

To: Madison County Commissioners

July 8, 2019

Dear Sirs:

My comments refer to a current situation, not for or against an upcoming decision. However, to ensure your protection, please disclose this conversation in any upcoming hearing as is outlined in the Idaho Land Use Handbook.

- March 25: A formal, written complaint was made with Madison County regarding a mining expansion on unpermitted property. Idaho State Law and Madison Code was cited. Additional corroborating Madison Code was given to Mr. Petersen and Mr. Evans later in the week.
- The complaint asked that Madison County (1) enforce county ordinances and (2) hold off on the public hearings until the company came into compliance.
- March 26: At your request a site visit was made on the property. A copy of the complaint against the county was not given to the company and they were told they were in compliance. (As stated by Company that evening during a public meeting and verified by Mr. Petersen)
- April 10: A written statement on Madison Letter Head is received by complainant. It states, "[The company] is not in violation of any Madison County ordinance." (See letter with said date)
- Public Hearings were not postponed, and as they continued over April and May, numerous verbal inconsistencies were made during these hearings and outside of these hearings regarding compliance and/or enforcement. Public records were requested. The answer: "There was nothing in writing regarding this issue." (See public records request form of May 29, 2109)
- June 24: Mr. Zollinger stated, "Once it became apparent that there had been some miscommunication between [company] and [former P&Z administrator] and they were not operating consistent with county ordinance they voluntarily agreed to abate the behavior." At the same time, Mr. Zollinger stated "there's no ongoing violations." "There's no indication they are continuing to do anything there on that parcel that is in violation of county ordinances." (see meeting minutes/recording)
- June 24: Mr. Zollinger further stated that, "[Madison County's enforcement policy] is to notify [an owner] that there is questions and request that they volunteer their compliance..." "[They have not been forced to go to the question of are they or are they not [in compliance]. (see meeting minutes/recording)
- June 24: Mr. Petersen refers to "agreements" made of when the stockpile will be removed and that the crusher will be removed.

I understand that from your seats it may appear to be arguing and bickering among citizens. In light of these facts I have presented, please take a moment to see it from our seat. (Although I speak for myself)

- 1) The only written statement made by Madison County regarding the complaint of March 25 states the company is not in violation.
- 2) 3 months later, we are told in a public meeting that there were violations and they are being rectified.
- 3) However, There is no public record of violations made by this company. No record of a letter being sent to this company which stated the violations (as cited by ordinance) or what the company needs to do to rectify the situation. Contradictory statements about there were violations, but not currently? What clearly has changed in their operation? No public record of "agreements" made with this company—or why.
- 4) We as citizens are *expected to believe* that in our county, if a complaint is made, enforcement occurs, regardless of if there is an actual violation. The county goes to the owner and asks them to voluntarily comply without any written proof there is a violation.
- 5) Additionally, the company has not provided any written proof they were told they could do this by the former P&Z administrator. The county has not provided any proof of this. Yet it seems he is being blamed for the mishap, even though in March the current P&Z office did in fact state on public record that this activity was legal.
- 6) At the same time as all this confusion in the county administration, citizens are being asked to prove they are actually being harmed by this lack of enforcement by the county. The county has clearly allowed a company to violate county ordinance and the homeowners are told everything will be fine in the future as:
  - They are berated publicly for complaining when the county is allowing violations.
  - Turned down on a 10% reduction for taxes even as the county is allowing violations.
  - The county refused to clearly define what violations have or are occurring.
  - The county pushes forward with public hearings without first resolving the current issue, thus pitting neighbors against each other as an issue of compliance which should be taken care of in a more private way is presented publicly.
  - Citizens are berated for asking for a judicial statement to understand Madison Code because our officials choose not to make a decision.
  - The county seems to refuse to see their own part and take responsibility for it and asks those who are affected by the county's actions/non action to figure out a solution.
  - Homeowners currently affected are not even asked how they would like the company to get into compliance; they are left to trust a county who has so far let them down.

Kirsten Ruebush