
 Phone: 319-208-4543
 Fax: 319-208-4540
 Email: assessor@linncountyiowa.gov



February 24, 2009

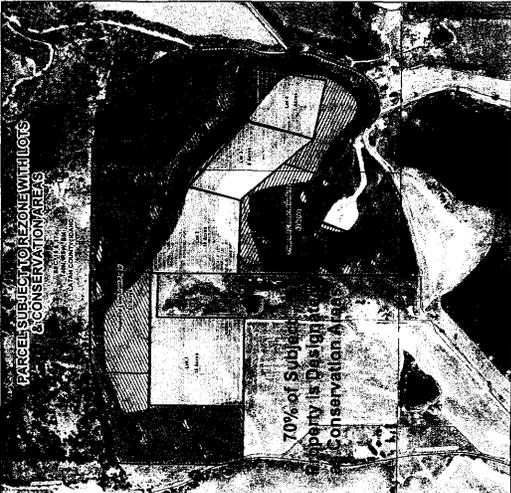
To Whom It May Concern,

RE: Estimate of future tax revenue for the proposed rezoned properties BRW05W165916A & BRW05W17730A

The two parcels are currently assessed in an "agricultural category" based on the agricultural use of the parcels. Parcel BRW05W165916A is 319.26 acres and has an assessed value of \$11,973. Parcel BRW05W17730A is 95.16 acres and has an assessed value in 2008 of \$29,103 with tax revenue of \$314.50. If the properties are rezoned into a residential lot with the average size of 0.25 acres, the assessed value would increase to \$1,000,000 (based on the Home Owner Exemption of \$104,471). It would have an estimated assessed net taxable value on the land and improvement in 2008 of \$310,129 with taxes of \$3,390 each. The remaining 95 acres of proposed construction area that would continue to be assessed in an agricultural category would have an assessed value of \$1,000,000 with taxes of \$10,390. The estimated total tax revenue for the rezoned parcels would be \$16,314.50. The estimated total increase in tax revenue for the properties would be \$15,806.

Respectfully,


 Dan Burrows
 Deputy Assessor
 Certified Appraiser



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MAR 2 2009

LATAH COUNTY

Petition to Approve Rezone #780

We, the undersigned, petition the Board of County Commissioners to approve rezone #780 which will rezone 40 acres of a 135 acre parcel of land from Agriculture/Forestry (AF) to Rural Residential (RR) to create 4 new building sites. The remaining 95 acres (70% of the parcel) will remain zoned AF and will be designated as conservation areas. We had the opportunity to review the rezone narrative worksheet and maps and feel this innovative proposal is a positive project for Latah County.

| Signature | Address | Phone | Date |
|--------------------|---|--------------|-----------|
| Guy J. Neaving | Guy J. Neaving 330 S. U.S. 24 Drive Moscow, ID 83843 | 208-384-5345 | 2-17-09 |
| Verla MacNeaving | Verla MacNeaving 330 U.S. 24 Drive Moscow, ID 83843 | 208-384-5345 | 2-17-09 |
| Dave Kiblen | Dave Kiblen 844 Indian Hills Dr. Moscow, ID | 208-384-5345 | 2-18-09 |
| Sandra Kiblen | Sandra Kiblen 844 Indian Hills Dr. Moscow, ID | 208-384-5345 | 2/18/09 |
| Katherine A. Hunt | Katherine A. Hunt 1155 Fern Mile Rd. Viola Moscow, ID | 208-384-5345 | 2/18/09 |
| Stephanie Coffman | Stephanie Coffman 318 S. Howard Moscow, ID | 208-384-5345 | 2/18/09 |
| Shaona Gull | Shaona Gull 2203 Shelby Lane Moscow, ID | 208-384-5345 | 2/18/09 |
| Gary Trullie | Gary Trullie 2027 East 6th Moscow, ID | 208-384-5345 | 2/18/09 |
| Tiffany Bentley | Tiffany Bentley 517 Breithorn Ln. Moscow, ID | 208-384-5345 | 2/18/09 |
| Nichelle Bates | Nichelle Bates 505 Indian Hills Dr Moscow, ID | 208-384-5345 | 2/18/09 |
| Mark Pies | Mark Pies 3350 Tower Rd Moscow, ID | 208-384-5345 | 3/12/09 |
| Andy Kiblen | Andy Kiblen 326 S. San Ch. Moscow, ID | 208-384-5345 | 3/16/2009 |
| Wendy Manderscheid | Wendy Manderscheid 2093 Lexington Moscow, ID | 208-384-5345 | 3-16-09 |
| Heidi Zuphohr | Heidi Zuphohr 1487 Northwood Dr. Moscow, ID | 208-384-5345 | 3/19/09 |
| Doreen A. Kiblen | Doreen A. Kiblen 815 E. 3rd St. Moscow, ID | 208-384-5345 | 3/19/09 |

BOCC HRG: RZ 780
 Applicant: BGB LLC
 Exhibit No. 148
 Date: March 31, 2009

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| Printed Name | Signature | Address | Date |
|------------------|-----------|-------------------------|---------|
| Marcks Lohman | | 1416 Burrell Ave | 2/16/09 |
| Russell Spangler | | 1035 Matsen Rd. | 2/16/09 |
| Jim Grimm | | 3023 Mandaville | 2/16/09 |
| Don Ward | | 1617 Hillcrest | 2/16/09 |
| LIES GOSWALDEN | | 1317 DECKER AVE. | 2-16-09 |
| DAVID GEMER | | 551 MATHIAS DRIVE | 2-16-09 |
| Nancy Laigent | | 1300 CRAE RD PO BOX 114 | 2-17-09 |
| Pan Langacher | | 3701 Hwy 6 & Broadway | 2-17-09 |
| Ray Whitcomb | | 1069 Hwy 8 | 2/17/09 |
| | | 605 6th Ave | 2-17-09 |
| Russ L.ine | | 504 South street | 2-17-09 |
| Cathy Linn | | 1091 S.1 RD #2 | 2-17-09 |
| Christy Anderson | | 105 Terrace Ave DEER | 2-17-09 |
| Craig Sanderson | | SCR and one Deery | 2-17-09 |
| David Whitcomb | | 2015th and Deery | 2-17-09 |

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| Printed Name | Signature | Address | Date |
|----------------------|-----------|------------------------|---------|
| Robert A Dean | | 1296 Driscoll rd ga ca | 2-17-09 |
| Jesse H. Weigley | | 417 S. Adams st # c | 2-17-09 |
| William Ellis | | 1857 Whiteau # 2-1D | 2-17-09 |
| M. Hill Corp | | 1519 Power ave. | 2-17-09 |
| Merich Deveney | | 225 CHATHAM GENESEE | 2-17-09 |
| CHRISTOPHER T. HEWES | | 603W POWELL RINDLE | 2-17-09 |
| Jeff Dornorlos | | 1028 REAMS RD | 2/17/09 |
| Kris Matson | | 2101 Conestoga | 2/17/09 |
| RAY MATSON | | 2101 Conestoga | 2/17/09 |
| Doreen Mills | | 1080 Schultz rd. | 2/17/09 |
| Jane Mills | | 1030 Schultz rd | 2/17/09 |
| Judy Kumbulsky | | 522 Julian dr | 2/18/09 |
| Kathie Howard | | 1235 Fossil Mill | 2/18/08 |
| Jon Cox | | P.O. Box 77 Deary | 2-19-09 |
| Debbie Funke | | 2410 Hwy 3 Deary | 2-19-09 |

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| Printed Name | Signature | Address | Date |
|---------------------|-----------|----------------------------------|----------|
| JAMES R. CRANE | | 2916 S. MAIN B-1 | 02-18-09 |
| YASTON SHAWARD | | 2788 Hwy 95 S | 2-19-09 |
| ERIC KIBLEN | | 1019 Weaving Rd. - Moscow | 2-19-09 |
| Kyla Kiblen | | 1019 Weaving Rd. - Moscow | 2-19-09 |
| Stephen D. Wallen | | 1032 Johnson Mosses | 2-18-09 |
| Carol Chamberlain | | 915 Fir St - Polaris | 2-18-09 |
| ROD A.D.C. CUMLEY | | 1081 Dobson Ln. - Portland | 2-15-09 |
| WILCO SANDER | | 1487 Northwood Dr # 104 83443 | 2-18-09 |
| BRAD QUAIN | | 635 Oak Field Bldg | 2-18-09 |
| Shawn N. Adams | | 617 10 Street | 2-18-09 |
| LUTHERA WIKITA | | 603 West Palouse River | 2-19-09 |
| Shan WAHNE | | 603 West Palouse River | 2-19-09 |
| CLARENCE WAHNE | | 603 West Palouse River | 2-19-09 |
| William J. Lemstedt | | 1275 N. Mtn. View Rd | 2-23-09 |
| Jerry D. Peiper | | 933 Stearny Lane | 2-25-09 |
| Gerald Nichols | | 933 Stearny Lane | 2-25-09 |

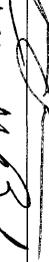
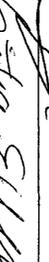
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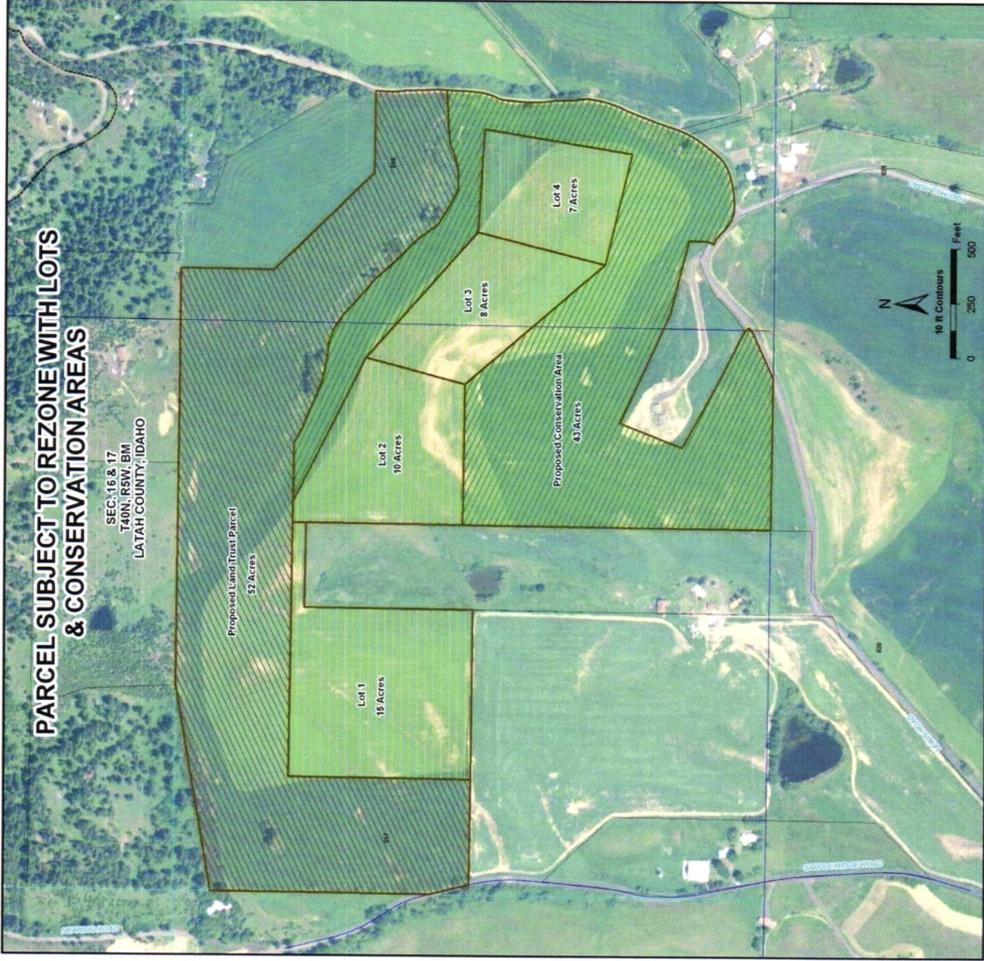
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| Printed Name | Signature | Address | Date |
|--------------------|-----------|--------------------------|---------|
| Kristine A. Hansen | | PO Box 122, Derry ID | 2-17-09 |
| Charrel Abbey | | 1524 Mt. Polk, Derry, ID | 2-17-09 |
| Kathy Knott | | Vida, ID | 2-19-09 |
| PAUL HANSON | | Moscow, ID | 2-19-09 |
| Pat Cummy | | Moscow, ID | 2-19-09 |
| Pat Cleaves | | Moscow, ID | 2-19-09 |
| Lori Brannaker | | Moscow, ID | 2-19-09 |
| J. Lammonte Walker | | Moscow, ID | 2-19-09 |
| Natalie Neer | | Moscow, ID | 2-19-09 |
| Erika Greer | | Geare, ID | 2-19-09 |
| Chuck Spurgeon | | Moscow, ID | 2-19-09 |
| Shane Gurderson | | Moscow, ID | 2/19/09 |
| Assie Whitte | | Moscow, ID | 2/20/09 |

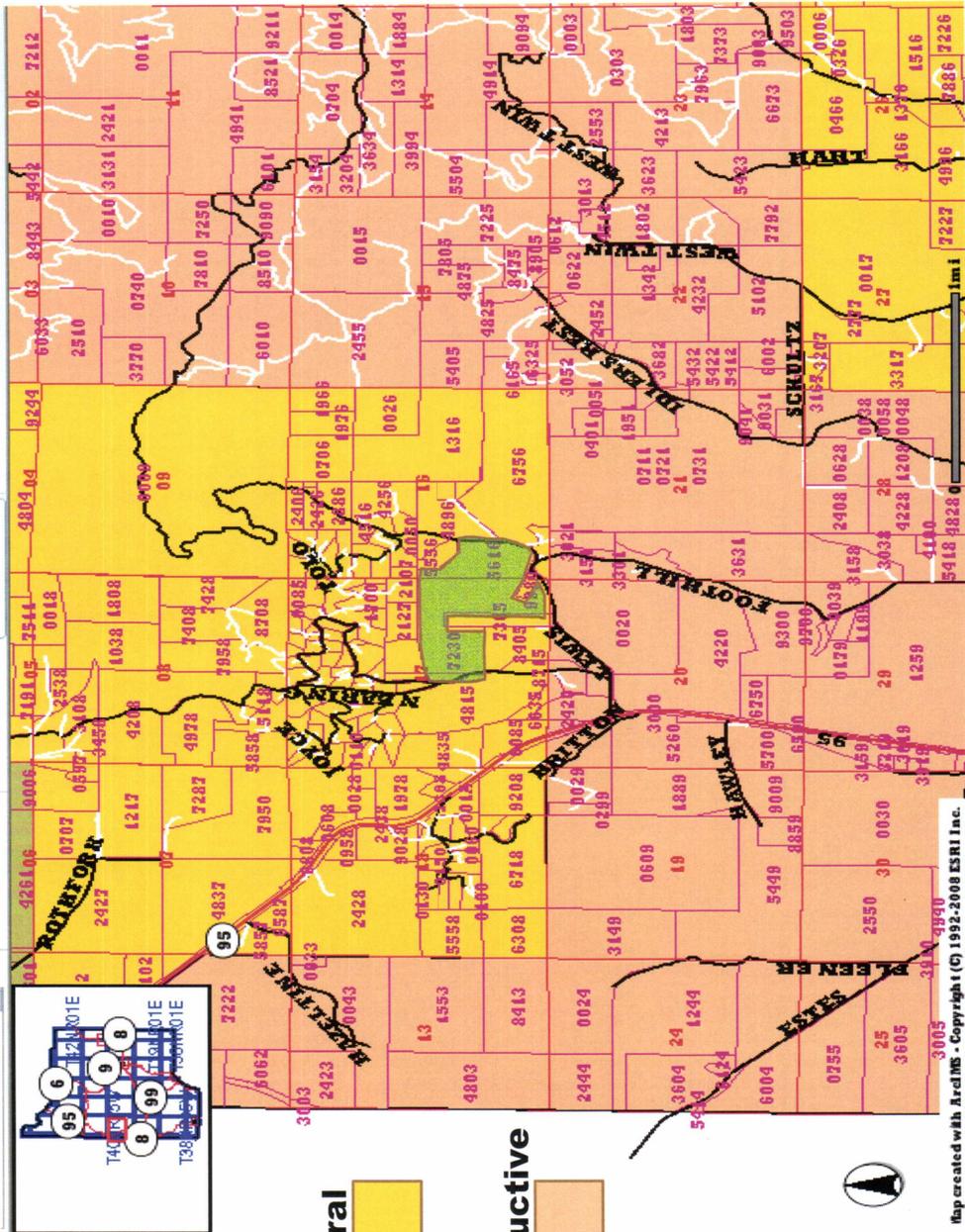
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| Printed Name | Signature | Address | Date |
|------------------|---|--------------------------|---------|
| Larry Leppelman |  | 1242 BROWN LA PASTURE | 3/20/09 |
| Alana Leppelman |  | 1040 BROWN LAKE PARKWAY | 3-20-09 |
| Nick Grogan |  | 1622 18th St. Lewiston | 3/20/09 |
| Cris Guerzava |  | 2206 Cambridge of Roscoe | 3/20/09 |
| Scott Kesorey |  | 32649 MISSOURI CREEK RD | 3/20/09 |
| Sean Kelley |  | 255 NW Golden Hills Dr. | 3/20/09 |
| Mine Soles |  | 832 DOULT DR | 3/20/09 |
| Karin Johnson |  | 409 E. E. ST | 3/20/9 |
| TEERY BATEMAN |  | 314 SIZAN DR | 3/20/09 |
| Kerry Betts |  | 812 KENNEDY | 3/20/09 |
| BROVE FRASER |  | 1031 SPURNS CR. ASTORIA | 3/20/09 |
| Nichelle Tokorny |  | 1119 S. Hayes, Moscow | 3/20/09 |
| Breith Bakstler |  | 5749 Hwy 8 Dr | 3/22/09 |
| Pharam News |  | 1041N BURNIE MOSAIC | 3/20/09 |
| KRISHNA ELKINS |  | 1007 Hillcrest meadow | 3/20/9 |



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



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

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 rezone 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.