

# LATAH COUNTY BUILDING CODE BOARD OF APPEALS

Latah County Courthouse ~ 522 S. Adams ~ PO Box 8068 ~ Moscow ID 83843 ~ (208) 883-7220

John Akin

Tony Johnson

Kevin Lilly

Justin Goodwin  
Alternate

Scott Becker  
Alternate

Eric Pah  
Ex-Officio

## AGENDA

Meeting, Thursday, March 20<sup>th</sup>, 2014 at 4:00 p.m.

Meeting to be held in Room 2B, Latah County Courthouse

### 1. Hearings Open to the Public:

AP #914: An appeal by Magar E. Magar regarding a notice and order by the Latah County Building Official placed on Mr. Magar's properties located at 4600 Robinson Park Road, Moscow, Idaho referenced as Assessor's Parcel #RP 39N05W100440 A.

Accommodations for individuals who qualify under the ADA are available upon request. Notice to acquire accommodations must be made 3 working days prior to the hearings to the Planning Dept. This hearing will be held pursuant to the Latah County Hearing Procedures Ordinance and under authority of the Latah County Building Code Ordinance and Idaho Code 39-41. The appellant, the appellant's representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. As per the Latah County Hearings Procedures Ordinance, the Latah County Building Code of Appeals reserves the right to limit length of testimony.

### 2. Findings of Fact:

AP #914

### 3. Other Business:

None

LCAB Hrg: AP #914  
Applicant: MagarMagar  
Exhibit #: 1  
Date: 3/20/2014

## AP #914 – Introduction – *exhibits updated*

AP#914 – An appeal by Magar E. Magar regarding a notice and order by the Latah County Building Official placed on Mr. Magar’s properties located at 4600 Robinson Park Road, Moscow, Idaho referenced as Assessor’s Parcel #RP 39N05W100440 A.

### *Section 111.1 of the International Property Maintenance Code requires:*

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

### *Section 111.4 of the International Property Maintenance Code requires:*

111.4 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant’s representative, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

Section 111.4.1 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

### **EXHIBITS:**

- |                            |  |
|----------------------------|--|
| <b><u>Exhibit #1.</u></b>  | <u>Agenda</u>  |
| <b><u>Exhibit #1A.</u></b> | <u>Introduction</u>  |
| <b><u>Exhibit #1B.</u></b> | <u>Posting Log for 2-10-14 for 4600 Robinson Park Road</u>   |
| <b><u>Exhibit #1C.</u></b> | <u>Aerial Photo of 4600 Robinson Park Road</u>   |
| <b><u>Exhibit #1D</u></b>  | <u>Photo of “Unsafe to Occupy” notice for 4600 Robinson Park Road</u>  |
| <b><u>Exhibit #1E.</u></b> | <u>February 10<sup>th</sup>, 2014 Notice and Order for 1 manufactured home at 4600 Robinson Park Road with relevant attachments</u>                                  |
| <b><u>Exhibit #1F.</u></b> | <u>February 26<sup>th</sup>, 2014 Notice and Order for 4 manufactured homes at 4600 Robinson Park Road with relevant attachments</u>                                 |
| <b><u>Exhibit #1G.</u></b> | <u>February 26<sup>th</sup>, 2014 Notice and Order for Syringa Mobile Home Park, 25 manufactured homes and 3 vacant mobile home spaces with relevant attachments</u> |
| <b><u>Exhibit #1H.</u></b> | <u>Relevant Code Sections</u>  |
| <b><u>Exhibit #2.</u></b>  | <u>Lawsuit from Idaho Department of Environmental Quality</u>  |

- Exhibit #3. Appeal letter with attachments from Magar E Magar date stamped March 6<sup>th</sup>, 2014
- Exhibit #4. E-mail from Magar Magar dated Monday March 3<sup>rd</sup>, 2014
- Exhibit #5. E-mail from Magar Magar dated Wednesday, March 5<sup>th</sup>, 2014
- Exhibit #6. E-mail to Magar Magar from Eric Pah dated Wednesday, March 5<sup>th</sup>, 2014
- Exhibit #7. Letter from Michelle Fuson to Magar Magar dated March 7<sup>th</sup>, 2014
- Exhibit #8. E-mail to Magar Magar dated March 13<sup>th</sup> 2014 at 11:20 AM and response e-mail from Magar Magar dated March 13<sup>th</sup>, 2014 at 12:59 PM
- Exhibit #9. Agenda for meeting on Monday, March 17<sup>th</sup>, 2014 to consider Magar Magar's request from March 13<sup>th</sup>, 2014
- Exhibit #10. E-mail to Magar Magar dated March 14<sup>th</sup>, 2014 regarding meeting on Monday
- Exhibit #11. E-mail from Magar Magar dated March 14<sup>th</sup> 2014 with questions
- Exhibit #12. E-mail to Magar Magar dated March 14<sup>th</sup>, 2014 responding to his questions
- Exhibit #13. E-mail to Magar Magar dated March 14<sup>th</sup>, 2014 5:06 PM providing information regarding ex-parte contacts, board membership, and the hearing packet
- Exhibit #14. E-mail from Magar Magar dated March 14<sup>th</sup>, 2014 at 9:07 PM replying to the previous e-mail
- Exhibit #15. E-mail to Magar Magar dated Monday, March 17<sup>th</sup>, 2014 at 10:07 AM that explains how he can appear for the meeting and that he needs to submit a justification for the appeal
- Exhibit #16. E-mail from Magar Magar dated Monday, March 17<sup>th</sup>, 2014 at 10:38 AM
- Exhibit #17. E-mail to Magar Magar dated Monday, March 17<sup>th</sup>, 2014 at 5:48 PM regarding the decision from the Building Code Board of Appeals on his request to postpone his hearing, providing notice that the hearing will continue and that his application is not complete, with the motion and order attached.
- Exhibit #18. E-mail from Magar Magar dated Monday, March 17<sup>th</sup>, 2014 at 9:40 PM stating that he had not filed an appeal and giving a basis for his appeal.
- Exhibit #19. E-mail to Magar Magar dated Tuesday, March 18<sup>th</sup>, 2014 at 1:21 PM stating that he had filed an appeal, explaining that he can withdraw his appeal, explaining the time frames in the code, and attaching the "Notice of Appeal" that he submitted on March 6<sup>th</sup>, 2014.
- Exhibit #20. E-mail from Magar Magar dated Tuesday, March 18<sup>th</sup>, 2014 at 2:23 PM further stating his basis of appeal, providing his phone number to contact him for the hearing, and attaching a Corrective Action Plan from the Idaho Department of Environmental Quality.

- Exhibit #21. E-mail from Michael Camin of the Idaho Department of Environmental Quality dated Tuesday, March 18, 2014 at 8:25PM in response to an e-mail sent to him from Magar Magar dated Monday, March 17, 2014 at 2:06PM (included in the e-mail)
- Exhibit #22. Ordinance #315 showing the adoption of the International Property Maintenance Code, 2009 Edition
- Exhibit #23. E-mail from Magar Magar dated Wednesday, March 19, 2014 at 1:20 PM and E-mail responding to that e-mail Dated Wednesday, March 19, 2014 at 2:40 PM.

14-09

POSTINGS

STOP WORK NOTICE

UNSAFE TO OCCUPY

DANGEROUS BUILDING - 2/10/14

NOTICE & ORDER

NOTICE TO VACATE

LEFT NOTE OR OTHER

ADDRESS: 4600 Robinson Park DATE & TIME: 15<sup>th</sup> & 16<sup>th</sup>  
January - 2014

COMPLAINT:  NOTICED VIOLATION: \_\_\_\_\_ FOLLOW-UP: \_\_\_\_\_

COMMENTS: Pasted "Do not enter, unsafe to  
occupy" signs on the following MH'S:  
# 203, # 347, # 133, # 251, # 229, # 335, # 209  
# 150, # 140, # 137, # 312, # 223, # 227, # 236, # 332,  
# 337, # 323, # 317, # 153, # 145, # 343, # 306, # 235  
# 341.

Magar E Magar  
24CT00347

LCAB Hrg: AP #914  
Applicant: MagarMagar  
Exhibit #: 1B  
Date: 3/20/2014

03 6662

8412

0160

2550

0460

2570

0440

2870

1240

1080

1950

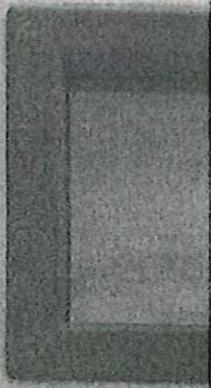
1910

LCAB Hrg: AP #914  
Applicant: MagarMag  
Exhibit #: IC  
Date: 3/20/2014



**DO NOT ENTER  
UNSAFE TO OCCUPY**

THE UNIVERSITY OF TEXAS AT AUSTIN  
POLICE DEPARTMENT  
100 BRUNSON DRIVE  
AUSTIN, TEXAS 78712  
737-477-2000



LCAB Hrg: AP #914  
Applicant: MagarMag  
Exhibit #: 1D  
Date: 3/20/2014

**Latah County**  
**NOTICE AND ORDER**  
**CERTIFIED MAIL**

February 10, 2014

Magar E. Magar  
14102 NE 40th  
Vancouver, WA 98682

**NOTICE IS HEREBY GIVEN** by the Building Official of Latah County, Idaho, that the following manufactured home:

A 1969 56' x 12' Pontiac Chief, Serial #FF602FCD12PC

located at 4600 Robinson Park Road, Space #347, Moscow, Idaho, legally described as: See attached Exhibit "A", is unsafe and/or dangerous, and is not in compliance with the Latah County Building Code Ordinance #315.

The conditions found to render the manufactured home unsafe and/or dangerous are as follows:

1. Contamination and inadequate distribution of the water supply system. Section 505 / 2009 IPMC (International Property Maintenance Code)
2. Failure of the approved sewage disposal system. Section 506 / 2009 IPMC
3. Walls are unstable and not capable of supporting all nominal loads and resisting all load effects. Section 304.1:7. / 2009 IPMC
4. Roofing or roofing components that have defects that admit rain. Section 304.1:8. 2009 / IPMC
5. No lavatory in the bathroom area. Section 502.1 / 2009 IPMC
6. No heating facilities in the home. Section 602.2 / 2009 IPMC

The following actions must be taken:

1. Provide a water supply which is adequate for all fixtures to function properly and is maintained free from all contamination.
2. Provide approval/proof from the Department of Environmental Quality that both the water supply system and sewage disposal systems are fully functional, that all violations have been abated and that you are in full compliance with any court or other legal orders.
3. Obtain the required permits to repair the roof, walls and the installation of any mechanical equipment.
4. Remove or demolish if it is unreasonable to make home safe for occupancy.

You are required to ensure compliance immediately after the date of this **NOTICE AND ORDER**. Until said **NOTICE AND ORDER** is complied with, this home shall not be occupied.

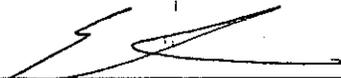
LCAB Hrg: AP #914  
Applicant: MagarMagar  
Exhibit #: 1E  
Date: 3/20/2014

In the event that the **NOTICE AND ORDER** has not been complied with within **30 days** and no appeal is filed within the time specified, the Building Department will take appropriate legal action, which will include recording a Certificate of Dangerous Building or Structure with the Latah County Recorder's Office. As specified in Section 110.3 of the 2009 International Property Maintenance Code, if said work is not commenced within the time specified, the Building Official may proceed to cause the work to be done and charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Any person having any record title or legal interest in said building or structure or premises may appeal this **NOTICE AND ORDER** or any action of the Building Official to the Board of Appeals. An appeal must be made in writing and filed with the Latah County Building Official within 15 days from the date of service of this **NOTICE AND ORDER**. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of this matter. The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of the adopted codes nor shall the Board be empowered to waive requirements of the code.

If you have any questions, please contact this office.

DATED THIS 10th day of February, 2014.

  
\_\_\_\_\_  
Eric Pah  
Latah County Building Official

Latah County Department of Planning & Building  
PO Box 8068  
Moscow, ID 83843  
(208) 883-7220

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Product & Tracking Information

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DATE & TIME	STATUS OF ITEM	LOCATION
February 13, 2014 , 2:51 pm	Delivered	VANCOUVER, WA 98682
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February 12, 2014 , 3:36 pm	Processed through USPS Sort Facility	PORTLAND, OR 97220
February 12, 2014	Depart USPS Sort Facility	SPOKANE, WA 99224
February 11, 2014 , 10:14 pm	Processed at USPS Origin Sort Facility	SPOKANE, WA 99224
February 11, 2014 , 5:45 pm	Dispatched to Sort Facility	MOSCOW, ID 83843
February 11, 2014 , 5:10 pm	Acceptance	MOSCOW, ID 83843

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**CERTIFICATE OF DELIVERY**

I HEREBY CERTIFY that on the 10 day of February, 2014, I delivered a copy of the foregoing by the method indicated below, and addressed to the following:

MAGAR E MAGAR  
14102 NE 40th  
Vancouver WA 98682

7009 3410 0000 4462 8721

- Certified Mail
- U.S. Mail
- Hand Delivered
- Overnight Mail
- FAX

Troy Sprenke      2/10/14  
Troy Sprenke      Date

7009 3410 0000 4462 8721

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Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.49</b>

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Magar E Magar  
14102 NE 40th  
Vancouver WA 98682

V14-09

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  
 Agent  
 Addressee

B. Received by (Printed Name)      C. Date of Delivery  
 R Randich      2/13/14

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type
- Certified Mail       Express Mail
  - Registered       Return Receipt for Merchandise
  - Insured Mail       C.O.D.
4. Restricted Delivery? (Extra Fee)       Yes

Sent To Magar E Magar  
 Street, Apt. No., or PO Box No. 14102 NE 40th  
 City, State, ZIP+4® Vancouver WA

2. Article Number      7009 3410 0000 4462 8721  
 (Transfer from service label)



Exhibit "A"

WARRANTY DEED

325874 552407

For Value Received

Estate of HERBERT D. PEUCK, Deceased, and GRACE E. PEUCK, Executrix and individually,

the grantor, do hereby grant, bargain, sell and convey unto

MAGAR E. MAGAR, an unmarried man whose address is 711 SW Alder, Suite 412  
Portland, Oregon 97201

the grantee, the following described premises, in Latah County Idaho, to wit:

BEGINNING at the SW corner of the NW 1/4 NE 1/4 of Sec. 10, T 39 N, R 5 W.B.M., Latah County, Idaho, said point being 1320' N of the SW corner of the NE 1/4 of said Section 10 and running thence N along the Quarter Section line 871.3'; thence S 89°33' E 1195.3'; thence S 371.3'; thence S 89°33' E 554.7'; thence S 500' to the S line of the NE 1/4 of said Section 10; thence N 89°33' W 1750' along the Quarter Quarter Section line to the POINT OF BEGINNING.

A Tract of land located in the NE 1/4 of the NE 1/4 of Sec. 10, T 39 N, R 5 W.B.M., County of Latah, State of Idaho, more particularly described as follows: BEGINNING at the NW corner of said Sec. 10; thence S 62°35'07" E a distance of 2997.93' to the SW corner of the NW 1/4 NE 1/4 of said Section 10; thence S 89°33'00" E a distance of 1750.00' to the TRUE POINT OF BEGINNING; thence N a distance of 500.00'; thence N 89°33'00" W a distance of 554.70'; thence N a distance of 120.00'; thence S 89°33'00" E a distance of 584.70'; thence S a distance of 620.00'; thence N 89°33'00" W a distance of 30.00' to the TRUE POINT OF BEGINNING.

ALSO TOGETHER therewith an easement located in the NW 1/4 NE 1/4 of Section 10, and the SW 1/4 SE 1/4 of Section 3, T 39 N, R 5 W.B.M., for television antennae and antennae line purposes being 15.00' on the E side of the following described centerline: BEGINNING at the NW corner of said Section 10; thence S 62°35'07" E a distance of 2997.93' to the SW corner of the NW 1/4 NE 1/4 of said Section 10; thence N a distance of 871.30'; thence S 89°33'00" E a distance of 475.84' to the TRUE POINT OF BEGINNING of this centerline easement; thence N 16°08'40" W a distance of 1067.16 feet to the terminus of this easement.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that she the owner in fee simple of said premises; that they are free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: November 15, 1987.

Grace E. Peuck

Washington  
STATE OF ~~XXXXX~~ COUNTY OF Spokane  
On this 15 day of November, 1987,  
before me, a notary public in and for said State, personally  
appeared Grace E. Peuck, individually and  
as executrix of the Estate of Herbert O.  
Peuck, Deceased,

known to me to be the person whose name is  
subscribed to the within instrument, and acknowledged in  
me that she executed the same.

J. J. Patterson  
Notary Public  
Residing at Spokane, Washington  
Comm. Expires April 23 1989

STATE OF IDAHO, COUNTY OF Latah  
I hereby certify that this instrument was filed for record at  
the request of MOSCOY TITLE, INC.

at 15 minutes past 3:00 o'clock, p.m.,  
this 17 day of January,  
19 88, in my office, and duly recorded in Book  
of Deeds at page

JOAN BAUER

Ex-Officio Recorder

By Edna A. [Signature]  
Deputy.

Fees \$ 2.00  
Mall to:  
MOSCOY TITLE, INC.

INSTRUMENT NO

**Latah County  
NOTICE AND ORDER  
CERTIFIED MAIL**

February 26, 2014

Magar E. Magar  
14102 NE 40th  
Vancouver, WA 98682

**NOTICE IS HEREBY GIVEN** by the Building Official of Latah County, Idaho, that the following manufactured homes:

1. 1970 60' x 12' Broadmore, Serial #S2360 and Title #J200515, Space #133
2. 1981 46' x 12' Tamarack, Serial #1609641770, Space #211
3. 1979 66' x 14" Tamarack, Serial #1355 and Title #E545520, Space #229
4. 1974 56' x 12" Skyline, Serial #0194566H and Title #A91900227, Space #335

All are located at 4600 Robinson Park Road, Moscow, Idaho, legally described as: See attached Exhibit "A", and are unsafe and/or dangerous, and are not in compliance with the Latah County Building Code Ordinance #315.

The conditions found to render these manufactured homes as unsafe and/or dangerous are as follows:

1. Contamination and inadequate distribution of the water supply system. Section 505 / 2009 IPMC (International Property Maintenance Code)
2. Failure of the approved sewage disposal system. Section 506 / 2009 IPMC

The following actions must be taken:

1. Provide a water supply which is adequate for all fixtures to function properly and is maintained free from all contamination.
2. Provide approval/proof from the Department of Environmental Quality that both the water supply system and sewage disposal systems are fully functional, that all violations have been abated and that you are in full compliance with any court or other legal orders.

You are required to ensure compliance immediately after the date of this **NOTICE AND ORDER**. Until said **NOTICE AND ORDER** is complied with, these homes shall not be occupied.

In the event that the **NOTICE AND ORDER** has not been complied with within **thirty (30) days** and no appeal is filed within the time specified below, the Latah County Building Department will take appropriate legal action, including recording a Certificate of Noncompliant/Dangerous Building or Structure with the Latah County Recorder's Office.

LCAB Hrg: AP #914  
Applicant: MagarMag  
Exhibit #: 1F  
Date: 3/20/2014

Any person having any record title or legal interest in the identified building(s), structure(s), or premise(s) may appeal this **NOTICE AND ORDER** or any action of the Building Official to the Board of Appeals, in accordance with Section 111 of the International Property Maintenance Code, 2009 Edition. An appeal must be made in writing and filed with the Latah County Building Official within twenty (20) days from the date of service of this **NOTICE AND ORDER**. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of this matter. The Board of Appeals shall have no authority to waive any requirement of the Latah County Building Code, including the International Property Maintenance Code, 2009 Edition.

If you have any questions, please contact this office.

DATED THIS 26th day of February, 2014.

  
\_\_\_\_\_  
Eric Pah  
Latah County Building Official

Latah County Department of Planning & Building  
PO Box 8068  
Moscow, ID 83843  
(208) 883-7220

POSTINGS

V14-13

- STOP WORK NOTICE
- UNSAFE TO OCCUPY
- DANGEROUS BUILDING
- NOTICE & ORDER
- NOTICE TO VACATE
- LEFT NOTE OR OTHER

ADDRESS: 4600 Robinson Park DATE & TIME: 15<sup>th</sup> & 16<sup>th</sup>  
January - 2014

COMPLAINT:  NOTICED VIOLATION: \_\_\_\_\_ FOLLOW-UP: \_\_\_\_\_

COMMENTS: Posted "Do not enter, unsafe to  
occupy" signs on the following MH's:  
#203, #347, #133, #211, #229, #335, #209  
#150, #140, #137, #312, #223, #227, #236, #332,  
#337, #323, #317, #153, #145, #343, #306, #235  
#341, #130 #325

Mazar Mazar

RP39N05W100440

MH24CT00133, MH24CT00211,

MH24CT00229, MH24CT00335

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March 1, 2014 , 3:41 pm	Notice Left (No Authorized Recipient Available)	VANCOUVER, WA 98682
March 1, 2014 , 5:51 am	Processed through USPS Sort Facility	PORTLAND, OR 97220
February 28, 2014	Depart USPS Sort Facility	SPOKANE, WA 99224
February 27, 2014 , 9:32 pm	Processed at USPS Origin Sort Facility	SPOKANE, WA 99224
February 27, 2014 , 5:00 pm	Dispatched to Sort Facility	MOSCOW, ID 83843
February 27, 2014 , 4:58 pm	Acceptance	MOSCOW, ID 83843

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# NOTICE AND ORDER CERTIFIED MAIL

February 26, 2014

Magar E. Magar  
14102 NE 40th  
Vancouver, WA 98682

**NOTICE IS HEREBY GIVEN** by the Building Official of Latah County, Idaho, that the following manufactured home park:

Syringa Mobile Home Park

the following manufactured homes:

Space #347 1969 56' x 12' Pontiac Chief, Serial #FF602FCD12PC  
Space #133 1970 60' x 12' Broadmore, Serial #S2360 and Title #J200515  
Space #211 1981 46' x 12' Tamarack, Serial #1609641770  
Space #229 1979 66' x 14" Tamarack, Serial #1355 and Title #E545520,  
Space #335 1974 56' x 12" Skyline, Serial #0194566H and Title #A91900227  
Space #341 1973 66' x 14' Fleetwood, Serial #4J2017E22S14984 and Title# H501006  
Space #203 1979 66' x 14' Crownpointe, Serial #WAFL1X850642645 and Title #E328522  
Space #235 1966 50' x 12' Bend, Serial #S1482 and Title #H656996  
Space #306 1980 66' x 14' Sandpointe, Serial #ORFLIA941382263 and Title #B534047  
Space #343 1974 66' x 14' Governor, Serial #3BB12701418688 and Title #B656895  
Space #145 1971 57' x 12' Brookdale Shelterex, Serial #2BRFKD4S3467 and Title #G283352  
Space #153 1972 46' x 12" Fleetwood, Serial #4H2U22S14661 and Title #G3888036  
Space #317 1973 56' x 12' Biltmore, Serial #B32111YS6131 and Title #H503746  
Space #323 1975 66' x 14' Titan, Serial #4055731739 and Title #E752547  
Space #337 1967 58' x 12' Kit Golden State, Serial # S1113 and Title #D1567928  
Space #332 1976 48' x 12' Sheltrx, Serial #12522DS6984 and Title #H978362  
Space #236 1968 60' x 12' Broadmore, Serial #S0785 and Title # D2620589  
Space #227 1981 52'.x 14' Hillcrest, Serial #02960561P and Title #D574316  
Space #223 1974 56' x 12' Biltmore Deluxe, Serial #41062FR313170 and Title #G504964  
Space #312 1975 60' x 14' Cascade, Serial #3719 and Title J751163  
Space #137 1970 60' x 12' Broadmore, Serial #3002 and Title #K180621  
Space #140 1967 57' x 12 Olympia, Serial #12X60S1168 and Title #C1533981  
Space #150 1970 56' x 15' Lamplighter, Serial #11108 and Title #J064019  
Space #209 1973 56' x 12 Flamingo, Serial #3438 and Title #J573295

and the following manufactured home park vacant spaces:

#107, #109 and # 405

located at 4600 Robinson Park Road, Moscow, Idaho, legally described as: See attached Exhibit "A", are unsafe and/or dangerous, and are not in compliance with the Latah County Building Code Ordinance #315.

LCAB Hrg: AP #914  
Applicant: MagarMagar  
Exhibit #: 1G  
Date: 3/20/2014

The conditions found to render the manufactured home park, manufactured homes, and manufactured home park spaces unsafe and/or dangerous are as follows:

1. Contamination and inadequate distribution of the water supply system. Section 505 / 2009 IPMC (International Property Maintenance Code)
2. Failure of the approved sewage disposal system. Section 506 / 2009 IPMC

The following actions must be taken:

1. Provide a water supply which is adequate for all fixtures to function properly and is maintained free from all contamination.
2. Provide approval/proof from the Department of Environmental Quality that both the water supply system and sewage disposal systems are fully functional, that all violations have been abated and that you are in full compliance with any court or other legal orders.

You are required to ensure compliance immediately after the date of this **NOTICE AND ORDER**.

Until said **NOTICE AND ORDER** is complied with, the structures listed shall not be occupied, the vacant spaces in the manufactured home park shall not be eligible for installation permits on those spaces, and any space or manufactured home that is not listed above that becomes vacant shall not be re-occupied or eligible for an installation permit until said **NOTICE AND ORDER** has been fully complied with.

In the event that the **NOTICE AND ORDER** has not been complied with within **thirty (30) days** and no appeal is filed within the time specified below, the Latah County Building Department will take appropriate legal action, including recording a Certificate of Noncompliant/Dangerous Building or Structure with the Latah County Recorder's Office.

Any person having any record title or legal interest in the identified building(s), structure(s), or premise(s) may appeal this **NOTICE AND ORDER** or any action of the Building Official to the Board of Appeals, in accordance with Section 111 of the International Property Maintenance Code, 2009 Edition. An appeal must be made in writing and filed with the Latah County Building Official within twenty (20) days from the date of service of this **NOTICE AND ORDER**. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of this matter. The Board of Appeals shall have no authority to waive any requirement of the Latah County Building Code, including the International Property Maintenance Code, 2009 Edition.

If you have any questions, please contact this office.

DATED THIS 26th day of February, 2014.

  
Eric Pah  
Latah County Building Official

Latah County Department of Planning & Building  
PO Box 8068  
Moscow, ID 83843  
(208) 883-7220

Exhibit "A"

WARRANTY DEED

325874

552407

For Value Received

Estate of HERBERT D. PEUCK, Deceased, and GRACE E. PEUCK, Executrix and individually,

the grantor do hereby grant, bargain, sell and convey unto

MAGAR E. MAGAR an unmarried man whose address is 711 SW Alder, Suite 412 Portladd, Oregon 97201

the grantee, the following described premises, in Latah County Idaho, to wit:

BEGINNING at the SW corner of the NW 1/4 NE 1/4 of Sec. 10, T 39 N, R 5 W.B.M., Latah County, Idaho, said point being 1320' N of the SW corner of the NE 1/4 of said Section 10 and running thence N along the Quarter Section line 877.3'; thence S 89°33' E 1195.3'; thence S 371.3'; thence S 89°33' E 554.7'; thence S 500' to the S line of the N 1/2 of the NE 1/4 of said Section 10; thence N 89°33' W 1750' along the Quarter Quarter Section line to the POINT OF BEGINNING

A Tract of land located in the N 1/2 of the NE 1/4 of Sec. 10, T 39 N, R 5 W.B.M., County of Latah, State of Idaho, more particularly described as follows: BEGINNING at the NW corner of said Sec. 10; thence S 62°35'07" E a distance of 2997.93' to the SW corner of the NW 1/4 NE 1/4 of said Section 10; thence S 89°33'00" E a distance of 1750.00' to the TRUE POINT OF BEGINNING; thence N a distance of 500.00'; thence N 89°33'00" W a distance of 554.70'; thence N a distance of 120.00'; thence S 89°33'00" E a distance of 584.70'; thence S a distance of 620.00'; thence N 89°33'00" W a distance of 30.00' to the TRUE POINT OF BEGINNING.

ALSO TOGETHER therewith an easement located in the NW 1/4 NE 1/4 of Section 10, and the SW 1/4 SE 1/4 of Section 3, T 39 N, R 5 W.B.M., for television antennae and antennae line purposes being 15.00' on the E side of the following described centerline: BEGINNING at the NW corner of said Section 10; thence S 62°35'07" E a distance of 2997.93' to the SW corner of the NW 1/4 NE 1/4 of said Section 10; thence N a distance of 871.30'; thence S 89°33'00" E a distance of 475.84' to the TRUE POINT OF BEGINNING of this centerline easement; thence N 16°08'40" W a distance of 1067.16 feet to the terminus of this easement.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that she the owner in fee simple of said premises; that they are free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: November 5, 1983

*Grace E. Peuck*  
\_\_\_\_\_  
JAN 11 1984

Washington  
STATE OF ~~IDAHO~~ COUNTY OF Spokane  
On this 5 day of November 1983  
before me, a notary public in and for said State, personally appeared Grace E. Peuck, individually and as executrix of the Estate of Herbert D. Peuck, Deceased,  
known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.  
*J. J. Patterson*  
Notary Public  
Residing at Spokane, Washington  
Comm. Expires April 23 1984

STATE OF IDAHO, COUNTY OF Latah  
I hereby certify that this instrument was filed for record at the request of MOSCOW TITLE, INC.  
at 15 minutes past 3:00 o'clock, p.m.,  
this 7 day of January, 1983, in my office, and duly recorded in Book of Deeds, at page  
JOAN BAUER  
Ex-Officio Recorder  
By *Edna A. Schuster*  
Deputy.  
Fees \$ 2.00  
Mall to:  
MOSCOW TITLE, INC.

INSTRUMENT NO

**CERTIFICATE OF DELIVERY**

I HEREBY CERTIFY that on the 26 day of February, 2014, I delivered a copy of the foregoing by the method indicated below, and addressed to the following:

MAGAR E MAGAR  
14102 NE 40th  
Vancouver WA 98682

- Certified Mail
- U.S. Mail
- Hand Delivered
- Overnight Mail
- FAX

7009 3410 0000 4462 9346

Troy Sprenke      2/26/14  
Troy Sprenke      Date

7009 3410 0000 4462 9346

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**   
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ <u>0.69</u>
Certified Fee	<u>3.30</u>
Return Receipt Fee (Endorsement Required)	<u>2.70</u>
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ <u>6.69</u>



Sent To  
MAGAR E MAGAR  
Street, Apt. No.,  
or PO Box No. 14102 NE 40th  
City, State, ZIP+4  
Vancouver WA 98682

English

Customer Service

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Customer Service >

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## Product & Tracking Information

## Available Actions

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Certified Mail™

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
March 1, 2014 , 3:41 pm	Notice Left (No Authorized Recipient Available)	VANCOUVER, WA 98682
March 1, 2014 , 5:51 am	Processed through USPS Sort Facility	PORTLAND, OR 97220
February 28, 2014	Depart USPS Sort Facility	SPOKANE, WA 99224
February 27, 2014 , 9:32 pm	Processed at USPS Origin Sort Facility	SPOKANE, WA 99224
February 27, 2014 , 5:00 pm	Dispatched to Sort Facility	MOSCOW, ID 83843
February 27, 2014 , 4:58 pm	Acceptance	MOSCOW, ID 83843

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Exhibit A

WARRANTY DEED

325874

552407

For Value Received

Estate of HERBERT D. PEUCK, Deceased, and GRACE E. PEUCK, Executrix and individually,

the grantor, do hereby grant, bargain, sell and convey unto MAGAR E. MAGAR an unmarried man whose address is 711 SW Alder, Suite 412 Portladd, Oregon 97201

the grantee, the following described premises, in Latah County Idaho, to wit: BEGINNING at the SW corner of the NW 1/4 of Sec. 10, T 39 N, R 5 W.B.M., Latah County, Idaho, said point being 1320' N of the SW corner of the NE 1/4 of said Section 10 and running thence N along the Quarter Section line 871.3'; thence S 89°33' E 1195.3'; thence S 371.3'; thence S 89°33' E 554.7'; thence S 500' to the S line of the N 1/2 of the NE 1/4 of said Section 10; thence N 89°33' W 1750' along the Quarter Quarter Section line to the POINT OF BEGINNING.

A Tract of land located in the N 1/2 of the NE 1/4 of Sec. 10, T 39 N, R 5 W.B.M., County of Latah, State of Idaho, more particularly described as follows: BEGINNING at the NW corner of said Sec. 10; thence S 62°35'07" E a distance of 2997.93' to the SW corner of the NW 1/4 of said Section 10; thence S 89°33'00" E a distance of 1750.00' to the TRUE POINT OF BEGINNING; thence N a distance of 500.00'; thence N 89°33'00" W a distance of 554.70'; thence N a distance of 120.00'; thence S 89°33'00" E a distance of 584.70'; thence S a distance of 620.00'; thence N 89°33'00" W a distance of 30.00' to the TRUE POINT OF BEGINNING.

ALSO TOGETHER therewith an easement located in the NW 1/4 of Section 10, and the SW 1/4 of Section 3, T 39 N, R 5 W.B.M., for television antennae and antennae line purposes being 15.00' on the E side of the following described centerline: BEGINNING at the NW corner of said Section 10; thence S 62°35'07" E a distance of 2997.93' to the SW corner of the NW 1/4 of said Section 10; thence N a distance of 871.30'; thence S 89°33'00" E a distance of 475.84' to the TRUE POINT OF BEGINNING of this centerline easement; thence N 16°08'40" W a distance of 1067.16 feet to the terminus of this easement.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that she the owner in fee simple of said premises; that they are free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: November 5, 1987.

Grace E. Peuck

J. C. Bauer

Washington

STATE OF WASHINGTON, COUNTY OF Spokane On this 5 day of November 1987 before me, a notary public in and for said State, personally appeared Grace E. Peuck, individually and as executrix of the Estate of Herbert D. Peuck, Deceased,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

J. C. Bauer Notary Public Residing at Spokane, Washington Comm. Expires April 23 1989

STATE OF IDAHO, COUNTY OF Latah I hereby certify that this instrument was filed for record at the request of MOSCOW TITLE, INC.

at 15 minutes past 3:00 o'clock on this 7 day of January 1988, in my office, and duly recorded in Book of Deeds at page

JOAN BAUER

Ex-Officio Recorder

By Edna A. Schuster Deputy

Fees \$ 20.00 Mail to: MOSCOW TITLE, INC.

INSTRUMENT NO

MAGAR, MAGAR EDWARD  
 14102 NE 40TH ST  
 VANCOUVER WA 98682

**DATA MANUFACTURED HOUSING PROPERTY RECORD**

Year BUI 1970  
 Manufactured By \_\_\_\_\_  
 Trade Name Broadmore  
 Model 12X60 Length 36' Serial No S2360

SYRINGA MH PARK #133  
 1970 BROADMORE  
 60 X 12 & IMP  
 SER #S2360  
 TI #J200515

Class <u>4</u>	Make/Grade <u>3</u>	Model Home	\$	Year	\$
Use Code <u>6031</u>		Garage	\$		\$
Year Removed		Carport	\$		\$
Effective Age		Other Improvements	\$		\$
Effective Year		Total Improvements	\$		\$
Date Occupied		Land	\$		\$
Purchase Price	Date	Asking	\$		\$
		Rent Per	\$		\$

Property Address Syringa Lot # 133

Inspected By NIS JC Date 8-10-05 Rev Yr 06  
 Computed By MS Date 10-20-06 Rev Yr 06  
 Certified Appraiser RW Date 8-24-11 Rev Yr 12  
 Assessor \_\_\_\_\_ Date \_\_\_\_\_ Rev Yr \_\_\_\_\_  
 Reinspection UP Date 9-18-09 Rev Yr \_\_\_\_\_

DECAL NO 19				
-------------	-------------	-------------	-------------	-------------

MH 24C100133



01 NEIGHBORHOOD	02 OFF-SITE
01 Urban	05 Stable
02 Suburban	07 Improving
03 Rural	08 Declining
04 Recreational	01 None
90	02 Public Access
	03 Private Access
	90

06 SUBJECT DIMENSIONS	07
Frontage	01 Local
Depth	02 Amenity
Other	03 Landsc
	04 View
	05 Detnms
	06 Zoned

09 COMPOSITE ADJUSTMENT

CAT	LOC	CLASS	TYPE	UNIT	QTY

APPRAISER: \_\_\_\_\_ APPRAISAL DATE: \_\_\_\_\_  
 REINSPECTED APPR. \_\_\_\_\_ DATE \_\_\_\_\_

LATAH COUNTY  
 VIN: S2360  
 YEAR MAKE BOD LEN WID DESC  
 1970 BROD HS MBL HM  
 DM: BROADMORE MOBILE HOMES  
 PREVIOUS OWNER: HILLIS, JOYCE  
 CURRENT OWNER(S):  
 MAGAR, MAGAR EDWARD

RECEIPT: 12GF001556  
 TITLE: J200515

14102 NE 40TH ST  
 VANCOUVER, WA 98682-6501  
 LIENHOLDER:

REC: 03/14/2012 CMT: IDAHO USE

*Handwritten signature/initials*

MH 24CT00211 A 40-0000  
 MAGAR, MAGAR E  
 1616 NW NORTHRUP  
 PORTLAND OR 97929

**MOBILE MANUFACTURED HOUSING PROPERTY RECORD** Sheet No. 1 of 1

Manufactured By Champion Year Built 1981  
 Trade Name Tamarack  
 Width 12 Length 46 Serial No. 1609641770

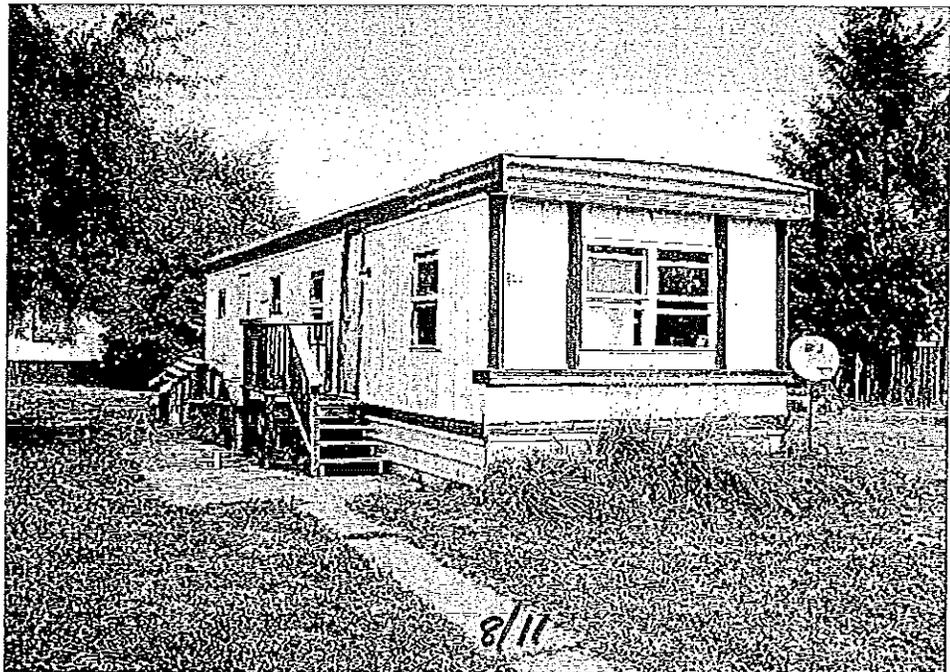
SYRINGA MH PARK #211  
 1981 TAMARACK 46 X 12  
 SER #1609641770

Class	Market Grade	Year	Year
<u>5</u>	<u>32</u>		
Use Code	<u>6541</u>	Mobile Home	\$ _____ \$ _____
Year Remodeled		Garage	\$ _____ \$ _____
Effective Age		Carport	\$ _____ \$ _____
Effective Year		Other Improvements	\$ _____ \$ _____
Date Occupied		Total Improvements	\$ _____ \$ _____
Purchase Price	Date	Land	\$ _____ \$ _____
\$ _____		Asking	\$ _____ \$ _____
\$ _____		Rent Per	\$ _____ \$ _____

Property Address Syringa Lot #211

Inspected By MSE JL Date 8-17-05 Rev Yr 06  
 Computed By MS Date 10-1-05 Rev Yr 06  
 Certified Appraiser GL Date 8-25-11 Rev Yr 12  
 Assessor UP Date 9-18-09 Rev Yr \_\_\_\_\_  
 Reinspection \_\_\_\_\_ Date \_\_\_\_\_ Rev Yr \_\_\_\_\_

| DECAL NO. |
|-----------|-----------|-----------|-----------|-----------|
| 19        | 19        | 19        | 19        | 19        |



112001772HW

**LAND INFORMATION**

01 NEIGHBORHOOD		02 OFF-SITE IMPROVEMENTS		03 TOPOGRAPHY		04 WATER FRONT PROPERTY		05 ON-SITE UTILITIES						
01 Urban	06 Stable	Street	04 Aspha/Conc.	01 Low	01 Lake	6 Beach	01 Electricity	05 Public Water						
02 Suburban	07 Improving	01 None	05 Gravel/Dirt	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well						
03 Rural	08 Docking	02 Public Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade	03 Underground Electric/Telephone	07 Public Sewer						
04 Recreational		03 Private Access	07 Curb/Gutters	04 Steep Slope	04 Bluff Land	P F A G E	04 Cable TV	08 Septic System						
09					05 Flood Plain	90	90							
06 SUBJECT DIMENSIONS			07 SITE INFORMATION			08 REMARKS								
Frontage			01 Location	P F A G E										
Depth			02 Amenities	P F A G E										
Other			03 Landscaping	P F A G E										
			04 View	P F A G E										
			05 Delirments	Few Many None										
			06 Zoned											
09 COMPOSITE ADJUSTMENT					10 SITE ADJUSTMENTS									
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	01 Location	10 Access	20 View	30 Topography	40 Water	TOTAL	EAT
								59 Depth	60 Plottage	70 Beach	80 Corner	90	FACTOR	VALUE
APPRaiser: _____ APPRAISAL DATE: _____ REVIEW YR: _____					REINSPECTED APPR. _____ DATE: _____ REVIEW YR: _____									

**LAND VALUE** 3



MAGAR, MAGAR E  
 C/O CORINNE SHOLANDER MO  
 PO BOX 8988  
 MOSCOW ID 83843

SYRINGA MH PARK #335  
 1974 SKYLINE 56 X 12  
 SER #0194566H  
 TI #A91900227

**DATA MANUFACTURED HOUSING PROPERTY RECORD** Sheet No. 7

Manufactured By: Skylone Inc. Year Built: 1974  
 Trade Name: Skylone  
 Width: 12 Length: 56 Serial No: 0194566H

Class	Market Grade	Use Code	Year Remodeled	Effective Age	Effective Year	Date Occupied	Purchase Price	Date	Asking	Rent Per
<u>4</u>	<u>4</u>	<u>6541</u>								

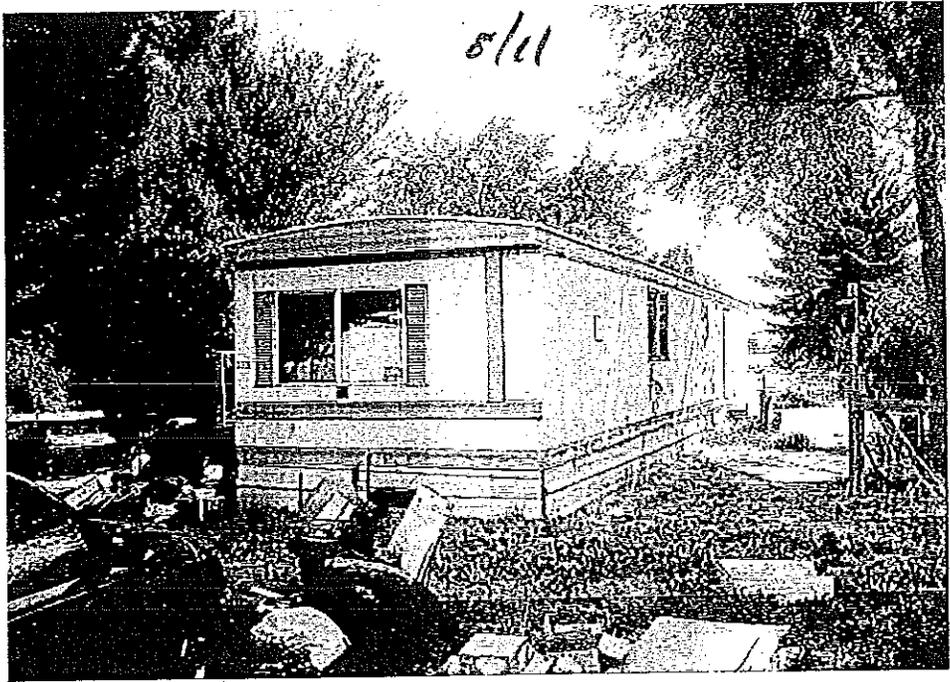
VALUES SUMMARY		Year
Mobile Home	\$	\$
Garage	\$	\$
Other	\$	\$
Other Improvements	\$	\$
Total Improvements	\$	\$
Land	\$	\$
Asking	\$	\$
Rent Per	\$	\$

| DECAL NO. |
|-----------|-----------|-----------|-----------|-----------|
| 19        | 19        | 19        | 19        | 19        |

Property Address: Syringa Lot #335

Inspected By: MS EJC Date: 8-22-05 Rev Yr: 06  
 Computed By: MS Date: 10-4-06 Rev Yr: 06  
 Certified Appraiser: HR Date: 8-26-11 Rev Yr: 12  
 Assessor: HA Date: 9-12-09 Rev Yr:   
 Reinspection: \_\_\_\_\_ Date: \_\_\_\_\_ Rev Yr: \_\_\_\_\_

MH 24CT00335



**LAND DESCRIPTION**

01 NEIGHBORHOOD		02 OFF-SITE IMPROVEMENTS		03 TOPOGRAPHY		04 WATER FRONT PROPERTY		05 ON-SITE UTILITIES						
01 Urban	06 Stab'e	Street:	04 Asphalt/Conc.	01 Low	01 Lake	6 Beach	01 Electricity	05 Public Water						
02 Suburban	07 Improving	01 None	05 Gravel/Dirt	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well						
03 Rural	08 Dectring	02 Public Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade	03 Underground Electric/Telephone	07 Public Sewer						
04 Recreational		03 Private Access	07 Curb/Gutters	04 Steep Slope	04 Bluff Land	P F A G E	04 Cable TV	08 Septic System						
90		90		90	05 Flood Plain	90	90							
06 SUBJECT DIMENSIONS			07 SITE INFORMATION			08 REMARKS								
Frontage			01 Location	P F A G E										
Depth			02 Amenities	P F A G E										
Other			03 Landscaping	P F A G E										
			04 View	P F A G E										
			05 Detriments	Few Many None										
			06 Zoned											
09 COMPOSITE ADJUSTMENT							10 SITE ADJUSTMENTS							
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	57 Location	58 Access	59 View	60 Topography	61 Width	TOTAL	EXT
								57 Depth	60 Pctage	70 Beach	80 Owner	90	FACTOR	VALUE
APPRaiser: _____ APPRAISAL DATE: _____ REVIEW YR: _____														
REINSPECTED APPR. _____ DATE: _____ REVIEW YR: _____														

**GRAND VALUE** \$ \_\_\_\_\_

CERTIFICATE OF DELIVERY

I HEREBY CERTIFY that on the 26 day of February, 2014, I delivered a copy of the foregoing by the method indicated below, and addressed to the following:

MAGAR E MAGAR  
14102 NE 40th  
Vancouver WA 98682

7009 3410 0000 4462 9346

- Certified Mail
- U.S. Mail
- Hand Delivered
- Overnight Mail
- FAX

Troy Spranke 2/26/14  
Troy Spranke Date

MAGAR, MAGAR EDWARD  
 14102 NE 40TH ST  
 VANCOUVER WA 98682

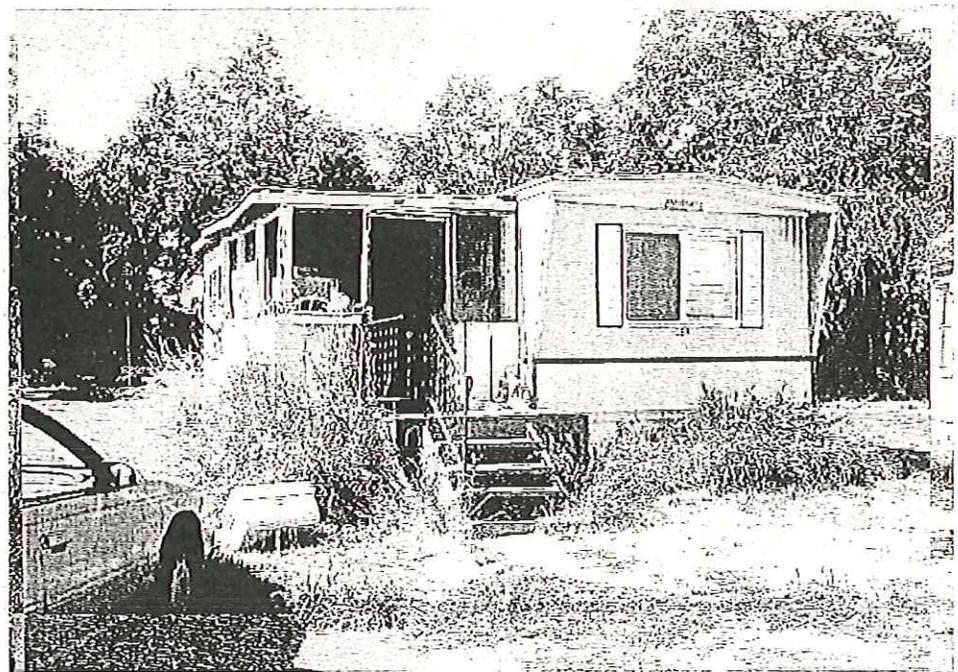
SYRINGA MH PARK #133  
 1970 BROADMORE  
 60 X 12 & IMP  
 SER #S2360  
 TI #J200515

DAROMANUFACTURED HOUSING PROPERTY RECORD		Sheet No. <u>    </u> of <u>    </u>	
Manufactured By	Year Built <u>1970</u>		
Trade Name <u>Broadmore</u>			
Width <u>12x60</u>	Length <u>6x12</u>	Serial No. <u>S2360</u>	
Class <u>4</u>	Market Grade <u>3</u>	VALUES SUMMARY	
Use Code <u>6031</u>		Year	Year
Year Remodeled		Mobile Home	\$
Effective Age		Garage	\$
Effective Year		Carport	\$
Date Occupied		Other Improvements	\$
Purchase Price	Date	Total Improvements	\$
Asking		Land	\$
Rent Per		TOTAL MARKET VALUE	\$
DECAL NO 19	DECAL NO 19	DECAL NO 19	DECAL NO 19

Property Address Syringa Lot #133

Inspected By <u>MCS JC</u>	Date <u>8.10.05</u>	Rev Yr <u>06</u>
Computed By <u>MS</u>	Date <u>10.2.06</u>	Rev Yr <u>06</u>
Certified Appraiser <u>RW</u>	Date <u>8-24-11</u>	Rev Yr <u>12</u>
Assessor	Date	Rev Yr
Reinspection <u>UP</u>	Date <u>9-18-09</u>	Rev Yr

SC1001246HM



8/11

01	NEIGHBORHOOD	02	OFF-SITE
01	Urban	06	Stable
02	Suburban	07	Improving
03	Rural	08	Declining
04	Recreational		
90			
06	SUBJECT DIMENSIONS	07	
	Frontage	01	Locatio
	Depth	02	Ameniti
	Other	03	Landsc
		04	View
		05	Detrime
		06	Zoned
09	COMPOSITE ADJUSTMENT		

LATAH COUNTY  
 VIN: S2360  
 YEAR MAKE BOD LEN WID DESC  
 1970 BROD HS MBL HM  
 DM: BROADMORE MOBILE HOMES  
 PREVIOUS OWNER: HILLIS, JOYCE  
 CURRENT OWNER(S):  
 MAGAR, MAGAR EDWARD  
 14102 NE 40TH ST  
 VANCOUVER, WA 98682-6501  
 LIENHOLDER:

RECEIPT: 12GF001556  
 TITLE: J200515

CAT	LOC	CLASS	TYPE	UNIT	QTY

APPRAISER: \_\_\_\_\_ APPRAISAL DATE: \_\_\_\_\_  
 REINSPECTED APPR. \_\_\_\_\_ DATE \_\_\_\_\_

REC: 03/14/2012 CMT: IDAHO USE

*Handwritten signature/initials*



MH 24CT00140 A 40-0000  
 THARP, ROBERT K.  
 634 W WALNUT STREET  
 GENESEE ID 83832

SYRINGA MH PARK #140  
 1967 KIT OLYMPIA 57 X 12  
 SER #12X60S1168  
 TI #C1533981

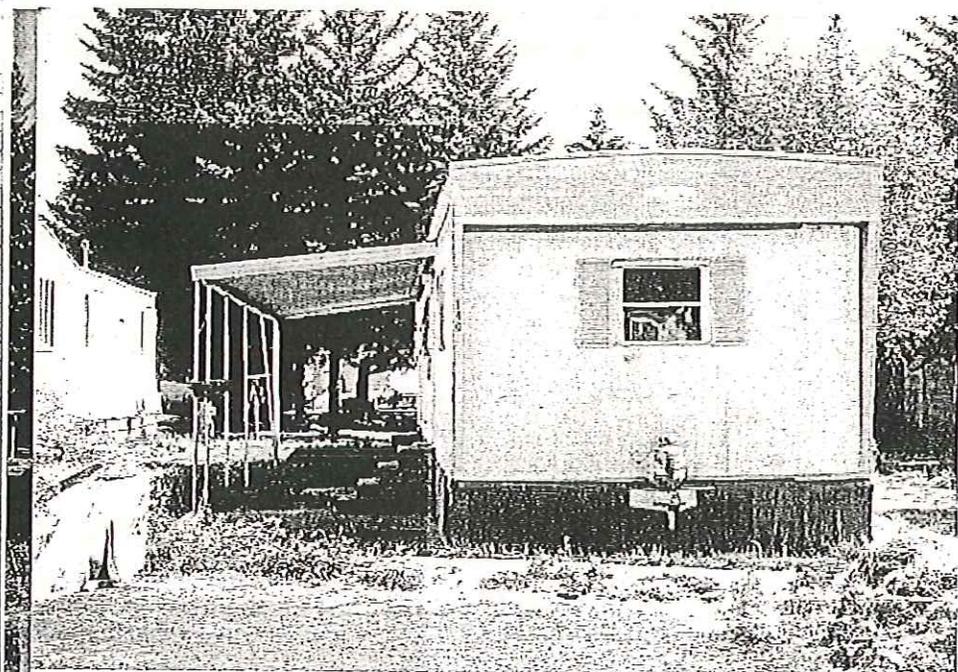
DANO MANUFACTURED HOUSING PROPERTY RECORD		Sheet No. ___ of ___	
Manufactured By	Kit Mfg.	Year Built	1967
Trade Name	Olympia		
Width	12	Length	57
		Serial No	12X60S1168
Class	4	Market Grade	32
Use Code	6531		
Year Remodeled			
Effective Age			
Effective Year			
Date Occupied			
Purchase Price		Date	
\$			
\$			
Asking			
Rent Per			
DECAL NO. 19	DECAL NO. 19	DECAL NO. 19	DECAL NO. 19

VALUES SUMMARY		Year	Year
Mobile Home	\$		\$
Garage	\$		\$
Carport	\$		\$
Other Improvements	\$		\$
Total Improvements	\$		\$
Land	\$		\$
TOTAL MARKET VALUE		\$	\$

Property Address Syringa Lot #140

Inspected By MS & JC Date 8-11-05 Rev Yr 06  
 Computed By MS Date 10-2-06 Rev Yr 06  
 Certified Appraiser RW Date 8-24-11 Rev Yr 12  
 Assessor \_\_\_\_\_ Date \_\_\_\_\_ Rev Yr \_\_\_\_\_  
 Reinspection UP Date 9-18-09 Rev Yr \_\_\_\_\_

MH 24CT00140



8/11

LAND INFORMATION

01 NEIGHBORHOOD		02 OFF-SITE IMPROVEMENTS		03 TOPOGRAPHY		04 WATER FRONT PROPERTY		05 ON-SITE UTILITIES						
01 Urban	06 Stable	Street:	04 Asphal/Conc.	01 Low	01 Lake	6 Beach.	01 Electricity	05 Public Water						
02 Suburban	07 Improving	01 None	05 Grave/Dirt	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well						
03 Rural	08 Declining	02 Public Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade	03 Underground Elect/Telephone	07 Public Sewer						
04 Recreational		03 Private Access	07 Curbs/Gutters	04 Steep Slope	04 Bluff Land	P F A G E	04 Cable TV	08 Septic System						
90		90		90	05 Flood Plain	90	90							
06 SUBJECT DIMENSIONS			07 SITE INFORMATION			08 REMARKS								
Frontage			01 Location	P F A G E										
Depth			02 Amenities	P F A G E										
Other			03 Landscaping	P F A G E										
			04 View	P F A G E										
			05 Detriments	Few Many None										
			06 Zoned											
09 COMPOSITE ADJUSTMENT					10 SITE ADJUSTMENTS									
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	01 Location	10 Access	20 View	30 Topography	40 Width	TOTAL	EXT
								50 Depth	60 Protrage	70 Beach	80 Corner	90	FACTOR	VALUE
APPRaiser: _____ APPRAISAL DATE: _____ REVIEW YR: _____										LAND VALUE \$ _____				
REINSPECTED APPR. _____ DATE: _____ REVIEW YR: _____														



MH 24CT00150 A 40-0000  
 POWELL, KENNETH JACK OR/  
 & POWELL, DONNA JEAN  
 4600 ROBINSON PARK ROAD #150  
 MOSCOW ID 83843

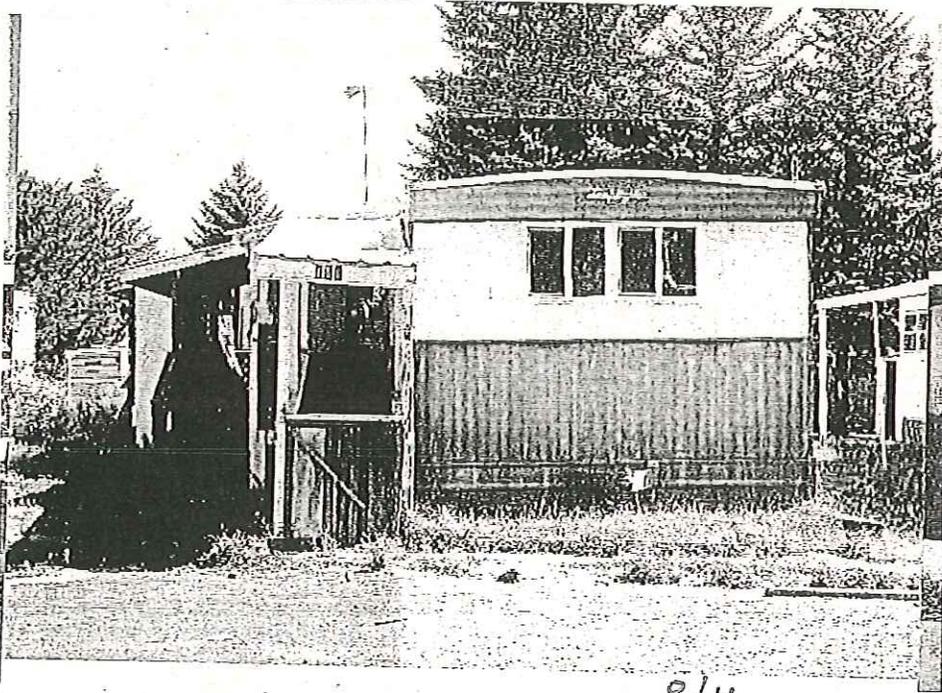
SYRINGA MH PARK #150  
 1970 LAMPLIGHTER  
 56 (64) X 12  
 SER #11108  
 TI #J064019

MANUFACTURED HOUSING PROPERTY RECORD		Sheet No. ___ of ___	
Manufactured By	<u>Modular</u>	Year Built	<u>1970</u>
Trade Name	<u>Lamplighter</u>		
Width	<u>12</u>	Length	<u>56</u> Serial No. <u>11108</u>
Class	<u>4</u>	Market Grade	<u>2</u>
Use Code	<u>6511</u>	VALUES SUMMARY	
Year Remodeled		Mobile Home	\$ _____ \$ _____
Effective Age		Garage	\$ _____ \$ _____
Effective Year		Carport	\$ _____ \$ _____
Date Occupied		Other Improvements	\$ _____ \$ _____
Purchase Price		Total Improvements	\$ _____ \$ _____
Asking		Land	\$ _____ \$ _____
Rent Per		TOTAL MARKET VALUE	\$ _____ \$ _____
DECAL NO. 19	DECAL NO. 19	DECAL NO. 19	DECAL NO. 19

Property Address Syringa Lot # 150

Inspected By MSB JC Date 8-11-05 Rev Yr 06  
 Computed By MS Date 10-2-05 Rev Yr 05  
 Certified Appraiser RW Date 8-24-11 Rev Yr 2012  
 Assessor \_\_\_\_\_ Date \_\_\_\_\_ Rev Yr \_\_\_\_\_  
 Reinspection UL Date 9-18-09 Rev Yr \_\_\_\_\_

MH 24CT00150



LAND INFORMATION

01 NEIGHBORHOOD		02 OFF-SITE IMPROVEMENTS		03 TOPOGRAPHY		04 WATER FRONT PROPERTY		05 ON-SITE UTILITIES						
01 Urban	06 Stable	Street:	04 Asphalt/Conc.	01 Low	01 Lake	6 Beach	01 Electricity	05 Public Water						
02 Suburban	07 Improving	01 None	05 Gravel/Dirt	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well						
03 Rural	08 Declining	02 Public Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade	03 Underground Elec/Telephone	07 Public Sewer						
04 Recreational		03 Private Access	07 Curbs/Gutters	04 Steep Slope	04 Bluff Land	P F A G E	04 Cable TV	08 Septic System						
90		90		90	05 Flood Plain	90	90							
06 SUBJECT DIMENSIONS		07 SITE INFORMATION		08 REMARKS										
Frontage	01 Location	P F A G E												
Depth	02 Amenities	P F A G E												
Other	03 Landscaping	P F A G E												
	04 View	P F A G E												
	05 Detriments	Few Many None												
	06 Zoned													
09 COMPOSITE ADJUSTMENT				10 SITE ADJUSTMENTS										
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	91 Location	10 Access	20 View	30 Topography	40 Width	TOTAL	EXT
								92 Depth	30 Pictorage	70 Beach	80 Corner	90	FACTOR	VALUE
APPRaiser: _____ APPRAISAL DATE: _____ REVIEW YR _____														
REINSPECTED APPR. _____ DATE _____ REVIEW YR _____														
													LAND VALUE \$ _____	





MH 24CT00209  
 HALL, BRIAN  
 225 N HOME ST  
 MOSCOW

A 40-0000  
 ID 83843-2138

**MANUFACTURED HOUSING PROPERTY RECORD** Sheet No.      of     

Manufactured By: Redman Homes Year Built: 1973  
 Trade Name: Flamingo  
 Width: 12 Length: 56 Serial No: 3438

SYRINGA MH PARK #209  
 1973 FLAMINGO 56 (60) X 12  
 SER #3438  
 TI #J573295

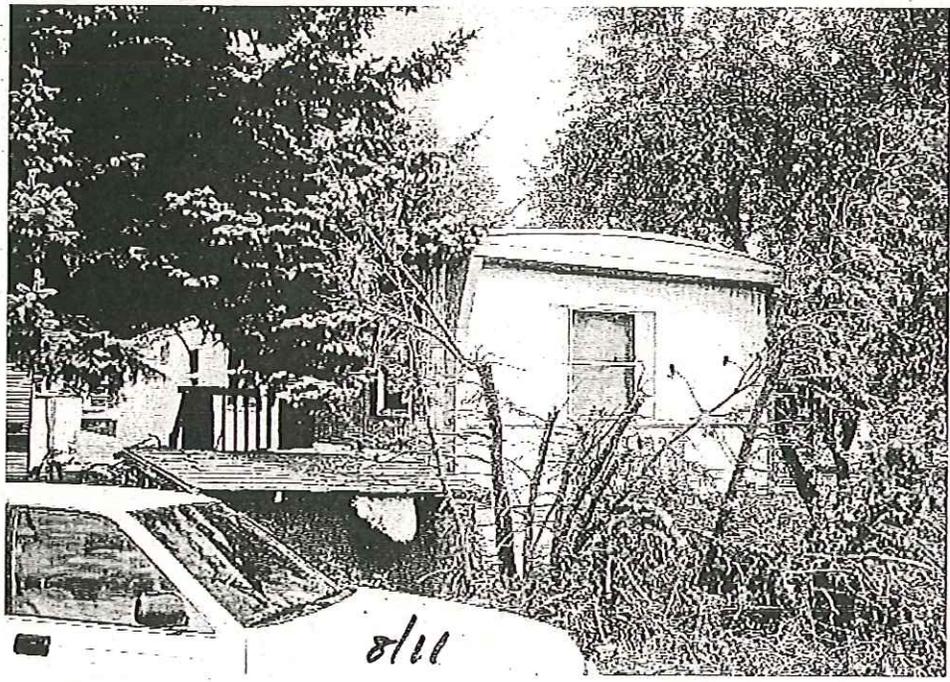
Class	Market Grade	Year	Year
4	2		
Use Code	6511		
Year Remodeled			
Effective Age			
Effective Year			
Date Occupied			
Purchase Price	Date		
\$			
\$			
Asking			
Rent Per			
TOTAL MARKET VALUE		\$	\$

Property Address Syringa Lot #209

Inspected By MSE/SC Date 8-17-05 Rev Yr 06  
 Computed By MS Date 10-2-06 Rev Yr 06  
 Certified Appraiser GC Date 8-25-11 Rev Yr 12  
 Assessor VA Date 9-18-09 Rev Yr       
 Reinspection Date      Rev Yr     

| DECAL NO. |
|-----------|-----------|-----------|-----------|-----------|
| 19        | 19        | 19        | 19        | 19        |

MH24CT00209



**LAND INFORMATION**

01 NEIGHBORHOOD | 02 OFF-SITE IMPROVEMENTS | 03 TOPOGRAPHY | 04 WATER FRONT PROPERTY | 05 ON-SITE UTILITIES

01 Urban	06 Stable	Street
02 Suburban	07 Improving	01 None
03 Rural	08 Declining	02 Public Access
04 Recreational		03 Private Access
90		90
06 SUBJECT DIMENSIONS		07
Frontage	01 Location	
Depth	02 Amenities	
Other	03 Landscap	
	04 View	
	05 Detriments	
	06 Zoned	

LATAH COUNTY  
 VIN: 3438  
 YEAR MAKE BOD LEN WID DESC  
 1973 FLAM HS 60 12 MBL HM  
 DM: FLAMINGO TRAILER MFG.  
 PREVIOUS OWNER:  
 CURRENT OWNER(S):  
 HALL, BRIAN

RECEIPT: 04GF002116  
 TITLE: J573295

09 COMPOSITE ADJUSTMENT

CAT	LOC	CLASS	TYPE	UNIT	QTY

4600 ROBINSON PARK RD # 224  
 MOSCOW, ID 83843-0000  
 LIENHOLDER:

APPRAISER: \_\_\_\_\_ APPRAISAL DATE: \_\_\_\_\_ RE  
 REINSPECTED APPR. \_\_\_\_\_ DATE \_\_\_\_\_ RE

REC: 03/26/2004 CMT:

MH 24CT00211 A 40-0000  
 MAGAR, MAGAR E  
 1616 NW NORTHRUP  
 PORTLAND OR 97929

**MOBILE MANUFACTURED HOUSING PROPERTY RECORD** Sheet No.      of     

Manufactured By Champion Year Built 1981  
 Trade Name Tamarack  
 Width 12 Length 46 Serial No 1609641770

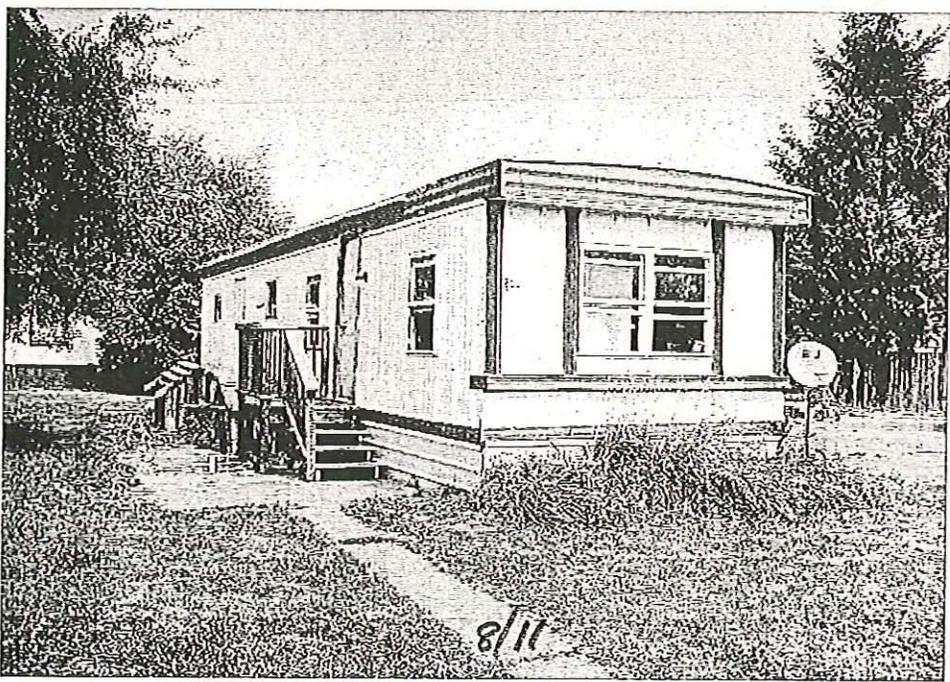
SYRINGA MH PARK #211  
 1981 TAMARACK 46 X 12  
 SER #1609641770

Class	Market Grade	Year	Year
5	32		
Use Code	654	Mobile Home	\$ _____ \$ _____
Year Remodeled		Garage	\$ _____ \$ _____
Effective Age		Carport	\$ _____ \$ _____
Effective Year		Other Improvements	\$ _____ \$ _____
Date Occupied		Total Improvements	\$ _____ \$ _____
Purchase Price	Date	Land	\$ _____ \$ _____
\$ _____			
\$ _____			
Asking			
Rent Per			
		<b>TOTAL MARKET VALUE</b>	\$ _____ \$ _____

Property Address Syringa Lot #211

Inspected By MSEJL Date 8-17-05 Rev Yr 06  
 Computed By MS Date 10-4-05 Rev Yr 06  
 Certified Appraiser GC Date 8-25-11 Rev Yr 12  
 Assessor UP Date 9-18-09 Rev Yr       
 Reinspection \_\_\_\_\_ Date \_\_\_\_\_ Rev Yr \_\_\_\_\_

| DECAL NO. |
|-----------|-----------|-----------|-----------|-----------|
| 19        | 19        | 19        | 19        | 19        |



MH24CT00211

**LAND INFORMATION**

01 NEIGHBORHOOD		02 OFF-SITE IMPROVEMENTS		03 TOPOGRAPHY		04 WATER FRONT PROPERTY		05 ON-SITE UTILITIES						
01 Urban	06 Stable	Street	04 Asphalt/Conc	01 Low	01 Lake	6 Beach	01 Electricity	05 Public Water						
02 Suburban	07 Improving	01 None	05 Gravel/Dirt	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well						
03 Rural	08 Decking	02 Public Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade	03 Underground Elect/Telephone	07 Public Sewer						
04 Recreational		03 Private Access	07 Curb/Gutters	04 Sleep Slope	04 Bluff Land	P F A G E	04 Cable TV	08 Septic System						
90		90		90	05 Flood Plain	90	90							
06 SUBJECT DIMENSIONS			07 SITE INFORMATION			08 REMARKS								
Frontage			01 Location	P F A G E										
Depth			02 Amenities	P F A G E										
Other			03 Landscaping	P F A G E										
			04 View	P F A G E										
			05 Detriments	Few Many None										
			06 Zoned											
09 COMPOSITE ADJUSTMENT							10 SITE ADJUSTMENTS							
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	01 Location	10 Access	20 View	30 Topography	40 Width	TOTAL	EXT
								50 Depth	60 Plottage	70 Beach	80 Corner	90	FACTOR	VALUE
APPRaiser: _____ APPRAISAL DATE: _____ REVIEW YR: _____														
REINSPECTED APPR. _____ DATE: _____ REVIEW YR: _____														
							<b>LAND VALUE</b> 3 _____							

BRENNAN PROPERTIES MPP LLC  
C/O BRENT A LONEY  
PO BOX 9404  
MOSCOW ID 83843

Manufactured By Biltmore Ind. Year Built 1974  
Trade Name Deluxe  
Width 12 Length 56 Serial No 41062FR313170

SYRINGA MH PARK #223  
1974 BILTMORE DELUXE  
56 (60) X 12  
SER #41062FR313170  
TI #G504964

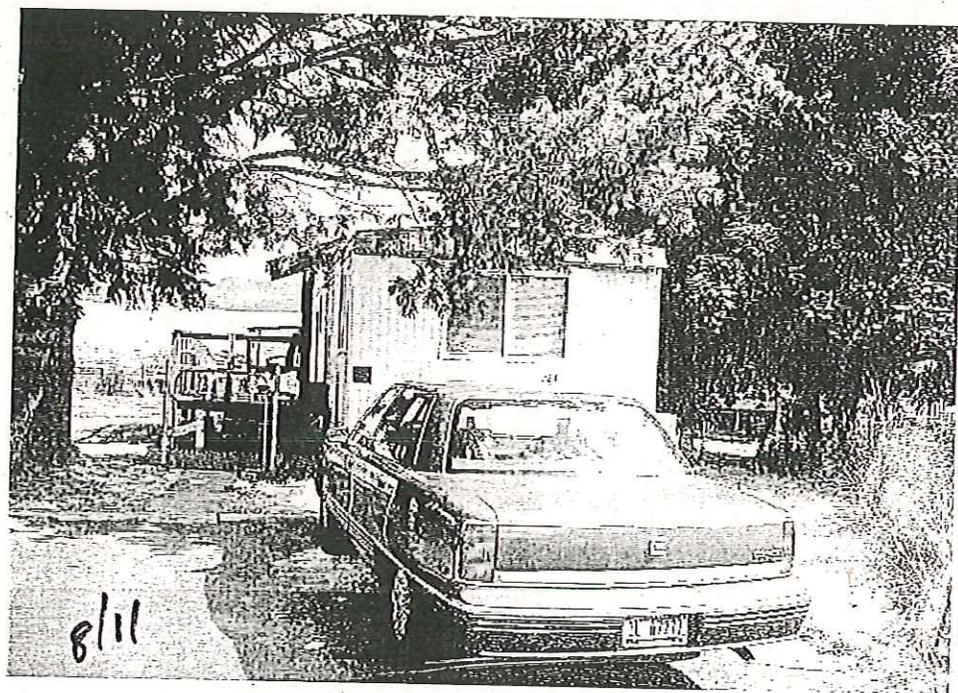
Class	Marker Grade	VALUES SUMMARY	
<u>4</u>	<u>3</u>	Year	Year
Use Code <u>6331</u>		Mobile Home	\$ _____ \$ _____
Year Remodeled _____		Garage	\$ _____ \$ _____
Effective Age _____		Carport	\$ _____ \$ _____
Effective Year _____		Other Improvements	\$ _____ \$ _____
Date Occupied _____		Total Improvements	\$ _____ \$ _____
Purchase Price _____ Date _____		Land	\$ _____ \$ _____
Asking _____		TOTAL MARKET VALUE	\$ _____ \$ _____
Rent Per _____			

Property Address Syringa Lot #223

Inspected By MS&JC Date 8-17-05 Rev Yr 06  
 Computed By MS Date 10-2-06 Rev Yr 06  
 Certified Appraiser GL Date 8-25-1 Rev Yr 12  
 Assessor \_\_\_\_\_ Date \_\_\_\_\_ Rev Yr \_\_\_\_\_  
 Reinspection 1/1 Date 9-18-04 Rev Yr \_\_\_\_\_

| DECAL NO. |
|-----------|-----------|-----------|-----------|-----------|
| 19        | 19        | 19        | 19        | 19        |

MH 24CT00223



NEIGHBORHOOD		02	01
01 Urban	06 Stable	01	None
02 Suburban	07 Improving	02	Public
03 Rural	08 Declining	03	Private
04 Recreational		90	

SUBJECT DIMENSIONS		07
Frontage		01
Depth		02
Other		03
		04
		05
		06

09 COMPOSITE ADJUST

CAT	LOC	CLASS	TYPE	UNIT

APPRAISER: \_\_\_\_\_ APPRAISAL DATE: \_\_\_\_\_  
REINSPECTED APPR. \_\_\_\_\_ DATE \_\_\_\_\_

LATAH COUNTY  
 VIN: 41062FR313170  
 YEAR MAKE BOD LEN WID DESC  
 1974 BILE HS 60 12 MBL HM  
 DM: BILTMORE MOBILE HOMES  
 PREVIOUS OWNER: LONEY, BRENT A  
 CURRENT OWNER(S):  
 BRENNAN PROPERTIES MPP LLC

PO BOX 9332  
 MOSCOW, ID 83843  
 LIENHOLDER:

REC: 06/29/2007 CMT:

RECEIPT: 07GF004805  
TITLE: G504964

Water  
Well  
Sewer  
System

EXT  
LUE

END VALUE \$ \_\_\_\_\_

MH 24CT 00227 1

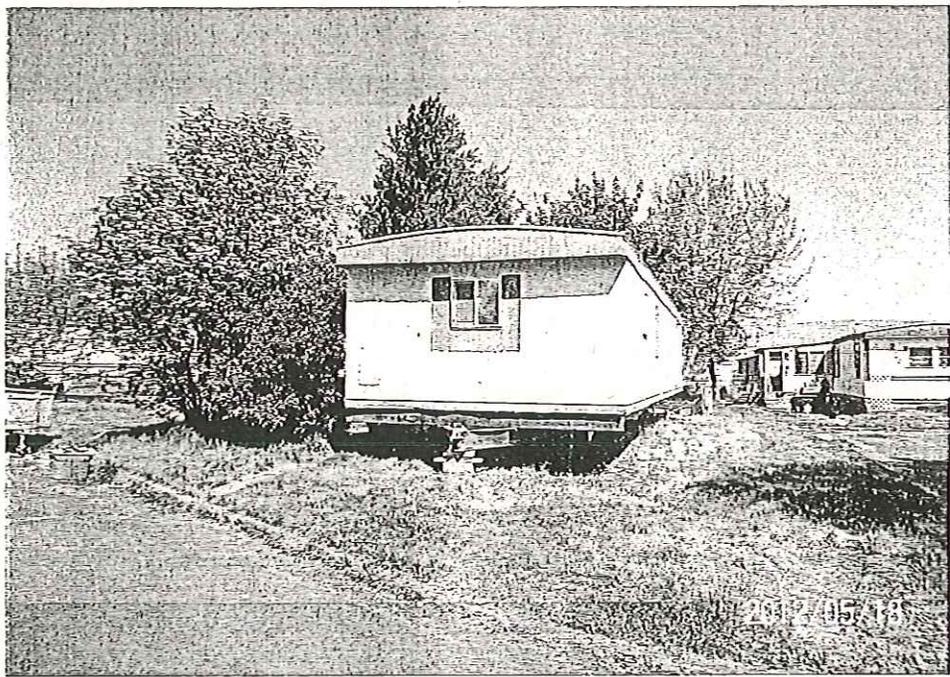
BUTLER, CHEYENNE D P  
4600 ROBINSON PARK RD #227  
MOSCOW ID 83843

SYRINGA MH PARK #227  
1981 HILLCREST 52 X 14  
SER #02960561P  
TI #D574316

MANUFACTURED HOUSING PROPERTY RECORD		Sheet No. _____ of _____																																
Manufactured By	Year Built <b>1981</b>																																	
Name	<b>HILLCREST</b>																																	
Width <b>14</b>	Length <b>52</b>	Serial No. <b>02960561P</b>																																
Code <b>4511</b>	Market Grade <b>1</b>	<table border="1"> <tr> <th colspan="2">VALUES SUMMARY</th> <th>Year</th> <th>Year</th> </tr> <tr> <td>Mobile Home</td> <td>S</td> <td></td> <td>S</td> </tr> <tr> <td>Garage</td> <td>S</td> <td></td> <td>S</td> </tr> <tr> <td>Carport</td> <td>S</td> <td></td> <td>S</td> </tr> <tr> <td>Other Improvements</td> <td>S</td> <td></td> <td>S</td> </tr> <tr> <td>Total Improvements</td> <td>S</td> <td></td> <td>S</td> </tr> <tr> <td>Land</td> <td>S</td> <td></td> <td>S</td> </tr> <tr> <td colspan="2"><b>TOTAL MARKET VALUE</b></td> <td>S</td> <td>S</td> </tr> </table>	VALUES SUMMARY		Year	Year	Mobile Home	S		S	Garage	S		S	Carport	S		S	Other Improvements	S		S	Total Improvements	S		S	Land	S		S	<b>TOTAL MARKET VALUE</b>		S	S
VALUES SUMMARY			Year	Year																														
Mobile Home	S			S																														
Garage	S			S																														
Carport	S			S																														
Other Improvements	S		S																															
Total Improvements	S		S																															
Land	S		S																															
<b>TOTAL MARKET VALUE</b>		S	S																															
Remodeled																																		
Home Age																																		
Home Year																																		
Home Occupied																																		
Purchase Price <b>\$3000</b>	Date <b>5-1-12</b>																																	
Asking																																		
Rent Per																																		
DECAL NO. 19	DECAL NO. 19	DECAL NO. 19	DECAL NO. 19	DECAL NO. 19																														

Property Address **4600 Robinson Park #227**

Inspected By <b>VR</b>	Date <b>5-22-12</b>	Rev. Yr. <b>13</b>
Computed By	Date	Rev. Yr.
Certified Appraiser	Date	Rev. Yr.
Assessor	Date	Rev. Yr.
Reinspection	Date	Rev. Yr.



SIGN HOE  
5-22-12

LAND INFORMATION

01 NEIGHBORHOOD	02 OFF-SITE IMPROVEMENTS	03 TOPOGRAPHY	04 WATER FRONT PROPERTY	05 ON-SITE UTILITIES										
01 Urban 02 Suburban 03 Rural 04 Recreational 90	06 Stable 07 Improving 08 Declining	Street 01 None 02 Public Access 03 Private Access 90	04 Asphalt/Conc. 05 Gravel/Dirt 06 Sidewalks 07 Curb/Gutters 90	01 Low 02 Level 03 Moderate Slope 04 Steep Slope 90	01 Lake 02 River/Creek 03 Accretion 04 Bluff Land 05 Flood Plain 6 Beach: None P F A G E 7 Grade P F A G E 90	01 Electricity 02 Gas 03 Underground Elec/Telephone 04 Cable TV 90	05 Public Water 06 Private Well 07 Public Sewer 08 Septic System 90							
06 SUBJECT DIMENSIONS	07 SITE INFORMATION	08 REMARKS												
Frontage	01 Location P F A G E													
Depth	02 Amenities P F A G E													
Other	03 Landscaping P F A G E													
	04 View P F A G E													
	05 Detriments Few Many None													
	06 Zoned													
09 COMPOSITE ADJUSTMENT		10 SITE ADJUSTMENTS												
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	01 Location	10 Access	20 View	30 Topography	40 Width	TOTAL FACTOR	EXT. VALUE
								50 Depth	60 Plottage	70 Beach	80 Corner	90		
								%	%	%	%	%	%	
								%	%	%	%	%	%	
								%	%	%	%	%	%	
								%	%	%	%	%	%	
APPRaiser: _____ APPRAISAL DATE: _____ REVIEW YR: _____														
REINSPECTED APPR. DATE: _____ REVIEW YR: _____							LAND VALUE \$ _____							

7/1/12

MAGAR, E MAGAR  
14102 NE 40TH  
VANCOUVER

WA 98682

SYRINGA MH PARK #229  
1979 TAMARACK 66 X 14  
SER #1355  
TI #E545520  
(CONTRACT ON FILE)

MANUFACTURED HOUSING PROPERTY RECORD		Sheet No. _____ of _____
Manufactured By	Champion	Year Built 1979
Trade Name	Tamarack	
Width 14	Length 66	Serial No. 1355
Class 5	Market Grade 32	VALUES SUMMARY
Use Code 6511		Mobile Home \$ _____ \$ _____
Year Remodeled		Garage \$ _____ \$ _____
Effective Age		Carport \$ _____ \$ _____
Effective Year		Other Improvements \$ _____ \$ _____
Date Occupied		Total Improvements \$ _____ \$ _____
Purchase Price \$ 500	Date 4/6/06	Land \$ _____ \$ _____
Asking		ASKING PRICE \$ _____ \$ _____
Rem. Per		TOTAL MARKET VALUE \$ _____ \$ _____
DECAL NO. 19	DECAL NO. 19	DECAL NO. 19
DECAL NO. 19	DECAL NO. 19	DECAL NO. 19
DECAL NO. 19	DECAL NO. 19	DECAL NO. 19

Property Address Syringa Lot # 229

Inspected By MSEJC Date 8-17-05 Rev Yr 06

Computed By MS Date 8-1-06 Rev Yr 07

Certified Appraiser GC Date 8-25-11 Rev Yr 12

Assessor \_\_\_\_\_ Date \_\_\_\_\_ Rev Yr \_\_\_\_\_

Reinspection VR Date 9-16-09 Rev Yr \_\_\_\_\_

MH 24CT00229



01	NEIGHBORHOOD		02	OFF-S	
01	Urban	06	Stable	Street:	
02	Suburban	07	Improving	01	None
03	Rural	08	Declining	02	Public
04	Recreational			03	Private
90				90	
06	SUBJECT DIMENSIONS			07	
	Frontage			01	
	Depth			02	
	Other			03	
				04	
				05	
				05	
09	COMPOSITE ADJUST				
CAT	LOC	CLASS	TYPE	UNIT	
APPRaiser:		APPRAISAL DATE:		RE	
REINSPECTED APPR.		DATE		RE	

LATAH COUNTY  
 VIN: 1355  
 YEAR MAKE BOD LEN WID DESC  
 1979 CHAM HS 66 14 MFRD HM  
 DM: CHAMPION HOME BUILDERS CO.  
 PREVIOUS OWNER: FOURNIER, ART  
 CURRENT OWNER(S):  
 MAGAR E MAGAR  
 PO BOX 8988  
 MOSCOW, ID 83843  
 LIENHOLDER:

RECEIPT: 06GF003259  
 TITLE: E545520  
 OTHER DATA

REC: 05/04/2006 CMT:

MH 24CT00229

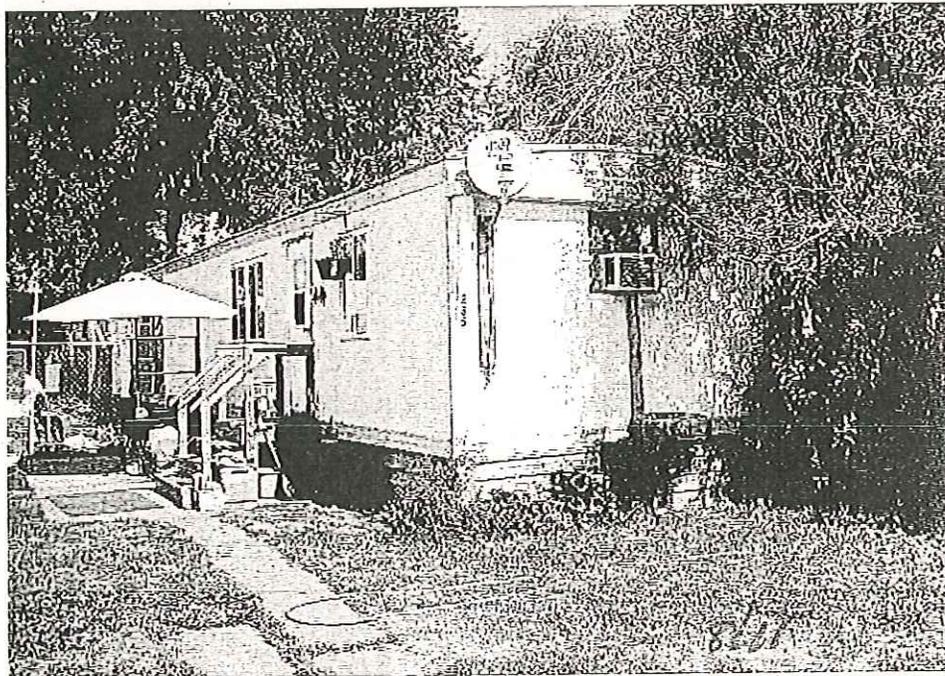
MH 24CT00235A A 40-0000  
 HUTCHISON, CECIL OR/  
 & HUTCHISON, LINDA  
 C/O MAGAR, MAGAR E MO  
 1616 NW NORTHRUP  
 PORTLAND OR 97929

SYRINGA MH PARK #235  
 1966 BEND 50 X 12  
 SER #S1482  
 TI #H656996

1966 MANUFACTURED HOUSING PROPERTY RECORD		Sheet No. ___ of ___	
Manufactured By	Bend	Year Built	1966
Trade Name			
Width	12	Length	50
Serial No.	3482		
Class	4	Market Grade	32
Use Code	6521		
Year Remodeled			
Effective Age			
Effective Year			
Date Occupied			
Purchase Price	Date		
\$			
\$			
Asking			
Rent Per			
DECAL NO. 19		DECAL NO. 19	DECAL NO. 19
DECAL NO. 19		DECAL NO. 19	DECAL NO. 19

Property Address Syringa Lot #235

Inspected By	MSEJC	Date	8-17-05	Rev Yr	06
Computed By	MS	Date	10-30-06	Rev Yr	06
Certified Appraiser	GC	Date	8-25-11	Rev Yr	12
Assessor		Date		Rev Yr	
Reinspection	VA	Date	9-18-09	Rev Yr	



LAND INFORMATION

01	NEIGHBORHOOD	02	OFF-SITE IMPROVEMENTS	03	TOPOGRAPHY	04	WATER FRONT PROPERTY	05	ON-SITE UTILITIES
01	Urban	06	Stable	Street:					
02	Suburban	07	Improving	01	None				
03	Rural	08	Declining	02	Public Access				
04	Recreational			03	Private Access				
90				90					
06	SUBJECT DIMENSIONS			07					
	Frontage			01	Location				
	Depth			02	Amenities				
	Other			03	Landscape				
				04	View				
				05	Disturbance				
				06	Zoned				
09	COMPOSITE ADJUSTMENT								
CAT	LOC	CLASS	TYPE	UNIT	QTY				
APPRaiser:		APPRaisal DATE:		RE					
REINSPECTED APPR.		DATE		RE					

LATAH COUNTY  
 VIN: S1482  
 YEAR MAKE BOD LEN WID DESC  
 1966 TRLR HS MBL HM BEND  
 DM: UNLISTED TRAILER MFR.  
 PREVIOUS OWNER:  
 CURRENT OWNER(S):  
 HUTCHISON, CECIL  
 HUTCHISON, LINDA  
 36 MIDWAY SYRINGA MHP  
 MOSCOW, ID 83843

RECEIPT: 0001554460  
 TITLE: H656996  
 OTHER DATA

LIENHOLDER:  
 AMERICAN GENERAL FINANCE  
 1838 W PULLMAN RD  
 MOSCOW, ID 83843

OR

RECORDED: 06/15/1998 13:24 PRINTED: 06/23/1998

24CT00235

MH24CT00235A

MH 24CT00236 A 40-0000  
 MC INTYRE, WILMA OR/  
 & MC INTYRE, DON  
 4600 ROBINSON PARK ROAD #236  
 MOSCOW ID 83843

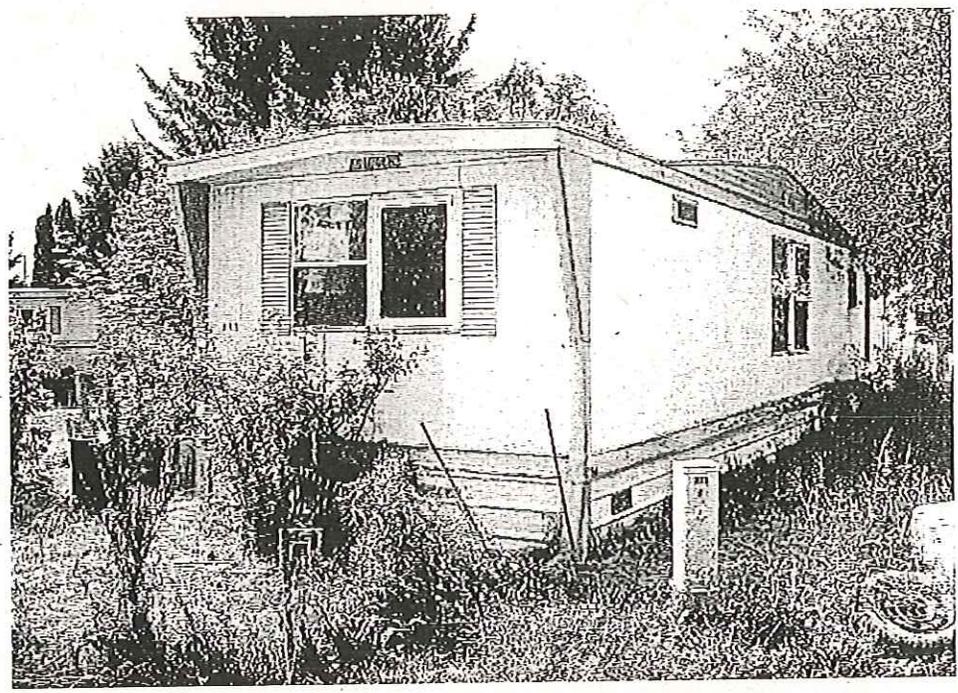
SYRINGA MH PARK #236  
 1968 BROADMORE 60 X 12  
 SER #S0785  
 TI #D2620589

<b>1968 MANUFACTURED HOUSING PROPERTY RECORD</b>		Sheet No. <u>    </u> of <u>    </u>	
Manufactured By <u>Broadmore Ind</u>		Year Built <u>1968</u>	
Trade Name <u>Broadmore</u>			
Width <u>12</u>	Length <u>60</u>	Serial No <u>S0785</u>	
Class <u>4</u>	Market Grade <u>\$2</u>	<b>VALUES SUMMARY</b>	
Use Code <u>6511</u>	Year Remodeled <u>    </u>	Mobile Home \$ <u>    </u>	Year <u>    </u>
Effective Age <u>    </u>	Effective Year <u>    </u>	Garage \$ <u>    </u>	Year <u>    </u>
Date Occupied <u>    </u>	Purchase Price <u>    </u>	Carport \$ <u>    </u>	Year <u>    </u>
Date <u>    </u>	Date <u>    </u>	Other Improvements \$ <u>    </u>	Year <u>    </u>
Asking <u>    </u>	Rent Per <u>    </u>	Total Improvements \$ <u>    </u>	Year <u>    </u>
<b>ADDITIONAL MARKET VALUE</b>		Land \$ <u>    </u>	Year <u>    </u>
DECAL NO. 19	DECAL NO. 19	DECAL NO. 19	DECAL NO. 19

Property Address Syringa Lot #236

Inspected By MS #36 Date 8-17-05 Rev Yr 06  
 Computed By MS Date 10-3-06 Rev Yr 06  
 Certified Appraiser GC Date 8-25-11 Rev Yr 12  
 Assessor      Date      Rev Yr       
 Reinspection VH Date 9-18-09 Rev Yr     

MH 24CT00236



Another picture  
or  
Back

**LAND INFORMATION**

<b>01 NEIGHBORHOOD</b>		<b>02 OFF-SITE IMPROVEMENTS</b>		<b>03 TOPOGRAPHY</b>		<b>04 WATER FRONT PROPERTY</b>		<b>05 ON-SITE UTILITIES</b>						
01 Urban	06 Stable	Street:	04 Asphalt/Conc.	01 Low	01 Lake	6 Beach	01 Electricity	05 Public Water						
02 Suburban	07 Improving	01 None	05 Gravel/Dirt	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well						
03 Rural	08 Declining	02 Public Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade	03 Underground Elect/Telephone	07 Public Sewer						
04 Recreational		03 Private Access	07 Curb/Gutters	04 Steep Slope	04 Bluff Land	P F A G E	04 Cable TV	08 Septic System						
90		90		90	05 Flood Plain	90	90							
<b>06 SUBJECT DIMENSIONS</b>		<b>07 SITE INFORMATION</b>		<b>08 REMARKS</b>										
Frontage		01 Location	P F A G E											
Depth		02 Amenities	P F A G E											
Other		03 Landscaping	P F A G E											
		04 View	P F A G E											
		05 Detriments	Few Many None											
		06 Zoned												
<b>09 COMPOSITE ADJUSTMENT</b>				<b>10 SITE ADJUSTMENTS</b>										
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	01 Location	10 Access	20 View	30 Topography	40 Width	TOTAL	EXT
								50 Depth	60 Pictage	70 Beach	80 Corner	90	FACTOR	VALUE
APPRAISER: <u>    </u> APPRAISAL DATE: <u>    </u> REVIEW YR <u>    </u>								<b>LAND VALUE</b> \$ <u>    </u>						
REINSPECTED APPR. <u>    </u> DATE <u>    </u> REVIEW YR <u>    </u>														

MH 24CT00306 A 40-0000  
 DANIEL, TAMI L OR/  
 & DANIEL, TOM B OR/  
 & DANIEL, LORETTA  
 C/O MAGAR, MAGAR E MO  
 1616 NW NORTHRUP  
 PORTLAND OR 97929  
 SYRINGA MH PARK #306  
 1980 SANDPOINTE 66 X 14  
 SER #ORFLIA941382263  
 TI #B534047

**MANUFACTURED HOUSING PROPERTY RECORD** Sheet No. 01 of 01

Manufactured By: Florestwood Ind. Year Built: 1980

Trade Name: Sandpointe

Width: 14 Length: 66 Serial No: ORFLIA941382263

Class	Market Grade	VALUES SUMMARY	
<u>5</u>	<u>MB</u>	Year	Year
Use Code		Mobile Home	\$ _____ \$ _____
Year Remodeled		Garage	\$ _____ \$ _____
Effective Age		Carport	\$ _____ \$ _____
Effective Year		Other Improvements	\$ _____ \$ _____
Date Occupied		Total Improvements	\$ _____ \$ _____
Purchase Price	Date	Land	\$ _____ \$ _____
Asking		TOTAL MARKET VALUE	\$ _____ \$ _____
Rent Per			

| DECAL NO |
|----------|----------|----------|----------|----------|
| 19       | 19       | 19       | 19       | 19       |

Property Address Syringa Lot # 306

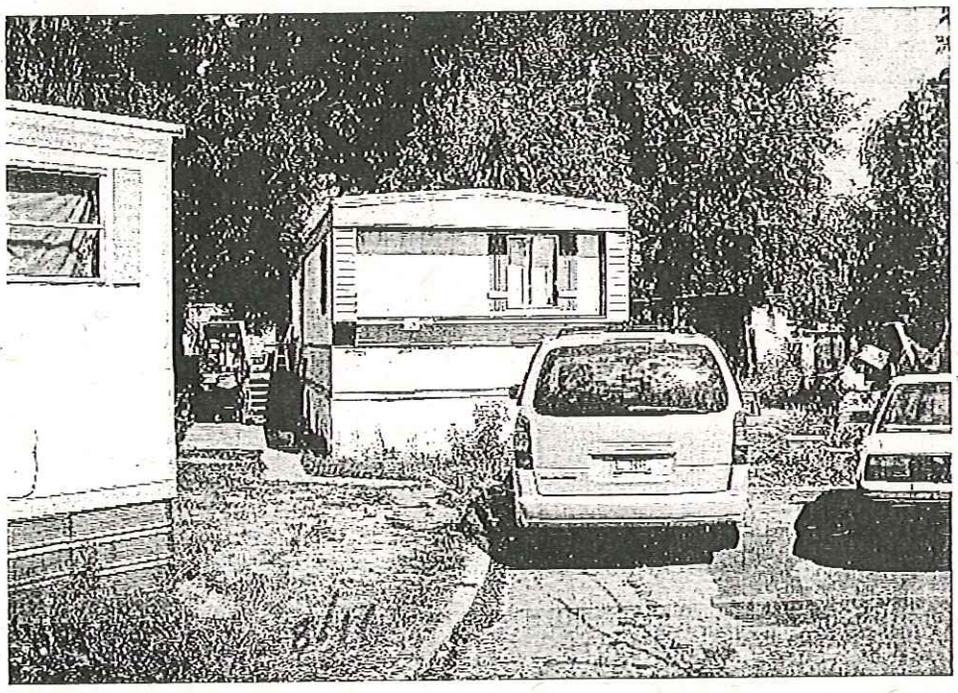
Inspected By: MSFJC Date: 8-22-05 Rev Yr: 06

Computed By: MS Date: 10-4-06 Rev Yr: 06

Certified Appraiser: GC Date: 8-25-11 Rev Yr: 12

Assessor: VL Date: 9-18-09 Rev Yr: 12

Reinspection: \_\_\_\_\_ Date: \_\_\_\_\_ Rev Yr: \_\_\_\_\_



MH 24CT00306

**LAND INFORMATION**

01 NEIGHBORHOOD		02 OFF-SITE IMPROVEMENTS		03 TOPOGRAPHY		04 WATER FRONT PROPERTY		05 ON-SITE UTILITIES	
01 Urban	06 Stable	Street:	04 Asphalt/Conc.	01 Low	01 Lake	6 Beach:	01 Electricity	05 Public Water	
02 Suburban	07 Improving	01 None	05 Gravel/Dirt	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well	
03 Rural	08 Declining	02 Public Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade	03 Underground Elec/Telephone	07 Public Sewer	
04 Recreational		03 Private Access	07 Curb/Gutters	04 Sleep Slope	04 Bluff Land	P F A G E	04 Cable TV	08 Septic System	
90		90		90	05 Flood Plain	90	90		

06 SUBJECT DIMENSIONS			07 SITE INFORMATION			08 REMARKS		
Frontage	01 Location	P F A G E						
Depth	02 Amenities	P F A G E						
Other	03 Landscaping	P F A G E						
	04 View	P F A G E						
	05 Detriments	Few Many None						
	06 Zoned							

09 COMPOSITE ADJUSTMENT							10 SITE ADJUSTMENTS							
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	01 Location	10 Access	20 View	30 Topography	40 Width	TOTAL	EXT
								02 Depth	60 Porriage	70 Beach	80 Corner	90	FACTOR	VALUE

APPRaiser: \_\_\_\_\_ APPRAISAL DATE: \_\_\_\_\_ REVIEW YR: \_\_\_\_\_

REINSPECTED APPR. \_\_\_\_\_ DATE: \_\_\_\_\_ REVIEW YR: \_\_\_\_\_

LAND VALUE \$ \_\_\_\_\_

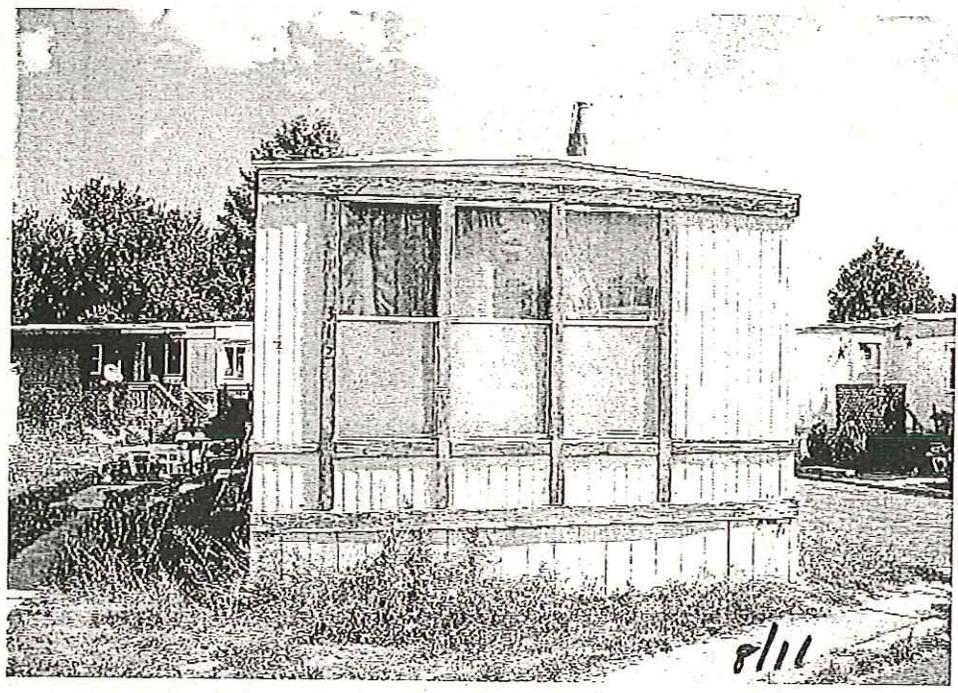
MH 24CT00312 A 40-0000  
 JOHNSON, JAMES D OR/  
 & JOHNSON, JOANN  
 HC67 BOX 655  
 CLAYTON ID 83227

MANUFACTURED HOUSING PROPERTY RECORD		Sheet No. <u>    </u> of <u>    </u>
Manufactured By	<u>Fuqua Homes</u>	Year Built <u>1975</u>
Trade Name	<u>Cascade</u>	
Width <u>14</u>	Length <u>60</u>	Serial No. <u>    </u>
Class <u>4</u>	Market Grade <u>31</u>	Year <u>    </u>
Use Code <u>6531</u>		Year <u>    </u>
Year Remodeled		Mobile Home \$ <u>    </u> \$ <u>    </u>
Effective Age		Garage \$ <u>    </u> \$ <u>    </u>
Effective Year		Carport \$ <u>    </u> \$ <u>    </u>
Date Occupied		Other Improvements \$ <u>    </u> \$ <u>    </u>
Purchase Price	Date <u>2/12/05</u>	Total Improvements \$ <u>    </u> \$ <u>    </u>
\$ <u>8000</u>		Land \$ <u>    </u> \$ <u>    </u>
Asking		<b>TOTAL MARKET VALUE</b> \$ <u>    </u> \$ <u>    </u>
Rent Per		
DECAL NO. <u>19</u>	DECAL NO. <u>19</u>	DECAL NO. <u>19</u>

SYRINGA MH PARK #312  
 1975 FUQUA CASCADE  
 60 (64) X 14  
 SER #3719  
 TI #J751163

Property Address Syringa Lot #312

Inspected By MSE JC Date 8-10-05 Rev Yr 06  
 Computed By MS Date 8-1-06 Rev Yr 06  
 Certified Appraiser GC Date 8-25-11 Rev Yr 12  
 Assessor      Date      Rev Yr       
 Reinspection VA Date 9-15-09 Rev Yr     



MH 24CT00312

LAND INFORMATION

01	NEIGHBORHOOD	02	OFF-SITE IMPROVEMENTS	03	TOPOGRAPHY	04	WATER FRONT PROPERTY
01	Urban	06	Stable	01	Street	04	CUSTER COUNTY
02	Suburban	07	Improving	01	None	05	VIN: 3719
03	Rural	08	Declining	02	Public Access	06	YEAR MAKE BOD LEN WID DESC
04	Recreational			03	Private Access	07	1975 FUQU HS 64 14 MBL HM
06	SUBJECT DIMENSIONS		07				DM: FUQUA HOMES, INC.
06	Frontage	01	Location				PREVIOUS OWNER: BROOD, WAYNE S
06	Depth	02	Amenite				CURRENT OWNER(S):
06	Other	03	Landscaping				JOHNSON, JAMES D
		04	View				JOHNSON, JOANN
		05	Detrims				HC67 BOX 655
		05	Zoned				CLAYTON, ID 83227
09	COMPOSITE ADJUSTMENT						
CAT	LCC	CLASS	TYPE	UNIT	QTY		

RECEIPT: 05GF002421  
 TITLE: J751163  
 PREVIOUS OWNER: BROOD, WAYNE S  
 CURRENT OWNER(S):  
 JOHNSON, JAMES D OR  
 JOHNSON, JOANN  
 HC67 BOX 655  
 CLAYTON, ID 83227  
 LIENHOLDER:

REC: 04/08/2005 CMT:

APPRaiser:      APPRAISAL DATE:      REVIEW:       
 REINSPECTED APPR. DATE:      REVIEW:





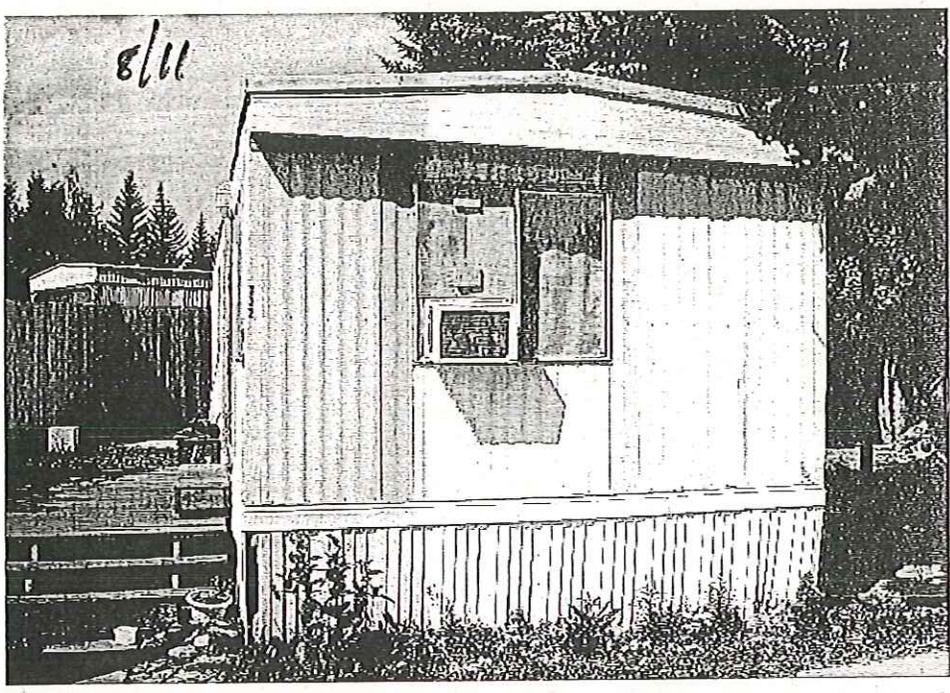
MONROE, CORINNE MARIE B  
1010 KLUSS RD  
GENESEE ID 83832

SYRINGA MH PARK #332  
1976 SHELTEREX 48 (52) X 12  
SER #12522DS6984  
TI #H978362

UNLISTED MANUFACTURED HOME PROPERTY RECORD		Year No. 1976
Make	Shelterex	Year No. 6924
Model	12	48
Year	1976	
Site Code	651	
Year Manufactured		
Effective Age		
Structural Int.		
Date Occupied		
Purchase Price	Date	
Asking		
Rent Per		
DECAL NO 19	DECAL NO 19	DECAL NO 19
DECAL NO 19	DECAL NO 19	DECAL NO 19

Property Address Syringa Lot #332

Inspected By MSE JC Date 8-10-05 Rev Yr 06  
 Computed By MS Date 10-3-06 Rev Yr 06  
 Certified Appraiser \_\_\_\_\_ Date \_\_\_\_\_ Rev Yr \_\_\_\_\_  
 Assessor JL Date 8-26-11 Rev Yr 12  
 Reinspection JL Date 9-18-09 Rev Yr \_\_\_\_\_



MH 24CT 00332

LAND INFORMATION

01 NEIGHBORHOOD	02 OFF-SITE IMPROVEMENTS	03 TOPOGRAPHY	04 WATER FRONT PROPERTY	05 ON-SITE UTILITIES	
01 Urban	01 Street	04 LATAH COUNTY	RECEIPT: 04GF009629		
02 Suburban	02 None	05 VIN: 12522DS6984	TITLE: G978362		
03 Rural	02 Public Access	06 YEAR MAKE BOD LEN WID DESC	OTHER DATA		
04 Recreational	03 Private Access	07 1976 TRLR HS 52 MBL HM	SHELTEREX		
90	90	DM: UNLISTED TRAILER MFR.	PREVIOUS OWNER: BABB, MATTHEW L		
06 SUBJECT DIMENSIONS	07	CURRENT OWNER(S):	SHOLANDER, CORINNE		
Frontage	01 Location	1010 KLUSS RD	GENESEE, ID 83832		
Depth	02 Amenities	LIENHOLDER:			
Other	03 Landscaping	REC: 12/20/2004 CMT: SHELTEREX			
	04 View				
	05 Detriments				
	06 Zoned				
09 COMPOSITE ADJUSTMENT					
CAT	LOC	CLASS	TYPE	UNIT	QTY
APPRaiser: _____	APPRaisal DATE: _____	REVI: _____			
REINSPECTED APPR. _____	DATE _____	REVI: _____			

MH 24CT 00332

MAGAR, MAGAR E  
 C/O CORINNE SHOLANDER MO  
 PO BOX 8988  
 MOSCOW ID 83843

SYRINGA MH PARK #335  
 1974 SKYLINE 56 X 12  
 SER #0194566H  
 TI #A91900227

**DATA MANUFACTURED HOUSING PROPERTY RECORD** Sheet No. \_\_\_ of \_\_\_

Manufactured By: Skyline Ind Year Built: 1974

Trade Name: Skyline

Width: 12 Length: 56 Serial No: 0194566H

Class: 4 Market Grade: 4 W

Use Code: 654

Year Remodeled: \_\_\_\_\_ Effective Age: \_\_\_\_\_ Effective Year: \_\_\_\_\_ Date Occupied: \_\_\_\_\_

Purchase Price: \_\_\_\_\_ Date: \_\_\_\_\_

Asking: \_\_\_\_\_ Rent Per: \_\_\_\_\_

VALUES SUMMARY		Year	Year
Mobile Home	\$		\$
Garage	\$		\$
Carport	\$		\$
Other Improvements	\$		\$
Total Improvements	\$		\$
Land	\$		\$
<b>TOTAL MARKET VALUE</b>	\$		\$

| DECAL NO. |
|-----------|-----------|-----------|-----------|-----------|
| 19        | 19        | 19        | 19        | 19        |

Property Address: Syringa Lot #335

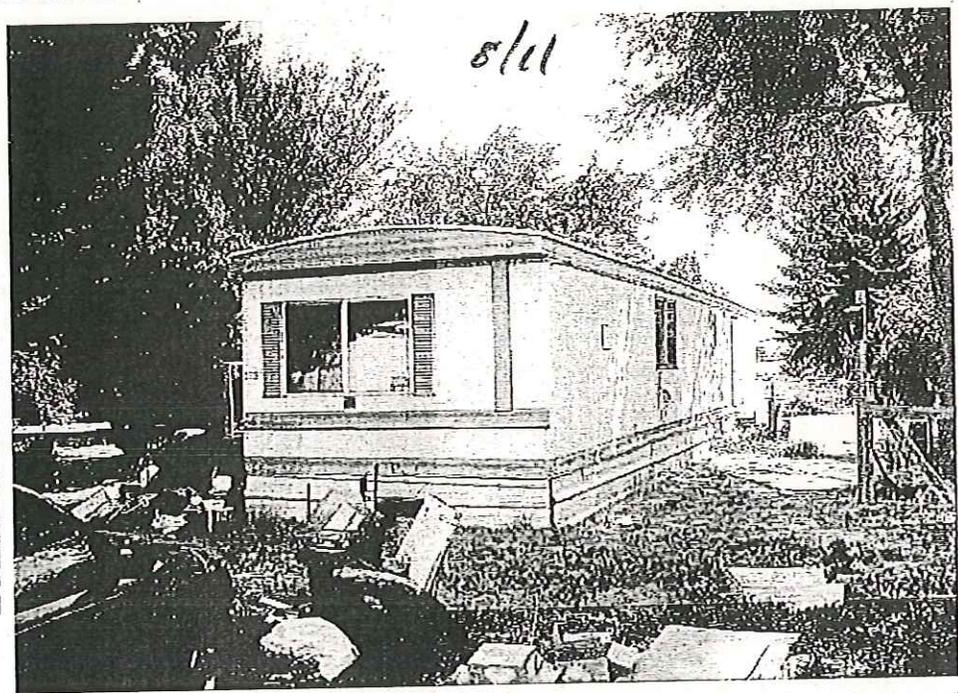
Inspected By: MS&JC Date: 8-22-05 Rev Yr: 06

Computed By: MS Date: 10-7-06 Rev Yr: 06

Certified Appraiser: VR Date: 8-22-05 Rev Yr: 12

Assessor: JA Date: 9-12-09 Rev Yr: \_\_\_\_\_

Reinspection: \_\_\_\_\_ Date: \_\_\_\_\_ Rev Yr: \_\_\_\_\_



MH 247 00335

**LAND INFORMATION**

01 NEIGHBORHOOD		02 OFF-SITE IMPROVEMENTS		03 TOPOGRAPHY		04 WATER FRONT PROPERTY		05 ON-SITE UTILITIES						
01 Urban	06 Stable	Street	04 Asphalt/Conc.	01 Low	01 Lake	6 Beach	01 Electricity	05 Public Water						
02 Suburban	07 Improving	01 None	05 Gravel/Dirt	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well						
03 Rural	08 Decking	02 Public Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade	03 Underground Electric/Telephone	07 Public Sewer						
04 Recreational		03 Private Access	07 Curb/Gutters	04 Steep Slope	04 Bluff Land	P F A G E	04 Cable TV	08 Septic System						
90		90		90	05 Flood Plain	90	90							
06 SUBJECT DIMENSIONS			07 SITE INFORMATION			08 REMARKS								
Frontage			01 Location	P F A G E										
Depth			02 Amenities	P F A G E										
Other			03 Landscaping	P F A G E										
			04 View	P F A G E										
			05 Detriments	Few Many None										
			06 Zoned											
09 COMPOSITE ADJUSTMENT					10 SITE ADJUSTMENTS									
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	01 Location	10 Access	20 View	30 Topography	40 Width	TOTAL	EXT
								50 Depth	60 Pictage	70 Beach	80 Corner	90	FACTOR	VALUE
APPRaiser: _____ APPRAISAL DATE: _____ REVIEW YR: _____														
REINSPECTED APPR. _____ DATE: _____ REVIEW YR: _____							LAND VALUE \$ _____							



FRED, MICHELLE LORRAINE  
 4500 ROBINSON PARK RD #341  
 MOSCOW ID 83843

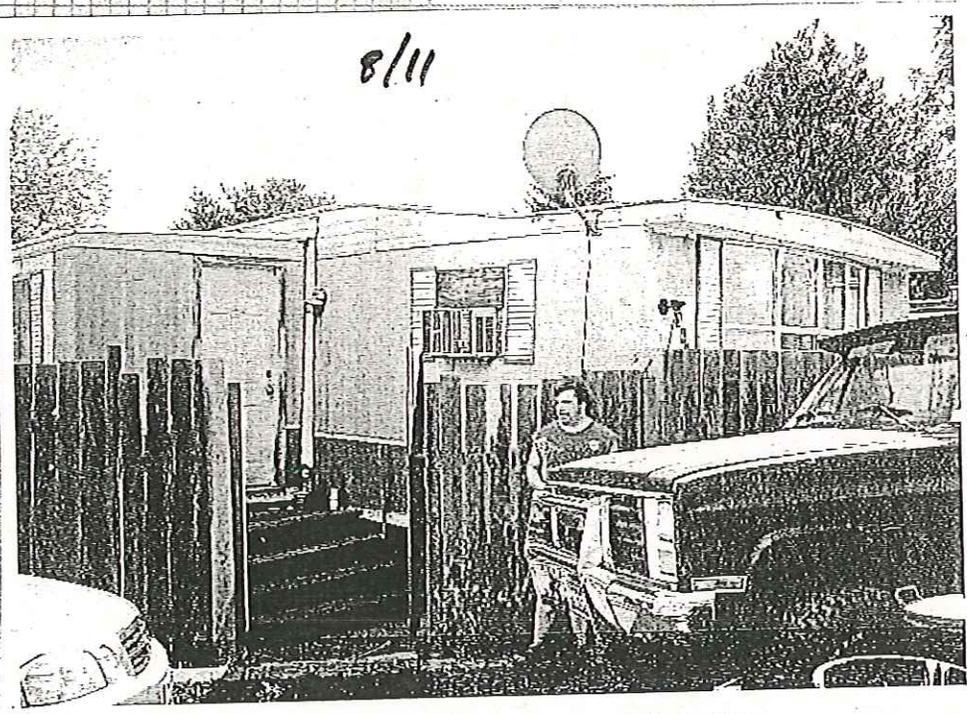
SYRINGA MH PARK #341  
 1973 FLEETWOOD  
 65 X 14 G IMP  
 SER #4J2017E22S14984  
 TI #H501006

15 MOBILE HOME MANUFACTURER'S HOUSING PROPERTY RECORD		Sheet No	
Manufactured By	Fleetwood Ind	Year Built	1973
Trade Name	Cashier		
Width	14x66	Length	8x12 expanded
Class	4	Market Grade	92
Use Code	6511	Year	Year
Year Remodeled		Mobile Home	\$
Effective Age		Garage	\$
Effective Year		Carport	\$
Date Occupied		Other Improvements	\$
Purchase Price	Date	Total Improvements	\$
\$		Land	\$
\$		DATA MARKED VALUE	\$
Asking		DECAL NO 19	DECAL NO 19
Rent Per		DECAL NO 19	DECAL NO 19

Property Address Syringa Lot #341

Inspected By	<u>MSE JC</u>	Date	<u>8-22-05</u>	Rev Yr	<u>06</u>
Computed By	<u>MS</u>	Date	<u>10-4-06</u>	Rev Yr	<u>06</u>
Certified Appraiser		Date		Rev Yr	
Assessor	<u>VJL</u>	Date	<u>8-28-04</u>	Rev Yr	<u>12</u>
Reinspection	<u>VJL</u>	Date	<u>9-15-09</u>	Rev Yr	

MH 24CT00341



*Another picture on back*

LAND INFORMATION

01	NEIGHBORHOOD	02	OFF-SITE UTILITIES	03	TOPOGRAPHY	04	WATER FRONT PROPERTY	05	ON-SITE UTILITIES
01	Urban	06	Stable	01	None				
02	Suburban	07	Improving	02	Public Acce				
03	Rural	08	Declining	03	Private Acc				
04	Recreational			04	View				
90				05	Dstr				
06	SUBJECT DIMENSIONS	07		06	Zon				

LATAH COUNTY RECEIPT: 10GF006475  
 VIN: 4J2017E22S14984 TITLE: H501006  
 YEAR MAKE BOD LEN WID DESC  
 1973 FLEM HS MBL HM  
 DM: FLEETWING MOBILE HOMES  
 PREVIOUS OWNER: BUTLER, BARBARA J  
 CURRENT OWNER(S):  
 FRED, MICHELLE LORRAINE

4600 ROBINSON PRK RD #341  
 MOSCOW, ID 83843  
 LIENHOLDER:

Frontage	01	Local
Depth	02	Amer
Other	03	Lan
	04	View
	05	Dstr
	06	Zon
09 COMPOSITE ADJUSTMEN		
CAT	LOC	CLASS
APPRaiser:	APPRaisal DATE:	RE
REINSPECTED APPR.	DATE	RE

REC: 09/17/2010 CMT:

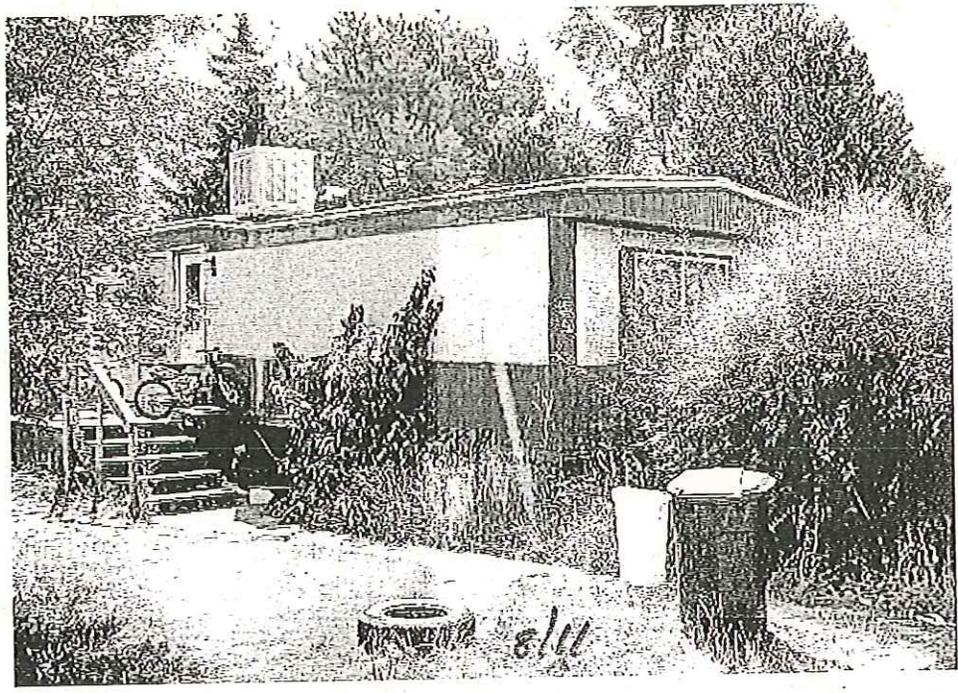
COMSTOCK, CHRISTOPHER OR/  
 & COMSTOCK, JULIE  
 C/O CORINNE SHOLANDER MO  
 PO BOX 8988  
 MOSCOW ID 83843

SYRINGA MH PARK #343  
 1974 GOVERNOR 66 X 14  
 SER #3BB12701418658  
 TI #B656895

DAHO MANUFACTURED HOUSING PROPERTY RECORD		Sheet No	of
Manufactured By	Governor	Year BUILT	1974
Trace Name			
Width	14	Length	66
Class	4	Market Grade	3
Use Code	6511	Serial No	3BB12701418658
Year Remodeled		Year	
Effective Age		Year	
Effective Year		Year	
Date Occupied		Year	
Purchase Price		Date	
Asking			
Rent Per			
DECAL NO.	19	DECAL NO.	19
DECAL NO.	19	DECAL NO.	19
DECAL NO.	19	DECAL NO.	19
DECAL NO.	19	DECAL NO.	19
DECAL NO.	19	DECAL NO.	19

Property Address Syringa Lot #343

Inspected By	MSEJC	Date	8.22.05	Rev Yr	06
Computed By	MS	Date	10.3.06	Rev Yr	06
Certified Appraiser		Date		Rev Yr	
Assessor	UK	Date	8-26-11	Rev Yr	12
Reinspection		Date		Rev Yr	



MH 24CT 00343

LAND INFORMATION

01 NEIGHBORHOOD		02 OFF-SITE IMPROVEMENTS		03 TOPOGRAPHY		04 WATER FRONT PROPERTY		05 ON-SITE UTILITIES						
01 Urban	06 Stable	Street	04 Asphalt/Conc.	01 Low	01 Lake	6 Beach	01 Electricity	05 Public Water						
02 Suburban	07 Improving	01 None	05 Gravel/Dirt	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well						
03 Rural	08 Declining	02 Public Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade	03 Underground Electric/Phone	07 Public Sewer						
04 Recreational		03 Private Access	07 Curb/Gutters	04 Steep Slope	04 Bluff Land	P F A G E	04 Cable TV	08 Septic System						
90		90		90	05 Flood Plain	90	90							
06 SUBJECT DIMENSIONS		07 SITE INFORMATION		08 REMARKS										
Frontage		01 Location	P F A G E											
Depth		02 Amenities	P F A G E											
Other		03 Landscaping	P F A G E											
		04 View	P F A G E											
		05 Detriments	Few Many None											
		06 Zoned												
09 COMPOSITE ADJUSTMENT				10 SITE ADJUSTMENTS										
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	01 Location	10 Access	20 View	30 Topography	40 Width	TOTAL	EAT
								50 Depth	50 Plottage	70 Beach	80 Corner	90	FACTOR	VALUE
APPRaiser: _____				APPRaisal DATE: _____				REVIEW YR _____						
REINSPECTED APPR. _____				DATE _____				REVIEW YR _____						
												LAND VALUE \$ _____		

MAGAR, MAGAR E  
 C/O CORINNE SHOLANDER MO  
 PO BOX 8988  
 MOSCOW ID 83843

SYRINGA MH PARK #347  
 1969 PONTIAC CHIEF 56 X 12  
 SEA #FF602FCD12PC

**DANO MANUFACTURED HOUSING PROPERTY RECORD** Sheet No.      of     

Manufactured By Pontiac Chief Year Built 1969  
 Trade Name \_\_\_\_\_  
 Width 12 Length 56 Serial No. FF602FCD12PC

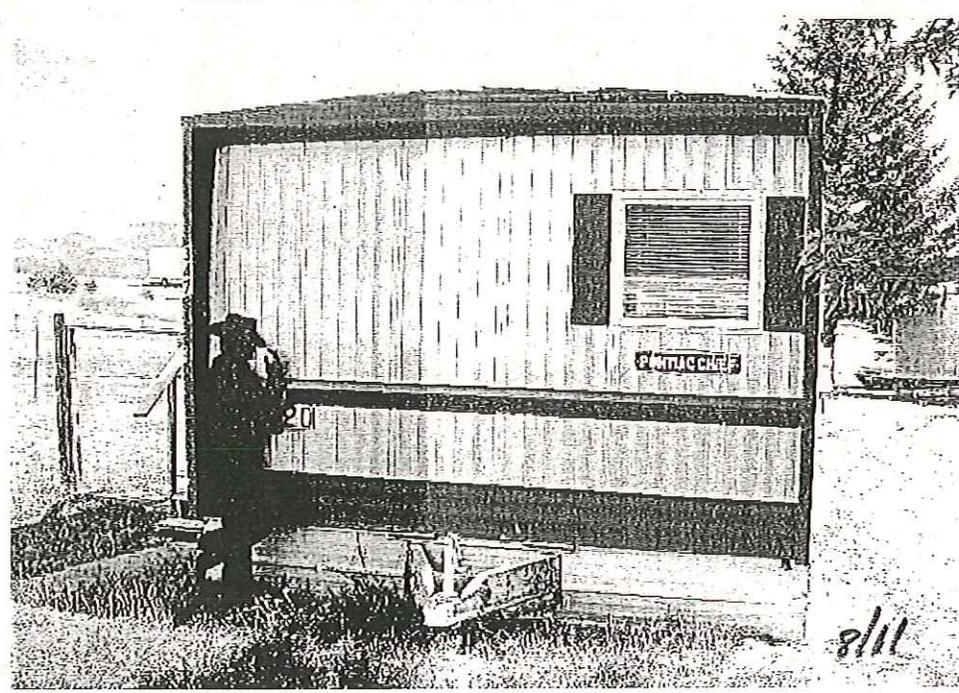
Class	Market Grade	VALUES SUMMARY	
<u>4</u>	<u>3</u>	Year	Year
Use Code <u>6541</u>		Mobile Home	\$ _____ \$ _____
Year Reinspected _____		Garage	\$ _____ \$ _____
Effective Age _____		Carport	\$ _____ \$ _____
Effective Year _____		Other Improvements	\$ _____ \$ _____
Date Occupied _____		Total Improvements	\$ _____ \$ _____
Purchase Price _____ Date _____		Land	\$ _____ \$ _____
Asking _____		<b>TOTAL MARKET VALUE</b>	\$ _____ \$ _____
Rent Per _____			

Property Address Syringa Lot #347

Inspected By <u>MSR JL</u> Date <u>8-22-05</u> Rev Yr <u>06</u>
Computed By <u>MS</u> Date <u>10-7-06</u> Rev Yr <u>06</u>
Certified Appraiser _____ Date _____ Rev Yr _____
Assessor <u>VR</u> Date <u>8-26-11</u> Rev Yr <u>12</u>
Reinspection _____ Date _____ Rev Yr _____

DECAL NO 19				
-------------	-------------	-------------	-------------	-------------

MH 24CT 00347



**LAND INFORMATION**

01 NEIGHBORHOOD		02 OFF-SITE IMPROVEMENTS		03 TOPOGRAPHY		04 WATER FRONT PROPERTY		05 ON-SITE UTILITIES	
01 Urban	06 Stable	Street	04 Asphalt/Conc.	01 Low	01 Lake	6 Beach	01 Electricity	05 Public Water	
02 Suburban	07 Improving	01 None	05 Gravel/Dirt	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well	
03 Rural	08 Declining	02 Public Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade	03 Underground Elec/Telephone	07 Public Sewer	
04 Recreational		03 Private Access	07 Curb/Gutters	04 Steep Slope	04 Bluff Land	P F A G E	04 Cable TV	08 Septic System	
90		90		90	05 Flood Plain	90	90		

06 SUBJECT DIMENSIONS		07 SITE INFORMATION		08 REMARKS	
Frontage	01 Location P F A G E	01 Location	P F A G E		
Depth	02 Amenities P F A G E	02 Amenities	P F A G E		
Other	03 Landscaping P F A G E	03 Landscaping	P F A G E		
	04 View P F A G E	04 View	P F A G E		
	05 Detriments Few Many None	05 Detriments	Few Many None		
	06 Zoned	06 Zoned			

09 COMPOSITE ADJUSTMENT							10 SITE ADJUSTMENTS							
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	01 Location	10 Access	20 View	30 Topography	40 Width	TOTAL FACTOR	EXT VALUE
								50 Depth	20 Porchage	70 Beach	30 Corner	90		

APPRAISER: \_\_\_\_\_ APPRAISAL DATE: \_\_\_\_\_ REVIEW YR \_\_\_\_\_  
 REINSPECTED APPR. \_\_\_\_\_ DATE \_\_\_\_\_ REVIEW YR \_\_\_\_\_

**LAND VALUE** \$ \_\_\_\_\_

Latah County Hearings Procedures Ordinance #253

Relevant code sections of the 2009 International Property Maintenance Code (Attached)

Sections relevant for actions taken and the appeal:

Section 106 VIOLATIONS  
Section 107 NOTICES AND ORDERS  
Section 108 UNSAFE STRUCTURES AND EQUIPMENT  
Section 109 EMERGENCY MEASURES  
Section 111 MEANS OF APPEAL  
Chapter 2 DEFINITIONS

Sections relevant to the violations listed in the Notice and Orders:

Section 304.1:7 EXTERIOR STRUCTURE: Unsafe conditions.  
Section 304.1:8 EXTERIOR STRUCTURE: Unsafe conditions.  
Section 502.1 REQUIRED FACILITIES: Dwelling units.  
Section 505 WATER SYSTEM  
Section 506 SANITARY DRAINAGE SYSTEM  
Section 602.2 HEATING FACILITIES: Residential occupancies.

LCAB Hrg: AP #914  
Applicant: MagarMagar  
Exhibit #: 1H  
Date: 3/20/2014

LATAH COUNTY, IDAHO ORDINANCE NO. 253

HEARING PROCEDURES ORDINANCE

AN ORDINANCE OF LATAH COUNTY, A GOVERNMENTAL SUBDIVISION OF THE STATE OF IDAHO, PROVIDING FOR THE ESTABLISHMENT OF PROCEDURES FOR THE CONDUCT OF HEARINGS AND MEETINGS OF THE LATAH COUNTY PLANNING AND ZONING COMMISSIONS AND LATAH COUNTY BOARD OF COMMISSIONERS; SETTING FORTH THE AUTHORITY THEREFORE; PROVIDING DEFINITION OF TERMS; SPECIFYING SEVERABILITY OF SECTIONS OF THE ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Latah County, Idaho finds that it has become necessary, pursuant to Idaho Code 67-6534, to establish procedures for the conduct of land use and other hearings before the Latah County Planning and Zoning Commissions and the Latah County Board of Commissioners, which act as hearing boards under the authority of the Local Planning Act of 1987, Idaho Code 67-6501, et. seq. as amended, Idaho Code 31-3406, Idaho Code 31-505E, Idaho Code 63-501, the Latah County Zoning Ordinance, the Latah County Subdivision Ordinance, and other provisions of law;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LATAH COUNTY, IDAHO:

SECTION 1. AUTHORITY

This Ordinance is enacted and adopted pursuant to the authority granted to the Board of County Commissioners of Latah County, Idaho, by Article 12, Section 2, of the Constitution of the State of Idaho, Idaho Code 31-714, and Idaho Code 67-6534.

SECTION 2. DEFINITIONS

For purposes of this Ordinance the following definitions shall be applicable:

**BOARD:** The Board of County Commissioners of Latah County, including when it is acting as the Board of Equalization and a land use appeal board.

**CHAIR:** The Board or Commission member elected or appointed to preside at meetings. If the Chair is not present or has been disqualified, an interim or Vice-Chair may be chosen to preside for all or a portion of the meeting.

**COMMISSION:** The Latah County Planning Commission and/or the Latah County Zoning Commission.

**EXHIBIT:** Any document, paper, or other item filed and made a part of the record of a proceeding. Exhibits shall include but not be limited to maps, plats, drawings, letters, affidavits, depositions, petitions, photographs, blueprints, films, reports, recordings, and other tangible items.

**HEARING:** A session which is either a legislative or quasi-judicial hearing.

**Legislative Hearing:** A hearing where general standards for procedures, rules, or regulations and changes or amendments to ordinances, policies, plans, or regulations are addressed and formulated. Such hearings result in general rules or policies which are applicable to an open class of individuals, interests, or situations. Legislative hearings shall include but not be limited to amendments of the county comprehensive plan, land use ordinances, or other ordinances.

**Quasi-Judicial Hearing:** A hearing where general standards are applied to specific individuals, interests, or situations. Quasi-judicial hearings shall include but are not limited to zone change applications for individual parcels, subdivision applications, conditional use permit applications, variance applications, petitions for vacation of plats or other property, Board of Equalization hearings, indigency appeals, and other appeals before the Board or the Zoning Board of Appeals.

**HEARING EXAMINER:** A person appointed to hear quasi-judicial applications as provided by law.

**MEETING:** A session where the Board or Commission reviews, discusses, receives testimony on, votes on, or takes any other action relating to a matter or application before the body. Meetings shall include hearings, both legislative and quasi-judicial, work sessions, and regularly or specially-scheduled meetings of the hearing body, but shall not include meetings held in executive session.

**MEMBER:** A person duly appointed or elected to a seat on the Latah County Planning Commission, the Latah County Zoning Commission, or the Board of County Commissioners.

**QUORUM:** A majority (more than one-half) of the voting members of the body. Any positions unfilled shall not be included in the count of voting members.

**STAFF:** Employees of the Latah County Planning and Building Department, or other county employees who appear at a hearing to assist the Board or Commission.

### SECTION 3. HEARING AND MEETING PROCEDURES

A. **MEETING PROCEDURES:** The following procedures shall apply to all meetings before the Board or Commission:

1. A parliamentarian shall not be required at hearings or meetings. Neither the Board nor Commission shall be required to adhere to "Robert's Rules of Order" or any other rules of order except as adopted by the Board or Commission.

2. Notice of the meeting shall be provided to all members at least five days prior to the meeting.
3. A quorum shall be present when any vote or other binding action is taken, except as otherwise provided by law.
4. Public notice of the meeting shall be given as required by law and the meeting shall be open to the public. The location of a public meeting shall be accessible to all interested parties.
5. Written minutes shall be taken of all meetings, which shall be made available to the public as provided by law.

B. **PROCEDURES IN LEGISLATIVE HEARINGS:** The following procedures shall apply to all legislative hearings before the Board or Commission:

1. A record shall be taken and maintained of all discussions, votes and actions.
2. The Board or Commission may require that a sign in roster be kept at the entrance to the hearing room, and may request people to indicate whether they support or oppose the contemplated action. The roster shall be included in the record of the hearing.
3. All affected persons shall be given the opportunity to present and rebut evidence. Every person wishing to testify, provide exhibits, or otherwise address the Commission or Board shall be identified for the record by name and address.

C. **PROCEDURES IN QUASI-JUDICIAL HEARINGS:** Unless otherwise provided by law, the following procedures shall apply to all quasi-judicial hearings before the Board or Commission:

1. A transcribable record shall be taken and maintained of all testimony, evidence, deliberation, votes, and actions.
2. The Board or Commission may require that a sign in roster be kept at the entrance to the hearing room, and may request people to indicate whether they support or oppose the contemplated action. The roster shall be included in the record of the hearing.
3. All affected persons shall be given the opportunity to attend and to present and rebut evidence. Every person wishing to testify, provide exhibits, or otherwise address the Board or Commission shall be identified for the record by name and address. The Board may, but is not required to, take testimony under oath.

4. The hearing shall commence as follows:
  - a. The Chair shall open the hearing.
  - b. The Chair shall give an introductory statement which may include the Chair's name and title, the date and location of the hearing, the legal authority for the action, an explanation of the notice of the hearing, and the method of receiving oral and written statements, including any time limits that will be placed on witnesses.
  - c. Members shall disclose any conflicts of interest as defined by law. Members shall also identify any comments or other information communicated to the members prior to the hearing, including the identity of the person who provided the information and the substance of the information received.
  - d. The Chair may require staff members present to introduce and report on the application. The staff report shall be entered into the record as an exhibit.
  - e. If testimony is to be taken under oath, the clerk may administer the oath to all prospective witnesses.
5. Testimony and evidence shall then be received from the applicant, witnesses, and other interested parties. The order of testimony shall be as follows:
  - a. Testimony from the applicant or appellant and/or the applicant's or appellant's representative;
  - b. Experts and other testimony in support of the application;
  - c. Testimony from witnesses and all interested parties, including anyone testifying in opposition to the application;
  - d. Any rebuttal from the applicant or appellant.
  - e. The Chair may allow limited testimony in response to rebuttal in the event that new evidence or information is presented in rebuttal.
6. The Chair shall close the hearing. Once the hearing is closed, no new testimony or evidence shall be allowed unless the hearing is reopened. The Board or Commission may reopen a hearing for just and legal cause and if the Board or Commission concludes that it cannot render a full and fair decision without more testimony or evidence.

7. The Chair shall be responsible for the general conduct of the hearing, including maintaining order at all meetings and hearings. The Chair may eject individuals from the meeting room or take other action found necessary to maintain order. However, absent extraordinary circumstances, no person shall be deprived of an opportunity to give testimony or to address the hearing board without due warning.
8. Oral and written statements, exhibits, and testimony shall be relevant to the topic of the hearing. The Board or Commission may reject evidence, exhibits, or testimony which they determine is not relevant to the topic of the hearing.
9. The Board or Commission may require that exhibits be submitted three or more days prior to any hearing. This requirement shall be included in the legal notice published before the hearing. Any written information or other items received prior to the hearing shall be entered into the record as exhibits, unless they are rejected as irrelevant. No "anonymous" exhibits will be received.
10. A record shall be kept of all exhibits, which shall include a number or letter designation, the date, identification of the hearing, and who offered the exhibit. Exhibits will be kept by the Board or Commission and must be submitted in a form that is reproducible and capable of being marked and admitted into the record at the hearing.
11. Exhibits, including exhibits that were rejected by the Board or Commission, shall be made available for inspection and review by any interested party. If possible, copies may be made upon request and reasonable duplication fees may be charged.
12. The Board may direct that subpoenas be issued for the attendance of witnesses and/or the production of records and documents. In the event that a party is seeking the issuance of subpoenas, that request shall be made to the Board no later than fourteen (14) days prior to the hearing.
13. The Board or Commission is entitled to set time limits on the length of time that the applicant and/or the witnesses may speak at the hearing, provided that notice is given of such time limits when the hearing is opened.
14. Members are entitled at any time to question or direct comment toward the applicant, any witnesses, staff members, or legal counsel during the hearing. The members may also rely on their own knowledge and experience on any particular issue.
15. The Chair may, in its discretion, entertain questions regarding the procedures of the hearing from the audience at large. Anyone wishing to address the Board or Commission in this capacity must approach the microphone or designated location and be fully recognized for the record. No one shall address the Board or Commission from the audience.

16. The Board or Commission has the authority to continue the hearing to a later date, up to the time that a final decision is rendered. Whenever a hearing is continued to a later date, the Board or Commission shall announce the new date, time, and location at the scheduled hearing or shall supply individual notice by mail to all parties required by law to receive the notice as well as any other parties who legibly signed the hearing roster.
17. After the hearing is closed, the Board or Commission may deliberate and act on the application or issue at that time or may delay deliberation and action until a later meeting. Further, the Board or Commission may recess deliberations at any time and continue ongoing deliberations to a later date. In either event, the new date, time, and location shall be given as provided earlier in this section.
18. The record of the hearing, including all exhibits and the transcribable record, shall be preserved for a period of not less than one (1) year after the date the final decision on the application or issue is reached. A permanent record of the minutes of the Board or Commission shall be maintained as required by law.

#### SECTION 4: VOTING

Members must be present at the meeting in order to vote. Proxy or substitute votes shall not be allowed. A member may vote on any issue, even if the member was not present at a hearing where evidence was presented on that issue, provided the member has reviewed the record of that hearing, either by reviewing the transcribable record or a summary. Each member shall be allowed one vote. The Chair of the Board shall be allowed to vote as a member of the board. The Chair of the Planning or Zoning Commission shall only vote in the case of a tie vote between the other members. If a tie vote occurs, the Chair may continue consideration of the issue to a later date, reopen the hearing to allow new testimony, or table the issue, upon a majority vote of the Board or Commission.

#### SECTION 5: QUASI-JUDICIAL DECISIONS

Following a quasi-judicial hearing, findings of fact and conclusions of law shall be adopted for each final decision or recommendation. All such findings of fact and conclusion of law shall be made in writing and shall be kept in the permanent records of the Board or Commission. Each decision shall explain the criteria and standards considered relevant by the members of the majority in reaching the decision, shall state the facts relied upon, and shall explain the justification for the decision based upon the criteria, standards, and facts set forth in the decision. A copy of the recommendation or decision shall be sent by first class mail to the applicant and all other interested parties who have requested a copy no later than five (5) days after such written decision has been approved by the Board or Commission.

SECTION 6: HEARING EXAMINERS

In accordance with I.C. 67-6520, the Board may appoint a hearing examiner, such as a professionally trained or licensed staff planner, engineer, or architect, to preside at a quasi-judicial hearing on a land use application, to receive testimony and evidence, and thereafter to make a recommendation to the Board or Commission.

SECTION 7: ETHICS AND CONFLICTS OF INTEREST

Members of the Board or Commission shall abide by all applicable laws regarding ethics and conflicts of interest.

SECTION 8: SEVERABILITY

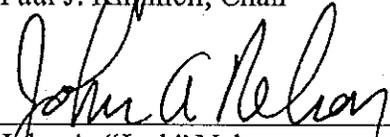
If any provision or section of this ordinance or the application thereof to any person or circumstances, is held by any court to be invalid or unconstitutional, such judicial decision shall not affect the validity of the remaining provisions or sections of this ordinance.

SECTION 9: EFFECTIVE DATE.

This ordinance shall take full force and effect on \_\_\_\_\_, after publication of a public notice in a newspaper of general circulation in Latah County, as prescribed by law.

DATED this 8th day of September, 2004.

  
\_\_\_\_\_  
Paul J. Kinnell, Chair

  
\_\_\_\_\_  
John A. "Jack" Nelson  
Commissioner

ATTEST:

K. Rickett, Deputy 9-8-04  
Clerk

  
\_\_\_\_\_  
Tom S. Stroschein  
Commissioner

rect or abate a violation, or to prevent illegal *occupancy* of a building, structure or *premises*, or to stop an illegal act, conduct, business or utilization of the building, structure or *premises*.

## SECTION 107 NOTICES AND ORDERS

**107.1 Notice to person responsible.** Whenever the *code official* determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given in the manner prescribed in Sections 107.2 and 107.3 to the person responsible for the violation as specified in this code. Notices for condemnation procedures shall also comply with Section 108.3.

**107.2 Form.** Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the real estate sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the *dwelling unit* or structure into compliance with the provisions of this code.
5. Inform the property *owner* of the right to appeal.
6. Include a statement of the right to file a lien in accordance with Section 106.3.

**107.3 Method of service.** Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;
2. Sent by certified or first-class mail addressed to the last known address; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.

**107.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

**107.5 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

**107.6 Transfer of ownership.** It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and

## SECTION 106 VIOLATIONS

**106.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

**106.2 Notice of violation.** The *code official* shall serve a notice of violation or order in accordance with Section 107.

**106.3 Prosecution of violation.** Any person failing to comply with a notice of violation or order served in accordance with Section 107 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a *strict liability offense*. If the notice of violation is not complied with, the *code official* shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful *occupancy* of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such *premises* shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**106.4 Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**106.5 Abatement of violation.** The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, cor-

fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

## SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

**108.1 General.** When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

**108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

**108.1.3 Structure unfit for human occupancy.** A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

**108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

**108.1.5 Dangerous structure or premises.** For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is

likely to partially or completely collapse, or to become *detached* or dislodged.

4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be insanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

**108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to

post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.

**108.2.1 Authority to disconnect service utilities.** The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner* or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

**108.3 Notice.** Whenever the *code official* has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner* or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

**108.4 Placarding.** Upon failure of the *owner* or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

**108.4.1 Placard removal.** The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

**108.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner* or any person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

**108.6 Abatement methods.** The *owner*, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

**108.7 Record.** The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

## SECTION 109 EMERGENCY MEASURES

**109.1 Imminent danger.** When, in the opinion of the *code official*, there is *imminent danger* of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building *occupants* or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the *code official* is hereby authorized and empowered to order and require the *occupants* to vacate the *premises* forthwith. The *code official* shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

**109.2 Temporary safeguards.** Notwithstanding other provisions of this code, whenever, in the opinion of the *code official*, there is *imminent danger* due to an unsafe condition, the *code official* shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the *code official* deems necessary to meet such emergency.

**109.3 Closing streets.** When necessary for public safety, the *code official* shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, *public ways* and places adjacent to unsafe structures, and prohibit the same from being utilized.

**109.4 Emergency repairs.** For the purposes of this section, the *code official* shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

**109.5 Costs of emergency repairs.** Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the *owner* of the *premises* where the unsafe structure is or was located for the recovery of such costs.

**109.6 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

## SECTION 110 DEMOLITION

**110.1 General.** The *code official* shall order the *owner* of any *premises* upon which is located any structure, which in the *code official* judgment after review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occu-

pancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary, or to board up and hold for future repair or to demolish and remove at the *owner's* option; or where there has been a cessation of normal construction of any structure for a period of more than two years, the *code official* shall order the *owner* to demolish and remove such structure, or board up until future repair. Boarding the building up for future repair shall not extend beyond one year, unless *approved* by the building official.

**110.2 Notices and orders.** All notices and orders shall comply with Section 107.

**110.3 Failure to comply.** If the *owner* of a *premises* fails to comply with a demolition order within the time prescribed, the *code official* shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

**110.4 Salvage materials.** When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

### SECTION 111 MEANS OF APPEAL

**111.1 Application for appeal.** Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

**111.2 Membership of board.** The board of appeals shall consist of a minimum of three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

**111.2.1 Alternate members.** The chief appointing authority shall appoint two or more alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate mem-

bers shall possess the qualifications required for board membership.

**111.2.2 Chairman.** The board shall annually select one of its members to serve as chairman.

**111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

**111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

**111.2.5 Compensation of members.** Compensation of members shall be determined by law.

**111.3 Notice of meeting.** The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

**111.4 Open hearing.** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the *code official* and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of not less than two-thirds of the board membership.

**111.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

**111.6 Board decision.** The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

**111.6.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official*.

**111.6.2 Administration.** The *code official* shall take immediate action in accordance with the decision of the board.

**111.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

**111.8 Stays of enforcement.** Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

### SECTION 112 STOP WORK ORDER

**112.1 Authority.** Whenever the *code official* finds any work regulated by this code being performed in a manner contrary to

the provisions of this code or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

**112.2 Issuance.** A stop work order shall be in writing and shall be given to the *owner* of the property, to the *owner's* agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

**112.3 Emergencies.** Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

**112.4 Failure to comply.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars.

## CHAPTER 2

# DEFINITIONS

### SECTION 201 GENERAL

**201.1 Scope.** Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.

**201.2 Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**201.3 Terms defined in other codes.** Where terms are not defined in this code and are defined in the *International Building Code*, *International Fire Code*, *International Zoning Code*, *International Plumbing Code*, *International Mechanical Code* or NFPA 70, such terms shall have the meanings ascribed to them as stated in those codes.

**201.4 Terms not defined.** Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

**201.5 Parts.** Whenever the words "dwelling unit," "dwelling," "premises," "building," "rooming house," "rooming unit," "housekeeping unit" or "story" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

### SECTION 202 GENERAL DEFINITIONS

**ANCHORED.** Secured in a manner that provides positive connection.

**APPROVED.** *Approved by the code official.*

**BASEMENT.** That portion of a building which is partly or completely below grade.

**BATHROOM.** A room containing plumbing fixtures including a bathtub or shower.

**BEDROOM.** Any room or space used or intended to be used for sleeping purposes in either a dwelling or *sleeping unit*.

**CODE OFFICIAL.** The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

**CONDEMN.** To adjudge unfit for *occupancy*.

**DETACHED.** When a structural element is physically disconnected from another and that connection is necessary to provide a positive connection.

**DETERIORATION.** To weaken, disintegrate, corrode, rust or decay and lose effectiveness.

**[B] DWELLING UNIT.** A single unit providing complete, independent living facilities for one or more persons, including

permanent provisions for living, sleeping, eating, cooking and sanitation.

**EASEMENT.** That portion of land or property reserved for present or future use by a person or agency other than the legal fee *owner(s)* of the property. The *easement* shall be permitted to be for use under, on or above a said lot or lots.

**EQUIPMENT SUPPORT.** Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

**EXTERIOR PROPERTY.** The open space on the *premises* and on adjoining property under the control of *owners* or *operators* of such *premises*.

**GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

**GUARD.** A building component or a system of building components located at or near the open sides of elevated walking surfaces that minimizes the possibility of a fall from the walking surface to a lower level.

**HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. *Bathrooms*, *toilet rooms*, closets, halls, storage or utility spaces, and similar areas are not considered *habitable spaces*.

**HOUSEKEEPING UNIT.** A room or group of rooms forming a single *habitable space* equipped and intended to be used for living, sleeping, cooking and eating which does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

**IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

**INFESTATION.** The presence, within or contiguous to, a structure or *premises* of insects, rats, vermin or other pests.

**INOPERABLE MOTOR VEHICLE.** A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

**LABELED.** Equipment, materials or products to which have been affixed a label, seal, symbol or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of the above-labeled items and whose labeling indicates either that the equipment, material or product meets identified standards or has been tested and found suitable for a specified purpose.

**LET FOR OCCUPANCY OR LET.** To permit, provide or offer possession or *occupancy* of a dwelling, *dwelling unit*, *rooming unit*, building, premise or structure by a person who is or is not the legal *owner* of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a

## DEFINITIONS

recorded or unrecorded agreement of contract for the sale of land.

**NEGLECT.** The lack of proper maintenance for a building or structure.

**OCCUPANCY.** The purpose for which a building or portion thereof is utilized or occupied.

**OCCUPANT.** Any individual living or sleeping in a building, or having possession of a space within a building.

**OPENABLE AREA.** That part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

**OPERATOR.** Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PEST ELIMINATION.** The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

**ROOMING HOUSE.** A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

**ROOMING UNIT.** Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

**RUBBISH.** Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

**[B] SLEEPING UNIT.** A room or space in which people sleep, which can also include permanent provisions for living, eating and either sanitation or kitchen facilities, but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

**STRICT LIABILITY OFFENSE.** An offense in which the prosecution in a legal proceeding is not required to prove criminal intent as a part of its case. It is enough to prove that the

defendant either did an act which was prohibited, or failed to do an act which the defendant was legally required to do.

**STRUCTURE.** That which is built or constructed or a portion thereof.

**TENANT.** A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

**TOILET ROOM.** A room containing a water closet or urinal but not a bathtub or shower.

**ULTIMATE DEFORMATION.** The deformation at which failure occurs and which shall be deemed to occur if the sustainable load reduces to 80 percent or less of the maximum strength.

**VENTILATION.** The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

**WORKMANLIKE.** Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

**YARD.** An open space on the same lot with a structure.

## GENERAL REQUIREMENTS

shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**Exception:** Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

### SECTION 304 EXTERIOR STRUCTURE

**304.1 General.** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

**304.1.1 Unsafe conditions.** The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;

10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.

#### Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

**304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] **304.3 Premises identification.** Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

**304.4 Structural members.** All structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

**304.5 Foundation walls.** All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be

## CHAPTER 5

# PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

### SECTION 501 GENERAL

**501.1 Scope.** The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

**501.2 Responsibility.** The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* which does not comply with the requirements of this chapter.

### [P] SECTION 502 REQUIRED FACILITIES

**502.1 Dwelling units.** Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

**502.2 Rooming houses.** At least one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

**502.3 Hotels.** Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each ten *occupants*.

**502.4 Employees' facilities.** A minimum of one water closet, one lavatory and one drinking facility shall be available to employees.

**502.4.1 Drinking facilities.** Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

**502.5 Public toilet facilities.** Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

### [P] SECTION 503 TOILET ROOMS

**503.1 Privacy.** *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

**503.2 Location.** *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

**503.3 Location of employee toilet facilities.** Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

**Exception:** Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

**503.4 Floor surface.** In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

### [P] SECTION 504 PLUMBING SYSTEMS AND FIXTURES

**504.1 General.** All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

**504.2 Fixture clearances.** Plumbing fixtures shall have adequate clearances for usage and cleaning.

**504.3 Plumbing system hazards.** Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons; the *code official* shall require the defects to be corrected to eliminate the hazard.

### SECTION 505 WATER SYSTEM

**505.1 General.** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

**[P] 505.2 Contamination.** The water supply shall be maintained free from contamination, and all water inlets for plumb-

## PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

ing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

**505.3 Supply.** The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

**505.4 Water heating facilities.** Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a temperature of not less than 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom, toilet room, bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

### [P] SECTION 506 SANITARY DRAINAGE SYSTEM

**506.1 General.** All plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

**506.2 Maintenance.** Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

**506.3 Grease interceptors.** Where it has been determined that a grease interceptor is not being maintained and serviced as intended by this code and the manufacturer's instructions, an *approved* interceptor monitoring system shall be provided or a maintenance program shall be established with documentation submitted to the *code official*.

### [P] SECTION 507 STORM DRAINAGE

**507.1 General.** Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

## CHAPTER 6

# MECHANICAL AND ELECTRICAL REQUIREMENTS

### SECTION 601 GENERAL

**601.1 Scope.** The provisions of this chapter shall govern the minimum mechanical and electrical facilities and equipment to be provided.

**601.2 Responsibility.** The *owner* of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any *premises* which does not comply with the requirements of this chapter.

### SECTION 602 HEATING FACILITIES

**602.1 Facilities required.** Heating facilities shall be provided in structures as required by this section.

**602.2 Residential occupancies.** Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms* based on the winter outdoor design temperature for the locality indicated in Appendix D of the *International Plumbing Code*. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

**Exception:** In areas where the average monthly temperature is above 30°F (-1°C), a minimum temperature of 65°F (18°C) shall be maintained.

**602.3 Heat supply.** Every *owner* and *operator* of any building who rents, leases or lets one or more *dwelling units* or *sleeping units* on terms, either expressed or implied, to furnish heat to the *occupants* thereof shall supply heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, *bathrooms* and *toilet rooms*.

#### Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the *International Plumbing Code*.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C) shall be maintained.

**602.4 Occupiable work spaces.** Indoor occupiable work spaces shall be supplied with heat during the period from

[DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

#### Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

**602.5 Room temperature measurement.** The required room temperatures shall be measured 3 feet (914 mm) above the floor near the center of the room and 2 feet (610 mm) inward from the center of each exterior wall.

### SECTION 603 MECHANICAL EQUIPMENT

**603.1 Mechanical appliances.** All mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

**603.2 Removal of combustion products.** All fuel-burning equipment and appliances shall be connected to an *approved* chimney or vent.

**Exception:** Fuel-burning equipment and appliances which are *labeled* for unvented operation.

**603.3 Clearances.** All required clearances to combustible materials shall be maintained.

**603.4 Safety controls.** All safety controls for fuel-burning equipment shall be maintained in effective operation.

**603.5 Combustion air.** A supply of air for complete combustion of the fuel and for *ventilation* of the space containing the fuel-burning equipment shall be provided for the fuel-burning equipment.

**603.6 Energy conservation devices.** Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless *labeled* for such purpose and the installation is specifically *approved*.

### SECTION 604 ELECTRICAL FACILITIES

**604.1 Facilities required.** Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605.

**604.2 Service.** The size and usage of appliances and equipment shall serve as a basis for determining the need for additional

From:

01/31/2014 17:14 #272 P.002/034

CASE NO. CV 2014-00121

2014 JAN 31 PM 4:34

CLERK OF DISTRICT COURT  
LATAH COUNTY  
BY [Signature]

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IN THE DISTRICT COURT OF THE SECOND JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LATAH

IDAHO DEPARTMENT OF  
ENVIRONMENTAL QUALITY,

Plaintiff,

v.

MAGAR E. MAGAR, d/b/a SYRINGA MOBILE  
HOME PARK

Defendant.

CASE NO.: CV 2014-00121

COMPLAINT

Idaho Code § 39-108, § 39-118

[Filing Fee Exempt]

Idaho Code § 31-3212

Plaintiff, the Idaho Department of Environmental Quality (Department), by and through the Office of the Idaho Attorney General, for its complaint against Magar E. Magar, d/b/a Syringa Mobile Home Park (Magar), asserts and alleges as follows:

NATURE OF ACTION

1. The Department initiates this action against Magar pursuant to the Idaho Environmental

COMPLAINT - 1

ASSIGNED TO  
HON. JOHN R. STEGNER  
DISTRICT JUDGE

LCAB Hrg: AP #914  
Applicant: MagarMagar  
Exhibit #: 2  
Date: 3/20/2014

Protection and Health Act (EPHA), Idaho Code §§ 39-101, *et seq.*, the Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08, and the Idaho Wastewater Rules, IDAPA 58.01.16, promulgated pursuant to the EPHA. Magar owns and operates both the public drinking water system and wastewater system at the mobile home park located in Moscow, Idaho (Syringa).

2. The Department seeks injunctive relief that requires Magar to come into compliance with the requirements of state law with respect to the public drinking water system and wastewater system at Syringa.

3. The Department seeks penalties of not more than ten thousand dollars (\$10,000) for each separate violation or one thousand dollars (\$1,000) for each day of a continuing violation of the EPHA and the rules promulgated thereunder, as authorized by Idaho Code § 39-108(5).

4. The Department seeks expenses incurred in bringing this action to enforce the EPHA and the rules promulgated thereunder, or in enforcing or terminating any nuisance, source of environmental degradation, cause of sickness, or health hazard as provided by Idaho Code § 39-108(6).

5. The Department also seeks attorneys' fees, witness fees, and expenses as provided by Idaho Code § 12-117.

#### JURISDICTION

6. The Court has subject matter jurisdiction over this matter pursuant to Idaho Code § 39-108.

7. The Court has personal jurisdiction over Defendant Magar pursuant to Idaho Code § 5-514 because Magar is transacting business or has transacted business within the State of Idaho, the wrongful acts and omissions giving rise to this cause of action occurred within the State of Idaho, and this cause of action arises in part from the ownership and use of real property located

in the State of Idaho.

**VENUE**

8. Venue is proper in the District Court of the Second Judicial District, State of Idaho, in and for Latah County, pursuant to Idaho Code § 39-108(3)(b) and Idaho Code §§ 5-402 and 5-404, because the violations, acts and omissions alleged herein occurred, and the cause of action arose, in Latah County, Idaho.

**PARTIES**

9. The Department is an executive agency of the State of Idaho authorized by Idaho Code §§ 39-108 and 39-109 to file suit by and through the Idaho Attorney General to enforce the EPHA and rules, permits and orders issued by the Department pursuant to the EPHA.

10. Defendant Magar is, upon information and belief, a resident of Vancouver, Washington. Magar owns and operates Syringa, located at 4600 Robinson Park Road in Moscow, Latah County, Idaho. Magar owns and operates the community public drinking water system at Syringa, PWS# ID2290038, which has approximately 96 connections and serves approximately 250 persons on a daily basis. Magar also owns and operates the public wastewater system, including a collection system for wastewater generated from within Syringa, and a wastewater treatment system with three (3) lagoon cells.

11. Magar is a person within the meaning of Idaho Code § 39-103(11).

**GENERAL ALLEGATIONS**

**A. Magar's History of Noncompliance**

12. Magar is the owner and operator of Syringa's drinking water system, which is a community public drinking water system as defined in the Idaho Rules for Public Drinking Water Systems (Rules), IDAPA 58.01.08.003.107. Magar is also the owner and operator of

Syringa's wastewater system. Syringa's wastewater system is a public wastewater system as defined in the Idaho Wastewater Rules, IDAPA 58.01.16.010.60, that collects and treats municipal wastewater as defined in the Idaho Wastewater Rules, IDAPA 58.01.16.010.39.

13. Magar has previously violated Idaho environmental and public health laws at Syringa. In 1986, the Department was the Division of Environmental Quality of the Idaho Department of Health and Welfare. The Department issued a Notice of Violation dated July 24, 1986 to Magar alleging numerous violations of the Rules. These violations were initially addressed through a Consent Order effective December 12, 1986, which required Magar to take a number of specific actions to achieve compliance with state public drinking water law. The Consent Order required Magar to routinely monitor for bacteria and maintain the required minimum water pressure. As alleged in this Complaint, Magar has violated these same requirements anew.

14. In 1992, litigation was initiated in the District Court for the Second Judicial District of Idaho, in and for Latah County, regarding whether Magar was in compliance with the 1986 Consent Order and otherwise in compliance with state drinking water requirements. In that litigation, the Department asserted forty-two claims for violation of the Idaho drinking water requirements. A Settlement Agreement effective January 11, 1996, resolved that litigation. The Settlement Agreement required Magar take specific actions to achieve compliance with state public drinking water requirements at Syringa. On January 22, 1996, the District Court entered an Order Approving the Settlement Agreement and retained jurisdiction over implementation of the Settlement Agreement.

15. In July 1996, the Department filed an action in District Court as a result of Magar's failure to comply with the Settlement Agreement. The District Court, issued an order on June 12, 1997, finding Magar in contempt of court for his failure to comply with various provisions in

the Settlement Agreement.

16. On February 26, 2004, the Court issued an Order dismissing the case. Based upon a Stipulation signed by Magar and the Department.

17. As set forth in this Complaint, Magar has violated the Rules and, in some respects, has committed the same violations that the years of previous litigation. In addition, Magar has recently violated the Idaho Wastewater Rules at Syringa's wastewater system.

**E. Magar's Recent Violations and Refusal to Cooperate with Administrative Enforcement**

18. To ensure that drinking water is safe for consumption, the Rules require owners of such systems to sample the drinking water and provide the sample results to the Department. Despite repeated notification from the Department of the monitoring and reporting requirements, Magar failed to conduct the required sampling for free chlorine residual levels in October 2011, November 2011, December 2011, and November 2012.

19. Magar also failed to distribute the 2011 annual Consumer Confidence Report to Syringa's public drinking water customers and the Department as required by the Rules.

20. The Rules require owners to provide sufficient water during maximum day demand conditions and maintain a minimum pressure of twenty (20) pounds per square inch (psi) throughout the distribution system. Magar failed to maintain the required 20 psi pressure on April 2, 2012 and August 17, 2012.

21. The Rules require owners to designate a substitute responsible charge operator at times when the designated responsible charge operator is not available. Magar is the designated responsible charge operator. Magar was not available to respond to the lack of pressure in Syringa's distribution system on August 17, 2012, and failed to designate a substitute responsible charge operator. To date, he has not designated a substitute responsible charge operator. Magar

has also violated, and continues to violate, the operator licensure requirements applicable to public wastewater systems.

22. The Idaho Wastewater Rules require that all existing municipal wastewater lagoons be seepage tested by April 15, 2012. The Department notified Magar of this requirement, yet he failed to conduct a seepage test on the Syringa's municipal wastewater lagoons by April 15, 2012. To date, the lagoons have not been tested as required, which is a continuing violation of the Wastewater Rules.

23. On December 5, 2012, the Department disapproved Syringa's public drinking water system, as provided in the Rules, IDAPA 58.01.08.007, for, among other reasons, Magar's repeated failure to monitor and report as required by IDAPA 58.01.08 and for recurrent distribution system pressures below 20 psi.

24. On January 8, 2013, the Department issued a Notice of Violation (NOV) to Magar that identified with specificity the above-described violations of the Rules and the Idaho Wastewater Rules and assessed penalties for those violations. The NOV also informed Magar of the opportunity for a compliance conference to discuss the alleged violations.

25. On January 25, 2013, Magar and the Department met in a compliance conference during which Magar was given the opportunity to explain the circumstances of the alleged violations and to discuss entering into a consent order as provided in the EPHA, Idaho Code § 39-108(3)(a). On February 20, 2013, the Department sent Magar a draft Consent Order for his review and signature which described in detail how and by when the violations would be resolved. After further discussions, in May 2013 the Department sent a revised Consent Order to Magar for his signature.

26. By letter dated July 30, 2013, Magar informed the Department that he did not intend to

sign the Consent Order to resolve the violations alleged in the NOV and he intended to file for bankruptcy.

27. His subsequent chapter 11 bankruptcy case was closed and dismissed in late August 2013 for failure to cure filing deficiencies.

**C. Magar's Post-NOV Violations**

28. Since the NOV was issued, Magar has continued to violate the Rules. Magar failed to collect and report the required total coliform bacteria samples in June 2013 and August 2013. In addition, samples taken on May 29, 2013, May 31, 2013, July 9, 2013, and August 22, 2013 all showed the presence of total coliform bacteria. For the months of May and August 2013, Syringa was in violation of the maximum contaminant level of the total coliform rule that public drinking water systems are required to meet under the Rules.

29. In a ground water system where total coliform samples are positive in the distribution system, the Rules require total coliform samples be taken from each source serving the system at the time the positive bacteria samples were taken. Because Syringa's well samples from well #10 tested positive for total coliform, the Department required monthly monitoring at Syringa's well #10 and increased the required total coliform samples to five (5) per month beginning September 2013. Magar failed to take the required monthly total coliform and E. coli source samples in November and December 2013.

30. Magar is required to sample the free chlorine residual at the same time as total coliform samples are taken and report the results to the Department. Magar failed to collect and report the required free chlorine residual samples for April, May, June, and September 2013. For November 2013, Magar was required to submit at least five (5) free chlorine residual samples. He sampled for free chlorine residuals only once, but that sample could not be analyzed. The

independent laboratory certified to perform drinking water analysis reported Syringa's November 27, 2013 samples had too much chlorine to run its residual analysis. Thus Magar failed to collect and report as required for November 2013. For December 2013, Magar submitted 11 total coliform samples, therefore 11 free chlorine residual samples were required. He submitted only three (3) of 11 free chlorine residual samples. Thus, Magar failed to collect and report the required free chlorine residuals for December 2013. And Syringa's free chlorine residuals taken December 12, 2013, exceeded the maximum residual disinfectant level of 4.0 mg/L by testing at 4.2 mg/L, 4.8 mg/L and 4.9 mg/L.

31. Magar failed to distribute the 2012 annual Consumer Confidence Report to Syringa's public drinking water customers and the Department as required by the Rules.

32. The Rules require the Department to conduct site investigations at community water systems, called sanitary surveys, every three (3) to five (5) years, depending on the type of system, prepare a report describing the results of the survey, and provide written notice to the water system of all significant deficiencies identified during the survey. The Rules require the water system owner to respond in writing within 30 days with a plan that specifies how and when the system will address the significant deficiencies identified in the sanitary survey report. On October 17, 2013, the Department informed Magar of the results of its enhanced sanitary survey for Syringa conducted on September 16, 2013. The Department identified 20 significant deficiencies, as well as 12 deficiencies and recommended improvements, for the drinking water system. As required, Magar had until November 16, 2013 to respond to the enhanced sanitary survey with a corrective action plan. Magar failed to respond by November 16, 2013, and to date he has not responded with a corrective action plan.

33. The Rules require increased monitoring and appropriate public education at times water

samples exceed the lead action level. September 25, 2013 monitoring revealed one of Syringa's samples exceeded the lead action level. On October 24, 2013, the Department notified Magar of the exceedance and his consumer notification requirement. On October 29, 2013, the Department notified Magar of the public education requirements about lead in drinking water and provided a more frequent monitoring schedule.

34. Between December 5-23, 2013, Magar failed to maintain the minimum required pressure of 20 psi throughout the distribution system. A drinking water warning posted at Syringa on or about December 11, 2013 stated the drinking water system experienced, on December 5, 2013, a "drop in/loss of pressure due to reasons unknown." The former on-site manager at Syringa admitted she turned off the pumps from the wells on December 9-10, 2013, thus shutting off the drinking water system during those two days. On the morning of December 12, 2013, the system was not pressurized or operating. On December 13, 2013, the former on-site manager at Syringa admitted to water rationing, turning the system on for a few hours in the morning, then off again except for a few hours in the evening. Additionally, the Department received complaints in December 2013 alleging low to no pressure at Syringa beginning as early as October 2013, and continuing until December 23, 2013.

35. During depressurization events, the Rules require owners issue public notice within 24 hours of learning of the issue and submit a copy of the public notice to the Department. During the December 2013 depressurizations, Magar was required to provide public notice and share the notices with the Department. Magar failed to share any such notices with the Department. The Department was concerned Magar failed to notify the consumers about lead in Syringa's drinking water and might not have properly notified them about all of the depressurizations. Those concerns coupled with the elevated chlorine levels in the drinking water system led the

Department to issue a public notice on December 18, 2013, for residents at Syringa warning them to not drink the water, to not boil it and instead seek alternative water sources. As of the date of this Complaint, this notice is still in effect.

36. On December 20, 2013, the Department installed a pressure recorder at a residence on the Syringa system. Data recovered from the pressure recorder spanned January 4-8, 2014. That data revealed that Magar again failed to maintain the required minimum pressure of 20 psi throughout the distribution system at least once per day from January 4-8, 2014.

37. The Department has and will incur attorneys' fees, costs and expenses associated with pursuing this enforcement action and filing this litigation in an amount to be proven at trial.

#### COUNT 1

##### (Violation of Minimum Pressure Requirements)

38. The allegations of paragraphs 1-37 of this Complaint are hereby incorporated by reference as though fully set forth herein.

39. The Rules, at IDAPA 58.01.08.552.01.b.i, read as follows:

Any public water system shall be capable of providing sufficient water during maximum day demand conditions, including fire flow where provided, to maintain a minimum pressure of twenty (20) *psi throughout the distribution system, at ground level, as measured at the service connection or along the property line adjacent to the consumer's premises.*

40. Magar failed to provide water pressure of at least twenty psi throughout Syringa's public water distribution system on April 2, 2012, August 17, 2012, at least five (5) times between December 5-23, 2013 and daily between January 4-8, 2014, and thereby violated IDAPA 58.01.08.552.01.b.i.

41. The Rules, at IDAPA 58.01.08.501.12, specify that when an existing system experiences continual operational problems, the Department may require an operation and maintenance

manual be submitted for the Department's review and approval. Magar's drinking water system has continual operational problems. In addition, pursuant to the Rules, IDAPA 58.01.08.552.01.b.iii, the Department may require the water supplier to conduct a local pressure monitoring study to diagnose and correct pressure problems.

42. Magar's failure to maintain minimum pressure on April 2, 2012, August 17, 2012, at least five (5) times between December 5-23, 2013, and daily between January 4-8, 2014 are separate violations. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) per violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

43. The Department is entitled to a permanent mandatory injunction pursuant to the EPHA, Idaho Code § 39-108(3)(b), requiring Magar conduct a local pressure monitoring study to diagnose and correct pressure problems pursuant to IDAPA 58.01.08.552.01.b.iii, and develop and submit for the Department's approval an operation and maintenance manual pursuant to IDAPA 58.01.08.501.12.

44. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6) and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

## COUNT 2

### (Violation of Total Coliform Rule Bacteria Monitoring Requirements—Additional Sampling as a Result of Positive Total Coliform Samples)

45. The allegations of paragraphs 1-44 of this Complaint are hereby incorporated by reference as though fully set forth herein.

46. The Syringa public drinking water system is a community public drinking water system that serves between 25 and 1,000 people. At IDAPA 58.08.01.100.01.a, the Rules incorporate 40

CFR § 141.21(a) that requires a community public drinking water system that serves between 25 and 1,000 people to collect a minimum of one total coliform bacteria sample per month. If, however, a routine sample is total coliform-positive, then the owner of the system must collect four (4) repeat samples within 24 hours of notification of the positive sample. Additionally, at least five (5) routine follow-up total coliform samples are required during the next month the system provides water to the public, in accordance with 40 CFR § 141.21(b)(5).

47. IDAPA 58.01.08.009 authorizes the Department to alter monitoring requirements if it determines that such alteration is necessary to adequately assess the level of contamination. On August 29, 2013, the Department increased the frequency of required total coliform samples to four routine samples from within the distribution system and one from well #10 per month beginning September 1, 2013.

48. Routine monthly total coliform bacteria samples taken at Syringa on May 29, 2013 and July 9, 2013, indicated the presence of total coliform bacteria. As a result, Magar was required to collect four repeat total coliform samples in May 2013 and July 2013. Magar failed to collect four repeat samples in July 2013, and thereby violated IDAPA 58.01.08.100.01.a. And Magar was required to collect at least five (5) routine follow-up total coliform bacteria samples in June 2013. Magar failed to collect the required five (5) routine follow-up samples in June 2013, and thereby violated IDAPA 58.01.08.100.01.a.

49. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) per violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

50. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6), and its attorneys' fees, witness fees and

expenses pursuant to Idaho Code § 12-117.

### COUNT 3

#### (Violations of the Ground Water Rule)

51. The allegations of paragraphs 1-50 of this Complaint are hereby incorporated by reference as though fully set forth herein.
52. The Rules, IDAPA 58.01.08.323, incorporate 40 CFR § 141, Subpart S, which establishes monitoring requirements for ground water sources. Specifically, 40 CFR § 141.402(a)(2) requires that after a routine total coliform sample tests positive, the drinking water system must collect at least one sample from each well that was active at the time the routine total coliform-positive sample was collected.
53. Following the routine total coliform-positive sample results on May 29, 2013 and July 9, 2013, Magar was required to take total coliform and E. coli samples from each source in May and July 2013. Magar failed to take the required source samples for July 2013, and thus violated IDAPA 58.01.08.323.
54. 40 CFR § 141.402(b) authorizes the Department to require additional source monitoring. Following two positive bacteria results from one of Syringa's wells within a twelve month period, one sample on November 2, 2012 and another on May 31, 2013, the Department required Magar to conduct monthly assessment source water monitoring in accordance with 40 CFR § 141.402(b) beginning September 2013. Magar failed to collect the required monthly assessment source water monitoring samples for November and December 2013, and thus violated IDAPA 58.01.08.323.
55. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) per violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

56. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6) and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

**COUNT 4**

**(Failure to Address Significant Deficiencies in Enhanced Sanitary Survey)**

57. The allegations of paragraphs 1-56 of this Complaint are hereby incorporated by reference as though fully set forth herein.

58. The Rules, IDAPA 58.01.08.303.04, require public drinking water system owners to respond in writing, describing how and on what schedule the system will address all significant deficiencies, within 30 days after receiving the results of the sanitary survey from the Department. On October 17, 2013, the Department informed Magar of the results of the Department's enhanced sanitary survey, conducted on September 16, 2013. The Department identified 20 significant deficiencies, as well as 12 deficiencies and recommended improvements, for the drinking water system. As a result, Magar had until November 16, 2013, to respond to the enhanced sanitary survey with a corrective action plan. He failed to respond by November 16, 2013, and to date he has not responded with a corrective action plan. Magar's failure to address the identified significant deficiencies constitutes a violation of IDAPA 58.01.08.303.

59. The Department is entitled to a permanent mandatory injunction pursuant to the EPHA, Idaho Code § 39-108(3)(b), requiring that Magar submit a corrective action plan as required by the Rules, IDAPA 58.01.08.303.04.

60. The Department is entitled to an award of penalties not to exceed ten thousand dollars

(\$10,000) for this violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

61. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6), and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

#### COUNT 5

##### (Violation of Operating Chlorination Criteria)

62. The allegations of paragraphs 1-61 of this Complaint are hereby incorporated by reference as though fully set forth herein.

63. The Rules, IDAPA 58.01.08.552.04.a.iii, require automatic proportioning chlorinators for those systems using only ground water that add chlorine for disinfection where the rate of flow or chlorine demand is not reasonably constant.

64. Syringa's public drinking water system uses only ground water and adds chlorine for disinfection.

65. During the September 16, 2013, enhanced sanitary survey, the Department noted Syringa lacks an automatic proportioning chlorinator. A non-proportionate chlorinator, like Syringa's, supplies the same amount of chlorine regardless of the water's flow rate, which is not problematic if the rate of flow is reasonably constant. However, at times of low to no pressure, that constant injection does not self-regulate and instead can hyperchlorinate the drinking water. Additionally, during the September 16, 2013, enhanced sanitary survey, Syringa's then on-site manager admitted Syringa's disinfection system was not working correctly.

66. Magar has failed to maintain a reasonably constant rate of flow as demonstrated by Syringa's multiple depressurizations in April 2012, August 2012, December 2013, and January

2014. Magar's failure to use an automatic proportioning chlorinator violates IDAPA

58.01.08.552.04.a.iii.

67. The Department included the chlorine disinfection treatment violation in its list of significant deficiencies in the October 17, 2013 enhanced sanitary survey report. Magar has not responded with a corrective action plan.

68. Magar's violation of IDAPA 58.01.08.552.04.a.iii is a continuing violation. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) per violation or one thousand dollars (\$1,000) for each day of a continuing violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

69. The Department is entitled to a permanent mandatory injunction pursuant to the EPHA, Idaho Code § 39-108(3)(b), requiring Magar to install and operate an automatic proportioning chlorinator under IDAPA 58.01.08.552.04.a.iii.

70. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6) and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

#### COUNT 6

##### (Violation of Chlorine Residual Level Monitoring Requirements)

71. The allegations of paragraphs 1-70 of this Complaint are hereby incorporated by reference as though fully set forth herein.

72. The Rules require free chlorine residuals be measured within the distribution system to ensure the maximum residual disinfection levels are being met. IDAPA 58.01.08.320 incorporates 40 CFR § 141. Subpart L, which establishes criteria for public drinking water

systems that add a chemical disinfectant to the water in any part of the drinking water treatment process. IDAPA 58.01.08.320.03 incorporates 40 CFR § 141.132(c)(1)(i) of Subpart L, which states: "Community and nontransient noncommunity water systems that use chlorine or chloramines must measure the residual disinfectant level in the distribution system at the same point in the distribution system and at the same time as total coliforms are sampled, as specified in § 141.21." IDAPA 58.01.08.250.05 incorporates 40 CFR § 141.54, which sets the maximum residual disinfectant levels for chlorine, 4.0 mg/L.

73. The Rules also require free chlorine residuals be measured daily at a point prior to distribution to verify the concentration of chlorine is adequate to kill or inactivate pathogenic and indicator organisms. IDAPA 58.01.08.552.04.a.iv specifies,

Analysis for free chlorine residual shall be conducted at a location at or prior to the first service connection at least daily and records of these analyses shall be kept by the supplier of water for at least one (1) year. A report of all daily chlorine residual measurements for each calendar month shall be submitted to the Department no later than the tenth day of the following month. The frequency of measuring free chlorine residuals shall be sufficient to detect variation in chlorine demand or changes in water flow.

74. The Syringa public drinking water system is a community public drinking water system that uses chlorine as a disinfectant in part of the drinking water treatment process. Magar failed to measure and report free chlorine residual levels in the distribution system as required by IDAPA 58.01.08.320.03 for November 2012, April 2013, May 2013, June 2013, September 2013, November 2013, and December 2013. Each month Magar failed to monitor as alleged herein constitutes a separate violation of IDAPA 58.01.08.320.03.

75. Since at least September 16, 2013, Magar failed to record daily and keep on file for at least one (1) year the free chlorine residual measurements taken at a point prior to distribution. The Department included this violation in its list of significant deficiencies in the October 17,

2013 enhanced sanitary survey report. Magar has not responded with a corrective action plan.

76. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) per violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

77. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6) and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

#### COUNT 7

##### (Violation of the Maximum Contaminant Level for Microbiological Contaminants)

78. The allegations of paragraphs 1-77 of this Complaint are hereby incorporated by reference as though fully set forth herein.

79. The Rules, IDAPA 58.01.08.050.05, incorporate 40 CFR § 141.63, which sets forth the maximum contaminant levels (MCL) for microbiological contaminants that must be met by public drinking water systems.

80. 40 CFR § 141.63(a)(2) reads as follows: "For a system which collects fewer than 40 samples/month, if no more than one sample collected during a month is total coliform-positive, the system is in compliance with the MCL for total coliforms."

81. The Syringa community public drinking water system is required to collect fewer than 40 samples/month of total coliform bacteria. Therefore, if more than one (1) sample a month is total coliform-positive, the system has violated the above-cited MCL and IDAPA 58.01.08.050.05.

82. Magar violated the MCL for microbiological contaminants in November 2012, May 2013, and August 2013 because there was more than one (1) total coliform-positive sample in each of those three (3) months.

83. The November 2012, May 2013, and August 2013 exceedances of the MCL are separate violations. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) per violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

84. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6) and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

#### **COUNT 8**

##### **(Failure to Cap Well and Prevent Health Hazard)**

85. The allegations of paragraphs 1-84 of this Complaint are hereby incorporated by reference as though fully set forth herein.

86. The Rules, IDAPA 58.01.08.511.06.b, require wells be cased and provided with an approved cap in such manner that surface water cannot enter the well. The Rules, IDAPA 58.01.08.008.01.a, also require that no public water system or portion thereof shall constitute a health hazard as determined by the Department.

87. At the September 16, 2013 enhanced sanitary survey, the Department noted the cap for Syringa's well #2 was missing. A well without a cap is a health hazard because, among other reasons, well caps prevent direct contamination of the aquifer. Magar's failure to properly cap well #2 is thereby a violation of IDAPA 58.01.08.511.06.b and 58.01.08.008.01.a.

88. The Department included this violation in its list of significant deficiencies in the October 17, 2013 enhanced sanitary survey report. Magar has not responded with a corrective action plan.

89. Magar's violation of IDAPA 58.01.08.511.06.b and 58.01.08.008.01.a is a continuing

violation. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) for this violation or one thousand dollars (\$1,000) for each day of a continuing violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

90. The Department is entitled to a permanent mandatory injunction pursuant to the EPHA, Idaho Code § 39-108(3)(b), requiring Magar to cap Syringa's well #2 as required by IDAPA 58.01.08.511.06.b and 58.01.08.008.01.

91. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6) and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

#### COUNT 9

##### (Violation of Requirements to Protect Facilities from Vandalism)

92. The allegations of paragraphs 1-91 of this Complaint are hereby incorporated by reference as though fully set forth herein.

93. The Rules, IDAPA 58.01.08.544.04, require fencing, locks on access manholes, and other necessary precautions be taken to prevent trespassing, vandalism and sabotage.

94. During the September 16, 2013 enhanced sanitary survey, the Department discovered an access hatch hinge was missing so the access hatch on Syringa's water storage tanks could not be locked and secured. Magar has failed to maintain locking access hatches on Syringa's storage tanks, thereby violating IDAPA 58.01.08.544.04.

95. The Department included the violation in its list of significant deficiencies in the October 17, 2013 enhanced sanitary survey report. Magar has not responded with a corrective action plan.

96. Magar's violation of IDAPA 58.01.08.544.04 is a continuing violation. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) per violation or one thousand dollars (\$1,000) for each day of a continuing violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

97. The Department is entitled to a permanent mandatory injunction pursuant to the EPHA, Idaho Code § 39-108(3)(b), requiring Magar to lock the access hatch as required by IDAPA 58.01.08.544.04.

98. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6) and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

#### COUNT 10

#### (Failure to Report)

99. The allegations of paragraphs 1-98 of this Complaint are hereby incorporated by reference as though fully set forth herein.

100. The Rules, IDAPA 58.01.08.150.02, which incorporate 40 CFR § 141, Subpart Q for public notification requirements, require that public water systems notify the public of the systems' violations of the national primary drinking water regulations. The content, timing and manner of delivery of public notification is dependent on the Tier level or severity of the violation. Tier 1 violations require notification within 24 hours of notice of the violation under 40 CFR § 141.202. Tier 2 violations are required within 30 days of notice of the violation under 40 CFR § 141.203. Tier 3 violations are required within one (1) year of notice of the violation, and for community water systems, notification may be incorporated into the annual consumer

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confidence report pursuant to 40 CFR § 141.204. Under 40 CFR § 141.201(c)(3) and 141.31(d), public water system owners and operators must, within ten days of providing the public notification, certify to the Department their compliance with the public notice requirement and submit a representative copy of each notice distributed.

101. Magar is required to provide Tier 1 public notification for each depressurization event at Syringa when the pressure falls below 20 psi in the distribution system. The Department is aware of only one (1) instance between December 5, 2013 and January 8, 2014 when Magar provided public notification, and to date Magar has not given the Department a copy of any notice given between those days, thereby violating IDAPA 58.01.08.150.02.

102. IDAPA 58.01.08.151 incorporates 40 CFR § 141, Subpart O, which addresses consumer confidence reports. A consumer confidence report is an annual report that each community water system must deliver to its customers. The reports must contain information on the quality of the water delivered by the system and characterize the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner under IDAPA 58.01 08.003.23. 40 CFR § 141.152(b) of Subpart O sets out the dates by which the consumer confidence reports must be provided to customers: "Each existing community water system must deliver its first report by October 19, 1999, its second report by July 1, 2000, and subsequent reports by July 1 annually thereafter."

103. 40 CFR § 141.155(c) of Subpart O provides that the annual consumer confidence report must also be delivered to the primacy agency (the Department) no later than the date the system is required to distribute the report to its customers. In addition, the public water system owner must, within three (3) months of the date the consumer confidence report is to be delivered to customers, certify to the Department that the report was properly delivered to customers.

104. Magar failed to deliver the 2011 annual consumer confidence report to Syringa customers and to the Department by July 1, 2012, and the certification to the Department by October 1, 2012, and thereby violated IDAPA 58.01.08.151. Magar also failed to deliver the 2012 annual consumer confidence report to Syringa customers and to the Department by July 1, 2013, and the certification to the Department by October 1, 2013, and thereby violated IDAPA 58.01.08.151.

105. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) for each violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

106. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6) and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

#### COUNT 11

##### (Failure to Submit Plans & Specifications Prior to Construction, Modification or Expansion)

107. The allegations of paragraphs 1-106 of this Complaint are hereby incorporated by reference as though fully set forth herein.

108. Before a public water supply system constructs a new system or modifies or expands its existing system, it must submit plans and specifications to the Department. Idaho Code § 39-118(1) states, in pertinent part,

Except as provided by subsection (2) of this section, all plans and specifications for the construction of ...public water supply systems or public water treatment systems or for material modification or expansion to existing ...public water supply systems or public water treatment systems, shall be submitted to and approved by the director [of the Department] before construction may begin, and all construction shall be in substantial compliance therewith." The Rules, IDAPA 58.01.08.003.70,

further define a material modification as "[a]ny project that ... adds new or alters existing drinking water system components....

109. Syringa's public drinking water system is a public water supply system.
110. During the September 16, 2013, enhanced sanitary survey, the Department discovered Magar had removed his four previous pressure tanks and installed in their place two new pressure tanks, altering the operation of the system. Therefore, Magar materially modified his public water supply system by altering existing drinking water system components. Magar did not submit plans and specifications in advance. Magar's modification of the public water supply and failure to submit plans and specifications in advance of such modifications violated Idaho Code § 39-118(1).
111. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) per violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).
112. The Department is entitled to a permanent mandatory injunction pursuant to the EPHA, Idaho Code § 39-108(3)(b), requiring Magar to submit to the Department an engineer's record plans and specifications depicting the actual modifications of facilities performed in accordance with Idaho Code § 39-118(3).
113. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6) and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

#### COUNT 12

##### (Violation of the Requirement to Designate a Substitute Responsible Charge Operator)

114. The allegations of paragraphs 1-113 of this Complaint are hereby incorporated by reference as though fully set forth herein.

115. The Rules, IDAPA 58.01.08.554.01.a, require that an owner of a community public drinking water system must place the direct supervision of its drinking water system under the responsible charge of a properly licensed operator.

116. "Responsible charge" is defined as "active, daily on-site or on-call responsibility for the performance of operations or active, on-going, on-site, or on-call direction of employees and assistants." IDAPA 58.01.08.003.118.

117. At such times as the responsible charge operator is not available, a substitute responsible charge operator shall be designated to replace the responsible charge operator. IDAPA 58.01.08.554.03.

118. Magar is designated as the responsible charge operator for the Syringa community public drinking water system and is properly licensed for the drinking water system according to records maintained by the Idaho Bureau of Occupational Licenses. When Syringa's drinking water system lost pressure on August 17, 2012, neither the Department nor Syringa's then on-site manager could reach Magar. Thus, Magar was not available to respond to and remedy the depressurization. If the responsible charge operator is not available, a substitute responsible charge operator must be designated. Magar failed to designate a substitute responsible charge operator, and thereby violated and continues to violate IDAPA 58.01.08.554.03.

119. Magar's violation of IDAPA 58.01.08.554.03 is a continuing violation. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) per violation or one thousand dollars (\$1,000) for each day of a continuing violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

120. The Department is entitled to a permanent mandatory injunction pursuant to the EPHA, Idaho Code § 39-108(3)(b), requiring Magar to designate a substitute responsible charge operator

for the Syringa drinking water system as required by IDAPA 58.01.08.554.03.

121. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6) and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

### COUNT 13

#### (Violation of the Wastewater Operator Licensure Requirements)

122. The allegations of paragraphs 1-121 of this Complaint are hereby incorporated by reference as though fully set forth herein.

123. The Idaho Wastewater Rules, IDAPA 58.01.16.203.01, require an owner of a public wastewater system to place the direct supervision of its wastewater system, including each treatment system and each collection system or each very small wastewater system, under the responsible charge of an operator who holds a valid license equal to or greater than the classification of each treatment system and each collection system or each very small wastewater system. An owner of a very small wastewater system may place direct supervision of the system under the responsible charge of an operator with a very small wastewater system license, even though the system has both a treatment and a collection component.

124. The Idaho Wastewater Rules, IDAPA 58.01.16.203.02, also require that responsible charge operators hold a valid license equal to or greater than the classification of the system.

125. Syringa's wastewater system is a public wastewater system with both a treatment and a collection system. It is classified as a very small wastewater system.

126. Magar is the responsible charge operator of the wastewater system at Syringa. Magar does not hold a valid very small wastewater system operator license. Instead, Magar has a Class

I wastewater treatment system operator license, but does not have a collection system operator license. Therefore, as the owner of the system, Magar has violated, and continues to violate, IDAPA 58.01.16.203.01.

127. Magar is the responsible charge operator of the wastewater system at Syringa. Lacking a collection system operator license, Magar does not hold a valid collection system operator license equal to or greater than the classification of the collection system. Therefore, as the responsible charge operator, Magar has violated and continues to violate IDAPA 58.01.16.203.02.

128. Magar's violations of IDAPA 58.01.16.203.01 and .02 are separate and continuing violations. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) per violation or one thousand dollars (\$1,000) for each day of a continuing violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

129. The Department is entitled to a permanent mandatory injunction pursuant to the EPHA, Idaho Code § 39-108(3)(b), requiring that Magar, as the owner, place the direct supervision of the Syringa wastewater collection system under the responsible charge of an operator who holds a valid license equal to or greater than the classification of the collection system as required by IDAPA 58.01.16.203.01.

130. The Department is entitled to a permanent mandatory injunction pursuant to the EPHA, Idaho Code § 39-108(3)(b), requiring that Magar, as the responsible charge operator of the Syringa wastewater system, hold a valid license equal to or greater than the classification of the collection system as required by IDAPA 58.01.16.203.02.

131. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to

recover its expenses pursuant to Idaho Code § 39-108(6) and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

**COUNT 14**

**(Violation of the Wastewater Lagoon Seepage Testing Requirement)**

132. The allegations of paragraphs 1-131 of this Complaint are hereby incorporated by reference as though fully set forth herein.

133. The Idaho Wastewater Rules, IDAPA 58.01.16.493, set out requirements that are applicable to all new and existing municipal wastewater lagoons. Subsection 493.02.a establishes the seepage testing requirement for existing municipal lagoons and reads as follows: "All existing lagoons covered under these rules shall be seepage tested by an Idaho licensed professional engineer, an Idaho licensed professional geologist, or by individuals under their supervision by April 15, 2012 unless otherwise specified in a current permit issued by the Director."

134. The Syringa wastewater system includes municipal wastewater lagoons that are existing lagoons as described in IDAPA 58.01.16.493.02.a. In July 2011, the Department warned Magar by e-mail regarding the obligation to have his lagoons seepage tested. Notwithstanding this notification, Magar failed to seepage test the lagoons by the April 15, 2012 deadline.

135. On May 2, 2012, the Department sent Magar a letter informing him of the violation of the seepage testing requirement and setting forth steps to seepage test as required by the Idaho Wastewater Rules.

136. To date, Magar has failed to have his wastewater lagoons seepage tested as required by the Idaho Wastewater Rules. Magar's failure is a continuing violation of IDAPA 58.01.16.493.02.a.

137. The Department is entitled to a permanent mandatory injunction pursuant to the EPHA, Idaho Code § 39-108(3)(b), requiring Magar to seepage test his lagoons as required by the Idaho Wastewater Rules, IDAPA 58.01.16.493.02.a.

138. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) per violation or one thousand dollars (\$1,000) for each day of a continuing violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

139. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6) and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

#### COUNT 15

##### (Failure to Flush Contaminants and Chlorine, Causing a Health Hazard)

140. The allegations of paragraphs 1-139 of this Complaint are hereby incorporated by reference as though fully set forth herein.

141. The Rules, IDAPA 58.01.08.552.01.b.ii.(1), state, "During unplanned or emergency situations, when water pressure within the system is known to have fallen below twenty (20) psi, the water supplier must notify the Department, provide public notice to the affected customers within twenty-four (24) hours, and disinfect the system."

142. The Rules, IDAPA 58.01.08.008.01.a, also require that no public water system or portion thereof shall constitute a health hazard as determined by the Department.

143. On December 11, 2013, following depressurization events, the Department recommended opening the flush hydrants to disinfect any contamination and remove the residual chlorine. That same day, Syringa's then on-site manager attempted to open the valves but was unable to do so

because their handles were broken. Magar's failure to flush the water main after depressurization events constituted a health hazard because contaminants and chlorine were not properly removed from the drinking water system before the main was returned to service, and thereby Magar violated IDAPA 58.01.08.008.01.a.

144. The Department is entitled to an award of penalties not to exceed ten thousand dollars (\$10,000) per violation pursuant to the EPHA, Idaho Code § 39-108(5)(a).

145. The Department is entitled to a permanent mandatory injunction pursuant to the EPHA, Idaho Code § 39-108(3)(b), requiring Magar to fix the valve handles or otherwise enable disinfection by flushing pursuant to IDAPA 58.01.08.008.01.

146. The Department has incurred and will incur costs, expenses and attorneys' fees in the prosecution of this matter in an amount to be proven at trial. The Department is entitled to recover its expenses pursuant to Idaho Code § 39-108(6) and its attorneys' fees, witness fees and expenses pursuant to Idaho Code § 12-117.

#### PRAYER FOR RELIEF

WHEREFORE, Plaintiff the Department respectfully requests the Court grant the following relief:

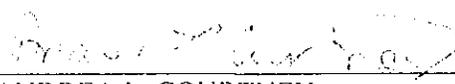
1. Issue a permanent mandatory injunction, as authorized by the EPHA, Idaho Code § 39-108(3)(b), requiring Magar to conduct a local pressure monitoring study to diagnose and correct pressure problems in compliance with the Rules, develop and submit for the Department's approval an operation and maintenance manual pursuant to the Rules, submit a corrective action plan as required by the Rules, install and operate an automatic proportioning chlorinator in accordance with the Rules, cap Syringa's well #2, lock the access hatch, submit an engineer's record plans and specifications depicting the actual modifications of facilities performed as

required by Idaho Code § 39-118(3), comply with the licensure requirements set forth in the Rules and the Idaho Wastewater Rules, seepage test his lagoons as required by the Idaho Wastewater Rules, and fix the valve handles.

2. Assess against Magar, pursuant to the EPHA, Idaho Code § 39-108(5)(a), civil penalties of up to ten thousand dollars (\$10,000) for each separate violation or one thousand dollars (\$1,000) for each day of a continuing violation.
3. Assess against Magar, as authorized by the EPHA, Idaho Code § 39-108(6), and Idaho Code § 12-117, all Department expenses and witness fees incurred in this action in an amount to be proven at trial.
4. Assess against Magar, pursuant to the EPHA, Idaho Code § 39-108, and Idaho Code § 12-117 an award of five thousand dollars (\$5000) in the event of default, or in the event of trial, the Department's reasonable attorneys' fees in an amount according to proof; and
5. Grant such other relief as the Court deems equitable and just.

DATED this 31st day of January, 2014.

STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL

  
\_\_\_\_\_  
ANDREA L. COURTNEY  
Deputy Attorney General  
Attorneys for Plaintiff

TX Result Report

P 1  
 01/31/2014 17:33  
 Serial No. A0ED011021711  
 TC: 118902

Addressee	Start Time	Time	Prints	Result	Note
912088832259	01-31 17:12	00:20:46	034/034	OK	

Note TMB: Timer TX, PDL: Polling, ORG: Original Size Setting, FME: Frame Erase TX,  
 HX: Mixed Original TX, CACT: Manual TX, CENCT: CSAC, FBO: Forward, PC: PC-Fax,  
 BND: Double-Sided Binding Direction, SD: Special Original, FCODE: F-Code, RTX: re-TX,  
 BLV: Relay, MCR: Confidential, BUL: Bulletin, SIP: SIP Fax, IPADR: IP Address Fax,  
 I-FAK: Internet Fax

Result OK: Communication OK, S-OK: Stop Communication, PW-OFF: Power Switch OFF,  
 TEL: RX from TEL, NG: Other Error, Cont: Continue, No Ans: No Answer,  
 Refuse: Receipt Refused, Busy: Busy, M-Full:Memory Full,  
 LOVR:Receiving length Over, POVR:Receiving page Over, FIL:File Error,  
 DC:Decode Error, MDN:MDN Response Error, DSN:DSN Response Error.



STATE OF IDAHO  
 OFFICE OF THE ATTORNEY GENERAL  
 LAWRENCE G. WADDEN

FACSIMILE COVER SHEET

TO	FAX NUMBER	PHONE/LOCATION
LATAH COUNTY CLERK OF COURT	208-883-2259	

FROM: ANDREA COURTNEY DATE: JANUARY 31, 2014

IF YOU DO NOT RECEIVE THE ENTIRE TRANSMISSION, CALL CHRISTINE RIGGS AT (208) 373-0494.

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 34

MESSAGE:

Please find the attached Complaint and Summons in the matter of Idaho Department of Environmental Quality v Magar E. Magar d/b/a Syringa Mobile Home Park. Please open this court case and return a conformed first page to this office via facsimile, 208-373-0841, at your earliest convenience. Please issue the Summons and return it via facsimile for service on the Defendant.

Thank you in advance for your attention to this matter.

Kind regards,

*Christine Riggs*  
 Christine Riggs  
 Legal Assistant to  
 Andrea Courtney, Deputy Attorney General

NOTICE: This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged, confidential, and exempt from disclosure under applicable law. If the reader of this notice is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any disseminating, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return these papers to us at the address shown above via first class mail.

RECEIVED

MAR 06 2014

LATAH COUNTY

*no payment  
received  
3/6/14*

**Magar E. Magar**

14102 NE 40<sup>th</sup> Street  
Vancouver WA. 98682

Tel 360 314 4444, cell 503 929 1094, fax 360 314 4781

Email: [calsport@msn.com](mailto:calsport@msn.com)

Eric Pah  
Latah County Building Official  
Latah County Department of Planning and Building  
PO Box 8068  
Moscow, ID 83843

March 3, 2014

### Notice of Appeal

Dear Mr. Pah,

I, Magar E. Magar, hereby appeal the attached Notices and Orders of the Latah County Department of Planning & Building dated February 26, 2014.

  
\_\_\_\_\_

Magar E. Magar

cc: Shannon Musick, Manager, Syringa MHP

LCAB Hrg: AP #914  
Applicant: MagarMagar  
Exhibit #: 3  
Date: 3/20/2014

Certificate of Service

I certify that on March 3, 2014 I served 1 true copy of this Notice on:

Eric Pah  
Latah County Building Official  
Latah County Department of Planning and Building  
PO Box 8068  
Moscow, ID 83843

By United States Postal Service First Class



---

Magar E. Magar

**NOTICE AND ORDER  
CERTIFIED MAIL**

**COPY**

February 26, 2014

Magar E. Magar  
14102 NE 40th  
Vancouver, WA 98682

**NOTICE IS HEREBY GIVEN** by the Building Official of Latah County, Idaho, that the following manufactured home park:

Syringa Mobile Home Park

the following manufactured homes:

Space #347 1969 56' x 12' Pontiac Chief, Serial #FF602FCD12PC  
Space #133 1970 60' x 12' Broadmore, Serial #S2360 and Title #J200515  
Space #211 1981 46' x 12' Tamarack, Serial #1609641770  
Space #229 1979 66' x 14" Tamarack, Serial #1355 and Title #E545520,  
Space #335 1974 56' x 12" Skyline, Serial #0194566H and Title #A91900227  
Space #341 1973 66' x 14' Fleetwood, Serial #4J2017E22S14984 and Title# H501006  
Space #203 1979 66' x 14' Crownpointe, Serial #WAFL1X850642645 and Title #E328522  
Space #235 1966 50' x 12' Bend, Serial #S1482 and Title #H656996  
Space #306 1980 66' x 14' Sandpointe, Serial #ORFLIA941382263 and Title #B534047  
Space #343 1974 66' x 14' Governor, Serial #3BB12701418688 and Title #B656895  
Space #145 1971 57' x 12' Brookdale Shelterex, Serial #2BRFKD4S3467 and Title #G283352  
Space #153 1972 46' x 12" Fleetwood, Serial #4H2U22S14661 and Title #G3888036  
Space #317 1973 56' x 12' Biltmore, Serial #B32111YS6131 and Title #H503746  
Space #323 1975 66' x 14' Titan, Serial #4055731739 and Title #E752547  
Space #337 1967 58' x 12' Kit Golden State, Serial # S1113 and Title #D1567928  
Space #332 1976 48' x 12' Sheltrx, Serial #12522DS6984 and Title #H978362  
Space #236 1968 60' x 12' Broadmore, Serial #S0785 and Title # D2620589  
Space #227 1981 52'.x 14' Hillcrest, Serial #02960561P and Title #D574316  
Space #223 1974 56' x 12' Biltmore Deluxe, Serial #41062FR313170 and Title #G504964  
Space #312 1975 60' x 14' Cascade, Serial #3719 and Title J751163  
Space #137 1970 60' x 12' Broadmore, Serial #3002 and Title #K180621  
Space #140 1967 57' x 12 Olympia, Serial #12X60S1168 and Title #C1533981  
Space #150 1970 56' x 15' Lamplighter, Serial #11108 and Title #J064019  
Space #209 1973 56' x 12 Flamingo, Serial #3438 and Title #J573295

and the following manufactured home park vacant spaces:

#107, #109 and # 405

located at 4600 Robinson Park Road, Moscow, Idaho, legally described as: See attached Exhibit "A", are unsafe and/or dangerous, and are not in compliance with the Latah County Building Code Ordinance #315.

The conditions found to render the manufactured home park, manufactured homes, and manufactured home park spaces unsafe and/or dangerous are as follows:

**COPY**

1. Contamination and inadequate distribution of the water supply system. Section 505 / 2009 IPMC (International Property Maintenance Code)
2. Failure of the approved sewage disposal system. Section 506 / 2009 IPMC

The following actions must be taken:

1. Provide a water supply which is adequate for all fixtures to function properly and is maintained free from all contamination.
2. Provide approval/proof from the Department of Environmental Quality that both the water supply system and sewage disposal systems are fully functional, that all violations have been abated and that you are in full compliance with any court or other legal orders.

You are required to ensure compliance immediately after the date of this **NOTICE AND ORDER**.

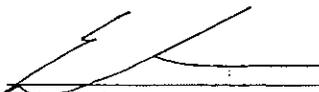
Until said **NOTICE AND ORDER** is complied with, the structures listed shall not be occupied, the vacant spaces in the manufactured home park shall not be eligible for installation permits on those spaces, and any space or manufactured home that is not listed above that becomes vacant shall not be re-occupied or eligible for an installation permit until said **NOTICE AND ORDER** has been fully complied with.

In the event that the **NOTICE AND ORDER** has not been complied with within **thirty (30) days** and no appeal is filed within the time specified below, the Latah County Building Department will take appropriate legal action, including recording a Certificate of Noncompliant/Dangerous Building or Structure with the Latah County Recorder's Office.

Any person having any record title or legal interest in the identified building(s), structure(s), or premise(s) may appeal this **NOTICE AND ORDER** or any action of the Building Official to the Board of Appeals, in accordance with Section 111 of the International Property Maintenance Code, 2009 Edition. An appeal must be made in writing and filed with the Latah County Building Official within twenty (20) days from the date of service of this **NOTICE AND ORDER**. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of this matter. The Board of Appeals shall have no authority to waive any requirement of the Latah County Building Code, including the International Property Maintenance Code, 2009 Edition.

If you have any questions, please contact this office.

DATED THIS 26th day of February, 2014.

  
 Eric Pah  
 Latah County Building Official

*epah@latah*  
*id: 15*

Latah County Department of Planning & Building  
 PO Box 8068  
 Moscow, ID 83843  
 (208) 883-7220

Exhibit "A"

WARRANTY DEED

325874

55 COP

For Value Received

Estate of HERBERT D. PEUCK, Deceased, and GRACE E. PEUCK, Executrix and individually,

the grantor, do hereby grant, bargain, sell and convey unto

MAGAR E. MAGAR, an unmarried man whose address is 711 SW Alder, Suite 412 Portladd, Oregon 97201

the grantee, the following described premises, in Latah County Idaho, to wit: BEGINNING at the SW corner of the NW 1/4 NE 1/4 of Sec. 10, T 39 N, R 5 W.B.M., Latah County, Idaho, said point being 1320' N of the SW corner of the NE 1/4 of said Section 10 and running thence N along the Quarter Section line 871.3'; thence S 89°33' E 1195.3'; thence S 371.3'; thence S 89°33' E 554.7'; thence S 500' to the S line of the NE 1/4 of said Section 10; thence N 89°33' W 1750' along the Quarter Quarter Section line to the POINT OF BEGINNING

A Tract of land located in the N 1/4 of the NE 1/4 of Sec. 10, T 39 N, R 5 W.B.M., County of Latah, State of Idaho, more particularly described as follows: BEGINNING at the NW corner of said Sec. 10; thence S 62°35'07" E a distance of 2997.93' to the SW corner of the NW 1/4 NE 1/4 of said Section 10; thence S 89°33'00" E a distance of 1750.00' to the TRUE POINT OF BEGINNING; thence N a distance of 500.00'; thence N 89°33'00" W a distance of 554.70'; thence N a distance of 120.00'; thence S 89°33'00" E a distance of 584.70'; thence S a distance of 620.00'; thence N 89°33'00" W a distance of 30.00' to the TRUE POINT OF BEGINNING.

ALSO TOGETHER therewith an easement located in the NW 1/4 NE 1/4 of Section 10, and the SW 1/4 SE 1/4 of Section 3, T 39 N, R 5 W.B.M., for television antennae and antennae line purposes being 15.00' on the E side of the following described centerline: BEGINNING at the NW corner of said Section 10; thence S 62°35'07" E a distance of 2997.93' to the SW corner of the NW 1/4 NE 1/4 of said Section 10; thence N a distance of 871.30'; thence S 89°33'00" E a distance of 475.84' to the TRUE POINT OF BEGINNING of this centerline easement; thence N 16°08'40" W a distance of 1067.16 feet to the terminus of this easement.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that she the owner in fee simple of said premises; that they are free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: November 5, 1987

Washington STATE OF IDAHO, COUNTY OF Spokane On this 5 day of November 1987, before me, a notary public in and for said State, personally appeared Grace E. Peuck, individually and as executrix of the Estate of Herbert D. Peuck, Deceased,

known to me to be the person whose name is subscribed to the within instrument, and acknowledged in me that she executed the same.

Notary Public Residing at Spokane, Washington Comm. Expires April 23 1989

STATE OF IDAHO, COUNTY OF Latah I hereby certify that this instrument was filed for record at the request of MOSCOW TITLE, INC.

at 15 minutes past 3:00 o'clock P.M. this 7 day of January 1988, in my office, and duly recorded in Book of Deeds at page

JOAN BAUER

Ex-Officio Recorder

By: Deputy

Fees \$ 2.00 Mail to:

MOSCOW TITLE, INC.

INSTRUMENT NO

**Latah County  
NOTICE AND ORDER  
CERTIFIED MAIL**

**COPY**

February 26, 2014

Magar E. Magar  
14102 NE 40th  
Vancouver, WA 98682

**NOTICE IS HEREBY GIVEN** by the Building Official of Latah County, Idaho, that the following manufactured homes:

1. 1970 60' x 12' Broadmore, Serial #S2360 and Title #J200515, Space #133
2. 1981 46' x 12' Tamarack, Serial #1609641770, Space #211
3. 1979 66' x 14" Tamarack, Serial #1355 and Title #E545520, Space #229
4. 1974 56' x 12" Skyline, Serial #0194566H and Title #A91900227, Space #335

All are located at 4600 Robinson Park Road, Moscow, Idaho, legally described as: See attached Exhibit "A", and are unsafe and/or dangerous, and are not in compliance with the Latah County Building Code Ordinance #315.

The conditions found to render these manufactured homes as unsafe and/or dangerous are as follows:

1. Contamination and inadequate distribution of the water supply system. Section 505 / 2009 IPMC (International Property Maintenance Code)
2. Failure of the approved sewage disposal system. Section 506 / 2009 IPMC

The following actions must be taken:

1. Provide a water supply which is adequate for all fixtures to function properly and is maintained free from all contamination.
2. Provide approval/proof from the Department of Environmental Quality that both the water supply system and sewage disposal systems are fully functional, that all violations have been abated and that you are in full compliance with any court or other legal orders.

You are required to ensure compliance immediately after the date of this **NOTICE AND ORDER**. Until said **NOTICE AND ORDER** is complied with, these homes shall not be occupied.

In the event that the **NOTICE AND ORDER** has not been complied with within **thirty (30) days** and no appeal is filed within the time specified below, the Latah County Building Department will take appropriate legal action, including recording a Certificate of Noncompliant/Dangerous Building or Structure with the Latah County Recorder's Office.

Any person having any record title or legal interest in the identified building(s), structure(s), or premise(s) may appeal this **NOTICE AND ORDER** or any action of the Building Official to the Board of Appeals, in accordance with Section 111 of the International Property Maintenance Code, 2009 Edition. An appeal must be made in writing and filed with the Latah County Building Official within twenty (20) days from the date of service of this **NOTICE AND ORDER**. Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of this matter. The Board of Appeals shall have no authority to waive any requirement of the Latah County Building Code, including the International Property Maintenance Code, 2009 Edition.

**COPY**

If you have any questions, please contact this office.

DATED THIS 26th day of February, 2014.



Eric Pah  
Latah County Building Official

Latah County Department of Planning & Building  
PO Box 8068  
Moscow, ID 83843  
(208) 883-7220

Exhibit "A"

WARRANTY DEED

325874

55240 COP

For Value Received

Estate of HERBERT D. PEUCK, Deceased, and GRACE E. PEUCK, Executrix and individually,

the grantor do hereby grant, bargain, sell and convey unto MAGAR E. MAGAR an unmarried man whose address is 711 SW Alder, Suite 412 Portladd, Oregon 97201

the grantee, the following described premises, in Latah County Idaho, to wit: BEGINNING at the SW corner of the NW1/4 of Sec. 10, T 39 N, R 5 W.B.M., Latah County, Idaho, said point being 1320' N of the SW corner of the NE1/4 of said Section 10 and running thence N along the Quarter Section line 871.3'; thence S 89°33' E 1195.3'; thence S 371.3'; thence S 89°33' E 554.7'; thence S 500' to the S line of the NE1/4 of said Section 10; thence N 89°33' W 1750' along the Quarter Quarter Section line to the POINT OF BEGINNING

A Tract of land located in the NE1/4 of the NE1/4 of Sec. 10, T 39 N, R 5 W.B.M., County of Latah, State of Idaho, more particularly described as follows: BEGINNING at the NW corner of said Sec. 10; thence S 62°35'07" E a distance of 2997.93' to the SW corner of the NW1/4 of said Section 10; thence S 89°33'00" E a distance of 1750.00' to the TRUE POINT OF BEGINNING; thence N a distance of 500.00'; thence N 89°33'00" W a distance of 554.70'; thence N a distance of 120.00'; thence S 89°33'00" E a distance of 584.70'; thence S a distance of 620.00'; thence N 89°33'00" W a distance of 30.00' to the TRUE POINT OF BEGINNING.

ALSO TOGETHER therewith an easement located in the NW1/4 of Section 10, and the SW1/4 of Section 3, T 39 N, R 5 W.B.M., for television antennae and antennae line purposes being 15.00' on the E side of the following described centerline: BEGINNING at the NW corner of said Section 10; thence S 62°35'07" E a distance of 2997.93' to the SW corner of the NW1/4 of said Section 10; thence N a distance of 871.30'; thence S 89°33'00" E a distance of 475.84' to the TRUE POINT OF BEGINNING of this centerline easement; thence N 16°08'40" W a distance of 1067.16 feet to the terminus of this easement.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that she the owner in fee simple of said premises; that they are free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: November 5, 1987.

Grace E. Peuck

325874

-Washington-  
STATE OF ~~XXXXX~~ COUNTY OF Spokane  
On this 5 day of November, 1987,  
before me, a notary public in and for said State, personally  
appeared Grace E. Peuck, individually and  
as executrix of the Estate of Herbert D.  
Peuck, Deceased,  
known to me to be the person whose name is  
subscribed to the within instrument, and acknowledged in  
me that she executed the same.  
J. J. Fitchman  
Notary Public  
Residing at Spokane, Washington  
Comm. Expires April 23 1984

STATE OF IDAHO, COUNTY OF Latah  
I hereby certify that this instrument was filed for record at  
the request of MOSCOY TITLE, INC.  
at 15 minutes past 3:00 o'clock P.M.,  
this 7 day of January,  
19 83, in my office, and duly recorded in Book  
of Deeds at page  
JOAN BAUER  
Ex-Officio Recorder  
By Edwin H. Schuster Deputy.  
Fees \$ 2.00  
Mail to: MOSCOY TITLE, INC.

INSTRUMENT NO



MH 24CT00211 A 40-0000  
 MAGAR, MAGAR E  
 616 NW NORTHRUP  
 PORTLAND OR 97929

SYRINGA MH PARK #211  
 1981 TAMARACK 46 X 12  
 SER #1609641770

**DAR MANUFACTURED HOUSING PROPERTY RECORD**

Manufactured By Champion Year 1981  
 Trade Name Tamarack  
 Width 12 Length 46  
 Class 5 Market Grade 32  
 Use Code 6541  
 Year Remodeled \_\_\_\_\_  
 Effective Age \_\_\_\_\_  
 Effective Year \_\_\_\_\_  
 Date Occupied \_\_\_\_\_  
 Purchase Price \_\_\_\_\_ Date \_\_\_\_\_  
 Asking \_\_\_\_\_  
 Rent Per \_\_\_\_\_

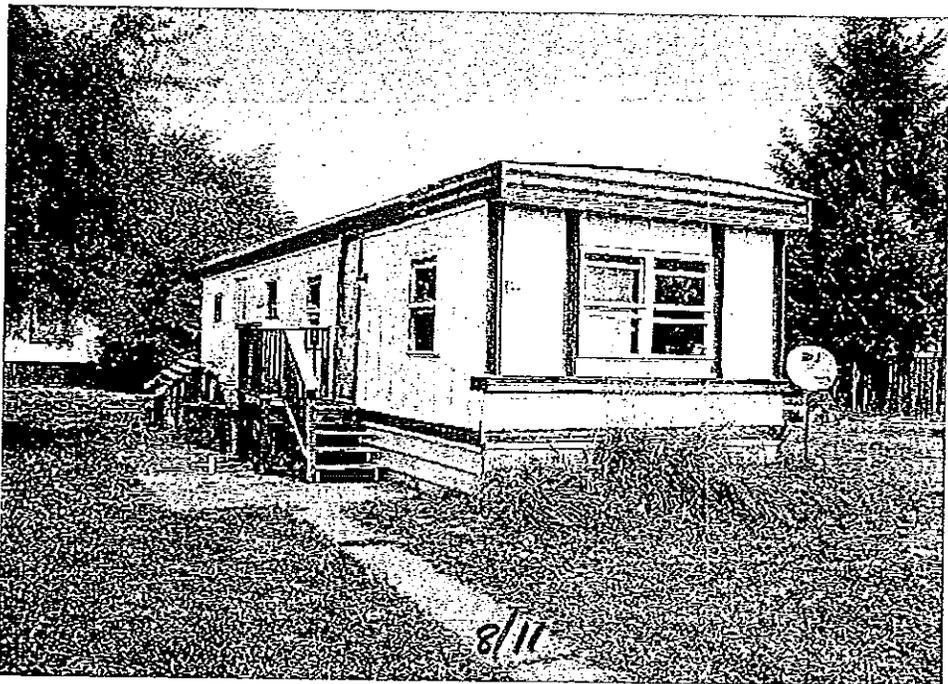
Mobile Home \$ \_\_\_\_\_  
 Garage \$ \_\_\_\_\_  
 Carport \$ \_\_\_\_\_  
 Other Improvements \$ \_\_\_\_\_  
 Total Improvements \$ \_\_\_\_\_  
 Land \$ \_\_\_\_\_  
 TOTAL MARKET VALUE \$ \_\_\_\_\_

**COPY**

Property Address Syringa Lot #211

Inspected By MSEJL Date 8-17-05 Rev Yr 06  
 Computed By MS Date 10-20-05 Rev Yr 06  
 Certified Appraiser GA Date 8-25-11 Rev Yr 12  
 Assessor UR Date 9-18-09 Rev Yr \_\_\_\_\_  
 Reinspection \_\_\_\_\_ Date \_\_\_\_\_ Rev Yr \_\_\_\_\_

DECAL NO. 19	DECAL NO. 19	DECAL NO. 19	DECAL NO. 13	DECAL NO. 19
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11/17/00 1748 H 11/1

**LAND INFORMATION**

01 NEIGHBORHOOD		02 OFF-SITE IMPROVEMENTS		03 TOPOGRAPHY		04 WATER FRONT PROPERTY		05 ON-SITE UTILITIES						
01 Urban	06 Stale	Street:	04 Asphalt/Conc.	01 Low	01 Lake	6 Beach	01 Electricity	05 Public Water						
02 Suburban	07 Improving	01 None	05 Gravel/Dirt	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well						
03 Rural	08 Declining	02 Public Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade	03 Underground Equip/Telephones	07 Public Sewer						
04 Recreational		03 Private Access	07 Curb/Gutters	04 Steep Slope	04 Bluff Land	P F A G E	04 Cable TV	08 Septic System						
90		90		90	05 Flood Plain	90	90							
06 SUBJECT DIMENSIONS		07 SITE INFORMATION		08 REMARKS										
Frontage		01 Location	P F A G E											
Depth		02 Amenities	P F A G E											
Other		03 Landscaping	P F A G E											
		04 View	P F A G E											
		05 Delinments	Few Many None											
		06 Zoned												
09 COMPOSITE ADJUSTMENT				10 SITE ADJUSTMENTS										
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	01 Location	10 Access	20 View	30 Topography	40 Water	TOTAL FACTOR	EXT VALUE
								50 Depth	60 Plotsage	70 Beach	80 Corner	90		
APPRaiser: _____				APPRAISAL DATE: _____		REVIEW YR: _____								
REINSPECTED APPR. _____				DATE: _____		REVIEW YR: _____		LAND VALUE \$ _____						

MAGAR, E MAGAR  
14102 NE 40TH  
VANCOUVER

WA 98682

SYRINGA MH PARK #229  
1979 TAMARACK 66 X 14  
SER #1355  
TI #E545520  
(CONTRACT ON FILE)

DRAFT MANUFACTURED HOME PROPERTY RECORD		Year Bld	1979
Manufacturer	Champion	Model	1979
Make	Tamarack	Width	14
Length	66	Weight	3225
Class	5	Market Grade	B2
Use Code	6511	Mobile Home	\$
Year Remodeled		Garage	\$
Effective Age		Carport	\$
Effective Year		Other Improvements	\$
Date Occupied		Total Improvements	\$
Purchase Price	\$ 500	Land	\$
Date	4/16/06	Asking	\$
Rent Per		Rent Per	\$
TOTAL MARKET VALUE		\$	\$
DECAL NO	19	DECAL NO	19
DECAL NO	19	DECAL NO	19
DECAL NO	19	DECAL NO	19

**COPY**

Property Address Syringa Lot # 229

Inspected By	MSEJC	Date	8-17-05	Rev Yr	06
Computed By	MS	Date	8-1-06	Rev Yr	07
Certified Appraiser	GC	Date	8-25-11	Rev Yr	12
Assessor		Date		Rev Yr	
Reinspection	VH	Date	9-18-09	Rev Yr	

1/11/04/1000



01	NEIGHBORHOOD		02	OFF-S	
01	Urban	06	Stable	Street:	
02	Suburban	07	Improving	01	None
03	Rural	08	Declining	02	Public
04	Recreational			03	Private
90				90	
03	SUBJECT DIMENSIONS		07		
	Frontage		01		
	Depth		02		
	Other		03		
			04		
			05		
			06		
09	COMPOSITE ADJUST				
CAT	LOC	CLASS	TYPE	UNIT	
APPRAISER:		APPRAISAL DATE:		RE	
REINSPECTED APPR.		DATE		RE	

LATAH COUNTY  
VIN: 1355  
YEAR MAKE BOD LEN WID DESC  
1979 CHAM HS 66 14 MFRD HM  
DM: CHAMPION HOME BUILDERS CO.  
PREVIOUS OWNER: FOURNIER, ART  
CURRENT OWNER(S):  
MAGAR E MAGAR  
PO BOX 8988  
MOSCOW, ID 83843  
LIENHOLDER:

RECEIPT: 06GF003259  
TITLE: E545520  
OTHER DATA  
TAMARACK

REC: 05/04/2006 CMT:

MH 24CT00229

MAGAR, MAGAR E  
 C/O CORINNE SHOLANDER MD  
 PO BOX 8988  
 MOSCOW ID 83843

SPRINGA MH PARK #335  
 1974 SKYLINE 56 X 12  
 SER #0194566H  
 TI #A91900227

**DECATO MANUFACTURED HOUSING PROPERTY RECORD** Sheet 10 of 11

Manufactured By: Skylark Int'l Year Bld: 1974

Trade Name: Skylark

Width: 12 Length: 56 Serial No: 0194566H

Class: 4 Major Grade: if VALUES SUMMARY

Use Code: 254

Year Remodeled: \_\_\_\_\_ Mobile Home \$ \_\_\_\_\_

Effective Age: \_\_\_\_\_ Garage \$ \_\_\_\_\_

Effective Year: \_\_\_\_\_ Curpor \$ \_\_\_\_\_

Date Occupied: \_\_\_\_\_ Other Improvements \$ \_\_\_\_\_

Purchase Price: \_\_\_\_\_ Date: \_\_\_\_\_ Total Improvements \$ \_\_\_\_\_

Asking: \_\_\_\_\_ Land \$ \_\_\_\_\_

Permit Per: \_\_\_\_\_ **FINAL MARKET VALUE** \$ \_\_\_\_\_

DECAL NO 19				
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**COPY**

Property Address: Springa Lot #335

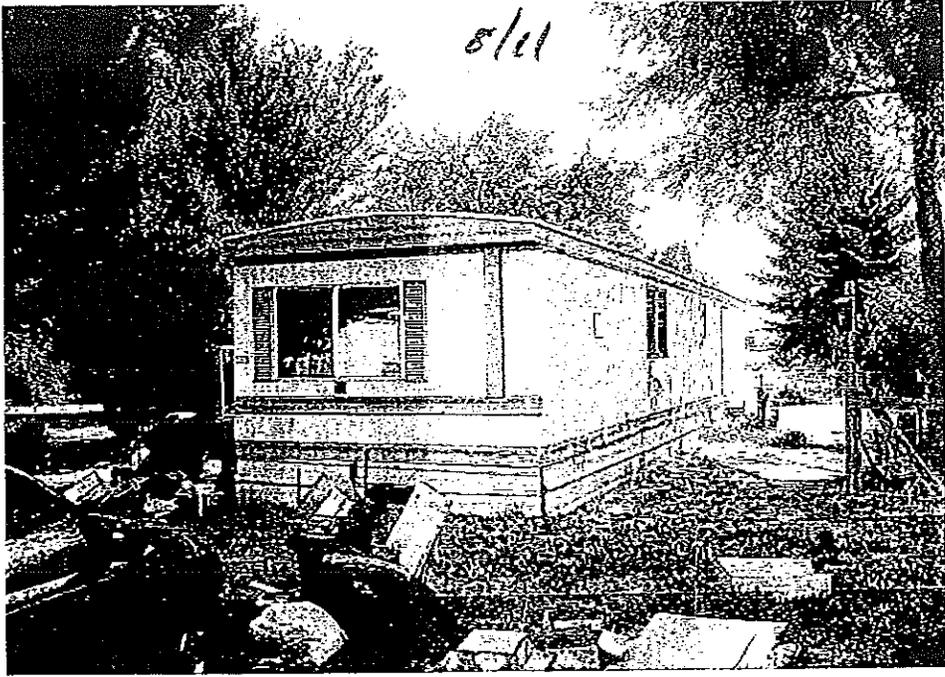
Inspected By: MSBJC Date: 8-22-05 Rev Yr: 06

Computed By: MS Date: 10-4-06 Rev Yr: 06

Carried Appraiser: VR Date: 8-26-11 Rev Yr: 12

Assessor: JA Date: 9-18-09 Rev Yr: \_\_\_\_\_

Reinspection: \_\_\_\_\_ Date: \_\_\_\_\_ Rev Yr: \_\_\_\_\_



NEEN 1018 11/11

**LAND INFORMATION**

01 NEIGHBORHOOD		02 OFF-SITE IMPROVEMENTS		03 TOPOGRAPHY		04 WATER FRONT PROPERTY		05 ON-SITE UTILITIES	
01 Urban	06 Stable	01 None	04 Asphalt/Conc.	01 Low	01 Lake	6 Beach	01 Electricity	05 Public Water	
02 Suburban	07 Improving	02 Public Access	05 Grave/Dir	02 Level	02 River/Creek	None P F A G E	02 Gas	06 Private Well	
03 Rural	08 Decking	03 Private Access	06 Sidewalks	03 Moderate Slope	03 Accretion	7 Grade	03 Underground Electric/Phone	07 Public Sewer	
04 Recreational			07 Curb/Gutters	04 Steep Slope	04 Bluff Land	P F A G E	04 Cable TV	08 Sptic System	
90		90		90	05 Flood Plain	90	90	90	

06 SUBJECT DIMENSIONS		07 SITE INFORMATION		08 REMARKS	
Frontage	01 Location	P F A G E			
Depth	02 Amenities	P F A G E			
Other	03 Landscaping	P F A G E			
	04 View	P F A G E			
	05 Detriments	Few Many None			
	06 Zoned				

09 COMPOSITE ADJUSTMENT							10 SITE ADJUSTMENTS							
CAT	LOC	CLASS	TYPE	UNIT	QTY	COST	BASE VALUE	01 Location	02 Access	03 View	04 Topography	05 Width	TOTAL FACTOR	211 VALUE
								01 Depth	02 Postage	03 Basin	04 Corner	05		

APPRAISER: \_\_\_\_\_ APPRAISAL DATE: \_\_\_\_\_ REVIEW YR: \_\_\_\_\_

REINSPECTED APPR: \_\_\_\_\_ DATE: \_\_\_\_\_ REVIEW YR: \_\_\_\_\_

**LAND VALUE** 3

**mfuson@latah.id.us**

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**From:** epah@latah.id.us  
**Sent:** Monday, March 03, 2014 4:42 PM  
**To:** mfuson@latah.id.us  
**Subject:** FW: Notice of Appeal

---

**From:** MAGAR EDWARD MAGAR [mailto:[calsport@msn.com](mailto:calsport@msn.com)]  
**Sent:** Monday, March 03, 2014 3:39 PM  
**To:** [epah@latah.id.us](mailto:epah@latah.id.us)  
**Subject:** Notice of Appeal

this is Magar Magar. I am sending in a notice of appeal of your order dated February 26. 2014. What I do not understand is the question of the violation of the sewer matter unless the sewer violation automatically follows from the loss of water pressure. You may call me if you like at 360-314 - 4444 at which time we may clarify these matters

**mfuson@latah.id.us**

---

**From:** epah@latah.id.us  
**Sent:** Wednesday, March 05, 2014 8:07 AM  
**To:** mfuson@latah.id.us  
**Subject:** FW: conversation 3/4/2014

---

**From:** MAGAR EDWARD MAGAR [<mailto:calsport@msn.com>]  
**Sent:** Tuesday, March 04, 2014 1:06 PM  
**To:** [epah@latah.id.us](mailto:epah@latah.id.us)  
**Subject:** conversation 3/4/2014

I appreciate the conversation we had, In that conversation you stated you could not tell me anything about the sewer violations but the whole matter was in the bailiwick of DEQ. you advised me to contact them which i shall

**mfuson@latah.id.us**

---

**From:** epah@latah.id.us  
**Sent:** Wednesday, March 05, 2014 11:35 AM  
**To:** calsport@msn.com  
**Subject:** conversation 3/4/2014  
**Attachments:** Syringa Civil Suit.pdf; magar service\_201403051033.pdf; N&O Syringa 3.pdf; N&O Syringa 1.pdf; N&O Syringa 2.pdf; Appeal Application.docx

Dear Mr. Magar,

I have included the application for appeal. There is a \$150 fee to file an appeal. Please note that you must return this to our office with the fee on or before March 21<sup>st</sup>, 2014 (letter sent by regular mail arrived on March 1<sup>st</sup>, service notice for certified mail notice and order left on March 1<sup>st</sup>, attached).

To assist you in understanding some of the sewer issues you are having in your park, I have attached the notice and order and the lawsuit from the Department of Environmental Quality. You must comply with this and all of the items listed in your notice and order.

Sincerely,

Eric Pah

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**From:** MAGAR EDWARD MAGAR [mailto:calsport@msn.com]  
**Sent:** Tuesday, March 04, 2014 1:06 PM  
**To:** epah@latah.id.us  
**Subject:** conversation 3/4/2014

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# LATAH COUNTY PLANNING & BUILDING

Latah County Courthouse

PO Box 8068, 522 South Adams

Moscow, ID 83843

**COPY**

(208) 883-7220 ♦ FAX (208) 883-7225 ♦ E-Mail: [pb@latah.id.us](mailto:pb@latah.id.us) ♦ In Latah County, Toll Free: 1-800-691-2012

Magar E Magar  
14102 NE 40<sup>th</sup> Street  
Vancouver, WA 98682

March 7, 2014

Dear Mr. Magar,

On March 6<sup>th</sup>, this office received your request for an appeal in the mail. We will consider this the filing date of your appeal. The appeal did not include the fee or any justification under the code for the appeal.

Please submit your payment and justification under Section 111.1 of the International Property Maintenance Code for your appeal. Section 111.1 of the International Property Maintenance Code reads as such:

111.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is file within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Payment can be made over the phone with a credit card or by check, cash, or money order delivered by mail or otherwise to Latah County Planning and Building, 522 S. Adams, Room 205, P.O. Box 8068, Moscow, ID 83843. Any checks or money orders should be made out to Latah County Planning and Building.

We will notify you of the date of the hearing. It will be scheduled sometime between March 17th, 2014 and March 26th, 2014. If you have any questions, please feel free to contact us. Thank you for your time.

Sincerely,

Michelle Fuson

LCAB Hrg: AP #914  
Applicant: MagarMagar  
Exhibit #: 7  
Date: 3/20/2014

**mfuson@latah.id.us**

---

**From:** MAGAR EDWARD MAGAR <calsport@msn.com>  
**Sent:** Thursday, March 13, 2014 12:59 PM  
**To:** mfuson@latah.id.us  
**Subject:** RE: regarding request for appeal

Please put my appeal on hold until further notice as I am try to familiarize with your procedure.

---

**From:** [mfuson@latah.id.us](mailto:mfuson@latah.id.us)  
**To:** [epah@latah.id.us](mailto:epah@latah.id.us); [calsport@msn.com](mailto:calsport@msn.com); [jgomez@latah.id.us](mailto:jgomez@latah.id.us)  
**Subject:** regarding request for appeal  
**Date:** Thu, 13 Mar 2014 11:20:25 -0700

Dear Mr. Magar,

Your appeal has been scheduled for 4 PM on March 20<sup>th</sup>, 2014 in Room 2B of the Latah County Courthouse, 522 S. Adams, Moscow, Idaho, 83843. The agenda for this appeal has been attached. This appeal will go before the Building Code Board of Appeals. We will be sending you the full packet for the hearing in the mail.

Additionally, as stated in the letter sent to you on March 7<sup>th</sup>, 2014, the appeal did not include the \$150.00 fee or any justification under the code for the appeal.

Please forward these as instructed in your letter dated March 7<sup>th</sup>, 2014 as soon as possible.

Sincerely,

Michelle Fuson

---

**From:** [epah@latah.id.us](mailto:epah@latah.id.us) [<mailto:epah@latah.id.us>]  
**Sent:** Wednesday, March 05, 2014 8:07 AM  
**To:** [mfuson@latah.id.us](mailto:mfuson@latah.id.us)  
**Subject:** FW: conversation 3/4/2014

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**From:** MAGAR EDWARD MAGAR [<mailto:>]  
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**Subject:** conversation 3/4/2014

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This message is confidential and may be legally privileged. Unless you are the intended recipient, you may not use, copy or disclose this message or any information herein. If you have received this message in error, please immediately delete it and any attachments, and notify the sender.

# LATAH COUNTY BUILDING CODE BOARD OF APPEALS

Latah County Courthouse ~ 522 S. Adams ~ PO Box 8068 ~ Moscow ID 83843 ~ (208) 883-7220

John Akin

Tony Johnson

Kevin Lilly

Justin Goodwin  
Alternate

Scott Becker  
Alternate

Eric Pah  
Ex-Officio

## AGENDA

Meeting, Monday, March 17<sup>th</sup>, 2014 at 4:00 p.m.

Meeting to be held in Room 2B, Latah County Courthouse

## TELECONFERENCE

1. Election of Chairman
2. Adoption of hearings procedures

As per Section 111.4.1 of the International Property Maintenance Code, adoption by reference, by motion and order, of the Latah County Hearings Procedures Ordinance, Ordinance #253 as the procedures for which a hearing will be conducted, treating all hearings for appeals as "Quasi-Judicial Hearings".

3. Meeting items:

Consideration of a request by Magar E. Magar to postpone/continue hearing for AP#914, an appeal by Magar E. Magar regarding the notice and orders by the Latah County Building Official placed on Mr. Magar's properties located at 4600 Robinson Park Road, Moscow, Idaho referenced as Assessor's Parcel #RP 39N05W100440 A.

LCAB Hrg: AP #914  
Applicant: MagarMaga  
Exhibit #: 9  
Date: 3/20/2014

**mfuson@latah.id.us**

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**From:** mfuson@latah.id.us  
**Sent:** Friday, March 14, 2014 2:57 PM  
**To:** 'MAGAR EDWARD MAGAR'  
**Cc:** jgomez@latah.id.us  
**Subject:** RE: regarding request for appeal  
**Attachments:** 2014-03-17 Agenda.pdf

Mr. Magar,

The Building Code Board of Appeals has scheduled a meeting to consider your request below. This meeting will be on Monday March 17<sup>th</sup>, 2014 at 4 PM in Room 2B of the Latah County Courthouse. I have attached an agenda for this meeting. If you wish to attend this meeting you are welcome to attend in person or we can allow you to attend via telephone. If you wish to attend by telephone, please get me your phone number/contact information as soon as possible.

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

Sincerely,

Michelle Fuson

---

**From:** MAGAR EDWARD MAGAR [<mailto:calsport@msn.com>]  
**Sent:** Thursday, March 13, 2014 12:59 PM  
**To:** [mfuson@latah.id.us](mailto:mfuson@latah.id.us)  
**Subject:** RE: regarding request for appeal

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---

**From:** [mfuson@latah.id.us](mailto:mfuson@latah.id.us)  
**To:** [epah@latah.id.us](mailto:epah@latah.id.us); [calsport@msn.com](mailto:calsport@msn.com); [jgomez@latah.id.us](mailto:jgomez@latah.id.us)  
**Subject:** regarding request for appeal  
**Date:** Thu, 13 Mar 2014 11:20:25 -0700

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Please forward these as instructed in your letter dated March 7<sup>th</sup>, 2014 as soon as possible.

Sincerely,

Michelle Fuson

**mfuson@latah.id.us**

---

**From:** MAGAR EDWARD MAGAR <calsport@msn.com>  
**Sent:** Friday, March 14, 2014 3:13 PM  
**To:** mfuson@latah.id.us  
**Subject:** RE: regarding request for appeal

i have some questions. You do not need to answer all of them if you can refer me to a web site that contains the answers.

Who are the members of Building Code Board of Appeals ?

I am assuming that Latah County has a building code . i am further assuming that that Building code was not an original document but was probably a document that was incorporated by reference from some other building code. What is the number of the ordinance that contains the incorporation,. Thank your .

---

**From:** [mfuson@latah.id.us](mailto:mfuson@latah.id.us)  
**To:** [calsport@msn.com](mailto:calsport@msn.com)  
**CC:** [jgomez@latah.id.us](mailto:jgomez@latah.id.us)  
**Subject:** RE: regarding request for appeal  
**Date:** Fri, 14 Mar 2014 14:57:25 -0700

Mr. Magar,

The Building Code Board of Appeals has scheduled a meeting to consider your request below. This meeting will be on Monday March 17<sup>th</sup>, 2014 at 4 PM in Room 2B of the Latah County Courthouse. I have attached an agenda for this meeting. If you wish to attend this meeting you are welcome to attend in person or we can allow you to attend via telephone. If you wish to attend by telephone, please get me your phone number/contact information as soon as possible.

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

Sincerely,

Michelle Fuson

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**To:** [epah@latah.id.us](mailto:epah@latah.id.us); [calsport@msn.com](mailto:calsport@msn.com); [jgomez@latah.id.us](mailto:jgomez@latah.id.us)  
**Subject:** regarding request for appeal  
**Date:** Thu, 13 Mar 2014 11:20:25 -0700  
Dear Mr. Magar,

**mfuson@latah.id.us**

---

**From:** mfuson@latah.id.us  
**Sent:** Friday, March 14, 2014 3:33 PM  
**To:** 'MAGAR EDWARD MAGAR'  
**Cc:** jgomez@latah.id.us  
**Subject:** RE: regarding request for appeal

Mr. Magar,

The members of the Board of Appeals are listed at the top of agenda that was attached to your e-mail. They are Kevin Lilly, John Akin, Tony Johnson, Justin Goodwin, and Scott Becker.

Latah County has adopted Latah County Ordinance #315 (the Latah County Building Code Ordinance) which incorporates the 2009 Edition of the International Property Maintenance Code, which is the code relevant to your Notice and Orders.

Ordinance #315 can be found at <http://www.latah.id.us/pzc/Ordinances/Building%20Code%20Ordinance.pdf>

Please let me know if I can be of further assistance.

Sincerely,

Michelle Fuson

---

**From:** MAGAR EDWARD MAGAR [<mailto:calsport@msn.com>]  
**Sent:** Friday, March 14, 2014 3:13 PM  
**To:** [mfuson@latah.id.us](mailto:mfuson@latah.id.us)  
**Subject:** RE: regarding request for appeal

i have some questions. You do not need to answer all of them if you can refer me to a web site that contains the answers.

Who are the members of Building Code Board of Appeals ?

I am assuming that Latah County has a building code .i am further assuming that that Building code was not an original document but was probably a document that was incorporated by reference from some other building code. What is the number of the ordinance that contains the incorporation,. Thank your .

---

**From:** [mfuson@latah.id.us](mailto:mfuson@latah.id.us)  
**To:** [calsport@msn.com](mailto:calsport@msn.com)  
**CC:** [jgomez@latah.id.us](mailto:jgomez@latah.id.us)  
**Subject:** RE: regarding request for appeal  
**Date:** Fri, 14 Mar 2014 14:57:25 -0700

Mr. Magar,

The Building Code Board of Appeals has scheduled a meeting to consider your request below. This meeting will be on Monday March 17<sup>th</sup>, 2014 at 4 PM in Room 2B of the Latah County Courthouse. I have attached an agenda for this meeting. If you wish to attend this meeting you are welcome to attend in person or we can allow you to attend via telephone. If you wish to attend by telephone, please get me your phone number/contact information as soon as possible.

**mfuson@latah.id.us**

---

**From:** mfuson@latah.id.us  
**Sent:** Friday, March 14, 2014 5:06 PM  
**To:** 'MAGAR EDWARD MAGAR'  
**Cc:** Bill Thompson (bthompson@latah.id.us); jgomez@latah.id.us  
**Subject:** RE: regarding request for appeal  
**Attachments:** 2014-03-20 Agenda.pdf; 2014-03-17 Agenda.pdf

Mr. Magar,

Since the process for the appeal is quasi-judicial, I thought it appropriate to let you know that any contact with the members of the Board of Appeals outside of the scheduled meetings would be considered ex-parte contact and improper.

Additionally, as per the Code, and as per your previous question, the Building Official for Latah County also sits on the Board as an ex-officio (non-voting) member. He is not appointed by the Board, but by the Code, and therefore was not reflected on the agenda. But to ensure perfect clarity in the membership, I have attached the amended agendas that reflect his ex-officio membership.

Additionally, I am sending you, via regular mail, a copy of the hearing packet for Thursday. Please substitute the agenda above for the agenda included in your packet. It includes all of the preliminary information and submittals. If the Board of Appeals determines to postpone your hearing, please keep your packet until the new hearing date.

If you wish to view an electronic copy of your hearing packet please go to:  
[http://www.latah.id.us/pzc/Public\\_Hearing\\_Packets/2014\\_03\\_20%20BCBOA%20Hrg%20Magar.pdf](http://www.latah.id.us/pzc/Public_Hearing_Packets/2014_03_20%20BCBOA%20Hrg%20Magar.pdf)

If you have any issues with that link, please go to <http://www.latah.id.us/pzc/index.php> and click on 2014\_03\_20 BCBOA Magar.

If I can be of further assistance, please contact me.

Sincerely,

Michelle Fuson

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**mfuson@latah.id.us**

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**Sent:** Friday, March 14, 2014 9:07 PM  
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**From:** mfuson@latah.id.us  
**To:** calsport@msn.com  
**CC:** bthompson@latah.id.us; jgomez@latah.id.us  
**Subject:** RE: regarding request for appeal  
**Date:** Fri, 14 Mar 2014 17:05:47 -0700

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Since the process for the appeal is quasi-judicial, I thought it appropriate to let you know that any contact with the members of the Board of Appeals outside of the scheduled meetings would be considered ex-parte contact and improper.

Additionally, as per the Code, and as per your previous question, the Building Official for Latah County also sits on the Board as an ex-officio (non-voting) member. He is not appointed by the Board, but by the Code, and therefore was not reflected on the agenda. But to ensure perfect clarity in the membership, I have attached the amended agendas that reflect his ex-officio membership.

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If I can be of further assistance, please contact me.

Sincerely,

Michelle Fuson

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**From:** MAGAR EDWARD MAGAR [mailto:calsport@msn.com]  
**Sent:** Friday, March 14, 2014 3:13 PM

LCAB Hrg: AP #914  
Applicant: MagarMaga  
Exhibit#: 14  
Date: 3/20/2014

**mfuson@latah.id.us**

---

**From:** mfuson@latah.id.us  
**Sent:** Monday, March 17, 2014 10:07 AM  
**To:** 'MAGAR EDWARD MAGAR'  
**Cc:** jgomez@latah.id.us; Bill Thompson (bthompson@latah.id.us)  
**Subject:** RE: regarding request for appeal

Mr. Magar,

You can appear for your hearing and/or meeting by telephone; you will have to provide us with a phone number/contact information if you wish to appear in this manner.

However, we still need for you to provide a written statement regarding the basis of your appeal. You refer to "two legal points" but we do not know of what you are speaking. Any exhibits you wish to submit for the hearing can be mailed (PO Box 8068, Moscow, ID, 83843), faxed (208-883-7225), delivered in person to 522 S. Adams, Moscow Room #205, or e-mailed to my e-mail. We will provide the exhibit labels and label them once we have them.

Let me know if we can be of further assistance.

Michelle Fuson

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**mfuson@latah.id.us**

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**From:** MAGAR EDWARD MAGAR <calsport@msn.com>  
**Sent:** Monday, March 17, 2014 10:38 AM  
**To:** mfuson@latah.id.us  
**Subject:** RE: regarding request for appeal

Thank you for the information it is most helpful.

---

**From:** mfuson@latah.id.us  
**To:** calsport@msn.com  
**CC:** jgomez@latah.id.us; bthompson@latah.id.us  
**Subject:** RE: regarding request for appeal  
**Date:** Mon, 17 Mar 2014 10:07:03 -0700

Mr. Magar,

You can appear for your hearing and/or meeting by telephone; you will have to provide us with a phone number/contact information if you wish to appear in this manner.

However, we still need for you to provide a written statement regarding the basis of your appeal. You refer to "two legal points" but we do not know of what you are speaking. Any exhibits you wish to submit for the hearing can be mailed (PO Box 8068, Moscow, ID, 83843), faxed (208-883-7225), delivered in person to 522 S. Adams, Moscow Room #205, or e-mailed to my e-mail. We will provide the exhibit labels and label them once we have them.

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**Date:** Fri, 14 Mar 2014 17:05:47 -0700  
Mr. Magar,

mfuson@latah.id.us

---

**From:** mfuson@latah.id.us  
**Sent:** Monday, March 17, 2014 5:48 PM  
**To:** 'MAGAR EDWARD MAGAR'  
**Cc:** jgomez@latah.id.us; Bill Thompson (bthompson@latah.id.us); 'Mauri Knott'; 'epah@latah.id.us'  
**Subject:** RE: regarding request for appeal  
**Attachments:** M&O Magar AP #914.pdf

Tracking:	Recipient	Read
	'MAGAR EDWARD MAGAR'	
	jgomez@latah.id.us	Read: 3/18/2014 9:01 AM
	Bill Thompson (bthompson@latah.id.us)	
	'Mauri Knott'	
	'epah@latah.id.us'	Read: 3/18/2014 9:04 AM

Mr. Magar,

As previously scheduled and as you were previously notified, the Latah County Building Code Board of Appeals met today at 4PM to discuss your request to postpone your appeal.

As a part of consideration whether they could postpone your appeal, upon review of the information you submitted, they decided that your appeal did not meet the legal requirements set forth in Section 111.1 of the code. The information that would make your appeal complete is information that we have requested from you in the initial letter we sent and requested from you in correspondence since that time.

In their motion, they stated the following: "Additionally, because Mr. Magar has not provided any justification under section 111.1 of the International Property Maintenance Code, 2009 Edition for his appeal, require him to submit such justification no later than Wednesday March 19, 2014 at 8AM PST. If Mr. Magar does not timely submit such justification, the Board shall dismiss his appeal based on an insufficient notice of appeal." As was stated to you in the letter dated March 7<sup>th</sup>, 2014, Section 111.1 of the code reads as such:

111.1 Application for appeal.

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

As was also done in the letter sent to you on March 7, 2014, I have underlined the section of the code that you need to immediately comply with to ensure that your appeal will be heard. You can submit this information via e-mail to [mfuson@latah.id.us](mailto:mfuson@latah.id.us), by fax to (208) 883-7225 or by hand delivery to our office at 522 S. Adams, Moscow, Idaho or in any other way that gets the information to our office prior to the due date/time. **If you have any questions or need assistance regarding this, please contact me as soon as possible. If for whatever reason I am not available, please contact Eric Pah, the building official – [epah@latah.id.us](mailto:epah@latah.id.us) or Mauri Knott – [msкнотт@latah.id.us](mailto:mस्कнотт@latah.id.us), an associate planner, for help with this matter. Any of us can also be reached at (208) 883-7220.**

As stated above, the Board of Appeals has required that you submit justification under the code **prior to Wednesday, March 19<sup>th</sup>, 2014 at 8AM PST**. Your justification simply has to meet the code requirements. You can submit evidence to support your request up until the time of the hearing and during your testimony on the set hearing date.

Additionally, they decided to deny your request to postpone your hearing and your hearing will proceed as scheduled at 4PM on Thursday, March 20<sup>th</sup> in Room 2B of the Latah County Courthouse, Moscow, Idaho (assuming you submit the information required in a timely manner).

Assuming that you submit the required information in the time as set forth by the motion and order by the Latah County Building Code Board of Appeals, please notify me if you will be participating in your hearing in person or over the phone. If you plan to participate over the phone, please get me your phone number/contact information.

**Again, please understand that if you do not submit the information above prior to Wednesday, March 19<sup>th</sup> at 8AM PST, that the Board will not consider your appeal.**

Thank you for your time and if I can be of further assistance, please let me know.

Michelle Fuson

---

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**To:** [calsport@msn.com](mailto:calsport@msn.com)  
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**Subject:** RE: regarding request for appeal  
**Date:** Mon, 17 Mar 2014 10:07:03 -0700

Mr. Magar,

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However, we still need for you to provide a written statement regarding the basis of your appeal. You refer to "two legal points" but we do not know of what you are speaking. Any exhibits you wish to submit for the hearing can be mailed (PO Box 8068, Moscow, ID, 83843), faxed (208-883-7225), delivered in person to 522 S. Adams, Moscow Room #205, or e-mailed to my e-mail. We will provide the exhibit labels and label them once we have them.

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# LATAH COUNTY BUILDING CODE BOARD OF APPEALS

Latah County Courthouse ~ 522 S. Adams ~ PO Box 8068 ~ Moscow ID 83843 ~ (208) 883-7220

John Akin	Tony Johnson	Kevin Lilly	Justin Goodwin Alternate	Scott Becker Alternate	Eric Pah Ex-Officio
-----------	--------------	-------------	-----------------------------	---------------------------	------------------------

BOARD MEMBER Justin Goodwin MOVES THAT THE BOARD:

Deny the request by Magar E. Magar to postpone the hearing for his Appeal AP#914 and have the hearing on the date previously set on Thursday March 20, 2014 at 4:00 pm. The Building Official has determined this to be an Imminent Danger as per the code and shall not stay the order to not re-occupy vacated structures, however has agreed to stay any filing of a certificate of non-compliance ( hence any prosecution under the law) until the appeals proceeding is complete. Additionally, because Mr. Magar has not provided any justification under section 111.1 of the International Property Maintenance Code, 2009 Edition for his appeal, require him to submit such justification no later than Wednesday March 19, 2014 at 8AM PST. If Mr. Magar does not timely submit such justification, the Board shall dismiss his appeal based on an insufficient notice of appeal.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>John Akin</u> John Akin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Tony Johnson</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Kevin Lilly</u> Kevin Lilly	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Justin Goodwin</u> Justin Goodwin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Scott Becker</u> Scott Becker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

M. Fuser  
Clerk/Deputy Clerk

DATE:

March 17 - 2014

mfuson@latah.id.us

---

**From:** MAGAR EDWARD MAGAR <calsport@msn.com>  
**Sent:** Monday, March 17, 2014 9:40 PM  
**To:** mfuson@latah.id.us  
**Subject:** RE: regarding request for appeal

You seem to have overlooked the information in this e-mail in which I said in *considering* whether or not to appeal etc. I had not concluded this consideration and I did not notify you of the legal points I had intended to peruse. Given those two prerequisites I do not see how you could continue to consider this incomplete and imperfect appeal. Basically I am developing the legal justiiication that the building official has no jurisdiction to persue matter that are within the jurisdiction of the Idaho DEQ and which the Idaho DEQ has commenced administratively. The building official is correct that I should pursue the matter with the IDAHO deq which is exactly what i am doing. it is entirely premature to per sue this matter under the building code prior to sorting matters out with the IDAHO DEQ.

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**To:** calsport@msn.com  
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**Subject:** RE: regarding request for appeal  
**Date:** Mon, 17 Mar 2014 17:48:04 -0700

Mr. Magar,

As previously scheduled and as you were previously notified, the Latah County Building Code Board of Appeals met today at 4PM to discuss your request to postpone your appeal.

As a part of consideration whether they could postpone your appeal, upon review of the information you submitted, they decided that your appeal did not meet the legal requirements set forth in Section 111.1 of the code. The information that would make your appeal complete is information that we have requested from you in the initial letter we sent and requested from you in correspondence since that time.

In their motion, they stated the following: " Additionally, because Mr. Magar has not provided any justification under section 111.1 of the International Property Maintenance Code, 2009 Edition for his appeal, require him to submit such justification no later than Wednesday March 19, 2014 at 8AM PST. If Mr. Magar does not timely submit such justification, the Board shall dismiss his appeal based on an insufficient notice of appeal." As was stated to you in the letter dated March 7<sup>th</sup>, 2014, Section 111.1 of the code reads as such:

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**mfuson@latah.id.us**

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**From:** mfuson@latah.id.us  
**Sent:** Tuesday, March 18, 2014 1:21 PM  
**To:** 'MAGAR EDWARD MAGAR'  
**Cc:** jgomez@latah.id.us; Bill Thompson (bthompson@latah.id.us); 'msknott@latah.id.us'; 'epah@latah.id.us'  
**Subject:** RE: regarding request for appeal  
**Attachments:** Magar Request to Appeal.pdf

Dear Mr. Magar,

I have attached a copy of the page in which you stated "I, Magar E. Magar, hereby appeal the attached Notices and Orders of the Latah County Department of Planning & Building dated February 26, 2014." This page had a "Certificate of Service" attached to it. Additionally, you previously asked to postpone your appeal.

If you wish to withdraw your appeal, please let us know prior to Thursday, March 20, 2014 at 4PM PST.

If you do not officially withdraw your appeal, then we, by law, must proceed with the hearing as scheduled because the International Property Maintenance Code, 2009 Edition requires us to have a hearing on any appeal filed within 20 days of the filing.

Please let me know how you would like to proceed.

Sincerely,

Michelle Fuson

---

**From:** MAGAR EDWARD MAGAR [mailto:calsport@msn.com]  
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**Subject:** RE: regarding request for appeal  
**Date:** Mon, 17 Mar 2014 17:48:04 -0700

Mr. Magar,

RECEIVED

MAR 06 2014

LATAH COUNTY

*no payment  
received  
3/6/14*

*Magar E. Magar*

14102 NE 40<sup>th</sup> Street  
Vancouver WA. 98682

Tel 360 314 4444, cell 503 929 1094, fax 360 314 4781

Email: [calsport@msn.com](mailto:calsport@msn.com)

Eric Pah  
Latah County Building Official  
Latah County Department of Planning and Building  
PO Box 8068  
Moscow, ID 83843

March 3, 2014

### Notice of Appeal

Dear Mr. Pah,

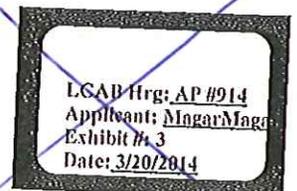
I, Magar E. Magar, hereby appeal the attached Notices and Orders of the Latah County Department of Planning & Building dated February 26, 2014.



Magar E. Magar

cc: Shannon Musick, Manager, Syringa MHP

*Attachment to E-mail*

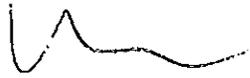


Certificate of Service

I certify that on March 3, 2014 I served 1 true copy of this Notice on:

Eric Pah  
Latah County Building Official  
Latah County Department of Planning and Building  
PO Box 8068  
Moscow, ID 83843

By United States Postal Service First Class



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Magar E. Magar

mfuson@latah.id.us

---

**From:** MAGAR EDWARD MAGAR <calsport@msn.com>  
**Sent:** Tuesday, March 18, 2014 2:23 PM  
**To:** mfuson@latah.id.us  
**Subject:** Appeal  
**Attachments:** ID2290038 SYRINGA MOBILE HOME PARK - ESS CAP 03-12-2014 (3).pdf

Ms. Fuson,

The purpose of my appeal is that the reason for the notice submitted by Mr. Pah regards the water supply to the cited trailers. This is not the jurisdiction of the building inspector, but of the Idaho DEQ, who I am currently working with to correct the situation. There is nothing inherently wrong with the structures in question. I am currently awaiting communication from the DEQ regarding the submitted Corrective Action Plan (attached). If an order were necessary, it should proceed from information from the DEQ, not precede it. It is evident that what the building inspector is concerned about as is clear from his notice is the water supply and the lagoon. The lagoon requires a very expensive seepage test to determine if any of the contents of the lagoon are seeping through the bottom of the lagoon to ground water. That, again, has nothing to do with the structures under the jurisdiction of the building inspector.

I would like to attend the hearing set for March 20th by phone. I can be reached at 360-314-4444

Sincerely,  
Magar E. Magar

(attached: Idaho DEQ proposed corrective action plan)

RECEIVED  
 MAR 12 2014  
 ID DEQ - LRO

Significant Deficiency & Deficiency Corrective Action Plan for Springs Mobile Home Park PWS# ID2290038

Table 1. Corrective Action Plan

Significant Deficiency	Corrective Action	Plan's Completion Date	Goal Completion Date	Initials (Date)
<b>Source</b> 1. Well #2 is not provided with a sanitary cap that prevents surface water from entering the well. 2. The well casing for Well #2 is not properly vented. 3. The pump house for Well #2 is not clean and/or in good repair.	Well 2 we are going to cap off well to standard Brian Hall will let DEQ know Done Done	March 15 2014		
<b>Storage</b> 1. Precautions have not been provided for storage structure to prevent trespassing, vandalism, and sabotage. 2. The storage distribution line is not adequately protected from freezing.	Putting locks on top of Storage Tanks Done wrap with heat tape and insulation Done	March 15 2014 Feb 2014		
<b>Distribution</b> 1. The PWS is not able to maintain a minimum pressure of twenty (20) psi throughout the distribution system during peak hourly demand conditions.	Done 45 to 79 over 75 pressure	Feb 2014		
<b>Pumping</b> 1. Water pumps may not be capable of providing the maximum pumping demand of the system.	Done Stroms Has records of work that they did			

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Severity and Frequency	Scope of the Issue	Priority	Status	Initial Action
<b>Pumping</b>	2. The Manifold Pump House is not clean and in good repair.	march 15, 2014		
<b>Managerial</b>	1. The modifications of the Syringa system with respect to the hydropneumatic tanks and chlorination equipment are not in conformance with the facility and design standards.	Jan 2014		
2. Syringa does not have an operator available at all times.	Brian Hall	February 2014		
3. Inadequately protected electrical wiring is producing a safety concern at Well #6, Well #7, the storage tanks, and the Manifold Pump House.	Strom's got well #7 running put wire in conduit #6 well will be upgraded by June 2014	Jan 2014 June 2014		
4. The operation and maintenance manual is incomplete, not having daily operating instructions, operator safety procedures, location of valves and other key system features, and parts list and parts order form.	well be completed in one year	March 2015		
<b>Disinfection Treatment Application</b>				
1. The chemical feeder(s) is not controlled by a flow sensing device.	will be installed	March 16 2014		

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Spring and Disinfectant	Disinfection Treatment Application	Date	Amount	Remarks
2. An automatic proportioning chlorinator is not being used where the rate of flow is not reasonably constant.	Being installed	March 16, 2014		
3. Where chlorination is required for protection of the supply, there is not standby equipment of sufficient capacity available to replace the largest unit and spare parts are not on hand for parts of chemical feeders that are subject to frequent wear and damage.	We have extra pump	March 16, 2014		
4. No provisions are made for measuring the quantities of chemicals used.	Done	March 12, 2014		
5. It is unknown if a detectable chlorine residual is being maintained throughout the distribution system.	3/11/14 Started testing from well house and will test daily	March 11 2014		
6. Syringes does not have a means of measuring the residual disinfectant concentration of free chlorine.	Hannah checker for free chlorine HI 701 Done	March 4 2014		
7. The free chlorine residual is not being measured on a daily basis, is not conducted at a location at or prior to the first service connection, or recorded and kept on file for a minimum of 1 year.	Will start testing after installing system	March 15, 2014		

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Significance Rating	Priority	Final Completion Date	Start Completion Date	Notes (What's Done)
<b>Distribution Treatment Application</b>				
8. Vents from feeders and/or storage facilities and/or equipment exhaust are not discharged to the outside atmosphere above grade and remote from air intakes.	Will Be Installed	June 2014		
<b>Source</b>				
1. Well #3 does not meet the minimum setback distance of 50 ft. from a gravity sewer line.	No action is required at this time. The proximity of a potential source of contamination to the potable water supply will be evaluated every sanitary survey.			
<b>Distribution</b>		June 15 2014		
1. The cross connection control program for the PWS does not meet Idaho Rules.				
<b>Pumping</b>				
1. There are no spare parts and/or tools for all pumps	Done			
<b>Managerial</b>				
1. There is no total coliform rule (TCR) sample site plan.	Done			
2. The Public Water System has water supply wells that are no longer being used that need to be abandoned	Wells 8 Ask about Grant to help with abandoned	March 2014		

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Deficiency	Corrective Action	Due Date	Completed	Initials	Signature
3. The required bacterial and chemical analysis, records of actions taken, copies of public notices issued and daily free chlorine residual records have not been kept in accordance with Idaho Rules.	Will Be Recorded Daily	March 15 2014			
4. Treads of non-slip material are not provided in the Manifold Pump House.	Leaks Fixed, Floor Clean	March 15 2014			
<b>Disinfection Treatment Applications</b>					
1. Each operator is not provided with protective clothing and goggles or face mask	Will have safety clothing by	March 15 2014			

I certify, to the best of my knowledge that all significant deficiencies have been corrected and meet the requirements pursuant to IDAPA 58.01.08. (\*\*\*) signature when all deficiencies have been corrected, initials after each date when corrected)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Deficiency	Priority	Plan	Test Completion Date	Test Results
<i>Managerial</i>				
3. The required bacterial and chemical analysis, records of actions taken, copies of public notices issued and daily free chlorine residual records have not been kept in accordance with Idaho Rules.			<del>March 15</del> March 15	
4. Treats of non-slip material are not provided in the Manifold Pump House.	Leak Fixed Floor Clean conert-slor Floor to drain levels	March 15		
<i>Disinfection Treatment Application</i>				
1. Each operator is not provided with protective clothing and goggles or face mask.		March 15		

I certify, to the best of my knowledge that all significant deficiencies have been corrected and meet the requirements pursuant to IDAPA 58.01.06. (\*\*\*)signature when all deficiencies have been corrected, initials after each date when corrected)

Signature: \_\_\_\_\_ Date: 3/15/2014

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MAR 12 2014

ID DEQ - LRO

TO Micheal Camin

From Shannon Musick

**mfuson@latah.id.us**

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**From:** Michael.Camin@deq.idaho.gov  
**Sent:** Tuesday, March 18, 2014 8:25 PM  
**To:** calsport@msn.com  
**Cc:** mfuson@latah.id.us; Andrea.Courtney@deq.idaho.gov  
**Subject:** RE: Corrective Action Plan

Mr. Magar,

The CAP will be reviewed.

DEQ is not directly involved with Latah County's current actions and any questions or comments regarding those actions should be referred to them. If there are questions regarding the status of Syringa's compliance with the DW & WW Rules, DEQ can provide that information.

Regards,

*Michael Camin, P.E.*  
*Engineering & Remediation Manager*  
*Idaho Department of Environmental Quality*

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**From:** MAGAR EDWARD MAGAR [<mailto:calsport@msn.com>]  
**Sent:** Monday, March 17, 2014 2:06 PM  
**To:** Michael Camin  
**Subject:** Corrective Action Plan

Mr. Camin

Attached is the time line for our corrective action plan. I assume that this documentation is the orderly administrative procedure.

The building official of Latah County is forbidding us from us from continuing to do business, so long as DEQ is generally dissatisfied with the situation. This results in a very perplexing situation for us as the buck passes between DEQ and the building official. We need some clarity on this score.

Thank you.

Magar E. Magar

**ORDINANCE #315**  
**LATAH COUNTY BUILDING CODE ORDINANCE**

AN ORDINANCE OF LATAH COUNTY, A GOVERNMENTAL SUBDIVISION OF THE STATE OF IDAHO; REPEALING PRIOR ORDINANCES AND AMENDMENTS PERTAINING TO BUILDING CODES; PROVIDING FOR FILING OF THE ADOPTED CODES IN THE LATAH COUNTY BUILDING DEPARTMENT; ADOPTING THE 2012 INTERNATIONAL BUILDING CODE, THE 2009 INTERNATIONAL RESIDENTIAL CODE, THE AMERICAN NATIONAL STANDARD ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES, ICC/ANSI A117.1, 2003 EDITION, THE 2009 INTERNATIONAL MECHANICAL CODE, THE 2009 INTERNATIONAL FUEL GAS CODE, THE 2009 INTERNATIONAL ENERGY CONSERVATION CODE, THE 2012 INTERNATIONAL EXISTING BUILDING CODE, THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, IDAPA 07.03.01, ALL AS THE LATAH COUNTY BUILDING CODE; PROVIDING FOR AMENDMENT OF CERTAIN SECTIONS OF SAID CODES, INCLUDING A SECTION ON MANUFACTURED HOUSING AND BUILDINGS; PROVIDING FOR VOIDING PERMITS CONTRARY TO LAW; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of Latah County Commissioners finds that the application of the adopted building standards and regulations within the unincorporated portion of Latah County is in the best interest of and will further the health, safety, and welfare of the public and the citizens of Latah County; and

WHEREAS, this ordinance is adopted under authority of Idaho Code Title 39 Chapter 41, Idaho Code 31-714 and applicable provisions of the Constitution of Idaho and statutes of the State of Idaho; and

WHEREAS, the Board of Latah County Commissioners finds that good cause exists for the amendments included in this document to such codes and that these amendments are reasonably necessary;

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Latah County, Idaho:

**SECTION 1. REPEAL OF PRIOR CODES.** That Latah County Ordinance No.299 and all subsequent amendments passed by the Board of County Commissioners are hereby repealed; except with respect to those portions repealing prior ordinances.

**SECTION 2. FILING OF CODE.** That the codes adopted in Section 3 of this ordinance, as amended, shall be designated as the Latah County Building Code, one copy of each Code shall be recorded in the office of the Clerk of the Board of Commissioners of Latah County and be available for inspection at the County Building Department, at the Latah County Courthouse, Moscow, Idaho.

**SECTION 3. CODES ADOPTED.** That the International Building Code, 2012 Edition; the International Residential Code, 2009 Edition, Parts I through VI and IX; the American National Standard Accessible and Usable Buildings and Facilities, ICC/ANSI A117.1, 2003 Edition; the International Mechanical Code, 2009 Edition; the International Fuel Gas Code, 2009 Edition; the International Energy Conservation Code, 2009 Edition; the International Existing Building Code, 2012 Edition; the International Property Maintenance Code, 2009 Edition; IDAPA 07.03.01; excluding all appendices thereto except as herein enumerated, are hereby adopted by Latah County for the regulation of the erection, construction, enlargement, alteration, repair, moving, conversion, occupancy, use, height, area and maintenance of all buildings and structures in Latah County, including installation of manufactured homes in accordance with the provisions of the Title 44, Chapter 22 Idaho Code. These Codes and regulations are hereby adopted by reference, as amended below and by the State of Idaho, and shall be the Latah County Building Code.

The following appendices to the International Building Code, 2012 Edition, are specifically adopted: Appendix C, Agricultural Buildings; Appendix E, Supplementary Accessibility Requirements; Appendix F, Rodent Proofing; Appendix G, Flood Resistant Construction; Appendix H, Signs; Appendix I, Patio Covers; and Appendix J, Grading.

The following appendices to the International Residential Code, 2009 Edition, are specifically adopted: Appendix A, Sizing and Capacities of Gas Piping; Appendix B, Sizing of Venting Systems Serving Appliances with Draft Hoods, Category I Appliances, and Appliances listed for use and Type B Vents; Appendix C, Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems; Appendix G, Swimming Pools, Spas and Hot Tubs; Appendix H, Patio Covers; Appendix J, Existing Buildings and Structures ; Appendix M, Home Day Care-R-3 Occupancy.

The following appendices to the International Existing Building Code, 2012 Edition, are specifically adopted: Appendix A-1, Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings; Appendix A-2, Earthquake Hazard Reduction in Existing Reinforced Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms; Appendix B, Supplementary Accessibility Requirements for Existing Buildings and Facilities; and Resource A, Guideline on Fire Ratings of Archaic Materials and Assemblies.

**SECTION 4. AMENDMENTS TO THE INTERNATIONAL BUILDING CODE, 2012 EDITION, THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION, AND THE INTERNATIONAL EXISTING BUILDING CODE, 2012 EDITION.**

That Section [A]105.2 of the International Building Code, 2012 Edition, Section R105.2 of the International Residential Code, 2009 Edition, and Section 105.2 of the International Existing Building Code, 2012 Edition, are hereby amended as follows:

14. [11.] [7.] Agricultural buildings. Classification as an agricultural building shall require that the structure be exclusively used for storage of farm equipment, crops, or animals that are part of a bona fide revenue-producing agricultural enterprise. In addition to showing proof of revenue either by providing a Federal Tax Form Schedule F or if in the first year of production by showing receipts documenting farm income, such classification shall require that the structure be built on a parcel designated as category 1, 2, 3, 4, or 5 by the Latah

County Assessor, or verification of registration of the building owner as a farm owner or operator with Latah Farm Services Agency, or documentation of reported farm income on appropriate federal income tax forms. A Zoning Placement Certificate, including a statement of use, shall be secured prior to construction of building-permit-exempt agricultural buildings. The fee for such shall be as listed in Appendix A of this document.

That Section 105.3 of the International Building Code, 2012 Edition, and Section R105.3 of the International Residential Code, 2009 Edition, are hereby amended as follows:

**105.3 [R105.3] Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the department of building for that purpose. Such application shall:

6. Be signed by the applicant/owner. When allowed by office policy, the applicant's authorized agent or contractor may sign the application with permission of the property owner.
8. Written verification of septic/sewer approval from the North Central District Health Department, appropriate sewer district, or municipality.

**Exemption:** Permits for siding, window replacement, re-roofs, mechanical installations including wood stoves, accessory structures without bedrooms or bathrooms, and signs are exempt from this requirement, provided a 20' setback from the drainfield and septic tank is maintained.

9. Written verification from the Idaho Transportation Department, appropriate highway district, appropriate federal or state agency, or appropriate municipality of approved vehicle access for the building site to a public road.

**Exemption:** Permits for siding, window replacement, re-roofs, signs outside of the public right-of-way, mechanical installations including wood stoves, additions to existing structures, or accessory structures to existing single-family residences are exempt from this requirement.

That Section 105.5 of the International Building Code, 2012 Edition, and Section R105.5 of the International Residential Code, 2009 Edition, are hereby amended as follows:

**105.5 [R105.5] Expiration.** Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, not more than four extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. Each subsequent extension after the first shall not be issued until the fee as shown in Appendix A has been paid.

**Renewal.** When a permit has expired or is going to expire, a renewal permit must be obtained. No work can be recommenced on an expired project until a renewal permit has

been issued. The fees for such renewal permits are specified in Appendix A of this ordinance. At the discretion of the building official, and only when deemed appropriate, in lieu of the fees specifically outlined, the applicant may be charged the fees set out for remodels or may, if the project is substantially close to being finished with approximately 90% or more of the project completed, be charged for individual items or inspections needed to complete a permit. A Certificate of Occupancy may be issued without all permitted elements completed provided that these elements are not essential to the completion of construction of the structure (i.e. garage, carport, cover over a deck) and so long as construction of the elements has not begun. If these will be built at a future date, a new permit for these will be required at the time of construction. All subsequent work, which was not previously approved, shall adhere to the most current adopted code. Each permit shall be eligible for only one renewal; thereafter a new permit shall be issued.

That Section 109 of the International Building Code, 2012 Edition, and Section R108 of the International Residential Code, 2009 Edition, are hereby amended as follows:

**109.3 [R108.3] Building permit valuations.** Valuations are set in Appendix A of this Ordinance. When valuation data for certain projects is not available in Appendix A, the building official shall determine a valuation in accordance with the policy established in Appendix A. The corresponding fee shall be paid.

**109.6.1 [R108.5.1] Plan Review Fees.** When submittal documents are required by Section 107[R106], a plan review fee shall be paid. Said plan review fee shall be as shown in Appendix A of this Ordinance. A non-refundable fee deposit, in an amount set forth in Appendix A, for commencement of the plan review shall be paid for projects exceeding \$30,000 in valuation.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109 [R108] and are in addition to the permit fees. Any balance, after deducting the plan review fee from the deposit, shall be credited to the amount due for the permit fee, or any amount owing after the deduction of the deposit from the full plan review fee shall be added to the amount due for the permit fee. Regardless of circumstance, plan review fees shall not be reduced or waived.

**109.4 [R108.6] Work commencing before permit issuance.** Any person who commences work requiring a permit on a building, structure, gas or mechanical system before obtaining the necessary permits, where any enforcement action has begun, shall be subject to a fee, as set forth in Appendix A of this ordinance, that shall be in addition to the required permit fees.

**109.6 [R108.5] Refunds.** Prior to plan review and permit issuance, eighty percent [80%] of any fees paid shall be refunded if the application is withdrawn prior to commencement of the project. Plan review fees are not refundable after the plan review has been performed; however, eighty percent [80%] of any permit fees paid shall be refunded if the application is withdrawn prior to commencement of the project. No refunds shall be made after commencement of any work on the project.

That Section 113 of the International Building Code, 2012 Edition, and Section R112 of the

International Residential Code, 2009 Edition, and Section 112 of the International Existing Building Code, 2012 Edition, are hereby amended as follows:

**113.1 [R112.1] [112.1] General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The building official shall be an ex-officio member of said board but shall have no vote on any matter before the board. This board shall have three members, not including the building official. The Board of Appeals shall be appointed by the Board of Latah County Commissioners and shall hold office at its pleasure. A member of the Board of Appeals shall act as Secretary and shall take minutes of the proceedings. The Board of Appeals shall conform to the Latah County Hearing Procedures Ordinance, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

**113.2 [R112.2] [112.2] Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed.

Any affected person may file an appeal from any notice or action of the building official. A fee, as specified in Appendix A, and written appeal describing the specific issues being appealed, must be submitted to the Latah County Planning and Building Department within fifteen (15) days of the date of the notice or action of the building official. After receiving the written appeal, the Board of Appeals shall be appointed within thirty (30) days and shall fix a date, time and place for hearing the appeal. The Board of Appeals shall hear the appeal within forty-five (45) days after the appointment by the Board of Latah County Commissioners. Written notice of the time and place of the hearing shall be given at least fifteen (15) days prior to the date of the hearing to each appellant and to the building official. The Board of Appeals must render a decision within thirty (30) days of the hearing of such appeal. Every decision of the Board of Appeals must be based upon findings of fact and every finding must be supported in the record of the proceedings of the Board of Appeals.

The Board of Appeals shall have no authority to waive requirement of this code.

**R112.2.1 Determination of substantial improvement in areas prone to flooding. DELETED**

**R112.2.2 Criteria for issuance of a variance for areas prone to flooding. DELETED**

That Section R202 Definitions, of the International Residential Code, 2009 Edition, shall be amended as follows:

**Structure.** That which is built or constructed, including roll-off containers, shipping containers or similar items.

That Table R301.2(1), Climatic and Geographic Design Criteria, of the International Residential Code, 2009 Edition, shall be completed as follows:

**Ground Snow Load:** The ground snow loads, as determined by the study, "Ground and Roof Snow Loads for Idaho", Ronald L. Sack, et al, University Press of Idaho, 1976, shall be used to calculate all roof snow loads. All elevations above 3300 feet shall have an additional 20 pounds of snowload above the base snowload. The Latah County Basic Roof Snow Loads map shall be incorporated into this Ordinance as Appendix B, attached.

**Wind Speed:** 90 mph

**Seismic Design Category:** B

**Subject to Damage from weathering:** Severe

**Subject to damage from frost line depth:** Frost Depth 30 inches

**Subject to damage from termite:** Slight to moderate

**Subject to damage from decay:** None to slight

**Winter Design Temp:** 10 Degrees F

**Ice Shield Underlayment Required:** Yes

**Flood Hazards:** Date of entry into the National Flood Insurance Program, May 31, 1980

Date of current Flood Insurance Rate Map Index: April 15, 2002

**Air Freezing Index:** 1500 or less

**Mean Annual Temperature:** 47.3 Degrees F

That Section R302 of the International Residential Code, 2009 Edition, shall be amended as follows:

**R302.5.1 Opening protection.** Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with self-closing tight-fitting solid wood doors not less than 1½ inch (35 mm) in thickness, solid or honeycomb core steel doors not less than 1½ inch (35 mm) thick, or 20-minute fire-rated doors.

**R302.6 Separation required.** The garage shall be separated from the residence and its attic area by not less than 5/8-inch (15.9 mm) Type X gypsum board applied to the garage side. Where the separation is a floor-ceiling assembly, the structure supporting the separation shall also be protected by not less than 5/8-inch (15.9 mm) Type X gypsum board or equivalent. Garages located less than 3 feet (914mm) from a dwelling unit shall be protected with not less than 5/8-inch (15.9 mm) Type X gypsum board applied to the interior side of exterior walls and ceilings. Openings in these walls shall be regulated by Section R302.5.1.

**R302.7 Under-stair protection.** Enclosed accessible space under stairs shall have walls, under-stair surface and any soffits protected on the enclosed side with 5/8-inch Type X gypsum board

That Section R303.3 of the International Residential Code, 2009 Edition, shall be amended as follows:

**R303.3 Bathrooms and Kitchens.** Bathrooms and kitchens shall be provided with mechanical exhaust and shall be designed to exhaust the minimum air flow rate as set forth in Table M1507.3

That Section R403 of the International Residential Code, 2009 Edition, shall be amended as follows:

**R403.1.1 Minimum size.** Minimum sizes for concrete and masonry footings shall be as set forth in Table 403.1 and Figure R403.1 (1). The footing width, *W*, for light frame construction shall be 16" for 1- and 2-story with soil bearing value of 1500 p.s.f., and 23" for 3-story with soil bearing value of 1500 psf. Spread footings shall be a minimum of 8 inches (200 mm) in thickness, or thicker where required by design loads. Footing projections, *P*, shall be at least 2 inches (51 mm), and shall not exceed the thickness of the footing. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1 Footings for wood foundations shall be in accordance with the details set forth in Section R403.2, and Figures R403.1(2) and 403.1(3).

All footings shall have a minimum of two (2) No. 4 (½ inch) or larger reinforcement rods laid continuously in the footing. Lap splices shall be a minimum of 40 bar diameters.

That Section R404.1.1 of the International Residential Code, 2009 Edition, shall be amended as follows:

**R404.1.1 Masonry foundation walls.** Minimum width shall be 8 inches. Masonry basement walls shall be grouted solid below grade and at rebar above grade. Masonry foundation walls shall be constructed as follows: Walls up to 48 inches in height from the top of the footing, shall have a horizontal bond beam of # 4 rebar placed at the top course of block. A vertical #4 rebar shall be required at each corner and a maximum of 4 foot intervals. Walls over 48 inches in height shall have one (1) horizontal # 4 rebar placed at a maximum of 4 foot intervals and one (1) horizontal #4 rebar placed at top course. A vertical # 4 rebar shall be required at each corner and a maximum of 32 inch intervals. A horizontal # 4 rebar shall also be required at any course securing anchor bolts which fasten rim joists or beams to wall. Masonry over openings shall be supported in accordance with the details set forth in Section R606.10. Foundation walls in excess of 10 feet in height or retaining walls in excess of 8 feet of unbalanced backfill shall be engineered.

That Section R404.1.2 of the International Residential Code, 2009 Edition, shall be amended as follows:

**R404.1.2 Concrete foundation walls.** Concrete foundation walls shall be constructed as follows: For walls less than 48 inches in height from the top of the footing, horizontal rebar, #4, shall be spaced at intervals of a maximum of 18 inches and vertical rebar, #4, shall be spaced at intervals of a maximum of 48 inches. For walls more than 48 inches in height from the top of the footing, horizontal and vertical rebar, #4, shall be spaced at intervals of a maximum of 18 inches.. The horizontal rebar shall be placed not greater than 9 inches from the top of the wall. Openings up to 6 feet in concrete walls shall have a lintel above with two #5 rebar or equivalent on the top and bottom, extending 2 feet past the opening on either side and within 1.5 to 3 inches of the opening. Openings greater than 6 feet shall be engineered. The minimum thickness shall be 8 inches for walls which support 2 or 3 stories above grade and all basement walls. Foundation walls in excess of 10 feet in height or retaining walls in excess of 8 feet of unbalanced backfill shall be engineered.

That Section R405.1 of the International Residential Code, 2009 Edition, shall be amended as follows:

**R405.1 Concrete or masonry foundations.** Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or accessible spaces located below grade.

That Section 2402 (201) of the International Residential Code, 2009 Edition, is hereby amended as follows:

**2402 (201.4) Alternate allowable installation.** Property owners shall be allowed to install gas piping provided the gas piping design and sizing is provided by a licensed plumbing or electrical contractor or a licensed plumbing or mechanical journeyman prior to permit issuance.

That Section G2427.4.1 of the International Residential Code, 2009 Edition, shall be amended as follows:

**G2427.4.1.1 (1).** All plastic pipe located within a structure used for venting flue gases shall be tested at five (5) psi for fifteen (15) minutes duration.

## **SECTION 5. MANUFACTURED HOUSING & BUILDINGS**

Latah County Ordinance #269 as amended, the Latah County Land Use Ordinance, shall apply to all applicable activities unless and until it is repealed or superseded. If there is a conflict between Section 5 of this ordinance and Latah County Ordinance #269 as amended, then the stricter of the two shall take precedence.

**SECTION 5.01 Installation Permits.** In order for any manufactured building as defined by Idaho Code to be installed, (including manufactured housing, as regulated by this Ordinance) within the unincorporated areas of Latah County, a valid installation permit must be issued by the Department of Planning and Building for the specific building and site. All applications for installation permits shall be issued by the Building Official upon compliance by the applicant with the provisions of this Ordinance and any regulation adopted pursuant thereto, any other state or local regulation pursuant thereto, and any other applicable legal requirements.

To qualify for an installation permit, all manufactured buildings must comply with the requirements of Idaho Code, Title 39, Chapters 40 and 41, Title 44, Chapters 21, 22 and 25 and any rules and regulations promulgated thereunder.

Permits for manufactured buildings not in compliance with Idaho Code, Title 39, Chapters 40 and 41, Title 44, Chapters 21, 22, and 25, and any rules and regulations promulgated thereunder shall not be valid.

**SECTION 5.02 Site And Unit Requirements.** When applying for a Manufactured Housing Installation Permit, the following conditions must be met before an installation permit will be issued:

- A. A building site which meets all applicable requirements of this ordinance and the criteria set forth in all Latah County Ordinances shall be designated and required.
- B. All setback, height, and lot size requirements of the zone and all criteria set forth in all Latah County Ordinances shall be met. If the building site is an approved space within a manufactured housing development, the manufactured home park development plans for setbacks shall prevail along with the setback and separation distances for structures contained in the building codes referenced in this ordinance.
- C. Permits shall be issued only for those manufactured housing units meeting all of the specifications and minimum health and safety standards for plumbing, heating, electrical, and frame and body design established pursuant to Title 39, Chapters 40 and 41 of the Idaho Code. Furthermore, all manufactured housing units shall meet state installation standards in Title 44, Chapter 22 of the Idaho Code. All manufactured housing units shall bear an insignia of approval of the state in which the manufactured home was built.
- D. Sewage treatment systems shall be approved by the agency having jurisdiction. If the building site is an approved space within a manufactured housing development sewage treatment approval must only be gained only once per space from the relevant jurisdiction.
- E. Exterior electrical and plumbing connections shall be approved by the agency having jurisdiction.
- F. Access points onto or from any road or highway shall be approved by the agency having jurisdiction.

**SECTION 5.03 Application.** Applications for installation permits shall be in writing, signed by the applicant, and shall contain the following:

- A. The name and address of the applicant, and the name, address, license number and signature of the contractor and licensed installer;
- B. The signature of the owner, when the applicant is not the land owner, and the location of the proposed installation site by lot, block, tract, street address, or similar description that will readily identify and specifically locate the proposed installation;
- C. The proposed use of the building;
- D. A site plan or plot plan showing;
  - 1. The area and dimensions of the building site and proposed location of the building;
  - 2. The number, location and size of any and all existing buildings and structures; and the distance from those buildings;

3. Location of and type of water and sewer facilities, including a copy of Health Department approval of the sewer facilities;
  4. Two sets of plans and specifications of all buildings, and other improvements, if required by the Building Official;
- E. The zoning designation;
- F. Additional information as may be requested by the Building Official to determine whether the proposed installation will comply with legal requirements.

**SECTION 5.04 Permanent Living Quarters.** Nothing within this Ordinance shall be construed to allow a camping trailer, licensed vehicle or trailer, tent, yurt, recreational vehicle (including park models), or any other vehicle, accessory structure, or item as a permanent dwelling. No parcel can be used for temporary living quarters for a period of more than 6 months in a 12 month period, unless permitted for use as specified under a conditional use permit for a campground or recreational vehicle park.

**SECTION 5.05 Fee.** The installation permit application shall be accompanied by such fee as indicated in Appendix A.

**SECTION 5.06 General Installation Provisions.**

- A. **Building Inspection Requirements.** Prior to the occupancy of any manufactured housing unit in Latah County, the Latah County Building Official shall inspect such manufactured housing unit and certify that its occupancy for permanent living quarters will not violate any laws, provisions, ordinance or regulation of Latah County or the State of Idaho, and a certificate of occupancy must be issued by Latah County Building Department. Each manufactured housing unit shall be installed in such a manner as to provide a safe, secure, well-drained, and substantially level building that complies with the requirements for personal or real property for the support of the maximum anticipated load during all seasons. Provision shall be made for proper connection of utilities, including sewer drains. In addition, all installations shall meet the minimum requirements as set forth in the state-approved installation instruction for the specific unit or model, or in the current Idaho Manufactured Home Installation Standard.
- B. **Validity of Permit.** An installation permit shall be valid for one hundred and eighty (180) days. The certificate of occupancy shall be valid until removal of such manufactured building from said property. (See 'Replacement' below.)
- C. **Transfer of Permit.** An installation permit shall not be transferable from one location to another. The certificate of occupancy shall be transferable from one person to another so long as the manufactured building is not moved or structurally altered without a permit.
- D. **Replacement.** When any manufactured housing unit for which an installation permit or a certificate of occupancy has or has not been issued is replaced at the same site, a new installation permit and certificate of occupancy must be obtained.

**SECTION 5.07 After Installation Of Manufactured Building.** Following installation of a manufactured building, building permits shall be required for all further building improvements. In addition, any further improvements shall meet the requirements set forth in this Ordinance.

**SECTION 5.08 Remodels, Changes To Interior Of Manufactured Buildings, Change in Occupancy.** A building permit is required and must be obtained for any remodel, change in occupancy, or change to the interior of a manufactured building before any work may be performed.

**SECTION 5.09 Use of Manufactured Home While Building or Installing New Residence.** Any person may remain in an existing manufactured home being used for a residence while obtaining a building or installation permit to build or install a new home, so long as the parcel is eligible for such under the Latah County Land Use Ordinance, and so long as they file an affidavit (provided by the Building Department) with the Building Department. The affidavit shall state that the owner will remove the existing manufactured home or convert the existing manufactured home to a U occupancy (or other allowed occupancy) prior to the issuance of a certificate of occupancy and prior to any occupancy of the new structure. Any such conversions of manufactured homes to a U occupancy (or other allowed occupancy) are subject to Section 5.08 of this ordinance. At a minimum all kitchen appliances and cabinets shall be removed, in addition to any other removal or disconnection of items that are required by the Building Official. Any conversions of manufactured homes to a U occupancy that are older than June 15, 1976 shall rehabilitate (as per Idaho Code) or remove any electrical systems in the home; any conversions of manufactured homes to any other allowed occupancy that are older than June 15, 1976 shall be fully rehabilitated as per Idaho Code.

**SECTION 6. AMENDMENTS TO THE INTERNATIONAL MECHANICAL CODE AND THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION.**

That Section 106.5.2 of the International Mechanical Code, 2009 Edition, and 106.6.2 of the International Fuel Gas Code, 2009 Edition, are hereby amended as follows:

**106.5.2 [106.6.2 IFGC] Permit Fees.** The fees for each permit shall be as set forth in Appendix A. Mechanical fees for new residences shall be considered to be included in the building permit fee for the new residence, and no separate mechanical permit shall be issued. All other mechanical installations shall require a separate permit with attendant fees to be issued.

**106.5.3 [106.6.3 IFGC] Fee refunds.**

2. Not more than eighty percent [80%] of the permit fee paid shall be refunded when no work has been done under a permit issued in accordance with this code.
3. Not more than eighty percent [80%] of the plan review fee paid shall be refunded when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

That Section 108 of the International Mechanical Code, 2009 Edition, and the International Fuel

Gas Code, 2009 Edition, are hereby amended as follows:

**108.4 Violation penalties.** Any person who willfully violates any provision of this chapter or who willfully violates any provisions of the codes enumerated in this chapter or rules promulgated by the administrator or the board pursuant to this chapter or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provision of this code, is guilty of a misdemeanor, and upon conviction, shall be fined not more than three hundred dollars (\$300), or imprisoned for not more than ninety (90) days or by both fine and imprisonment. Violations of this chapter shall be tried in any court of competent jurisdiction within the state of Idaho. A separate violation is deemed to have occurred with respect to each item not in compliance with this chapter. Each day such violation continues constitutes a separate offense.

That section 109 of the International Mechanical Code, 2009 Edition, and International Fuel Gas Code, 2009 Edition, are hereby amended as follows:

**109.1 Application for appeal.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed.

Any affected person may file an appeal from any notice or action of the building official. A fee as specified in Appendix A and written appeal describing the specific issues being appealed must be submitted to the Latah County Planning and Building Department within fifteen (15) days of the date of the notice or action of the building official. After receiving the written appeal, the Board of Appeals shall be appointed within thirty (30) days and shall fix a date, time and place for hearing the appeal. The Board of Appeals shall hear the appeal within forty-five (45) days after the appointment by the Board of Latah County Commissioners. Written notice of the time and place of the hearing shall be given at least fifteen (15) days prior to the date of the hearing to each appellant and to the building official. The Board of Appeals must render a decision within thirty (30) days of the hearing of such appeal. Every decision of the Board of Appeals must be based upon findings of fact and every finding must be supported in the record of the proceedings of the Board of Appeals.

The Board of Appeals shall have no authority to waive requirement of this code.

#### **109.2 Membership of board. DELETED**

**109.2.1 Qualifications.** In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The building official shall be an ex-officio member of said board but shall have no vote on any matter before the board. This board shall have three members, not including the building official. The Board of Appeals shall be appointed by the Board of Latah County Commissioners and shall hold office at its pleasure. A member of the Board of Appeals shall act as Secretary and shall take minutes of the proceedings. The Board of Appeals shall conform to the Latah County

Hearing Procedures Ordinance, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

109.2.2 **Alternate members.** DELETED

109.2.3 **Chairman.** DELETED

109.2.5 **Secretary.** DELETED

109.3 **Notice of meeting.** DELETED

109.4.1 **Procedure.** DELETED

109.5 **Postponed hearing.** DELETED

109.6 **Board decision.** DELETED

109.6.1 **Resolution.** DELETED

That Section 503.4.1 of the International Fuel Gas Code 2009 Edition is hereby amended as follows:

**503.4.1.1.2.** All plastic pipe located within a structure used for venting flue gases shall be tested at five (5) psi for fifteen (15) minutes duration.

That Section 504 of the International Mechanical Code, 2009 Edition, and Section M1502 of the International Residential Code, 2009 Edition, is hereby amended as follows:

**504.6.4.2 [M1502.4.4.2 IRC] Manufacturer's Instructions.** DELETED

That Section 621 of the International Fuel Gas Code, 2009 Edition, is hereby amended as follows:

**621.2 Prohibited use.** Unvented room heaters shall not be used as a source of comfort heating in a dwelling unit.

**SECTION 7. PERMITS CONTRARY TO LAW.** Any permit issued contrary to law under authority of this Ordinance for construction or any use contrary to law or any other ordinance of Latah County shall be void.

**SECTION 8. ENFORCEMENT AND PENALTIES.** The following are available to enforce compliance with the provisions of this ordinance. Nothing herein shall prevent the Board of County Commissioners or any other public official or private citizen from taking such other

lawful action as is necessary to prevent or correct any violation of this ordinance or of the Idaho Code.

- A. **Injunction.** The County may obtain from a district court having jurisdiction, an injunction enjoining the construction or installation of buildings or structures on any building site upon affidavit of the County that such building or structure does not conform to the requirements of this ordinance. The affidavit must set forth such violations in detail. The injunction may be made permanent, at the discretion of the court.
- B. **Criminal Action.** Any person who willfully violates or fails to comply with any provisions of this ordinance or any provisions of the codes enumerated in this ordinance or rules promulgated by the administrator of this ordinance or the board pursuant to this ordinance or the codes enumerated in this ordinance, or who, having obtained a permit hereunder, shall willfully fail to continue to comply with the conditions as set forth herein, is guilty of a misdemeanor, and upon conviction, shall be fined not more than three hundred dollars (\$300.00), or imprisoned for not more than ninety (90) days, or by both fine and imprisonment. A separate violation is deemed to have occurred with respect to each building or structure not in compliance with this ordinance. Further, each day such violation continues constitutes a separate offense.
- C. **Civil Action.** Notwithstanding any other remedies available, any person, damaged as a result of a violation of this ordinance or the codes enumerated herein or promulgated pursuant to this ordinance has a cause of action in any court of competent jurisdiction against the person who committed the violation, and if such damaged person prevails, he shall be entitled to a reasonable attorney's fees to be determined by the court, together with court costs.
- D. **Notice of Noncompliant Building or Structure.**
  1. **Definition of Noncompliant Building or Structure:** Any building or structure that does not comply with the provisions of this ordinance and the codes adopted in this ordinance.
  2. **Commencement of Proceedings.** When the building official has inspected or caused to be inspected any building or structure and has found that such building or structure is noncompliant, or the building official is unable to verify compliance because the required inspections have not been requested and performed, the building official shall commence proceedings to cause the repair or inspection of the building or structure.
  3. **Notice and Order, and Appeal Process.** The building official shall issue a notice and order directed to the record owner of the building or structure. The notice and order shall contain:
    - a. The street address, if issued, and a legal description or Assessor's parcel number sufficient for identification of the premises upon which the

building or structure is located.

- b. A statement that the building official has found the building or structure to be noncompliant with a brief and concise description of the conditions found to render the building or structure noncompliant under the applicable provisions of the applicable code.
- c. A statement of the action required to be taken as determined by the building official.

- i. When the building official has determined that the building or structure must be repaired or inspected to comply with adopted codes, the order shall require that all required permits be secured if a permit is no longer valid and the work or inspection physically commenced within such time (not to exceed 60 days from the date of the order) and completed within such time as the building official shall determine is reasonable under the circumstances.

- ii. A statement advising that if any required repair work or inspection is not completed within the time specified, the building official will file a Certificate of a Noncompliant Building or Structure in the office the County Recorder.

- d. Statements advising: (1) that any person having any record title or legal interest in the building or structure may appeal from the notice and order or any action of the building official to the Board of Appeals, in accordance with Section 113 of the International Building Code, 2012 Edition, and Section R112 of the International Residential Code, 2009 Edition; and (2) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

**E. Service of Notice and Order.** The notice and order, and any amended or supplemental notice and order, shall be served upon the record owner. One copy thereof shall be served on each of the following if known to the building official or disclosed from official public records: the holder of any mortgage or deed of trust or other lien or encumbrance of record; the owner or holder of any lease or record; and the holder of any other estate or legal interest of record in or to the building or structure or land on which it is located. The failure of the building official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

**F. Method of Service.** Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at their address as it appears on the last equalized assessment roll of the county or as known to the building official. If no address of any such person so appears or is known to the building official, then a copy of the notice and order shall be so mailed, addressed to such

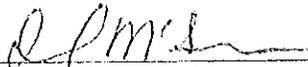
person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

- G. **Proof of Service.** Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the persons effecting service, declaring the date and manner in which service was made. The declaration, or any receipt card returned in acknowledgment of receipt by certified mail, shall be affixed to the copy of the notice and order retained by the building official.
- H. **Recordation of noncompliance.** If compliance is not had with the order within the time specified therein, and no appeal has been properly and timely filed, the building official shall file in the office of the County Recorder a certificate describing the property and certifying (1) that the building or structure is noncompliant and (2) that the owner has been so notified. Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists on the property described in the certificate, the building official shall file a new certificate with the County Recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer noncompliant, whichever is appropriate.
- I. **Referral for Further Action.** The building official shall notify the County Prosecutor's office of completion of this proceeding and refer the matter to the County Prosecutor's office for further action.

**SECTION 9. SEVERABILITY.** If any section, subsection, paragraph, sentence, clause, phrase, or word of this Ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

**SECTION 10. EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

PASSED by the Board of Latah County Commissioners, this 9<sup>th</sup> day of December, 2013.

  
\_\_\_\_\_  
David McGraw, Chairman

  
\_\_\_\_\_  
Tom Stroschein, Commissioner

  
\_\_\_\_\_  
Richard Walser, Commissioner

Attest:   
Clerk/Deputy

“APPENDIX A”  
BUILDING VALUATION AND FEES  
 Reference Resolution #2013-20 and 20A

VALUATIONS

All valuations are as stated in the ICC Building Valuations as published in the February 2013 issue of the Building Safety Journal with the following additions:	
Foundations (new construction not incl. installation is exempt from foundation valuation):	
Crawlspace (Headroom < 7 feet)	\$20.50/sq. ft.
Unfinished basement	50% of the value of finished residential space
Moved Building	\$30.00/sq. ft.
Decks	\$12.50/sq. ft.
Porch Cover/Deck Cover	\$12.50/sq. ft.
Pole Buildings	\$20.00/sq. ft.
Foundation repair / retaining wall	\$50.00 per lineal foot up to 4 ft. in height plus \$10.00 per lineal foot for each additional foot in height

TABLE 1-A -- BUILDING PERMIT FEES

TOTAL VALUATION	BASE FEE	ADDITIONAL UNITS/ FRACTIONS THEREOF
\$1.00 to \$500.00	\$50.00	
\$501.00 to \$2,000.00	\$50.00 for the first \$500.00	\$1.30 for each additional \$100.00
\$2,001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus	\$14.00 for each additional \$1,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00	\$10.10 for each additional \$1,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00	\$7.00 for each additional \$1,000.00
\$100,001.00 and up	\$993.75 for the first \$100,000.00	\$7.00 for each additional \$1,000.00

GENERAL FEES

Plan Review All structures requiring a plan review shall be charged an additional 65% of the permit fee for such	65% of permit fee
Non-refundable fee deposit for commencement of the plan review for projects exceeding \$30,000 in valuation	\$700.00
Re-Roof	\$50.00
Siding	\$50.00
Window Replacement (No Change in Size)	\$50.00
Manufactured/Modular Home Installation	
Single wide	\$100.00
Double wide	\$150.00
Triple wide/Modular	\$200.00
Conversion to a U occupancy	\$50.00
Residential Wind & Telecommunication Towers	\$2.00 per ft. in elevation above ground level measured to the highest point of any part of the tower including the blades of any wind turbine \$100.00 minimum
Commercial Telecommunication Towers & Electric Generating Wind Turbines	\$11.00 per ft. in elevation above ground level measured to the highest point of any part of the tower including the blades of any wind turbine. \$100.00 minimum
Solar System Installation	\$50.00
Detached Pre-Manufactured Accessory Structures (Not pre-built)	\$50.00 (10' walls up to 400sq.ft.)
Wood stove/Pellet Stove Inspections	\$50.00
Signs: If a permit is required:	\$50.00
Residential Fences (Over 6 ft.)	\$50.00
Permit extension-- Maximum (4) - 1st is free	\$25.00
Permit renewal + prior to expiration	25% of the original permit fee; \$100 minimum
Permit renewal expired to 5 years	50% of the original permit fee; \$100 minimum
Permit renewal expired > 5 years	Full permit fee
Work commencing without a permit	25% of the permit fee
Appeals	\$150.00
Alterations/Remodels Level 1	10% of full permit fee based on square footage
Alterations/Remodels Level 2	45% of full permit fee based on square footage
Alterations/Remodels Level 3	90% of full permit fee based on square footage
Additions, alterations, or other items not specified in the fee schedule where square footage on building valuation data sheets cannot be used, shall be valued at the bona fide contractual price or by doubling material costs to account for labor costs.	

GENERAL FEES, CONT.

Other Inspections and Fees:	
Inspections outside of normal business hours	\$50.00 per hour –minimum charge-two hours
Reinspection fees	\$50.00 per hour
Inspections for which no fee is specifically indicated	\$50.00 per hour -minimum charge-one hour
Additional plan review required by changes, additions or revisions to plans	\$50.00 per hour
Building Department use of outside consultants for plan review, inspection, or both	Actual costs. Actual costs include all actual costs plus administrative and overhead costs

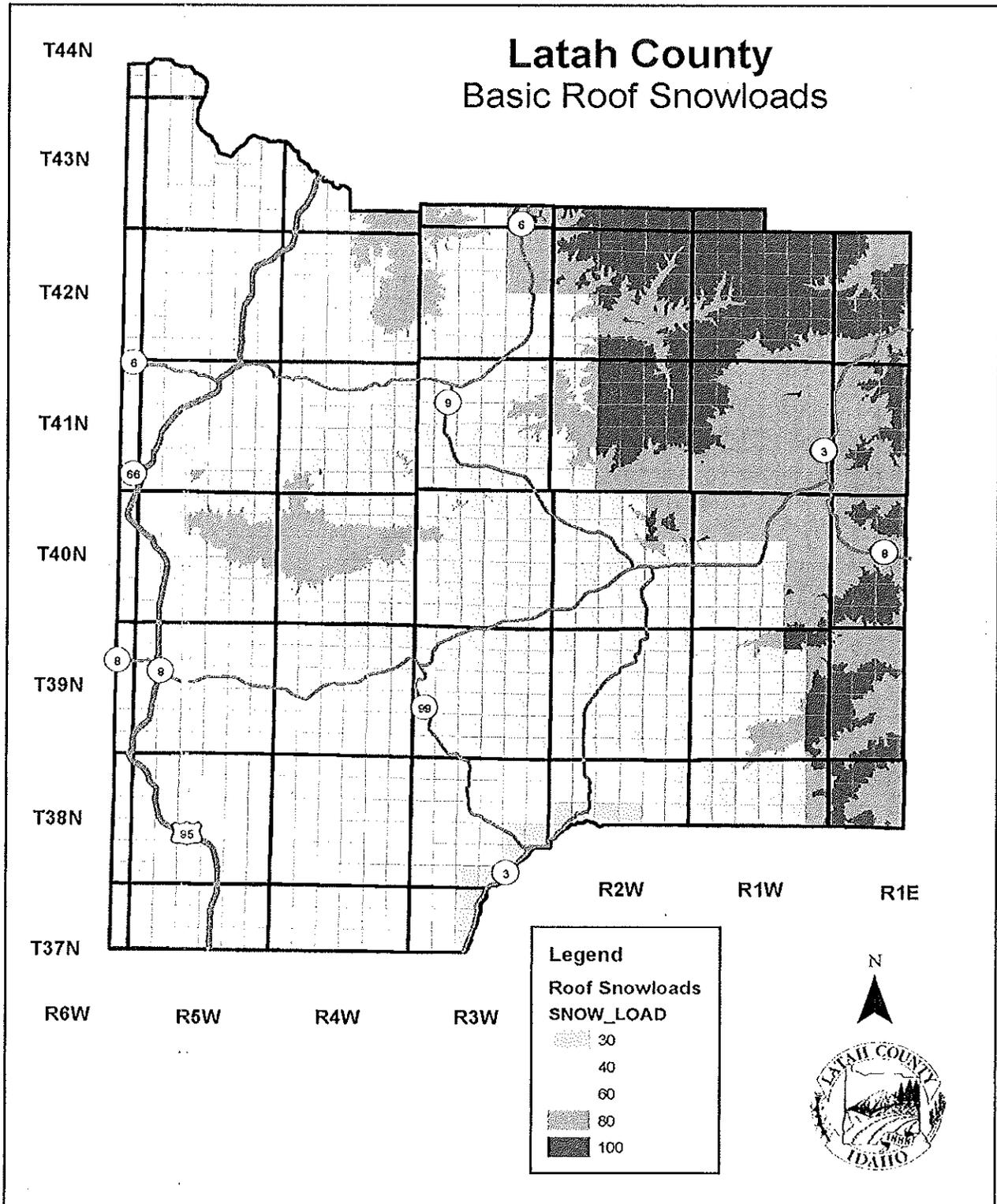
MECHANICAL PERMIT FEES

Description of equipment	Each
Minimum permit fee for all mechanical permits is total fees listed below or \$50.00 whichever is greater	
Residential Furnace including vent/ducts	\$20.00
Residential Boilers	\$20.00
Suspended, wall, floor mount or radiant heater	\$15.00
Ground Loop Heat pump, hydronic piping	\$15.00
Gas appliances (range, water heater, dryer, barbecue, log lighter, fireplace, inserts, pool/spa heater, other)	\$15.00
Air-Handlers (electric furnace)	\$15.00
Heat pump, air conditioner, evaporative cooler	\$15.00
Heat Recovery Unit	\$15.00
Solid fuel fireplaces, stoves, inserts	\$25.00
Chimney (liner, flue, vent)	\$15.00
Ductwork	\$15.00
Appliance Vents	\$15.00
Gas piping system, 1-4 outlets	\$10.00
Each additional outlets over 4	\$2.00
Other (non-specified equipment)	\$15.00
Permit Processing Fee	\$25.00
Special inspection per hour	\$50.00

**ICC BUILDING VALUATION DATA**  
**AS PUBLISHED FEBRUARY 2013**  
**BUILDING SAFETY JOURNAL**

Group (2009 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	218.43	211.06	205.70	197.03	185.03	179.84	190.46	169.17	162.46
A-1 Assembly, theaters, without stage	199.96	192.59	187.22	178.56	166.57	161.38	171.98	150.70	144.00
A-2 Assembly, nightclubs	170.48	165.64	161.01	154.54	145.16	141.23	148.83	131.55	127.83
A-2 Assembly, restaurants, bars, banquet halls	169.48	164.64	159.01	153.54	143.16	140.23	147.83	129.55	126.83
A-3 Assembly, churches	201.93	194.56	189.19	180.53	168.68	163.49	173.95	152.81	146.11
A-3 Assembly, general community halls, libraries, museums	168.94	161.57	155.21	147.54	134.66	130.47	140.97	118.80	113.09
A-4 Assembly, arenas	198.96	191.59	185.22	177.56	164.57	160.38	170.98	148.70	143.00
B Business	175.94	169.50	163.74	155.73	141.26	135.99	149.30	124.14	118.20
E Educational	183.47	177.15	171.88	164.04	152.79	144.62	158.31	132.93	128.42
F-1 Factory and industrial moderate hazard	105.35	100.40	94.40	90.74	80.87	77.38	86.70	66.73	62.58
F-2 Factory and industrial low hazard	104.35	99.40	94.40	89.74	80.87	76.38	85.70	66.73	61.58
H-1 High Hazard, explosives	98.69	93.74	88.74	84.08	75.41	70.92	80.04	61.27	0.00
H234 High Hazard	98.69	93.74	88.74	84.08	75.41	70.92	80.04	61.27	56.12
H-5 HPM	175.94	169.50	163.74	155.73	141.26	135.99	149.30	124.14	118.20
I-1 Institutional, supervised environment	172.59	166.52	161.68	154.82	142.07	138.32	154.51	127.48	123.05
I-2 Institutional, hospitals	298.73	292.30	286.54	278.52	263.00	0.00	272.10	245.87	0.00
I-2 Institutional, nursing homes	206.50	200.06	194.30	186.29	171.80	0.00	179.86	154.67	0.00
I-3 Institutional, restrained	200.40	193.96	188.20	180.19	167.24	160.97	173.76	150.11	142.18
I-4 Institutional, day care facilities	172.59	166.52	161.68	154.82	142.07	138.32	154.51	127.48	123.05
M Mercantile	127.05	122.21	116.58	111.11	101.45	98.53	105.40	87.85	85.12
R-1 Residential, hotels	173.90	167.83	162.99	156.13	143.63	139.89	155.83	129.05	124.61
R-2 Residential, multiple family	145.89	139.82	134.98	128.12	116.31	112.56	127.81	101.72	97.29
R-3 Residential, one- and two-family	137.67	133.88	130.54	127.18	122.21	119.14	124.55	114.28	107.08
R-4 Residential, care/assisted living facilities	172.59	166.52	161.68	154.82	142.07	138.32	154.51	127.48	123.05
S-1 Storage, moderate hazard	97.69	92.74	86.74	83.08	73.41	69.92	79.04	59.27	55.12
S-2 Storage, low hazard	96.69	91.74	86.74	82.08	73.41	68.92	78.04	59.27	54.12
U Utility, miscellaneous	73.21	69.14	64.71	61.11	54.84	51.28	58.17	42.89	40.62

"APPENDIX B"  
**Snow Load Map**  
 Latah County - 2009 & 2012 International Codes



**mfuson@latah.id.us**

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**From:** mfuson@latah.id.us  
**Sent:** Wednesday, March 19, 2014 2:40 PM  
**To:** 'MAGAR EDWARD MAGAR'  
**Subject:** RE: Appeal

Mr. Magar,

I have received it and will include it as an exhibit.

I will be posting the updated packet to <http://www.latah.id.us/pzc/index.php> later today. Once I do, I will forward you the link so you can have access to all of the exhibits.

Additionally, if we get any additional exhibits between later today and the hearing tomorrow, I will e-mail those to you as well.

We will call you prior to the start of the hearing to make sure we have you on the phone for the entire hearing. If you would like a copy of the hearing procedures ordinance, please let me know. When the chair starts the hearing, he will go over the procedures at that time as well.

If you have further questions or need further assistance, please let me know.

Sincerely,

Michelle Fuson

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**From:** MAGAR EDWARD MAGAR [<mailto:calsport@msn.com>]  
**Sent:** Wednesday, March 19, 2014 1:20 PM  
**To:** [mfuson@latah.id.us](mailto:mfuson@latah.id.us)  
**Subject:** RE: Appeal

Ms. Fuson, I just wanted to make sure you received this message in time before tomorrow's hearing.  
Thank you,  
Magar

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**From:** [calsport@msn.com](mailto:calsport@msn.com)  
**To:** [mfuson@latah.id.us](mailto:mfuson@latah.id.us)  
**Subject:** Appeal  
**Date:** Tue, 18 Mar 2014 14:23:09 -0700

Ms. Fuson,

The purpose of my appeal is that the reason for the notice submitted by Mr. Pah regards the water supply to the cited trailers. This is not the jurisdiction of the building inspector, but of the Idaho DEQ, who I am currently working with to correct the situation. There is nothing inherently wrong with the structures in question. I am currently awaiting communication from the DEQ regarding the submitted Corrective Action Plan (attached). If an order were necessary, it should proceed from information from the DEQ, not precede it. It is evident that what the building inspector is concerned about as is clear from his notice is the water supply and the lagoon. The lagoon requires a very expensive seepage test to determine if any of the contents of the lag