

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

Public Hearing: CUP 792C Date: June 3rd, 2015 Time: 5:30 pm

Applicant: Verle Koehn File #:CUP 792C Page: 1 of 2

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.** Topographic Map
- Exhibit #1E.** Findings of Fact and Conclusions of Law from CUP 792B
- 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.** Photographs (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 #2H.** Certificate of Liability Insurance (Submitted by Applicant)
- Exhibit #2I.** Road Easement (Submitted by Applicant)
- Exhibit #2J.** Koehn Rock Pit Traffic with Saturday Hauls (Submitted by Applicant)
- Exhibit #2K.** Koehn Rock Pit Traffic with 6-9 am Hauls (Submitted by Applicant)
- Exhibit #2L.** Email to amend request (Submitted by Applicant)
- Exhibit #3.** Staff Introduction for Latah County Zoning Commission hearing for CUP #792C held on June 3rd, 2015
- Exhibit #4.** Notice of Application for Reclamation Plan From Idaho Department of Lands, dated May 21st, 2015
- Exhibit #5.** Letters received from Mike and Kathy Orr received on June 2nd, 2015.
- Exhibit #6.** Letter received from Kyle and KerryAnn Littlefield received on June 3rd, 2015.
- Exhibit #7.** Letter received from Jay Price received on June 3rd, 2015.
- Exhibit #8.** Letter received from Cheri Price received on June 3rd, 2015.
- Exhibit #9.** Letter received from Chad Lusby received on June 3rd, 2015.
- Exhibit #10.** Letter received from Julie Lusby received on June 3rd, 2015.
- Exhibit #11.** Letter received from Kurt McCain received on June 3rd, 2015.
- Exhibit #12.** Letter received from Paula Frazier received on June 3rd, 2015.
- Exhibit #13.** Letter received from James Frazier received on June 3rd, 2015.
- Exhibit #14.** Letter received from Jolene Lof received on June 3rd, 2015.
- Exhibit #15.** Letter received from Kathy Orr received on June 3rd, 2015.
- Exhibit #16.** Letter received from Michael Orr received on June 3rd, 2015.
- Exhibit #17.** Revised letter received from Kathy Orr received on June 3rd, 2015.
- Exhibit #18.** Letter received from Don and Kim Cochrane received on June 3rd, 2015.
- Exhibit #19.** Email received from Shannon Stout received on June 3rd, 2015.
- Exhibit #20.** Email received from Jamie Anderson received on June 3rd, 2015.
- Exhibit #21.** Packet received from Ron Miller received on June 3rd, 2015.
- Exhibit #22.** Letter received from Levi Bruce on June 11, 2015.
- Exhibit #23.** Email received from Doug Johnson on June 10th, 2015.
- Exhibit #24.** Email received from John Justason on June 7th, 2015

Exhibit #25.

Letter received from Ken and Marie Hatke on June 8th, 2015
LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

Public Hearing: CUP 792C Date: June 3rd, 2015 Time: 5:30 pm

Applicant: Verle Koehn File #:CUP 792C Page: 2 of 2

Exhibit #26.

Letter received from Donna Opresik on June 11th, 2015.

Exhibit #27.

Letter received from Steve Opresik on June 11th, 2015.

Exhibit #28.

Letter received from Cheri Price on June 12, 2015.

Exhibit #29.

Letter received from Jay Price on June 12, 2015.

Exhibit #30.

Letter received from Kenneth Merten on June 12, 2015.

Exhibit #31.

Email received from Kevin Becker on June 12, 2015.

Exhibit #32.

Letter received from Ronald, Helen, and Chad Miller on June 12, 2015.

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:

Amendment of a Conditional Use Permit to include 15 additional acres, 8 of which are extraction area, and asphalt batching.

Description of application:

A request by Verle Koehn to amend CUP #792C to amend the previously approved CUP to include additional acreage and asphalt batching to the previously approved mineral resource development location on a portion of a 185-acre parcel in the Agriculture/Forest zone. The total site including haul roads, storm water retention, overburden piles, and buffer is 15 acres, however extraction area is 8 acres. The amended mineral resource development will include blasting, crushing, stock piling, and limited asphalt batching. 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 Sections 20 and 21, Township 41 North, Range 03 West, B.M. in Latah County and referenced as Latah County Assessor's parcel number RP41N03W207262A, RP41N03W201942A and RP41N03W215561.

Facts of application and the information submitted

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

The Latah County Land Use Ordinance, under section 3.01.03(8), lists "Mineral Resource Developments" as a conditionally permitted use in the Agriculture/Forest Zone.

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

Verle Koehn submitted a conditional use application of the Latah County Planning and Building Department on May 7th, 2015. The application was deemed complete by the Latah County Planning and Building Department on May 7th, 2015. The conditional use permit application was signed by the applicant.

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 community.

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 (¼) 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: 185 acres
Floodplain: Zone "C"

Land Use and Regulations:

Comprehensive Plan Designation: Productive
Existing Zoning: Agriculture/Forest
Existing Uses: Mineral Resource Development/Agriculture/Forestry
Neighboring Zoning: Agriculture/Forest
Neighboring Uses: Rural Residences/Agriculture/Forestry

Infrastructure/Services:

Water: N/A
Sewer: N/A
Access: State Hwy 9
Fire Protection: N/A

Applicable Statute, Ordinance, and Comprehensive Plan Sections:

Local Planning Act: Idaho Code 67-6512

Latah County Land Use Ordinance # 269, as amended:

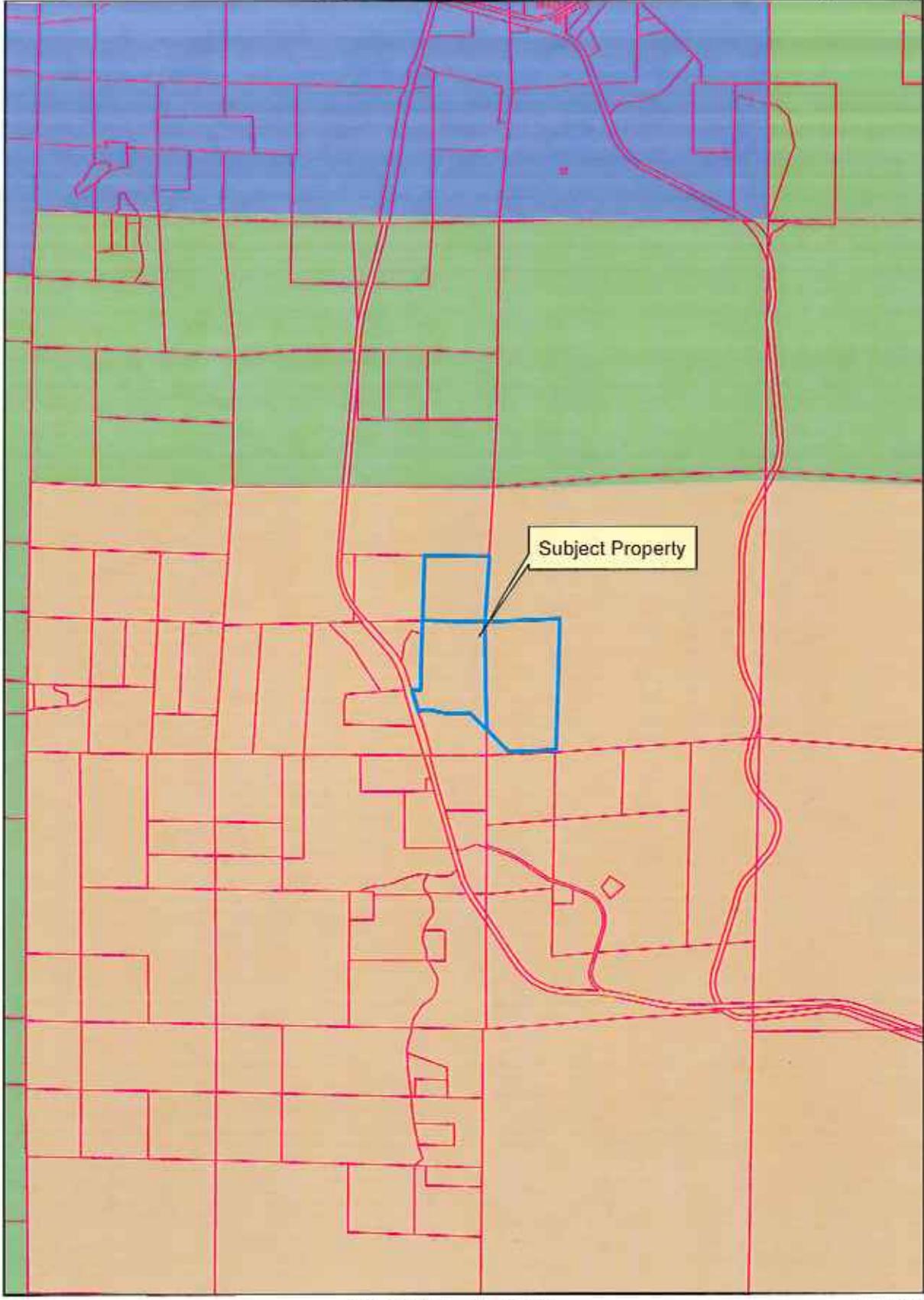
Section 3.01 Agriculture/Forest Zone

Article 7 Conditional Use Permits

Latah County Comprehensive Plan

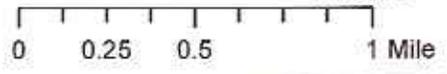
CUP #792C Comprehensive Plan and Vicinity Map

Planning and Building Department



Note: This document is a representation only. Latah County bears no responsibility for errors or omissions.

Created by: CAB

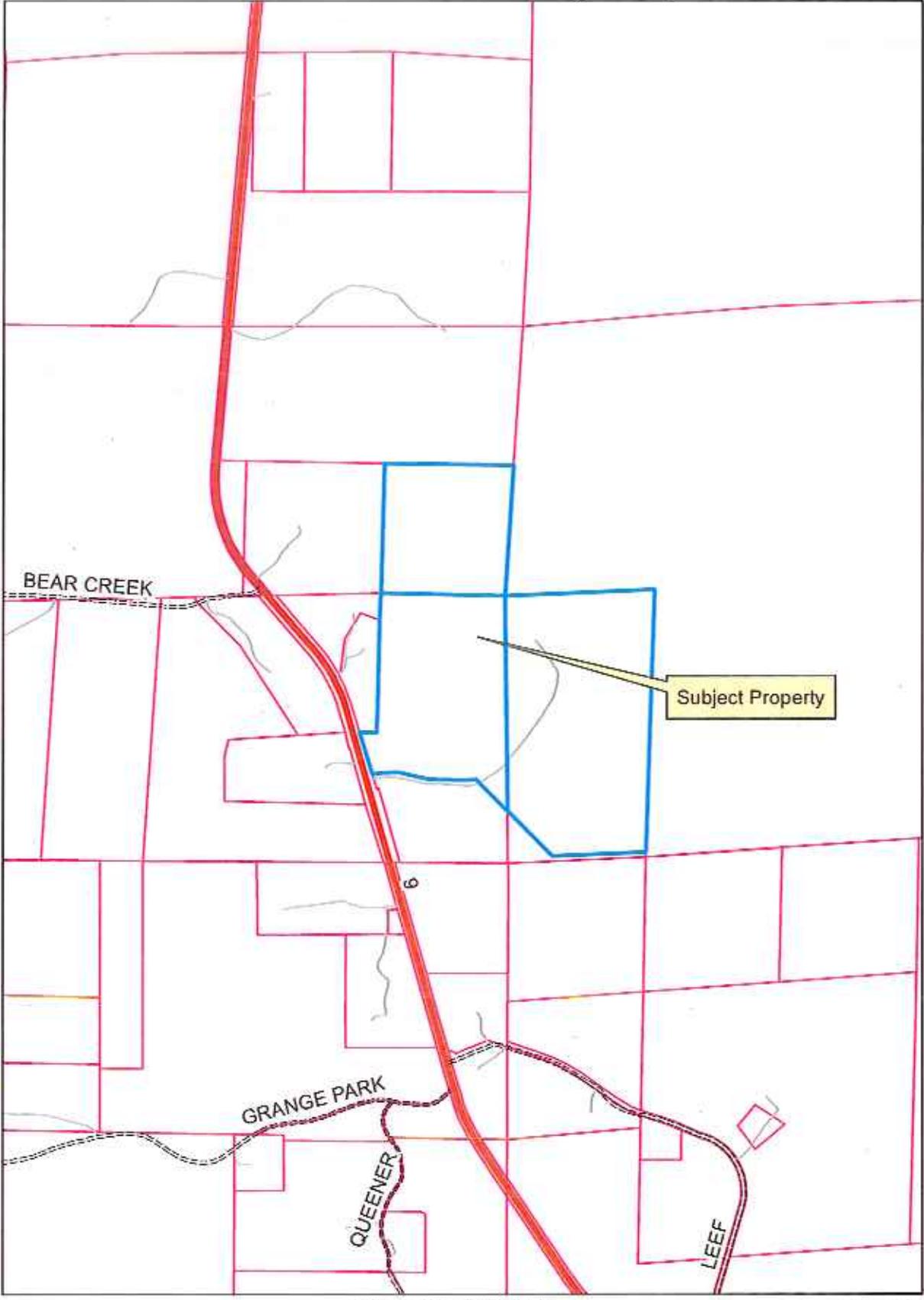


- Comprehensive Plan**
- ICR
 - AFR
 - AOI
 - PRODUCTIVE
 - RURAL

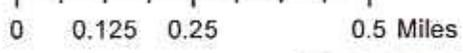
LCZC Proj: CUP792C
Applicant: Koehn
Exhibit #: 1A
Date: 06/03/2015

CUP #792C Zoning Map

Planning and Building Department



Note: This document is a representation only. Latah County bears no responsibility for errors or omissions. Created by: CAU



- | | | |
|----------------------|-----------------------------|---------------------------|
| Agriculture Forestry | Motor Business | Rural Residential |
| Commercial | Multiple Family Residential | Single-Family Residential |
| Industrial | Municipality | Suburban Residential |

LCZC Hrg: CUP792C
 Applicant: Koehn
 Exhibit #: 1B
 Date: 06/03/2015

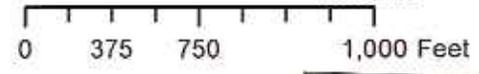
CUP #792C Aerial Photograph and Adjacent Property Owners

Planning and Building Department



Note: This document is a representation only.
Latah County bears no responsibility for errors or omissions.

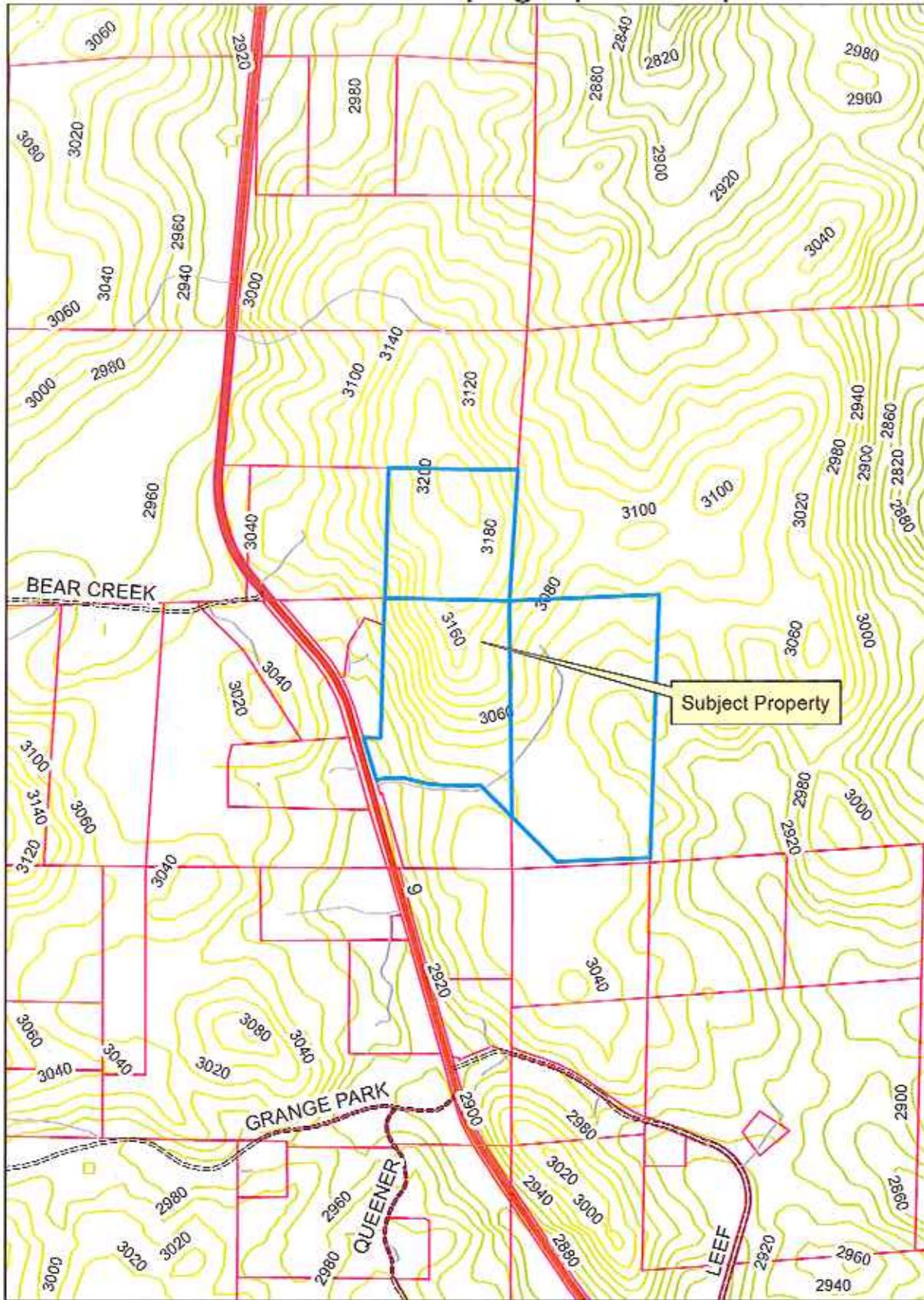
Created by: CAB



LC/CU Trg: CUP792C
Applicant: Koehn
Exhibit #: 1C
Date: 06/05/2015

CUP #792C Topographic Map

Planning and Building Department

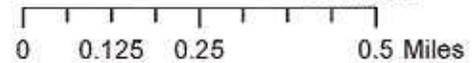


Subject Property

Note: This document is a representation only. Latah County bears no responsibility for errors or omissions.

Created by: CAB

20 ft Contour Lines



LCZC Hrg: CUP792C
Applicant: Kochu
Exhibit #: 11D
Date: 06/03/2015



LATAH COUNTY PLANNING & BUILDING

Latah County Courthouse

PO Box 8068, 522 South Adams

Moscow, ID 83843

(208) 883-7220 • FAX (208) 883-7225 • E-Mail: pb@latah.id.us • In Latah County, Toll Free: 1-800-691-2012

April 5, 2013

Verle Koehn
P.O. Box 37
Princeton, ID 83857

Dear Mr. Koehn:

Enclosed is a copy of the Latah County Zoning Commission's written Findings of Fact, Conclusions of Law and Decision, approving your application to amendment to conditional use permit application CUP#792 (CUP #792B), subject to the conditions stated therein. Please carefully review the document, especially the conditions of approval.

Pursuant to §1.02.18, of the Latah County Land Use Ordinance #269, as amended, this permit is effective fifteen days after the date of this letter if no appeal of the decision is received before that time. If you have any questions, don't hesitate to contact me at the number above.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Boal".

Jason Boal
Associate Planner

Enc.

LCZC Hrg: CUP792C
Applicant: Koehn
Exhibit #1E
Date: 06/03/2015

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 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 LOCATION ON A PORTION OF A 79.35-ACRE PARCEL IN THE AGRICULTURE/FORREST 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 #792A (CUP #792A) on February 26th, 2013; and

WHEREAS, a duly noticed public hearing was held on Wednesday, March 20, 2013 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 amend the hours of operation on an existing 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

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

II. CONCLUSIONS OF LAW

1. Due to the location of the proposed development, the relative distance of surrounding residences, and the reasons given by applicant, per Section 4.03.02(1) of the Latah County Land Use Ordinance #269, the hours of operation are amended.
2. The Zoning Commission has reviewed the proposal and concludes that with the conditions imposed in CUP792A, as amended, 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.
3. The Zoning Commission has reviewed the amended proposal and concludes that with the amended conditions imposed, the conditional use will not require facilities or services with excessive costs to the public.
4. The Zoning Commission has reviewed the amended application as it relates to the Latah County Comprehensive Plan. The Zoning Commission concludes that with the amended 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 Kochn to amend Conditional Use Permit #792A to operate expand the hours of operation for a mineral resource 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 shall be in compliance with the conditions presented in the Findings of Fact and Conclusions of Law of CUP792A with the amended hours of operation to be limited to Monday through Saturday, 6 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.



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 <i>Verle Koehn</i>	b. Home Phone / Work Phone <i>208-875-1480, 596 9030</i>	c. Email <i>Verlekoehn@yahoo.com</i>	
d. Mailing Address <i>P.O. Box 37</i>	e. City <i>Princeton</i>	f. State <i>ID</i>	g. Zip code <i>83857</i>
h. Property Owner (if different than applicant)	i. Home Phone	j. Work Phone	
k. Mailing Address	l. City	m. State	n. Zip code

2. General Site Information

a. Assessor's Parcel Number(s) <i>411031207262A</i>	b. Parcel Address (if applicable) <i>RP41N03W201942</i>		
c. Acreage of Existing Parcel <i>185A</i>	d. Zoning <i>A/F</i>	e. Comprehensive Plan Designation <i>Productive</i>	f. Floodplain designation(s) <i>Zone C</i>
g. FFMA Panel #	h. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.		
i. Impact City <i>N/A</i>	j. Road Used to Access Site <i>Hwy 9</i>		

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

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

a. Fire District <i>Patlatch</i>	b. Road District <i>North</i>	c. School District <i>Patlatch</i>
d. Source of Potable Water (i.e. water district or private well) <i>Pond & water truck</i>	e. Sewage Disposal (i.e. sewer district or private septic system) <i>None</i>	

4. Adjacent Properties Information

a. Zoning of Adjacent Properties <i>A/F</i>	b. Existing Uses of Adjacent Properties <i>timber & Hay field, pasture land</i>
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5. Permit Information

a. Proposed Use <i>Rock for owner use and to sell, haul for customers use, blasting & crushing</i>
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? <i>Section 3.01.02 & 3.04.03</i>

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

6. Authorization

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

a. Signature of Applicant <i>Verle Koehn</i>	b. Date <i>3-27-15</i>
c. Signature of Property Owner (if different than applicant) <i>Verle Koehn</i>	d. Date <i>3-27-15</i>

Office Use Only

Date Received <i>5/7/15</i>	Amount <i>300</i>	Receipt No. <i>742548</i>	By <i>mm</i>
CUP # <i>CHP94E</i>	Date Determined Technically Complete <i>5/7/15</i>	By <i>mm</i>	
Hearing Date			

7. Attachments

All attachments should be reproducible in black and white at 8 1/2" x 11"

- Fee: (\$300.00) Make checks payable to Latah County.
- Completed Narrative Worksheet: See instructions on the Conditional Use Permit Narrative Worksheet.
- Site Plan: The site plan should include a north arrow, location of roads and rights-of-way, existing buildings, improvements and features; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Zoning Commission to make a decision.
- Vicinity Map: The map should show the site location in relation to neighboring communities and natural features.
- Assessor's Plat Map: Include a copy of that portion of the map that shows the subject parcel and adjoining parcels.
- Other Attachments: Required by staff / Zoning Commission for certain proposed uses.



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.

Expand existing pit to include 15 additional acres
Blasting, crushing, stock piling, asphalt batching.
Hours to be 6:00 am to 6:00 pm Monday
through Saturday for all operations excluding
blasting. Pit has been in full compliance
with no complaints for the previous
3 years operator is requesting a 15 year
expiration in order to maintain the economic
viability of the operation and obtain and
maintain state highway and local road district
contracts.

Existing Uses of Property

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

My Homestead, barn are east of rock pit, we also
run a cattle operation on pasture & hay ground

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 at rock pit

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. provides for economic development, aid transportation and public safety as described in 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 suitable for development

c. Housing Element

Where the rock pit is located is not suitable for housing

d. Economic Development Element

We plan to continue to supply rock for our customers, county and for our own roads

e. Public Services, Facilities, and Utilities Element

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 affect school or student transportation

g. Transportation Element

There are 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 pit is a 1/2
mile from highway

h. Natural Resource Element

Our plan is to have good Stewardship with natural
resources as much as we can, and maintain
the rock pit like "manure"

i. Special Areas Element

N.A.

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

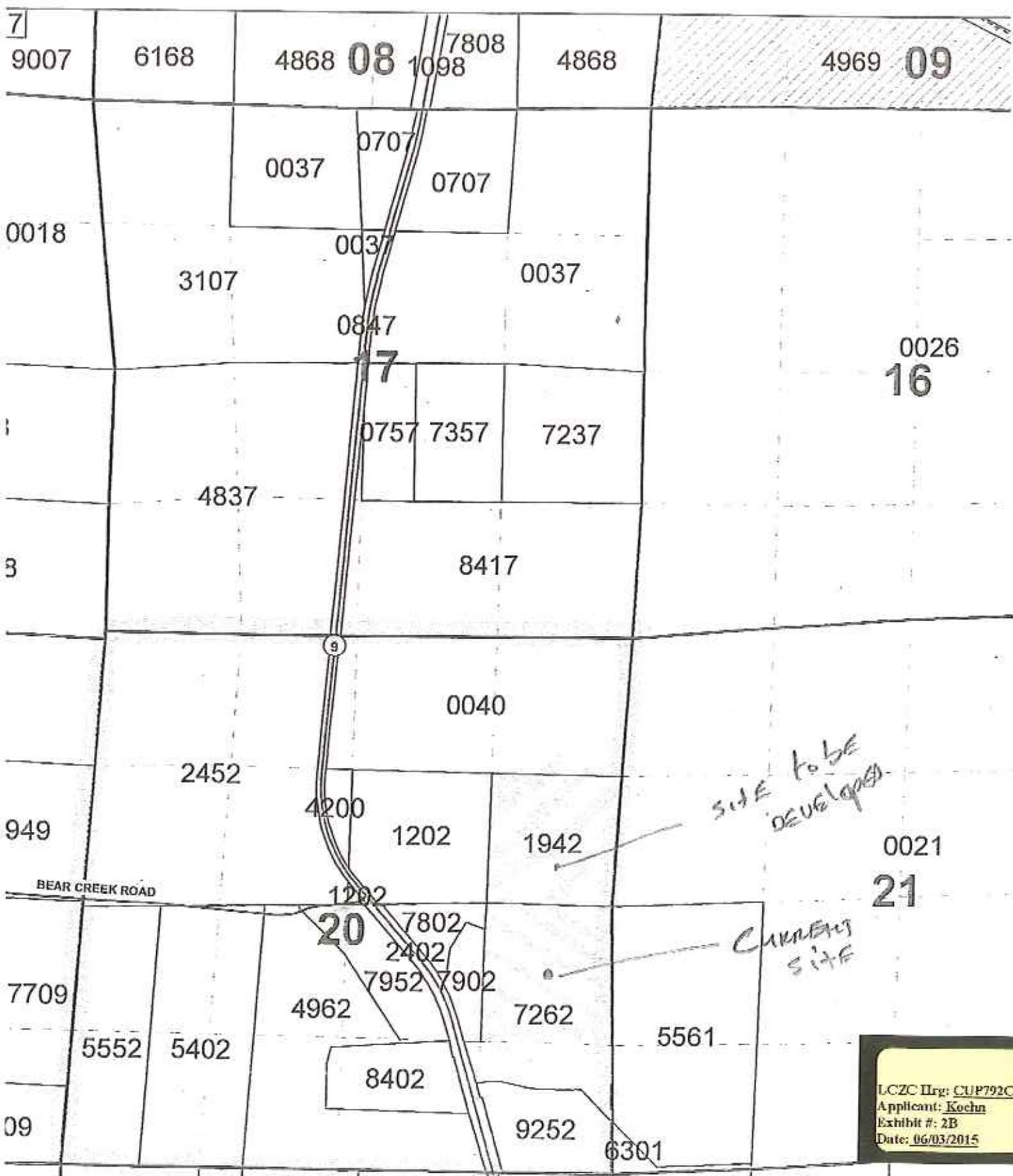
Where rock pit is located is not suitable for
agricultural or forest land, there is very little
top soil

m. Property Rights Element

Rock pit is on my own personal property

n. Water Resources Element

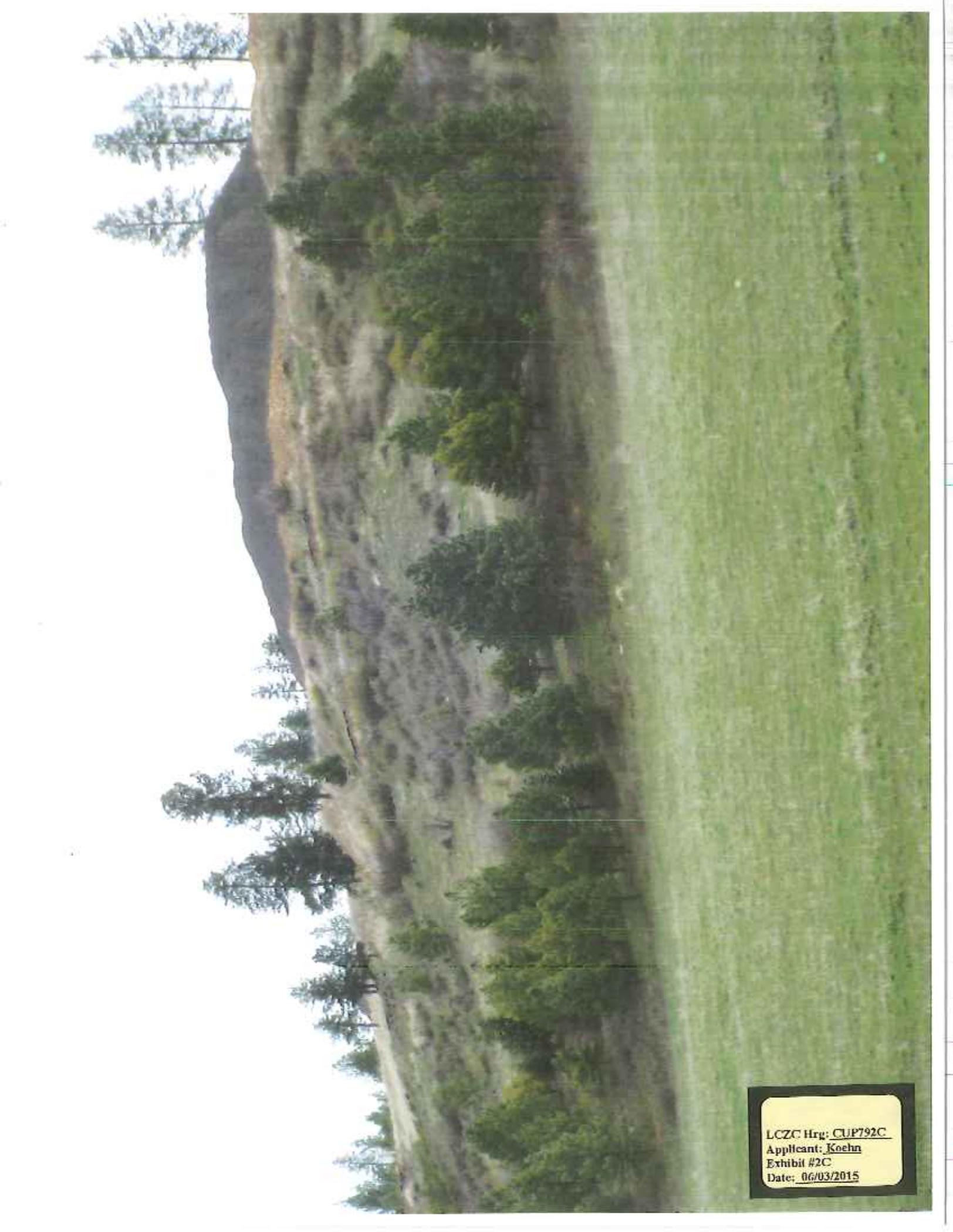
a stormwater plan is in place.



SIDE TO BE DEVELOPED

CURRENT SITE

LCZC Hrg: CUP792C
 Applicant: Koehn
 Exhibit #: 2B
 Date: 06/03/2015



LCZC Hrg: CUP792C
Applicant: Koehn
Exhibit #2C
Date: 06/03/2015



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: CUP792C
Applicant: Koehn
Exhibit #: 2E
Date: 06/03/2015

I, KerryAnn Littlefield & Kyle Joe Littlefield, 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
SE of NE of Section 20T 41N Range R3W

Signed KerryAnn Littlefield Kyle Joe Littlefield
Date 4/17/15 4/17/2015

Notary Andrea Southard
Date _____

* See attached Jurat Notary

LCZC Hrg: CUP792C
Applicant: Koehn
Exhibit #: 2C
Date: 06/03/2015

I, Shirley Cickerman, 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
SE of NE of Section 20T 41N Range R3W

Signed Shirley Cickerman

Date 4-15-2015

Notary Annie Frederick

Date 4/15/2015



I, JAY D PRICE & Cheri L. 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 and SE of NE of Section 20T 41N Range R3W, with no further disruption of soil or vegetation of the southwest and western slopes, of for mentioned legal description, current pictures attached, additional pictures available, from different views, taken on 04/13/2015, by Jay D Price

Signed

Jay D Price

Date

5/6/15

Signed

Cheri L. Price

Date

May 6, 2015



Notary

Jessie Hansen

Expire

8-5-16



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
6/8/2015

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Moloney O'Neill/Alliant Insurance Services Inc. 818 W. Riverside, Ste 800 Spokane, WA 99201	CONTACT NAME: Brenda Britton
	PHONE (A/C, No, Ext): (509) 325-3024 FAX (A/C, No): (509) 325-1803
	E-MAIL ADDRESS: bbritton@mo-ins.com
INSURED High Mountain Construction Inc P O Box 68 Colfax, WA 99111	INSURER(S) AFFORDING COVERAGE
	INSURER A: United States Fire Insurance Company NAIC # 21113
	INSURER B:
	INSURER C:
	INSURER D:
	INSURER E:

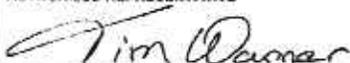
COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL/SUBR INSD/ WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Blanket Additional <input checked="" type="checkbox"/> Insd FM101012060111 GENL AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO. JECT <input type="checkbox"/> LOC OTHER:		5068789074	12/09/2014	12/09/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPROP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> Auto Enhancement <input checked="" type="checkbox"/> NON-OWNED AUTOS <input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$		5068789074	12/09/2014	12/09/2015	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N <input checked="" type="checkbox"/> N/A If yes, describe under DESCRIPTION OF OPERATIONS below					PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER **CANCELLATION**

Pine Creek Logging 809 Park St Deary, ID 83823	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
--	---

LCZC Hrg: CUP792C
 Applicant: Koehn
 Exhibit #: 24
 Date: 06/03/2015

Rock Road Easement

523899

13799

EXHIBIT A

Parcel 1

A legal description for a parcel of land located in the NW¼ SE¼ of Section 20, T41N, R3W, BM and being more particularly described as follows:

Beginning at the northeast corner of the SE¼ of Section 20, T41N, R3W; thence N 89°33'46" W, 1274.88 feet to the northeast corner of the NW¼ SE¼ of said Section 20, and the TRUE POINT OF BEGINNING.

Thence S 2°09'22" W, 209.79 feet;
Thence N 71° 31'16" W, 197.70 feet;
Thence S 30°49'08" W, 295.14 feet;
Thence S 6°57'27" W, 287.77 feet;
Thence 70.99 feet along a curve to the right. Said curve having a Delta = 52°21'59", Radius = 77.67 feet, Chord = 68.54 feet, and Chord Bearing = S 33°08'25" W;
Thence S 59°19'23" W, 14.61 feet to a point on the easterly right-of-way of State Highway 9, 80.00 feet left of Centerline Station 142+94.61;
Thence, along said right-of-way, 317.08 feet along a curve to the left. Said curve having a Delta = 12°00'44", Radius = 1512.39 feet, Chord = 316.50 feet, and Chord Bearing = N 35°00'24" W to a point of tangent 80 feet left of Centerline Station 139+94.33;
Thence N 41°00'46" W, 344.33 feet to a point 80.00 feet left of Centerline Station 136+50.00;
Thence N 32°28'55" W, 202.24 feet to a point 110.00 feet left of Centerline Station 134+50.00;
Thence N 41°00'46" W, 50.00 feet to a point 110.00 feet left of Centerline Station 134+00;
Thence N 52°19'22" W, 51.27 feet to a point on the north line of the NW¼ SE¼ of said Section 20, said point being 99.95 feet left of Centerline Station 133+49.72;
Thence, leaving said easterly right-of-way, S 89°33'46" E, 1021.06 feet along said north line to the TRUE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO a 30 foot wide access easement centered over the following described line:

Beginning at the northeast corner of the SE¼ of Section 20, T41N, R3W; thence N 89°33'46" W, 1274.88 feet to the northeast corner of the NW¼ SE¼ of said Section 20; thence S 2°09'22" W, 751.47 feet along the east line of said NW¼ SE¼ of Section 20; thence West, 403.24 feet to a point on the easterly right-of-way of State Highway 9, 80 feet left of Centerline Station 142+94.61, and the TRUE POINT OF BEGINNING.

Thence N 59°19'23 E, 14.61 feet;
Thence 70.99 feet on a curve to the left. Said curve having a Delta = 52°21'59", Radius = 77.67 feet, Chord = 68.54 feet, and Chord Bearing = N 33°08'25" E;
Thence 6°57'27" E, 287.77 feet;
Thence N 30°49'08" E, 295.14 feet;
Thence S 71°31'16" E, 197.70 feet to a point on the east line of said NW¼ SE¼ of Section 20 and the End Of This Easement.

LCZC Hrg: CUP792C
Applicant: Koehn
Exhibit #: 21
Date: 06/03/2015



N 

1 inch = 200 feet

The boundaries shown on this map are based on record information and are approximate relative to the imagery. The actual locations of the boundaries can only be determined by a survey.

Source: Esri, DataCity, GeoEye, Earthstar Geographics, CNR/Airbus DS, USDA, USGS, AeroViz, AeroMap, Pictometry, Inc. © 2010 Esri. All rights reserved. This is a private, confidential document.

KOEHN ROCK PIT TRAFFIC

	TOTAL LOADS	SATURDAY HAULS	CUSTOMER	
2013	JAN	0	0	
	FEB	2	0	
	MAR	183	0	
	APR	94	0	
	MAY	45	20	JOHNSON EXCAVATION (14) BEAR CREEK CONSTRUCTION (1) PINE CREEK (5)
	JUN	30	11	JOHNSON EXCAVATION (9) PINE CREEK (2)
	JUL	49	3	PINE CREEK (3)
	AUG	72	34	QUALITY FENCING (16) JOHNSON EXCAVATION (5) PINE CREEK (13)
	SEPT	126	6	DANNY ANDERSON (3) TOBY BROWN (1) PINE CREEK (1)
	OCT	29	4	STEVE THOMPSON (1) WALSER LOGGING (2) PINE CREEK (1)
	NOV	9	0	
	DEC	0	0	
TOTAL		639	78	

LCZC Hrg: CUP792C
 Applicant: Koehn
 Exhibit #: 25
 Date: 06/03/2015

KOEHN ROCK PIT TRAFFIC

	TOTAL LOADS	SATURDAY HAULS	CUSTOMER
2014			
JAN	10	0	
FEB	4	0	
MAR	28	3	TOM DAVIS (3)
APR	74	2	PINE CREEK (2)
MAY	56	5	PALOUSE SEPTIC (3) COCHRANE (1) PINE CREEK (1)
JUN	87	13	PINE CREEK (12) SHELDON (1)
JUL	119	19	BEAR CREEK CONSTRUCTION (4) RUNYON (2) OPRESIK (4) MCCRAE (9)
AUG	87	13	BEAR CREEK CONSTRUCTION (1) OPRESIK (6) QUALITY CONTRACTORS (5) PINE CREEK (1)
SEPT	78	8	OPRESIK (8)
OCT	140	26	ANDERSON (3) OPRESIK (10) HOOTEN (4) QUALITY CONTRACTORS (7) KOEHN (2)
NOV	43	2	KOEHN
DEC	60	0	
TOTAL	786	91	

KOEHN ROCK PIT TRAFFIC

2015

	TOTAL LOADS	SATURDAY HAULS	CUSTOMER
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JAN	20	4	BALL (1) HATTER CK KENNELS (3)
-----	----	---	-----------------------------------

FEB	32	6	DEARY RECREATION DISTRICT
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MAR	33	22	L&S CONSTRUCTION (1) DORN (4) MCCANN (1) PINE CREEK (10)
-----	----	----	---

APR	142	14	QUALITY CONTRACTORS (2) CITY OF DEARY (1) DEARY RECREATION DISTRICT (5) WEST TECH (3) KIMBERLING (1)
-----	-----	----	--

MAY	138	14	BRUSH CREEK TRUCKING (2) BEAR CREEK CONSTRUCTION (1) MOORE (2) DEARY RECREATION DISTRICT (9)
-----	-----	----	---

JUN	30	1	MERTEN (1)
-----	----	---	------------

JUL			
AUG			
SEPT			
OCT			
NOV			
DEC			

TOTAL	395	61	
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KOEHN ROCK PIT TRAFFIC

	TOTAL LOADS	6 - 9 AM	CUSTOMER
2013	JAN	0	0
	FEB	2	0
	MAR	183	50 PINE CREEK (48) QUALITY FENCING (2)
	APR	94	38 BEAR CK CONSTRUCTION (10) PINE CREEK (6) SEUBERT (4) CALZA (4) MERTEN (7) BIRD (7)
	MAY	45	10 BEAR CREEK CONSTRUCTION (7) JOHNSON EXCAVATION (1) RIEBOLD (1) PINE CREEK (1)
	JUN	30	2 BENNETT ROAD JOB (2)
	JUL	49	17 BEAR CREEK CONSTRUCTION (4) QUALITY FENCING (8) HALEN (2) PINE CREEK (3)
	AUG	72	13 QUALITY FENCING (4) JOHNSON EXCAVATION (2) PINE CREEK (7)
	SEPT	126	21 L & S CONSTRUCTION (11) KOEHN / BECKER (2) TOBY BROWN (1) PINE CREEK (7)
	OCT	29	4 COCHRANE (1) JOHNSON EXCAVATION (1) BENNETT ROAD JOB (1) WALSER LOGGING (1)
	NOV	9	2 JOHNSON EXCAVATION (2)
	DEC	0	0
TOTAL		639	157

I.C.Z.C. Hrg: Cu P 712c
 Applicant: Koehn
 Exhibit #: 2K
 Date: 06/03/2015

KOEHN ROCK PIT TRAFFIC

2014

	TOTAL LOADS	6 - 9 AM	CUSTOMER
JAN	10	0	
FEB	4	1	TOM DAVIS (1)
MAR	28	4	L&S CONSTRUCTION (2) TOM DAVIS (1) PINE CREEK (1)
APR	74	10	PINE CREEK (6) EGAN (1) TOM DAVIS (1) L&S CONSTRUCTION (1)
MAY	56	6	KOEHN / PRIV CUSTOMER (2) PINE CREEK (4)
JUN	87	12	PINE CREEK (5) KOEHN / PRIV CUSTOMERS (5) BEAR CREEK CONSTRUCTION (2)
JUL	119	46	BEAR CREEK CONSTRUCTION (21) MCCRAE (14) PINE CREEK (3) KOEHN / PRIV CUSTOMERS (7) L&S CONSTRUCTION (1)
AUG	87	16	BEAR CREEK CONSTRUCTION (2) QUALITY CONTRACTORS (7) PINE CREEK (4) MCCRAE (2) KOEHN / PRIV CUSTOMER (1)
SEPT	78	12	BEAR CREEK CONSTRUCTION (3) QUALITY CONTRACTORS (3) L&S CONSTRUCTION (3) MCCRAE (2) KOEHN / PRIV CUSTOMER (1)
OCT	140	21	QUALITY CONTRACTORS (13) STIMSON LUMBER RD JOB (3) KOEHN / PRIV CUSTOMER (2) MCCRAE (1) BEAR CREEK CONSTRUCTION (1) PINE CREEK 1
NOV	43	2	STIMSON RD JOB (2)
DEC	60	2	PINE CREEK (2)

TOTAL	786	132	
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KOEHN ROCK PIT TRAFFIC

	TOTAL LOADS	6 - 9 AM	CUSTOMER	
2015	JAN	20	2	QUALITY CONTRACTORS (2)
	FEB	32	2	QUALITY CONTRACTORS (2)
	MAR	33	4	PINE CREEK (4)
	APR	142	35	STIMSON ROAD JOB (17) DEARY RECREATION DISTRICT (12) QUALITY CONTRACTORS (3) L&S CONSTRUCTION (1) KOEHN / PRIV CUSTOMER (1) PINE CREEK (1)
	MAY	138	31	HALEN (1) DEARY RECREATION DISTRICT (4) KOEHN / PRIV CUSTOMERS (4) L&S CONSTRUCTION (1) STIMSON LUMBER RD JOB (10) BIRD (8) PINE CREEK (1) BEAR CREEK CONSTRUCTION (1) BRUSH CREEK LOGGING (1)
	JUN	30	1	BIRD (6) KOEHN (1) STIMSON LUMBER RD JOB (1)
	JUL			
	AUG			
	SEPT			
	OCT			
	NOV			
	DEC			
TOTAL		395	75	

msknott

From: Verle Koehn <verlekoehn@yahoo.com>
Sent: Friday, June 12, 2015 4:56 PM
To: Msknott
Subject: Removal of batch plant

Latah County:

I, Verle Koehn, request that the batch plant be removed from the rock pit proposal.

Thank You,

Verle Koehn

CUP #792C – Staff Introduction

A request by Verle Koehn to amend CUP #792C to amend the previously approved CUP to include additional acreage and asphalt batching to the previously approved mineral resource development location on a portion of a 185-acre parcel in the Agriculture/Forest zone. The total site including haul roads, storm water retention, overburden piles, and buffer is 15 acres, however extraction area is 8 acres. The amended mineral resource development will include blasting, crushing, stock piling, and limited asphalt batching. 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 Sections 20 and 21, Township 41 North, Range 03 West, B.M. in Latah County and referenced as Latah County Assessor's parcel number RP41N03W207262A, RP41N03W201942A and RP41N03W215561.

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.** Topographic Map
- Exhibit #1E.** Findings of Fact and Conclusions of Law from CUP 792B
- 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.** Photographs (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 #792C held on June 3rd, 2015

That is all staff has unless the Commission has questions.

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

May 21, 2015

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 § 47-1505(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.

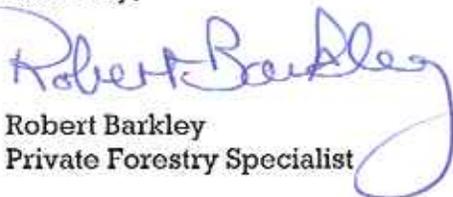
Mr. Koehn has submitted an application to amend the reclamation plan to increase the area of his existing pit. IDL has reviewed the application for completeness in accordance with Idaho Code § 47-1506. If the application could impact surface waters, it has been submitted to the Idaho Department of Water 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 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

LCZC Hrg: CUP792C
Applicant: Koehn
Exhibit #: 4
Date: 06/03/2015

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,



Robert Barkley
Private Forestry Specialist

CC: Bureau

RECEIVED

JUN 02 2015

LATAH COUNTY

Latah County Zoning Commission RE: CUP #792B Verle Koehn

We recently purchased the property at 1397 Bear Creek Road in Princeton, Idaho. Our property is directly across the highway from Mr. Koehn's property. We purchased the property in July 2014 and were aware of the "pit operation" at that time. We are able to view the operations since we are at approximately the same elevation and 500 yards from the pit operation. We have seen increased activity at the operation over the last few months.

One of the reasons we bought our property was because the zoning was agricultural and forest. We enjoy the endless views of the hay fields and timber in the area and do not wish to see this destroyed by Mr. Koehn's expansion of the rock pit. We feel that this would adversely affect our "country living". His operation is a commercial business and should not be allowed in the area. Why was he granted commercial use of his property in the first place and now he wants to expand it?

Mr. Koehn is a business man and his operation only benefits himself. Yet it will greatly impact the surrounding properties. Asphalt batching is a detriment to the environment. The odor from asphalt is not a pleasant smell and we do not wish to be subjected to it. If Mr. Koehn wishes to have an asphalt plant let him do it where it is zoned commercial/industrial, NOT IN A RURAL AREA...

We are also greatly concerned about the damage that rock blasting does to wells in the area. We know of residents in Mossyrock, WA that lost their private wells due to blasting done at a rock pit on the backside of the hill where their homes were located. Is Mr. Koehn willing to be held liable for any damages to surrounding properties caused by his operations?

We greatly oppose any further development of his operation and feel that the Commissioners need to block Mr. Koehn's request for an expansion.

Nathaly Over *Michelle Over*

LCZC Hrg: CUP792C
Applicant: Koehn
Exhibit #: 5
Date: 06/03/2015

Opposition Notice to CUP #792B

I, Michael W. Orr, whom resides at 1397 Bear Creek Rd Princeton ID oppose the request by Verle Kochn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3 west as per CUP #792B. Based on misinformation, knowingly and intentionally misleading and withholding information by Verle Koehn and lack of documented information by Latah County Zoning Commission, I withdraw any and all documents pertaining to rock pit development henceforth.

In previous documents and conversations, there was no mention of limited asphalt batching, which I strongly oppose. Since the area in question is zoned as Productive, and not Industrial/Commercial/Residential, this CUP #792B should be denied. The term Productive, which is considered agricultural and forest lands in Latah County, is 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, based off of the Land Use Element.

I also oppose the request to amend the hours of operation as this would affect our quality of living in the impacted area.

I oppose the requested 15 year expiration of the CUP. My recommendation is for the length to be two (2) to three (3) years.

The Comprehensive Plan has been unavailable for viewing. Therefore I have been unable to access the safety procedures and economic impact of this rural area, based on the zoned area.

 I feel that a neutral party, not affiliated with Latah County Zoning Commission, be appointed to oversee the proceedings based on contracts and potential contracts affiliated with this proposal.

Signed

Date

Michael W. Orr
6-2-2015

Opposition Notice to CUP # 792

JUN 03 2015
LATAH COUNTY

We, Kyle Littlefield & KerryAnn Littlefield who reside at 2534 Highway 9, Princeton, ID, oppose the request by neighbor Verle Koehn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3 west as per CUP #792C. Based on misinformation and withholding of information by Verle Koehn, as well as a lack of documented information by Latah County Zoning Commission, we would like to withdraw any and all documents pertaining to rock pit development henceforth.

In previous documents and conversations, there was no mention of limited asphalt batching, which we strongly oppose. Since the area in question is zoned as Productive, and not Industrial/Commercial/Residential, this CUP #792C should be denied. The term 'Productive', which is considered agriculture and forest lands in Latah County, is protected from residential, commercial, and industrial uses which are not directly related to agriculture or forestry and which may intrude upon existing use of the land for normal agricultural or forest practices, based off of the Land Use Element.

We oppose the requested 15 year expiration of the CUP. Our recommendation is for the length to be two (2) to three (3) years.

The Staff Report has been unavailable for viewing as of 05/31/2015. Therefore we have been unable to access the safety procedures and economic impact of this rural area, based on the zoned area.

We feel that a neutral party, not affiliated with Latah County Zoning Commission, should be appointed to oversee the proceedings based on contracts and potential contracts affiliated with this proposal.

Signed Kyle Littlefield KerryAnn Littlefield

Date 6/3/2015

LCZC Hrg: CUP 792C
Applicant: Koehn
Exhibit #: 6
Date: 06/03/2015

Opposition Notice to CUP #792

I, JAY D PRICE, whom resides 43857
at 2540 Hwy 9 PRINCETON Id oppose the request by
Verle Koehn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3
west as per CUP #792B. Based on misinformation, knowingly and intentionally
misleading and withholding information by Verle Koehn and lack of documented
information by Latah County Zoning Commission, I withdraw any and all documents
pertaining to rock pit development henceforth.

In previous documents and conversations, there was no mention of limited asphalt
batching, which I strongly oppose. Since the area in question is zoned as Productive, and
not Industrial/Commercial/Residential, this CUP #792B should be denied. The term
Productive, which is considered agricultural and forest lands in Latah County, is 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, based off of the Land Use Element.

I also oppose the request to amend the hours of operation as this would affect our quality
of living in the impacted area. I request that the hours of operation be limited to 9 AM
until 6 PM Monday through Friday.

I oppose the requested 15 year expiration of the CUP. My recommendation is for the
length to be two (2) to three (3) years.

The Staff Report has been unavailable for viewing as of 05/31/2015. Therefore I have
been unable to access the safety procedures and economic impact of this rural area, based
on the zoned area.

I feel that a neutral party, not affiliated with Latah County Zoning Commission, be
appointed to oversee the proceedings based on contracts and potential contracts affiliated
with this proposal.

Signed _____
Date 6/3/15



Jessie Hansen
Latah County ID
Notary
Exp: 8-5-16

LCZC Hrg: CUP792C
Applicant: Koehn
Exhibit #: 7
Date: 06/03/2015

Opposition Notice to CUP #792

I, Cheril L. Price, whom resides at 2540 Hwy. 9 Princeton, ID 83857 oppose the request by Verle Koehn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3 west as per CUP #792B. Based on misinformation, knowingly and intentionally misleading and withholding information by Verle Koehn and lack of documented information by Latah County Zoning Commission, I withdraw any and all documents pertaining to rock pit development henceforth.

In previous documents and conversations, there was no mention of limited asphalt batching, which I strongly oppose. Since the area in question is zoned as Productive, and not Industrial/Commercial/Residential, this CUP #792B should be denied. The term Productive, which is considered agricultural and forest lands in Latah County, is 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, based off of the Land Use Element.

I also oppose the request to amend the hours of operation as this would affect our quality of living in the impacted area. I request that the hours of operation be limited to 9 AM until 6 PM Monday through Friday.

I oppose the requested 15 year expiration of the CUP. My recommendation is for the length to be two (2) to three (3) years.

The Staff Report has been unavailable for viewing as of 05/31/2015. Therefore I have been unable to access the safety procedures and economic impact of this rural area, based on the zoned area.

I feel that a neutral party, not affiliated with Latah County Zoning Commission, be appointed to oversee the proceedings based on contracts and potential contracts affiliated with this proposal.

Signed Cheril Price

Date 06/03/15

Opposition Notice to CUP #792B

I, Chad Lusby, whom resides at 2501 Hwy 9 Princeton ID 83857 oppose the request by Verle Koehn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3 west as per CUP #792B. Based on misinformation, knowingly and intentionally misleading and withholding information by Verle Koehn and lack of documented information by Latah County Zoning Commission, I withdraw any and all documents pertaining to rock pit development henceforth.

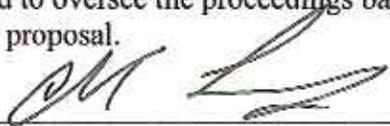
In previous documents and conversations, there was no mention of limited asphalt batching, which I strongly oppose. Since the area in question is zoned as Productive, and not Industrial/Commercial/Residential, this CUP #792B should be denied. The term Productive, which is considered agricultural and forest lands in Latah County, is 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, based off of the Land Use Element.

I also oppose the request to amend the hours of operation as this would affect our quality of living in the impacted area.

I oppose the requested 15 year expiration of the CUP. My recommendation is for the length to be two (2) to three (3) years.

The Comprehensive Plan has been unavailable for viewing. Therefore I have been unable to access the safety procedures and economic impact of this rural area, based on the zoned area.

I feel that a neutral party, not affiliated with Latah County Zoning Commission, be appointed to oversee the proceedings based on contracts and potential contracts affiliated with this proposal.

Signed 

Date 6-2-15

Opposition Notice to CUP #792B

I, Julie Lusby, whom resides at 2501 Highway 9, Princeton ID 83857 oppose the request by Verle Koehn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3 west as per CUP #792B. Based on misinformation, knowingly and intentionally misleading and withholding information by Verle Koehn and lack of documented information by Latah County Zoning Commission, I withdraw any and all documents pertaining to rock pit development henceforth.

In previous documents and conversations, there was no mention of limited asphalt batching, which I strongly oppose. Since the area in question is zoned as Productive, and not Industrial/Commercial/Residential, this CUP #792B should be denied. The term Productive, which is considered agricultural and forest lands in Latah County, is 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, based off of the Land Use Element.

I also oppose the request to amend the hours of operation as this would affect our quality of living in the impacted area.

I oppose the requested 15 year expiration of the CUP. My recommendation is for the length to be two (2) to three (3) years.

The Comprehensive Plan has been unavailable for viewing. Therefore I have been unable to access the safety procedures and economic impact of this rural area, based on the zoned area.

I feel that a neutral party, not affiliated with Latah County Zoning Commission, be appointed to oversee the proceedings based on contracts and potential contracts affiliated with this proposal.

Signed _____

Date 6-2-15

Julie Lusby

Opposition Notice to CUP #792

I, Kurt McCann, whom resides at 2505 Hwy 9 Princeton ID oppose the request by Verle Koehn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3 west as per CUP #792B. Based on misinformation, knowingly and intentionally misleading and withholding information by Verle Koehn and lack of documented information by Latah County Zoning Commission, I withdraw any and all documents pertaining to rock pit development henceforth.

In previous documents and conversations, there was no mention of limited asphalt batching, which I strongly oppose. Since the area in question is zoned as Productive, and not Industrial/Commercial/Residential, this CUP #792B should be denied. The term Productive, which is considered agricultural and forest lands in Latah County, is 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, based off of the Land Use Element.

I also oppose the request to amend the hours of operation as this would affect our quality of living in the impacted area. I request that the hours of operation be limited to 9 AM until 6 PM Monday through Friday.

I oppose the requested 15 year expiration of the CUP. My recommendation is for the length to be two (2) to three (3) years.

The Staff Report has been unavailable for viewing as of 05/31/2015. Therefore I have been unable to access the safety procedures and economic impact of this rural area, based on the zoned area.

I feel that a neutral party, not affiliated with Latah County Zoning Commission, be appointed to oversee the proceedings based on contracts and potential contracts affiliated with this proposal.

Signed

Date

Kurt McCann
6/1/15

Opposition Notice to CUP #792B

I, PALLA FRAZIER, whom resides at 1750 QUEENER LN oppose the request by Verle Koehn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3 west as per CUP #792B. Based on misinformation, knowingly and intentionally misleading and withholding information by Verle Koehn and lack of documented information by Latah County Zoning Commission, I withdraw any and all documents pertaining to rock pit development henceforth.

In previous documents and conversations, there was no mention of limited asphalt batching, which I strongly oppose. Since the area in question is zoned as Productive, and not Industrial/Commercial/Residential, this CUP #792B should be denied. The term Productive, which is considered agricultural and forest lands in Latah County, is 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, based off of the Land Use Element.

I also oppose the request to amend the hours of operation as this would affect our quality of living in the impacted area.

I oppose the requested 15 year expiration of the CUP. My recommendation is for the length to be two (2) to three (3) years. *or less*

The Comprehensive Plan has been unavailable for viewing. Therefore I have been unable to access the safety procedures and economic impact of this rural area, based on the zoned area.

I feel that a neutral party, not affiliated with Latah County Zoning Commission, be appointed to oversee the proceedings based on contracts and potential contracts affiliated with this proposal.

Signed

Palla Frazier

Date

06-02-15

Opposition Notice to CUP #792B

I, JAMES FRAZIER, whom resides at 1240 QUEENER LN oppose the request by Verle Koehn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3 west as per CUP #792B. Based on misinformation, knowingly and intentionally misleading and withholding information by Verle Koehn and lack of documented information by Latah County Zoning Commission, I withdraw any and all documents pertaining to rock pit development henceforth.

In previous documents and conversations, there was no mention of limited asphalt batching, which I strongly oppose. Since the area in question is zoned as Productive, and not Industrial/Commercial/Residential, this CUP #792B should be denied. The term Productive, which is considered agricultural and forest lands in Latah County, is 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, based off of the Land Use Element.

I also oppose the request to amend the hours of operation as this would affect our quality of living in the impacted area.

I oppose the requested 15 year expiration of the CUP. My recommendation is for the length to be two (2) to three (3) years. OR LESS

The Comprehensive Plan has been unavailable for viewing. Therefore I have been unable to access the safety procedures and economic impact of this rural area, based on the zoned area.

I feel that a neutral party, not affiliated with Latah County Zoning Commission, be appointed to oversee the proceedings based on contracts and potential contracts affiliated with this proposal.

Signed James N. Frazier
Date 06-02-15

Opposition Notice to CUP #792

I, Jokne Leef, whom resides at 1028 Leef Lane, Princeton ID 83857 oppose the request by Verle Koehn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3 west as per CUP #792B. Based on misinformation, knowingly and intentionally misleading and withholding information by Verle Koehn and lack of documented information by Latah County Zoning Commission, I withdraw any and all documents pertaining to rock pit development henceforth.

In previous documents and conversations, there was no mention of limited asphalt batching, which I strongly oppose. Since the area in question is zoned as Productive, and not Industrial/Commercial/Residential, this CUP #792B should be denied. The term Productive, which is considered agricultural and forest lands in Latah County, is 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, based off of the Land Use Element.

I also oppose the request to amend the hours of operation as this would affect our quality of living in the impacted area. I request that the hours of operation be limited to 9 AM until 6 PM Monday through Friday.

I oppose the requested 15 year expiration of the CUP. My recommendation is for the length to be two (2) to three (3) years.

The Staff Report has been unavailable for viewing as of 05/31/2015. Therefore I have been unable to access the safety procedures and economic impact of this rural area, based on the zoned area.

I feel that a neutral party, not affiliated with Latah County Zoning Commission, be appointed to oversee the proceedings based on contracts and potential contracts affiliated with this proposal.

Signed _____

Date 6/2/15



8:30 - 9

05-10/15

Latah county zoning

Opposition Notice to CUP #792B

I, Kathy Orr, whom resides at 13970 Bear Creek Rd Princeton IN oppose the request by Verle Koehn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3 west as per CUP #792B. Based on misinformation, knowingly and intentionally misleading and withholding information by Verle Koehn and lack of documented information by Latah County Zoning Commission, I withdraw any and all documents pertaining to rock pit development henceforth.

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I also oppose the request to amend the hours of operation as this would affect our quality of living in the impacted area.

I oppose the requested 15 year expiration of the CUP. My recommendation is for the length to be two (2) to three (3) years.

The Comprehensive Plan has been unavailable for viewing. Therefore I have been unable to access the safety procedures and economic impact of this rural area, based on the zoned area.

 I feel that a neutral party, not affiliated with Latah County Zoning Commission, be appointed to oversee the proceedings based on contracts and potential contracts affiliated with this proposal.

Signed Kathy Orr
Date 6-2-2015

Revised

Opposition Notice to CUP #792

I, Michael W. Orr, whom resides at 1397 Bear Creek Rd Princeton, IN oppose the request by Verle Koehn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3 west as per CUP #792B. Based on misinformation, knowingly and intentionally misleading and withholding information by Verle Koehn and lack of documented information by Latah County Zoning Commission, I withdraw any and all documents pertaining to rock pit development henceforth.

In previous documents and conversations, there was no mention of limited asphalt batching, which I strongly oppose. Since the area in question is zoned as Productive, and not Industrial/Commercial/Residential, this CUP #792B should be denied. The term Productive, which is considered agricultural and forest lands in Latah County, is 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, based off of the Land Use Element.

I also oppose the request to amend the hours of operation as this would affect our quality of living in the impacted area. I request that the hours of operation be limited to 9 AM until 6 PM Monday through Friday.

I oppose the requested 15 year expiration of the CUP. My recommendation is for the length to be two (2) to three (3) years.

The Staff Report has been unavailable for viewing as of 05/31/2015. Therefore I have been unable to access the safety procedures and economic impact of this rural area, based on the zoned area.

I feel that a neutral party, not affiliated with Latah County Zoning Commission, be appointed to oversee the proceedings based on contracts and potential contracts affiliated with this proposal.

Signed Michael W. Orr

Date 6-3-2015

Revised

Opposition Notice to CUP #792

I, Kathy Orr, whom resides at 1397 Bear Creek Rd Princeton ID oppose the request by Verle Koehn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3 west as per CUP #792B. Based on misinformation, knowingly and intentionally misleading and withholding information by Verle Koehn and lack of documented information by Latah County Zoning Commission, I withdraw any and all documents pertaining to rock pit development henceforth.

In previous documents and conversations, there was no mention of limited asphalt batching, which I strongly oppose. Since the area in question is zoned as Productive, and not Industrial/Commercial/Residential, this CUP #792B should be denied. The term Productive, which is considered agricultural and forest lands in Latah County, is 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, based off of the Land Use Element.

I also oppose the request to amend the hours of operation as this would affect our quality of living in the impacted area. I request that the hours of operation be limited to 9 AM until 6 PM Monday through Friday.

I oppose the requested 15 year expiration of the CUP. My recommendation is for the length to be two (2) to three (3) years.

The Staff Report has been unavailable for viewing as of 05/31/2015. Therefore I have been unable to access the safety procedures and economic impact of this rural area, based on the zoned area.

I feel that a neutral party, not affiliated with Latah County Zoning Commission, be appointed to oversee the proceedings based on contracts and potential contracts affiliated with this proposal.

Signed

Date

Kathy Orr
6-3-2015

To whom it concern:

May 31, 2015

I once again am forced to give my opinion on a neighbor's choice of doing on his property. As I stated in July of 2012 I believe that you should be able to do what you choose to do with your property unless it damages or affect's the property of others around you. Well since he was able to put in his rock pit and do blasting we have noticed added noise especially with the machinery. I was concerned the most about our well. We have had at least 2 incidences where we have had gray merkey water. One of those times I know they just got done blasting. It lasts about 1-2 days and clears up again. So what it going to happen if they are blasting directly behind our house all of which will run down the hill from the property he will be working on. I am also very much against any part of asphalt producing. It stinks, to have that smell next to your house who would want that. Not to mention our neighbors have 3 children one of which has allergies along with both parents having allergies. Also if the miners have developed cancer because of working in their mines and the military getting cancer from chemicals that they had to deal with how can you know that it won't affect our long term health. Unlike some of our neighbors we have lived here for over 30 years. I raised my children here. When we bought this property we chose it because of it's beauty and peacfullness . When we moved here the highway wasn't even paved. Granted the paved highway is

LCZC: Hrg: CUP792C
Applicant: Koelm
Exhibit #: 18
Date: 06/03/2015

great. But even when they resurface the highway the smell is nauseating and that is only a few days long. To have to deal with this every day is not something I want to have to do for the rest of my life. Not to mention we have livestock. We have cows that we pasture from time to time and horse's all the time not to mention our dogs. Plus the fact that with being down the hill from this property I don't see how none of it will end up on our property or in our ground in some way. I also don't see any way that this will not lower our property value. I'm sure that the county will benefit from this in one way but if property values from the property owners goes down how is that a profit. This is my children and grandchildren's inheritance and I want my property value to grow not decrease. So with this all being said I don't believe this is in anyone's best interest nor do I agree with this. In fact I totally disagree.

Sincerely

Don and Kim Cochrane

D & K Cochrane May 31, 2015

Kim Cochrane May 31, 2015

Opposition Notice to CUP #792B

I, Kim Cochran, whom resides at 3570 Hwy 9 - Pocatello, Id 83257 oppose the request by Verle Koehn to expand the rock pit currently located at NE ¼ SE section 20T 41N R3 west as per CUP #792B. Based on misinformation, knowingly and intentionally misleading and withholding information by Verle Koehn and lack of documented information by Latah County Zoning Commission, I withdraw any and all documents pertaining to rock pit development henceforth.

In previous documents and conversations, there was no mention of limited asphalt batching, which I strongly oppose. Since the area in question is zoned as Productive, and not Industrial/Commercial/Residential, this CUP #792B should be denied. The term Productive, which is considered agricultural and forest lands in Latah County, is 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, based off of the Land Use Element.

I also oppose the request to amend the hours of operation as this would affect our quality of living in the impacted area.

I oppose the requested 15 year expiration of the CUP. My recommendation is for the length to be two (2) to three (3) years. Really don't want any at all K.C.

The Comprehensive Plan has been unavailable for viewing. Therefore I have been unable to access the safety procedures and economic impact of this rural area, based on the zoned area.

I feel that a neutral party, not affiliated with Latah County Zoning Commission, be appointed to oversee the proceedings based on contracts and potential contracts affiliated with this proposal.

Signed Kim Cochran
Date May 31 2015

msknott

From: Shannon Stout <shannystout@yahoo.com>
Sent: Wednesday, June 03, 2015 12:26 PM
To: msknott@latah.id.us
Subject: Verle Koehn

Hey Mauri. Verle contacted me today about the hearing tonight. Just wanted to let whoever know that when I owned my house on the short cut I never had any problems with the rock pit or anything to do with it. I know their was some protest after I moved and had the house rented to Monte and Jamie Anderson. The blasting never effected the well or water while they were renting from me either. Hope this helps? If you need anything else you can call my cell at (208) 596-2301.

Shannon Stout



mknott

From: Pine Creek Logging LLC <pinecreek@moscow.com>
Sent: Wednesday, June 03, 2015 3:12 PM
To: mknott@latah.id.us
Subject: Verle Koehn CUP# 792B

Mauri

Below is an email from an individual that used to live below Verle Koehn's rock pit. It is in support of the pit operation and disputes some information which may be presented that is not true.

Please let me know if you have any questions.

Thanks!

*Diana Henderson
Pine Creek Logging LLC
(208) 877-1239
(208) 877-1603 fax
(208) 669-0105 cell
pinecreek@moscow.com*

From: Jamie Anderson [<mailto:andersonjamie1010@gmail.com>]
Sent: Wednesday, June 03, 2015 12:49 PM
To: Pine Creek Logging LLC
Subject: Re: Rock Pit

To whom it may concern,

I am Jamie Anderson and was a resident of a house located below the rock pit on hwy 9 our address was 2534 Hwy 9. My family and I moved into the house just days after the pit was blown the first time at the end of August of 2012. Our well at this location had no major effects or damage we had a little bit of murky water that cleared up after a short while of running our water and changing the filter on the filtration system which to us seems normal. It was not a big deal by any means. We lived in this location for just over a year and were never bothered by any noise while the pit was being operated nor were we ever bothered at all by trucks coming and going hauling rock and quite honestly we were probably the closest house to the pit and could hardly if ever hear anything coming from the pit. We heard more noise coming from normal traffic on the highway than any operations done in the rock pit.

Thank you from a former resident of hwy 9 just below the rock pit,
Jamie Anderson

Koehn Gravel Pit Expansion CUP #792B

I am Ron Miller. My wife (Helen) and I purchased our property in 1997. We have developed it into a cattle, hay and timber operation. The property (SE ¼ of NE ¼ of S20T41NR3W) that Mr. Koehn wants to expand his gravel pit borders our property. He purchased this property from Potlatch Corp. in 2014. (See my Exhibit 1 – Showing the proposed expanded gravel pit and the current gravel pit boundaries)

During the past three years since Mr. Koehn has been blasting at his current gravel pit we have experienced the following;

1. A significant increase in noise from various types of equipment being operated on his property.
2. Damage to my well house. My well house is a concrete vault which is 7 ft. wide, 12 ft. long and 6.5 ft. high. It was installed on my property in 2008. It is buried about 4 ft. into the ground. There are 10 one-inch pipes exiting the well house at a depth of 3 feet. Additionally, a 2-inch galvanized supply line connects the well to the well house system. Prior to 2012 I experienced no settling from the well house. During the last three years the well house has settled several inches to the east. This has caused some pipes exiting the well house to be push outwards from the wall, some pipes to be pulled inwards, and two pipes are crimped due to lateral movement. Any more movement of the well house will likely cause serious damage to my watering system. The cattle are solely dependent on this water supply. If it is compromised, we could have some serious problems and incur significant expense. I believe that the two blasts from Mr. Koehn's gravel pit operation is the major contributing factor for the movement and settling of my well house.
3. There has been a significant decline in the elk and deer populations on my property over the last three years. Again, I believe the gravel pit operation has adversely affected the wild game in the area. Making the gravel pit operation bigger will continue to have an even more adverse effect on our wild game populations.

We are very concerned about the integrity of our well, well house, noise, dust, possible toxic vapors, decline in property value, potential property development and the decline of the overall quality of life we experience on our property.

Others have had problems caused by the blasting. It appears that the second blast was much more powerful than the first.

1. The Littlefield house which was occupied by the Andersons at the time of the second blast had their well fill with orange/brown silt. They had a filtration system which helped with the turbid water. They moved out about a month later and the water was still a turbid

orange/brown.

2. The Price residence had a filtration system on their water line and it filled with silt and blew out the filter. This caused damage to the sprinklers in their lawn and water lines in their home. The screen filters all had to be cleaned or replaced.
3. The Cochrane residence experienced grey water for several days after the second blast.

Distance from the blasting matters.

1. Currently the Miller's well house is approximately 2500 ft. from the blasting area. The new proposed gravel pit will put the blasting area about 1450 ft. from the well house.
2. The Cochran's residence is approximately 1650 from the current blast sight. The new proposed gravel pit will put the blast sight at 1000 ft.
3. The Price's house is located about 900 ft. from the current blast sight. The new proposed gravel pit will put the blast sight approximately 1200 ft. away
4. The Littlefield's house is located about 785 ft. from the current blast sight. The new proposed Gravel Pit will put the blast sight at approximately 1400 ft.

The first measurement is taken from Mr. Koehn's current gravel pit to the residences and Miller's well. The second measurement is taken from the north end of the proposed expanded rock pit to the residences and Miller's well.

At a minimum, something needs to be done to control the type and amount of explosives used to blast the rock. It is clear that the blasts are having a negative effect on surrounding property owners. Mr. Koehn should be required to post a bond to ensure that any wells and structures damaged within a ½ mile of his operation would be fully compensated and made whole.

The section of land (SE ¼ of NE ¼ of S20T41NR3W) which Mr. Koehn wants to expand on is currently listed in the Latah County Comprehensive Plan and Land Use Map Resolution #2010-32, under #12., page 8. The Land Use Element for his section is described as "Productive". The definition for "Productive" is – "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."

This section of land (SE ¼ of NE ¼ of S20T41NR3W) has historically been used for timber and grazing. (See Exhibit #2 – shows the 40 acre section as it was on 7-24-2013). While exceptions (Conditional

Use Permit-CUP) exist, deference should be given to the Latah County Comprehensive Plan Land Use.

Limited Asphalt Batching

“Limited Asphalt Batching.” What is this? Nowhere in any document submitted is this discussed. Mr. Koehn’s application provides no explanation or information to support this request.

As described in Exhibit 1, page 1, Section 7.01.02 requires

- 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.”

In order to produce asphalt, toxic petroleum products must be used. The batching process makes fumes that are potentially harmful to people in the surrounding area and produces foul odors. There are families in the area with serious allergy conditions and most are downwind of the operation.

An Environmental Impact Study should be conducted to evaluate the impact on the area from this type of operation.

- B. “This use will not require facilities or services with excessive costs to the public.”

A fire caused by the production of asphalt would require special firefighting equipment and chemicals to suppress the fire. Petroleum fires are costly to extinguish.

There are numerous other issues associated with asphalt production that are not addressed:

1. Which fire department has the capability to suppress a major chemical fire?
2. What on-site action is proposed to be taken for the suppression and control of a fire?
3. What is the plan for toxic chemicals stored and used on site?
4. What is the plan for chemical spills?
5. What type of containment facility will be present for toxic chemicals?

There are many more issues that need to be resolved before granting this type of operation. While Mr. Koehn asked to have a “limited asphalt batching” he never dealt with it in his application. He only discussed the extraction and processing of rock. As a result, we have no way of knowing how, what, when, where and how he proposed to produce asphalt. As the result of not fully answering the questions in the application, it should be denied.

Hours of Work

In 2013 Mr. Koehn was granted an extension of work hours for 6 am to 6 pm Monday thru Saturday. This has created more noise and is very problematic for those of us who live in and around Mr. Koehn's operation. An expansion of his operation represents a nightmare for all of us. While he wants to support weekend rock buyers and early morning gravel loads, which are not a public emergency, (4.03.02 #6) we ask that he and you consider the neighbors who live nearby as well. We request that the hours of work conform to a normal work week as indicated in the 2015_06_-3 ZC KOEHN Staff Introduction document, Exhibit 3, page 3 of 4: 9am to 6pm. We ask that operations be limited to Monday – Friday (closed Saturdays).

Length of Time to Renew Conditional Use Permit (CUP)

Mr. Koehn has requested a 15 year CUP. This is outrageous! There needs to be checks and balances. Reapplying every two to three years is not unreasonable. If Mr. Koehn is doing best practices and is not creating problems/or making problems, then there should be no problem with renewing his CUP. If Mr. Koehn's operation adversely affects us, we need an opportunity and the ability to hold him accountable.

Conflict of Interest

There is an inherent conflict of interest with the way Latah County approves or disapproves applications for gravel pits and their operations. The county benefits from these entities both from taxes they generate and from getting better deals for gravel they purchase from the gravel companies. The county obviously wants competition. Currently there are three rock pits (Ownbey, Potlatch and Kohen) within about miles of each other in our area.

- In Latah County it appears that the application process is in favor of the applicant. The Conditional Use Permit process is a convenient way to get around the Latah County Comprehensive Plan and Land Use. Instead of making the applicant raise the bar as to why an exception (CUP) should be made the county lowers the bar and places the Latah County Comprehensive Plan and Land Use in a position of justifying why the CUP shouldn't be given. Everything is backwards. The control over the final decision regarding the CUP and the opportunity to be a beneficiary of the decision (contracting for rock) raises ethical questions. Little regard is given to the citizens who have to live with impact of the county's decision.

In order to assure no conflict of interest and ensure fairness, a disinterested but informed third party should hear the case and rule on it.

Conclusion

1. Do not grant the expansion of the rock pit. Leave (SE ¼ of NE ¼ of S20T41NR3W) as it has historically been: "Productive".
2. At a minimum, something needs to be done to control the type and amount of explosives used to blast the rock. It is clear that the blasts are having a negative effect on surrounding property owners. Mr. Koehn should be required to post a bond to insure that any wells and structures damaged within a ¼ mile of his operation would be fully compensated and made whole.
3. Hours of work should be 9am to 6pm Monday through Friday (Closed Saturday & Sunday)
4. The Conditional Use Permit should be renewed every 2 years (not 15 years).
5. Deny the "Limited Asphalt Batching" request.
6. Have a third mutually-agreed upon non-interested party hear this case and rule on it.

EXHIBIT #7



EXHIBIT #2



L&S Construction

PO Box 177

Kendrick, ID 83537

RECEIVED
JUN 11 2015
LATAH COUNTY

I am writing in support of the Verle Koehn rock pit located at 2518 Hwy 9 in Princeton. The location of the pit is vital to my business operations in this area. The ability for me to get rock at this location allows me to serve my customers more efficiently and with less expense to them. Utilizing the pit during its operating hours of 6am – 6pm Monday through Saturday is crucial to completion of projects in a timely manner. Restricting operating hours to anything other than this would hinder construction projects as our normal work hours start much earlier than 9am. Mr. Koehn and Pine Creek Rock have been great business partners and I fully support the Condition Use Permit currently under consideration.

Levi Bruce

LCZC Hrg: CUP 792C
Applicant: Koehn
Exhibit #: 22
Date: 06/03/2015

msknott

From: Doug Johnson <dwjohn48@gmail.com>
Sent: Wednesday, June 10, 2015 8:50 PM
To: MSKNOTT@latah.id.us
Subject: Verle Keone rock pit

Verles pit is a real asset to the community and us contractors,before we had this pit the rock supply on highway 9 was very limited and very expensive due to all the long hauls.The competition of another rock source has made rock for us contractors a lot more affordable.And Steve and Verle are the best to do business with,if they do away with this pit it will be greatly missed,when it comes right down to it they were hauling rock from this pit way before most of the new comers arrived.

Doug Johnson
Quality excavation
Deary Idaho

Sent from my iPad=

LC/C Prg: CUP 792C
Applicant: Koehn
Exhibit #: 23
Date: 06/03/2015

mknott

From: John Justason <bearcrconst@gmail.com>
Sent: Sunday, June 07, 2015 2:54 PM
To: mknott@latah.id.us
Subject: pine cr pit

to whom it may concern

bear cr const is based out of avon,three miles down hwy 9,out of deary.
that put's us about 5 miles from the pine cr pit. most of our business is close to deary.
until the pine cr pit opened,the majority of our rock came out of joel,north Idaho pit.
the cost difference to our customers,and ourselves is great.hwy 8 has much more traffic,and breaking down in
to troy, both ways plus the extra miles and fuel add's cost
I would hate to see a well run pit shut down just because one person complain's
if that were the standard,we'd have no rock at all.

thank you

john justason,
bear cr const
208 8771755

6/8/15

To Whom This may concern,

We HAVE used The Verle Koehn Rock Pits
SEVERAL TIMES TO HAVE GRAVEL TO
PUT ON OUR DRIVE WAY.

BECAUSE EVERY SPRING IT WAS FLOODING.
AND BEING ABLE TO GET IT ON
SATURDAY'S IS REALLY CONVIENENT.

Ken Hulse
Marie Hulse

RECEIVED
JUN 11 2015
LATAH COUNTY

My name is Donna Opresik, I live on hwy 9, My husband has hauled many a load of rock out of the Verle Koehn pit, It is close to our home and the Saturday hours made it easy for him. I would be in favor of expansion and continuing the Hours as they are.

THANK YOU
Donna Opresik
DONNA OPRESIK

LCZC Hrg: CUP 792C
Applicant: Koehn
Exhibit #: 26
Date: 06/03/2015

JUN 11 2015
LATAH COUNTY

TO WHOM IT MAY CONCERN,

I HAVE USED THE VERLE KOEHN PIT MANY TIMES. IT IS CLOSE AND THE SATURDAY HOURS WORKED WELL FOR ME, I DO NOT SEE ANY REASON THEY SHOULD NOT BE ALLOWED TO EXPAND AND KEEP THE HOURS THEY CURRENTLY HAVE. I FOR ONE AM HAPPY TO HAVE A PIT CLOSE BY AND I AM HAPPY TO SUPPORT OUR LOCAL BUSINESSES.

THANK YOU FOR YOUR INTEREST IN MY OPINION



LCZC Hrg: CUP 792C
Applicant: Koehn
Exhibit #27
Date: 06/03/2015

06/12/2015

RECEIVED
JUN 12 2015,
LATAH COUNTY

To: Latah County Zoning Commission

I oppose further development of the Verle Koehn rock pit. My home, located at 2540 Hwy. 9, is within 1000 feet of the current operation.

For the past several years, I have had to contend with noise, dust, and the effects of blasting. On Saturday evenings during the warmer months, I can't sit on my deck without hearing Jake brakes, plus dust when trucks are arriving at the rock pit. Additionally, I take issue with the current times and days of operation. All year long, and not just during the warmer months, our home is dusty. Dust covers everything. Because my home doesn't have air conditioning, I like to open windows to allow in fresh air. I can't do that because of the dust and noise.

My husband has to contend with the effects of the blasts, more so than me. However, we have never been notified at least 72 hrs. prior to a blast via written notification and delivered by certified letter. Thus far, there have been two (2) blasts: 08/31/2012 and 01/20/2014. Notification is required so is in direct violation of the conditions of operating the rock pit!

My home is my biggest investment. Because of the rock pit, our home is being devalued. My voice, as a homeowner, needs to be heard and my opinions considered.

Sincerely,



Cheri L. Price

LCZC Hrg: CUP 792C
Applicant: Koehn
Exhibit #: 28
Date: 06/03/2015

CUP 792B

RECEIVED

JUN 12 2015

LATAH COUNTY

06/12/2015

To: Latah County Zoning Commission

I oppose further development of the Verle Koehn rock pit, my home is within 1000 feet of the current operation, I have put up with noise, dust, long hours, 6 day aweek schedule, and the blasting, wich has hit me in my own bank account, after the first blast on 08/31/2012 Labor day weekend, my wife and I had returned from a weekend away, only to return to a plugged up sprinkler system, the filter system for my water supply had burst, and all the charcaol along with muck from the blast plugged up the sprinkler valves, at that time there were 20, and 20 sprinklers, these valves were not made to be serviced, but I tried, and I was sucessfull on all but 7, these valves cost \$15.00 each, when I went to get replacements, I found out they were nolonger available, and the new valves required a differnt control box , and each controller runs 4 valves, these controls cost \$80.00 ea. so I had to purchase 2 Timmers \$160.00 and 8 valves \$ 120.00, and several hours of my time, and a trip to Moscow.

On the 2nd blast 01/20/2014 I also had issues, a few days later, this time it went through our entire house, clogging up toilet valves, sinks, laundry washer, dish washer, shower heads, so once again I had to remove the charcoal from everything that was plugged up, I was successfull with all but one toilet valves, it had to be replaced, and another trip to town, my time my money.

My home is the single largest investment I will ever make, an investment for the future, my investment is being devalued, so some one else can make money, this needs to stop, all homeowners need to be considered in these decissions, we are affected in so many ways.

Sicerly

Jay D Price
2540 Hwy 9
Princeton Idaho 83857



June 12, 2015

RECEIVED
JUN 12 2015
LATAH COUNTY

Latah County,

I am writing in regards to the rock pit on Highway 9 leased to Pine Creek Rock. I am a previous owner of the property across from Pine Creek Rock. I am concerned with the current issues being presented about this business. It is to my understanding that the current landowners surrounding the rock pit have concerns about the noise level, lowering of property values and water well issues.

I would like to state, I did not have any issues with the noise level from Pine Creek Rock. I actually have more noise from the highway now that I live two miles down the road from the rock pit. When living across from the rock pit, there was more noise from the race track in the neighbor's lot.

Secondly, I recently sold my property across from the rock pit one year ago and received a fair value for the house and land. The property prices have actually doubled since I bought over twelve years ago. The rock pit has always been there even before I bought the property over twelve years ago.

Also, there are concerns with the blasting affecting the water wells. The wells in that area are currently producing 20-40 gallons per minute. Actually the town of Harvard, two miles down the road, has more well issues than the neighboring property. These concerns do not seem to be valid. Is there any real scientific data that supports this issue?

Therefore, I believe that as a current land and home owner in Latah County, we do not want to abolish capitalism and property owner's rights. This business has been in the area longer than most of the property owners concerned with the possibility of it causing problems. I also am concerned with one of the biggest opponents not being a state resident and coercing the neighbors together to go against private property rights. This individual was against one of the previous owners of the rock pit property, Mr. Bloom, to have the right to subdivide. I believe that Mr. Miller is always antagonizing the situation.

Thank you for your time and consideration,

Kenneth Merten



LCZC Hrg: CUP 792C
Applicant: Koehn
Exhibit #: 30
Date: 06/03/2015

mknott

From: Kevin Becker <kevin@qualityfencingandconstruction.com>
Sent: Friday, June 12, 2015 6:40 AM
To: mknott@latah.id.us
Subject: koehn gravel pit

This is a letter of support for the Verle Koehn gravel pit in Latah County. We have used and will continue to need this pit for our business, and the hours of operation are needed as they now have them.

Kevin Becker

Quality Fencing and Construction Inc.

**TESTIMONY IN OPPOSITION TO
CUP #792C PROPOSED BY VERLE KOEHN**

RECEIVED

JUN 12 2015

LEWIS COUNTY

We, neighbors of the area proposed by Mr. Koehn for the CUP referenced above, oppose the granting of the CUP for the reasons stated herein. If, contrary to our evidence, the Commission grants the CUP, we believe the conditions set forth below should be imposed to provide a minimum of protection for neighboring landowners.

The CUP should not be granted because:

1. The subject property is in the Agriculture/Forest zone and is designated as "Productive" in the Comprehensive Plan.

The original CUP 792 was approved for an area that was not designated as productive because it had been used to provide rock to the prior owner for many years. While no blasting had occurred and rock had, technically, not been mined from the property, it was clearly not being used for agricultural or forest purposes.

The property that is the subject of the request for increased rock mining has always been used for productive agricultural and forest purposes.

2. The existing use already creates a substantial burden on surrounding properties because of high noise levels created by heavy equipment operating on the premises and heavy trucks entering and exiting the property. The safety noise emitted by equipment when it is placed in reverse is particularly offensive and disruptive.

The proposal would triple the workable area of the rock pit and potentially triple the noise produced by the rock mining operation. The noise from the operation substantially diminishes the peaceful use of their land by surrounding property owners.

Applicant also proposes a new road that, rather than exiting through the existing rock pit, will traverse the existing berm on the side of neighboring properties, creating not only additional noise, but unsightly views of commercial operation. The only person who would benefit from relocating the road is the Applicant himself—whose residence is on the other side (where the original rock pit lies) of the existing berm. Noise on his property would be substantially reduced at the expense of the noise suffered by neighbors.

Although the total area of operation is proposed to be 15 acres, with 8 acres of extraction, granting of this CUP will effectively destroy the productivity of the entire 185-acre parcel, such that Applicant will later be able to argue that the best use of the entire property is as a rock pit.

3. Even though all wells in the area will be one thousand feet or more from any blasting, some neighbors have already experienced the loss of their wells within a few days of prior blasting. The cost to replace a well—assuming that it can be replaced at all—can exceed \$10,000.

4. Applicant has failed to comply with the conditions and restrictions imposed on the original Conditional Use Permit.

Some neighbors who were entitled to notice of blasting received none. Some neighbors were informed on the day of blasting by a person showing up and stating, "you should leave because we are going to be blasting," or words to that effect. Another neighbor was informed by a notice in the form that is attached—note that no time was given for the blasting as required by the CUP, and the notice was not sent by certified mail, nor was it received 72 hours in advance of the blasting. Having failed to honor his commitments and requirements of the original CUP, Applicant should not now be allowed to triple his operation.

LCZC Hrg: CUP 792C
Applicant: Koehn
Exhibit #32
Date: 06/03/2015

If the Commission grants the CUP, we believe the following conditions should be imposed:

1. Applicant should be required to place seismographs or similar monitoring equipment on the three wells closest to any blast (excluding Applicant's) and provide blast data to the owners of those wells.

The only way to determine if Applicant is meeting the Federal conditions for blasting, and any others imposed by the Commission, is to monitor the effect of those blasts at various points. Requiring Applicant to provide the testing equipment places the burden properly on the party benefitting from the blasting rather than on the individual owners in the area.

2. If the permit is granted, it should be for 2 years.

Although the undersigned believe the permit should be denied, if the conditional use is granted, it should be limited in time to two years. That period would allow for consideration of the degree of compliance with the conditions imposed on the use and to further determine any adverse impact on other permitted uses in the area and the enjoyment thereof. Additionally, if the Latah County Board of Commissioners reviews the Land Use Ordinance as it applies to mineral resource developments, as the undersigned believe it should, and they impose any new conditions on such developments, Applicant would not be able to avoid their applicability by such a long-term permit.

3. To provide some peace for neighbors on the weekends, only non-commercial, retail sales should be permitted on Saturdays from 9 a.m. until 4 p.m.

Crushing and mining operations should not be permitted on Saturdays. Elimination of those functions would provide neighbors some peaceful enjoyment of their land and its uses during the primary recreation time of the week. Noise from large commercial trucks would be reduced, noise from crushing would be reduced, and the truly obnoxious noise from backing equipment would be reduced.

4. Weekday operation should return to the Monday through Friday 7 a.m. to 6 p.m. time frame to mitigate some of the noise and disruption to neighbors.

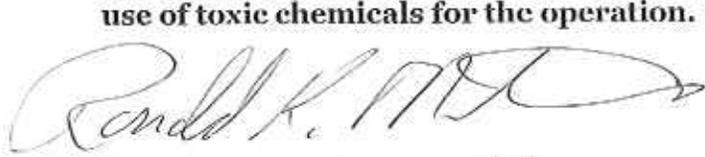
5. Applicant should be required to post a bond with the Latah County Planning Department to assure full compliance with the proposed plans and provisions of the permit.

6. Applicant should be required to employ a licensed person or entity to perform blasting operations and that person or entity should be required to be bonded to protect neighbors for any damages they may suffer as a result of the blasting.

7. Applicant should be required to comply with all Federal guidelines for blasting operation, including specifically, the limits for vibration levels on any neighboring structures.

8. Applicant should be required to pay for pre-blast testing of the static level of any well within 2500 feet of a blast site, and the quality of the water therein, in order to provide a baseline for post-blast condition of the well.

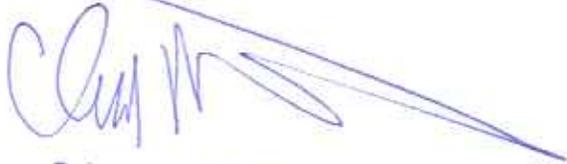
9. If Applicant does not withdraw his request for asphalt batching, that request should be denied due to the additional odor the operation would create and the use of toxic chemicals for the operation.

 6/12/2015

Ronald K. Miller

Helen Miller
Helen Miller

6/12/2015



Chad Miller

6-12-2015

**Notice Of Blasting
at rock pit
Friday, August 31, 2012**

Verle Koehn