

**NOTICE OF PUBLIC HEARING**  
**BEFORE THE LATAH COUNTY ZONING COMMISSION**  
**Wednesday, December 15<sup>th</sup>, 2010, 5:30 p.m.**

The Latah County Zoning Commission will hold a public hearing on Wednesday, December 15<sup>th</sup>, 2010 in Room 2-B of the Latah County Courthouse, Moscow, Idaho, to receive comments on:

5:35 p.m. – CUP #828 – A request by Larry Holbrook for a conditional use permit to place a salvage yard on a 7.8-acre parcel in the Agriculture/Forest zone. The property is located at 4674 Highway 95 North, in Section 18, Township 40 North, Range 05 West, B.M. Latah County, Assessor parcel #RP40N05W180608A.

Interested parties are encouraged to attend. Accommodations for individuals who qualify under ADA are available upon request. Notice is required in the Planning Dept. 3 working days prior to the hearing to acquire accommodations. This hearing will be held pursuant to the Latah County Hearing Procedures Ordinance, under authority of the Local Land Use Planning Act, and the Latah County Comprehensive Plan and Land Use Ordinance. The Zoning Commission reserves the right to limit the length of testimony. Additional information, including full copies of the proposal, is available from the Planning Dept., Latah County Courthouse, Moscow, Idaho (208) 883-7220. Written comments will be accepted at the above office prior to the public hearing.

Jason Boal, Associate Planner

(This is a public service announcement)



**LARRY HOLBROOK  
CONDITIONAL USE PERMIT APPLICATION #828  
STAFF REPORT**

**SUMMARY OF APPLICATION:**

A request was made by Larry Holbrook for a conditional use permit to place a salvage yard on a 7.8-acre parcel in the Agriculture/Forest zone. The property is located at 4674 Highway 95 North, Moscow, in Section 18, Township 40 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP40N05W180608A

**Site Characteristics:**

**Size of Parcel:** 7.8 acres  
**Soils:** Spokane-Rock outcrop complex, 35-65% Slopes,  
(Latah County Soil Survey Sheet #21)  
**Floodplain:** Zone "C" (FIRM Panel #1600860230B)

**Land Use and Regulations:**

**Comprehensive Plan Designation:** Rural  
**Existing Zoning:** Agriculture/Forest  
**Existing Uses:** Residential  
**Neighboring Zoning:** Agriculture/Forest  
**Neighboring Uses:** Agriculture, Residential

**Infrastructure/Services:**

**Water:** Private Well  
**Sewer:** Private Septic  
**Access:** Hwy 95, North Latah County Highway District  
**Schools:** Moscow School District  
**Fire Protection:** Moscow Fire District  
**Law Enforcement:** Latah County Sheriff

**EXHIBITS:**

**Exhibit #1.** Staff Report  
**Exhibit #1A.** Criteria Worksheet  
**Exhibit #1B.** Latah County Comprehensive Plan and Vicinity Map  
**Exhibit #1C.** Zoning Map  
**Exhibit #1D.** Adjoining Property Owners and Aerial Photograph Map  
**Exhibit #1E.** Plat Map  
**Exhibit #2.** Application Form (Submitted by Applicant)  
**Exhibit #2A.** Applicant's Narrative (Submitted by Applicant)  
**Exhibit #3.** Staff Introduction for Latah County Zoning Commission public hearing for CUP 828 on December 15, 2010  
**Exhibit #4.** Email submitted by Linda Britton on December 2, 2010  
**Exhibit #5.** Letter submitted by Richard A. Parker on December 6, 2010  
**Exhibit #6.** List of Items Already Removed Submitted by Applicant on December 8, 2010

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

**APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:**

**Local Planning Act:** Idaho Code 67-6512

**Latah County Land Use Ordinance # 269, as amended:**

Section 3.01 Agriculture/Forest Zone

Article 7 Conditional Use Permits

**Latah County Comprehensive Plan**

# CRITERIA WORKSHEET

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

## Type of request:

Conditional Use Permit to place a salvage yard in the Agriculture/ Forest Zone.

## Description of application:

Larry Holbrook submitted application for a conditional use permit to place a salvage yard on a 7.8-acre parcel in the Agriculture/Forest zone. The property is located at 4674 Highway 95 North, in Section 18, Township 04 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP40N05W180608A.

## Facts of application and the information submitted

*1) Section 7.01 requires that specific uses within a particular zone require special consideration prior to being permitted in that zone.*

The Latah County Land Use Ordinance, under section 3.01.02(15), lists "Salvage, wrecking, and junkyards" as a conditionally permitted use in the Agriculture/Forest Zone.

*2) Section 7.01.01 requires that an application for a conditional use be made by the owner of the affected property.*

Larry Holbrook submitted a completed application to the Latah County Planning and Building Department on August 25, 2010.

*3) Section 7.01.02 requires:*

**1. A conditional use permit may be granted if the Zoning Commission finds that the proposed use conforms to each of the following criteria:**

- A. The use is not detrimental to the health and safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone;
- B. The use will not require facilities or services with excessive costs to the public;
- C. The use is not in conflict with the goals and policies of the Latah County Comprehensive Plan.

**2. If the Zoning Commission finds that a proposed use is essential to the public health, safety, or welfare, such use may be permitted even if the use is not found to meet the criteria listed above.**

**3. The Zoning Commission shall have the authority to set an expiration date for any conditional use permit so long as the reasons for such are included in their findings of fact and conclusions of law.**





# CUP #828 Zoning Map



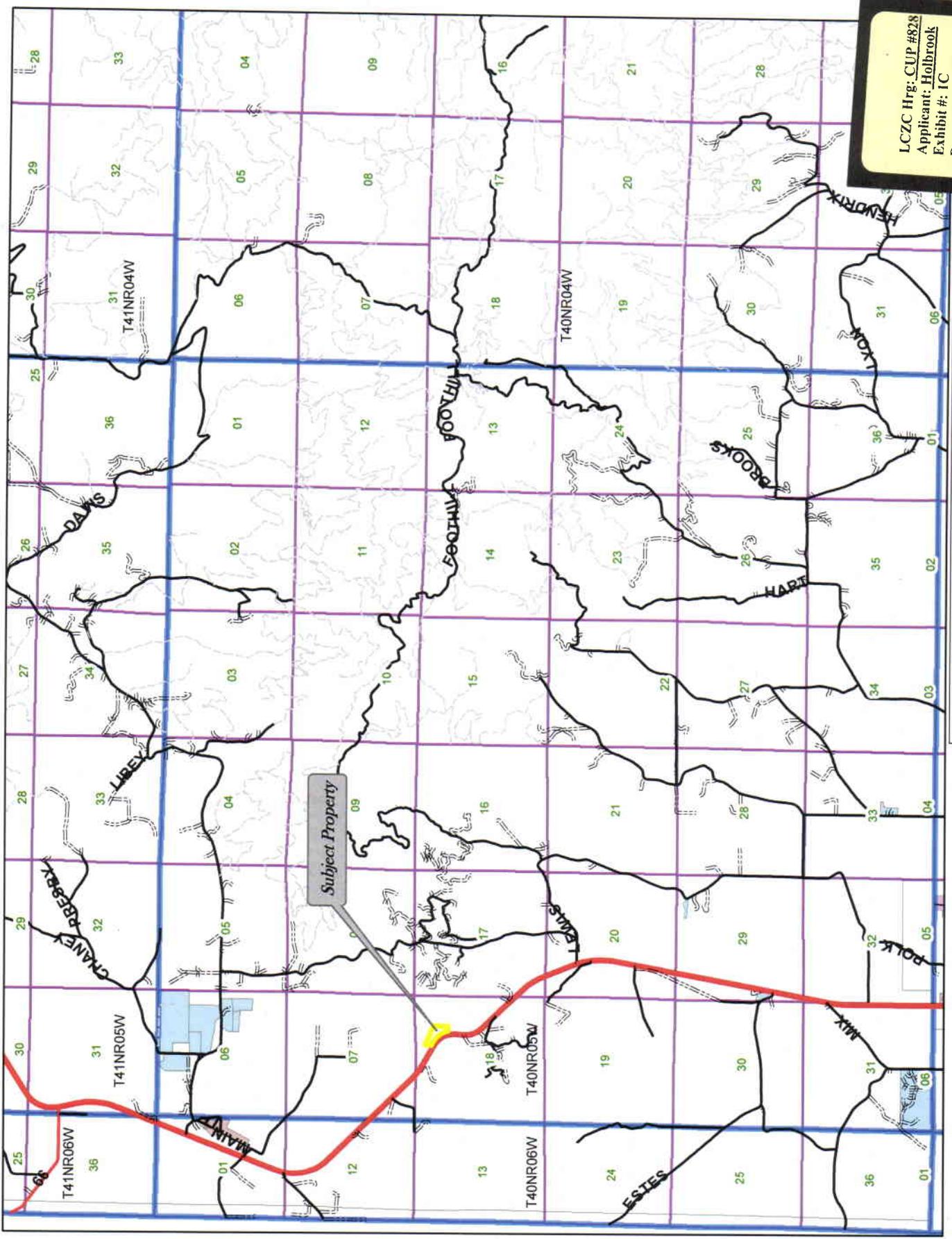
NOTE: This Document is a representation only.  
Latah County bears no responsibility for errors or omissions.  
\*Created on 11/23/2010 by JB



Legend

- Agriculture / Forest Industrial
- Commercial
- Motor Business Municipality
- Multiple Family Residential Rural Residential
- Single-Family Residential (R1)
- Single-Family Residential Suburban Residential

LCZC Hrg: CUP #828  
Applicant: Holbrook  
Exhibit #: IC  
Date: 12/15/2010







# Application for Conditional Use Permit

## Instructions

Please complete the application and required attachments. For certain uses, additional information may be necessary. Incomplete applications or applications without all required attachments will not be accepted. A public hearing will be scheduled only after Staff has determined the application is technically complete.

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

### 1. Applicant Information

a. Applicant Name <b>LARRY G. HOLBROOK</b>		b. Home Phone <b>(208) 883-4348</b>	c. Work Phone
d. Mailing Address <b>4674 HIGHWAY 95 NORTH</b>		e. City <b>MOSCOW</b>	f. State <b>IDAHO</b>
h. Property Owner (if different than applicant)		g. Zip code <b>83843</b>	
k. Mailing Address		i. Home Phone	j. Work Phone
		l. City	m. State
			n. Zip code

### 2. General Site Information

a. Assessor's Parcel Number(s) <b>RP 40 N 05W 18C003</b>		b. Parcel Address (if applicable) <b>4674 Highway 95</b>	
c. Acreage of Existing Parcel <b>7.8</b>	d. Zoning <b>AF</b>	e. Comprehensive Plan Designation <b>Rural</b>	f. Floodplain designation(s) <b>Zone "C"</b>
g. FEMA Panel # <b>1600860230 B</b>		j. Road Used to Access Site <b>HIGHWAY 95 NORTH</b>	
h. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.		i. Impact City	

*Note: Sites within an area of city impact may require additional notification time prior to public hearings or a hearing before the other jurisdiction.*

### 3. Service Provider Information (please attach additional information if requested)

a. Fire District <b>Moscow Fire District</b>	b. Road District <b>North Latah</b>	c. School District
d. Source of Potable Water (i.e. water district or private well) <b>SPRING</b>	e. Sewage Disposal (i.e. sewer district or private septic system) <b>2-1000 GAL TANKS</b>	

### 4. Adjacent Properties Information

a. Zoning of Adjacent Properties <b>AF</b>	b. Existing Uses of Adjacent Properties <b>Residential</b>
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### 5. Permit Information

a. Proposed Use  
**Salvage yard, clearing out existing vehicles**

b. What provision of the Latah County Zoning Ordinance allows the proposed use to be considered for a Conditional Use Permit in the Zoning District in which the property is located?

*Note: If the proposed use is not specifically listed, please contact the Department prior to submittal to determine if the use is similar to those that are specifically listed as conditionally permitted uses. The Department may require additional information in order to make a determination.*

### 6. Authorization

The applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true, and further acknowledges that approval of this application may be revoked if it is found that any such statements are false.

a. Signature of Applicant <i>Larry G. Holbrook</i>	b. Date <b>8-24-10</b>
c. Signature of Property Owner (if different than applicant)	d. Date

### 7. Attachments

All attachments should be reproducible in black and white at 8½" x 11"

- Fee:** (\$200.00) Make checks payable to Latah County.
- Completed Narrative Worksheet:** See instructions on the Conditional Use Permit Narrative Worksheet.
- Site Plan:** The site plan should include a north arrow, location of roads and rights-of-way, existing buildings, improvements and features; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Zoning Commission to make a decision.
- Vicinity Map:** The map should show neighboring communities and natural feature
- Assessor's Plat Map:** Include a copy that shows the subject parcel and adjoining parcels.
- Other Attachments:** Required by staff / Zoning Commission for certain proposed uses.

### Office Use Only

Date Received <b>8/25/10</b>	Amount <b>200.00</b>	Receipt No. <b>448219</b>	By <b>SB</b>
CUP # <b>828</b>	Date Determined Technically Complete		By <b>SB</b>
Hearing Date <b>12/15/10</b>			

10/11/2006

LCZC Hrg: **CUP #828**  
 Applicant: **Holbrook**  
 Exhibit #: **2**  
 Date: **12/15/2010**



# Conditional Use Permit Narrative Worksheet

## Application Information

Applicant's Name

Phone Number

**Purpose:** To assist the Zoning Commission in making an informed decision regarding the applicant pursuant to the requirements of the Latah County Land Use Ordinance.

**Instructions:** Please respond to each section of this form. If you need more space, you may attach additional sheets to the worksheet.

## Description of Proposal

Describe your proposal in detail. Include all aspects of your proposal.

Remove vehicles and items from property  
currently storing vehicles on the property

Not looking to create a full time working yard

## Existing Uses of Property

Please describe what uses, structures and features currently occupy the property.

Single Family Residence, 2 shops (32' x 42' & 28' x 50')

## Consistency Requirements

Please respond to each of the three criteria listed in Section 7.01.02 of the Latah County Land Use Ordinance by explaining how your proposal meets each criteria. If the provided space is insufficient, please attach your responses to this packet.

A. The use is not detrimental to the health or safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone.

Use will not affect those in the area. Approval of Use  
~~use~~ would clear up property rather than adversely affect  
surrounding property owners.

B. The use will not require facilities or services with excessive costs to the public.

No additional services would be needed  
No cost to the Public

LCZC Hrg: CUP #828  
Applicant: Holbrook  
Exhibit #: 2A  
Date: 12/15/2010

C. The use is not in conflict with the goals and policies of the Comprehensive Plan.

This proposal would provide for regional economic needs  
It would help preserve the rural nature of the property by  
removing the vehicles & items from off of it.

In addition to your response above, please explain your proposal's consistency with the proceeding elements of the Comprehensive Plan. If a certain element is not applicable to your proposal, please explain why. Please refer to the Latah County Comprehensive Plan for specific goals and policies of the particular elements.

a. Community Design Element

Preserving the rural nature of the property by removing the vehicles  
off of the property. The property ~~will~~ will better represent rural  
Latah County.

b. Population Element

No new population will be added with this proposal

c. Housing Element

No new housing is being proposed

d. Economic Development Element

Provide economic opportunity for the land owner.  
It will promote economic diversification.

e. Public Services, Facilities, and Utilities Element

No additional services, utilities or facilities will be needed

f. School Facilities and Student Transportation Element

No effect on schools or transportation of students

g. Transportation Element

No additional impacts will be made on the transportation system

h. Natural Resource Element

By clearing the property and returning it to its natural state will help decrease the natural beauty of the property.

i. Special Areas Element

There is no special features associated with the property

j. Hazardous Areas Element

By removing items from property it will decrease the wild fire hazards on the property

k. Recreation Element

Use is not intended for recreational purposes

l. Land Use Element

Use is listed as conditional use for the zone. It is a low density / low impact use

m. Property Rights Element

As a property owner I have the right to apply for the conditional use and for it to be granted if the conditions are met.

## CUP #828 – Staff Introduction

A request was made by Larry Holbrook for a conditional use permit to place accessory cottage housing on a 7.8-acre parcel in the Agriculture/Forest zone. The property is located at 4674 Hwy 95 North, Moscow, in Section 18, Township 40 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel number RP40N05W180608A

The Latah County Land Use Ordinance, under section 3.01.02(15), lists "Salvage, wrecking and junk yards" as a conditionally permitted use in the Agriculture/Forest Zone.

### **Section 7.01.02 requires:**

- 1. A conditional use permit may be granted if the Zoning Commission finds that the proposed use conforms to each of the following criteria:**
  - A. The use is not detrimental to the health and safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone;
  - B. The use will not require facilities or services with excessive costs to the public;
  - C. The use is not in conflict with the goals and policies of the Latah County Comprehensive Plan.
- 2. If the Zoning Commission finds that a proposed use is essential to the public health, safety, or welfare, such use may be permitted even if the use is not found to meet the criteria listed above.**
- 3. The Zoning Commission shall have the authority to set an expiration date for any conditional use permit so long as the reasons for such are included in their findings of fact and conclusions of law.**

### **Exhibits will now be entered into the record.**

The following exhibits were submitted with the staff packet:

#### **EXHIBITS:**

<b>Exhibit #1.</b>	Staff Report
<b>Exhibit #1A.</b>	Criteria Worksheet
<b>Exhibit #1B.</b>	Latah County Comprehensive Plan and Vicinity Map
<b>Exhibit #1C.</b>	Zoning Map
<b>Exhibit #1D.</b>	Adjoining Property Owners and Aerial Photograph Map
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<b>Exhibit #5.</b>	Letter submitted by Richard A. Parker on December 6, 2010
<b>Exhibit #6.</b>	List of Items Already Removed Submitted by Applicant on December 8, 2010

**From:** Linda Britton [lindaspud@yahoo.com]  
**Sent:** Thursday, December 02, 2010 3:49 PM  
**To:** jboal@latah.id.us  
**Cc:** lindaspud@yahoo.com  
**Subject:** RE: CUP #828: Holbrook Salvage

To the Latch County Zoning Commission:

It is with a great sigh of relief that my husband and I received your Notice of Public Hearing Regarding the Holbrook Conditional Use Permit #828. Folks in this area have spoken for years about the sad state of affairs on the property that used to be the "Old Rest Stop" on Steak House Hill. We have all assumed that somehow Mr. Holbrook had received permission to fill his property with junk so that the natural ambiance of the area was destroyed. Little did we know that he, in fact, did not have permission to destroy the area with a junk yard. Whoever discovered this should be given a hand shake, as none of the rest of us pursued the matter beyond wondering how he had gotten permission to place a junk yard in all of our back yards.

I want to state our opinion as firmly as possible. We ARE NOT in favor of granting Mr. Holbrook a conditional use permit, even if it is only for a short amount of time to "clean up his mess." Mr. Holbrook is currently thumbing his nose at the County by the current condition of his property. To allow a CUP to "clean things up" is a foot in the door for he and his attorney to argue that he should be granted a permanent use permit as a junk collector. Mr. Holbrook uses the term "salvage" yard, when in fact I have been to many salvage yards that don't resemble his jumble of filth and junk. His is a lifestyle, not a business.

We want to make it clear that not only does Mr. Holbrook's junk yard create a eye sore, potential ground water pollution hazard, etc, but it also is a horrible site for visitors to see when entering the Moscow area. We already have a salvage yard on the south end of Moscow, the north end of town, and now this? I pray not.

We urge the Commissioners to deny the CUP to Mr. Holbrook and to simply give him a short deadline for cleanup. To do anything else allows Mr. Holbrook to continue to pollute the area.

Sincerely,

Tom and Linda Fairchild  
1045 Britton Road  
Moscow, ID 83843  
2088828867

4670 Highway 95  
Moscow, ID 83843-8789  
5 December 2010

Jason Boal, Associate Planner  
Planning and Building Department  
Latah County Courthouse  
P.O. Box 8068  
Moscow, ID 83843

RECEIVED  
DEC 06 2010  
LATAH COUNTY

Dear Mr. Boal,

Re: Conditional Use Permit requested by Larry Holbrook for a Salvage Yard

My wife Theda and I have lived in the same house for 51 years, adjacent to the property purchased by Larry and Shirley Holbrook from the State of Idaho in 1988. Until then, the property had been used by the State as a wayside Rest Area. We share a common boundary for 1633 feet.

At our meeting on 29 November 2010, Michelle Fuson told me to include historical background correspondence. Copies of six letters (numbered 1-6) are attached.

Soon after their purchase, it became clear that Mr. Holbrook planned to use the property for junk storage, and expanded usage has continued. Since Latah County Zoning Ordinance no. 29 of 1980 required a conditional use permit for a junkyard, I expressed my concerns to County Planner Pamela Peterson (copy to Mark Solomon, County Commissioner) on 25 April 1991 (letter #1). Planner Peterson responded on May 21, 1991 (#2) detailing her efforts to improve conditions on the property, with copies to the Environmental Health Officer, Latah County Commissioners, County Building Inspector, and Deputy Prosecuting Attorney. Having heard nothing further from her during the next year, I wrote again (#3) on 26 February 1992 (copy to Mark Solomon). Still no response. After two more years, I wrote directly (#4) to Mark Solomon on 9 March 1994, but never received an answer.

Other than several fruitless conversations with Planning and Building Department personnel, I did not pursue the matter further until 9 April 2000, when I wrote to Dave Couch, Traffic Engineer with the Idaho Transportation Department's Division of Highways in Lewiston, asking if Mr. Holbrook had permission to store wrecked vehicles on the right-of-way, also pointing out that he had begun storing wrecked vehicles on the right-of-way between our land and the highway. This letter was answered (#5) on August 4, 2000 by T. J. Long, District Right-of-Way Supervisor, saying Mr. Holbrook had a permit to use a portion of the old highway right-of-way (road through the Rest Area), but had been requested not to park any automobiles within the existing highway right-of-way. I do not know the current status of the permit. On September 19, 2000, Mr. Long followed with certified mail (#6) to Mr. Holbrook pointing out that his office had received seven complaints over the previous ten years, and asking him to remove any cars or items from the existing highway right-of-way by October 13, 2000. On 23 May 2001, I notified Mr. Long that vehicles and other junk were still on the right-of-way. I then gave up trying for relief from Latah County or the Idaho Transportation Department, disappointed that the Federal Highway Beautification Act did not apply here. Note that other cars and junk (including old tires) remain on the existing right-of-way.

Even more worrisome, 2002 found Mr. Holbrook burying a load of unknown (to me) material about 10 feet from our property line and about 100 feet from our well. A few weeks later, following a complaint, he returned with his backhoe and removed the buried material. And who knows what potentially toxic substances might be in the demolition/miscellaneous waste dumped on his property, or in the array of innumerable junk items that cover most of the property. There are even several 5-gallon containers with unknown contents sitting near our line. What next?

LCZC Hrg: CUP #828  
Applicant: Holbrook  
Exhibit #: 5  
Date: 12/15/2010

Land Use Ordinance no. 269 of 2006 requires a conditional use permit for a junkyard or salvage yard, so I suppose that has prompted Mr. Holbrook's request four years later. For 22 years, my wife and I have been faced with a de facto junkyard in violation of Latah County Ordinances, as well as a decline in the market value of our land and house. We both will be 80 next year, and cannot help but contemplate the possibility of costly nursing home care sometime in the future. If that happens, we will need to sell our property. Who will buy it?

Mr. Holbrook's failure to follow the highway right-of-way cleanup order from the Idaho Transportation Department does not bode well for a directive from Latah County to remove all wrecked vehicles, demolition/miscellaneous waste, used tires and other junk. In fact, we believe that he will only respond to a court order under threat of severe penalties, perhaps not even then! Needless to say, we are adamantly opposed to granting a conditional use permit to Larry Holbrook for a salvage yard, a permit that will only delay final resolution.

Yours sincerely,

*Richard A Parker Theda Parker*

Richard A Parker

Theda Parker

cc: Michelle Fuson, Director, Planning and Building Department  
Bill Thompson, Prosecuting Attorney

1142 Hwy 95 N  
Moscow, Idaho 83843

25 April 1991

Pamela Peterson, County Planner  
Latah County Planning and Zoning Department  
Latah County Courthouse  
5th and Van Buren  
Moscow, Idaho 83843

Dear Ms. Peterson:

My family and I have lived approximately five miles north of Moscow on Highway 95 for over 30 years. Our property borders the former Rest Area on the south and east. The State of Idaho sold this Area a couple of years back when it felt that maintenance could no longer be justified. Since then, we have watched the new owners turn this property into a veritable junkpile, at the same time seeing the value of our home plummet along with that of M. F. Tenney, whose land borders the old Rest Area to the north. Conversations with Mrs. Tenney, an elderly widow, indicate that her pleas for help from county officials have gone virtually unheeded. Thus far, my wife and I have tried to avoid conflict, with the hope that conditions would improve. If anything, matters are much worse. There now appear to be two (perhaps three) mobile home families living on the property, and the collection of derelict vehicles and assorted junk beyond description continues to grow. Is there no limit to what Latah County will tolerate? I presume that these homes all use the sewage system of the former Rest Area, a system that would likely prove unacceptable for a new single family residence. I thought that the zoning ordinances of Latah County were designed to provide reasonable protection from this kind of abuse. Instead, the only actions of the Planning and Zoning Commission that are reported seem to focus on land subdivision. Does anyone care what happens afterward?

Not only did the State decide to sell the Rest Area for less than \$25,000, it then has allowed the new owners to use highway right-of-way for junk storage. Furthermore, in the mid 1980's, the State spent thousands of taxpayer dollars to block water drainage under the highway in front of our house to avoid erosion on the opposite, downhill side. Large amounts of earth were then moved so that water would travel along our side of the highway to the Rest Area, and there cross beneath the highway. All of this new grade was seeded to grass for erosion control. And now the State permits the new owner to use several hundred feet of this right-of-way as a road to the south end of the property. Of course, the grass is gone as well as thousands of

dollars wasted!

But I suppose that precedent was set when Latah County allowed construction of a home, still unfinished, on the old landfill site along the west side of the highway somewhat nearer to Moscow. Since then, that same individual has been permitted to accumulate 20-30 derelict vehicles, creating another massive eyesore. Yet, if someone were to dump a garbage can of household waste at a non-approved location, prosecution would be likely!

Short of a civil suit by affected landowners against everyone responsible for damages, where can we turn? Quite frankly, the cronyism and selective law enforcement rampant in Idaho remind me of Chicago politics during my boyhood in the Midwest!

Yours sincerely,

R. A. Parker

cc: Mark Solomon, Latah County Commissioner

DEPARTMENT OF  
**PLANNING AND BUILDING**

2

Latah County Courthouse

P.O. Box 8068  
522 S. Adams

Telephone (208) 882-8580

Moscow ID 83843

May 21, 1991

Richard A. Parker  
1142 Highway 95 North  
Moscow ID 83843

Dear Mr. Parker:

I did receive your letter of April 25, 1991, regarding existing conditions at the Larry Holbrook residence at the former rest area north of Moscow along Highway 95 North.

Since that time the matter has been discussed with the Latah County Commissioners and by County staff members. I have visited the site on at least two previous occasions (once with a Sheriff's deputy), taken photographs, and pursued this as a violation of County ordinance. That enforcement process was temporarily halted due to the fact in the Agriculture-Forestry district yard appearance issues are clouded by the rights of property owners, i.e. farmers and loggers, to store equipment and materials out-of-doors. I will obtain support to pursue the issue from our Deputy Prosecutor, Doug Whitney.

I asked Rich Gabriel of the North Central District Health

Department to visit the site to look for violations that fall within his scope of work. He did travel out to the site but was deterred by the numerous "No Trespassing" signs.

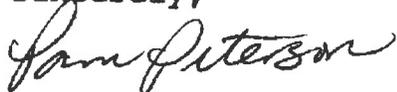
Latah County has undergone a change in personnel for Building Inspection services since your letter was received. I have consulted Fred Lear, Latah County Building Inspector, about this site and asked him to pursue the issue of multiple residences and the permit records for structures on the site.

At this point the County is most aware of this disconcerting situation and will continue to explore alternative means of resolving the situation. It is my intention to request assistance from the Sheriff's Office in escorting the Building Inspector and Environmental Health Officer on to the site.

Mr. Holbrook had done some clean up last year at the County's request, and perhaps further follow-ups as I planned above, will be the necessary catalyst for change.

Thank you for your concerns and support.

Sincerely,



Pamela A. Peterson  
Planner

cc: Rich Gabriel, Environmental Health Officer,  
North Central District Health Department  
Board of Latah County Commissioners  
Fred Lear, County Building Inspector  
Doug Whitney, Deputy Prosecuting Attorney

1142 Hwy 95 N  
Moscow, Idaho 83843

26 February 1992

Pamela Peterson, County Planner  
Latah County Planning and Building Department  
P.O. Box 8068  
Moscow, Idaho 83843

Dear Ms. Peterson:

On 21 May 1991, you responded to my letter of 25 April 1991 in which I expressed concern about conditions at the former rest area north of Moscow. At that time, you stated that the issues of multiple residences and permit records would be pursued. A few weeks ago, I had my first conversation with Mr. Holbrook (short, heated). He informed me that his attorney had recently won a decision in his favor, but did not elaborate. Furthermore, he informed me that as soon as he finished the dwelling he is building there, he was going to build another. What in the world is going on? Does he have permits for two mobile homes and two dwellings? At one time, Idaho law allowed rural land owners to subdivide their property among their children. Does this law apply to Mr. Holbrook? He also pointed out that he has permission from the Highway Department to use several hundred feet of highway right-of-way for access to the south end of his property. When I complained about all of the mud, he said that the Highway Department refused to allow him to improve the right-of-way to eliminate the mud and standing water. But I do resent the fact that the only use he appears to make of this access is to add debris to his dump in the old rock pit. Just how many discarded tires in a pile are necessary before they become illegal? Or are Idaho residents immune to environmental regulations?

Yours sincerely,

R. A. Parker

cc: Mark Solomon, Latah County Commissioner

1142 Hwy 95 N  
Moscow, Idaho 83843

9 March 1994

Mark Solomon, Latah County Commissioner  
Latah County Courthouse  
5th and Van Buren  
Moscow, Idaho 83843

Dear Mr. Solomon:

As you know from copies of my letters to Pamela Peterson dated 25 April 1991 and 26 February 1992 (additional copies enclosed), I have been extremely frustrated by the collection of junk stored by Larry Holbrook on his property next to mine. Ms. Peterson, in a letter dated 21 May 1991 (copy enclosed), stated that she had pursued this matter as a violation of county ordinance, but that the process was temporarily halted because farmers and loggers had the right to store equipment and materials out-of-doors. Mr. Holbrook certainly does not farm this property, and the last I knew, he worked as a carpenter. I never heard from Ms. Peterson again, nor was there a response to my letter of 26 February 1992 by her successor as county planner (as I recall, she left her position about a month after this letter). On 15 June 1992, Vic Racicot of the assessor's office called me to say that he had spoken to you about the situation, and that you had informed him that the commissioners were working on an ordinance to alleviate problems like the one here. As of now, almost two years later, I am not aware of any further action. At the very least, I would appreciate a response to my letter of 26 February 1992 by you or the county planner. Nothing seems to have changed on the Holbrook property!

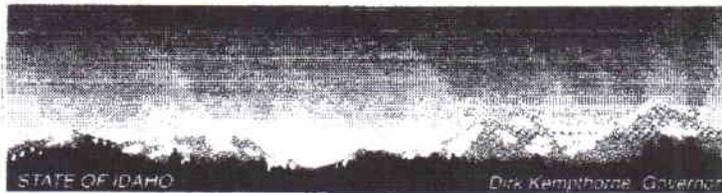
I realize that it is extremely difficult to craft an ordinance that will be effective without placing unreasonable restrictions on Latah County residents; afterall, most of us appreciate as much personal freedom as possible. The majority of residents probably would not be upset to see two or three "parts cars" on rural properties, but derelict vehicles and piles of worthless building material or discarded items (junk) are something else. Surely an ordinance that allowed only a few unlicensed vehicles to be stored outside, as well as building materials for less than six months without a current building permit, would be a reasonable compromise. Also, to avoid public health problems associated with plugged septic systems (as occurred near Helmer some years back), perhaps it is time to require septic tanks to be pumped out every 8-10 years. I, for one, do not want to promote excessive regulation; if we err, it should be on the side of too little rather than too much!

Thank you for thinking more about the problem.

Yours sincerely,

A handwritten signature in cursive script that reads "Dick Parker". The signature is written in black ink and is positioned below the typed name.

R. A. Parker



5

**TRANSPORTATION DEPARTMENT**  
DISTRICT 2 • P.O. BOX 837 • LEWISTON, ID • 83501-0837 • (208) 799-5090

August 4, 2000

Mr. Richard A. Parker  
4670 Highway 95 North  
Moscow, ID 83843

Re: Old Moscow Rest Area

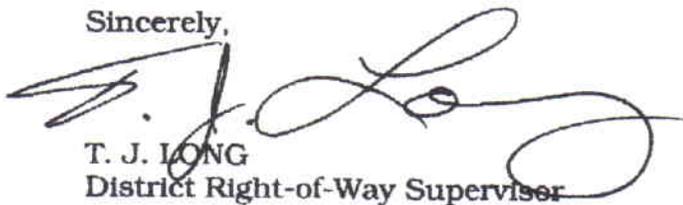
Dear Mr. Parker:

Thank you for your letter dated April 9, 2000. I apologize for the delay in responding to you. I appreciate your concern over the condition of the referenced site. As a state agency, there is nothing that we can do to control the site. I have spoken with officials at Latah County, and they are aware of the condition of the site as well.

Regarding the use of the old highway right-of-way, Mr. Holbrook does have a right-of-way use permit that allows him to use a portion of the old highway right-of-way. Our Maintenance Foreman has spoken to Mr. Holbrook and requested that he not park any automobiles within the existing highway right-of-way.

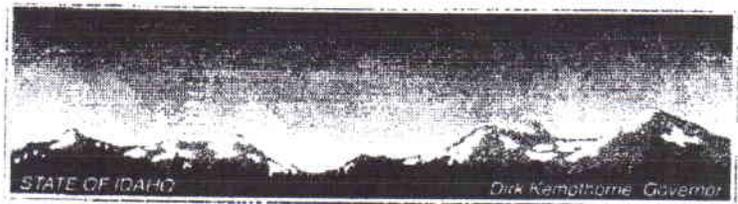
If you have any questions, please call me at (208) 799-5090.

Sincerely,



T. J. LONG  
District Right-of-Way Supervisor

TJL:rw/z:\Admin\OM\WRDFILES\ADM\parker.doc



**TRANSPORTATION DEPARTMENT**  
DISTRICT 2 • P.O. BOX 837 • LEWISTON, ID • 83501-0837 • (208) 799-5090

September 19, 2000

**CERTIFIED MAIL  
RECEIPT RETURN REQUESTED**

Mr. Larry G. Holbrook  
1147 Highway 95 North  
Moscow, ID 83843

Re: Old Moscow Mountain Rest Area; Latah County  
Right-of-Way Use Permit No. 02-99-059

Dear Mr. Holbrook:

Over the last ten years, my office has received seven complaints regarding the condition of your property at the referenced site along U.S. Highway 95. I understand that you neither sell nor trade junk, nor do you sell used vehicles from your property.

Our department issued you a Right-of-Way Use Permit on August 5, 1988, that allows you to use a portion of the old highway right-of-way. This permit is revocable by our department. The Right-of-Way Use Permit does not allow you to use the existing highway right-of-way for storing cars or miscellaneous items. We are asking that you remove any cars or items from the existing highway right-of-way by October 13, 2000.

In addition, I want to point out that our department maintains what we call a "good neighbor" policy. Therefore, we are asking that you resolve any disputes with your neighbors concerning the condition of your property or your authorized use of the old highway right-of-way.

If you have any questions, please call me at (208) 799-5090.

Sincerely,

T. J. LONG  
District Right-of-Way Supervisor

TJL:dh/z:\Admin\OMWRDFILES\ADM\Larry Holbrook.doc

cc: Mr. Richard A. Parker

LB of CARS  
& SCRAP IRON

LCZC Hrg: CUP #828  
Applicant: Holbrook  
Exhibit #: 6  
Date: 12/15/2010

4-1-10	3820	4920
	1800	2760
4-1-10	2746	3830
	1420	4120
4-1-10	1720	3940
		30
4-21-10	4870	3280
	5550	
4-21-10	4970	2910
		2230
4-29-10	6000	3670
5-11-10	6260	3160
	6160	540
5-21-10	6390	2240
		4120
5-27-10	1650	2730
6-11-10	140	1390
	5800	950
6-20-10	5070	4350
7-20-10	6800	3840
7-22-10	5000	1470
7-22-10	6220	2020
	2760	2920

1986 Eagle  
1999 Ramus Ford  
1994 GMC Van

1949 Dodge 1 1/2 ton  
1987 Honda 200  
1984 Eagle  
1947 School bus  
1980 Ford 1/2 ton

RECEIVED  
DEC 06 2010  
LATAH COUNTY

FREE TIRE DAY

200 + tires to dump  
1985 Dodge 1 ton Van

8-23-10  
LOAD TO SPOKANE  
LOAD TO LEWISTON

1978 Ford Van  
1970 Chev Van

PAID TO DUMP 200 TIRES +

RECEIVED  
DEC 09 2010  
LATAH COUNTY

RavenCroft Farm  
David K. Smith, Debi Robinson-Smith  
4689 Highway 95 N  
Moscow, ID 83843  
208-882-3616 [debismith@moscow.com](mailto:debismith@moscow.com)

Jason Boal, Associate Planner  
Planning and Building Department, Latah County Zoning Commission  
Latah County Courthouse  
PO Box 8068  
Moscow, ID 83843

December 9, 2010

Mr. Boal,

We are writing in regard to the request for a conditional use permit by Larry Holbrook. Mr. Holbrook lives directly across the highway from our home and business, RavenCroft Farm, at 4689 Highway 95.

We have been much dismayed as we have seen Mr. Holbrook bring in junk cars and other materials, but have assumed he had some sort of permission to do so in spite of the area being zoned only for agriculture/residential use. We have tried to ignore the situation, but have become increasingly worried about both the amount of accumulated junk and the nature of the materials. It is clear that the Idaho Transportation Department's Good Neighbor Policy has been both ignored and violated by Mr. Holbrook. He has never had permission to use his property in this manner, and it appears protests by his neighbors have been rejected by Mr. Holbrook, the County and the State. This is now an opportunity to rectify this situation.

We have lived on our property for 22 years, and have been very conscientious during those years about using no pesticides, chemicals, or toxic materials. We have been operating a small organic-practices farm on our property for the past six years. This is our business and source of income, and we supply safe and pure produce to local farmer's markets, restaurants, and individuals in the area. We were told when we began this endeavor that we would be limited to sales of agriculturally related products on our property due to the zoning designation.

We are extremely concerned that Mr. Holbrook is putting our livelihood at risk through inappropriate disposal of toxic and hazardous materials on his property. Automobile batteries, oils, transmission fluids, radiator fluids, tires, etc. are all hazardous waste. It appears to be unknown exactly how much of these materials are decomposing, buried, or simply dumped on the ground on Mr. Holbrook's property. As his property is uphill to the east of our farm, any runoff or wind-drift from his property ends up contaminating our water, soil, and products. We also have a spring-fed and run-off fed pond on our property which is both a wildlife habitat and the source of our irrigation for our farm. Mr. Holbrook's activities pose a direct threat to both our water supply and the environment and wildlife here.

We oppose giving Mr. Holbrook a conditional use permit to continue his activities. We also strongly urge he be made to immediately clean up his dangerous mess following approved guidelines for disposing of toxic and hazardous materials. We also urge the following conditions be put on Mr. Holbrook:

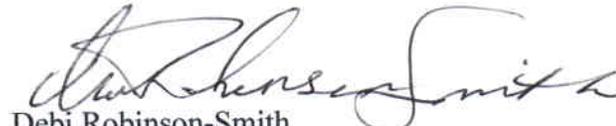
LCZC Hrg: CUP #828  
Applicant: Holbrook  
Exhibit #: 7  
Date: 12/15/2010

- 1) A complete inventory of all materials on the property be made prior to beginning immediate clean-up, including the 5 gallon drums of "unknown" materials referenced in Mr. Parker's letter dated December 5, 2010
- 2) Continued monitoring of his clean-up to ensure materials are not buried, burned, or dumped onto the ground and into the air and surface/ground water supply
- 3) A record of how and where he disposes of materials be kept, with independent verification of the record
- 4) He be given a very short time-table for the clean-up with strong financial penalties in place for failure to conform
- 5) He be solely responsible for the cost of the clean-up and any damages incurred to his neighbors due to his irresponsible and illegal use of residential/agricultural land

We plan to attend the public hearing on Wednesday, December 15<sup>th</sup>. We will be happy to supply more comments regarding this matter, but want this letter to be entered into the record of information pertaining to Mr. Holbrook's request.

Thank you for your attention.

  
David K. Smith

  
Debi Robinson-Smith

December 9, 2010

RECEIVED  
DEC 09 2010  
LATAH COUNTY

Ms. Michelle Fuson  
Latah County Planning & Building  
P.O. Box 8068  
Moscow, ID 83843

RE: Holbrook Conditional Use Permit Hearing

Dear Ms. Fuson:

Thank you for advising the Idaho Transportation Department of the proposed hearing regarding Mr. Larry Holbrook's request for a conditional use permit to operate a commercial salvage yard on his property adjacent to U.S. Highway 95 at approximate Milepost 351.14. His current access is recognized as a Single-Family Residential approach, which allows for normal residential use but not commercial activity.

Per Idaho Statue no person may operate or maintain a junkyard within one thousand (1000) feet of a primary highway without a permit from the Transportation Board. ITD manages the issuance of these permits. Mr. Holbrook will need to apply for and secure a permit from ITD for his junkyard through Mr. Doug Freeman in our Lewiston office. Mr. Freeman can be reached at (208) 799-5090. Some of the conditions of that permit will be the removal of any materials currently placed on ITD Right-of-Way as well as the removal of material away from the access and out of the view of the traveling public.

In addition to submitting a request to ITD for a change of use for his access, which he has done, Mr. Holbrook will need to submit in writing a description of his operation. This information should include estimated traffic volumes as well as hours of operation. Mr. Holbrook has indicated verbally that traffic volumes will be quite low, but that information (as well as that previously mentioned) will need to be submitted in writing. This information was previously requested in a letter dated July 10, 2009. (See Enclosure)

At this time, based on preliminary information, ITD is considering issuing a temporary change of use from residential to low volume commercial if Mr. Holbrook meets the requirement listed above. This permit will be exclusive for Mr. Holbrook and will be good for one year from the issue date. In order to renew the permit Mr. Holbrook will need to contact ITD 60 days prior to the expiration of the permit and request a renewal.

Continued...

LCZC Hrg: CUP #828  
Applicant: Holbrook  
Exhibit #: 8  
Date: 12/15/2010



July 10, 2009

Mr. Larry Holbrook  
4674 Hwy 95 North  
Moscow, ID 83843

Re: Right-of-Way Use Permit Application No. 02-09-111

Dear Mr. Holbrook:

Thank you for submitting a Right-of-Way Use Permit application to change the use of a residential access to a commercial access for a proposed business along U.S. Highway 95 at Milepost 351.14. During discussion at our Permits Committee meeting, it was determined that additional information is needed to process this application. Therefore, we have put your permit application on hold until the information is obtained.

After discussing your proposal with the Latah County Planning Department to verify zoning, it was determined that your proposed business would be classified as a junkyard, and would be designated as such by a Conditional Use Permit should one be granted.

In Idaho, anyone operating a junkyard adjacent to the highway right-of-way must obtain a license from the state and meet certain criteria. Enclosed, for your review, are the requirements for receiving a license. (See Enclosure) Please remember that any fencing that may be required must be placed on your private property and not on ITD right-of-way.

Once you have attained your junkyard license, we can proceed with the upgrade of your residential approach. You will need to submit some preliminary traffic impact information to this office for review. This should include the estimated volume of traffic that will be generated by your business, as well as direction of travel and hours of operation. From this information it will be determined if a Transportation Impact Study will be necessary to identify potential impacts to the highway system. A copy of ITD's requirements for Transportation Impact Study is enclosed for your use.

If I can be of further service or if you would like additional information concerning ITD's Access Management Policy, please contact me at (208) 799-5090.

Sincerely,

ORIGINAL SIGNED BY:

DAVID P. COUCH, P.E.  
District Traffic Engineer

DPC:SN:SS/Z:\ADMIN\ADM\WRDFILES\ADM\Holbrook rofw 02-09-111.docx  
Enclosures

bcc: DE2      ADE2      PDE2      MTCE2      RW2      ~~DPE2~~      TTP (Moscow)

**JBoal@latah.id.us**

---

**From:** Richard A Parker [raparker@moscow.com]  
**Sent:** Saturday, December 11, 2010 2:23 PM  
**To:** JBoal@latah.id.us  
**Cc:** pb@latah.id.us; pa@latah.id.us  
**Subject:** Holbrook Request for Conditional Use Permit  
**Attachments:** PI5Send1.Jpg; PI5Send2.Jpg; PI5Send3.Jpg

Jason Boal,

I took these photos of Holbrook's property yesterday from our side of the line. This part of his property cannot, for practical purposes, be seen from the highway, but the photos do show containers with unknown contents that eventually might end up in the ground water. And I do wonder if antifreeze and petroleum products are leaking from the wrecked vehicles.

If you wish to see this part of his property first hand, you are welcome to drive in to our house where you need only walk about 20 feet from your parked car.

Richard Parker

cc: Michelle Fuson, Director, Planning and Building Department  
Bill Thompson, Prosecuting Attorney

12/14/2010

LCZC Hrg: CUP #828  
Applicant: Holbrook  
Exhibit #: 9  
Date: 12/15/2010

