

BOARD OF COUNTY COMMISSIONERS  
MINUTES OF PUBLIC HEARING  
February 13, 2019  
**Thomas Tallent/Coeur d'Alene Paving**

Commissioners Present: Chairman Chris Fillios, Commissioner Leslie Duncan and Commissioner Bill Brooks

Commissioner Absent: None

Staff Present: David Callahan, Darrin Murphey, Vlad Finkel, Kathryn Ford



The purpose of the meeting was for the Board to conduct a public hearing as advertised in the *Coeur d'Alene Press*. Chairman Fillios called the hearing to order at 2:00 p.m. The members were polled for conflicts of interest. No conflicts were expressed.

CHANGES: None.

**Case No. CUP18-0005, a request by Thomas Tallent / Coeur d'Alene Paving**, for a Conditional Use Permit to “*re-activate/renew*” an existing Restricted Surface Mine and Asphalt Batch Plant on a 20-acre parcel located west of Athol in the Rural zone. The most recent Conditional Use Permit Case No. CUP11-0010 expired on March 8, 2017. There are currently no structures on-site. The subject parcel is located within the City of Athol Area of City Impact. Access to the subject parcel is from State Highway 54 across parcels 5303W-08-8000 and 53N03W-08-8350. The parcel number is 53N03W-08-7650. The parcel is described as E 1031 FT-S 845 FT-N2-SE in Section 8, Township 53 North, Range 03 West B.M. Kootenai County, Idaho. The Hearing Examiner held a public hearing on October 4, 2018 and recommended approval. The Board held deliberations on November 8, 2018 and approved the public hearing request. *(Vlad Finkel-Planner)*

**Staff Presentation:** David Callahan, Director, addressed the Board providing a brief overview regarding public concern on details of the application and the hearing process. He confirmed whether this is considered a renewal or a new use the application process is the same. For the record, in the staff report the mailing radius stated 100 feet, however, the mailing radius was 1,000 feet and Adjacent Property Owners were legally noticed.

Vlad Finkel, Planner, introduced the application stating he had received numerous calls questioning the terminology of the county process. Since this site had an older Conditional Use Permit which was covered under another ordinance it had a 5 year expiration. Currently, CUP's once approved run with the land if they are in compliance with their specific conditions of approval. Mr. Finkel provided a brief ownership and permit history of the site since there has been a 30 year history of use at this site. He submitted for the record updated statements from DEQ and PHD which should be considered and included in the Board's decision if approved. Mr. Finkel added prior the Hearing Examiner public hearing there were 16 comments submitted with concerns on traffic, air quality and property values. The Board public response has 181 comments submitted with a majority of them similar in nature referencing traffic, water and air quality and property values. In conclusion, the past violations referenced were remedied and there are no violations at this site as of this hearing date.

**Applicant Presentation:** Steve Syrcle, Applicant Representative, provided testimony stating he has represented various clients with rock crushing, concrete and asphalt plants. They have received a recommendation of approval with conditions from the Hearing Examiner and have no objections to the Hearing Examiner's recommendation. He referenced an aerial map showing distance radius to various properties with the closest resident over 2.5 miles away from the pit. The current operation shields all neighbors from seeing the rock pit and concrete plant. They have no immediate plans to install an asphalt batch plant. The goal is to retain quality product in an efficient manner and have a closer haul route that will equate to taxpayer savings for any road construction bids in the area. Mr. Syrcle elaborated on the noise of extracting rock a few weeks within a year, air quality and odor.

- Exhibits:** B 1000 – Presentation submitted by Vlad Finkel.  
B 1001 – DEQ and PHD updated conditions submitted by Vlad Finkel.  
B 1002 – Aerial Map with site radius submitted by Steve Syrcle.  
B 1003 – Emissions Comparison data submitted by Steve Syrcle.  
B 1004 – Notice of Hearing packet submitted by Carl Bergh.

- B 1005 – URL addresses for studies referenced submitted by Cheryl Van Esch.
- B 1006 – Environmental studies submitted by Cheryl Van Esch.
- B 1007 – Traffic volume submitted by Jodi Wrigley.
- B 1008 – Comments and article submitted by Kris Molnar.
- B 1009 – Statement submitted by Ron Hall.

**Public Testimony:** Comment Sheets submitted: 18 plus 2 groups. Applicant Representative – 2; In Favor -6, Neutral – 1, Opposed – 9 plus Group 1 = 10 and Group 2 = 12.

- Application had very few facts or clear details
- Review of application is like putting together a puzzle
- Renewal of this application was abandoned when it expired
- What fit in the area 20 years ago may not work today with more residential parcels in the area
- Past violations show issues with operations
- Well use on the site
- This company employees are county residents
- Company gives back to the community
- Sheep Springs residents are upwind of this area
- Train causes more problems than the pit
- Will the operation produce wastewater which is not addressed
- Air quality will be effected by trucks, traffic, dust, asphalt fumes and fugitive particulate matter
- The company work product is high quality and better than the competitive plants
- No safe level of some carcinogens
- Quality of life will be impacted
- Concerns regarding polluted air, traffic, noise, well water, aquifer protection
- Adverse impacts on property values nearby asphalt batch plants
- Plant like this should be more rural

**Rebuttal:** Steve Syrcle, Applicant Representative, addressed concerns during public testimony. He stated there are many plants that can and do work safely within residential areas. Any conditions placed with approval of this permit would need to be complied with prior to any operations. Mr. Syrcle added his discussion with the highway district regarding traffic impacts on Highway 54 did not rise to a level of service to create road danger or needing improvement to the highway. The idea to incorporate more recycling of material can be improved by Coeur d'Alene Paving. The aquifer is not in danger of any asphalt seepage since the asphalt cools down as it goes down on any rock base surface. In conclusion, Mr. Syrcle stated they will refer to agency for compliance guidance and they cannot design a plant that would create a harmful environment. Craig Cozad, Applicant, added he lives near the plant. The aquifer is very deep in the area and will remain protected. Their future goals are not to have asphalt batching at this point in time but if permitted a portable plant can move into place for future road projects. There will be no day to day operation for asphalt just concrete.

Motion by Commissioner Duncan seconded by Commissioner Brooks, to close the public hearing and enter into deliberations at 4:24 p.m.

**Deliberations:** Chairman Fillios inquired if the Board was prepared to make a decision through the deliberations process this evening or to continue their deliberations at a future agenda. Commissioner Brooks stated he did not need additional time to deliberate and Commissioner Duncan agreed she could make a decision this evening. Commissioner Duncan stated she has been residing by a rock crushing mining plant for multiple years with no issues. To compare the noise factor the neighboring dogs create more noise than the pit. She is pleased the Applicant is willing to adhere to all of the requirements. The public agencies monitoring these sites have good mitigation guidelines in place. Commissioner Duncan addressed staff on the process if there was a complaint for non-compliance. Vlad Finkel, Planner, stated the Board could revoke the CUP upon review of any issues that were not compliant with the permit. Darrin Murphey, Attorney, added it is at the discretion of the Board on how to handle any permit violations. Commissioner Brooks stated he had no issues with the testimony provided since conditions would be in place. Chairman Fillios stated the Board operates in a quasi-judicial manner just like before a judge. Staff provides the facts of the application and the

public provides testimony. He agrees there are a lot of good studies to reference on issues but it depends on the control group within those institutions. There is alot at stake with this application and some asphalt plants have operated for years with very little issues. Commissioner Duncan added this decision is not made lightly and Coeur d'Alene Paving needs to show what good neighbors they can be and listen to concerns while maintaining a business.

Motion by Commissioner Duncan, seconded by Commissioner Brooks, to approve the Conditional Use Permit for a Restricted Surface Mine with an Asphalt and Concrete Batch based on the Findings of Fact, Conclusions of Law, Staff Analysis, the recommendation from the Hearing Examiner, and the requirements provided by the Department of Environmental Quality in Exhibit PA-7 and Panhandle Health District in Exhibit PA-9 for **CUP18-0005 Thomas Tallent/Coeur d'Alene Paving**.

Commissioner Brooks           Aye  
Commissioner Duncan:       Aye  
Chairman Fillios:            Aye

Decision:                    Approved

Deputy Clerk's Signature: \_\_\_\_\_  
February 13, 2019