

August 16, 2024

Dear Boundary County Planning and Zoning Department,

We, the undersigned, would like to consolidate our appeal request regarding file #24-0076/Maverick, LLC.

Kelly Martin
[Redacted]


Signature

[Redacted]

Signature

Jeffery Steinborn
[Redacted]



Signature

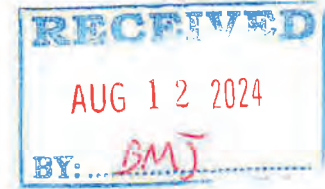
Jim Dewberry
[Redacted]


Signature



Fwd: Summary for Appeal of Planning & Zoning Commission Decision regarding File #24-0076 & Maverick LLC

 **From** David Dewberry [REDACTED]
To orders [REDACTED]
Reply-To [REDACTED]
Date 2024-08-12 10:25



----- Forwarded message -----

From: "David Dewberry" [REDACTED]
Time: 2024-08-12 10:19 -07:00 PDT
Subject: Summary for Appeal of Planning & Zoning Commission Decision regarding File #24-0076 & Maverick LLC
To: "Commissioners" <Commissioners@boundarycountyid.org>

The subject business has never obtained the proper conditional use permit to expand their operation to it's current state. We believe they have been operating in violation of the following sections of the planning and zoning ordinance:

- 4.1.3.3. Failure to obtain or comply with a commercial/industrial placement permit (Section 6.5.4)
- 4.1.3.4. Failure to obtain a conditional use permit, or the third violation of the same condition of the permit (Section 7.5).
- 4.1.3.9. False representation (Section 11.8.3).

The County has the authority to do this based on Section 4.2. Injunctive Action:
Except as limited by the violations and penalties established above,
Boundary County may take whatever legal action deemed necessary and appropriate to restrain,
enjoin or estop any violation of this ordinance in accordance with the laws of the State of Idaho.

We believe the business should be charged for these violations and their operations should be halted, in their current location immediately, due to the health hazards listed below:

APPARENT IMMEDIATE HEALTH RISKS:

Extreme fire hazard posing high risk to life of employees and neighbors:

The fire chief testified to the Planning & Zoning Commission that he would not fight fires at the business due to the above mentioned adverse affects to his team from extinguishing toxic materials. He > also stated that there was not the required sprinkler system for the size of the business. As a former employee, I know that the business has operated for years without a sprinkler system while housing large quantities of highly flammable fine wood dust, 100's of gallons of highly flammable and toxic paint and placement of large industrial size propane tanks down wind from the property and upwind from the neighboring properties with the closest home being about 120 feet from the tanks and 150 feet from the paint storage area of the building. If a fire happened, there would likely need to be a large scale evacuation due to the fire and toxic fumes and if it happened at the wrong time, it would threaten the lives of employees and neighbors and with these conditions, it is in fact an ever present and immediate health risk.

Unsafe and unpermitted traffic:

Lee Bernadi and Simone Legg of the Idaho Transportation Department confirmed to my neighbor Kelli and I that commercial traffic is not permitted on both Pot Hole Road and Maverick Lane. We are working on > getting written statements to back up our conversations on the phone. They both also said we can call the Idaho State Troopers for enforcement. There are many cases over a long period of time where the > subject business' extensive commercial truck traffic has caused near accidents while entering and exiting the highway. They have also completely blocked Pot Hole Road on several occasions due to stuck commercial trucks or employee vehicles. I have personally been involved in helping to get them cleared and I know of many witnesses who can confirm these hazards There are continued near miss accidents caused by the extensive (~200 trips per work day) and unpermitted > commercial truck and vehicular traffic on both roads.

Toxic Paint Off-gassing:

We have video and photographic evidence of the business venting two paint booths directly out the side of their building toward our neighbors back yard and upwind from their home. We have many witness testimonies from caregivers, medical professionals, veterinarian professionals, toxicologists, and Idaho DEQ staff that attests to the apparent highly toxic off-gassing exposure that has been happening for several years. We are working to gather these statements in writing along with physical evidence of the toxic exposures.

The fire chief testified at the first planning & zoning meeting that they did not want to fight any more fires at the business because his team experienced lung problems from fighting an industrial waste pile > fire that contained trash and engineered wood products.

Air Pollution:

We have video and testimonial evidence of continued dust clouds blowing on many neighbors' properties, as a consequence of thousands of tons of highway shoulder dirt being dumped and covering several acres of the subject properties' land, with industrial waste products being buried underneath.
We have air testing equipment evidence of abnormal levels of formaldehyde in the air on neighboring properties both likely sourced to toxic paint fumes and dumped engineered wood products.

Water Pollution:

We have video, photographic and testimonial evidence of longstanding and regular dumping of toxic industrial waste products in water sheds that feed neighboring properties' water sources. I have evidence of the the unpermitted installation of an industrial size septic drain field on my fence line and uphill from my standing water supply. Only after I complained did the business seek a permit, which was denied for that location.

Additionally these adverse impacts have been caused by the subject business:

PUBLIC NUISANCE and LONG TERM HEALTH RISKS:

Toxic Dumping:

We have video, photographic and testimonial proof of large scale dumping of toxic engineered wood products and highway shoulder soil on the water shed areas of the subject and neighboring properties.

Noise Nuisance:

We have video, audio and testimonial evidence of an ongoing noise nuisance cause by the business' dust collection systems and heavy equipment soil dumping operations. The nuisance has been present for at least 3 years and still exists.

Adverse Economic Impact:

Our neighbors recently sold their residential property for roughly 50% of it's value, due to the presence of the subject business and their operations. I have had people tell me they would not buy property nor > live near the subject business, due to the hazards and nuisances resulting from their operations. We are working to gather written statements from professionals to attest the obvious adverse economic impact the subject business is having on us neighbors

Furthermore we ask that you deny any permits for continued operation and/or expansion of the nonconforming and illegal operations of the business. This neighborhood did not agree to the expansion they have done for years far beyond what was agreed to by the community when it was permitted for a small mom & pop size business with little to none of the adverse conditions currently existing. All the legacy properties and many of the owners were here long before this business and the current owners.

The subject business has been in violation of their original conditional use permit for years. Despite our complaints, this activity has been allowed to continue. We ask that you not reward them for their apparent unlawful behavior by giving them a new conditional use permit to cover up their illegal activity.

The Planning and Zoning Board acted improperly in granting the new conditional use permit. They heard testimony but did not consider the importance of the issues we presented. They demanded written proof of our statements but accepted the word of Panhandle Door without question. The P&Z Board did not follow the conditional use permit process by not properly considering the requirements as outlined in Section 7 of the P&Z Ordinance as described below:

7.7.1. scope of the use proposed - Panhandle Door did not fully describe the full operation of what they do.

(add description as to why)

7.7.2. conformance to applicable standards - Panhandle Door is not in compliance with the code requirements for their current operation and the P&Z Board did not add any requirements for them to correct all of their current violations.

(add description as to why)

7.7.3. Whether there is sufficient land area to accommodate the use proposed, and whether development is so timed and arranged so as to minimize adverse effects on surrounding properties and uses.

(describe how construction has already impacted landowners and further development will cause more problems)

7.7.4. How the impacts of the use proposed compare with the impacts of existing uses within the zone.

(describe how Panhandle Door is completely different than the residential uses around it and far beyond what their original permit allowed, so granting a new CUP would not be appropriate for this neighborhood)

7.7.5. Whether concerns raised by other departments, agencies or by the providers of public services, including but not limited to road and bridge, water, electricity, fire protection, sewer or septic, can be adequately addressed.

(the P&Z Board ignored our evidence showing that Panhandle Door cannot properly fulfill these requirements. *** move paragraphs from "immediate hazard" list to here, referencing fire dept access and IDT statement on access roads ***)

7.7.6. The potential benefit to the community offered by the use proposed.

(Panhandle Door could operate from a property with commercial zoning and offer community benefit from that location)

7.7.7. Whether specific concerns aired through the public hearing process have validity and whether those concerns can be adequately addressed.

(the P&Z Board completely ignored all of our concerns regarding access, fire protection and health hazards. For this reason alone the CUP should be denied)

7.7.8. Whether the use proposed would constitute a public nuisance, impose undue adverse impact to established surrounding land uses or infringe on the property rights of surrounding property owners, and whether terms or conditions could be imposed adequate to mitigate those effects.

(the P&Z Board completely ignored all of our concerns regarding access, fire protection and health hazards. For this reason alone the CUP should be denied)

7.7.9. Whether the use proposed would unfairly burden Boundary County taxpayers with costs not offset by the potential benefits of the proposed use.

Boundary County would likely be held liable for granting a CUP that leads to environmental pollution and health damage.

The County Commissioners have the opportunity to correct the mistake made by the Planning and Zoning Board. The County has specific rules in place to guide commercial and industrial development. These rules also protect us the landowners from unwanted and inappropriate development. We ask that you consider our needs and the evidence we have presented and deny this conditional use permit.

In conclusion, we are actively gathering more evidence and testimonies of the above conditions along with other circumstances that support our claims.

Sincerely, With All Rights Reserved, Without Prejudice,

"David" Jim Dewberry





Boundary County, Idaho
Planning & Zoning
Application for Appeal

RECEIVED
JUL 31 2024
BY: BMJ

Identify the Findings and Decision that is the subject of the appeal. Attach one copy of the findings to this application.

Subject Application Number: 05-07 / 24-0076

Subject Application Date: 04/09/24 Hearing Date: 6/27/24 & 7/25/24

On what date was the Findings and Decision made? 7/25/24 (The appeal must be filed within 7 days from the date the Findings and Decision was signed by the Planning & Zoning Chairman or Co-Chairman - Section 13.2.3.)

PART A

1. Applicant: Owner Contract Purchaser Agent

Name: Maverick LLC

Address: [Redacted]

Daytime Phone: [Redacted]

Email Address: [Redacted]

2. Parcel #: RP61N01E291201A

3. Legal Property Owner Name: Nelson Mast / Maverick, LLC.

Address: [Redacted]

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, prospective drawings and description of the projects, etc. are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

7/30/24 Jim Dewberry

Date 7/30/24 Print Name Jim Dewberry
[Redacted]

Signature [Handwritten Signature]

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Boundary County, Idaho
 Planning & Zoning
 Application for Appeal

PART B

Attachments: Yes [] No Describe: Complaints details.

Also, please reference the minutes + recordings of both June 27th, 2024 and July 25th, 2024 meetings w/P&Z,

Why do you believe the Findings and Decision is incorrect? Explain the basis for the appeal, beginning in the following space and using additional pages if necessary.

The decisions and actions made by the Boundary County Planning and Zoning Commission on the dates of June 27, 2024 and July 25, 2024, and in regards to the subject application by Maverick LLC (24-0076), were capricious and arbitrary. Due to this, undue adverse impacts, along with immediate sources of hazards, continues without restriction, and being caused directly by the actions and decisions of Maverick LLC, Panhandle Door Inc, and their associates, with residents, neighboring properties and employees experiencing the highest degrees of danger, from traffic, fire, poisonous gases, poisonous water, toxic dust levels and other sources of danger. Legacy properties in the area of the applicants businesses on the subject parcel, are experiencing adverse economic impacts as well. There is testimony from both recorded meetings on the subject, which highlight these most credible claims. In light of these facts, I ask that the Boundary County Commissioners, issue a cease and Desist order to all business activities on the subject parcel, until such time that

due diligence is performed

Jim (David) Dewberry, With All Rights Reserved.

Form 9B18LOV1-FV1 a4 For assistance with any aspect of the appeal process please call the

Planning & Zoning Administrator (208) 267-7212

without Prejudice,

and all need permits are granted for the operations.

Fwd: Zoning and public health concern
From: David Dewberry <[REDACTED]>
Time:
2024-05-16 22:01 GMT-07:00
To: chaseinvestigations <[REDACTED]>

Attachment List

This HTML message has been sanitized for your security.

----- Forwarded message -----

From: "Kevin Kleinworth" <[REDACTED]>
Time: 2024-03-26 16:45 -07:00 PDT
Subject: Fwd: Zoning and public health concern
To: "" <[REDACTED]>

FYI...

----- Forwarded message -----

From: **Boundary Commissioners** <commissioners@boundarycountyid.org>
Date: Tue, Mar 26, 2024, 2:46 PM
Subject: RE: Zoning and public health concern
To: Kevin Kleinworth <[REDACTED]>

Good afternoon Mr. Kleinworth.

Your email has been received by Commissioners' Office. Commissioners are done meeting for this week, so I don't expect them to be back in the office until Monday, but they will see your email when they're back.

Thank you.

Respectfully,

Michelle Rohrwasser, Deputy Clerk

For Glenda Poston, Clerk

To the Board of Boundary County Commissioners

From: [REDACTED]
Sent: Tuesday, March 26, 2024 2:01 PM
To: commissioners@boundarycountyid.org
Subject: Zoning and public health concern

Please see the attached letter and forward it to the commissioners regarding a major health concern for contamination of a major wildlife drink source and an emergency drinking water source for residents near and downstream. We are trying to solve this issue at the state level before contacting the EPA.

3-24-2024

To Whom It May Concern in Government, including but not limited to Boundary County Planning and Zoning, Panhandle Health District and Boundary County Commissioners,

Please forward this email to all appropriate government offices.

We are submitting a complaint for zoning and environmental violations by a neighboring business at 167 Pot Hole Road, Naples, Idaho.

We have been patient with these, our neighbors, and tried to be understanding, but their actions and responses indicate that they do not intend to reciprocate with respect for our rights, nor have we seen meaningful actions which would indicate their intent to cease their careless, unlawful and damaging actions moving forward.

Their property is, for the area it seems, appropriately zoned AgForest, yet they are unlawfully operating a large industrial manufacturing business that 3 years ago operated from 6am to 2:30pm Monday through Friday, but now operates nearly around the clock 5am-3am, Monday through Saturday morning, and often leaves noisy equipment running 24 hours a day. As I explained to both owners, they would surely not tolerate this if they were on the receiving end of their actions. This needs to cease. Their dust collection system runs the entire time and is disturbing the peace for several neighbors and us, and if not corrected, we will increase our complaint through government, until the nuisance is ceased and accountability is given where appropriate.

Stretching back for nearly three years, I have tried to address this disturbance of the peace problem directly with the owners. I initially asked the owners to find a less disturbing way to operate in the evenings and weekends, to no avail.

However, having recently been driven to investigate the circumstances further, it appears that the owners of the business are violating many laws, and seem to think the answer is to now legitimize their actions after the fact, changing zoning and getting retroactive approvals from government. We sincerely hope that this strategy is not condoned by anyone in government. That would be alarming.

More recently, the business has installed a septic drain field, with out a permit, that is situated adjacent our property on a hill, in a place where, if used, will contaminate the standing surface water and shallow water table of theirs, our neighbors and most directly our land. Since I have challenged it, they have now expressed that they aim to have it permitted after the fact. This is unacceptable and in my opinion very careless, as they are generating the wastewater from roughly 90 full time employees, plus a steady stream of sub-contractors and operating a large painting operation that utilizes a utility sink to wash their tools and hardware containing hazardous chemicals. If this waste is handled in this way, it will cause irreversible and extreme damage to the surrounding lands and waters that includes several large ponds and streams that run a long distance and supply many properties. If this is not reversed, and does in fact get permitted after the violation, it would be unacceptable.

In connection with the scope of their illegitimate growth in their current location, there is an ongoing wave of trash blowing onto our property. They have, however, expressed that they plan to install a fence to stop the trash. Accounting for my experience with them over the past three years, I am not optimistic that I will not be left to continue to pick up their trash for some time, but we shall see.

In summary, my understanding at this phase of research, is that the business was permitted under previous owners 24 years ago when it was a small business with 10 employees. The business has since grown by roughly a magnitude of 10, without

consideration of neighbors, laws and the environment. They are dumping plywood and other chemical containing wood products on their adjacent property behind them, from which the chemicals will surely run off into the same ponds and streams that are downstream from our water systems, and stands to contaminate water that much wildlife and many people rely upon. They are operating incessant and non-stop noisy equipment nearly around the clock, 5 days a week, and they have most recently violated Panhandle Health District Requirements, by installing, without a permit a septic drain field in a terrible location and which is meant to handle sewage for nearly 100 full time workers and sub-contractors, along with hazardous materials waste.

This all needs to cease. It is out of control. Furthermore, the generally non-compliant use of this property needs to cease. It is damaging to neighbors and to the rule of law. If needs be, we will represent ourselves and pull in all available resources at all levels, in order to seek remedy and accountability where appropriate. Furthermore, if attempts to retroactively legitimize any of these unlawful and damaging actions are approved by government, we will pull in all available resources to bring accountability and recompense for any such actions.

In conclusion, neighbors and the surrounding environment should be protected from this business' actions. The business should be required to relocate immediately, to a suitable and existing industrial zone, and be watched carefully. Since profit seems to be their sole motivator, I believe they may discover that it would cost less to move, than to continue the way they are.

Thank you for your attention to these matters, and I will sincerely appreciate your response and direction as we continue to seek solutions for all concerned.

In the absence of a favorable response, an official petition and further public awareness is to follow.

With All Rights Reserved, Without Prejudice,

Jim "David" Dewberry



Kevin Kleinworth



~WRD074.jpg

~WRD074.jpg

Zoning and health complaint

From: David Dewberry <[REDACTED]>

Time:

2024-06-27 15:34 GMT-07:00

To: David Dewberry <[REDACTED]>, Erik Ketner <[REDACTED]>, commissioners

<commissioners@boundarycountyid.org>, prosecutor <prosecutor@boundarycountyid.org>

CC: Chaseinvestigation <[REDACTED]>, Jeff Steinborn <[REDACTED]>, jjones185021

<[REDACTED]>, Kevinkleinworth <[REDACTED]>, Kevin.Aardahl

<[REDACTED]>, prr <[REDACTED]>, idleginfo <[REDACTED]>, lsoweb

<[REDACTED]>, SHerndon <[REDACTED]>, MSauter <[REDACTED]>, SDixon

<[REDACTED]>

This HTML message has been sanitized for your security.

Panhandle Health District, Boundary County Commissioners, Boundary County Prosecuting Attorney, government leaders and Whom It May Concern in government,

I am a citizen of District 3 in Boundary County, Idaho.

This is a complaint.

I have had serious and ongoing concerns about the business next door to me, located at 167 Pot Hole Road, Naples, ID, 83847 and otherwise know as Panhandle Door, Inc. (PDI). On many of these I expressed concerns, I do not know all the facts, but from what I have experienced, observed and learned from others, I believe they may have been operating outside some of the zoning and health requirements and/or guidelines designed to protect those in the community.

A bit of background...

When my family and I came to visit this north Idaho community in the summer of 2018, we had embarked on a road trip to explore where we would like to move. I was an owner operator truck driver, and my family of four had loaded into the big rig to work and explore. You see, we needed to move from where we were in Utah, because the poor air quality was making my wife nearly bedridden. Different people respond to particulates in the air differently, and we had discovered a clear connection to her degrading health in relation to the ever increasing pollution in the Salt Lake and Utah Valleys.

North Idaho, where we had friends from our church, who had already move here from Utah, was our first stop. We quickly knew we wanted to move here. We visited the local parish of the Christian church we are members of and found it was perfect for our young family. Our son was 12 and our daughter had just turned 11. We found that the people in the community were kind, the air and water was clean, and the mountain forests were beautiful, the political climate seemed to be one of personal liberty and respect for constitutional rights and the protection of life, liberty and the pursuit of happiness. My wife, just as she had experienced when we had recently taken a trip to Scotland, began to feel her energy and well being increase within days of being here. In short it seemed to be an ideal place to continue raising our family in peace and safety.

We went home, put our house up for sale, found a rental, and moved here in late October of 2018. We first rented a house in town near the Kootenai river. Being that there was no suitable place to park my big rig, our friends who lived in the first house off Pot Hole Road at the top of Peterson Hill, offered to let me park the rig there in a perfect spot right off the highway. This worked nicely, and I quickly began to become acquainted with the folks off Pot Hole Road. You

see, as I would be unloading with my truck, people would stop and say hi to the new person in town. All were kind and respectful and one in particular, Terry Bodenhammer, may God rest his soul, would stop every time he saw me. He was a Christian, a former Marine and a retired logger, and he was just as one would expect with those credentials...tough, fearless, straight talking, hard working, possessing a heart for service. It seemed you didn't have to guess where he stood with things, but he did surprise me because I always had this sense that he was sizing me up.

One day, while taking a break from working on my truck, and talking to my friend James in his driveway on Pot Hole Rd., Terry pulled up to us in his car and greeted James through the rolled down window, "You know, at first I didn't know what to think of this long haired hippie, but I have decided I like him." He was referring to me. I was a little surprised by the comment and the way it was delivered as if I wasn't standing there, while I held back the urge to correct him about the hippie reference, but I was also warmed by his expression of what felt to be an expression of affection, considering the source. It stuck with me, because it was so unexpected, and yet made me feel chosen, if you will. It was the first of many affirmations I received that God had brought us to the right place.

A few months into this routine and coming into spring as I recall, Terry pulled up to me beside my rig, in the usual spot off the entrance of Pot Hole Road, stepped out of the car and said "You need to buy my house!". You see, he owned the house at the end of Pot Hole road on the right split, and through the wooden gates. The road also split left at the end and before the gates into PDI's parking lot.

We finalized the purchase agreement and began moving in late summer of 2019.

PDI, the business next door, operated from 6am to 2:30pm Monday through Friday, and I couldn't hear any noise to speak of from equipment such as dust collection fans etc., other than the occasional horn, or back up beeper from delivery trucks. Though not ideal, I assumed their operations were approved, and we decided we could live with the dust being kicked up on the road all summer, from employees along with the sparse occasional noises from their parking lot during the day. This is why we were ok with living here.

We did however notice, massive burns that would occasionally happen at the PDI property. They were burning their waste. After one particular accidental burn when the volunteer fire department had to come out, I heard that they complained about having to breath noxious gases coming from trash and treated woods. After starting to work there, I noticed that there seemed to be a continual antagonism from the fire department because they would come out and see accumulating trash in the wood pile that was to be burned, which I imagine they would be asked again to fight if there was an accidental ignition. Eventually the fire department told PDI that they could not burn their trash. This is when it seemed that even more trash was accumulating in the massive pile down the hill on the south side of the plant. This was what they eventually buried along with their septic system, when they began brining in the fill dirt from the highway and road projects. This is when I noticed trailers of waste plywood and mdf being tracted back to the landfill area they had due west of the plant on the adjacent property they owned, and dumped. My former neighbor, Kevin Kelinworth had told me he got pictures of the landfill area. He said he saw a lot barrel drums along with everything else.

Backing up on the timeline, not long after moving here, we decided to sell the trucking business so I could be home more consistently. I started sub contracting in construction, then went to

Alaska for the summer of 2020 fishing season, then came home and took a temporary position with the Idaho Dept. of Transportation mainly driving their plow trucks over the winter of 2020-2021. Then I returned to construction, and not long after that, my wife suggested that I apply for work at PDI. After PDI making me a third offer, I accepted a position as their Shipping Dept. leader and started around the first of August 2021.

When I was hired, there were a few initiatives already in the works:

One was the decision to begin a swing shift from roughly 2:30pm to 11pm Monday through Friday, thereby expanding their scheduled hours to 6am to 11pm five days a week, in addition to the many hours outside that schedule used to work on facilities, maintenance and production overtime.

A second initiative was to install a single external dust collection system to replace the the internal dust collection systems.

Yet another change, was to expand their building foot print by about seven thousand square feet which would put them at roughly 22,000 square feet in my estimation.

Living next door, my home life immediately took a dive. I went from sporadic highway traffic noise that died down every day after business hours, to a steady loud drone of their dust collection system that would create a buzzing in our house that became very pronounced as the evenings progressed. So much for quite peaceful evenings. My wife said it was driving her crazy, and I was right behind her. I explained to the owners and showed them how a swing shift with 3 people was not necessary and introduced them to a dust collection engineer that showed them how they could cut out the noise from their system, but they did not want to do either. They said they would work on it.

Fast forward 3 years later, after complaining to government, they just within the last two months or so, tried to remedy the problem by changing some parts of their system but primarily by placing the noise generating aspects down low below the roof line on the opposite side of their buildings from me. I have notice some improvement, which has been a relief, but now our neighbor on that side of the business continues to get a constant drone, just like I was. The sound seems like it is reflecting off of PDI's metal building toward them now.

Back to when I was hired, within a year, I was made the Production Manager, while still leading the Shipping and Trucking operations. I was leading everyone, save the two owners, the Operations Manager, Human Resources, the Sales team, Administrative team and the Maintenance team, which comprised about 10 people. I was leading the remaining roughly 75 people. You see, I had many years of experience as a Factory Manager and Maintenance Manager for large plants in Utah. During my tenure at USSynthetic in Orem Utah, I was part of a leadership team that helped transform the company over the course of 6 years to be one of only two companies in the US, that year, to win the Shingo Prize. Look it up and you will see that a core principle is to connect the culture to delivering value to everyone, including the employees and the community in order to create a sustainable and long term culture of excellence. Part of that is taking care of employees' and neighbors' safety as well as the environment. I could see the artifacts everywhere at PDI that revealed that these concerns seemed virtually absent. Retrospectively, despite my optimism to help folks see the value of a balanced perspective on the health of the business, I can see that it was not attainable because the owners actually did not seem to share that same perspective and desire. They seemed to only see how I could help

increase profits and growth, which I did manually, because those solutions were adopted quickly and with vigor. However, nearly everything I had learned in overseeing the safety of several teams historically was being overlooked at PDI. Against my advise, they were quick to spend 100's of thousands of dollars on equipment in attempts to increase their throughput, or to expand the square footage, I could see there was plenty of work to do in terms of delivering better value to all the stakeholders and I felt up to the task of trying to help the owners achieve their business goals, as long as it involved taking proper care of all stakeholders.

I learned that I was further and further hamstrung by entrenched leaders and lack of resolve of the owners. For two years they would not budge (except a \$1000 investment for noise dampening devices in the shipping department to lower the decibels) when it came to smaller investments for safety and the environment and neighbors such as myself. The owners appeared to be making a handsome profit, and I was being taken care of in terms of a competitive wage, however with no benefits, but it quickly became apparent to me that the long term health of the employees, community and the environment were not apparently part of any meaningful strategic discussions or actions. I know this, because I was in most of their planning meetings. I tried for the whole time I was there to get a dust collection table for this poor young man Aaron who would spend all day sanding dried clear coat from drawer boxes. His eyes would be completely red every day. God knows what his lungs must look like along with the condition of his hearing, with no respirator and no ear protection. I could not get his entrenched leaders to enforce the use of proper PPE. Although I was technically the 3rd tier leader for Aaron for a time, I was hamstrung to change requirements and systems to make things safer, due to the unwillingness for ownership to spend the money, and the unwillingness of the tenured and antagonistic leader of the Finish Department to make needed changes. His people were very unsafe in my opinion.

Also during my employment, I noticed a utility sink in the middle of the finish area. The space would make me light headed every time I walked in there. This sink is where they would clean and rinse their brushes and paint buckets and equipment. At the time it didn't occur to me to wonder where that water was going. They had two large paint booths which I believe were being exhausted directly into the neighbors back yard from only about a hundred feet from their home which was downwind from the venting fumes. I have what I believe are those vents on video while there were recently in action. When I recorded, I could smell the fumes.

I also remember when it apparently became a big problem that PDI may not have been disposing of their 55 gallon paint barrels correctly and they eventually started having SafetyClean carry them off.

On other occasions, while walking on the property just west of them, I noticed they had been dumping off the edge of a ravine and there was a large pile of landfill type items such as old equipment, plywood, mdf, paint barrels and the like. At the time it did not occur to me just how damaging that could be, especially since it was in a water shed area that ran directly into a pond system than continue down stream to a shallow well at the neighbors'. Fortunately, I recently discovered that the neighbors are not using it because it dries up seasonally, as I recall. However, there has historically been big game and a lot of wildlife that waters at those ponds and streams.

Eventually I was relieved from production management responsibilities, and continued to lead the shipping and trucking, but then a little over a year ago, was relieved from employment all

together with the explanation that I was on the wrong bus. I trusted that God had a plan for me, and as soon as it was known that I was available, by the grace of God, I was called and ultimately offered a position, resulting in not missing any days of work and having a much better job currently.

However, I have a string of texts to Nelson Mast and Vern Helmuth, the owners of PDI, pleading with them to fix the noise problem, as it continued to disturb the peace and caused me countless nights of little and poor sleep. What made it more stressful was that I knew they could solve the problem if they had the resolve. At this point, I also began to ask that they solve the ongoing problem of their loose trash from the dumpsters and the parked cars, blowing onto my property continually. As of yesterday, they still had not put up a barrier as they said they would a few months ago.

As I mentioned, starting a couple years ago, they started the process of bringing in seemingly thousands of tons of dirt from the side of the highway at McArthur lake as well as from a road project or projects in Bonners Ferry. I came to understand that it is plausible that the dirt may be contaminated with toxins including the remains of potentially old wooden sewage lines from town and the run off residue from years of highway service. I can't verify this, but I wonder were these soils tested for toxins, and if so, how accurately were they tested and what were the results?

One day I noticed a whole lot of earthworks on our adjoining fence line and upon asking Vern Helmuth what it was, he stated it was a septic system. After looking at it closer and losing sleep about the potential consequences, I asked someone I know their opinion on the situation. He is not a septic expert but he does work with water professionally. He said he would expect that, based on the proximity of the system to my standing water as well as the system's position on top of a hill that was largely just recently created with heavy equipment, I would likely smell sewage there continually and that my wetlands would likely be contaminated with whatever is being drained. Then, I recalled seeing the PDI finish department utility sink in use, and the cleaning lady that came in a few times a week and used all kinds of cleaning supplies in the break room and bathrooms and all the people working and visiting the site using the bathrooms. Lost more sleep and then texted both Nelson and Vern on Feb. 7th, 2024 asking when we could meet with their septic contractor? There was no answer. I texted again on Feb. 13th. Still no answer. So I asked someone else who might know who the contractor was and was told more than likely KG&T. However, I was really developing a sour taste in my mouth, and not being interested in having someone try and talk me into agreeing to something I could never feel good about, I chose to visit the local Panhandle Health District and asked for permit info. They informed me that the only septic system approved was from 2000 when a system for 4 people and a 3 bedroom home was approved. I wonder if this is the system Vern told me they recently buried under tons of dirt? Upon discovery of this, I paid a visit to Vern and asked why they hadn't fixed the dust collector noise problem and why had they installed that septic system in such a seemingly terrible spot? He said something like he had been avoiding the dust collection fix, because it was work he dreaded and that with all the fill dirt being brought in and covering the existing septic system, he feared that if they had problems with it, they would not have a back up. He expressed that this is why they had put the new one in. I asked why they hadn't gotten it permitted because I would be surprised if it would pass. His response was on the lines that he didn't want to have to deal with the requirements such as pressure testing etc. He conveyed that they hadn't hooked the new one up yet. I asked that it never be hooked up and that it be moved and he expressed that I would have to talk to Nelson about that as he made all of those kinds of decisions. I then asked when the noise problem with the dust collector would be

survived, and he said he really could not say and furthermore was not even sure the changes would fix the problem.

At this point I contacted Nelson Mast and asked to meet. After a couple weeks, I was able to meet with him in his truck on March 23rd, as he was leaving the PDI property I asked him to move the septic system away from such a terrible spot near me and he said he wanted to first see if they could get it permitted by PHD. I was appalled and expressed to him that even if it was permitted, I would challenge it, based on the seemingly obvious problems. I then asked for a commitment to stop the dust collection noise, especially during swing shift, and he conveyed that they were still working on it but that he believed the community really needed an industrial zone on the south side of town, with me getting the inferred implication that he would spearhead that effort with PDI. In my view, reflecting on the patterns that were emerging, this was in the works for some time, and it would seem with little to no consideration of the neighbors and the environment they use, nor the rules and requirements designed to protect them.

The experiences of my family dealing with the choices of the owners of PDI, up to now, which have been riddled with exhaustion and attempts to protect the inheritance and home I am working to leave for my children, as I deal with business owners who seemingly treat this whole area as if it is theirs for the taking, has left me no choice but to seek redress through the government agencies that I hope are still geared toward helping citizens, such as all concerned in these circumstances on and around Pot Hole Road.

In this process, I have learned that other neighbors have been experiencing similar problems, and one family in particular, is getting it worse than all of us combined, I believe. I believe I have plausible reasons for concern that there may be potential poisoning of the air, the ground and the potential of an unusual and ever present fire hazard that may be an imminent and highly unusual threat to the people in our neighborhood.

I wonder if many of the observed actions are lawfully permitted or within zoning laws.

I am told by neighbors that three people previously living in closest proximity to PDI have died in the past year and the most recent one was less than a month ago. I am told all three who died, had symptoms associated with some listed effects for chemicals that may be being exhausted into the air by PDI's finishing operations.

I fear for the safety of my neighbors and my family.

This is not the first complaint I have issued regarding this business, and I wonder if these complaints have been taken seriously and what can be done to alleviate my concerns.

Will you please investigate?

I have video of what seemed to be paint, varnish, lacquer or solvent fumes, based on the smell, being exhausted at near ground level very close to my neighbors residence. The smells made me feel nausea.

I have months of text messages along with witnesses to corroborate the legitimacy of my claims and basic timeline.

Can you get answers about the fill dirt dumping? I ask because the wind is regularly stirring up the dust from that dirt and sending it across many of my neighbors homes and property. Just last Sunday I was visiting with neighbors and the dust was making it hard to breathe and keep

our eyes open. This was never a problem before the dirt was brought in. Also, I am concerned that the runoff from that dirt will pollute the ground water. My exclusive water source is a shallow well.

I received copies of public records concerning the zoning of the property where PDI is and there was no evidence, that I recall seeing, that their operations were in compliance with the laws.

I personally witnessed piles of plywood and mdf sheets that had been dumped near PDI into what I would call a small watershed ravine that looks to drain into a pond and seasonal stream system that runs to the neighbors property. Another neighbor told me he also saw barrels in the dump pile.

Their truck and employee traffic is daily kicking up dust on our only ingress and egress road, and they have multiple times had their trucks and cars or those of their suppliers vehicles get stuck and block the road entirely, so as to prevent any vehicles from entering or exiting.

In conclusion, this business is seemingly operating without many needed permissions, and at best is a nuisance on many levels and at worst seems to be also expelling potentially dangerous and harmful toxins.

Will you please investigate all the points of my complaint and help us resolve this to everyone's benefit? In my opinion, PDI would do well to relocate their operation away from residences and to be sure they are in compliance with laws regulating their business. I wonder even if the very large "For Hire" sign they placed at the entrance of Pot Hole Road is approved. If so, why would it be? It looks as if all of us neighbors are living in PDI's private industrial park, when in fact it is zoned rural residential or ag/forrest.

I have met parishioners who would not consider buying here, which is close to our church, because of the proximity to PDI. Surely, I would imagine that PDI's seemingly unchecked growth and ways of doing business there has had a diminishing effect on the sales value of our properties, all other things being held equal.

I saw this on one of your websites: "REPORTING VIOLATIONS OF THE BOUNDARY COUNTY ZONING AND SUBDIVISION ORDINANCE

As an ordinance of Boundary County, the Boundary County Zoning and Subdivision Ordinance has the force of law and penalties for violations and the process for enforcing violations are outlined in Sections 4. Violations of the ordinance are considered a misdemeanor punishable by fines not to exceed \$1000 and/or imprisonment in the county jail not to exceed six months. In addition, the property owner may be required by the court to correct the violation at their own expense, which could mean removing any structure which violates the provisions of the zoning and subdivision ordinance.

Boundary County does not employ a building inspector or an officer or agent to seek out and prosecute violations of the ordinance, but relies instead on complaints from citizens. If you have reason to believe that a violation of this ordinance exists or is about to take place, you should notify the zoning administrator, providing the name of the owner of the property on which the violation may be occurring, the location of the property and the nature of the alleged violation. This notification may be in writing, by telephone, fax or email. You may, if you choose, remain anonymous.

Upon receipt of complaint, the zoning administrator will determine if the complaint is valid and, if it appears that a violation exists, will send the property owner against whom the complaint was made a certified Notice of Violation setting forth the alleged violation(s), the provisions of the zoning and subdivision ordinance which apply and what actions, if any, can be taken to correct the violation. The property owner is then afforded a set amount of time to respond to the notice, either to refute the allegations or to establish a course of action to correct the violation. It is the intent of Boundary County to resolve violations without intervention by the courts whenever possible.

If the nature of the violation is deemed by the Board of County Commissioners to pose a threat to the health or welfare of the citizens of Boundary County, a cease and desist order will be issued by the Prosecuting Attorney pending review and investigation of the violation.

If the property owner fails to respond to the notice of violation in the established time frame, a copy of the complaint is forwarded to the Board of County Commissioners with a recommendation that the complaint be forwarded to the Prosecuting Attorney for further enforcement action."

I wonder, has the above process been enacted?

Thank you for your kind attention to our concerns and thank you in retrospect and in advance for anything you have or will do to help rectify these circumstances.

Sincerely, With All Rights Reserved, Without Prejudice,

Jim "David" Dewberry



Immediate Health Hazards may exist - Re: Zoning and health complaint

From: David Dewberry <[redacted]>

Time: 2024-07-05 13:32 GMT-07:00

To: commissioners <commissioners@boundarycountyid.org> prosecutor <prosecutor@boundarycountyid.org>
CC: Jeff Steinborn <[redacted]> jjones185021 <[redacted]> Kevinkleinworth <[redacted]>
<[redacted]> Kevin.Aardahl <[redacted]> prr <[redacted]> idleginfo <[redacted]>
<[redacted]> lsoweb <[redacted]> SHerndon <[redacted]> MSauter <[redacted]>
<[redacted]> SDixon <[redacted]> Chaseinvestigations <[redacted]>
planning <planning@ruenyeager.com> eketner <[redacted]> dduffy <[redacted]> bill.wilson <[redacted]>
<[redacted]> cmarley <[redacted]>

This HTML message has been sanitized for your security.

Dear Boundary County Commissioners and Prosecuting Attorney,

Time is of the essence.

As a citizen, I am counting on you having the desire and will to fairly represent and serve all citizens of this county, including us.

I am asking, have you thoroughly read the entirety of my complaint below? I have not received a response, to acknowledge receipt of the email.

If you have not read it yet, will you please?

I also respectfully request you to respond to me in a meaningful way to help me understand your findings. Again, time is of the essence.

Has a Cease and Desist order been issued to PDI, regarding their exhausting of toxic chemicals? If not, may I ask why? Surrounding residents and myself believe this condition to be an immediate and serious health hazard to us., and we deserve to understand your evaluation of the circumstances and seeming lack of action.

Kindly, With All Rights Reserved, Without Prejudice.

Jim "David" Dewberry
[redacted]

On 2024-07-01 12:28 -07:00 PDT, "Planning" wrote:

- > David:
- >
- > The minutes will not be available until the P&Z Commission approves them at their next meeting, July 25, 2024, and those are then posted to the website. For a copy of the audio recording, please complete the attached public records request form so we may process the request.
- >
- > Tess Vogel, Planner
- > Planning
- > Ruen-Yeager & Associates, Inc.
- > 219 Pine Street | Sandpoint, Idaho 83864
- > Office: 208.265.4629
- > planning@ruenyeager.com • ruenyeager.com
- > Engineers | Planners | Surveyors
- > [cid:image001.png@01DACBB1.FAC0A4F0]
- >
- > From: David Dewberry
- > Sent: Monday, July 1, 2024 12:17 PM

> To: Planning ; Bill Keener ; Commissioners ; Prosecutor ; County ; Bill Wilson ; Craig Marley
> Cc: Jeff Steinborn ; jjones185021 ; Kevinkleinworth ; Kevin.Aardahl ; prr ; idleginfo ; lsoweb ; SHerndon ; MSauter ;
> SDixon ; Chaseinvestigations
> Subject: Re: Zoning and health complaint

>
>
> Thank you for the update Tess.

>
> As a follow up at this time, I believe it is appropriate to point out a few more observations and also ask a few more questions:

> Observations:

> An existing employee shared with me that prior to the P&Z Dept. hearing this past Thursday, PDI conducted a company meeting with their employees where they stated that the neighbors were trying to shut down their business and, and thereby threatening their jobs. This is very concerning for a few reasons.

> * First that would be a mischaracterization of my desired outcome. I would like to see them stop their polluting and clean up their pollution in our neighborhood and to then move to an appropriate location, where they can continue business without damaging neighbors, employees, nor the environment.

> * Considering that while I was at the hearing, I was being harassed by some current employees, who are know to have previously been on the wrong side of criminal laws, I find this messaging in their company meeting very concerning and potentially further damaging to my neighbors and my family as it is potentially fomenting a physical threat to us, which others and myself are feeling.

> * I also find it as inappropriate and scaremongering, for the owner Nelson Mast to have indicated he would have to leave the county if he had to move. He is implying that the only way to keep the current people employed and to keep PDI's contribution to the local economy in tact, is to stay where they are currently located. This does not appear to be an accurate characterization of the circumstances and appears to be a tactic of discouraging the board from holding them accountable by alarming the employees and the P&Z Board with an underhanded ultimatum.

> Considering how far down the path of approval PDI is getting with the absurd location they are in, it would seem that there is suitable land elsewhere in the county, where close neighbors would not be a factor, and where it would be very easy to get correctly permitted.

> Furthermore, a pattern seems to be emerging and it is beginning to appear that there is credible reason to suspect bias in the presentation of facts, the conducting of the hearing and the resulting decision of the last hearing. This bias seems to be clearly for the interests of the owners of PDI, and against the interests of the residents around PDI and against the health and safety of PDI's employees, and against the interests of the community at large. Refer to my previous email attached for some of the reasons to suspect this.

> I am, however, hopeful that this suspicion is proven to be unfounded, or that at least any existing bias in the people and processes with the P&Z Dept. is rooted out and corrected ASAP.

> I am told that air quality monitors are currently picking up formaldehyde in the air around PDI, this being even after the evidenced frenzy of cover up activities that PDI has engaged in recently, such as pressure washing the side of the building where they have been exhausting wet paint near ground level along with other activities.

> Again, I ask that you and others concerned please be careful to see to it that your Department lands on the right, just and safe side of these circumstances.

> Finally, a couple questions. Time is of the essence:

> * What is being done, by your offices, in response to our complaints?

> * How can I get copies of any video and/or audio recordings, along with the minutes of the hearing from last Thursday?

> Sincerely, With All Rights Reserved, Without Prejudice,

> Jim "David" Dewberry



> On 2024-07-01 07:49 -07:00 PDT, "Planning" wrote:

>> Your comments have been received, thank you.

>> Tess Vogel, Planner

>> Planning

>> Ruen-Yeager & Associates, Inc.

>> 219 Pine Street | Sandpoint, Idaho 83864

>> Office: 208.265.4629

>> planning@ruenyeager.com • ruenyeager.com

>> Engineers | Planners | Surveyors

>> [cid:image001.png@01DACB8B.774EDA40]

>> From: David Dewberry

>> Sent: Saturday, June 29, 2024 2:04 PM

>> To: Erik Ketner ; commissioners ; prosecutor ; Planning ; dduffy

>> Cc: Chaseinvestigation ; Jeff Steinborn ; jjones185021 ; Kevinkleinworth ; Kevin.Aardahl ; prr ; idleginfo ; lsoweb ; SHerndon ; MSauter ; SDixon

>> Subject: Re: Zoning and health complaint

>> To Boundary County Planning and Zoning and All Concerned,

>> This past Thursday, we just attended the Boundary County Planning & Zoning public hearing for the permit request from Maverick LLC/Panhandle Door Inc. Please forgive me for saying, but it must be said, from many of our perspectives, who are on the receiving end of the egregious negligence by Panhandle Door Inc., the board and those advising them did not exercise the appropriate level of due diligence & jurisdiction, considering the very plausible adverse health effects, adverse economic impacts, adverse effects on economic viability, adverse impact to the environments and adverse effects to life, liberty and pursuit of happiness of employees and neighbors of the business known as PDI.

>> Having briefly reviewed the US. Constitution, The State of Idaho Constitution and the jurisdiction of the Boundary County Planning and Zoning board, I believe this past hearing was a negligent and egregious miscarriage of the responsibilities of the Planning & Zoning Board, resulting in an extension and continuation of damaging behaviors that employees and neighbors of PDI have been hurt by. The decision that the P&Z Board made, was a miscarriage of their responsibility. Many misleading and false statements were made by the people in favor of the granting of the permit. Here they are as I understand the facts, for which I believe I have much evidence to support and access to many witnesses who can attest to the truthfulness of these opinions to follow, base on the most recent Planning & Zoning hearing and testimonies:

>> * False assertion: PDI is just a cabinet shop. Truth: They operate a separate paint mixing and retail/resale operation on site, independent of the cabinet shop. They operate a trucking business outside of their permitted activities.

>> * False assertion: The owner believed they did not need an updated permit for the scale of what they are doing. Truth: As compared to their current permit, they have 10 times the number of employees, 6 times the truck and trailers including semis, 6 times the square foot footprint, and added paint mixing retail/resale business. PDI's electrical, plumbing and septic systems as they exist, are not permitted. Any multiple business owner would be reasonably expected to be aware of these facts. Nelson owns multiple business, as does many of his close family and associates. His claimed naivety is disingenuous.

>> * False assertion: 75 employees. Truth: A former employee who stopped working there just a week ago, said that there are about 85 people working there.

- False assertion: There are no customers that come to the site. Truth: As a former employee, I personally dealt with customers on site almost daily and often multiple customers per day.

>> * False assertion: The business has DEQ approval to operate the way they do. Truth: No agency overseeing safe practices would approve the venting of wet clear coat paints products directly out the back sides of paint booths near ground level, near neighbors and wildlife. Neither would they approve dumping of plywood, treated wood products, paint buckets and barrels and trash into a watershed valley that drains into a pond and stream system only about 100 feet away. We have irrefutable evidence of this and the P&Z Board did not inquire on these points nor did they state that their decisions to grant a permit were contingent on the very clearly expressed perception of immediate hazardous conditions present at the business. I point you to the written directives for the P&Z board, concerning immediate health hazards.

>> * False assertion: There are about 80 vehicular trips per day. Truth: With lunch break, customers, contractors, deliveries, shipments and other visitors, there are closer to 250 trips per day in or out of the business.

>> * False assertion: The business is not using Maverick lane for employees and others, besides dump trucks. Truth: The neighbors of Maverick Lane witness employees carelessly and swiftly speeding in and out of Maverick Lane.

>> * False assertion: All properties concerned and within the direct impact zone of PDI are zoned Ag/Forrest. Truth: Most of the impacted neighbors are zoned Rural Residential.

>> * False assertion: The employees are safe. Truth: There is an immediate and very plausible ongoing hazard to life, property and environment both inside for the employees and outside for neighbors. It was clearly stated by the fire chief that there is no sprinkler system. And it is required for their size. There is highly flammable wood dust in most of the building, highly flammable and toxic chemicals in large quantities, unpermitted and inspected electrical systems. Employees are not required to wear personal protective equipment on par with the manufacturers guidelines for the exposure levels to their products.

>> * False assertion: The paint products are safe because they are the products on most people's kitchen cabinets inside their homes. Truth: The paint products in their wet or uncured form are highly toxic to life.

>> * False assertion: There is a sixty foot easement along Pot Hole Road, that belongs to PDI. Truth: 60 feet?! Really? That is wider than highway 95 with the shoulders. I do not believe it.

>> * False assertion: PDI is operating 6am to 10pm. Truth: I have evidence and witness would prove that they have been operating until 3:30am or longer.

>> * False assertion: PDI just wants to be a good neighbor. Truth: In addition to all the chronic, imminent and unchecked health hazards, I had complained about the noise pollution for three years and about the trash blown onto my property for several months. Neither has been resolved. My neighbors are also suffering from the noise presently. Are property values can be conclusively proven to have suffered adverse affects by the unchecked activities and growth of PDI.

>> * False assertion: The noise levels the business generates are within the decibel level maximum requirements. Truth: Standing next to the dust collection system in operation for years, even being far below the main area that broadcast noise, one can hardly hear a person talk. If the decibels were checked at the loudest source point, it would be much louder than a lawn mower. Also, if one was to measure the back of a dump truck swinging their tail gates to slam against the dump bed to dislodge dirt, one would find that the decibels are at the level to be extremely painful and would cause ones ears to constantly ring from exposure. We have suffered consecutive days for months at a time of at least 40 trips per day of these dump trucks. The same high decibels comes from the heavy equipment being used to move the dirt around.

>>

>> This list is not exhaustive, but I am currently exhausted. There is more to come.

>>

>> Once, again, based on other's and my own testimony at the hearing and in letters that could have been easily verified by a cursory visit to the site and surface level research, I ask that you immediately issue a Notice of Violation and stop the Hazardous Conditions presented, along with the adverse economic effects, by PDI's operations, and see to it that these activities stop, and that reconciliation be initiated.

>>

>> Please exercise due diligence to avoid unknowingly becoming party to PDI's unsafe and unlawful actions.

>>

>> The reason I will not be appeased at this point, while PDI remains in operation at their current location, is because that damage has already been done, and is ongoing. The only alternative to appeasement with PDI in their current location is that if they return operation with all the parameters outlined in the only granted permit from 2006. (ie. 40' x 130' building, 6-8 employees, 10 cars, one truck and trailer, cabinet shop)

>>

>> As I stated at the hearing, I will take any and all lawful and just actions available, in order to protect all concerned from PDI's actions, and to seek remedy where appropriate.

>>

>> Sincerely, With All Rights Reserved, Without Prejudice,

>>



>> On 2024-06-27 15:34 -07:00 PDT, "David Dewberry" > wrote:

>> Panhandle Health District, Boundary County Commissioners, Boundary County Prosecuting Attorney, government leaders and Whom It May Concern in government,

>> I am a citizen of District 3 in Boundary County, Idaho.

>> This is a complaint.

>> I have had serious and ongoing concerns about the business next door to me, located at 167 Pot Hole Road, Naples, ID, 83847 and otherwise know as Panhandle Door, Inc. (PDI). On many of these I expressed concerns, I do not know all the facts, but from what I have experienced, observed and learned from others, I believe they may have been operating outside some of the zoning and health requirements and/or guidelines designed to protect those in the community.

>> A bit of background...

>> When my family and I came to visit this north Idaho community in the summer of 2018, we had embarked on a road trip to explore where we would like to move. I was an owner operator truck driver, and my family of four had loaded into the big rig to work and explore. You see, we needed to move from where we were in Utah, because the poor air quality was making my wife nearly bedridden. Different people respond to particulates in the air differently, and we had discovered a clear connection to her degrading health in relation to the ever increasing pollution in the Salt Lake and Utah Valleys.

>> North Idaho, where we had friends from our church, who had already move here from Utah, was our first stop. We quickly knew we wanted to move here. We visited the local parish of the Christian church we are members of and found it was perfect for our young family. Our son was 12 and our daughter had just turned 11. We found that the people in the community were kind, the air and water was clean, and the mountain forests were beautiful, the political climate seemed to be one of personal liberty and respect for constitutional rights and the protection of life, liberty and the pursuit of happiness. My wife, just as she had experienced when we had recently taken a trip to Scotland, began to feel her energy and well being increase within days of being here. In short it seemed to be an ideal place to continue raising our family in peace and safety.

>> We went home, put our house up for sale, found a rental, and moved here in late October of 2018. We first rented a house in town near the Kootenai river. Being that there was no suitable place to park my big rig, our friends who lived in the first house off Pot Hole Road at the top of Peterson Hill, offered to let me park the rig there in a perfect spot right off the highway. This worked nicely, and I quickly began to become acquainted with the folks off Pot Hole Road. You see, as I would be tinkering with my truck, people would stop and say hi to the new person in town. All were kind and respectful and one in particular, Terry Bodenhammer, may God rest his soul, would stop every time he saw me. He was a Christian, a former Marine and a retired logger, and he was just as one would expect with those credentials...tough, fearless, straight talking, hard working, possessing a heart for service. It seemed you didn't have to guess where he stood with things, but he did surprise me because I always had this sense that he was sizing me up.

>> One day, while taking a break from working on my truck, and talking to my friend James in his driveway on Pot Hole Rd., Terry pulled up to us in his car and greeted James through the rolled down window, "You know, at first I didn't know what to think of this long haired hippie, but I have decided I like him." He was referring to me. I was a little surprised by the comment and the way it was delivered as if I wasn't standing there, while I held back the urge to correct him about the hippie reference, but I was also warmed by his expression of what felt to be an expression of affection, considering the source. It stuck with me, because it was so unexpected, and yet made me feel chosen, if you will. It was the first of many affirmations I received that God had brought us to the right place.

>> A few months into this routine and coming into spring as I recall, Terry pulled up to me beside my rig, in the usual spot

at the entrance of Pot Hole Road, stepped out of the car and said "You need to buy my house." You see, he owned the house at the end of Pot Hole road on the right split, and through the wooden gates. The road also split left at the end and before the gates into PDI's parking lot.

>>

>> We finalized the purchase agreement and began moving in late summer of 2019.

>>

>> PDI, the business next door, operated from 6am to 2:30pm Monday through Friday, and I couldn't hear any noise to speak of from equipment such as dust collection fans etc., other than the occasional horn, or back up beeper from delivery trucks. Though not ideal, I assumed their operations were approved, and we decided we could live with the dust being kicked up on the road all summer, from employees along with the sparse occasional noises from their parking lot during the day. This is why we were ok with living here.

>>

>> We did however notice, massive burns that would occasionally happen at the PDI property. They were burning their waste. After one particular accidental burn when the volunteer fire department had to come out, I heard that they complained about having to breath noxious gases coming from trash and treated woods. After starting to work there, I noticed that there seemed to be a continual antagonism from the fire department because they would come out and see accumulating trash in the wood pile that was to be burned, which I imagine they would be asked again to fight if there was an accidental ignition. Eventually the fire department told PDI that they could not burn their trash. This is when it seemed that even more trash was accumulating in the massive pile down the hill on the south side of the plant. This was what they eventually buried along with their septic system, when they began bringing in the fill dirt from the highway and road projects. This is when I noticed railers of waste plywood and mdf being tracted back to the landfill area they had due west of the plant on the adjacent property they owned, and dumped. My former neighbor, Kevin Kelinworth had told me he got pictures of the landfill area. He said he saw a lot barrel drums along with everything else.

>>

>> Backing up on the timeline, not long after moving here, we decided to sell the trucking business so I could be home more consistently. I started sub contracting in construction, then went to Alaska for the summer of 2020 fishing season, then came home and took a temporary position with the Idaho Dept. of Transportation mainly driving their plow trucks over the winter of 2020-2021. Then I returned to construction, and not long after that, my wife suggested that I apply for work at PDI. After PDI making me a third offer, I accepted a position as their Shipping Dept, leader and started around the first of August 2021

>>

>> When I was hired, there were a few initiatives already in the works:

>>

>> One was the decision to begin a swing shift from roughly 2:30pm to 11pm Monday through Friday, thereby expanding their scheduled hours to 6am to 11pm five days a week, in addition to the many hours outside that schedule used to work on facilities, maintenance and production overtime.

>>

>> A second initiative was to install a single external dust collection system to replace the the internal dust collection systems.

>>

>> Yet another change, was to expand their building foot print by about seven thousand square feet which would put them at roughly 22,000 square feet in my estimation.

>>

>> Living next door, my home life immediately took a dive. I went from sporadic highway traffic noise that died down every day after business hours, to a steady loud drone of their dust collection system that would create a buzzing in our house that became very pronounced as the evenings progressed. So much for quite peaceful evenings. My wife said it was driving her crazy, and I was right behind her. I explained to the owners and showed them how a swing shift with 3 people was not necessary and introduced them to a dust collection engineer that showed them how they could cut out the noise from their system, but they did not want to do either. They said they would work on it.

>>

>> Fast forward 3 years later, after complaining to government, they just within the last two months or so, tried to remedy the problem by changing some parts of their system but primarily by placing the noise generating aspects down low below the roof line on the opposite side of their buildings from me. I have notice some improvement, which has been a relief, but now our neighbor on that side of the business continues to get a constant drone, just like I was. The sound seems like it is reflecting off of PDI's metal building toward them now.

>>

>> Back to when I was hired, within a year, I was made the Production Manager, while still leading the Shipping and Trucking operations. I was leading everyone, save the two owners, the Operations Manager, Human Resources, the Sales team, Administrative team and the Maintenance team, which comprised about 10 people. I was leading the remaining

oughly 75 people. You see, I had many years of experience as a factory manager and maintenance manager for large plants in Utah. During my tenure at USSynthetic in Orem Utah, I was part of a leadership team that helped transform the company over the course of 6 years to be one of only two companies in the US, that year, to win the Shingo Prize. Look it up and you will see that a core principle is to connect the culture to delivering value to everyone, including the employees and the community in order to create a sustainable and long term culture of excellence. Part of that is taking care of employees' and neighbors' safety as well as the environment. I could see the artifacts everywhere at PDI that revealed that these concerns seemed virtually absent. Retrospectively, despite my optimism to help folks see the value of a balanced perspective on the health of the business, I can see that it was not attainable because the owners actually did not seem to share that same perspective and desire. They seemed to only see how I could help increase profits and growth, which I did handily, because those solutions were adopted quickly and with vigor. However, nearly everything I had learned in overseeing the safety of several teams historically was being overlooked at PDI. Against my advise, they were quick to spend 100's of thousands of dollars on equipment in attempts to increase their throughput, or to expand the square footage, I could see there was plenty of work to do in terms of delivering better value to all the stakeholders and I felt up to the task of trying to help the owners achieve their business goals, as long as it involved taking proper care of all stakeholders.

>>> I learned that I was further and further hamstrung by entrenched leaders and lack of resolve of the owners. For two years they would not budge (except a \$1000 investment for noise dampening devices in the shipping department to lower the decibels) when it came to smaller investments for safety and the environment and neighbors such as myself. The owners appeared to be making a handsome profit, and I was being taken care of in terms of a competitive wage, however with no benefits, but it quickly became apparent to me that the long term health of the employees, community and the environment were not apparently part of any meaningful strategic discussions or actions. I know this, because I was in most of their planning meetings. I tried for the whole time I was there to get a dust collection table for this poor young man Aaron who would spend all day sanding dried clear coat from drawer boxes. His eyes would be completely red every day. God knows what his lungs must look like along with the condition of his hearing, with no respirator and no ear protection. I could not get his entrenched leaders to enforce the use of proper PPE. Although I was technically the 3rd tier leader for Aaron for a time, I was hamstrung to change requirements and systems to make things safer, due to the unwillingness for ownership to spend the money, and the unwillingness of the tenured and antagonistic leader of the Finish Department to make needed changes. His people were very unsafe in my opinion.

>>> Also during my employment, I noticed a utility sink in the middle of the finish area. The space would make me light headed every time I walked in there. This sink is where they would clean and rinse their brushes and paint buckets and equipment. At the time it didn't occur to me to wonder where that water was going. They had two large paint booths which I believe were being exhausted directly into the neighbors back yard from only about a hundred feet from their home which was downwind from the venting fumes. I have what I believe are those vents on video while there were recently in action. When I recorded, I could smell the fumes.

>>> I also remember when it apparently became a big problem that PDI may not have been disposing of their 55 gallon paint barrels correctly and they eventually started having SafetyClean carry them off.

>>> On other occasions, while walking on the property just west of them, I noticed they had been dumping off the edge of a ravine and there was a large pile of landfill type items such as old equipment, plywood, mdf, paint barrels and the like. At the time it did not occur to me just how damaging that could be, especially since it was in a water shed area that ran directly into a pond system than continue down stream to a shallow well at the neighbors'. Fortunately, I recently discovered that the neighbors are not using it because it dries up seasonally, as I recall. However, there has historically been big game and a lot of wildlife that waters at those ponds and streams.

>>> Eventually I was relieved from production management responsibilities, and continued to lead the shipping and trucking, but then a little over a year ago, was relieved from employment all together with the explanation that I was on the wrong bus. I trusted that God had a plan for me, and as soon as it was known that I was available, by the grace of God, I was called and ultimately offered a position, resulting in not missing any days of work and having a much better job currently.

>>> However, I have a string of texts to Nelson Mast and Vern Helmuth, the owners of PDI, pleading with them to fix the noise problem, as it continued to disturb the peace and caused me countless nights of little and poor sleep. What made it more stressful was that I knew they could solve the problem if they had the resolve. At this point, I also began to ask that they solve the ongoing problem of their loose trash from the dumpsters and the parked cars, blowing onto my property continually. As of yesterday, they still had not put up a barrier as they said they would a few months ago.

>>> As I mentioned, starting a couple years ago, they started the process of bringing in seemingly thousands of tons of dirt

from the side of the highway at the natural lake as well as from road project or projects in Bonners Ferry. I came to understand that it is plausible that the dirt may be contaminated with toxins including the remains of potentially old wooden sewage lines from town and the run off residue from years of highway service. I can't verify this, but I wonder were these soils tested for toxins, and if so, how accurately were they tested and what were the results?

>>

>> One day I noticed a whole lot of earthworks on our adjoining fence line and upon asking Vern Helmuth what it was, he stated it was a septic system. After looking at it closer and losing sleep about the potential consequences, I asked someone I know their opinion on the situation. He is not a septic expert but he does work with water professionally. He said he would expect that, based on the proximity of the system to my standing water as well as the system's position on top of a hill that was largely just recently created with heavy equipment, I would likely smell sewage there continually and that my wetlands would likely be contaminated with whatever is being drained. Then, I recalled seeing the PDI finish department utility sink in use, and the cleaning lady that came in a few times a week and used all kinds of cleaning supplies in the break room and bathrooms and all the people working and visiting the site using the bathrooms. I lost more sleep and then texted both Nelson and Vern on Feb. 7th, 2024 asking when we could meet with their septic contractor? There was no answer. I texted again on Feb. 13th. Still no answer. So I asked someone else who might know who the contractor was and was told more than likely KG&T. However, I was really developing a sour taste in my mouth, and not being interested in having someone try and talk me into agreeing to something I could never feel good about, I chose to visit the local Panhandle Health District and asked for permit info. They informed me that the only septic system approved was from 2000 when a system for 4 people and a 3 bedroom home was approved. I wonder if this is the system Vern told me they recently buried under tons of dirt? Upon discovery of this, I paid a visit to Vern and asked why they hadn't fixed the dust collector noise problem and why had they installed that septic system in such a seemingly terrible spot? He said something like he had been avoiding the dust collection fix, because it was work he dreaded and that with all the fill dirt being brought in and covering the existing septic system, he feared that if they had problems with it, they would not have a back up. He expressed that this is why they had put the new one in. I asked why they hadn't gotten it permitted because I would be surprised if it would pass. His response was on the lines that he didn't want to have to deal with the requirements such as pressure testing etc. He conveyed that they hadn't hooked the new one up yet. I asked that it never be hooked up and that it be moved and he expressed that I would have to talk to Nelson about that as he made all of those kinds of decisions. I then asked when the noise problem with the dust collector would be solved, and he said he really could not say and furthermore was not even sure the changes would fix the problem.

>>

>> At this point I contacted Nelson Mast and asked to meet. After a couple weeks, I was able to meet with him in his truck on March 23rd, as he was leaving the PDI property I asked him to move the septic system away from such a terrible spot near me and he said he wanted to first see if they could get it permitted by PHD. I was appalled and expressed to him that even if it was permitted, I would challenge it, based on the seemingly obvious problems. I then asked for a commitment to stop the dust collection noise, especially during swing shift, and he conveyed that they were still working on it but that he believed the community really needed an industrial zone on the south side of town, with the me getting the inferred implication that he would spearhead that effort with PDI. In my view, reflecting on the patterns that were emerging, this was in the works for some time, and it would seem with little to no consideration of the neighbors and the environment they use, nor the rules and requirements designed to protect them.

>>

>> The experiences of my family dealing with the choices of the owners of PDI, up to now, which have been riddled with exhaustion and attempts to protect the inheritance and home I am working to leave for my children, as I deal with business owners who seemingly treat this whole area as if it is theirs for the taking, has left me no choice but to seek redress through the government agencies that I hope are still geared toward helping citizens, such as all concerned in these circumstances on and around Pot Hole Road.

>>

>> In this process, I have learned that other neighbors have been experiencing similar problems, and one family in particular, is getting it worse than all of us combined, I believe. I believe I have plausible reasons for concern that there may be potential poisoning of the air, the ground and the potential of an unusual and ever present fire hazard that may be an imminent and highly unusual threat to the people in our neighborhood.

>>

>> I wonder if many of the observed actions are lawfully permitted or within zoning laws.

>>

>> I am told by neighbors that three people previously living in closest proximity to PDI have died in the past year and the most recent one was less than a month ago. I am told all three who died, had symptoms associated with some listed effects for chemicals that may be being exhausted into the air by PDI's finishing operations.

>>

>> I fear for the safety of my neighbors and my family.

>> This is not the first complaint I have issued regarding this business, and I wonder if these complaints have been taken seriously and what can be done to alleviate my concerns.

>>
>> Will you please investigate?

>>
>> I have video of what seemed to be paint, varnish, lacquer or solvent fumes, based on the smell, being exhausted at near ground level very close to my neighbors residence. The smells made me feel nausea.

>>
>> I have months of text messages along with witnesses to corroborate the legitimacy of my claims and basic timeline.

>>
>> Can you get answers about the fill dirt dumping? I ask because the wind is regularly stirring up the dust from that dirt and sending it across many of my neighbors homes and property. Just past Sunday, I was visiting with neighbors and the dust was making it hard to breathe and keep our eyes open. This was never a problem before the dirt was brought in. Also, I am concerned that the runoff from that dirt will pollute the ground water. My exclusive water source is a shallow well.

>>
>> I received copies of public records concerning the zoning of the property where PDI is and there was no evidence, that I recall seeing, that their operations were in compliance with the laws.

>>
>> I personally witnessed piles of plywood and mdf sheets that had been dumped near PDI into what I would call a small watershed ravine that looks to drain into a pond and seasonal stream system that runs to the neighbors property. Another neighbor told me he also saw barrels in the dump pile.

>>
>> Their truck and employee traffic is daily kicking up dust on our only ingress and egress road, and they have multiple times had their trucks and cars or those of their suppliers vehicles get stuck and block the road entirely, so as to prevent any vehicles from entering or exiting.

>>
>> In conclusion, this business is seemingly operating without many needed permissions, and at best is a nuisance on many levels and at worst seems to be also expelling potentially dangerous and harmful toxins.

>>
>> Will you please investigate all the points of my complaint and help us resolve this to everyone's benefit? In my opinion, PDI would do well to relocate their operation away from residences and to be sure they are in compliance with laws regulating their business. I wonder even if the very large "For Hire" sign they placed at the entrance of Pot Hole Road is approved. If so, why would it be? It looks as if all of us neighbors are living in PDI's private industrial park, when in fact it is zoned rural residential or ag/forrest.

>>
>> I have met parishioners who would not consider buying here, which is close to our church, because of the proximity to PDI. Surely, I would imagine that PDI's seemingly unchecked growth and ways of doing business there has had a diminishing effect on the sales value of our properties, all other things being held equal.

>>
>> I saw this on one of your websites: "REPORTING VIOLATIONS OF THE BOUNDARY COUNTY ZONING AND SUBDIVISION ORDINANCE

>>
>> As an ordinance of Boundary County, the Boundary County Zoning and Subdivision Ordinance has the force of law and penalties for violations and the process for enforcing violations are outlined in Sections 4. Violations of the ordinance are considered a misdemeanor punishable by fines not to exceed \$1000 and/or imprisonment in the county jail not to exceed six months. In addition, the property owner may be required by the court to correct the violation at their own expense, which could mean removing any structure which violates the provisions of the zoning and subdivision ordinance.

>>
>> Boundary County does not employ a building inspector or an officer or agent to seek out and prosecute violations of the ordinance, but relies instead on complaints from citizens. If you have reason to believe that a violation of this ordinance exists or is about to take place, you should notify the zoning administrator, providing the name of the owner of the property on which the violation may be occurring, the location of the property and the nature of the alleged violation. This notification may be in writing, by telephone, fax or email. You may, if you choose, remain anonymous.

>>
>> Upon receipt of complaint, the zoning administrator will determine if the complaint is valid and, if it appears that a violation exists, will send the property owner against whom the complaint was made a certified Notice of Violation setting forth the alleged violation(s), the provisions of the zoning and subdivision ordinance which apply and what actions, if any,

can be taken to correct the violation. The property owner is then afforded a set amount of time to respond to the notice, either to refute the allegations or to establish a course of action to correct the violation. It is the intent of Boundary County to resolve violations without intervention by the courts whenever possible.

>>

>> If the nature of the violation is deemed by the Board of County Commissioners to pose a threat to the health or welfare of the citizens of Boundary County, a cease and desist order will be issued by the Prosecuting Attorney pending review and investigation of the violation.

>>

>> If the property owner fails to respond to the notice of violation in the established time frame, a copy of the complaint is forwarded to the Board of County Commissioners with a recommendation that the complaint be forwarded to the Prosecuting Attorney for further enforcement action."

>>

>> I wonder, has the above process been enacted?

>>

>> Thank you for your kind attention to our concerns and thank you in retrospect and in advance for anything you have or will do to help rectify these circumstances.

>>

>> Sincerely, With All Rights Reserved, Without Prejudice,

>>

>> Jim "David" Dewberry

>>

>

As per ITD, Maverick LLC/Panhandle Door Inc is not permitted to use either Pot Hole Rd, nor Maverick Lane for any vehicle traffic, especially not commercial.

BF8292

EASEMENT DEED

209515

This Indenture, made this 11th day of FEBRUARY, 2003, between Don Jordan, an unmarried man, grantor, the party of the first part, and Joel R. Martin and Lorna Martin, husband and wife, grantee, the party of the second part,

WITNESSETH:

That the said party of the first part, for a valuable consideration by the party of the second part, receipt whereof is hereby acknowledged, has granted, bargained, and sold and by the presents does grant, bargain, sell, convey, and confirm unto the said party of the second part, and to its heirs and assigns forever, a perpetual easement in, over, across, and under the herein after described real property, to-wit:

An easement 60 feet in width for access and utilities, being 30 feet on each side of the following described centerline:

Beginning at a point on the westerly right of way of U.S. Highway Number 95 and 2 that is S31°57'02"W, 1710.73 feet from a concrete highway right of way monument with a brass cap stamped station 284+74.31; thence, leaving said right of way, N58°44'40"W, 30.00 feet; thence, parallel to said highway right of way, S31°57'02"W, 476.65 feet; thence, N83°05'59"W, 356.81 feet; thence, N89°14'48"W, 10.00 feet to the Northwest corner of the South Half of the Northeast Quarter of the Northeast Quarter of Section 29, Township 61 North, Range 1 East, Boise Meridian, and the terminus of this easement, with the sidelines being extended or shortened to intersect adjacent boundaries.

In witness thereof the party of the first part has hereunto set its hand the day and year first above written.

Don Jordan
Don Jordan

STATE OF Idaho)ss.
COUNTY OF BOUNDARY

On this 11th day of FEBRUARY, 2003 before me SHALLEY L. DEITZ, Notary Public, personally appeared Don Jordan, known or identified to me, to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged to me that they executed the same.

Shelley L. Deitz
Notary Public of Idaho
Residing at: Boundary County, Idaho
Commission Expires: 03/10/06 12/19/08



STATE OF IDAHO } ss
County of Boundary }
Filed for record at the request of 1st American Title
on 2-26-03 at 3:55
Diane M. Cartwright
County Recorder C. Peterson
By Deputy
Fee \$ 3.00 chg
Mail to FATCO



FILED

Boundary County, Idaho
Planning & Zoning
Application for Appeal

2024 JUL 31 PM 2:01

STATE OF IDAHO
COUNTY OF BOUNDARY
CLERK & POSTING CLERK

BY: JENNIFER PERK

Identify the Findings and Decision that is the subject of the appeal. Attach one copy of the findings to this application.

Subject Application Number: #05-07 + 24-0076

Subject Application Date: 04/09/24 Hearing Date: 07/25/24

On what date was the Findings and Decision made? _____ (The appeal must be filed within 7 days from the date the Findings and Decision was signed by the Planning & Zoning Chairman or Co-Chairman - Section 13.2.3.)

PART A

1. Applicant: Owner Contract Purchaser Agent

Name: Maverick, LLC

Address: [Redacted]

Daytime Phone: [Redacted]

Email Address: [Redacted]

2. Parcel #: RPL61ND1E291201A

3. Legal Property Owner Name: Nelson Mast

Address: [Redacted]

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, prospective drawings and description of the projects, etc. are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

07/30/24 KELLI MARTIN [Signature]
Date Print Name Signature
all rights reserved without derivative.



Boundary County, Idaho
Planning & Zoning
Application for Appeal

PART B

Attachments: [] Yes [] No Describe: Email from DEQ

Why do you believe the Findings and Decision is incorrect? Explain the basis for the appeal, beginning in the following space and using additional pages if necessary.

Mr. Mast in the meeting grossly misrepresented DEQs' visit. (3 visits, last one 07/25/24. DEQ has 30 days to report all findings. DEQ was presented with more toxic evidence on 07/27/24 after the permit meeting. Mr. Mast began on 07/28/24 having heavy equipment pouring rock (gravel) onto Pot Hole Rd. using a loader. Heavy equipment is using Pot Hole Road and Maverick Lane daily. A toxicologist from that State is waiting for funding to come to Boundary County to do an autopsy on Jeff Love who passed from pneumonia after living in 122 Pot Hole Road for 1 yr 4 months before death.

Subject RE: Outcome
To: [chaseinvestigations@aol.com <[REDACTED]>], David Dewberry <[REDACTED]>
From Shawn Sweetapple <[REDACTED]@idaho.gov>
Date: Fri, Jul 26, 2024 at 14:12

Hi Kelli,

Mr. Mast gave a very optimistic interpretation of where we left things after our site visit on Tuesday. As far as the Air Quality Permit inspection, I did only find one obvious violation while I was on site. It was a paperwork issue that doesn't have a big impact on emissions. I have not finished going through the data that they gave me on the coatings they are using and their usage records yet so I can't say definitively that they only had one violation. I legally have 30 days to issue a report on that inspection, and I haven't had a chance to even start it yet. I will let you know as soon as I have it finished and give you the link to request a copy. As we discussed when Dan, Dean, and I came and visited with you and your neighbors, even if I find a major violation under their permit, it may not achieve your goals.

The toxicologist from Health and Welfare called me earlier this week and we had about a 30-minute discussion. In the end, he told me that he is requesting funding to further investigate your case. He said that he had already spoken with you, and I am confident that he will be following up with you.

The solid and hazardous waste issues were not resolved last Tuesday during our visit to Panhandle Door. Actually several questions were raised and the DEQ staff are continuing their investigation. They did not tell Mr. Mast that everything was OK but did tell him that they were going to continue looking into the issues they saw. We did not visit the back property because we found out that both parcels are owned by Maveric LLC and Panhandle Door only leases the front parcel. We did not attempt to enter the back parcel that day. That parcel will be investigated on another visit.

The investigation of Panhandle Door by DEQ and Health and Welfare is not complete at this point. When Dan, Dean, and I visited with you and your neighbors we were being straight forward when we said that this case would take some time to work through. As investigations continue, I will keep you informed as best I can.

Shawn Sweetapple, Idaho DEQ
Coeur d'Alene Regional Office

[REDACTED]

From: [REDACTED] <[REDACTED]>
Sent: Thursday, July 25, 2024 9:57 PM
To: Shawn Sweetapple <[REDACTED]@idaho.gov>; David Dewberry <[REDACTED]>
Subject: Outcome



FILED

Boundary County, Idaho
Planning & Zoning
Application for Appeal

2024 JUL 31 PM 2:01
STATE OF IDAHO
COUNTY OF BOUNDARY
GLENN & POSTON, CLERK

Identify the Findings and Decision that is the subject of the appeal. Attach one copy of the findings to this application.

Subject Application Number: #05-07 & 24-0076

Subject Application Date: 04/09/24 Hearing Date: 07/25/24

On what date was the Findings and Decision made? _____ (The appeal must be filed within 7 days from the date the Findings and Decision was signed by the Planning & Zoning Chairman or Co-Chairman Section 13.2.3.)

PART A

- Applicant: Owner Contract Purchaser Agent
Name: MAVERICK LLC
Address: _____
Daytime Phone: _____
Email Address: _____
- Parcel #: RP61ND1E291201A
- Legal Property Owner Name: NELSON MAST
Address: _____

THE UNDERSIGNED HEREBY ATTESTS that all of the information herein provided including the site plan, prospective drawings and description of the projects, etc. are true, correct and accurate. The undersigned further understands that, should such information be found incorrect, any action taken by the Board based on such information may be invalidated. The applicant, if other than the property owner, also attests that he/she has obtained permission from the property owner to make this application.

07/30/24 JEFF STEINBORN [Signature]
ALL RIGHTS RESERVED WITHOUT PREJUDICE

Date Print Name Signature



**Boundary County, Idaho
Planning & Zoning
Application for Appeal**

PART B

Attachments: Yes [] No Describe: PICTURES OF COMMERCIAL TRAFFIC ON MAVERICK LANE

Why do you believe the Findings and Decision is incorrect? Explain the basis for the appeal, beginning in the following space and using additional pages if necessary.

THE IDAHO DOT HAS NOT ISSUED ANY PERMIT FOR COMMERCIAL USE OF MAVERICK LN TO ACCESS US 95. HEAVY EQUIPMENT, DUMP TRUCKS AND SIDE DUMPS HAVE CONTINUALLY USED MAVERICK LN. THIS IS UNSAFE FOR VEHICLES ON US 95 AND RESIDENTS ACCESSING MAVERICK LN. ON JULY 22, AN ACCIDENT ALMOST OCCURED WITH A SIDE DUMP EXITING AND A RESIDENTIAL VEHICLE ENTERING MAVERICK LN. THE PLANNING & ZONING COMMISSION DID NOT TAKE PROPER CONSIDERATION OF THE FIRE MARSHALL'S STATEMENT FROM THE ZONING MEETING ON JUNE 27TH 2024 (REFERENCE MEETING MINUTES FROM 06/27/24). THE FIRE CHIEF STATED THE FIRE DEPARTMENT WOULD NOT RESPOND TO ANY FIRE AT PANHANDLE DOOR DUE TO THE TOXIC FUMES GENERATED BY PREVIOUS FIRES, WHICH CAUSED HARM TO FIRE FIGHTERS. THIS PUTS A VERY LARGE AREA AT RISK OF EXPOSURE TO TOXIC FUMES AND RUNS THE RISK OF A FIRE SPREADING OUT OF CONTROL AND EFFECTING HOMES AND BUSINESSES OVER A MUCH LARGER AREA THAN JUST THE PROPERTIES IMMEDIATELY SURROUNDING PANHANDLE DOOR



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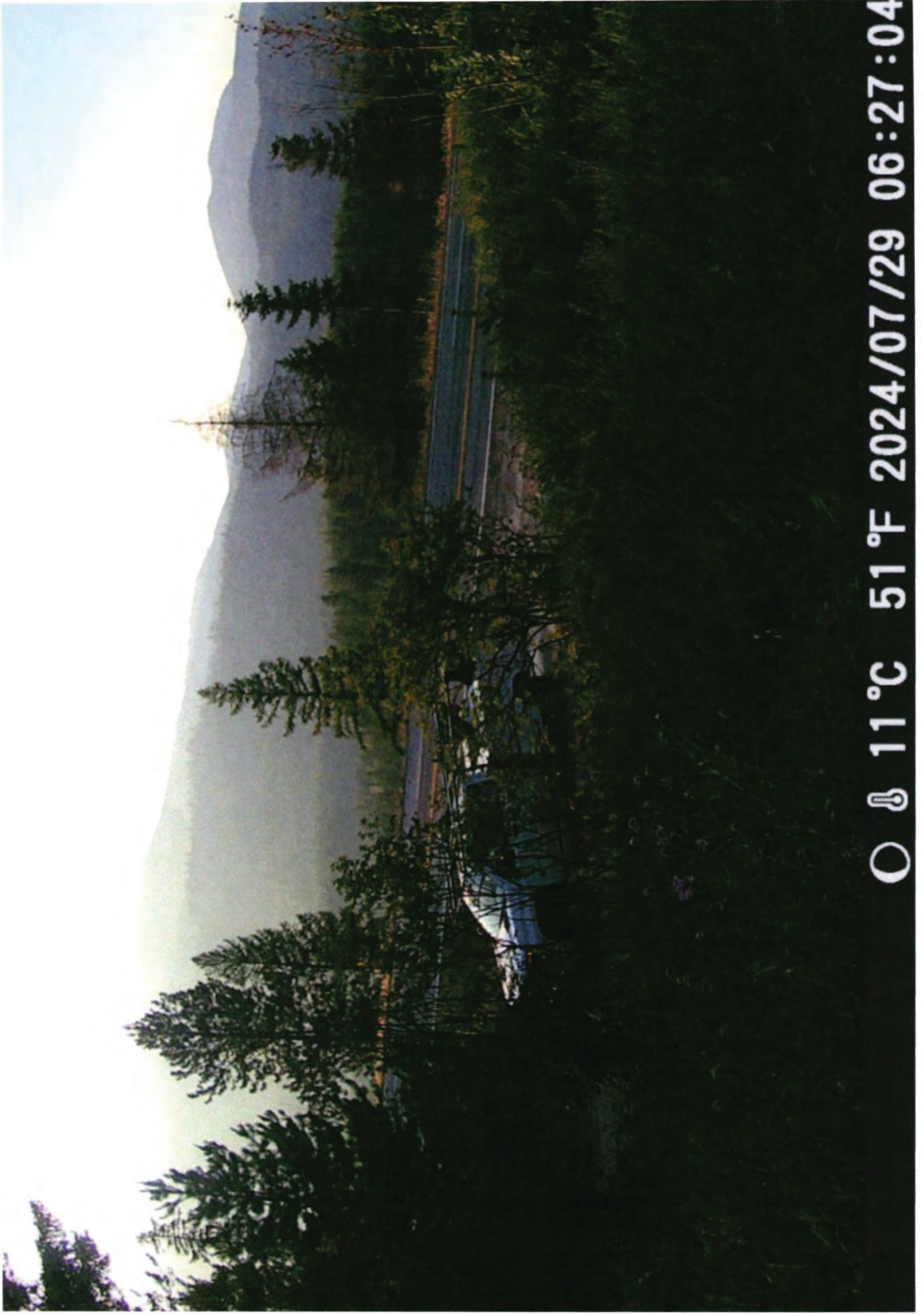
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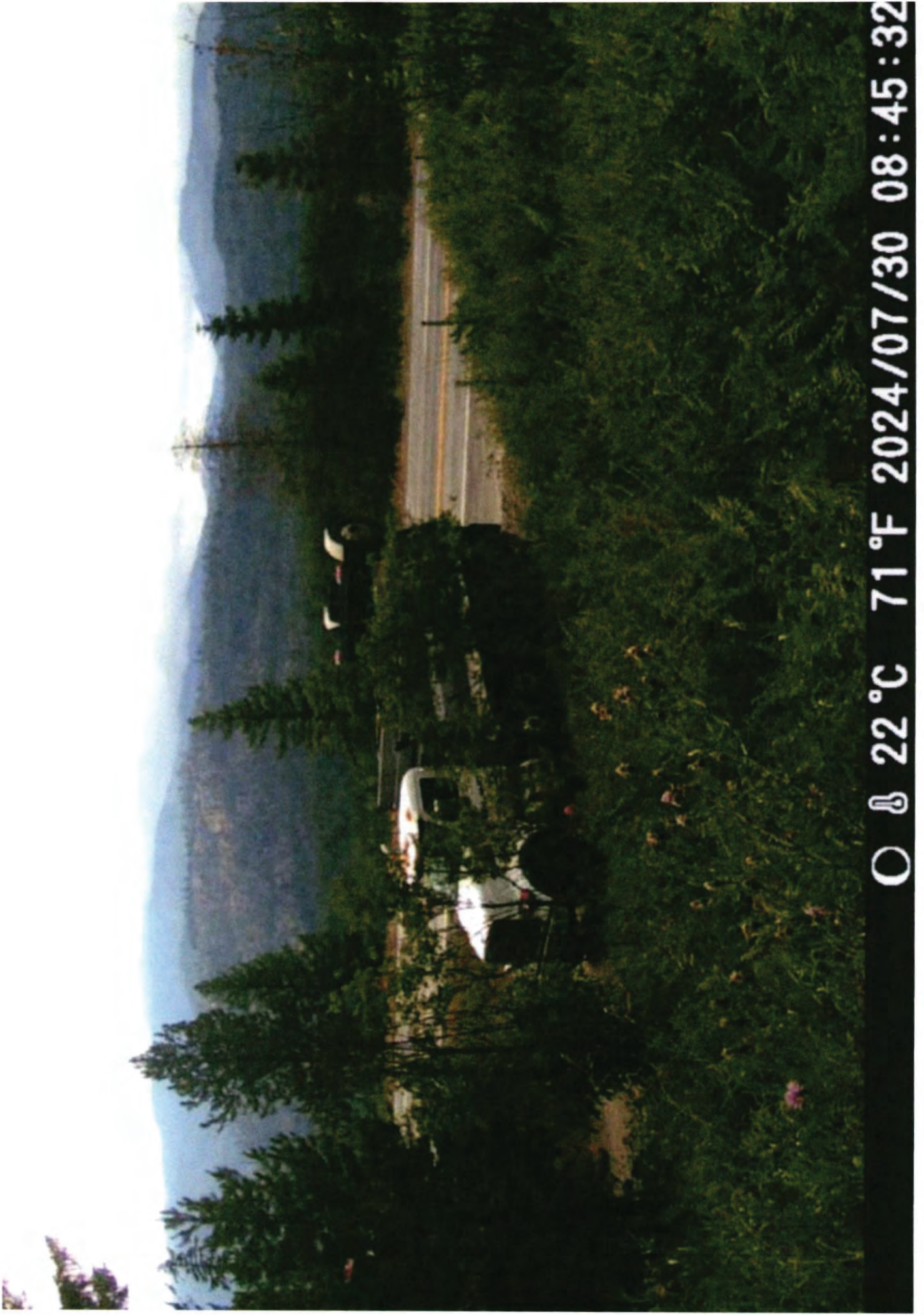
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