

**WHITMAN COUNTY
BOARD OF ADJUSTMENT
PUBLIC HEARING – CU 25-003
08-28-2025
MINUTES**

Public Service Auditorium and broadcasted via ZOOM

IN-PERSON MEMBERS:

Larry Cochran – BOA Chair
Mike Cochran – BOA Member
Ryan Kile- BOA Member

IN-PERSON STAFF:

Grace Di Biase – Whitman County Assistant Planner
Brandon Johnson – Public Works
David Werner – Clerk

ZOOM ATTENDEES:

Rick Finch – BOA Member
Brian Davies- BOA Member
Mark Storey- Public Works Director
Alan Thomson- Whitman County Planner
Members of the Public

AUDIENCE:

Jeff a.k.a Frank Motley – Pullman

7:00 p.m. – Larry Cochran opened Public Hearing **CU 25-003**.

Applicant: *Mark Cochran/Shawnee Rock*

Requests: *A Conditional use permit proposing to add approximately 61.8 acres to their 26.2-acre quarry site*

Location: *¾ of a mile north of Colfax, on SR 195 at milepost 40.850, on the east side of the highway in the N ½ of Section 1, Township 16N., Range 43E., W.M. , Whitman County Washington*

Larry Cochran – So we have one conditional use permit tonight, I am Larry Cochran and Mike Cocran, Ryan Kile and online we have Brian Davies and Rick Finch.

Raquel Alorza- Raquel Alorza is also here online.

Larry Cochran- We will wait for Jeff to come back into the room.

Larry Cochran- So we have one CU 25-003. The applicant is Mark Cochran and Shawnee Rock. Request a Conditional Use Permit proposing to add 61.8 acres to their 26.2-acre quarry site.

Larry Cochran- The site is located approximately $\frac{3}{4}$ of a mile north of Colfax, on SR 195 at milepost 40.850, on the east side of the highway in the North $\frac{1}{2}$ of Section 1, Township 16 North, Range 43 East, Willamette Meridian, Whitman County, Washington.

FINDING OF FACTS

Larry Cochran- Number 1, On July 28, 2025, Mark Cochran and Shawnee Rock applied for a conditional use permit to add approximately 61.8 acres to their quarry site. See Exhibit 1, Conditional use application.

Larry Cochran- Number 2, the site is located approximately $\frac{3}{4}$ of a mile north of Colfax, on SR 195 at milepost 40.850 on the east side of the highway in the North $\frac{1}{2}$ of section 1, Township 16 North, Range 43 East, Willamette Meridian, Whitman County, Washington. The approximate 61.8-acre area of a 194-acre parent parcel is zoned as the Agricultural District and has been used for dryland farming. The site is surrounded by farmland to the north and west and steep vegetated slopes to the south and east toward North Palouse Road and the North Fork of the Palouse River.

Rick Finch- Larry this is Rick Finch, I just have a question about the, it talks about adding 61.8-acres to a 26-acre parcel, but then we're talking about the zoning of 61.8-acres being industrial of some kind. I can't see it right here, so are they adding an additional 61-acres or making the whole site 61-acres.

Grace Di Biase- In 2005 there was 20-acres and it was rezoned to Limited Heavy Industrial, then they added another 6 that remained Agricultural District and now they are adding another 61 or so to the site and it is also zoned Agricultural District, so we have two different zonings going on but a conditional use permit is required in both zones.

Rick Finch- Gotcha, ok thank you.

Larry Cochran- So, the 61 acres goes in then it comes out of the Ag classification? OK.

Mike Cochran- It makes under 94 acres?

Alan Thomson- Mr. Chair, that's not a correct statement the 61-acres remains in the Agricultural District.

Larry Cochran- Does it?

Alan Thomson- Yep, we are leaving everything as is.

Rick Finch- It is against the law by conditional use in both zoning districts.

Alan Thomson- Yep, right.

Larry Cochran- OK, good to know.

Larry Cochran- The nearest residence is approximately 1,039 feet northeast of the site and McDonald Park within the City of Colfax is approximately 720 feet southeast of the site. No flood plains or wetlands are present at the site. Where that is if there was a flood plain or wet land, we would all be in trouble. According to the Priority Habitats and Species report from the Department of Fish and Wildlife, no habitat features are present. See Exhibit 2, vicinity map, and Exhibit 3, aerial, Exhibit 4, measurements to neighboring residence, Exhibit 5, measurements to neighboring park, Exhibit 6, floodplain map, Exhibit 7, wetland map, Exhibit 8, PHS report.

Larry Cochran- Number 3, Surface mining, rock crushing, and quarrying are permitted with a conditional use permit in both the Heavy Industrial District and Agricultural District. In June 2005 approximately 20 acres were rezoned to Limited Heavy Industrial District allowing quarrying and temporary asphalt and concrete batch plants. In June 2007, an additional 6.2-acre area was added on to the quarry site. The landowner is applying for a new conditional use permit because they surpassed the ten-year window to renew their conditional use permit from before.

Larry Cochran- I was wondering why they couldn't just do that administratively but that answered that question.

Larry Cochran- Crusher hours are from Monday to Thursday 6:00 AM-6:00 PM, and occasionally on weekends. The occupants of the surrounding homes, golf course management, the City of Colfax and the Colfax School District, will be notified 24 hours prior to blasting, there may be approximately 25-30 round trips per day with peak times between 7:30 AM-3:30 PM. An Access permit onto SR 195 to operate a rock quarry has been obtained by the applicant from Washington State Department of Transportation. An internal access road has been built from the existing access point at SR 195 all the way to the quarry site at the applicant's expense. A surface mining permit is required with the Department of Natural Resources. Air emissions from crushing operations are regulated through permits from the Department of Ecology. The applicant shall provide requested information from the Department of Ecology regarding the Spill Prevention, Preparedness, and Response Program. Water will be brought to the site from an outside source. The applicant shall have a stormwater runoff plan. No filling or dredging is to occur; the applicant shall provide portable toilets. No buildings exist or are proposed. The applicant shall follow Whitman County's Inadvertent Discovery Plan. Exhibit 9, site plans.

Larry Cochran- Can you tell me what an Inadvertent Discovery Plan is?

Grace Di Biase- In the case that cultural artifacts or human remains are found they must cease their operation and contact the authorities.

Larry Cochran- OK.

Larry Cochran- Number 4, on Thursday, August 7, 2025, Whitman County Planning Issued a Mitigated Determination of Nonsignificance (M-DNS) under the State Environmental Policy Act Rules, Chapter 197-11 WAC, for SEPA 25-010. The comment period ended on Thursday, August 21, 2025, and a comment letter from the Department of Ecology was received. The applicant was made aware of the Department of Ecology's further inquiries and shall satisfy their requirements. No comments were received from the public regarding the SEPA decision, Exhibit 10, M-DNS, and Exhibit 11, Ecology comment letter.

Larry Cochran- Number 5, all landowners within 1,000 feet of the site were notified of the applicant's request and public hearing before the Board of Adjustment by mail sent from Whitman County Planning on Monday, August 11, 2025. No Comment letters were received from the adjacent landowners. See Exhibit 12, Affidavit of Mailing, Exhibit 13, notification letter.

Rick Finch- Is that still correct?

Grace Di Biase- Yes.

Larry Cochran- Yes, it is.

Rick Finch- OK, thank you.

Larry Cochran- On Thursday, August 7, 2025, a legal advertisement for the M-DNS and notice of a conditional hearing was published in the Whitman County Gazette for a hearing date of Thursday, August 28, 2025. A copy of the legal advertisement was placed on the bulletin board in front of the Public Works Department. No comments were received from the public regarding the legal advertisement. Exhibit 14, legal advertisement

Larry Cochran- Number 7, a public hearing for Mark Cochran/Shawnee Rock was reviewed and the Board of Adjustment on Thursday, August 28, 2025.

Larry Cochran- Is there any additions to the finding of facts?

Grace Di Biase- No.

Rick Finch- I have none.

CONCLUSIONS OF LAW

Larry Cochran- OK, The Conclusions of Law, The Board of Adjustment has been granted authority to render this decision.

Lary Cochran- Number 2, as conditioned, the proposed use is consistent with the intent, purpose, and regulations of the Whitman County Code and Comprehensive Plan.

Grace Di Biase- Mr. Cochran, I believe the board has to approve the findings.

Larry Cochran- Well I haven't figured out where to end it at in this five. We will do it at the end of this five.

Grace Di Biase- OK, thank you.

Larry Cochran- As conditioned, or six, as conditioned, the proposal does conform to the standards specified in the Whitman County Code.

Larry Cochran- Number 4, as conditioned, the use will comply with al required performance standards as specified in the Whitman County Code.

Larry Cochran- Number 5, as conditioned the proposed use will not be contrary to the intent or purposes and regulations of the Whitman County code or Comprehensive Plan.

Larry Cochran- Any finding of fact that is more correctly a Conclusion of Law is hereby incorporated as such by this reference.

Larry Cochran- With that is there a motion to approve the Findings of Fact?

Rick Finch- Rick Finch, oh, I was going to say Rick Finch I move to accept the Findings of Fact.

Ryan Kile- Ryan Kile second.

Larry Cochran- And I will abstain from voting.

Larry Cochran- Any other questions? If not all those in favor say aye.

Rick Finch- Aye.

Brian Davies- Aye.

Ryan Kile- Aye.

Mike Cochran- Aye.

Larry Cochran- Opposed? Motion carried.

CONDITIONS

Larry Cochran- OK, based on the Findings of Fact and Conclusion on Law, CUP 25-003 for Mark Cochran/Shawnee Rock is hereby approved subject to the following conditions. The Board approves this conditional use contingent upon the following conditions.

Larry Cochran- The applicant shall obtain necessary permits from Whitman County and other permitting agencies. This conditional use permit is not to be construed as approval for these other agencies. The applicant must obtain these necessary permits and approvals. Failure to obtain these permits is basis of revoking this conditional use permit.

Larry Cochran- Number 2, This conditional use permit will be continuous with the ownership of the property. Should ownership change, the Whitman County Planning Department must be notified. The conditions apply to the land regardless of transfers.

Larry Cochran- So, I'm assuming Mark Cochran still owns the property.

Larry Cochran- Number 3, all outdoor lighting shall be full-cutoff to not allow light to escape the site.

Larry Cochran- Number 4, This Conditional Use Permit shall be valid for a 10-year period and can be extended by the administrative action for further 10-year periods.

Larry Cochran- So don't miss the next 10-year cutoff.

Larry Cochran- Number 5, crusher hours are from Monday to Thursday, 6:00 AM to 6:00 PM, and occasionally on weekends.

Larry Cochran- Number 6, the property shall be reclaimed as per the Department of Natural Resources conditions of the reclamation plan.

Larry Cochran- Number 7, the applicant shall provide requested information from the Department of Ecology regarding the Spill Prevention, Preparedness and Response Program.

Larry Cochran- Number 8, the applicant shall have a stormwater runoff plan.

Larry Cochran- Number 9, no filling or dredging is to occur.

Larry Cochran- Number 10, the applicant shall provide portable toilets.

Larry Cochran- Number 11, no buildings exist or are proposed.

Larry Cochran- And Number 12, the applicant shall follow Whitman County's Inadvertent Discover Plan.

Larry Cochran- Is there any other conditions in which any wants to?

Alan Thomson- Hey Mr. Chair, this is Alan, I got a couple of suggestions. The previous permit, there was a condition in it to notify the adjacent landowners when blasting was going to occur. I suggest you put that in as a condition as well.

Mike Cochran- I thought that was in there.

Larry Cochran- it's in the finding of facts, so.

Alan Thomson- Yeah, but in order to be, it has to be a condition to be enforceable.

Larry Cochran- OK, that's—

Brian Davies- Well I move then that we add that as another condition.

Mike Cochran- I second.

Rick Finch- Just what was written in the Findings of Fact I think is adequate isn't it?

Alan Thomson- Yeah, I think so, yes.

Alan Thomson- And then one other question I don't know if the applicant is there? If Jeff Motley is there? I think there is still a gate at 195 am I correct?

Jeff Motley- This is Jeff Motley, yes, there is.

Alan Thomson- Ok, then that gate needs to be closed off during operations.

Jeff Motley- During what?

Alan Thomson- I think that should be in the findings as well to not allow the public access to that location.

Jeff Motley- During what time, Alan?

Alan Thomson- When your, I guess that when that pit is not being active so when there is no activity going back and forth that gate needs to be closed.

Mark Storey- Are you, just a point of clarification, you're referring to active mining operations? Because MSHA has some very specific standards on that too.

Alan Thomson- Yes.

Mark Storey- Thank you.

Rick Finch- So, do we need a condition if it is already required as part of other regulations that they have to follow?

Alan Thomson- Well, if something else covers it then it is good, but I just want it on the record that has to be shut down when there is no activity going on to prevent the public accessing that area. If Mark is correct, then we don't need to put anything else in there.

Mark Storey- I am pretty sure Mr. Motley already knows this, but MSHA has very strict standards about who has access to an area that is actively being mined. If all they're doing is stockpiling and trucking through there, there are no requirements specific to that. So, I would suggest it is covered by the MSHA rules unless Mr. Motley has something different to add.

Jeff Motley- No, I think that is correct Mark. That sounds about exactly right.

Mark Storey- MSHA is just like OSHA only it is for mining safety whatever.

Larry Cochran- So, do we want to put that in the record to follow whatever that is?

Rick Finch- They have to anyway.

Mark Storey- They have to.

Larry Cochran- So it doesn't make any difference?

Mike Cochran- Not to us.

Larry Cochran- Anything else Alan?

Alan Thomson- No, that is it and if you accept that you will have to make a motion to accept the new finding.

Larry Cochran- So we have a motion to accept Number 13. Grace, do you want to repeat it?

Grace Di Biase- To notify adjacent landowners within 24 hours of blasting?

Rick Finch- Adjacent landowners were actually specified I think it was School District.

Alan Thomson- Yeah.

Mike Cochran- School District and there is a whole—

Larry Cochran- As per the Finding of Facts?

Rick Finch- Yes.

Mike Cochran- Yeah.

Brian Davies- I move that we accept the new Finding of Fact with number 13 added.

Larry Cochran- OK.

Rick Finch- Second.

Larry Cochran- Anything else? If not, all those in favor say aye.

Brian Davies- Aye.

Rick Finch- Aye.

Ryan Kile- Aye.

Micheal Cochran- Aye.

Larry Cochran- Opposed?

Larry Cochran- Motion carries.

Larry Cochran- Conditional Use, Conditional Use 25-003 is approved.

Alan Thomson- Mr. Chair I'm not sure about that last motion. You didn't have wording in there that I can hear that said that you are going to accept or grant the Conditional Use as amended.

Larry Cochran- That's what we voted on.

Alan Thomson- I didn't hear the words "grant this Conditional Use" though.

Brian Davies- May I rephrase or remotion that I move that we accept the Findings of Fact with the addition of Number 13 notifying the adjacent landowners and approve the Conditional Use application?

Rick Finch- Friendly amendment would be to call it the conditions. We just amended the conditions.

Mike Cochran- We are adding it to the conditions not the Finding of Facts. It is already in the Finding of Facts.

Brian Davies- OK, the conditions.

Rick Finch- I second that we approve the conditions with 13 added and grant the Conditional Use permit number whatever it is.

Brian Davies- 25-003.

Larry Cochran- Moved by Brian to approve. Seconded by Rick. All those in favor say aye.

Rick Finch- Aye.

Brian Davies- Aye.

Micheal Cochran- Aye.

Ryan Kile- Aye.

Larry Cochran- Opposed? Motion carried. CU 25-003 is approved.

Larry Cochran- I thrashed many a rock up there in the old days.

Mike Cochran- I remember.

Larry Cochran- Anything else to come before the Board of Adjustment?

Larry Cochran- OK, meeting is adjourned.

Grace DiBlase Assistant Planner

09.09.25