

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

Public Hearing: CUP 792B Date: March 20, 2013 Time: 5:30 pm

Applicant: Verle Koehn File #:CUP 792B

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 792A
- 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 #792B held on March 20, 2013

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 and Steve Henderson to amend CUP #792 to allow to amend the hours of CUP #792A from 7:00 am to 6:00 pm Monday through Friday to 6:00 am to 6:00 pm daily for general operations at a previously approved mineral resource development located on an approximately 6.6 acres portion of parcel RP41N03W207272A, located in the Agriculture/Forest zone. The hours for crushing and blasting are not being amended and are restricted to Monday through Friday 9:30 am to 4:30 pm. 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 and submitted to the Latah County Planning and Building department on February 26th, 2013.

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 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 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

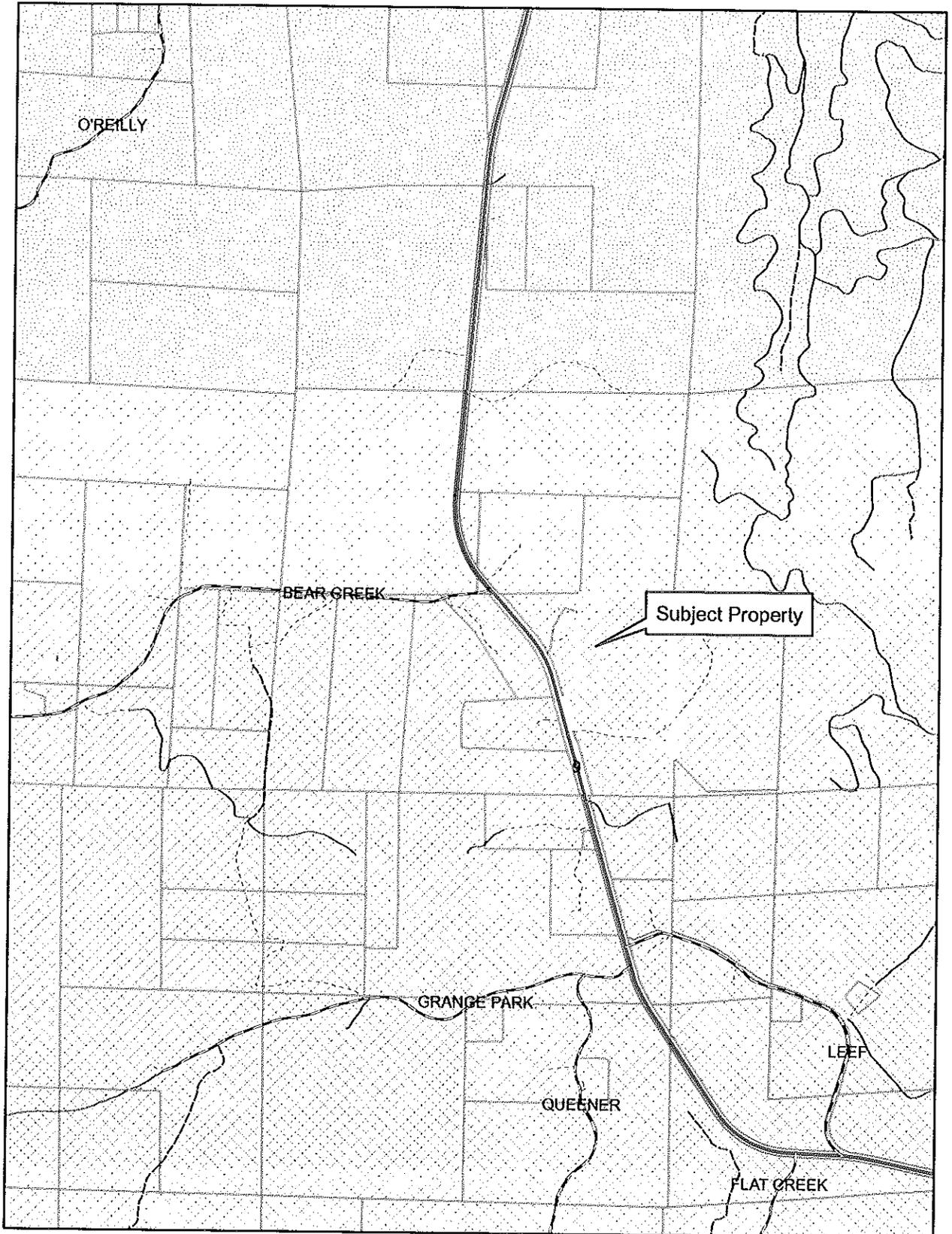
Latah County Land Use Ordinance #269, as amended:

Section 3.01 Agriculture/Forest Zone
Section 4.03 Mineral Resource Development
Section 7.01 Conditional Use Permits

Latah County Comprehensive Plan

CUP 792B Comprehensive and Vicinity Map

Planning & Building Department



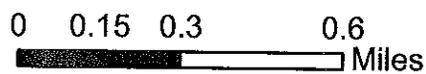
Legend

Comprehensive Plan

ZONE

-  AOI
-  ICR
-  PRODUCTIVE
-  RURAL

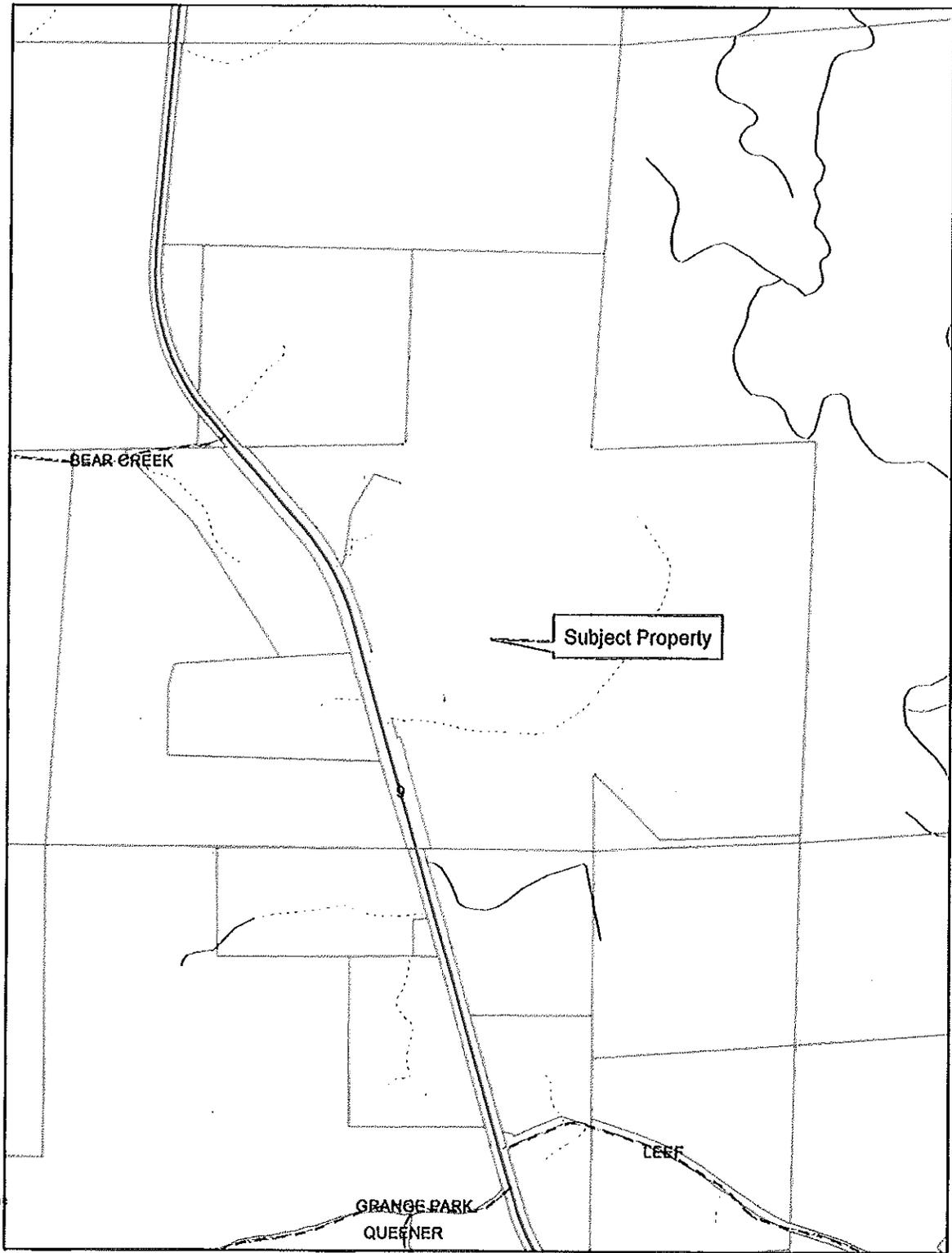
*Created on 03/12/2013 by MK



LCZC Hrg: CUP 792B
Applicant: Koehn
Exhibit #: 1A
Date: 03/20/2013

CUP 792B Zoning Map

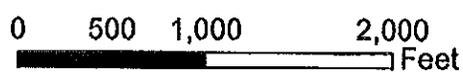
Planning & Building Department



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



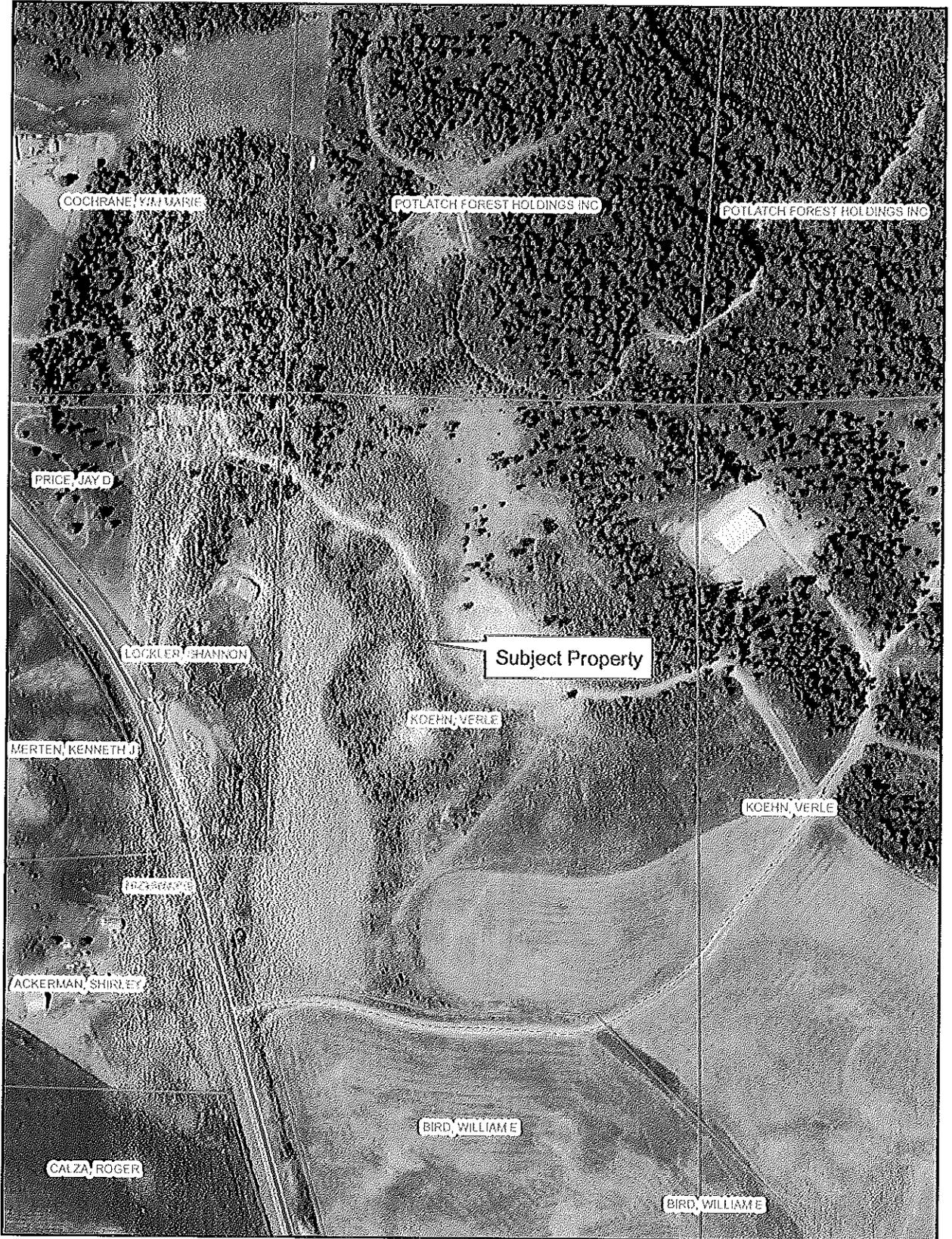
*Created on 07/05/2012 by MK



LCZC Hrg: CUP 792B
 Applicant: Koehn
 Exhibit #: 1B
 Date: 03/20/2013

CUP 792B Aerial and Adjacent Property Owners

Planning & Building Department



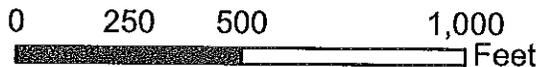
Legend

Homes w/in 1000 ft

ortho_1-1_1n_s_id057_2011_1.sid

RGB

- Red: NONE
- Green: NONE
- Blue: NONE

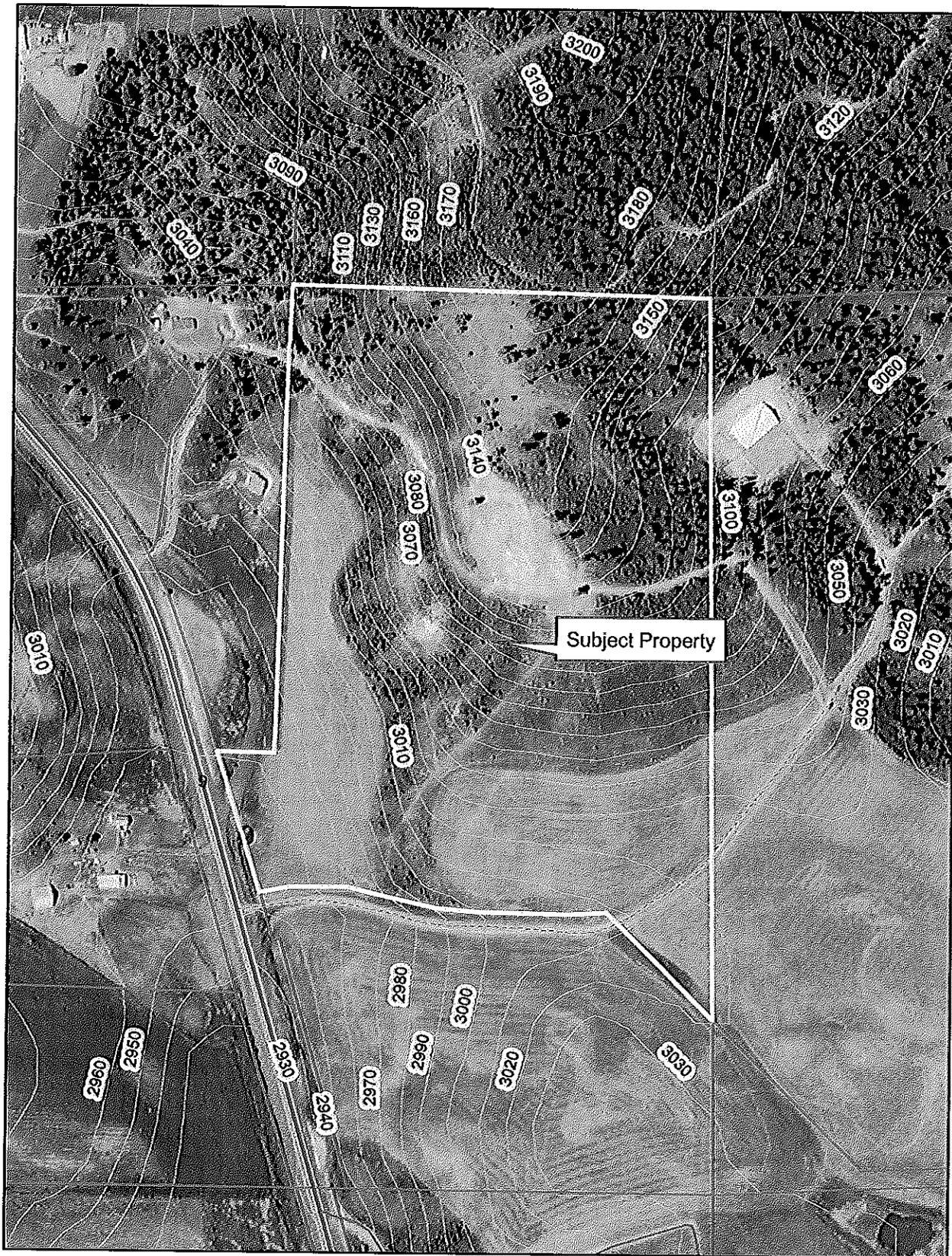


*Created on 03/12/2013 by MK

LCZC Hrg: CUP 792B
 Applicant: Koehn
 Exhibit #: 1C
 Date: 03/20/2013

CUP 792B Contour Map

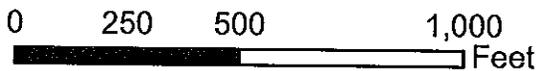
Planning & Building Department



Legend

con010ft_arc

*Created on 03/12/2013 by MK

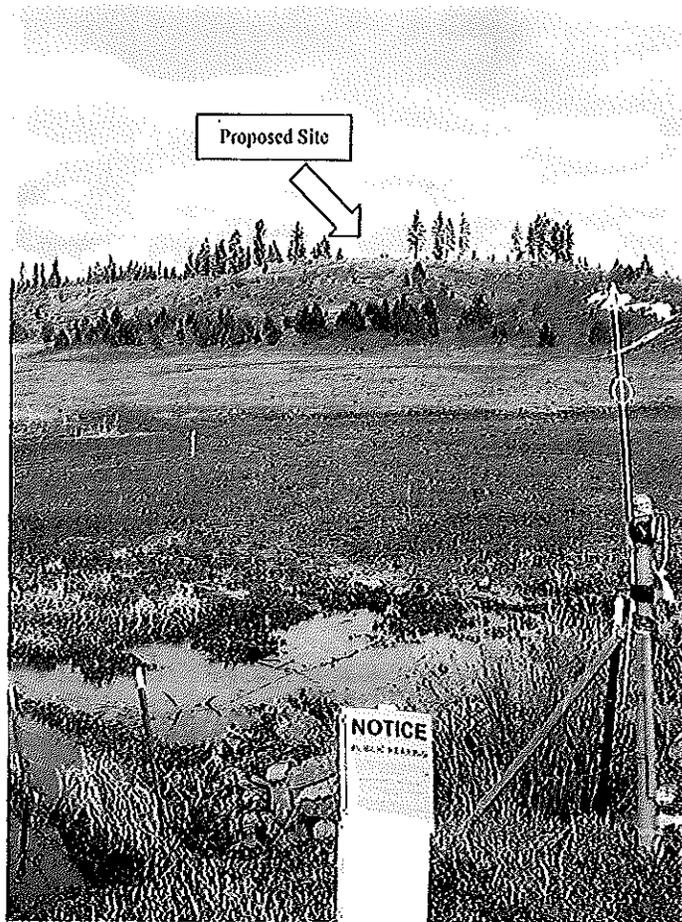


LCZC Hrg: CUP 792B
Applicant: Koehn
Exhibit #: 1D
Date: 03/20/2013

PHOTOS OF SUBJECT PROPERTY FOR CUP # 792



LCZC Hrg: CUP 792B
Applicant: Koehn
Exhibit # 1E
Date: 03/20/2013



(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 TO AMEND CUP #792 TO ALLOW FOR BLASTING AND CRUSHING AT THE PREVIOUSLY APPROVED MINERAL RESOURCE DEVELOPMENT LOCATION 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, TOWNSHIP 41 NORTH, RANGE 03 WEST, B.M. IN LATAH COUNTY AND REFERENCED AS LATAH COUNTY ASSESSOR'S PARCEL NUMBER RP41N03W207272A.

WHEREAS, Verle Koehn made application to amend conditional use permit #792 (CUP #792) on June 27th, 2012; and

WHEREAS, a duly noticed public hearing was held on Wednesday, July 18th, 2012 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. The applicant has requested to operate a mineral resource development on approximately 6.6 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 blast and crush at a previously approved mineral resource development (CUP #792).
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 existing use of the subject parcel includes agriculture, forestry, and a mineral resource development. The neighboring uses include agriculture, forestry and rural residential. The applicant gave written testimony that the area where the pit is located is not suitable for agriculture or forest land due to limited top soil. This area has been historically used as a gravel pit.
7. The applicant provided oral testimony that the existing operation is down to the bed rock and will require blasting for further excavation.
8. 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.
9. The applicant provided written testimony that the 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. The applicant testified that trucks transporting rock from the pit will have an emphasis on safety.
10. The applicant testified that dust would be controlled by the use of a water truck and a well on the subject site and all access roads associated with the operation. In addition, the applicant submitted written and oral testimony that the neighboring property owner, parcel RP41N03W283148A, is providing him with use of water from an adjacent pond for dust abatement.
11. 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.
12. 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.
13. Two residential buildings are located within 1000 feet of the mineral resource development. As per section 4.03.03 (1) of the Latah County Land Use Ordinance, as amended, the applicant submitted signed notarized forms from all owners of record of these buildings consenting to the location of the mineral resource development. A notarized consent form was also received from a property owner who was not within the 1000 feet requirement.
14. The applicant's residence is located within 1500 feet of the mineral resource development. The applicant's well is located on the subject property.
15. 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 already exists as per CUP #792 and will continue as currently provided.
16. As per section 4.03.02 (1) of the Latah County Land Use Ordinance as amended, the applicant requested approval of additional hours of operation: Monday through Friday, 6AM to 5PM and Saturday 6AM to 12PM. CUP #792's current hours of operation are 7AM to 6PM Monday

through Friday. The applicant gave testimony that the additional hours are needed to serve homeowners.

17. The applicant provided written testimony 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, including both the public and private sectors.
18. Testimony was provided by a representative of the North Latah Highway District that the existing mineral resource developments can not keep up with the demand for rock. The North Latah Highway District representative stated that due to fuel costs the Highway District prefers to utilize pits within the vicinity of where they are needed. He testified that by having a variety of pits available it reduces hauling costs and generally reduces costs to the public for road maintenance.
19. Three individuals provided oral and written testimony that they were concerned about the potential for well failure due to blasting. The Latah County Comprehensive Plan, via Element #15 Water Resources Element Policy #3, states "3. Encourage evidence based approaches to and scientific research of water resource issues; and when considering the impact of land uses on water resources and the effects of such uses on surrounding properties, encourage incorporating the most current scientific knowledge including, without limitation, the use of hydrologists, geologists, environmental engineers and other experts where appropriate". No expert testimony was given.
20. No oral or written testimony was presented that the proposed conditional use would significantly impact any areas of significant historic, archeological, biologic or scenic significance.
21. No oral or written testimony was presented that the proposed conditional use would significantly impact school facilities or student transport in the Latah County.
22. No oral or written testimony was presented that the subject parcel is subject to any significant natural hazards.
23. No testimony was received that approval or denial of this application would result in an unconstitutional violation of private property rights or an unconstitutional taking of private property.
24. 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
25. No written or oral testimony was given that the proposed conditional use would impact orderly growth.
26. 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.

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

II. CONCLUSIONS OF LAW

1. 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 has very limited top soil and 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 and residential growth patterns. 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. Therefore, the proposed conditional use is consistent with the Housing Element of the Comprehensive Plan.
4. The proposed use is a land use appropriate for local economic needs because it potentially provides services to the North Latah Highway District and local customers. Given the testimony of the representative of the North Latah Highway District having continued rock production from this mineral resource development may also reduce the cost to the public for gravel for public roads. . Therefore, the proposed conditional use is consistent with the Economic Development Element of the Comprehensive Plan.
5. 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 does not contain any flood plain, intermittent streams, or other significant natural features. Therefore, with the conditions imposed, the proposed development is consistent with the Natural Resource Element of the Comprehensive Plan.
8. No written or oral testimony was presented that the proposed conditional use would impact any area of 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.
9. No written or oral testimony was presented that the proposed conditional use on the subject property would be affected by any natural hazards. Therefore, the proposed conditional use is determined to be consistent with the Hazardous Areas Element of the Comprehensive Plan.

10. No written or oral testimony was presented that the proposed conditional use would impact any existing recreational opportunities. Therefore, the proposed conditional use is consistent with the Recreation Element of the Comprehensive Plan.
11. The subject property is designated as "Productive" on the Comprehensive Plan Land Use Map. However, the proposed conditional use is located in an area that has not been previously farmed, and has minimal top soil coverage, and has historically been used as a gravel pit. Therefore, the proposed conditional use is consistent with the Land Use Element of the Comprehensive Plan.
12. The proposed use will utilize a storm water retention pond to manage groundwater run-off at the site. No scientific evidence was submitted to show the proposed use would have any impact uses on water resources on the subject parcel or on surrounding properties. Therefore, the use is consistent with the Water Resources Element of the Comprehensive Plan.
13. Due to the location of the proposed development, the relative distance of surrounding residences, and the reasons given by applicant, the applicant as proposed can vary from the hours of operation requirement as set forth in the ordinance.
14. The Zoning Commission has reviewed the proposal and concludes that with the 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.
15. The Zoning Commission has reviewed the proposal and concludes that with the conditions imposed, the conditional use will not require facilities or services with excessive costs to the public.
16. The Zoning Commission has reviewed the application as it relates to the Latah County Comprehensive Plan. The Zoning Commission concludes that with the conditions imposed, the conditional use is not in conflict with the goals and policies of the Comprehensive Plan.

III. DECISION

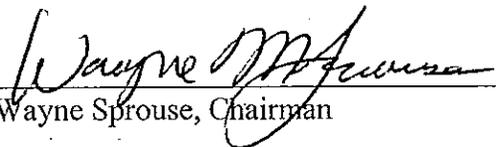
Based on the Findings of Fact and Conclusions of Law as set forth in this document, the Latah County Zoning Commission hereby approves the request by Verle Koehn to amend Conditional Use Permit #792 to operate a mineral resource development to include blasting and crushing on 6.6 acres of a 79.35-acre 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 for general operations. Blasting shall be restricted to the hours of 9:30AM 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 25th.

4. 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:
 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.
1. This conditional use permit shall expire three (3) years from the date of issuance.

PASSED BY THE ZONING COMMISSION OF LATAH COUNTY THIS 1 DAY OF Aug., 2012.


Wayne Sprouse, Chairman

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.

An appeal period of fifteen (15) days shall begin upon the day of the mailing, or if hand delivery the day of delivery, of the Zoning Commission's or Land Use Board of Appeals' signed findings of fact and conclusions of law. The applicant or other affected person must specify the issues on appeal and shall submit the written appeal to the Planning Department within the time period described above. The written appeal must specify which findings or conclusions the appellant finds to be in error and explain the appellant's reasons for determining that the findings and conclusions are in error. Any affected person may submit a written response to the appeal within 15 days of the filing of a conforming written notice of appeal. If approved, no conditional use permit shall become effective nor shall any buildings or installation permit be issued until the fifteen (15) day appeal period has elapsed or until the Board has made a decision upon appeal.

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 Verle Koehn & Steve Hendason		b. Home Phone / Work Phone (208) 875-1480	
d. Mailing Address P.O. Box 37		e. City Princeton	f. State ID
h. Property Owner (if different than applicant)		i. Home Phone	j. Work Phone
k. Mailing Address PO Box 129		l. City Deary	m. State ID
n. Zip code 83857		o. Zip code 83823	
2. General Site Information			
a. Assessor's Parcel Number(s) 41N03W207262A		b. Parcel Address (if applicable)	
c. Acreage of Existing Parcel 145A	d. Zoning A/F	e. Comprehensive Plan Designation Productive	f. Floodplain designation(s) Zone C
g. FEMA Panel #		h. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.	
i. Impact City n/a		j. Road Used to Access Site 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 Potlatch	b. Road District North	c. School District Potlatch	
d. Source of Potable Water (i.e. water district or private well) Pond & water truck		e. Sewage Disposal (i.e. sewer district or private septic system) none	
4. Adjacent Properties Information			
a. Zoning of Adjacent Properties A/F		b. Existing Uses of Adjacent Properties timber, hay field, pasture land	
5. Permit Information			
a. Proposed Use Rock for owner use. 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?		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		7. Attachments	
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.		All attachments should be reproducible in black and white at 8 1/2" x 11"	
a. Signature of Applicant Verle Koehn	b. Date 2-26-13	<input type="checkbox"/> Fee: (\$200.00) Make checks payable to Latah County.	
c. Signature of Property Owner (if different than applicant) Verle Koehn	d. Date 2-26-13	<input type="checkbox"/> Completed Narrative Worksheet: See instructions on the Conditional Use Permit Narrative Worksheet.	
Office Use Only		<input 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.	
Date Received 2/26/13	Amount 200.00	Receipt No. 157526	By MSK
CUP # 792B	Date Determined Technically Complete	<input type="checkbox"/> Neighborhood Map: The map should show the site location in relation to neighboring communities and natural features.	
Hearing Date	<input type="checkbox"/> Assessor's Plat Map: Include a copy of that portion of the map that shows the subject parcel and adjoining parcels.		
<input type="checkbox"/> Other Attachments: Required by staff for certain proposed uses.			

LCZC Hrg: CUP 792B
 Applicant: Koehn
 Exhibit #: 2
 Date: 03/20/2013



Conditional Use Permit Narrative Worksheet

Application Information

Applicant's Name

Verle Koehn

Phone Number

(208) 875-1480

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.

Per Section 4.03.02 of CUP#792A, hours of operation are currently limited to 9 AM to 6 PM daily.

Proposal request is ^{to amend} for hours of operation to be limited to 6 AM to 6 PM daily.

Existing Uses of Property

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

Homestead & barn east of rock pit. Also run stock 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.

Hours of operation requested are not detrimental. The rock pit is far enough away from any homestead or buildings

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

No, owner/lessor to pay all costs associated

LCZC Hrg: CUP 792B
Applicant: Koehn
Exhibit #: 2A
Date: 03/20/2013

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

Plans are 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

All operations are neat & orderly to preserve the rural character of Latah County

b. Population Element

Rock pit is on private land not suitable for development

c. Housing Element

Rock pit not suitable for housing

d. Economic Development Element

Increased hours of operation will allow community access to crushed rock at times convenient for everyone

e. Public Services, Facilities, and Utilities Element

Operations are orderly & cost efficient. Increased hours will not be a burden to other services or facilities

f. School Facilities and Student Transportation Element

Increased hours will not affect schools or student transportation

g. Transportation Element

There is one access road to rock pit from the hwy approx 1/2 mi from hwy. Increased hours of operation are meant to promote safety with more time allowed for community access. All rock will be hauled legally in trucks.

h. Natural Resource Element

The plan continues to have good stewardship with natural resources. The rock pit is maintained in like manner.

i. Special Areas Element

n/a

j. Hazardous Areas Element

Increased hours of operation will not impact safety being maintained at the rock pit to protect life and property. There are no hazardous materials at the rock pit

k. Recreation Element

Rock pit on private property

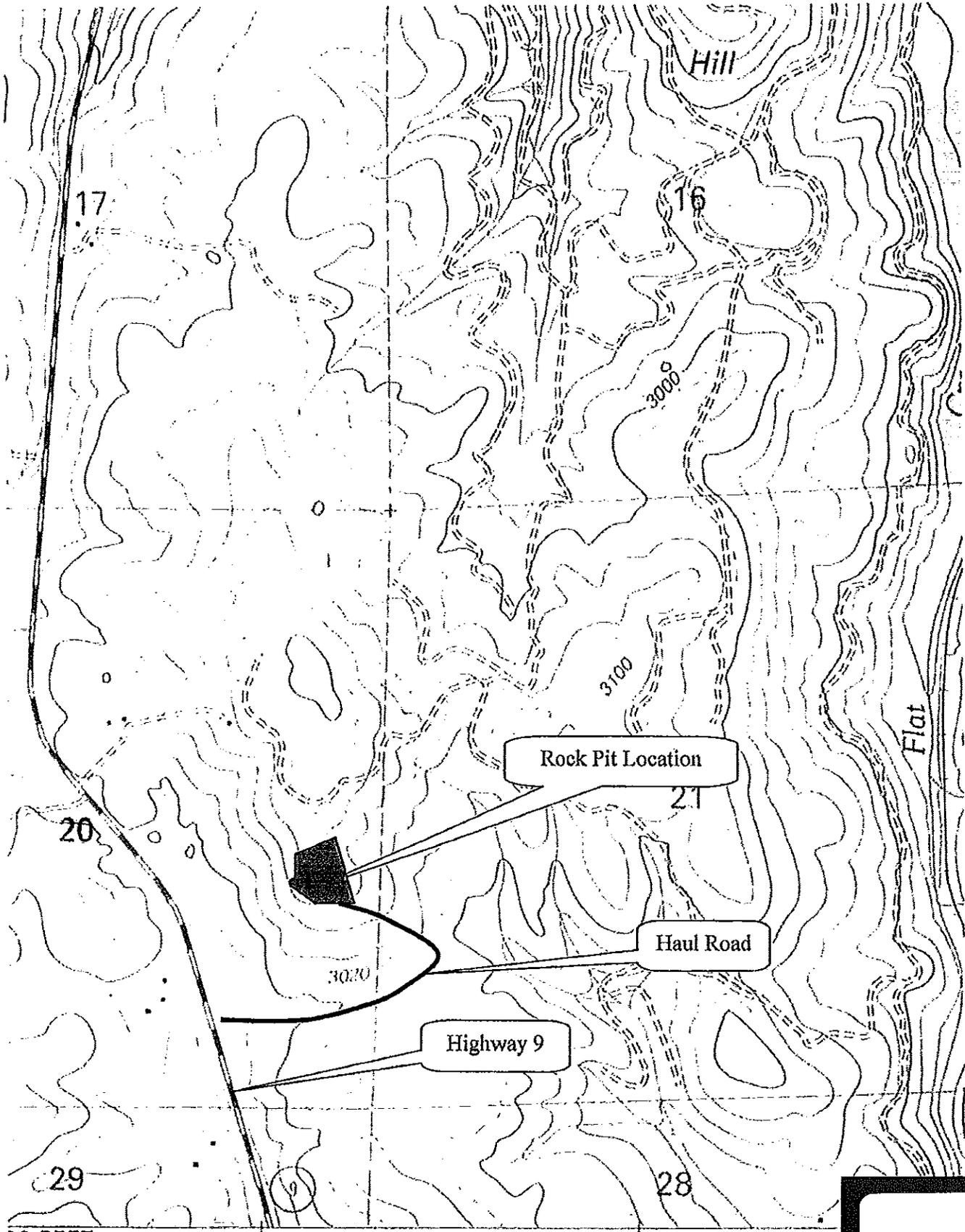
l. Land Use Element

Rock pit site not suitable for agriculture or forest land.

m. Property Rights Element

Rock pit on private property

n. Water Resources Element



Rock Pit Location

Haul Road

Highway 9

LCZC Hrg: CUP 792B
Applicant: Koehn
Exhibit #: 2B
Date: 03/20/2013



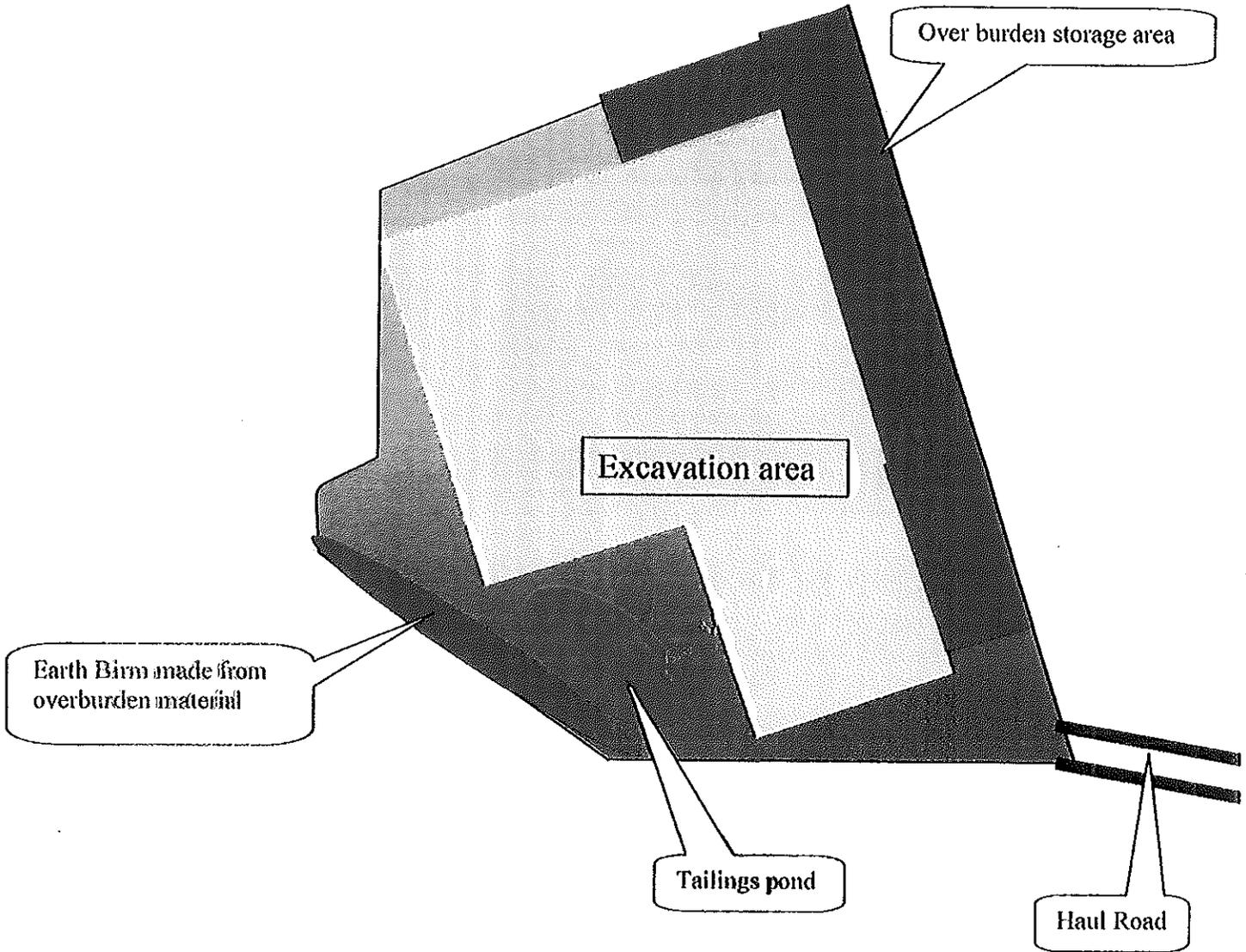
Google earth



LCZC Hrg: CUP 792B
Applicant: Koehn
Exhibit #2C
Date: 03/20/2013

Site Plan

Koehn Rock Pit Configuration



LCZC Hrg: CUP 792B
Applicant: Koehn
Exhibit #: 2D
Date: 03/20/2013

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 792B
Applicant: Koehn
Exhibit #: 2E
Date: 03/20/2013

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

RECEIVED

JUN 25 2012

LATAH COUNTY

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

To Whom it May Concern:

**NOTICE
RECLAMATION PLAN APPLICATION**

The State of Idaho, Department of Lands (IDL), as required by the Idaho Surface Mining Act (Idaho Code § 47-1508(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 792B
Applicant: Koehn
Exhibit #: 2F
Date: 03/20/2013

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.

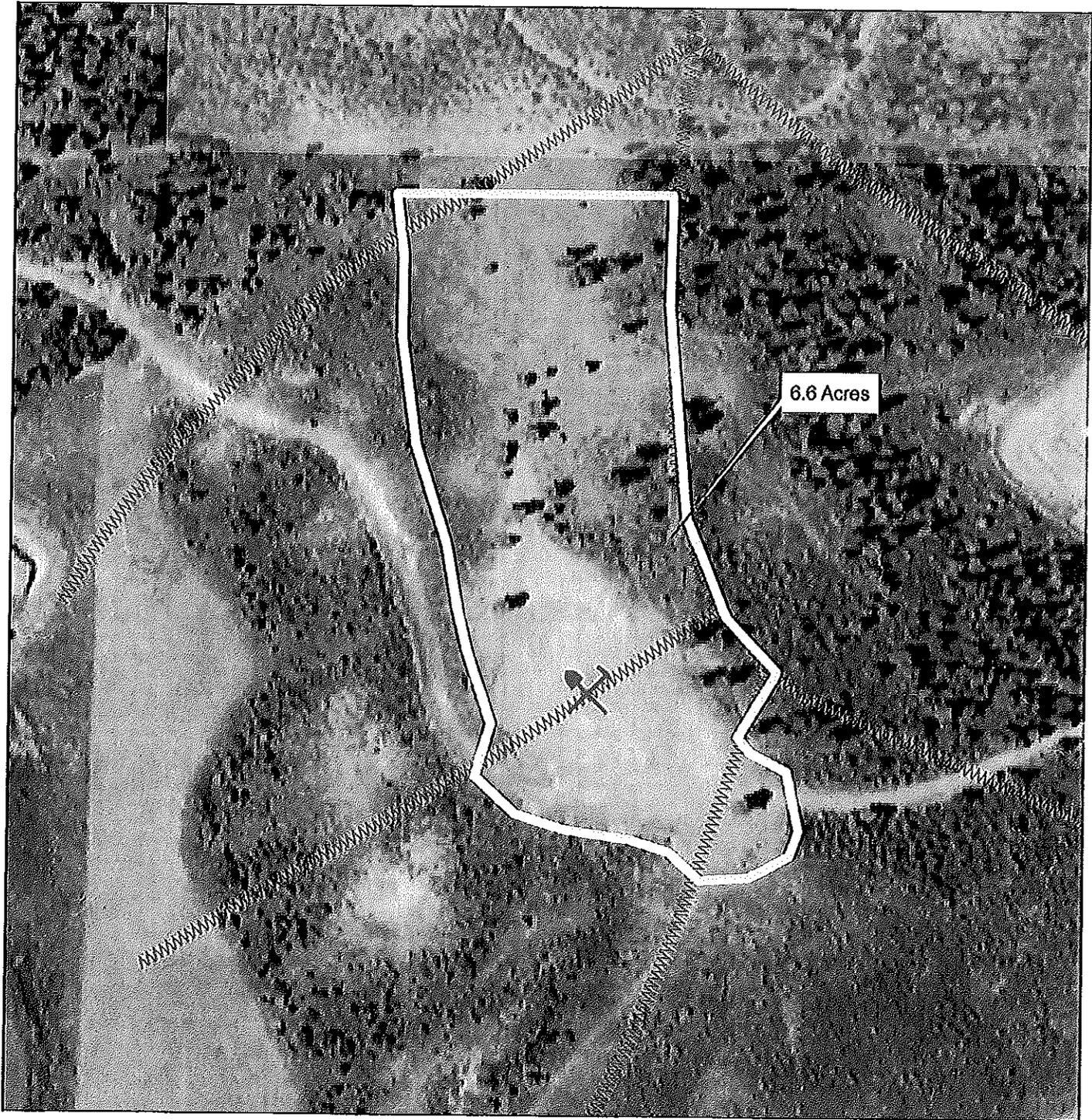
Sincerely,

A handwritten signature in cursive script that reads "Robert Barkley". The signature is written in black ink and is positioned above the typed name and title.

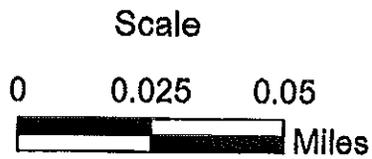
Robert Barkley
Private Forestry Specialist

CC: Bureau

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

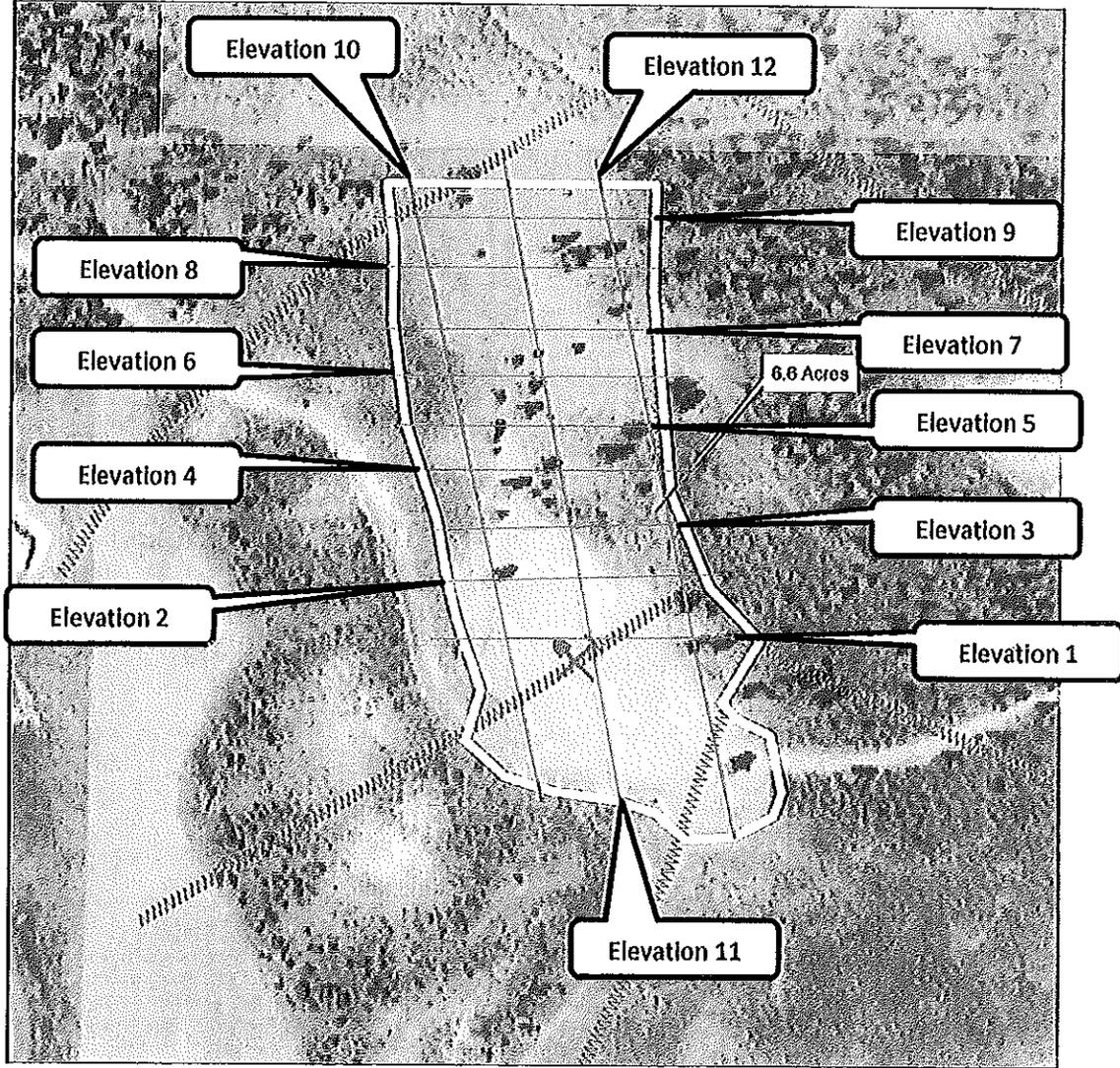


Ownership lines are approximate and do not represent a legal survey.

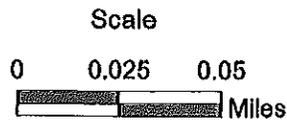


rb1

Reclamation Plan #80709
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



250'

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

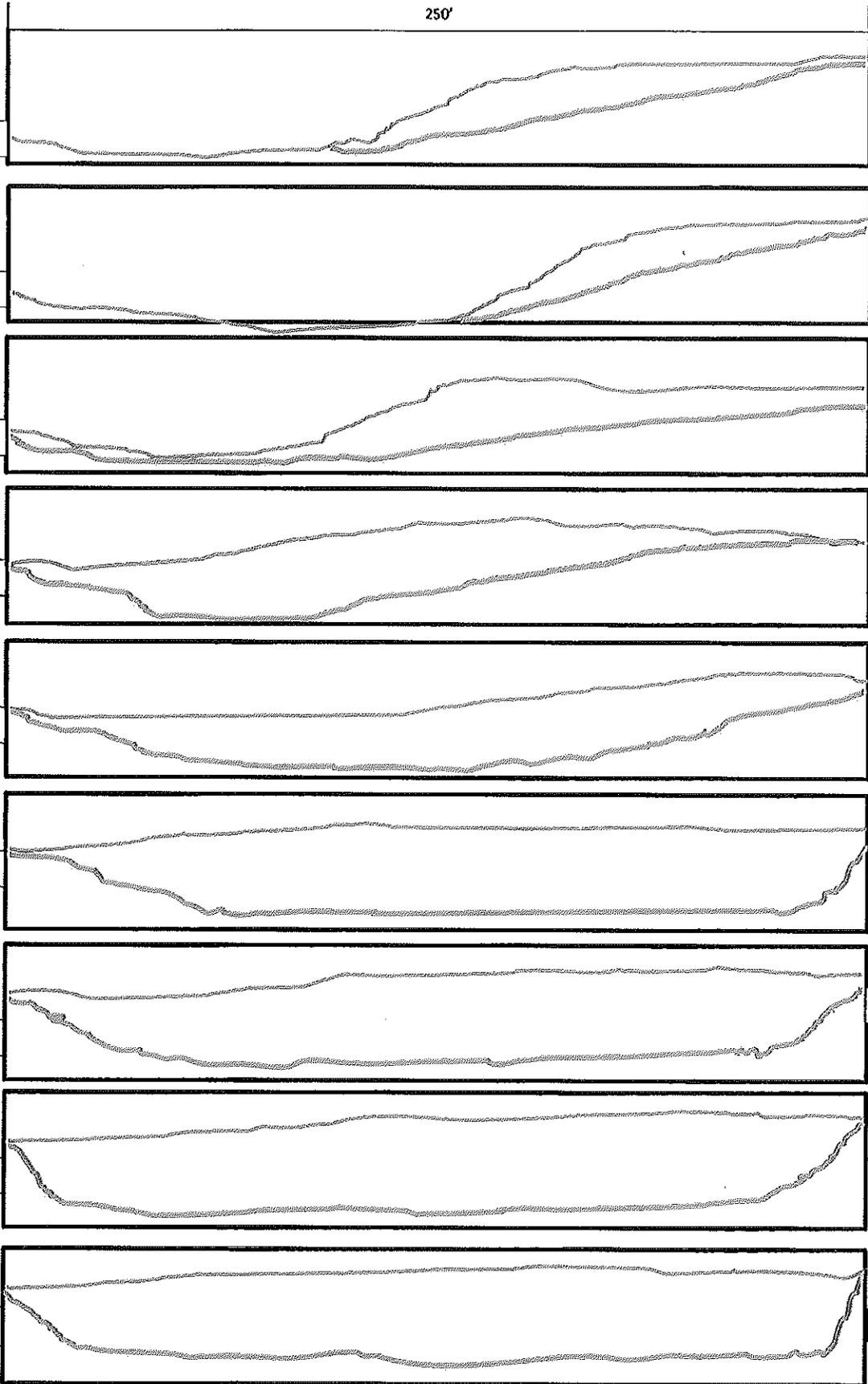
42'

65'

Elevation 9

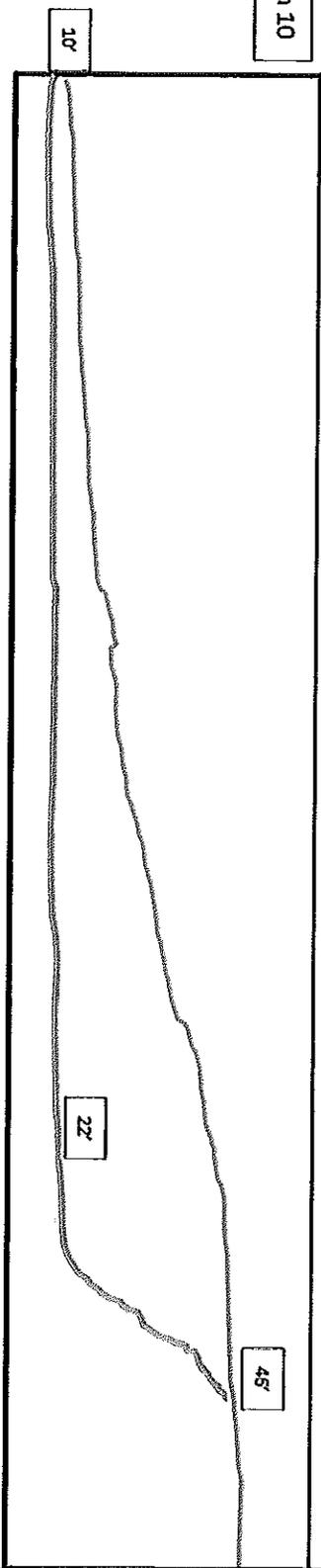
46'

67'

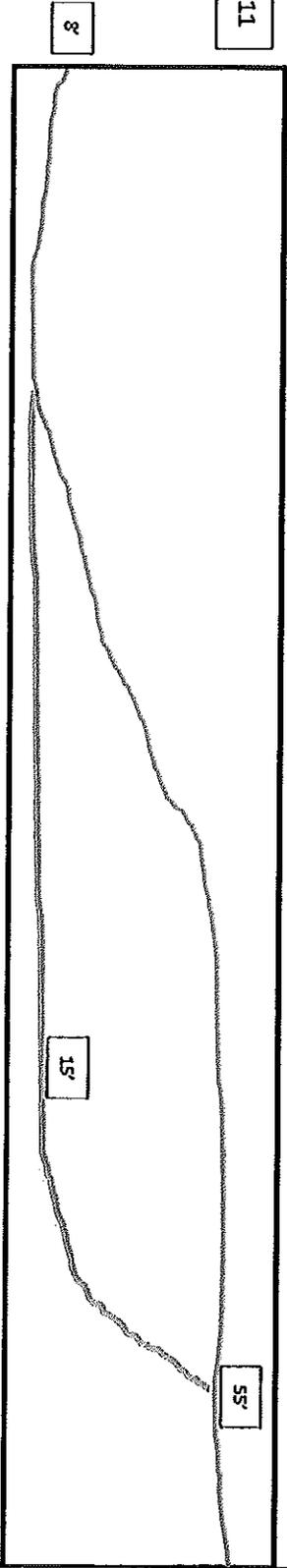


650'

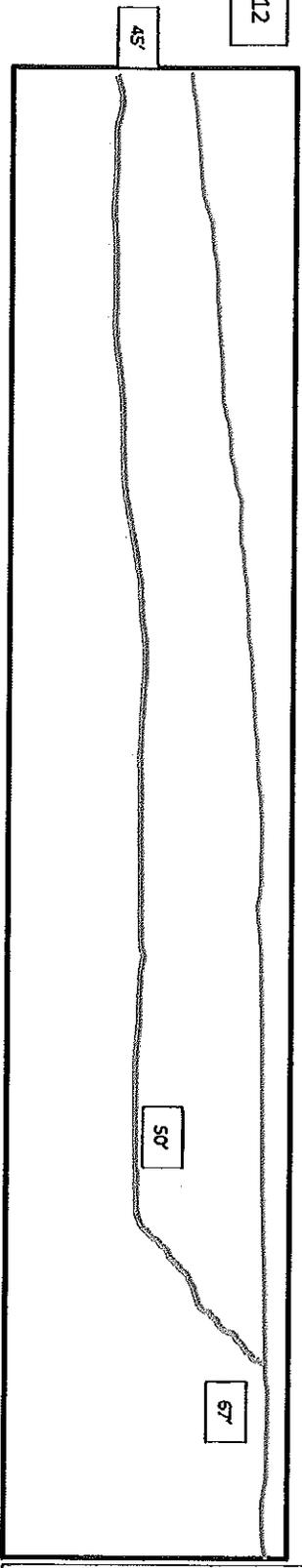
Elevation 10



Elevation 11

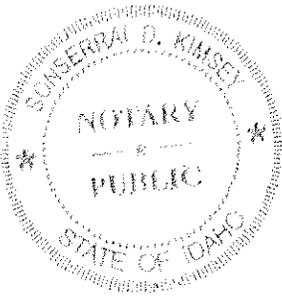


Elevation 12



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

I, Jay D. Koehn v. Cheryl L. Koehn 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 D. Koehn
Date 6/18/2012

Signed Cheryl L. Koehn
Date June 18, 2012

Notary SonSerrai D. Kimsey

Expire Date 1-10-17 / Letdata Co.

LCZC Hrg: CUP 792B
Applicant: Koehn
Exhibit #: 2G
Date: 03/20/2013

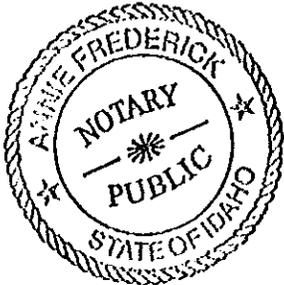
I, Sheldon A. Ackerman, give my consent for
Verle Koehn to work as needed in rock pit and for blasting and
crushing on Legal Description NE1/4 SE Section 20T 41N R3West

Signed Sheldon A. Ackerman

Date 5-31-2012

Notary Ann 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 R3 West

Signed Shannon Stout
Date 4/18/2012

Notary Julie Minden
Date 08/07/12



CUP #792 – Staff Introduction

A request by Verle Koehn and Steve Henderson to amend CUP #792A to amend the hours of CUP #792A from 7:00 am to 6:00 pm Monday through Friday to 6:00 am to 6:00 pm daily for general operations at a previously approved mineral resource development located on an approximately 6.6 acres portion of parcel RP41N03W207272A, located in the Agriculture/Forest zone. The hours for crushing and blasting are not being amended and are restricted to Monday through Friday 9:30 am to 4:30 pm. 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 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.

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 792A
- 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 #792B held on March 20th, 2013

That is all staff has unless the Commission has questions.