

**NOTICE OF PUBLIC HEARINGS**  
**BEFORE THE LATAH COUNTY ZONING COMMISSION**  
**Wednesday, January 20<sup>th</sup>, 2016, 5:30 pm**

The Latah County Zoning Commission will hold public hearings on Wednesday, January 20<sup>th</sup>, 2016, in Room 2-B, Latah County Courthouse, Moscow, Idaho, to receive comments on:

**CUP # 792D** – A request by Verle Koehn to amend CUP #792C to amend the previously approved CUP to include an additional 5.5 acres for stock piling only to the previously approved mineral resource development located in the Agriculture/Forest zone. The property is accessed off of Highway 9, approximately 2.5 miles south of the unincorporated town of Harvard, Idaho. The property is located in 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.

Interested parties are encouraged to attend. Accommodations for individuals who qualify under the ADA are available upon request. Notice to acquire accommodations must be made 3 working days prior to the hearings to the Planning Dept. These hearings will be held pursuant to the Latah County Hearing Procedures Ordinance and under authority of the Idaho Local Land Use Planning Act, the Latah County Comprehensive Plan and the Latah County Land Use Ordinance. The Latah County Zoning Commission reserves the right to limit length of testimony.

Additional information, including copies of the proposal, is available from the Planning Dept., Latah County Courthouse, Moscow, Idaho, (208) 883-7220. Written comments will be accepted at the above office no later than 2:00 pm on Friday, January 15<sup>th</sup>, 2016. **Written exhibits will not be accepted after that time.** Written exhibits include, but are not limited to: written comments, submissions, exhibits, emails, videos, recorded audio, DVD's, PowerPoint presentations, slide shows, photographs, and regular mail/submittals.

Mauri Knott, Senior Planner

(This is a public service announcement only)

## LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

Public Hearing: CUP 792D Date: January 20th, 2016 Time: 5:30 pm

Applicant: Verle Koehn File #: CUP 792D Page: 1 of 1

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### 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.** Findings of Fact and Conclusions of Law from CUP 792C
- Exhibit #1E.** Findings of Fact and Conclusions of Law from RC 955
- Exhibit #1F.** Notice of Reclamation Plan (from CUP792C file)
- Exhibit #1G.** Dust, Fuel, Fire Plan (from CUP792C file)
- Exhibit #2.** Application Form (Submitted by Applicant)
- Exhibit #2A.** Applicant's Narrative (Submitted by Applicant)
- Exhibit #2B.** Site Plan (Submitted by Applicant)
- Exhibit #2C.** 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 #792D held on January 20<sup>th</sup>, 2016

# 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 5.5 additional acres for stockpiling only.

## Description of application:

A request by Verle Koehn to amend CUP #792C, the previously approved CUP, to include an additional 5.5 acres for stock piling only as a part of a previously approved mineral resource development located on a portion of a 185-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 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.

## Applicable Code:

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

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

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

The conditional use permit application was signed by Verle Koehn and submitted to the Latah County Planning and Building department on December 21<sup>st</sup>, 2015.

## *3) Section 7.01.02 requires:*

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

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

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

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

*4) If approved this permit is still subject to the previous conditions set via the Findings of Fact for CUP #792C and the Finding of Fact for RC #955.*

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

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

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

- C. A plan for procedures and protocols for spill containment and storage of oil, fuels, and/or chemicals; and documentation of compliance with the state and federal laws or documentation of exemption from requirements.
- D. A plan for fire suppression and response, including an inventory of tools stored on-site to implement planned suppression and response.

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

**5) Section 4.03.02 requires the following**

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

**Facts of application and the information submitted**

**Site Characteristics:**

**Size of Parcel(s):** 185 acres  
**Soils:** Klickson silt loam, 25-35% slopes  
(Latah County Soil Survey Sheet #16)  
**Floodplain:** Zone "C" (FIRM Panel #160086 0165B)

**Land Use and Regulations:**

**Comprehensive Plan Designation:** Productive  
**Existing Zoning:** Agriculture/Forest (A/F)  
**Existing Uses:** Mineral Resource Development, Timber and Pasture  
**Neighboring Zoning:** Agriculture/Forest (A/F)  
**Neighboring Uses:** Agriculture, Forestry and Rural Residences

**Infrastructure/Services:**

**Water:** Pond and Water Truck  
**Sewer:** Not Applicable  
**Access:** Highway 9, Idaho Transportation Dept.  
**Schools:** Potlatch School District #285  
**Fire Protection:** Potlatch Fire District  
**Law Enforcement:** Latah County Sheriff

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

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

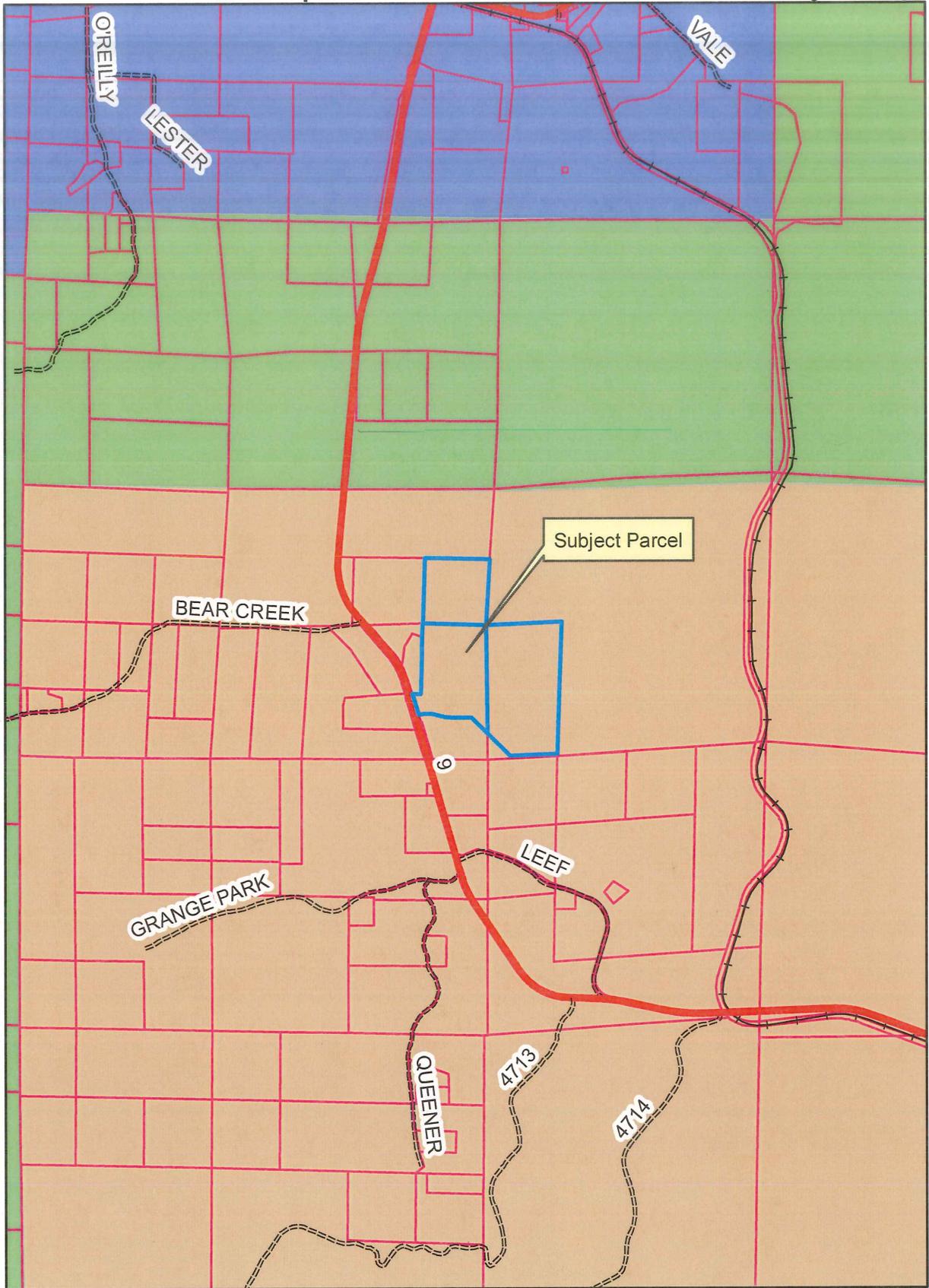
**Latah County Land Use Ordinance #269, as amended:**

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

**Latah County Comprehensive Plan**

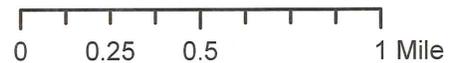
# CUP 792D Comprehensive Plan and Vicinity Map

Planning and Building Department



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

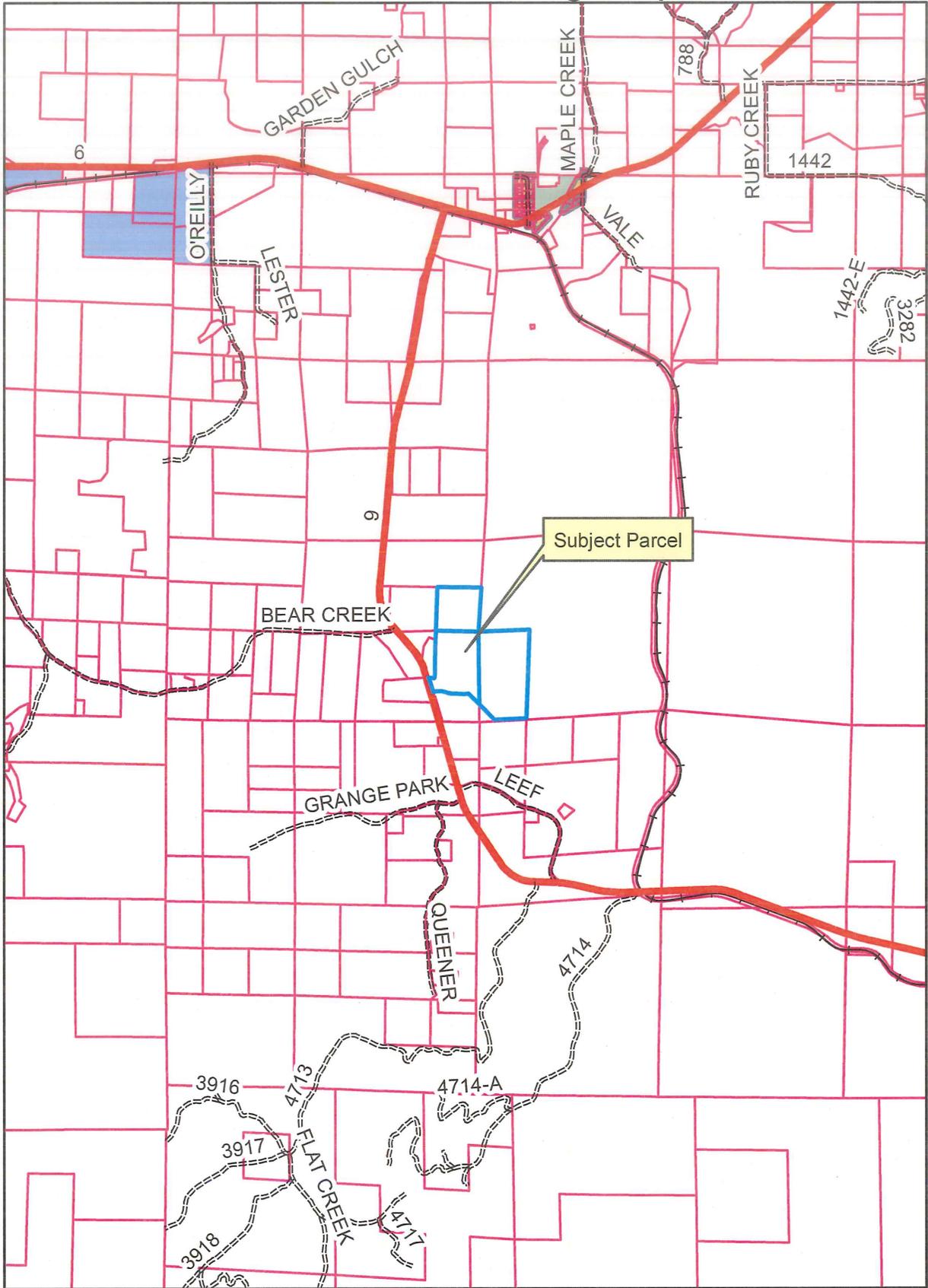
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LCZC Hrg: CUP 792D  
Applicant: Verle Koehn  
Exhibit #: 1A  
Date: 1/20/2016

# CUP 792D Zoning Map

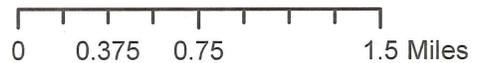
Planning and Building Department



Subject Parcel

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

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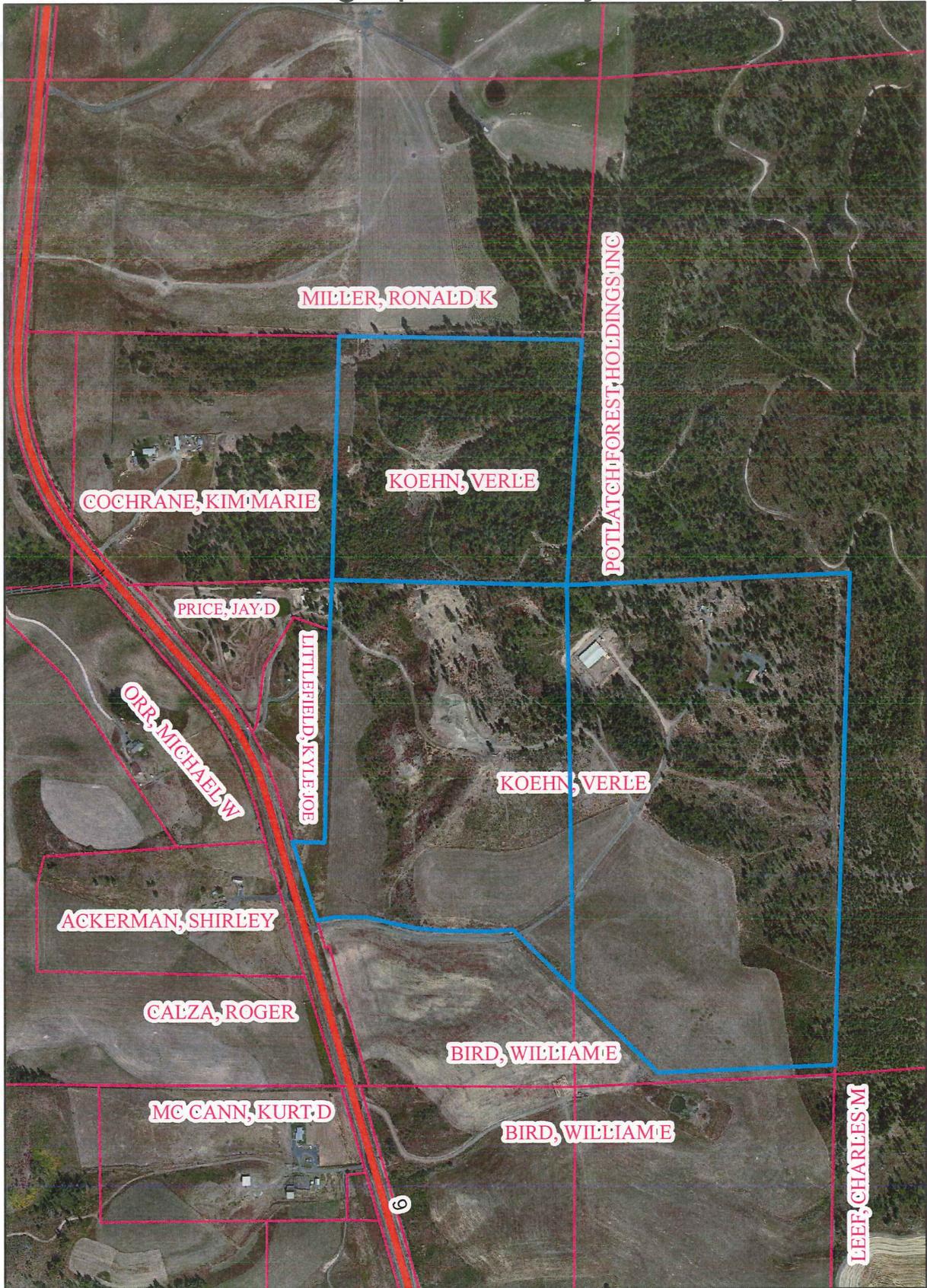


- |                      |                             |                           |
|----------------------|-----------------------------|---------------------------|
| Agriculture Forestry | Motor Business              | Rural Residential         |
| Commercial           | Multiple Family Residential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

LCZC Hrg: CUP 792D  
 Applicant: Verle Koehn  
 Exhibit #: 1B  
 Date: 1/20/2016

# CUP 792D Aerial Photograph and Adjacent Property Owners

Planning and Building Department



Note: This document is a representation only.  
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Created by: CAB



LCZC Hrg: CUP 792D  
Applicant: Verle Koehn  
Exhibit #: 1C  
Date: 1/20/2016

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

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

A REQUEST BY VERLE KOEHN TO AMEND THE PREVIOUSLY APPROVED CUP TO INCLUDE ADDITIONAL ACREAGE AT THE PREVIOUSLY APPROVED MINERAL RESOURCE DEVELOPMENT 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, AND STOCK PILING. 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.

**WHEREAS**, Verle Koehn made application to amend a conditional use permit (CUP #792B) on May 7<sup>th</sup>, 2015 and

**WHEREAS**, a duly noticed public hearing was held on Wednesday, June 3<sup>rd</sup>, 2015 before the Zoning Commission to take testimony and consider the conditional use permit application; and

**WHEREAS**, by motion of the Zoning Commission the public hearing was tabled and continued to June 17<sup>th</sup>, 2015 at 5:30 pm in room 2B of the Latah County Courthouse and that all written testimony must be received by June 12<sup>th</sup>, 2015 to be considered; and

**WHEREAS**, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents on June 17<sup>th</sup>, 2015,

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

**I. FINDINGS OF FACT**

1. The Zoning Commission finds that the following is relevant criteria and facts to the application and the applications compliance with the Latah County Land Use Ordinance:
  - a. The applicant and property owner is Verle Koehn, P.O. Box 37, Princeton, ID 83857.
  - b. The subject parcel is approximately 185 acres. The applicant has requested to operate a mineral resource development on approximately 15 additional acres.
  - c. The subject parcel is zoned Agriculture/Forest (A/F), and the neighboring parcels are also zoned Agriculture/Forest (A/F).

- d. 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.
- e. 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."
- f. The proposed use is located in an area designated as Zone "C" on panel #160086 0165B of the Flood Insurance Rating Map (FIRM) for Latah County provided by the Federal Emergency Management Agency (FEMA). This designation is not considered to be an area of special flood hazard. There are no perennial or intermittent streams shown on any USGS 7.5 minute map for the subject site.
- g. The existing use of the subject parcel includes agriculture, forestry, and a mineral resource development. The neighboring uses include agriculture, forestry and rural residential. The applicant gave written testimony that the area where the pit is located is not suitable for agriculture or forest land due to limited top soil. This was un rebutted.
- h. The applicant testified that dust would be controlled by the use of a water truck and well on the subject site and all access roads associated with the operation. In addition, the Applicant submitted written and oral testimony that the neighboring property owner is providing him with use of water from an adjacent pond for dust abatement. This was un rebutted.
- i. The applicant testified that no hazardous materials, fuels, oils and/or chemicals would be stored on the subject site. The Applicant also submitted testimony that any necessary fire response and suppression would be supplied by the Potlatch Fire District. This was un rebutted.
- j. The applicant submitted written verification that a reclamation plan was submitted to the Idaho Department of Lands for compliance with the Idaho Surface Mining Act. This was un rebutted.
- k. The applicant gave oral testimony that the mineral resource development is leased to Steve and Diane Henderson with Pine Creek Rock. This was un rebutted.
- l. The applicant submitted signed notarized forms (Exhibit #2G) from all owners of record of residential buildings within 1,000 feet of the development consenting to the location of the mineral resource development. However, these forms were revoked by said adjacent property owners prior to the public hearing (Exhibit #6, #7 and #8). Therefore the applicant is limited in his request to the area outside the 1000ft buffer of these two residences. (Exhibit #1F and #1G)

- m. The applicant made application on May 7<sup>th</sup>, 2015. The initial request also included a request to operate a temporary asphalt batching plant. The applicant withdrew the request for the temporary asphalt batching plant on June 12<sup>th</sup>, 2015. (Exhibit #2L)
  - n. Pursuant to Section 4.03.03 (2) of the Latah County Land Use Ordinance #269, as amended, the Applicant provided written testimony that the required undisturbed or natural buffer on the perimeter of the mineral resource development will be provided.
2. The applicant's residence is located within 1500 feet of the mineral resource development. The applicant's well is located on the subject property.
  3. Testimony was provided by a representative of the North Latah Highway District that the existing mineral resource developments cannot keep up with the demand for rock. Due to fuel costs the Highway District prefers to utilize pits within the vicinity of where they are needed in order to reduce hauling costs. The Zoning Commission finds, based on the applicant's written testimony and testimony from the highway district, that the operation would present a cost effective source of rock for the community for both the public and private sectors, along with providing the applicants family with a viable economic use of their property.

The applicant provided written that no additional public services will be required for operation of the mineral resource development. This was unrebutted.

4. Based on the testimony and evidence presented, the Zoning Commission spent significant time deliberating on the following areas of the mineral resource development: hours of operation, expiration of operation, access roads, and wells in the adjacent area.
5. The applicant requested to continue the currently approved hours of 6AM to 6PM Monday through Saturday. This request varies from the requirements of Section 4.03.02 (1). The applicant stated that these hours are necessary to accommodate local contractor's hours of operation and private retail sales on Saturdays. A representative of the North Latah Highway District requested that the hours of operation match those of the Highway District of 5:00 am to 4:30 pm in order to accommodate them. An adjacent property owner testified that the hours of operation on a Saturday are disturbing the enjoyment of their property due to noise and dust from traffic.

The Zoning Commission finds that in order to maintain the pit's economic viability, allow for access of private retail buyers, and not compromise the enjoyment of the surrounding properties, reasonable hours of operation will be 6:00 am to 6:00 pm Monday through Friday, and 6:00 am to 12:00 pm Saturday.

6. The applicant and the applicant's representative provided oral testimony that they do not intend to excavate all acreage at one time, but would move in the northeastern direction as market demands dictate. The applicant provided written testimony that the area requested would be developed over the next 20 years. (Exhibit #2D) The applicant and the applicant's representative requested an expiration of no less than 15 years in order to make the mineral resource both worthwhile and economical to operate. They testified that jobs they bid often have a start date three (3) to five (5) years in the future.

Neighbors provided written and oral testimony that the applicant had not provided 72 hour notice by certified mail prior to the two (2) previous blasts. The applicant provided oral testimony that he did send out certified notification on the first blast, but had relied on the blasting contractor for providing the notification on the second blast. The applicant stated in the future he would provide all notification himself via certified mail.

The Planning Office had not received any complaints of violations on the previous conditional use permits. The Zoning Commission discussed the need for adjacent property owners to make concerns known to the Planning Office in order for the process to work and compliance to be assured. Based on the applicant's request for greater length of operation due to potential contracts, viability of the pit, and the neighbor's claims that Mr. Koehn had not complied with the previous conditions for blasting notification, the Zoning Commission finds that this application shall expire five (5) years from issuance.

7. The applicant provided written testimony that the use would continue to utilize an existing access point and roadways. However, the applicant also requested that due to the location of the expansion of the pit that they be approved to utilize a different historical haul road for which they provided a documented easement (Exhibit #2I). Neighbors testified that they were concerned with this access road being used for the operation as it would send traffic across their property and within 75 feet of their residence. Section 4.03.03(2) allows the Zoning Commission to approve access roads for mineral resource developments. The Zoning Commission finds that a shortened haul distance did not warrant the use of this haul road given its proximity to the residence and finds that the applicant cannot use this access road for this mineral resource development application.
8. Neighbors provided oral and written testimony that they were concerned about the potential for well failure due to blasting. One neighbor indicated that he had experienced turbidity in his water following the previous blasts of this operation. He also testified he experienced damage to his filters and sprinkler system. Another neighbor claimed that his well house had shifted due to a blast. The previous owner and previous renter of another adjacent property provided written testimony that the blasting had not effected their well or water. The Latah County Comprehensive Plan via the Water Resource Element states: *"when considering the impact of land uses on water resources and the effects of such uses on surrounding properties, encourage incorporating the most current scientific knowledge including, without limitation, the use of hydrologists, geologists, environmental engineers and other experts where appropriate."* No expert testimony was given, however the applicant and the applicant's representative testified that during previous blasts monitoring devices had been placed on two (2) wells by the blasting contractor. They also testified that the blasting contractor provides liability insurance (Exhibit #2H). The applicant's representative testified that per the USGS there has been seismic activity in the region that was not related to the pit's blasts; in 2014 there were 108 recorded seismic events from earthquakes and four from blasts in the region.

The Zoning Commission finds based on the testimony given, but lacking any expert information, they wish to give the adjacent property owners greater notification prior to blasting than required by ordinance in order for the property owners to set-up any monitoring devices that they may wish to use to test water quality and quantity. The Zoning Commission also finds that the applicant or his contracted blaster shall be responsible for monitoring the five (5) nearest wells in the same fashion the contracted blaster previously monitored nearby wells. The monitoring results shall be made available to the well owners and the County.

9. 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, school facilities or student transport in Latah County, or that it is subject to any significant natural hazards, or that the proposed conditional use would impact the availability of housing, housing construction standards and/or the energy efficiency of housing in Latah County.
10. No testimony was received that approval or denial of this application would result in an unconstitutional occupation of their property.

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

**II. CONCLUSIONS OF LAW**

1. Mineral resource developments are conditionally permitted uses in the Agriculture Forest Zone.
2. The proposed mineral resource development, as conditioned, is consistent with the provisions of Section 7.01.02 of the Latah County Land Use Ordinance.
3. The proposed mineral resource development, as conditioned, is consistent with the goals and policies of the Latah County Comprehensive Plan.
4. The proposed mineral resource development, as conditioned, is not detrimental to the health or safety of those in the surrounding area or region.
5. The proposed mineral resource development, as conditioned, will not adversely affect surrounding properties to any greater extent than would a permitted use in the Agriculture/Forestry Zone.

**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 (CUP #792B) to operate a mineral resource development to include blasting and crushing on 8 acres of a 185-acre parcel subject to the following conditions:

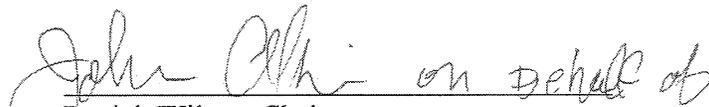
1. The mineral resource development shall be in compliance at all times with all applicable federal, state and local laws, rules and regulations.
2. The mineral resource development shall at all times be in substantial compliance with the application as submitted and presented.
3. The mineral resource development's hours of operation are limited to Monday through Friday, 6AM to 6PM and Saturday 6AM to 12PM for general operations. Blasting is restricted per §4.03.02.5 to 9:30 AM to 4:30 PM Monday through Friday.

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 14 days prior to any blasting. The notification shall give the date and time of the planned blast. The operator shall send verification of this mailing to the Planning Office.
5. The mineral resource development shall be in compliance with all applicable requirements listed in Section 4.03.02, # 2, # 3, and #5-#9 of the Latah County Land Use Ordinance # 269, as amended:
  2. *Written verification of compliance with the Idaho Surface Mining Act, including filing of any reclamation plan required by the Idaho Surface Mining Act.*
  3. *The excavation site, any overburden and stockpiles, and a 50 foot buffer strip surrounding these areas shall be maintained so that they are continuously free of all noxious weeds as determined by the Latah County Noxious Weed Control Superintendent.*
  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.*
6. This conditional use permit shall expire five (5) years from the date of issuance.
7. The operator may not utilize the new proposed road that crosses adjacent properties for this mineral resource operation.
8. If written permission is obtained from the well owners of the five closest wells, including: Jay and Cheri Price, Kyle and Carrie Littlefield, Ron and Helen Miller, Kim and Don Cochrane, and Mike and Kathy Orr, then the operator shall place well monitoring devices, in the same fashion as previous monitoring occurred, on these wells, not including his own, to gather information during blasting events. If these well owners do not provide written permission, the operator shall not place monitoring equipment on their wells, but can operate the rock pit under the other conditions

set forth via this permit. The readings from these monitoring devices shall be made readily available to the well owners and the county.

PASSED BY THE ZONING COMMISSION OF LATAH COUNTY THIS 1 DAY OF

July, 2015.

  
Patrick Wilson, Chairman  
Latah County Zoning Commission

#### **IV. REQUIRED LEGAL NOTICES**

##### **NOTICE OF EFFECTIVE DATE AND NOTICE OF RIGHT FOR RECONSIDERATION**

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

A reconsideration period of fourteen (14) 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. An applicant or affected person must submit a written request for reconsideration and fee to the Planning Department within 14 days after the service date of the underlying decision. A written request for reconsideration must identify and explain the specific deficiencies in the decision for which reconsideration is sought. Once a written request for reconsideration is timely submitted, any other affected person may submit a written statement in regards to the request for reconsideration. Such written statement must be submitted to the Planning Department within 14 days after a request for reconsideration is submitted.

If approved, no conditional use permit shall become effective nor shall any buildings or installation permit be issued until the reconsideration period has elapsed or until the Board has made a decision upon appeal.

Pursuant to Idaho Code § 67-6535, a decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

##### **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.





LATAH COUNTY  
**BOARD OF COMMISSIONERS**  
**MOTION AND ORDER**

P.O. Box 8068 ♦ 522 S. Adams ♦ Moscow, ID 83843  
(208) 883-7208 ♦ Fax: (208) 883-2280  
bocc@latah.id.us

COMMISSIONER Walser MOVES THAT THE BOARD:

Approve the Chair's signature on the Board of Latah County Commissioners Findings of Fact and Conclusions of Law (Findings) for Reconsideration (RC) #955 by Verle Koehn regarding Conditional Use Permit (CUP) #792C located on Assessor's Parcel Numbers RP41N03W207262A, RP41N03W201942A, and RP41N03W215561 which reflect modifications to the decision of the Latah County Zoning Commission for the request for said CUP with changes to Conditions #3, #6, and #8 as stated within the Findings.

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u></u> Richard Walser, Chair District I	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>ABSENT</u> Thomas C. Lamar, Commissioner District II	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u></u> David McGraw, Commissioner District III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST:

Clerk/Deputy Clerk

DATE:

8-19-15

LCZC Hrg: CUP 792D  
Applicant: Verle Koehn  
Exhibit #: 1E  
Date: 1/20/2016

**BEFORE THE BOARD OF LATAH COUNTY  
COMMISSIONERS  
COUNTY OF LATAH, STATE OF IDAHO**

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**RC #955: THE RECONSIDERATION BY VERLE KOEHN REGARDING CONDITIONAL USE PERMIT #792C TO INCLUDE AN ADDITIONAL 8.5 ACRES TO THE PREVIOUSLY APPROVED MINERAL RESOURCE DEVELOPMENT LOCATION ON A PORTION OF A 185-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 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.**

**WHEREAS,** Verle Koehn made application for a conditional use permit ("CUP") to the Latah County Planning and Building Department on May 7, 2015; and

**WHEREAS,** a duly noticed public hearing was held on Wednesday, June 3, 2015 before the Zoning Commission to take testimony and consider the conditional use permit application; and

**WHEREAS,** by motion of the Zoning Commission the public hearing was tabled and continued to June 17, 2015 at 5:30 pm in room 2B of the Latah County Courthouse with the requirement that all written testimony must be received by June 12, 2015 to be considered; and

**WHEREAS,** having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents on June 17, 2015, the Zoning Commission approved CUP #792C with conditions,

**WHEREAS,** Verle Koehn filed a Reconsideration (RC #955) request on CUP #792C on July 15, 2015; and

**WHEREAS,** a hearing was held on August 10, 2015 before the Latah County Board of Commissioners to consider the reconsideration; and

**WHEREAS,** the Latah County Board of Commissioners closed the hearing on August 10, 2015; and after hearing the appeal, reviewing the full record of the June 12, 2015 public hearing, and considering the issues presented by the reconsiderer:

**THE LATAH COUNTY BOARD OF COMMISSIONERS, STATE OF IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

## I. FINDINGS OF FACT

1. The Applicant is Verle Koehn, PO Box 37, Princeton, Idaho.
2. The Board of Latah County Commissioners ("Board") finds that the Zoning Commission did not consider all relevant evidence in making its decision. Specifically, the Zoning Commission failed to consider voluntary actions of the blasting contractor, seismic activity data, the lack of previous violations and complaints, and had no conclusive evidence that the pit's operation has negative effects on adjacent wells.
3. The Applicant claims that his substantial rights have been prejudiced and that Findings of Fact Decisions #3, #4, #6, #7, and #8 by the Latah County Zoning Commission on July 1, 2015 are arbitrary, capricious, or an abuse of discretion and not supported by substantial evidence on the record as a whole. He further claimed that the imposition of these conditions make it unfeasible to operate his mineral resource development
4. The Board finds that based on the criteria of the Land Use Ordinance, it is reasonable for the applicant to be required to amend the conditional use permit if one of the adjacent property owners with a residence within 1000 feet was to grant permission for operation.
5. The Board finds that the hours of operation and their impacts on adjacent property owners are significant if the proposed haul road utilizing the easement were to be granted for use. The Board believes that the use of this haul road is not essential for the mineral resource development and affirms the Zoning Commission's decision to not grant use of it. Without the easement road in use the Board further finds that based on the evidence presented, it is reasonable to lengthen the hours of operation for Saturdays from 6:00 am to 4:00 pm in order for the operation to service more of the general public.
6. At the hearing, the Board discussed the viability of the mineral resource development with a five (5) year expiration date and finds that five years is unreasonable for this operation and its ability to acquire bids and contracts.
7. At the hearing, the Board discussed that the Zoning Commission did not clearly consider the well monitoring measures implemented by the blasting contractor and the lack of seismic activity and conclusive evidence of the previous blasts. Furthermore, the Board finds that the burden of paying for monitoring should not be placed on the operator and that the adjacent property owners may have recourse if there are negative effects on their wells from blasting. The Board finds that in order for the adjacent property owners to have a chance to monitor the wells if they wish, that a 14 day notification of blasting is reasonable.

**BASED UPON THE FOREGOING FINDINGS OF FACT, THE LATAH COUNTY BOARD OF COMMISSIONERS HEREBY MAKES THE FOLLOWING CONCLUSIONS OF LAW:**

## II. CONCLUSIONS OF LAW

1. The Board concludes that Decision #3 (*The mineral resource development's hours of operation are limited to Monday through Friday, 6AM to 6PM and Saturday 6AM to 12PM for general operations. Blasting is restricted per §4.03.02.5 to 9:30 AM to 4:30 PM Monday through Friday.*) made by the Latah County Zoning Commission was not supported by substantial evidence on the record.
2. The Board concludes that Decision #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 14 days prior to any blasting. The notification shall give the date and time of the planned blast. The operator shall send verification of this mailing to the Planning Office*) made by the Latah County Zoning Commission was not arbitrary and should be affirmed.
3. The Board concludes that Decision #6 (*This conditional use permit shall expire five (5) years from the date of issuance*) made by the Latah County Zoning Commission is not supported by substantial evidence on the record, the prejudices substantial rights of the applicant, and is arbitrary. The Board concludes that this mineral resource development, as conditioned and in compliance, shall not expire for ten (10) years in order to be economically viable.
4. The Board concludes that Decision #7 (*The operator may not utilize the new proposed road that crosses adjacent properties for this mineral resource operation.*) made by the Latah County Zoning Commission shall be affirmed.
5. The Board concludes that Decision #8 (*If written permission is obtained from the well owners of the five closest wells, including: Jay and Cheri Price, Kyle and Carrie Littlefield, Ron and Helen Miller, Kim and Don Cochrane, and Mike and Kathy Orr, then the operator shall place well monitoring devices, in the same fashion as previous monitoring occurred, on these wells, not including his own, to gather information during blasting events. If these well owners do not provide written permission, the operator shall not place monitoring equipment on their wells, but can operate the rock pit under the other conditions set forth via this permit. The readings from these monitoring devices shall be made readily available to the well owners and the county.*) made by the Latah County Zoning Commission prejudices the substantial rights of the applicant by requiring him to encumber adjacent properties in order to operate and that the adjacent property owners have the opportunity to monitor their own wells through the extended time requirement for blasting notification. This condition is stricken.

## III. DECISION

**THEREFORE**, the Board of Latah County Commissioners issues this order to **Modify** the decision of the Latah County Zoning Commission for the request for a Conditional Use Permit (CUP #792C) to operate a mineral resource development, with changes made to Conditions #3, #6, and #8 as follows:

## I. FINDINGS OF FACT

1. The Applicant is Verle Koehn, PO Box 37, Princeton, Idaho.
2. The Board of Latah County Commissioners ("Board") finds that the Zoning Commission did not consider all relevant evidence in making its decision. Specifically, the Zoning Commission failed to consider voluntary actions of the blasting contractor, seismic activity data, the lack of previous violations and complaints, and had no conclusive evidence that the pit's operation has negative effects on adjacent wells.
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- #3. The mineral resource development's hours of operation are limited to Monday through Friday, 6AM to 6PM and Saturday 6AM to 4PM for general operations. Blasting is restricted per §4.03.02.5 to 9:30 AM to 4:30 PM Monday through Friday.
- #6. This conditional use permit shall expire ten (10) years from the date of issuance.
- #8. This condition requiring well-monitoring is stricken.

All other conditions in the attached July 1, 2015 decision by the Latah County Zoning Commission, which were not brought to the Board for reconsideration, shall continue in full force and affect.

### REQUIRED LEGAL NOTICES

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

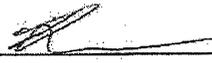
An affected person aggrieved by a final decision concerning matters identified in section 67-6521(1)(a), Idaho Code, may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided by chapter 52, title 67, Idaho Code.

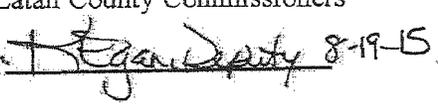
A written decision shall be provided to the applicant or affected person within sixty (60) days of receipt of the request for reconsideration or the request is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this subsection has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.

#### 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.

PASSED BY THE LATAH COUNTY BOARD OF COMMISSIONERS THIS 19<sup>th</sup> DAY OF AUGUST, 2015.

  
Richard Walser, Chair  
Board of Latah County Commissioners

ATTEST:  8-19-15

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: CUP 792D  
Applicant: Verle Koehn  
Exhibit #: 1F  
Date: 1/20/2016

requirements (i.e. hours of operation, etc). If you have any questions or comments you may contact me at the above address, or telephone (208) 877-1121.

Sincerely,



Robert Barkley

Robert Barkley  
Private Forestry Specialist

CC: Bureau

Dust Control.

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

Fuel.

No fuel storage

Fire.

Local Fire will respond

LCZC Hrg: CUP 792D  
Applicant: Verle Koehr  
Exhibit #: 1G  
Date: 1/20/2016



Please Save Document Before Filling It Out.

## 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>RP41N03W207262</i>			b. Parcel Address (if applicable) <i>1825 Hwy 9</i>		
c. Acreage of Existing Parcel <i>58.86</i>	d. Zoning <i>AF</i>	e. Comprehensive Plan Designation <i>Productive</i>		f. Floodplain designation(s) <i>NA</i>	g. FEMA Panel # <i>N/A</i>
h. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.		i. Impact City		j. Road Used to Access Site <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 <i>RP41N03W207262 Mineral resource /</i>
--

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

a. Fire District <i>Potlatch</i>	b. Road District <i>North Latah</i>	c. School District <i>Potlatch</i>
d. Source of Potable Water (i.e. water district or private well) <i>N/A</i>		e. Sewage Disposal (i.e. sewer district or private septic system) <i>NA</i>

### 4. Adjacent Properties Information

a. Zoning of Adjacent Properties <i>AF</i>	b. Existing Uses of Adjacent Properties <i>A<sub>3</sub> / Forest / SFR</i>
---	--

### 5. Permit Information

a. Proposed Use <i>amind cup 792 for stock pilling only there will be know change to blasting or 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?

**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>11-30-15</i>
c. Signature of Property Owner (if different than applicant) <i>Verle Koehn</i>	d. Date <i>11-30-15</i>

### Office Use Only

Date Received <i>12/21/15</i>	Amount <i>300.00</i>	Receipt No.	By <i>M. J.</i>
CUP # <i>CUP 792D</i>	Date Determined Technically Complete <i>12/21/15</i>	By <i>M. J.</i>	
Hearing Date <i>1/20/2015</i>			

### 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.

**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 C.U.P. plan it will provide for economic & development aid for transporting, public safety

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 piling is on private land that is not suitable for development

**c. Housing Element**

Where the rock pile is located is not suitable for housing.

**d. Economic Development Element**

Allows for greater access for private properties and road departments to haul to job sites, increasing the economic viability of operation

**e. Public Services, Facilities, and Utilities Element**

This is no cost to the public. It will actually decrease public cost as it decreases the haul time for local road depts

**f. School Facilities and Student Transportation Element**

N/A

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  $\frac{1}{2}$   
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

N/A

j. Hazardous Areas Element

Rock pit will be maintain for safety on slopes  
and with equipment, and to protect life and property  
from natural hazards

We will not have any hazardous materials at rock pit.

k. Recreation Element

The rock pit is on private property that  
we own

l. Land Use Element

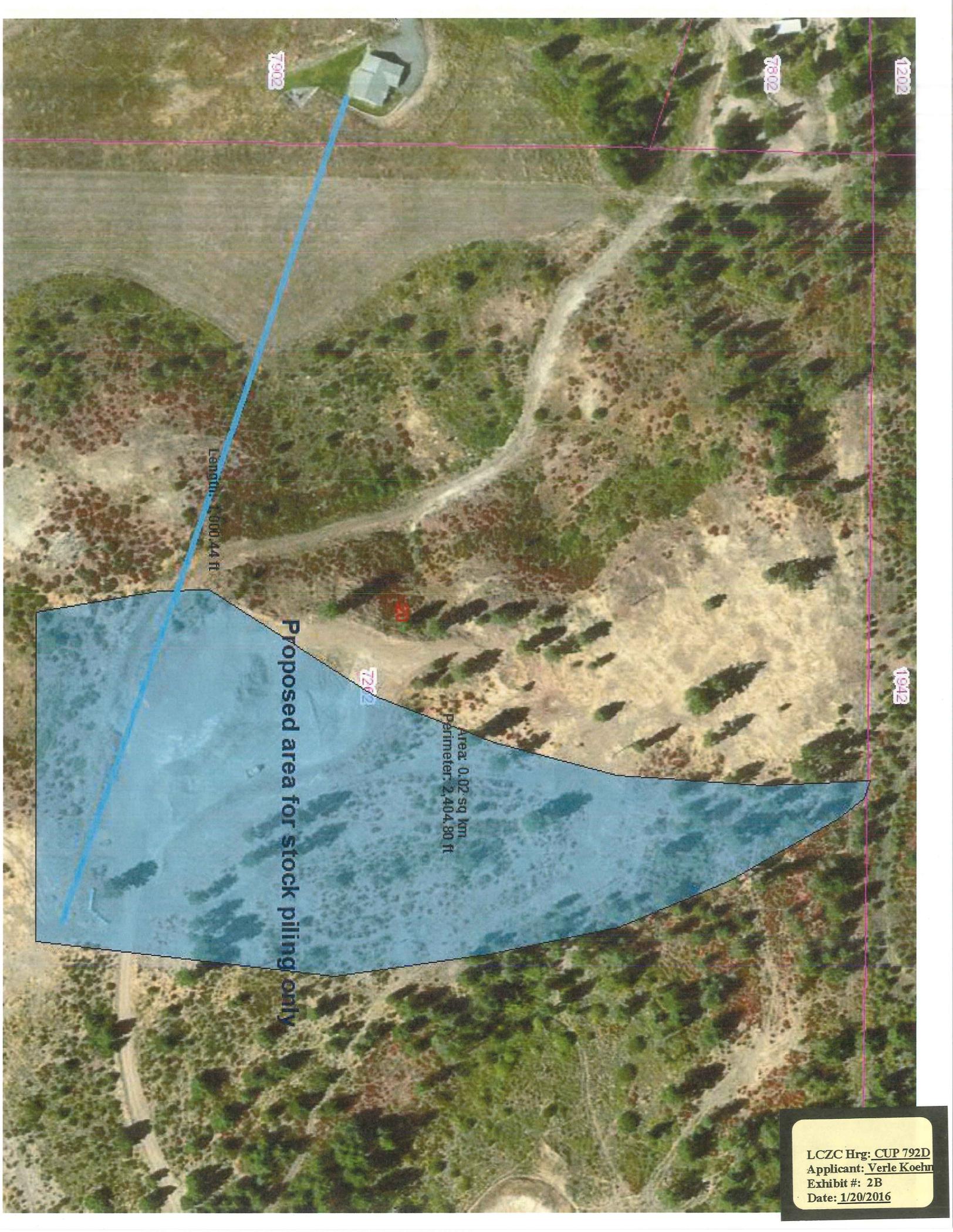
Where rock pit is located is not suitable for  
agricultural or forest land, there is very little  
top soil

m. Property Rights Element

Rock pit is on my own personal property

n. Water Resources Element

a stormwater plan is in place



7902

7802

1202

Length: 1,000.44 ft

Proposed area for stock piling only

7202

Area: 0.02 sq km  
Perimeter: 2,404.80 ft

1042

I, Kyle & Kerry Littlefield, give my consent for  
Verle Koehn to stockpile ONLY crushed rock on the present pad  
within the 1,000 foot zone of our house on Legal Description  
NE 1/4 SE Section 20T 41N R3W.

Signed Kyle & Kerry Littlefield

Kerry Littlefield

Date Dec. 16, 2015

Notary \_\_\_\_\_

Date \_\_\_\_\_

State of Idaho )

County of LATAH )

On this 16 day of December in the year 2015,

before me, JAMES M. LYONS, a Notary Public, personally appeared

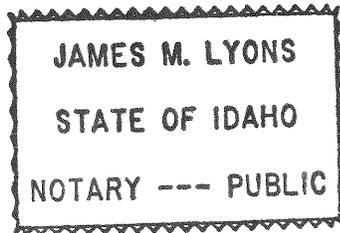
KYLE J. LITTLEFIELD AND KERRY ANN LITTLEFIELD, proved to me on the basis of

satisfactory evidence to be the person(s) whose name(s) is (are) subscribed to on the

within instrument, and acknowledged that he (she) (they) executed the same.

James M Lyons  
Notary Public

S  
E  
A  
L



My Commission Expires 06/04/2019.

## CUP #792D – Staff Introduction

**CUP #792D** – A request by Verle Koehn to amend CUP #792C to amend the previously approved CUP to include an additional 5.5 acres for stock piling only to the previously approved mineral resource development located in the Agriculture/Forest zone. The property is accessed off of Highway 9, approximately 2.5 miles south of the unincorporated town of Harvard, Idaho. The property is located in Sections 20 and 21, Township 41 North, Range 03 West, B.M. in Latah County and referenced as Latah County Assessor's parcel number RP41N03W207262A, RP41N03W201942A and RP41N03W215561.

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

### *Section 7.01.02 requires:*

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

*Conditional Use Permits for New Mineral Resource Developments Must be in Compliance with Section 4.03.03 and Section 4.03.02 as provided to the Commission in Exhibit #1 Criteria Worksheet.*

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

The following exhibits were submitted with the staff packet:

### **EXHIBITS:**

- |                     |   |
|---------------------|---|
| <b>Exhibit #1.</b>  | Criteria Worksheet and Staff Report                   |
| <b>Exhibit #1A.</b> | Vicinity and Comprehensive Plan Land Use Map          |
| <b>Exhibit #1B.</b> | Zoning Map  |
| <b>Exhibit #1C.</b> | Aerial Photograph and Adjacent Property Owners Map    |
| <b>Exhibit #1D.</b> | Findings of Fact and Conclusions of Law from CUP 792C |
| <b>Exhibit #1E.</b> | Findings of Fact and Conclusions of Law from RC 955   |
| <b>Exhibit #1F.</b> | Notice of Reclamation Plan (from CUP792C file)        |
| <b>Exhibit #1G.</b> | Dust, Fuel, Fire Plan (from CUP792C file)             |
| <b>Exhibit #2.</b>  | Application Form (Submitted by Applicant)             |

CUP # 792D

STAFF INTRODUCTION

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LCZC Hrg: CUP 792D  
Applicant: Verle Koehn  
Exhibit #: 3  
Date: 1/20/2016

- Exhibit #2A.** Applicant's Narrative (Submitted by Applicant)  
**Exhibit #2B.** Site Plan (Submitted by Applicant)  
**Exhibit #2C.** 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 #792D held on January 20<sup>th</sup>, 2016