

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

Public Hearing: CUP 792A Date: July 18, 2012 Time: 5:30 pm

Applicant: Verle Koehn File #:CUP 792A

EXHIBITS:

- Exhibit #1. Criteria Worksheet and Staff Report
- Exhibit #1A. Vicinity and Comprehensive Plan Land Use Map
- Exhibit #1B. Zoning Map
- Exhibit #1C. Aerial Photograph and Adjacent Property Owners Map
- Exhibit #1D. Soils and Topographic Map
- Exhibit #1E. Photographs of Site
- Exhibit #1F. Findings of Fact and Conclusions of Law from CUP 792
- Exhibit #2. Application Form (Submitted by Applicant)
- Exhibit #2A. Applicant's Narrative (Submitted by Applicant)
- Exhibit #2B. Vicinity & Plat Map (Submitted by Applicant)
- Exhibit #2C. Aerial Photograph (Submitted by Applicant)
- Exhibit #2D. Site Plan (Submitted by Applicant)
- Exhibit #2E. Dust Abatement Plan (Submitted by Applicant)
- Exhibit #2F. Notice of Application for Reclamation Plan from Idaho Department of Lands, dated June 21st, 2012
- Exhibit #2G. Adjacent Property Owners within 1000 ft Consent to Location of Mineral Resource Development
- Exhibit #3. Staff Introduction for Latah County Zoning Commission hearing for CUP #792A held on July 18th, 2012

CRITERIA WORKSHEET & APPLICATION SUMMARY

Note: This exhibit 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:

Amending a Conditional Use Permit for a Mineral Resource Development

Description of application:

A request by Verle Koehn to amend CUP #792 to allow for blasting and crushing at the previously approved mineral resource development location on approximately 6.6 acres of portion of parcel RP41N03W207272A, located in the Agriculture/Forest zone. The property is accessed off of Highway 9, approximately 2.5 miles south of the unincorporated town of Harvard, Idaho. The property is located in Section 20, Township 41 North, Range 03 West, B.M. in Latah County.

Applicable Code:

1) Section 7.01 requires that specific uses within a particular zone require special consideration prior to being permitted in that zone (Section 3.01, Latah County Land Use Ordinance)

The Latah County Land Use Ordinance, under section 3.01.02(7), lists mineral resource developments subject to Section 4.03 as a conditionally permitted use in the Agriculture/Forest (A/F) Zone.

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

The conditional use permit application was signed by Verle Koehn.

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 consistent 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.

4) Section 4.03.03 New Mineral Resource Developments states the following:

Any mineral development which is not registered as an existing development or does not qualify to be registered as an existing development, not exempt as per Section 4.03.04 of this ordinance, or an existing conditional use permit, shall be considered a new development. Prior to op

developments must obtain a conditional use permit under the provisions of Section 7.01 of this ordinance. In addition the Zoning Commission shall, as a minimum, place the requirements of Section 4.03.02 upon any newly permitted mineral development, unless making specific findings supporting the omission or alteration of the requirements of Section 4.03.02. Mineral resource developments which have been granted a valid conditional use permit prior to one year after adoption of this ordinance shall be considered permitted and shall observe all conditions previously established. New mineral resource developments shall be exempt from the provisions of Section 7.01.07 of this ordinance. The following are requirements for operation of all new mineral resource developments:

1. Activity associated with a mineral resource development shall be at least 1,000 feet from any home existing at the time of application for conditional use permit, unless a lesser distance is approved by the Zoning Commission. A lesser distance shall not be approved unless the applicant submits a signed notarized form, approved by the Planning Department, from all owners of record of any residential building within 1000 feet of the development consenting to the location of the mineral resource development. Each form shall be recorded in the Latah County Recorder's Office by the Planning Department. Approval of a distance less than 1000 feet shall be within the discretion of the Zoning Commission, even if all owners of residential buildings within 1000 feet approve of the location of the development.
2. The operator of a mineral resource development must provide at least a 75 foot undisturbed or natural buffer on the perimeter of mineral resource development operations. The buffer and the area of mineral resource development operations shall be maintained so that they are continuously free of all noxious weeds as determined by the Latah County Noxious Weed Control Superintendent. Frontage on a public road does not require a buffer. Activities associated with a mineral resource development shall not be allowed within the 75 foot buffer area. Location and specifications for access road(s) shall be determined by the Zoning Commission.
3. To protect aquatic and terrestrial habitat and other biological resources, all mineral resource developments and mineral resource development operations shall be set back at least 75 feet from perennial streams and 30 feet from any intermittent streams shown on USGS 7.5 minute maps; except for stream crossings that are regulated by a state or federal regulatory system and those activities permitted under the Idaho Placer and Dredge Mining Protection Act from the Idaho Department of Lands, a Stream Channel Alteration Permit from the Idaho Department of Water Resources, a Dredge and Fill Permit from the U.S. Army Corps of Engineers, a Development Permit from the Latah County Planning Department, and / or a National Pollution Discharge Elimination System permit from the U.S. Environmental Protection Agency. Applicable permit documentation shall be provided to the Zoning Administrator prior to onset of mineral resource development.
4. The applicant shall prepare and submit the following plans with the application for a conditional use permit:
 - A. Dust abatement plan to include mineral resource development operations and all access roads.
 - B. A plan for coordination with County response units for hazardous materials transport and use and emergency spill response.
 - C. A plan for procedures and protocols for spill containment and storage of oil, fuels, and/or chemicals; and documentation of compliance with the state and federal laws or documentation of exemption from requirements.

D. A plan for fire suppression and response, including an inventory of tools stored on-site to implement planned suppression and response.

5. The applicant may be required to post a bond with the Latah County Planning Department to assure full compliance with the proposed plans and provisions of this section. The amount of the bond shall be determined by the Latah County Zoning Commission.

5) Section 4.03.02 requires the following

1. Hours of operation are limited to 9 AM to 6 PM daily. An operator may vary from this requirement by applying for a conditional use permit under the provisions of Section 7.01 of this ordinance.

2. Written verification of compliance with the Idaho Surface Mining Act, including filing of any reclamation plan required by the Idaho Surface Mining Act.

3. The excavation site, any overburden and stockpiles, and a 50 foot buffer strip surrounding these areas shall be maintained so that they are continuously free of all noxious weeds as determined by the Latah County Noxious Weed Control Superintendent.

4. The operator shall provide, by certified mail, written notification to all residences within one mile of any blasting. The notification shall be distributed and in the possession of the occupants of these residences at least 72 hours prior to any blasting. The notification shall give the date and time of the planned blast.

5. Blasting shall be restricted to the hours of 9:30 AM to 4:30 PM, Monday through Friday. No blasting shall occur on Saturdays, Sundays, or the following holidays: January 1, Memorial Day, Labor Day, Thanksgiving Day, and December 25.

6. An owner or operator may request, and the Director may grant, an exception to provide for additional hours of operation for a mineral resource development when additional hours of operation are needed to alleviate a public emergency. Public emergencies include the following:

A. Damage to public roads or structures that require immediate repair.

B. Road construction or repair that is scheduled during nighttime hours to reduce traffic conflicts.

7. Signs, upon approval of the signs by the Planning Department, warning of truck entrances shall be posted within one-quarter (1/4) mile of the site's entrance onto a public road.

8. The mineral resource development shall be marked by warning signs posted 200 feet from mine operations.

9. A plan to retain storm water runoff within the mineral resource development boundaries.

Facts of application and the information submitted

Site Characteristics:

Size of Parcel(s):	79.35 acres
Soils:	Klickson silt loam, 25-35% slopes (Latah County Soil Survey Sheet #16)

Floodplain:

Zone "C" (FIRM Panel #160086 0165B)

Land Use and Regulations:

Comprehensive Plan Designation:

Productive

Existing Zoning:

Agriculture/Forest (A/F)

Existing Uses:

Mineral Resource Development, Timber and Pasture

Neighboring Zoning:

Agriculture/Forest (A/F)

Neighboring Uses:

Agriculture, Forestry and Rural Residences

Infrastructure/Services:

Water:

Pond and Water Truck

Sewer:

Not Applicable

Access:

Highway 9, Idaho Transportation Dept.

Schools:

Potlatch School District #285

Fire Protection:

Potlatch Fire District

Law Enforcement:

Latah County Sheriff

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

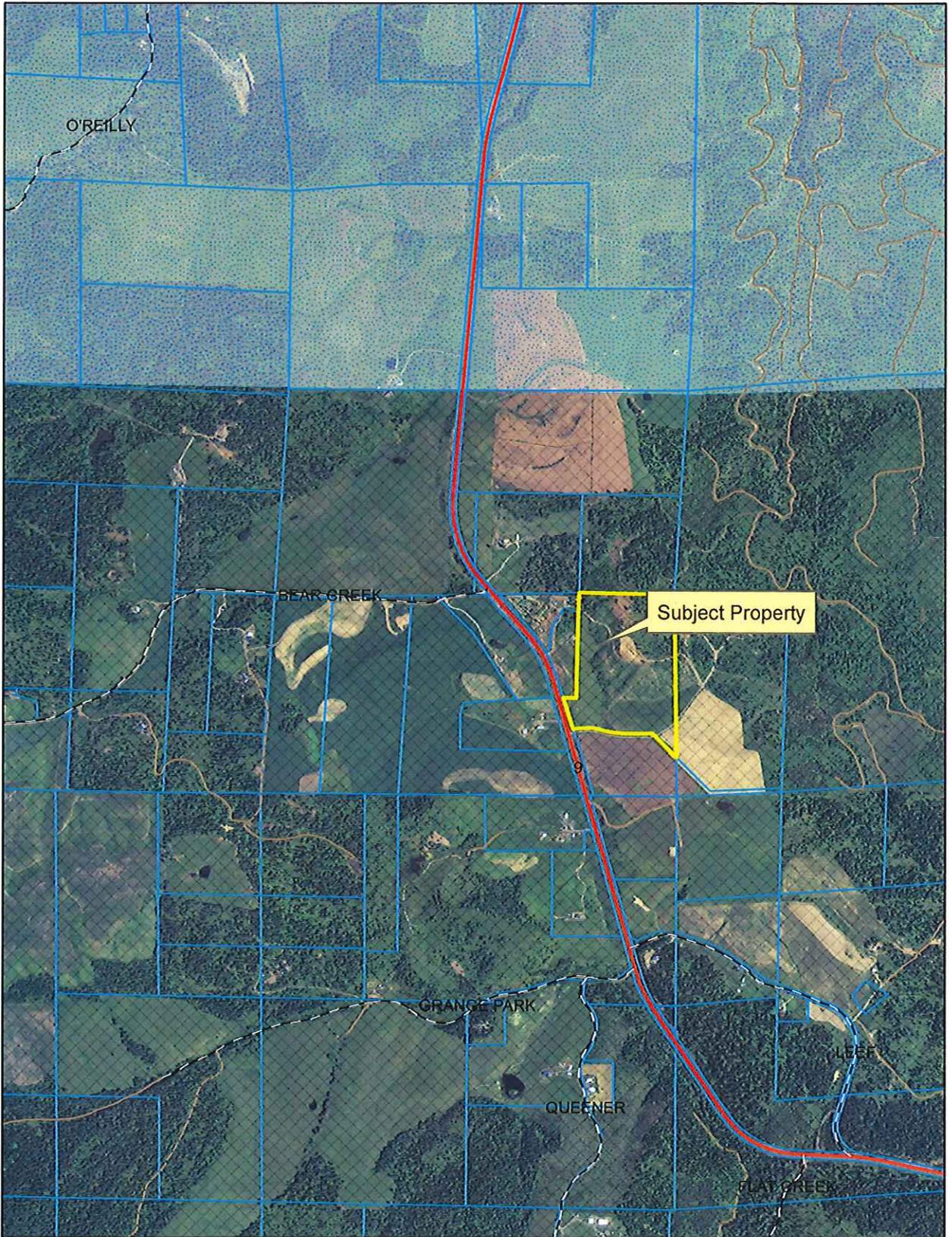
Section 4.03 Mineral Resource Development

Section 7.01 Conditional Use Permits

Latah County Comprehensive Plan

CUP 792A Comprehensive and Vicinity Map

Planning & Building Department



- Legend**
- Comprehensive Plan ZONE**
- AOI
 - ICR
 - PRODUCTIVE
 - RURAL

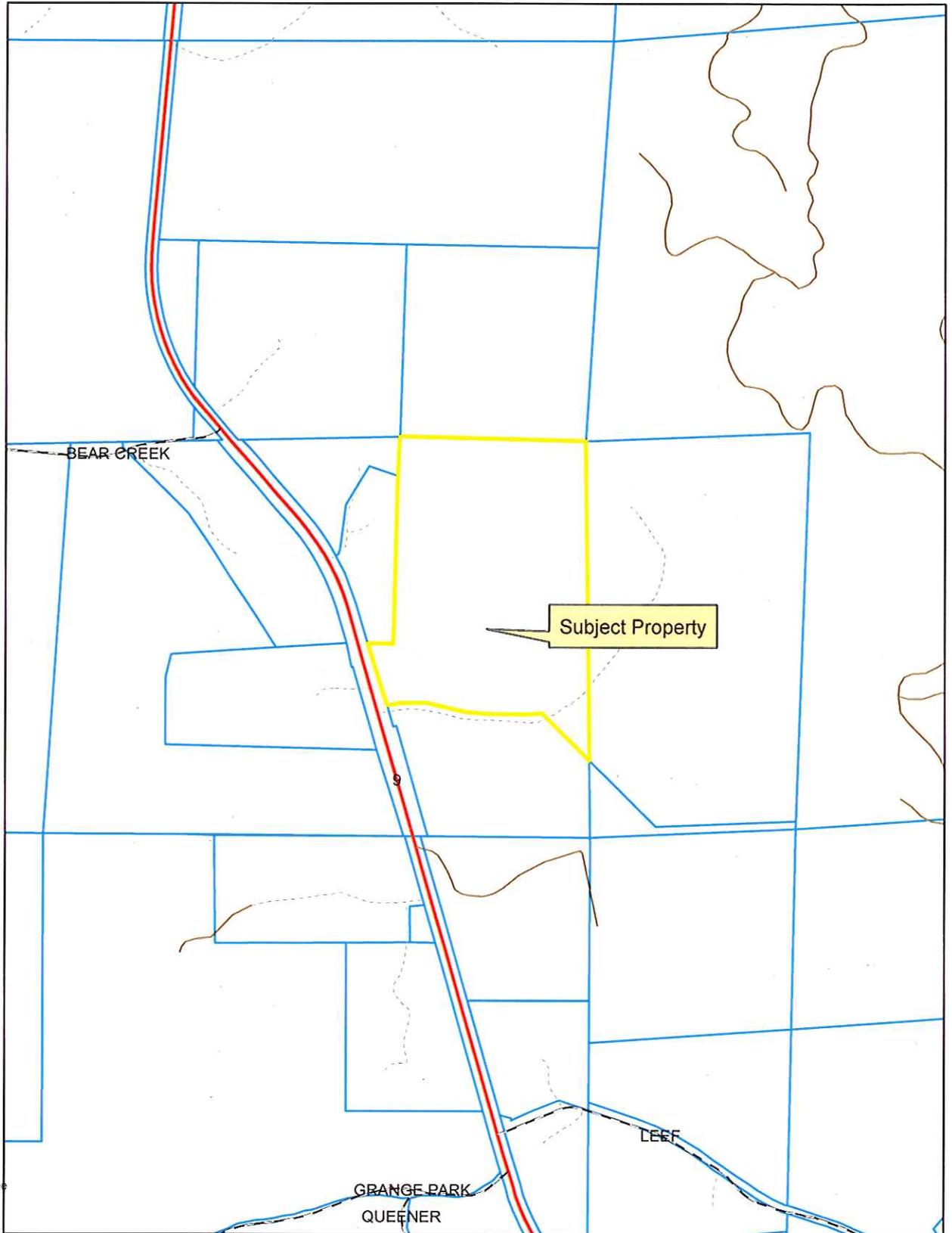
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0 0.15 0.3 0.6 Miles

LCZC Hrg: CUP 792A
Applicant: Koehn
Exhibit #: 1A
Date: 07/20/2012

CUP 792A Zoning Map

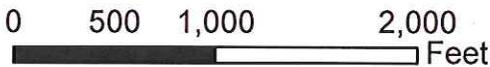
Planning & Building Department



- Legend**
Zoning_Districts_2009
ZONE_TYPE
- Agriculture / Forest
 - Agriculture / Forestry
 - Area of Impact - Genesee
 - Commercial
 - Industrial
 - Motor Business
 - Multiple Family Residential
 - Municipality
 - Rural Residential
 - Single-Family Residential
 - Single-Family Residential (R1)
 - Suburban Residential



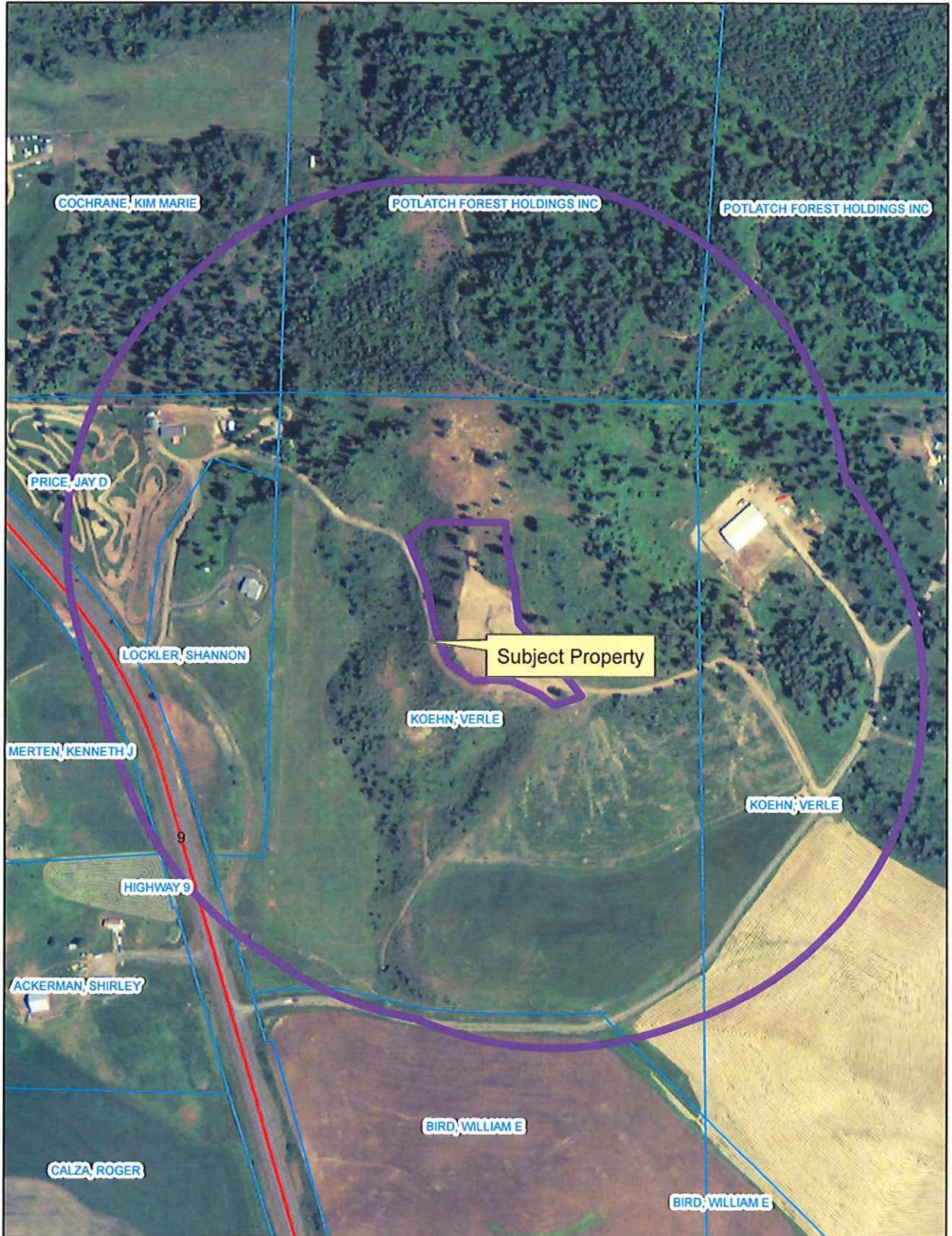
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LCZC Hrg: CUP 792A
 Applicant: Koehn
 Exhibit #: 1B
 Date: 07/20/2012

CUP 792A Aerial and Adjacent Property Owners

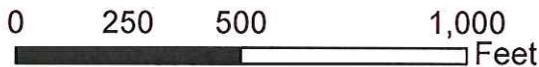
Planning & Building Department



Legend

-  Homes w/in 1000 ft
- ortho_1-1_1n_s_id057_2011_1.sid
- RGB
-  Red: Band_1
-  Green: Band_2
-  Blue: Band_3

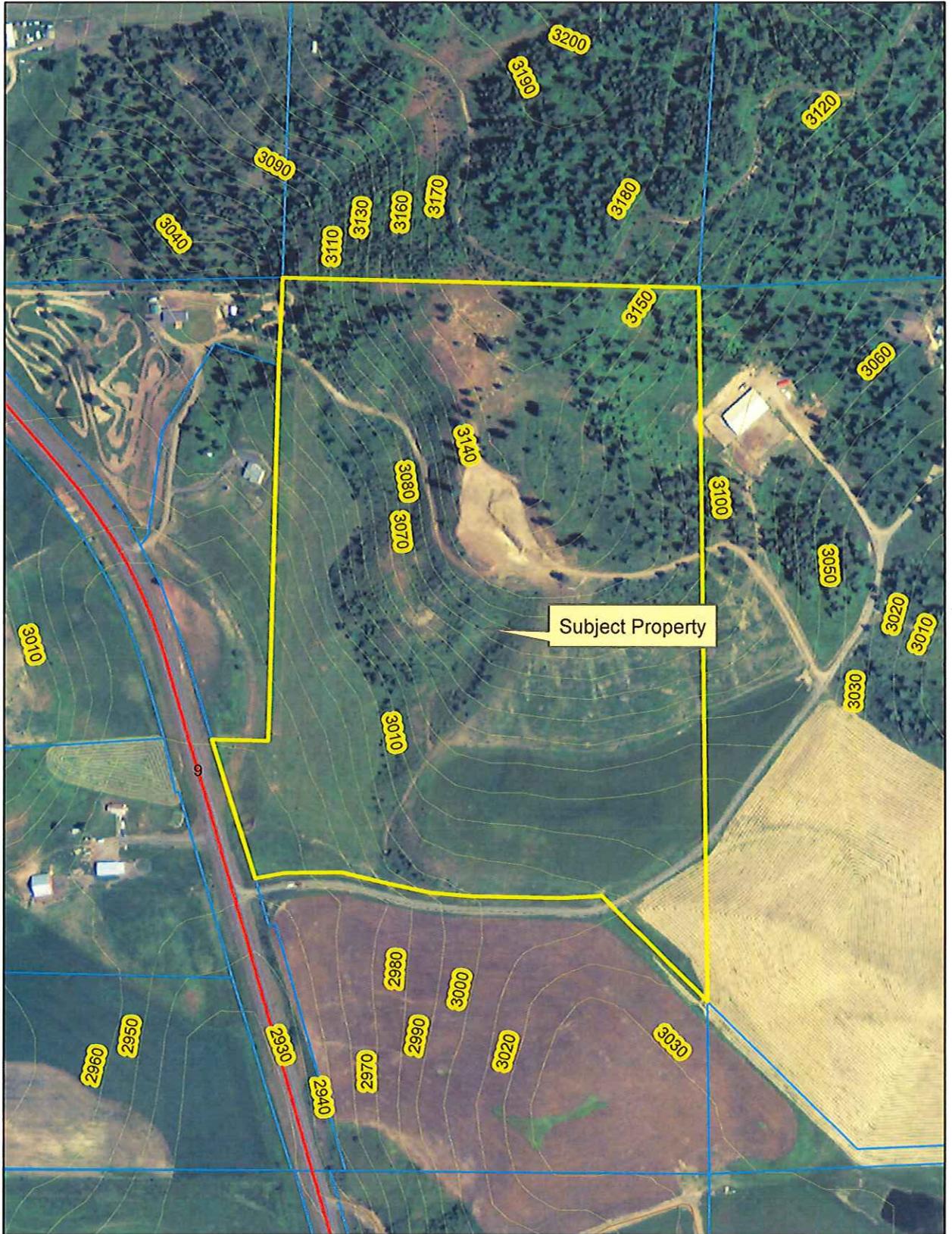
*Created on 07/05/2012 by MK



LCZC Hrg: CUP 792A
 Applicant: Koehn
 Exhibit #: 1C
 Date: 07/20/2012

CUP 792A Contour Map

Planning & Building Department



Legend

con010ft_arc

*Created on 07/05/2012 by MK

0 250 500 1,000 Feet

LCZC Hrg: CUP 792A
Applicant: Koehn
Exhibit #: 1D
Date: 07/20/2012

PHOTOS OF SUBJECT PROPERTY FOR CUP # 792



Highway 9



LCZC Hrg: CUP 792/
Applicant: Koehn
Exhibit #1E
Date: 07/20/2012



(Photo taken from Highway 9 looking NE)

Access Road to Rock Pit and Mr. Koehn's Residence



(Photo taken from Highway 9 looking East)

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THE REQUEST BY VERLE KOEHN FOR A CONDITIONAL USE PERMIT (CUP #792) TO OPERATE A MINERAL RESOURCE DEVELOPMENT TO INCLUDE EXCAVATION ON A PORTION OF A 79.35-ACRE PARCEL IN THE AGRICULTURE/FOREST ZONE. THE PROPERTY IS ACCESSED OFF OF HIGHWAY 9, APPROXIMATELY 2.5 MILES SOUTH OF THE UNINCORPORATED TOWN OF HARVARD, IDAHO. THE PROPERTY IS LOCATED IN SECTION 20 OF TOWNSHIP 41 NORTH, RANGE 03 WEST, B.M., LATAH COUNTY AND REFERENCED AS LATAH COUNTY ASSESSOR'S PARCEL NUMBER RP41N03W207272A.

WHEREAS, Verle Koehn made application for a conditional use permit (CUP #792) on February 19, 2009; and

WHEREAS, a duly noticed public hearing was held on Wednesday, April 1, 2009 before the Zoning Commission to take testimony and consider the conditional use permit application; and

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

THE LATAH COUNTY ZONING COMMISSION, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY MAKES THE FOLLOWING:

I. FINDINGS OF FACT

1. The Applicant and property owner is Verle Koehn, P.O. Box 37, Princeton, ID 83857.
2. The subject parcel is approximately 79.35 acres.
3. The subject parcel is zoned Agriculture/Forest (A/F), and the neighboring parcels are also zoned Agriculture/Forest (A/F).
4. Mineral resource developments are listed in §3.01.02 of the Latah County Land Use Ordinance # 269, as amended, as a conditionally permitted use in the Agriculture/Forest Zone. The Applicant is requesting to operate a mineral resource development to include excavation.
5. The subject parcel is designated "Productive" on the Comprehensive Plan Land Use Map. The Comprehensive Plan states, "This area is generally composed of the most productive agricultural and forest lands in the County. This area should be protected from residential, commercial and industrial uses which are not directly related to agriculture or forestry and which may intrude upon the existing use of the land for normal agricultural or forest practices."
6. The proposed use is located in an area designated as Zone "C" on panel #160086 0165B of the Flood Insurance Rating Map (FIRM) for Latah County provided by the Federal Emergency Management

Agency (FEMA). This designation is not considered to be an area of special flood hazard. There are no perennial or intermittent streams shown on any USGS 7.5 minute map for the subject site.

7. The existing use of the subject parcel includes agriculture, forestry, and a gravel pit. The neighboring uses include agriculture, forestry and low-density residential.
8. The Applicant testified that dust abatement would be controlled by the use of a water truck on the subject site and all access roads associated with the operation. In addition, the Applicant submitted written testimony that his pond was an available source of water for dust abatement.
9. The Applicant testified that no hazardous materials, fuels, oils and/or chemicals would be stored on the subject site. The Applicant also submitted testimony that any necessary fire response and suppression would be supplied by the Potlatch Fire District.
10. The Applicant submitted written verification that a reclamation plan was submitted to the Idaho Department of Lands for compliance with the Idaho Surface Mining Act. In addition, the Applicant testified that all federal, state and local laws to protect streams, floodplains, wetlands and air quality will be met.
11. The Applicant submitted testimony that there would not be a substantial increase in traffic resulting from the proposed operation and that all appropriate signage would be installed prior to operation.
12. The Applicant testified that no additional public services will be required for operation of the mineral resource development and that the operation would present a cost effective source of rock for the community.
13. The Applicant submitted signed notarized forms from all owners of record of residential buildings within 1,000 feet of the development consenting to the location of the mineral resource development.
14. Pursuant to Section 4.03.03 (2) of the Latah County Land Use Ordinance #269, as amended, the Applicant testified that the required undisturbed or natural buffer on the perimeter of the mineral resource development will be provided.
15. The Applicant testified that no blasting would take place at the subject site. The Applicant also requested approval of additional hours of operation (Monday through Friday, 7 AM to 6 PM) that would vary from the requirement listed in Section 4.03.02 (1). The Zoning Commission finds that due to the location of the proposed development and relative distance of surrounding residences, the Applicant may vary from this requirement.
16. No oral or written testimony was presented that the proposed conditional use would significantly impact any areas of significant historic, archeological, geologic, biologic or scenic significance.
17. No oral or written testimony was presented that the proposed conditional use would significantly impact school facilities or student transport in the Latah County.
18. No oral or written testimony was presented that the subject parcel is subject to any significant natural hazards.

19. No testimony was received that approval of this application would deny any owner of all economically viable uses or result in an unconstitutional occupation of their property.
20. No testimony was presented that the proposed conditional use would impact the availability of housing, housing construction standards and/or the energy efficiency of housing in Latah County.

BASED UPON THE FOREGOING FINDINGS, THE LATAH COUNTY ZONING COMMISSION HEREBY MAKES THE FOLLOWING CONCLUSIONS:

II. CONCLUSIONS OF LAW

1. The proposed conditional use would continue to utilize an existing access point and roadways and would not significantly alter the existing rural character of the area or place additional burdens upon public services. While the proposed conditional use is within the area designated as "Productive" on the Latah County Comprehensive Plan Land Use Map, the proposed development utilizes an otherwise unproductive piece of ground as the site is an existing gravel pit that is not in any sort of agriculture or forestry related production. Therefore, the proposed conditional use is consistent with the Community Design Element of the Comprehensive Plan.
2. The policies of the Population Element of the Comprehensive Plan are not relevant to this proposal as this element addresses high-density developments. No written or oral testimony was given that the proposed conditional use would impact orderly growth. Therefore, the proposed use is consistent with the Population Element of the Comprehensive Plan.
3. The policies of the Housing Element are not relevant to this proposal as this element addresses new housing construction standards. No written or oral testimony was presented that the proposed conditional use would have any impact upon the available housing or construction standards within Latah County. Therefore, the proposed conditional use is consistent with the Housing Element of the Comprehensive Plan.
4. The proposed conditional use would provide for economic diversification within Latah County that would be consistent with the surrounding area and the Comprehensive Plan Land Use Map designation of "Productive". Therefore, the proposed conditional use is consistent with the Economic Development Element of the Comprehensive Plan.
5. The proposed use utilizes an existing access point, roadways, and other public services. Therefore, the proposed conditional use will not present excessive costs or burdens upon public services and is consistent with the Public Services, Facilities and Utilities Element of the Comprehensive Plan.
6. No written or oral testimony was presented that the proposed conditional use would impact existing school services. Therefore, the proposed conditional use is consistent with the School Facilities and Student Transport Element of the Comprehensive Plan.
7. The proposed conditional use utilizes existing roadways and an existing access point. No significant additional traffic load is expected to result from the proposed conditional use. Therefore, the proposed conditional use is consistent with the Transportation Element of the Comprehensive Plan.

8. The proposed conditional use is mandated by federal, state and local laws to protect streams, floodplains, wetlands and air quality. Therefore, with the limiting conditions imposed, the proposed development is consistent with the Natural Resource Element of the Comprehensive Plan.
9. No written or oral testimony was presented that the proposed conditional use would significantly impact any area of significant historic, archeological, geologic, biologic or scenic significance. Therefore, the proposed conditional use is determined to be consistent with the Special Areas Element of the Comprehensive Plan.
10. No written or oral testimony was presented that the proposed conditional use on the subject property would be associated with any natural hazards. Therefore, the proposed conditional use is determined to be consistent with the Hazardous Areas Element of the Comprehensive Plan.
11. No written or oral testimony was presented that the proposed conditional use would significantly impact any existing recreational opportunities. Therefore, the proposed conditional use is consistent with the Recreation Element of the Comprehensive Plan.
12. The subject property is designated as "Productive" on the Comprehensive Plan Land Use Map. However, the proposed conditional use is located on a less productive portion of the property composed of less productive soils. Therefore, the proposed conditional use is consistent with the Land Use Element of the Comprehensive Plan.
13. The Zoning Commission has reviewed the proposal and concludes that with the limiting conditions imposed, the conditional use is not detrimental to the health or safety of those in the surrounding area and will not adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone.
14. The Zoning Commission has reviewed the proposal and concludes that with the limiting conditions imposed, the conditional use will not require facilities or services with excessive costs to the public.
15. The Zoning Commission has reviewed the application as it relates to the Latah County Comprehensive Plan. The Zoning Commission concludes that with the limiting conditions imposed, the conditional use is consistent, as a whole, with the goals and policies of the Comprehensive Plan.

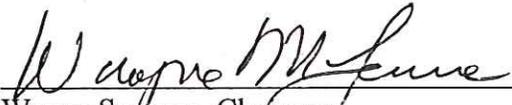
III. DECISION

Based on the Findings of Fact and Conclusions of Law as set forth in this document, the Latah County Zoning Commission hereby approves the request by Verle Koehn for a Conditional Use Permit (CUP #792) to operate a mineral resource development to include excavation on a portion of a 79.35-acre parcel subject to the following conditions:

1. The mineral resource development shall be in compliance at all times with all applicable federal, state and local laws, rules and regulations.

2. The mineral resource development shall at all times be in substantial compliance with the application as submitted and presented.
3. The mineral resource development's hours of operation are limited to Monday through Friday, 7 AM to 6 PM.
4. There shall be no blasting or crushing associated with this mineral resource development.
5. The mineral resource development shall be in compliance with all applicable requirements listed in Section 4.03.02, # 2-9 of the Latah County Land Use Ordinance # 269, as amended.

PASSED BY THE ZONING COMMISSION OF LATAH COUNTY THIS 15 DAY OF April, 2009.



Wayne Sprouse, Chairman
Latah County Zoning Commission

IV. REQUIRED LEGAL NOTICES

NOTICE OF EFFECTIVE DATE AND NOTICE OF RIGHT TO APPEAL

All final decisions of the Zoning Commission may be appealed, as set forth in Section 1.02.18 of the Latah County Land Use Ordinance #269, as amended.

NOTICE OF RIGHT TO REQUEST REGULATORY TAKINGS ANALYSIS

The owner of the property that is the subject of this decision may make a written request to the Latah County Planning and Building Department for a Regulatory Takings Analysis within twenty-eight (28) days from the date of this decision as provided by Chapter 80, Title 67, Idaho Code.



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. Home Phone	c. Work Phone	
Verle Koehn	208-875-1480	208-875-1480	
d. Mailing Address	e. City	f. State	g. Zip code
P.O. Box 37	Princeton	ID	83857
h. Property Owner (if different than applicant)	i. Home Phone	j. Work Phone	
		Fax 875-1517	
k. Mailing Address	l. City	m. State	n. Zip code

2. General Site Information				
a. Assessor's Parcel Number(s)			b. Parcel Address (if applicable)	
41N03W207262A				
c. Acreage of Existing Parcel	d. Zoning	e. Comprehensive Plan Designation	f. Floodplain designation(s)	g. FEMA Panel #
145 A	A/F	Productive	Zone C	
h. Is the parcel within an Area of City Impact?	<input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.	i. Impact City	j. Road Used to Access Site	
		N/A	Hwy 9	

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

i. Existing Uses
 cattle grazing; there is existing rock pit

3. Service Provider Information (please attach additional information if requested)		
a. Fire District	b. Road District	c. School District
Potlatch	North	Potlatch
d. Source of Potable Water (i.e. water district or private well)	e. Sewage Disposal (i.e. sewer district or private septic system)	
pond & water truck	None	

4. Adjacent Properties Information	
a. Zoning of Adjacent Properties	b. Existing Uses of Adjacent Properties
A/F	timber & Hay Field & pasture land

5. Permit Information	
a. Proposed Use	
Rock for owner use and to sell and haul rock for customer use blasting & crushing	
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?	Section 3.01.02 #7 & 4.03

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	b. Date
Verle Koehn	2-3-12
c. Signature of Property Owner (if different than applicant)	d. Date
Verle Koehn	2-3-12

7. Attachments	
All attachments should be reproducible in black and white at 8 1/2" x 11"	
<input checked="" type="checkbox"/>	Fee: (\$200.00) Make checks payable to Latah County.
<input type="checkbox"/>	Completed Narrative Worksheet: See instructions on the Conditional Use Permit Narrative Worksheet.
<input checked="" type="checkbox"/>	Site Plan: The site plan should include a north arrow, location of roads and rights-of-way, existing buildings, improvements and features; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Zoning Commission to make a decision.
<input checked="" type="checkbox"/>	Vicinity Map: The map should show the site location in relation to neighboring communities and natural features.
<input type="checkbox"/>	Assessor's Plat Map: Include a copy that shows the subject parcel and adjoining
<input type="checkbox"/>	Other Attachments: Required by staff certain proposed uses.

Office Use Only			
Date Received	Amount	Receipt No.	By
6/27/12	\$200	890547	SP
CUP #	Date Determined Technically Complete		By
792A			
Hearing Date			

LCZC Hrg: CUP 792
 Applicant: Koehn
 Exhibit #: 2
 Date: 07/20/2012



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.

see attach papper - Site Plan

Existing Uses of Property

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

My homestead and barn are east of rock pit, we also run stocker cattle on pasture & Hay

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.

No the rock pit is far enough from any homestead or buildings

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

No, Owner will pay expense on all phase of rock pit

LCZC Hrg: CUP 792
Applicant: Koehn
Exhibit #: 2A
Date: 07/20/2012

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

No, I plan to adhere to all policies of the Comprehensive Plan.

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

I want to do everything neat and orderly and preserve the rural character of Latah County

b. Population Element

Rock pit is on private land that is not ~~set~~ suitable for development

c. Housing Element

Where the rock pit is located is not suitable for housing

d. Economic Development Element

I plan to supply rock for myself for drive way and home stead and for the community who what it

e. Public Services, Facilities, and Utilities Element

I plan to operate in a orderly and cost efficient manner that will not be a burden to other services or facilities

f. School Facilities and Student Transportation Element

Where the rock pit is should not effect school or student transportation

g. Transportation Element

There's one access to rock pit from highway, rock will be hauled in trucks that are legal for hauling, and we want to promote safety, the rock is $\frac{3}{2}$ mile from highway

h. Natural Resource Element

are plan is to have good stewardship with natural resources as much as we can, and maintain the rock pit like manner

i. Special Areas Element

NA

j. Hazardous Areas Element

Rock pit will be maintain for safety on slopes and with equipment, and to protect life and property from natural hazards
we will not have any hazardous materials at rock pit

k. Recreation Element

The rock pit is on private property that we own.

l. Land Use Element

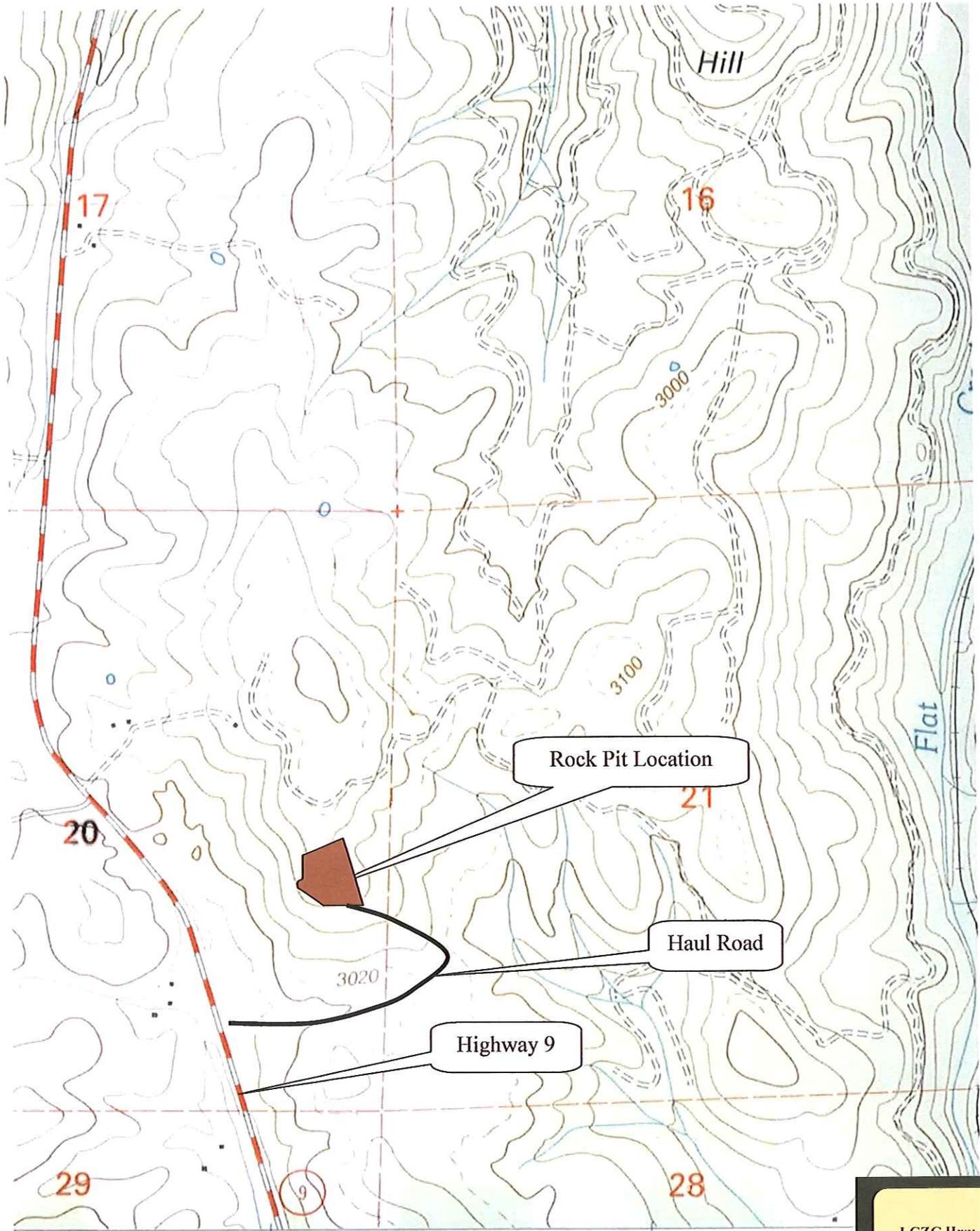
Where rock pit is located, is not suitable for agricultural or forest land, there's very little top soil

m. Implementation

n. Property Rights Element

Rock pit is on my own personal property

o. Water Resource Element



Rock Pit Location

Haul Road

Highway 9

LCZC Hrg: CUP 792A
Applicant: Koehn
Exhibit #: 2B
Date: 07/20/2012



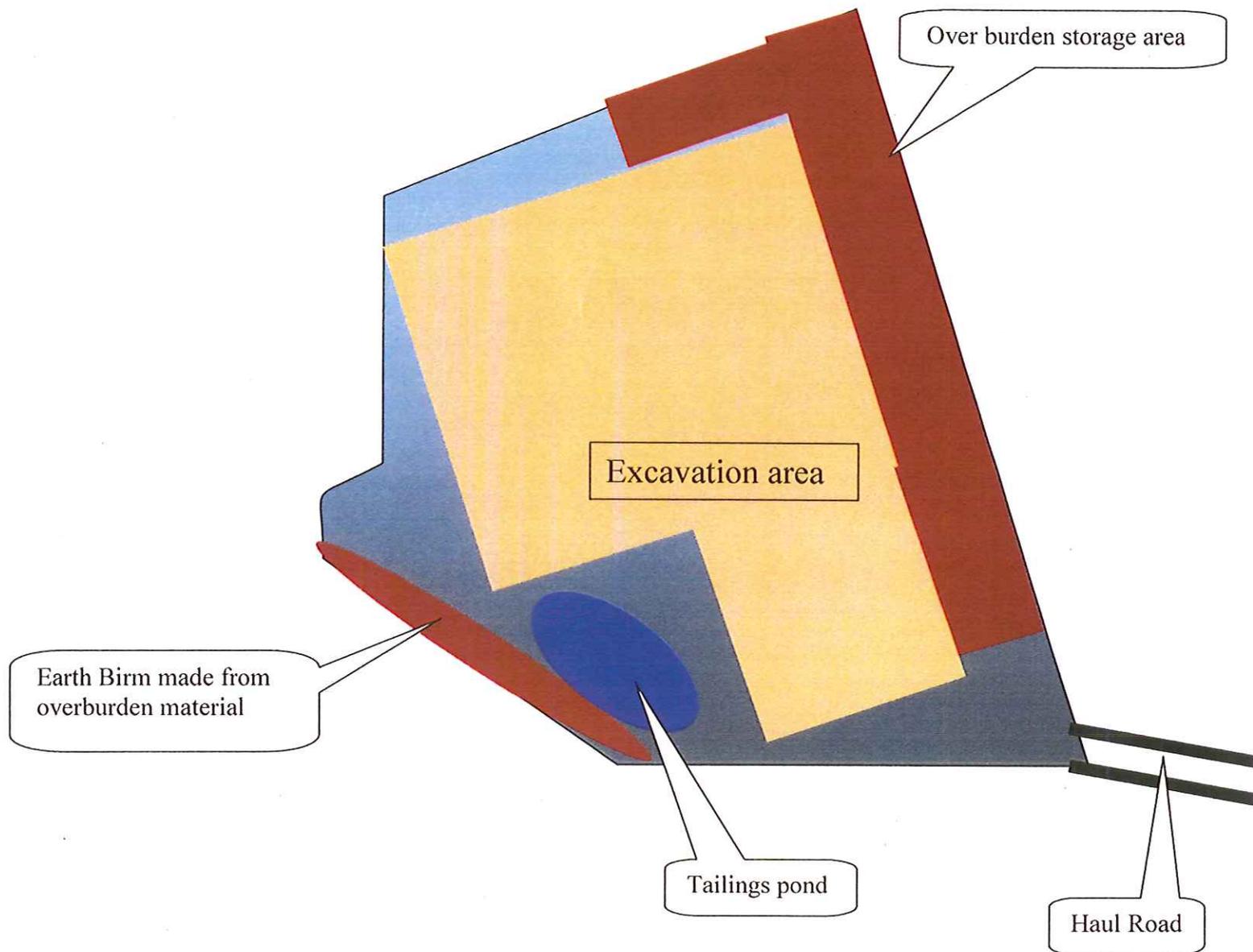
Google earth



LCZC Hrg: CUP 792/
Applicant: Koehn
Exhibit #2C
Date: 07/20/2012

Site Plan

Koehn Rock Pit Configuration



LCZC Hrg: CUP 792
Applicant: Koehn
Exhibit #: 2D
Date: 07/20/2012

LCZC Hrg: CUP 792
Applicant: Koehn
Exhibit #: 2D
Date: 4/1/2009

Dust Control.

Dust controlled by using pond water and neighbors and Hansen Logging water trucks.

Fuel.

No fuel storage

Fire.

Local Fire will respond

LCZC Hrg: CUP 792
Applicant: Koehn
Exhibit #: 2E
Date: 07/20/2012

PONDEROSA
SUPERVISORY AREA
3130 Highway 3
Deary ID 83823
Phone (208) 877-1121
Fax (208) 877-1122



TOM SCHULTZ, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
C.L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna Jones, State Controller
Tom Luna, Sup't of Public Instruction

June 21, 2012

Latah County Planning and Building Department
P.O. Box 8068
522 South Adams
Moscow, ID 83843

To Whom it May Concern:

RECEIVED

JUN 25 2012

LATAH COUNTY

**NOTICE
RECLAMATION PLAN APPLICATION**

The State of Idaho, Department of Lands (IDL), as required by the Idaho Surface Mining Act (Idaho Code § 47-1505(7)), is giving your county notice of an individual or company proposing a mining activity.

NAME OF OPERATOR: Verle Koehn.
ADDRESS OF OPERATOR: P.O. Box 37
Princeton, ID 83857
PLAN NUMBER: S02779
LEGAL DESCRIPTION: Pts. NESE, Section 20, T41N, R3W, B.M.

IDL has reviewed the application for completeness in accordance with Idaho Code § 47-1506. If the application could impact surface waters, it has been submitted to the Idaho Department of Water Resources, Department of Environmental Quality, and Department of Fish and Game with a request for comments within 30 days. This review process must be finalized and the operator notified within 60 days or the reclamation plan becomes automatically approved as submitted under the statute.

Cities and counties may review the non-confidential portions of the plan at the respective IDL Area Office or the State Office in Boise. IDL works with other agencies to ensure that

LCZC Hrg: CUP 792A
Applicant: Koehn
Exhibit #:2F
Date: 07/20/2012

environmental, water quality, and reclamation standards are maintained. We rely on cities and counties to address land use issues, including planning and zoning, and operational requirements (i.e. hours of operation, etc). If you have any questions or comments you may contact me at the above address, or telephone (208) 877-1121.

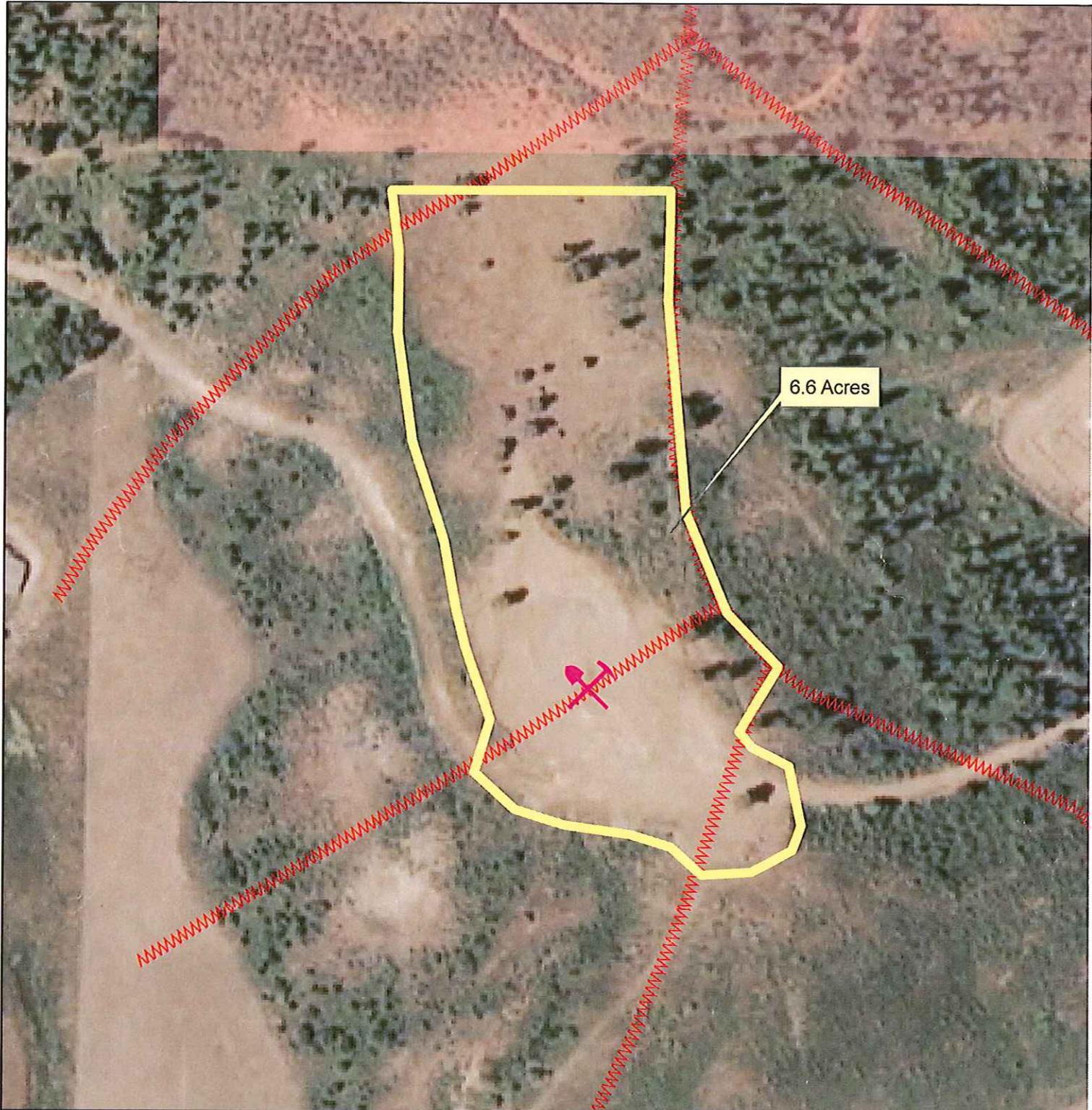
Sincerely,

A handwritten signature in blue ink that reads "Robert Barkley". The signature is fluid and cursive, with a long horizontal stroke extending from the end of the name.

Robert Barkley
Private Forestry Specialist

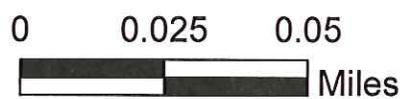
CC: Bureau

Reclamation Plan #S0799
Verle Koehn Property/Operator
Section 20, Township 41 North, Range 3 West, B.M.

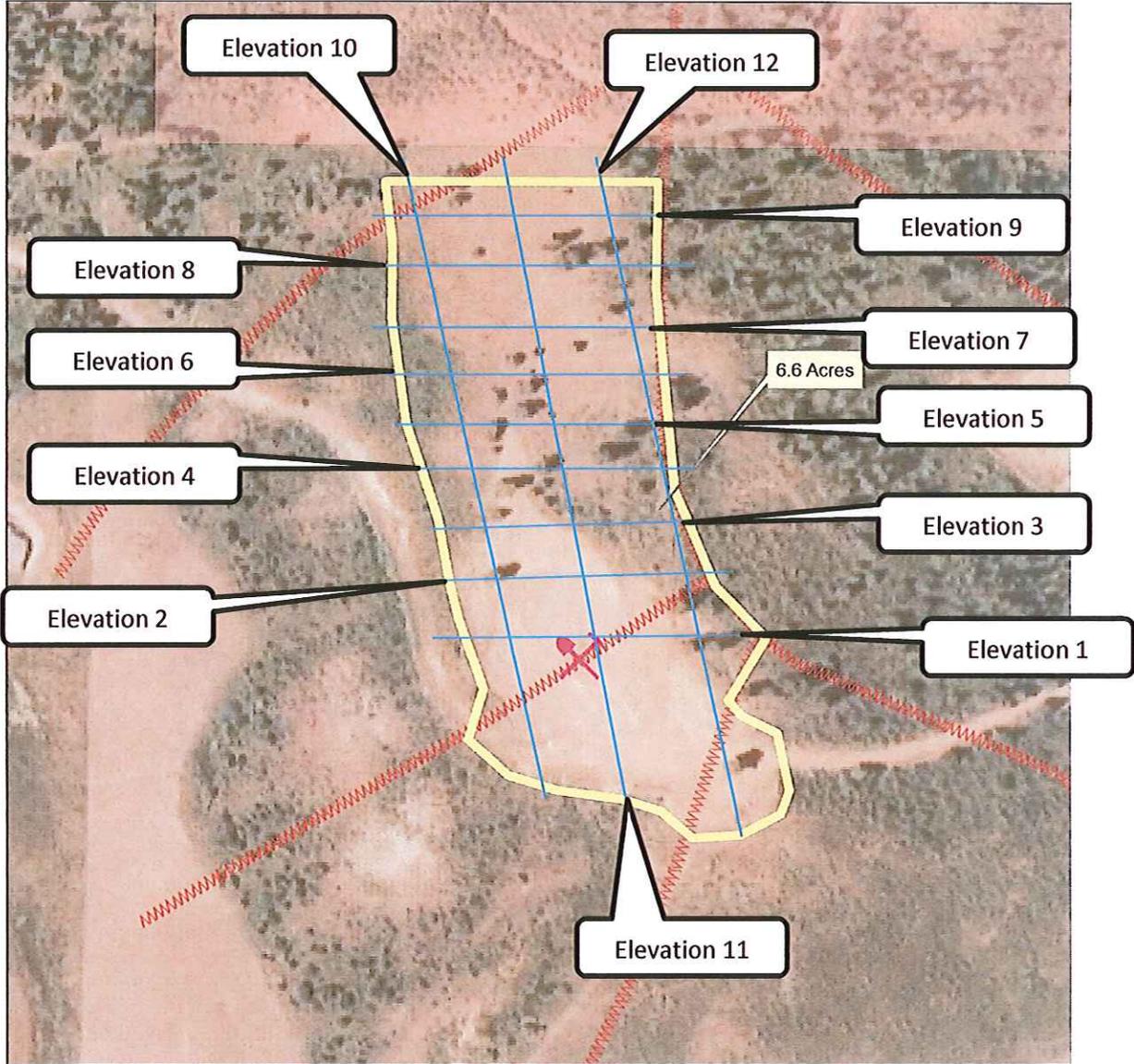


Ownership lines are approximate and do not represent a legal survey.

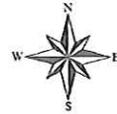
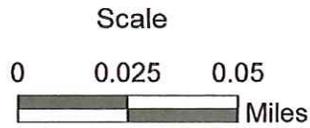
Scale



Reclamation Plan #S0799
Verle Koehn Property/Operator
Section 20, Township 41 North, Range 3 West, B.M.



Ownership lines are approximate and do not represent a legal survey.



rb1



Elevation 1

10'

48'

Elevation 2

17'

52'

Elevation 3

22'

54'

Elevation 4

35'

55'

Elevation 5

38'

62'

Elevation 6

40'

63'

Elevation 7

40'

63'

Elevation 8

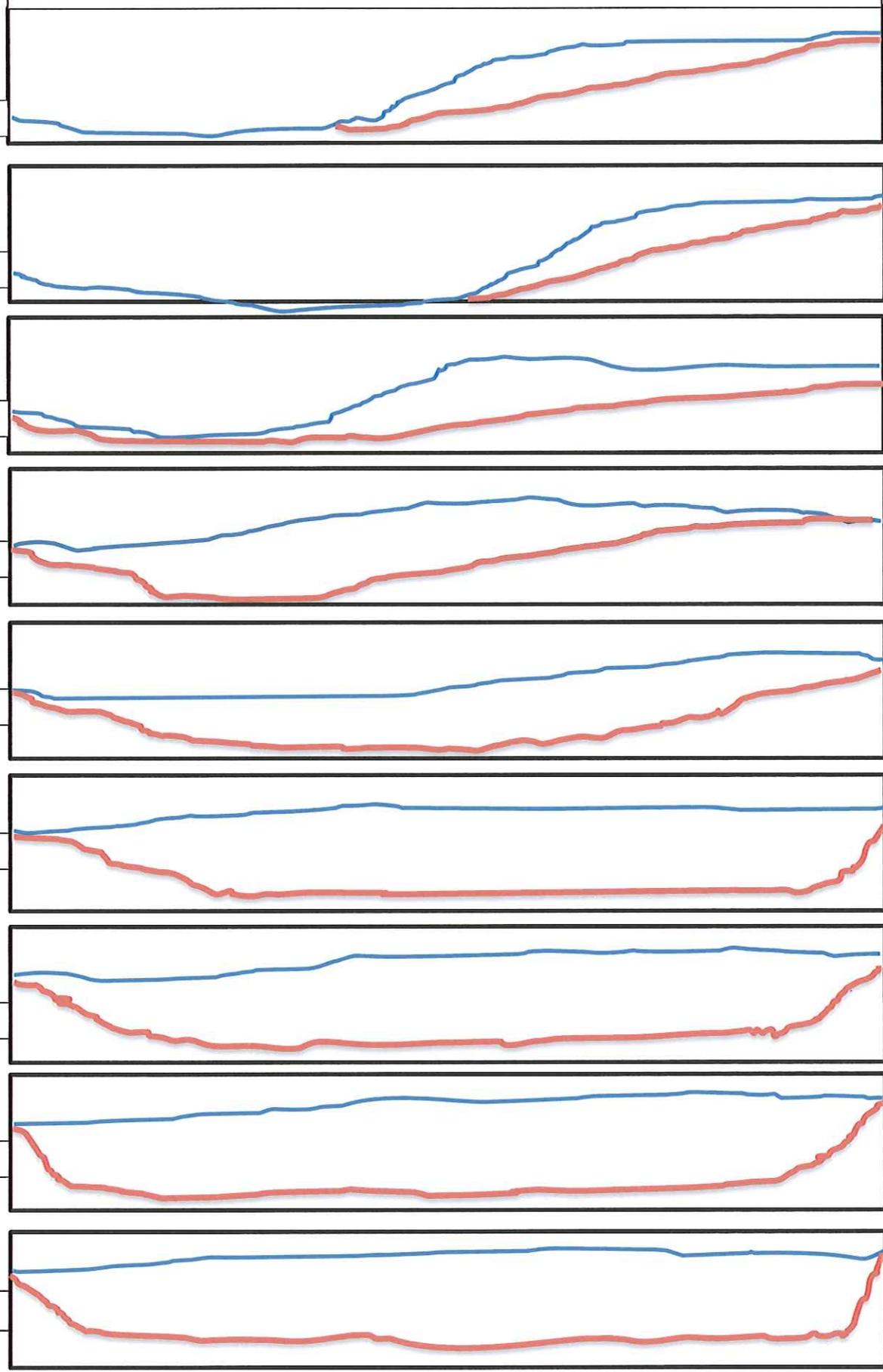
42'

65'

Elevation 9

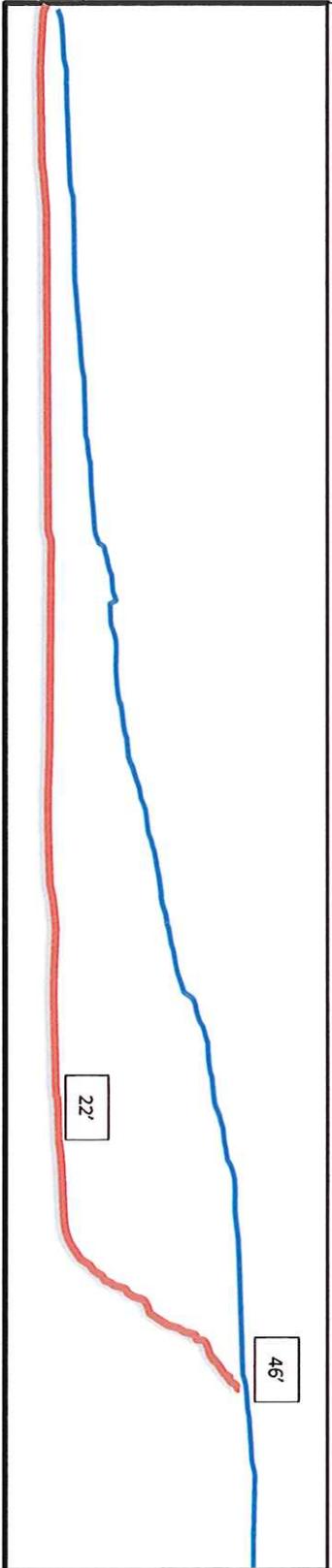
46'

67'

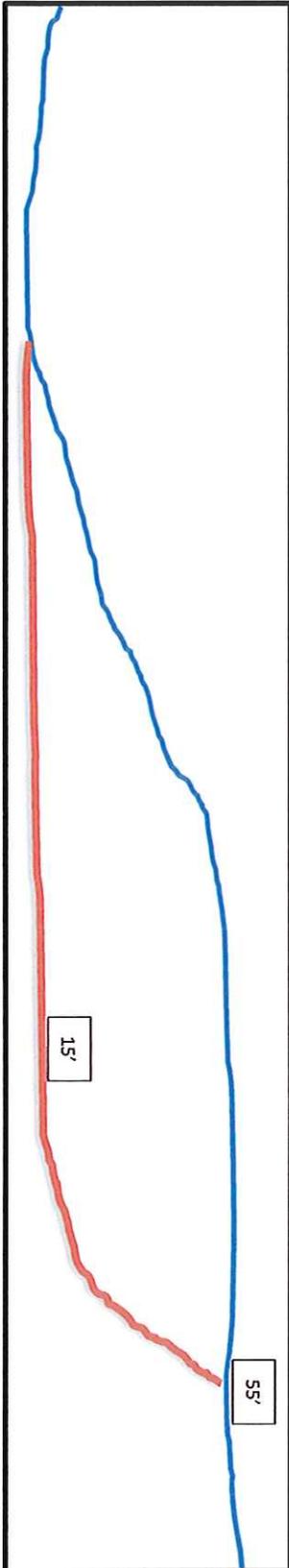


650'

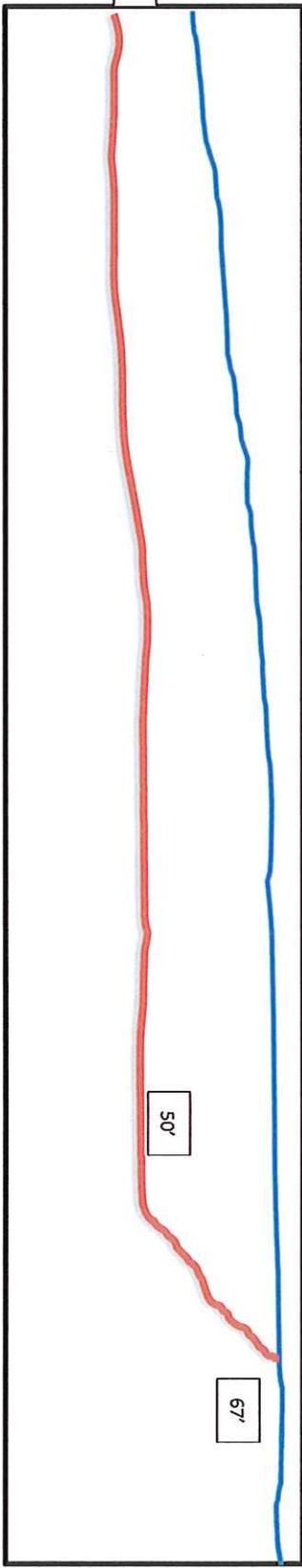
Elevation 10



Elevation 11



Elevation 12



P R O P E R T Y L I N E

I, Jay Druce v Cheryl Price give my consent for

Verle Koehn to work as needed in rock pit and for blasting and

Crushing on Legal Description NE1/4 SE section 20T 41N R3 west,

With no further disruption of soil or vegetation of the southwest and

Western slopes, of fore mentioned legal description.



Signed

Jay Druce

Date

6/18/2012

Signed

Cheryl Price

Date

June 18, 2012

Notary

Sonerrai D. Kimsey

Expire

~~Date~~

1-10-17 / Letrah Co.

LCZC Hrg: CUP 792A
Applicant: Koehn
Exhibit #: 2G
Date: 07/20/2012

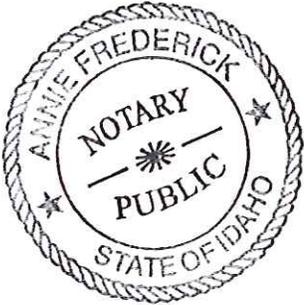
I, Sheldon A. Ackerman, give my consent for
Verle Koehn to work as needed in rock pit and for blasting and
crushing on Legal Description NE1/4 SE Section 20T 41N R3West

Signed Sheldon A. Ackerman

Date 5-31-2012

Notary Annie Frederick

Date 5/31/2012



I, Shannon Stout, give my consent for
Verle Koehn to work as needed in rock pit and for blasting and
crushing on Legal Description NE1/4 SE Section 20T 41N R3West

Signed Shannon Stout
Date 4/18/2012

Notary Julie Minden
Date 08/07/12



CUP #792A- Staff Introduction

A request by Verle Koehn to amend CUP #792 to allow for blasting and crushing at the previously approved mineral resource development location on approximately 6.6 acres of portion of parcel RP41N03W207272A, located in the Agriculture/Forest zone. The property is accessed off of Highway 9, approximately 2.5 miles south of the unincorporated town of Harvard, Idaho. The property is located in Section 20, Township 41 North, Range 03 West, B.M. in Latah County.

The Latah County Land Use Ordinance, under section 3.01.02(7), lists mineral resource developments as subject to Section 4.03 as a conditionally permitted use in the Agriculture/Forest (A/F) 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 that 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 consistent 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.

Section 4.03.03 New Mineral Resource Developments states the following:

Any mineral development which is not registered as an existing development or does not qualify to be registered as an existing development, not exempt as per Section 4.03.04 of this ordinance, or does not have an existing conditional use permit, shall be considered a new development. Prior to operation, all new developments must obtain a conditional use permit under the provisions of Section 7.01 of this ordinance. In addition the Zoning Commission shall, as a minimum, place the requirements of Section 4.03.02 upon any newly permitted mineral resource development, unless making specific findings supporting the omission or alteration of the requirements of Section 4.03.02. New mineral resource developments shall be exempt from the provisions of Section 7.01.07 of this ordinance. The following are requirements for operation of all new mineral resource developments:

1. Activity associated with a mineral resource development shall be at least 1,000 feet from any home existing at the time of application for conditional use permit, unless a lesser distance is approved by the Zoning Commission. A lesser distance shall not be approved unless the applicant submits a signed notarized form, approved by the Planning Department, from all owners of record

of any residential building within 1000 feet of the development consenting to the location of the mineral resource development. Each form shall be recorded in the Latah County Recorder's Office by the Planning Department. Approval of a distance less than 1000 feet shall be within the discretion of the Zoning Commission, even if all owners of residential buildings within 1000 feet approve of the location of the development.

2. The operator of a mineral resource development must provide at least a 75 foot undisturbed or natural buffer on the perimeter of mineral resource development operations. The buffer and the area of mineral resource development operations shall be maintained so that they are continuously free of all noxious weeds as determined by the Latah County Noxious Weed Control Superintendent. Frontage on a public road does not require a buffer. Activities associated with a mineral resource development shall not be allowed within the 75 foot buffer area. Location and specifications for access road(s) shall be determined by the Zoning Commission.

3. To protect aquatic and terrestrial habitat and other biological resources, all mineral resource developments and mineral resource development operations shall be set back at least 75 feet from perennial streams and 30 feet from any intermittent streams shown on USGS 7.5 minute maps; except for stream crossings that are regulated by a state or federal regulatory system and those activities permitted under the Idaho Placer and Dredge Mining Protection Act from the Idaho Department of Lands, a Stream Channel Alteration Permit from the Idaho Department of Water Resources, a Dredge and Fill Permit from the U.S. Army Corps of Engineers, a Development Permit from the Latah County Planning Department, and / or a National Pollution Discharge Elimination System permit from the U.S. Environmental Protection Agency. Applicable permit documentation shall be provided to the Zoning Administrator prior to onset of mineral resource development.

4. The applicant shall prepare and submit the following plans with the application for a conditional use permit:

A. Dust abatement plan to include mineral resource development operations and all access roads.

B. A plan for coordination with County response units for hazardous materials transport and use and emergency spill response.

C. A plan for procedures and protocols for spill containment and storage of oil, fuels, and/or chemicals; and documentation of compliance with the state and federal laws or documentation of exemption from requirements.

D. A plan for fire suppression and response, including an inventory of tools stored on-site to implement planned suppression and response.

5. The applicant may be required to post a bond with the Latah County Planning Department to assure full compliance with the proposed plans and provisions of this section. The amount of the bond shall be determined by the Latah County Zoning Commission.

Section 4.03.02 requires the following for mineral resource developments:

1. Hours of operation are limited to 9 AM to 6 PM daily. An operator may vary from this requirement by applying for a conditional use permit under the provisions of Section 7.01 of this ordinance.
2. Written verification of compliance with the Idaho Surface Mining Act, including filing of any reclamation plan required by the Idaho Surface Mining Act.
3. The excavation site, any overburden and stockpiles, and a 50 foot buffer strip surrounding these areas shall be maintained so that they are continuously free of all noxious weeds as determined by the Latah County Noxious Weed Control Superintendent.
4. The operator shall provide, by certified mail, written notification to all residences within one mile of any blasting. The notification shall be distributed and in the possession of the occupants of these residences at least 72 hours prior to any blasting. The notification shall give the date and time of the planned blast.
5. Blasting shall be restricted to the hours of 9:30 AM. to 4:30 PM, Monday through Friday. No blasting shall occur on Saturdays, Sundays, or the following holidays: January 1, Memorial Day, Labor Day, Thanksgiving Day, and December 25.
6. An owner or operator may request, and the Director may grant, an exception to provide for additional hours of operation for a mineral resource development when additional hours of operation are needed to alleviate a public emergency. Public emergencies include the following:
 - A. Damage to public roads or structures that require immediate repair.
 - B. Road construction or repair that is scheduled during nighttime hours to reduce traffic conflicts.
7. Signs, upon approval of the signs by the Planning Department, warning of truck entrances shall be posted within one-quarter ($\frac{1}{4}$) mile of the site's entrance onto a public road.
8. The mineral resource development shall be marked by warning signs posted 200 feet from mine operations.
9. A plan to retain storm water runoff within the mineral resource development boundaries.

Exhibits will now be entered into the record.

The following exhibits were submitted with the staff packet:

- | | |
|---------------------|--|
| Exhibit #1. | Criteria Worksheet and Staff Report |
| Exhibit #1A. | Vicinity and Comprehensive Plan Land Use Map |
| Exhibit #1B. | Zoning Map |
| Exhibit #1C. | Aerial Photograph and Adjacent Property Owners Map |
| Exhibit #1D. | Soils and Topographic Map |
| Exhibit #1E. | Photographs of Site |
| Exhibit #1F. | Findings of Fact and Conclusions of Law from CUP 792 |

- Exhibit #2.** Application Form (Submitted by Applicant)
- Exhibit #2A.** Applicant's Narrative (Submitted by Applicant)
- Exhibit #2B.** Vicinity & Plat Map (Submitted by Applicant)
- Exhibit #2C.** Aerial Photograph (Submitted by Applicant)
- Exhibit #2D.** Site Plan (Submitted by Applicant)
- Exhibit #2E.** Dust Abatement Plan (Submitted by Applicant)
- Exhibit #2F.** Notice of Application for Reclamation Plan from Idaho Department of Lands, dated June 21st, 2012
- Exhibit #2G.** Adjacent Property Owners within 1000 ft Consent to Location of Mineral Resource Development
- Exhibit #3.** Staff Introduction for Latah County Zoning Commission hearing for CUP #792A held on July 18th, 2012

That is all staff has unless the Commission has questions.