

## LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

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

Applicant: Verle Koehn File #:CUP 792C

---

### 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 21<sup>st</sup>, 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 3<sup>rd</sup>, 2015
- Exhibit #4.** Notice of Reclamation Plan
- Exhibit #5.** Letters received from Mike and Kathy Orr received on June 2<sup>nd</sup>, 2015.
- Exhibit #6.** Letter received from Kyle and KerryAnn Littlefield received on June 3<sup>rd</sup>, 2015.
- Exhibit #7.** Letter received from Jay Price received on June 3<sup>rd</sup>, 2015.
- Exhibit #8.** Letter received from Cheri Price received on June 3<sup>rd</sup>, 2015.
- Exhibit #9.** Letter received from Chad Lusby received on June 3<sup>rd</sup>, 2015.
- Exhibit #10.** Letter received from Julie Lusby received on June 3<sup>rd</sup>, 2015.
- Exhibit #11.** Letter received from Kurt McCain received on June 3<sup>rd</sup>, 2015.
- Exhibit #12.** Letter received from Paula Frazier received on June 3<sup>rd</sup>, 2015.
- Exhibit #13.** Letter received from James Frazier received on June 3<sup>rd</sup>, 2015.
- Exhibit #14.** Letter received from Jolene Leef received on June 3<sup>rd</sup>, 2015.
- Exhibit #15.** Letter received from Kathy Orr received on June 3<sup>rd</sup>, 2015.
- Exhibit #16.** Letter received from Michael Orr received on June 3<sup>rd</sup>, 2015.
- Exhibit #17.** Revised letter received from Kathy Orr received on June 3<sup>rd</sup>, 2015.
- Exhibit #18.** Letter received from Don and Kim Cochrane received on June 3<sup>rd</sup>, 2015.
- Exhibit #19.** Email received from Shannon Stout received on June 3<sup>rd</sup>, 2015.
- Exhibit #20.** Email received from Jamie Anderson received on June 3<sup>rd</sup>, 2015.
- Exhibit #21.** Packet received from Ron Miller received on June 3<sup>rd</sup>, 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 7<sup>th</sup>, 2015. The application was deemed complete by the Latah County Planning and Building Department on May 7<sup>th</sup>, 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 applicant.

C. The use is consistent with the goals and policies of the Latah County Comprehensive Plan.

2. If the Zoning Commission finds that a proposed use is essential to the public health, safety, or welfare, such use may be permitted even if the use is not found to meet the criteria listed above.
3. The Zoning Commission shall have the authority to set an expiration date for any conditional use permit so long as the reasons for such are included in their findings of fact and conclusions of law.

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

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

1. Activity associated with a mineral resource development shall be at least 1,000 feet from any home existing at the time of application for conditional use permit, unless a lesser distance is approved by the Zoning Commission. A lesser distance shall not be approved unless the applicant submits a signed notarized form, approved by the Planning Department, from all owners of record of any residential building within 1000 feet of the development consenting to the location of the mineral resource development. Each form shall be recorded in the Latah County Recorder's Office by the Planning Department. Approval of a distance less than 1000 feet shall be within the discretion of the Zoning Commission, even if all owners of residential buildings within 1000 feet approve of the location of the development.
2. The operator of a mineral resource development must provide at least a 75 foot undisturbed or natural buffer on the perimeter of mineral resource development operations. The buffer and the area of mineral resource development operations shall be maintained so that they are continuously free of all noxious weeds as determined by the Latah County Noxious Weed Control Superintendent. Frontage on a public road does not require a buffer. Activities associated with a mineral resource development shall not be allowed within the 75 foot buffer area. Location and specifications for access road(s) shall be determined by the Zoning Commission.
3. To protect aquatic and terrestrial habitat and other biological resources, all mineral resource developments and mineral resource development operations shall be set back at

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

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

- A. Dust abatement plan to include mineral resource development operations and all access roads.
- B. A plan for coordination with County response units for hazardous materials transport and use and emergency spill response.
- C. A plan for procedures and protocols for spill containment and storage of oil, fuels, and/or chemicals; and documentation of compliance with the state and federal laws or documentation of exemption from requirements.
- D. A plan for fire suppression and response, including an inventory of tools stored on-site to implement planned suppression and response.

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

**5) Section 4.03.02 requires the following**

- 1. Hours of operation are limited to 9 AM to 6 PM daily. An operator may vary from this requirement by applying for a conditional use permit under the provisions of Section 7.01 of this ordinance.
- 2. Written verification of compliance with the Idaho Surface Mining Act, including filing of any reclamation plan required by the Idaho Surface Mining Act.
- 3. The excavation site, any overburden and stockpiles, and a 50 foot buffer strip surrounding these areas shall be maintained so that they are continuously free of all noxious weeds as determined by the Latah County Noxious Weed Control Superintendent.
- 4. The operator shall provide, by certified mail, written notification to all residences within one mile of any blasting. The notification shall be distributed and in the possession

of the occupants of these residences at least 72 hours prior to any blasting. The notification shall give the date and time of the planned blast.

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

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

- A. Damage to public roads or structures that require immediate repair.
- B. Road construction or repair that is scheduled during nighttime hours to reduce traffic conflicts.

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

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

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

#### **Facts of application and the information submitted**

##### **Site Characteristics:**

**Size of Parcel:** 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:**

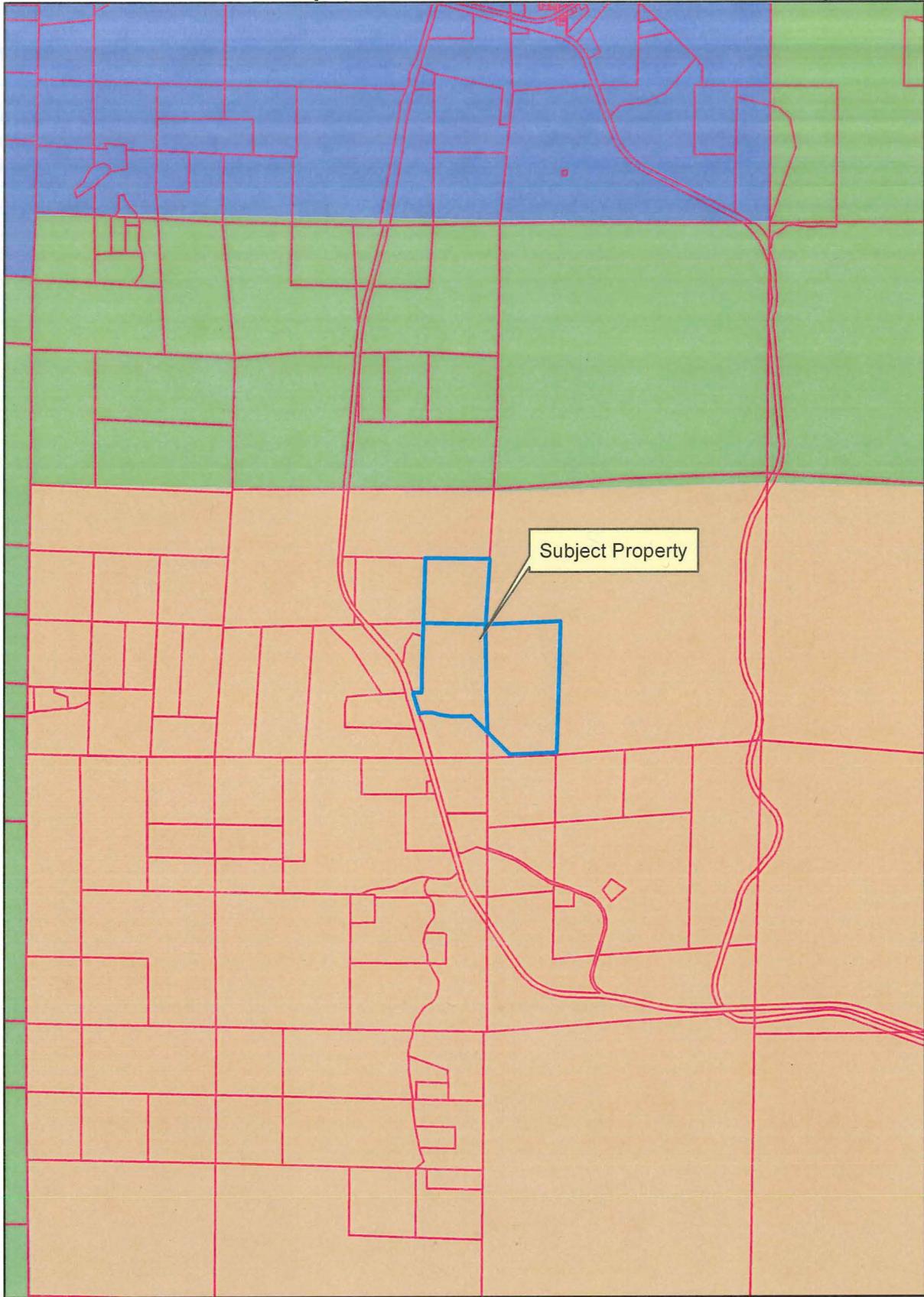
Section 3.01      Agriculture/Forest Zone

Article 7         Conditional Use Permits

**Latah County Comprehensive Plan**

# CUP #792C Comprehensive Plan and Vicinity Map

Planning and Building Department

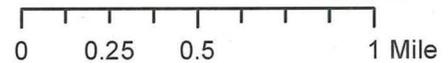


Subject Property

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

Created by: CAB

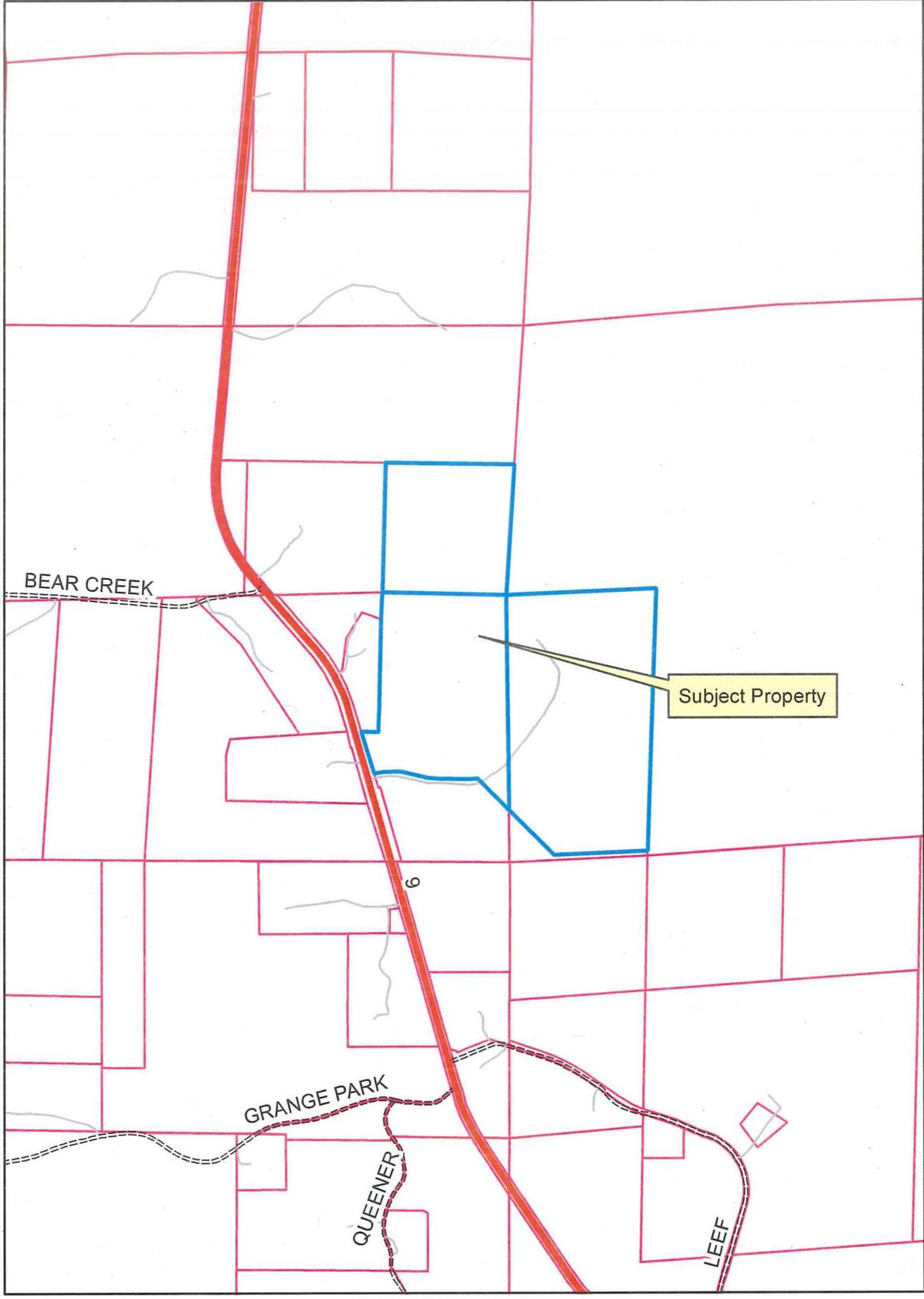
- Comprehensive Plan**
- AFR
  - AOI
  - ICR
  - PRODUCTIVE
  - RURAL



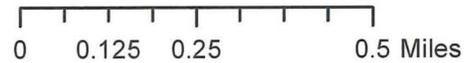
LCZC Hrg: CUP792C  
Applicant: Koehn  
Exhibit #: 1A  
Date: 06/03/2015

# 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: CAB

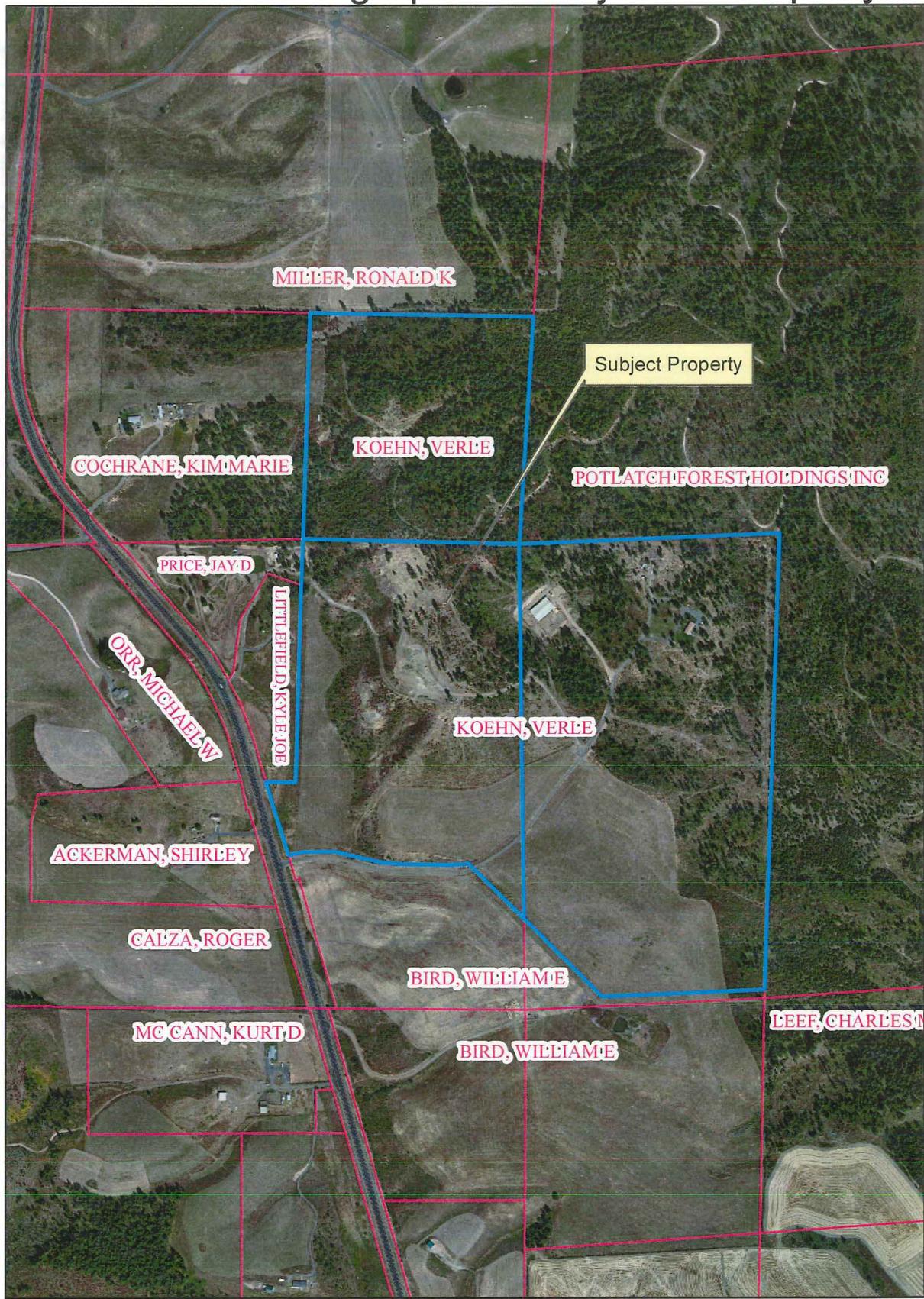


- |                      |                             |                           |
|----------------------|-----------------------------|---------------------------|
| Agriculture Forestry | Motor Business              | Rural Residential         |
| Commercial           | Multiple Family Residential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

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

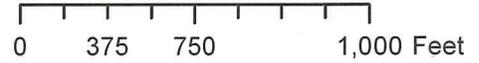
# CUP #792C Aerial Photograph and Adjacent Property Owners

Planning and Building Department



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

Created by: CAB



LCZC Hrg: CUP792C  
Applicant: Koehn  
Exhibit #: 1C  
Date: 06/05/2015





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](mailto: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", written over a horizontal line.

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/FOREST ZONE. THE PROPERTY IS ACCESSED OFF OF HIGHWAY 9, APPROXIMATELY 2.5 MILES SOUTH OF THE UNINCORPORATED TOWN OF HARVARD, IDAHO. THE PROPERTY IS LOCATED IN SECTION 20, TOWNSHIP 41 NORTH, RANGE 03 WEST, B.M. IN LATAH COUNTY AND REFERENCED AS LATAH COUNTY ASSESSOR'S PARCEL NUMBER RP41N03W207272A.

WHEREAS, Verle Koehn made application to amend conditional use permit #792A (CUP #792A) on February 26<sup>th</sup>, 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

uses which are not directly related to agriculture or forestry and which may intrude upon the existing use of the land for normal agricultural or forest practices.”

6. The existing use, approved under CUP #792A, is in compliance with all local regulations.
7. The applicant provided written testimony that the only change being requested is the hours of operation for general operation. The applicant is not requesting to change hours of operation for blasting and crushing.
8. The applicant testified that the change in hours is requested due to the private citizen need to obtain rock/gravel on Saturday and the timber and construction industries desire to operate at 6:00 am.
9. The applicant provided oral testimony that with the addition of one hour in the morning on week days it would potentially increase the truck traffic by 1 (one) to 2 (two) loads per day.
10. The applicant testified that the haul road leaves the pit on the southern end, traveling away from the adjacent residences.
11. One individual provided written testimony that they were concerned about the increased hours of operation for their health.
12. The applicant testified that they would continue operating in compliance with all conditions set forth in the Decision in CUP792A aside from amending the hours of operation.
13. No oral or written testimony was presented that the proposed conditional use would significantly impact any areas of significant historic, archeological, biologic or scenic significance.
14. No oral or written testimony was presented that the proposed conditional use would significantly impact school facilities or student transport in the Latah County.
15. No oral or written testimony was presented that the subject parcel is subject to any significant natural hazards.
16. No testimony was received that approval or denial of this application would result in an unconstitutional violation of private property rights or an unconstitutional taking of private property.
17. No testimony was presented that the proposed conditional use would impact the availability of housing, housing construction standards and/or the energy efficiency of housing in Latah County
18. No written or oral testimony was given that the proposed conditional use would impact orderly growth.
19. No written or oral testimony was presented that the proposed conditional use would have any impact upon the available housing or construction standards within Latah County.

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

**II. CONCLUSIONS OF LAW**

1. 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 Koehn 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 25<sup>th</sup>.

PASSED BY THE ZONING COMMISSION OF LATAH COUNTY THIS 3 DAY OF APRIL, 2013.

John Akin  
Wayne Sprouse, Chairman  
Latah County Zoning Commission

#### IV. REQUIRED LEGAL NOTICES

##### NOTICE OF EFFECTIVE DATE AND NOTICE OF RIGHT TO APPEAL

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

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

##### NOTICE OF RIGHT TO REQUEST REGULATORY TAKINGS ANALYSIS

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



# Application for Conditional Use Permit

## Instructions

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

Please submit to: **Latah County Department of Planning & Building**

**Latah County Courthouse 522 S Adams, Room 205, P.O. Box 8068, Moscow, ID 83843 (208) 883-7220**

### 1. Applicant Information

a. Applicant Name <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>41N03W207262A</i>			b. Parcel Address (if applicable) <i>E RPY1N03W201942</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. FEMA 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 or a hearing before the other jurisdiction.

i. Existing Uses

*cattle grazing, existing rock pit*

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

a. Fire District <i>Potlatch</i>	b. Road District <i>North</i>	c. School District <i>Potlatch</i>
d. Source of Potable Water (i.e. water district or private well) <i>Pond &amp; 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 &amp; Hay field, pasture land</i>
--	--

### 5. Permit Information

a. Proposed Use <i>Rock for owner use and to sell, haul for customers use, blasting &amp; 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 # 7; 4.03</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>[Signature]</i>
CUP # <i>CUP94E</i>	Date Determined Technically Complete <i>5/7/15</i>		By <i>[Signature]</i>
Hearing Date			

### 7. Attachments

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

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

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 aids 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's one access to rock pit from highway  
Rock will be hauled in trucks that are legal for hauling  
And we want to promote safety. The rock 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 manner

i. Special Areas Element

NA

j. Hazardous Areas Element

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

k. Recreation Element

The rock pit is on private property that  
we own

l. Land Use Element

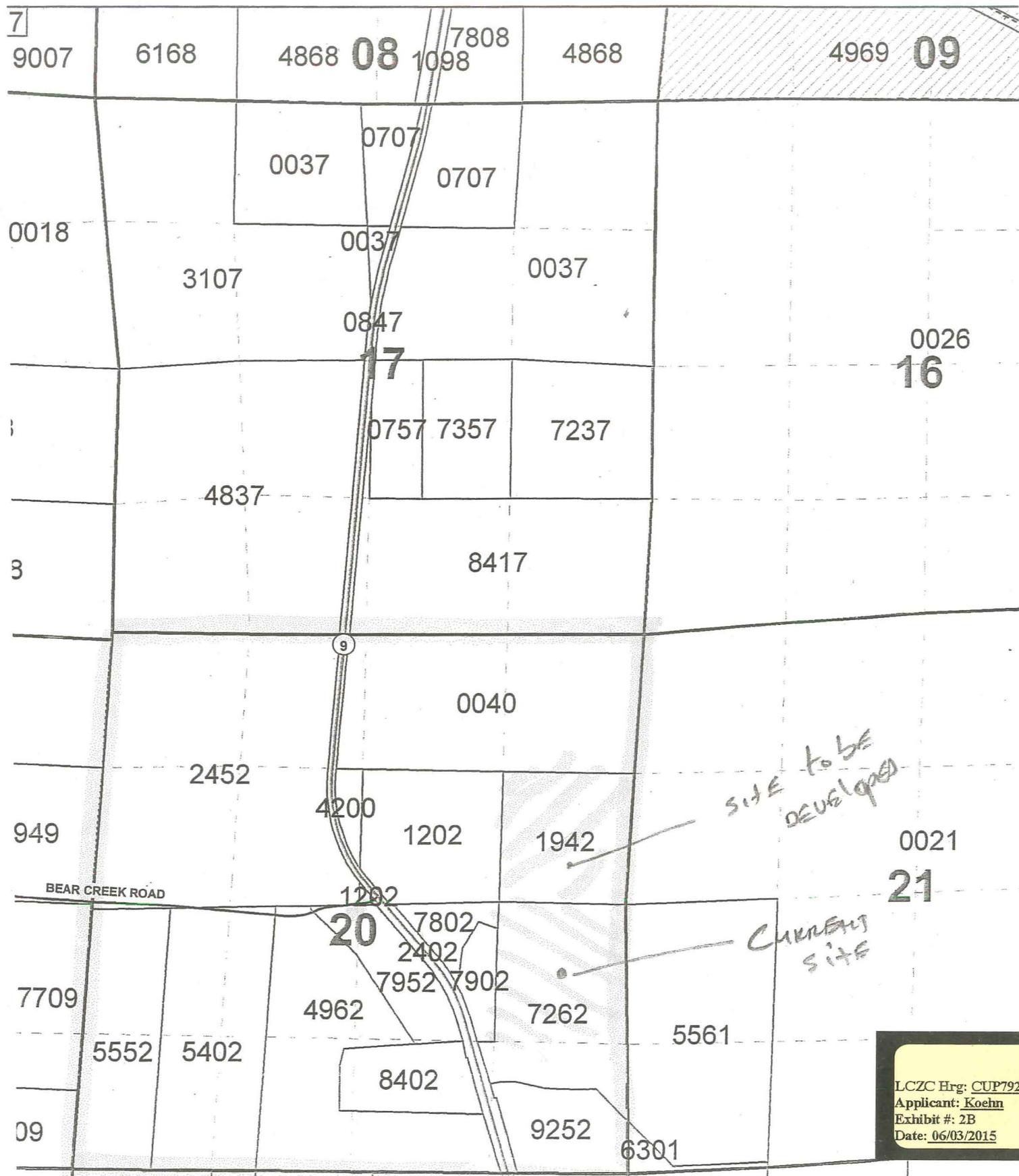
Where rock pit is located is not suitable for  
agricultural or forest land, there is very little  
top soil

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



**RECLAMATION PLAN NOTES**

**General Notes**

- The source is owned by Verle Koehn (Koehn). Material originating from this source is generally classified as basalt bedrock with massive features, crystalline structure, hard, moderately fractured with thin to increasingly thick overburden to the south and east with moderate vegetation.
- The source material will be mined for aggregate products such as general borrow, riprap, ballast, boulders, base and top course crushed aggregate.
- No test rock probes or laboratory testing were performed for this source as part of preparing this Reclamation Plan. However, probes from previous rock mapping were completed for the source with general logs available from Koehn upon request. Additionally, we understand that Koehn has or will complete the required laboratory testing for each rock product under contract.
- The rock quality may vary from the rock exposed during previous mining activities and care shall be used when extrapolating beyond observed conditions and between exploration probes.
- The source has previously been mined for rock products and is maintained for county, state, local and private uses in the area.
- Koehn, its suppliers, or lessors are solely responsible for mining within the source property boundaries.
- Source location: NE ¼ of SE ¼ & SE ¼ of NE ¼ of Section 20, Township 41N, Range 3W, Latitude 46° 53' 4.5"N, Longitude -116° 44' 16.3"W.
- The source is situated on the southern exposure of a gently sloping knob with intermittent streams that form tributaries to Flat Creek to the south and east approximately 1.8 miles from the site; Flat Creek's confluence with the Palouse River is approximately 5 miles north from the site.

**Source Operation**

- Mining**
- Mining will be directed by Koehn and staged to progress northward and east into the knob with the western pit boundary following the contour of the knob. The intermittent drainage's crossing the mining area shall be directed into the pit collection/storage area with appropriate ditches and not be allowed to free fall over the highwall.
  - Source hours of operation shall be between 6 AM and 6 PM.
  - As the pit is expanded northward within established ownership boundaries, establish working benches based on desired rock quality and quantities.
  - Expose rock slopes per Mine Safety and Health Administration (MSHA) criteria and with the maximum bench height being 50 feet with 20 foot catch areas. Slope overburden faces at 1.5H:1V (horizontal to vertical) or flatter and avoid disturbing the soil structure at the final exposed face.
  - Slope the pit floor eastwards towards the highwall and away from working areas of the mine. Collection/storage areas shall be monitored daily during periods of runoff to evaluate current conditions and anticipated need based on future precipitation.
  - If mining is temporarily suspended for more than 1 year, grade all exposed soil slopes to be no steeper than 2H:1V; rock slopes shall be left no steeper than 1H:1V, unless they are established rock bench faces at 1H:2V.
  - Inspect the pit area at least once per year for weeds and undesirable vegetation, and apply herbicide (per manufacturer's directions) as needed to control such vegetation.
  - Stockpiles of material produced for Koehn or under contract, shall become the property of Koehn.
  - Future mining area is estimated to encompass 15.0 acres. However, a mining plan that minimizes distributed area should be implemented. A staged approach that reclaims existing mining areas as new mining advances northward is one option to minimize distributed area.
  - Existing mining area is estimated at 6.6 acres as of 5/4/15.
- Blasting**
- Road closures are not anticipated when blasting occurs. Blasting may only occur between 9 AM and 4 PM.
  - Notify all residents within 1 mile of the source 72 hours in advance of blasting.
  - Shot care is required along the western and northern source boundaries to avoid losing aggregate and creating slope instability.
  - Koehn generally anticipates 1 shot every 1 to 3 years, producing between 15,000 and 30,000 cubic yards (cy) of rock products, each over the next 20 years or more.
  - Blasters shall carefully evaluate shot pattern. Widely spaced naturally occurring joints are typical in basalt formations and observed here. They can readily generate large, and potentially unusable boulders.

**Stormwater**

- Stage all mining and stockpiling such that surface runoff/drainage is managed in conjunction with erosion and sediment control practices to prevent untreated runoff from leaving the site.
- Establish stockpiles as far away as possible from the intermittent streams on-site.
- Construct earthen berms at least 3-foot high with side slopes no steeper than 2H:1V along the south, west and north pit boundaries to prevent stormwater from leaving the site. Additionally, the pit floor shall be sloped toward the highwall and away from active mining areas.
- Establish silt fence(s) adjacent to mining operations, earth berms, or stockpiles and prevent erosion from reaching the intermittent streams on-site.
- Earth berms constructed with soil shall be compacted and the side slopes seeded, track walked and maintained.
- Rock line the inboard ditch of the pit/upper access road and anticipated lower access road (see Pit Creek Source Plan, section 3) and install check dams and water bars every 100 feet as necessary to prevent erosion.

**RECLAMATION**

**General**

- Sheet G2 illustrates Typical Best Management Practices (BMP's) for Reclamation with a collection of typical BMP's, to be applied at the direction of Koehn's Reclamation Plan Administrator.
- Stage mining activities to allow reclamation of mined areas as mining operations move northward, using overburden for reclamation material per final reclamation requirements below.
- Annually update completed mining and reclamation activities to maintain current records of operational and reclaimed areas.

**Annual**

- Install silt fence or compost filter socks around the perimeter of disturbed areas or transacting runoff patterns. We highly recommend Koehn consider a staged reclamation approach that reclaims exhausted mining areas as mining advances northward to avoid significant disturbed area, erosion, maintenance and bonding.
- Disturbed Area = Existing Mining Area = 6.6 acres as of 5/4/2015. Anticipated Total Mining Area (Disturbed and Future Area) = 21.6 acres.
- After each mining phase, clean the pit area of boulders larger than 2 feet across, ponded water, mining equipment and supplies, and any stored fuel or chemical containers. Stockpile boulders in accessible area for riprap.
- Additionally, clean and clear benches for access.
- Until the source is closed and final reclamation is initiated, maintain all slopes as designated in the Source Operation section.
- Slope the pit floor gently into stormwater collection and storage areas against the pit and bench highwalls and divert runoff from the perimeter earth berms and sediment-control features (e.g., straw wattles, rock check dams, sediment traps) into the collection area before it leaves the site.
- Construct rolling humps (Sheet G2) at the primary entrance and water bars along upper and lower access road(s) every 100 feet.
- Secure the site from unauthorized access leading into or out of the source.

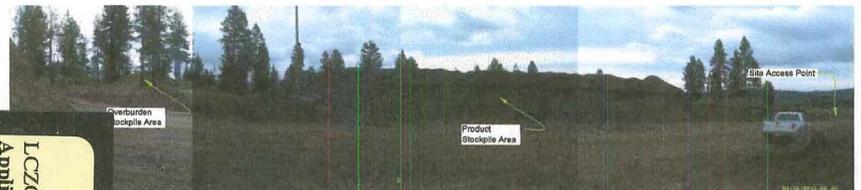
**Final**

- At which time Koehn deems the source no longer viable or for any other reason Koehn deems prudent, the source shall be reclaimed.
- Source reclamation will utilize site or imported topsoil and vegetative matter to blend the mined topography into a sustainable configuration which will resist erosion and foster plant growth.
- Grade all exposed soil slopes to be no steeper than 2H:1V or to match existing natural slope. Rock slopes shall be left no steeper than 1H:1V, unless they are established bench faces at 1H:2V and meet MSHA criteria.
- Hydroseed or sow selected seed blends native to the area in all disturbed areas at seasonal times which historically foster germination.
- Apply straw wattles, straw and mulch on soil slopes which exceed 100 feet in length.
- Install cross-ditches, rolling humps, and water bars on upper and lower access roads in a manner which directs runoff to an inboard, rock-lined ditch treated with sediment check dams as needed.
- Monitor the site twice annually to observe vegetative growth and drainage patterns. Where erosion is identified, rework the area, reseed and monitor quarterly until vegetation establishes and erosion ceases.
- Block, obliterate, or gate private or abandoned roads to prevent access.

**SITE PHOTOGRAPH**



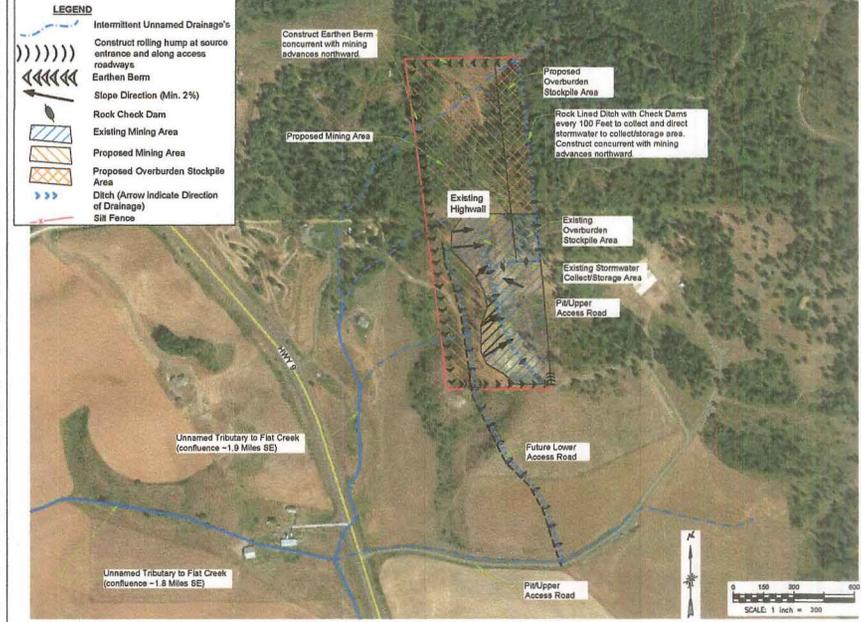
LOOKING AT THE SOURCE HIGHWALL IN THE NORTH AND NORTHEAST SITE AREA



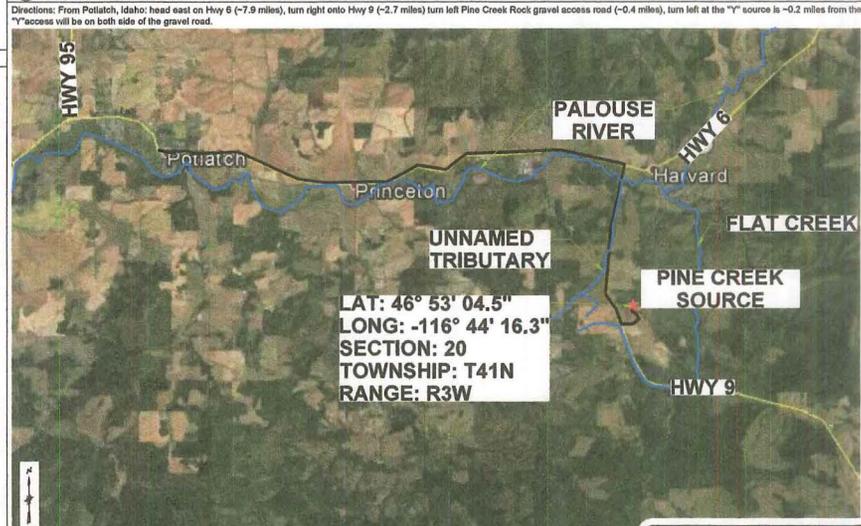
LOOKING AT THE SOURCE PRODUCT STOCKPILES IN THE EAST AND SOUTH SITE AREA

LCZC Hrg: CUPP/92C  
 Applicant: Koehn  
 Exhibit #: 2D  
 Date: 06/03/2015

**PINE CREEK SOURCE PLAN**



**VICINITY MAP**



ISSUED FOR

- DESIGN USE
- PRELIMINARY REVIEW
- YOUR APPROVAL
- REFERENCE
- CONSTRUCTION
- DESTROY PREVIOUS PRINTS

REV	DATE	DESCRIPTION
Δ	4/28/15	90% DESIGN
Δ	5/4/15	FINAL DESIGN

DRAWN: CWS  
 DESIGN: CWS/AJA  
 CHECK: TJW

FILE: MO15067A

PROJECT:  
 RECLAMATION PLAN  
 PINE CREEK ROCK SOURCE  
 LATAH COUNTY, IDAHO  
 NE ¼ of SE ¼ & SE ¼ of NE ¼, SEC. 20,  
 T41N, R3W

PREPARED FOR:  
 VERLE KOEHN  
 2518 HWY 9  
 PRINCETON, IDAHO 83557  
 Attn: MR. VERLE KOEHN  
 COMPANY GRAPHIC

**KOEHN**

ENGINEER STAMP

**STRATA**  
 A PROFESSIONAL SERVICES CORPORATION  
*Integrity from the Ground Up*

6 O'Donnell Road,  
 Pullman, Washington 99163  
 Phone #: (808) 339-2000  
 Fax #: (808) 339-2001  
 www.stratagatech.com



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 #: 2G  
Date: 06/03/2015

VERIFICATION UPON OATH OR AFFIRMATION (JURAT)

State of Washington )  
 ) ss.  
County of Whitman

Signed and sworn to (or affirmed) before me this 17<sup>th</sup> day of April, 2015,  
(day) (month) (year)  
by Kyle Joe + Kerry Ann Littlefield.  
(name of person making statement)



Printed Name: ANDREA SOUTHARD

Notary Public -- State of Washington.

My appointment expires: 10/31/17

place notary seal above

*The below section is optional.*

**ADDITIONAL INFORMATION REGARDING THIS DOCUMENT**

Title of document: Consent for Verte Koehn Re: Rock Pit

Issued by (e.g., agency, state, country): Kyle + Kerry Littlefield

Document Date: 4/17/15 Number of pages: 1

Other information: \_\_\_\_\_

**NOTE: The border of this document is green.**

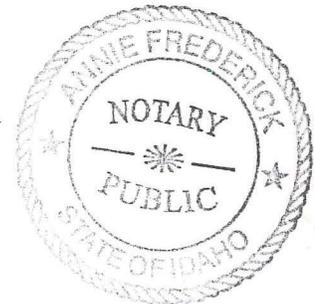
I, Shirley Ackerman, give my consent for  
Verle Koehn to work as needed in rock pit and for blasting and  
crushing on Legal Description NE1/4 SE Section 20T 41N R3West  
SE of NE of Section 20T 41N Range R3W

Signed Shirley Ackerman

Date 4-15-2015

Notary Annie Frederick

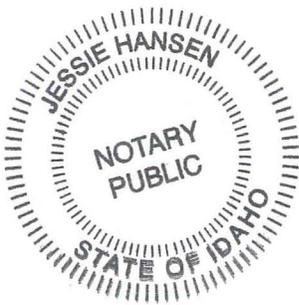
Date 4/15/2015



I, Jay D Price & Cheryl 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 Cheryl L. Price  
Date May 6, 2015



Notary Jessie Hansen  
Expire 8-5-16

## 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 that a permitted use in that zone;
  - B. The use will not require facilities or services with excessive costs to the public;
  - C. The use is consistent with the goals and policies of the Latah County Comprehensive Plan.
- 2. If the Zoning Commission finds that a proposed use is essential to the public health, safety, or welfare, such use may be permitted even if the use is not found to meet the criteria listed above.**
- 3. The Zoning Commission shall have the authority to set an expiration date for any conditional use permit so long as the reasons for such are included in their findings of fact and conclusions of law.**

### *Section 4.03.03 New Mineral Resource Developments states the following:*

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

1. Activity associated with a mineral resource development shall be at least 1,000 feet from any home existing at the time of application for conditional use permit, unless a lesser distance is approved by the Zoning Commission. A lesser distance shall not be approved unless the applicant submits a signed notarized form, approved by the Planning Department, from all owners of record of any residential building within 1000 feet of the development consenting to the location of the mineral resource development. Each form shall be recorded in the Latah County Recorder's Office by the Planning Department. Approval of a distance less than 1000 feet shall be within the discretion of the Zoning Commission, even if all owners of residential buildings within 1000 feet approve of the location of the development.

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

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

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

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

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

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

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

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

*Section 4.03.02 requires the following for mineral resource developments:*

1. Hours of operation are limited to 9 AM to 6 PM daily. An operator may vary from this requirement by applying for a conditional use permit under the provisions of Section 7.01 of this ordinance.
2. Written verification of compliance with the Idaho Surface Mining Act, including filing of any reclamation plan required by the Idaho Surface Mining Act.
3. The excavation site, any overburden and stockpiles, and a 50 foot buffer strip surrounding these areas shall be maintained so that they are continuously free of all noxious weeds as determined by the Latah County Noxious Weed Control Superintendent.
4. The operator shall provide, by certified mail, written notification to all residences within one mile of any blasting. The notification shall be distributed and in the possession of the occupants of these residences at least 72 hours prior to any blasting. The notification shall give the date and time of the planned blast.
5. Blasting shall be restricted to the hours of 9:30 AM to 4:30 PM, Monday through Friday. No blasting shall occur on Saturdays, Sundays, or the following holidays: January 1, Memorial Day, Labor Day, Thanksgiving Day, and December 25.
6. An owner or operator may request, and the Director may grant, an exception to provide for additional hours of operation for a mineral resource development when additional hours of operation are needed to alleviate a public emergency. Public emergencies include the following:
  - A. Damage to public roads or structures that require immediate repair.
  - B. Road construction or repair that is scheduled during nighttime hours to reduce traffic conflicts.
7. Signs, upon approval of the signs by the Planning Department, warning of truck entrances shall be posted within one-quarter (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 21<sup>st</sup>, 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 3<sup>rd</sup>, 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.

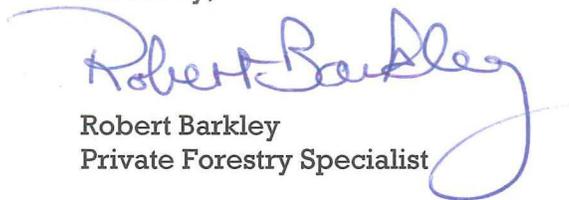
Mr. Koehn has submitted an application to amend the reclamation plan to increase the area of his existing pit. IDL has reviewed the application for completeness in accordance with Idaho Code § 47-1506. If the application could impact surface waters, it has been submitted to the Idaho Department of Water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

A handwritten signature in blue ink that reads "Robert Barkley". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline that extends to the right.

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.

*Kathy Over Mr. Koehn*

---

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 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 6-2-2015

**Opposition Notice to CUP # 792**

RECEIVED  
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 2510 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.

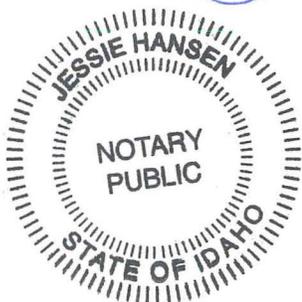
I also oppose the request to amend the hours of operation as this would affect our quality  
of living in the impacted area. I request that the hours of operation be limited to 9 AM  
until 6 PM Monday through Friday.

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 [Signature]  
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 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.

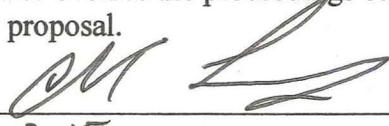
In previous documents and conversations, there was no mention of limited asphalt batching, which I strongly oppose. Since the area in question is zoned as Productive, and not Industrial/Commercial/Residential, this CUP #792B should be denied. The term Productive, which is considered agricultural and 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 Julie Lusby  
Date 6-2-15

## 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 Kurt McCann

Date 6/1/15

## Opposition Notice to CUP #792B

I, PAULLA 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 Paula 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

Date

James N. Frazier  
06-02-15

## Opposition Notice to CUP #792

I, Jolene 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

Jolene Leef  
10/2/15

8:30 - 9

05-10/15

Latah county zoning

## Opposition Notice to CUP #792B

I, Kathy Orr, whom resides at 1397 J 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 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 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 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 Kathy Orr  
Date 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: Koehn  
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.E. Cochrane May 31, 2015

Kim Cochrane May 31, 2015

## Opposition Notice to CUP #792B

I, Kim Cochran, whom resides at 2570 Hwy 9 Pritchard 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. Really don't want any at all KC

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

**mknott**

---

**From:** Shannon Stout <shannystout@yahoo.com>  
**Sent:** Wednesday, June 03, 2015 12:26 PM  
**To:** mknott@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

☺=

**msknott**

---

**From:** Pine Creek Logging LLC <pinecreek@moscow.com>  
**Sent:** Wednesday, June 03, 2015 3:12 PM  
**To:** msknott@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](mailto: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 that 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-sight 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.

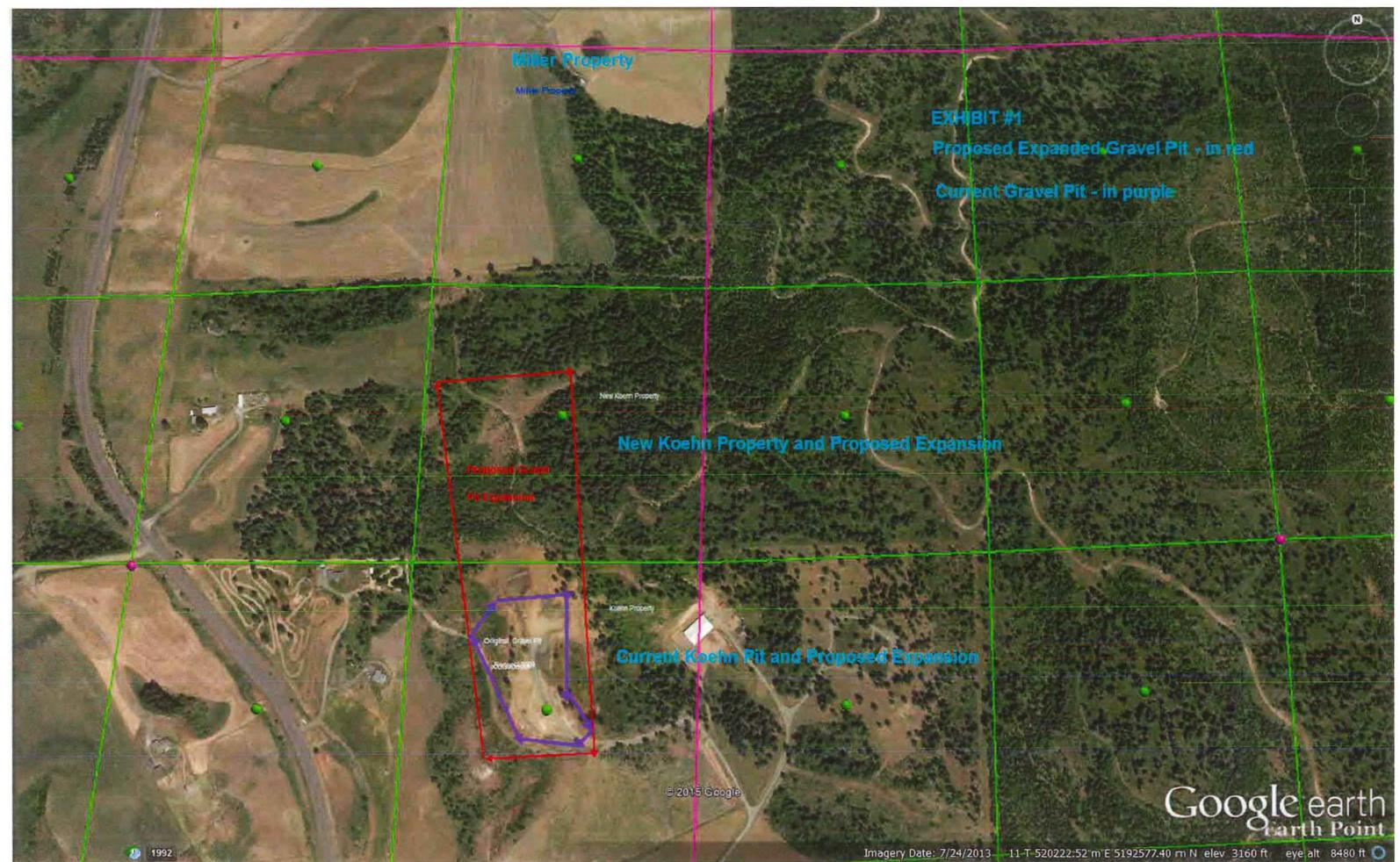
- In Latah County it appears that the application process is in favor of the applicant. The Conditional Use Permit process is a convenient way to get around the Latah County Comprehensive Plan and Land Use. Instead of making the applicant raise the bar as to why an exception (CUP) should be made the 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 ½ 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 #1



# EXHIBIT #2



EXHIBIT #2

Location (SE 1/4 of NE 1/4 of S20T41NR3W)  
Land Purchased By Mr. Koehn in 2014 from  
Potlatch Corp.

15 acres to be used for proposed gravel pit  
expansion.

© 2015 Google

Google earth

Imagery Date: 7/24/2013 11 T 520124.23 m E 5192537.30 m N elev 3190 ft eye alt 5437 ft

1992