



NAYLOR & HALES, P.C.
ATTORNEYS AT LAW

Roger J. Hales

Direct Line: 947-2080
E-mail: rjh@naylorhales.com

Kirtlan G. Naylor
Roger J. Hales
Colleen D. Zahn
Bruce J. Castleton
Robert G. Hamlin,
Of Counsel

March 6, 2008

Dennis Keierleber
Building Official
City of Ketchum
P.O. Box 2315
Ketchum, ID 83340

Re: Board of Landscape Architects

Dear Mr. Keierleber:

I represent and write on behalf of the Idaho Board of Landscape Architects. At the request of the Board, this letter serves to provide information regarding a landscape architect's legal authority to practice landscape architecture. This practice includes the preparation and stamping/sealing of grading and drainage plans.

The practice of landscape architecture, under Idaho law, entitles a licensed landscape architect to perform professional services, including "consultations, investigations, reconnaissance, research, planning, design and responsible supervision" in connection with the development of land and incidental water areas. Idaho Code § 54-3002(2). These services include the consideration and determination of inherent problems of the land relating to natural drainage, erosion, and wear and tear.

Licensees are entitled to locate, design and arrange site improvements, including such tangible objects as pools, walls, steps, trellises, canopies and features which are incidental and necessary to the purposes outlined above. However, licensees are not entitled to design structures or facilities with separate and self-contained purposes for habitation or industry, or render cadastral surveys or final land plats for purposes of official recording or approval.

In order to safeguard human health and property, and to promote the public welfare, state law sets forth the necessary qualifications to receive a state landscape architect license to practice landscape architecture. These qualifications generally require that an individual possess a college degree in landscape architecture and pass an examination. The Idaho Board of Landscape Architects has adopted a national examination to assist it in determining an applicant's competency. The examination is published and prepared by the Council of Landscape Architectural Registration


Dennis Keierleber
Building Official
City of Ketchum
March 6, 2008
Page 2

Board ("CLARB"). This examination specifically tests an applicant's knowledge, skill and abilities related to: (a) analytical and technical aspects of practice; (b) design synthesis; and (c) grading and draining. Grading and drainage is a four-hour, graphic response section consisting of problems that test abilities in grading and drainage design, details and calculations. The grading portions of this section require examinees to manipulate contours and spot elevations, demonstrate a knowledge of mathematics, calculate slopes, grade and volume of materials, facilitate the removal of storm water, design for universal accessibility (ADA requirements), change the elevations of existing landscaping to accommodate structures, parking and circulation, and to facilitate the removal of storm water. The drainage portion of this section test the ability to design surface and subsurface storm drainage systems, including hydraulic characteristics and storm drain connections, to effectively and safely remove storm water from a site.

Based on the above state requirements, landscape architects that are licensed in Idaho are clearly able to render a professional opinion and prepare plans regarding grading and drainage. Further, Idaho law requires that all drawings and title pages of specifications prepared by a licensed landscape architect or under his or her supervision shall be stamped with the landscape architect's seal. Idaho Code § 54-3003.

This letter is intended to provide you information regarding a licensed landscape architect's competence and authority under Idaho law. Idaho law specifically entitles a licensed landscape architect to provide site grading and drainage plans. If you have further questions in this regard, please do not hesitate to contact the Board of Landscape Architects, or myself.

Sincerely,



Roger J. Hales

RJH:dr
cc Idaho Bureau of Occupational Licenses
Forsgren & Associates
Steven E. Job



NAYLOR & HALES, P.C.
ATTORNEYS AT LAW

Roger J. Hales

Direct Line: 947-2080
E-mail: rjh@naylorhales.com

Kirtlan G. Naylor
Roger J. Hales
Bruce J. Castleton
James R. Stoll

Robert G. Hamlin,
Of Counsel

February 27, 2009

RECEIVED

MAR 03 2009

OCCUPATIONAL LICENSES

Jim Thurns, P.E.
Ada County Engineer
Ada County Development Services
200 West Front
Boise, ID 83702-7300

Re: *Board of Landscape Architects*

Dear Mr. Thurns:

I represent and write on behalf of the Idaho State Board of Landscape Architects (the "Board"). The Board is the only regulatory authority governing the practice of landscape architecture in the state of Idaho. At a recent Board meeting, the Board fielded a concern from a licensed landscape architect that Ada County Assistant Engineer David Wells is requiring that grading and drainage plans and calculations prepared by a licensed landscape architect will only be accepted when sealed by a registered professional engineer. The Board would respectfully request you review Mr. Wells' or the County's position.

Not only are landscape architects uniquely qualified and licensed to prepare, seal and be the registered design professional in responsible charge for grading and drainage plans, but Ada County's own code allows for a landscape architect (design professional) to prepare and seal plans designated as "engineered grading" (*see* Ada County Code 7-2-10, and as amended by Ordinance 560, Section 5F). Further, requiring an engineer to seal plans prepared by a landscape architect could violate the limitations placed upon professional engineers through their own law.

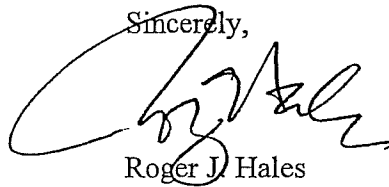
This is not a new issue for the Board or landscape architects in general. In an effort to stop discrimination against licensed landscape architects in this state, this profession has for a number of years tried to educate members of the public, as well as local government officials, of the scope of their practice as set by state law. If necessary, the Board would be happy to provide additional documentation as to the scope of practice as set in state law. This letter is intended to informally resolve this matter, by asking that you acknowledge and confirm a licensed landscape architect's ability to prepare, seal and be the registered design professional in responsible charge for "engineered grading" plans for developments in Ada County, Idaho.

COPY

Jim Thurns, P.E., Ada County Engineer
Ada County Development Services
February 27, 2009
Page 2

If you have further questions in this regard, please do not hesitate to contact the Board, or myself. The Board and I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Hales", written over the word "Sincerely,".

Roger J. Hales

RJH:dp

cc. ✓ State Board of Landscape Architects c/o Idaho Bureau of Occupational Licenses
Idaho Board of Professional Engineers and Professional Land Surveyors
Theodore E. Argyle, Chief Deputy, Civil Division, Ada County Prosecutor's Office
David Wells, Assistant Engineer, Ada County

M:\BOLA\Landscape Architect\Letters\4773 Ada County - Thurns 01.wpd

ADA COUNTY
DEVELOPMENT SERVICES



PHONE (208) 287-7900
FAX (208) 287-7909

200 W. FRONT, BOISE, IDAHO 83702-7300

BUILDING • ENGINEERING • PLANNING • ZONING

RECEIVED

MAR 12 2009

OCCUPATIONAL LICENSES

March 10, 2009

Mr. Roger J. Hales
950 W. Bannock Street
Suite 610
Boise, Idaho 83702

Dear Mr. Hales

I received your letter, dated February 27, 2009, expressing concern about the acceptability of having licensed landscape architects prepare grading and drainage plans for submittal to Ada County.

Ada County has evaluated the situation and offers the following:

The Idaho Board of Engineers and Land Surveyors have expressed to me that the Board believes that, since licensed landscape architects are trained in this line of work and that it is a portion of their professional licensing examination, they are qualified to prepare and submit grading and drainage plans.

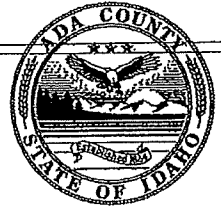
The latest version of the 2006 IBC, which Ada County is in the process of adopting, states that grading plans must be prepared by a registered design professional. The Code previously required a licensed engineer for this work.

In light of this, Ada County will accept grading and drainage plans prepared by licensed landscape architects.

If you have questions or concerns, please call me at 287-7925 and we can talk.

Sincerely,

Jim Farrens
Ada County Engineer



cc: State Board of Landscape Architects c/o Idaho bureau of Occupational Licenses

Idaho Board of Professional Engineers and Professional Land Surveyors

Theodore E. Argyle, Chief Deputy, Civil Division, Ada County Prosecutor's Office

Ada County Board of County Commissioners

John Traylor, Director Ada County Development Services