

NOTICE OF PUBLIC HEARING
BEFORE THE LATAH COUNTY ZONING COMMISSION
Wednesday, June 15th, 2011, 5:30 pm

The Latah County Zoning Commission will hold a public hearing on Wednesday, June 15th, in Room 2-B, Latah County Courthouse, Moscow, Idaho, to receive comments on:

5:35 p.m. – CUP # 488D request by North Idaho Crushing for to renew conditional use permit #488C that amended conditional use permit #488B to allow importing off-site materials and asphalt batching on a portion of a 65.52 acre parcel in the Agriculture/Forest zone. The property is located at 1032 Canyon Road, in Sections 20, 21, and 28, Township 39 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel numbers RP39N04W208863A, RP39N04W283121A, RP39N04W209783A, RP39N04W209803A, RP39N04W216301A, RP39N04W207263A.

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

Additional information, including copies of the proposal, is available from the Planning Dept., Latah County Courthouse, Moscow, Idaho, (208) 883-7220. Written comments will be accepted at the above office prior to the hearing.

Mauri Knott, Associate Planner

(This is a public service announcement only)

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

Public Hearing: North Idaho Crushing Amendment **Date:** June 15th, 2011 **Time:** 5:30pm

Applicant: North Idaho Crusing, Inc. **File #:** CUP 488D

EXHIBITS:

- Exhibit #1.** Staff Report
- Exhibit #1A.** Criteria Worksheet
- Exhibit #1B.** Vicinity and Comprehensive Plan Map
- Exhibit #1C.** Zoning Map
- Exhibit #1D.** Aerial and Adjoining Property Owners Map
- Exhibit #1E.** Latah County Board of County Commissioners Findings of Fact and Conclusions of Law for CUP #488
- Exhibit #1F.** Latah County Board of County Commissioners Findings of Fact and Conclusions of Law for CUP #488A
- Exhibit #1G.** Latah County Zoning Commission's Findings of Fact and Conclusions of Law for CUP #488B
- Exhibit #2.** Application Form (Submitted by Applicant)
- Exhibit #2A.** Applicant's Narrative (Submitted by Applicant)
- Exhibit #2B.** Vicinity Map (Submitted by Applicant)
- Exhibit #2C.** Plat Map (Submitted by Applicant)
- Exhibit #2D.** Site Plan Map (Submitted by Applicant)
- Exhibit #2E.** Letter of Reclamation Plan Approval from Idaho Department of Lands, dated March 23, 2007 (Submitted by Applicant)
- Exhibit #2F.** Notarized letter from Merle and Connie King, dated May 18th, 2011
- Exhibit #3.** Staff Introduction for Latah County Zoning Commission hearing for CUP #488D held on June 15th, 2011.

**NORTH IDAHO CRUSHING INC.
CONDITIONAL USE PERMIT APPLICATION #488D
STAFF REPORT**

SUMMARY OF APPLICATION:

A request by North Idaho Crushing to renew conditional use permit #488C that amended conditional use permit #488B to allow importing off-site materials and asphalt batching on a portion of a 65.52 acre parcel in the Agriculture/Forest zone. The property is located at 1032 Canyon Road, in Sections 20, 21, and 28, Township 39 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel numbers RP39N04W208863A, RP39N04W283121A, RP39N04W209783A, RP39N04W209803A, RP39N04W216301A, RP39N04W207263A

Site Characteristics:

Size of Parcel:

Approximately 65 acres

Soils:

Larkin silt loam, 12-35% Slopes;
Taney silt loam, 7-25% Slopes;
Southwick silt loam, 12-25% Slopes;
Klickson silt loam, 25-35% Slopes;
(Latah County Soil Survey Sheet #37)
Zone "C" (FIRM Panel #160086 0335B)

Floodplain:

Land Use and Regulations:

Comprehensive Plan Designation:

Industrial/Residential/Commercial (ICR), Rural, and Productive

Existing Zoning:

Agriculture/Forest (A/F)

Existing Uses:

Mining and Rock Crushing

Neighboring Zoning:

Agriculture/Forest (A/F), Rural Residential (RR)

Neighboring Uses:

Agriculture, Mining, Rural Residential

Infrastructure/Services:

Water:

Not Applicable

Sewer:

Not Applicable

Access:

Canyon Road, North Latah County Highway District

Schools:

Moscow School District

Fire Protection:

Moscow Fire District

Law Enforcement:

Latah County Sheriff

EXHIBITS:

- Exhibit #1.** Staff Report
Exhibit #1A. Criteria Worksheet
Exhibit #1B. Vicinity and Comprehensive Plan Map
Exhibit #1C. Zoning Map
Exhibit #1D. Aerial and Adjoining Property Owners Map
Exhibit #1E. Latah County Board of County Commissioners Findings of Fact and Conclusions of Law for CUP #488
Exhibit #1F. Latah County Board of County Commissioners Findings of Fact and Conclusions of Law for CUP #488A
Exhibit #1G. Latah County Zoning Commission's Findings of Fact and Conclusions of Law for CUP #488B
Exhibit #2. Application Form (Submitted by Applicant)
Exhibit #2A. Applicant's Narrative (Submitted by Applicant)
Exhibit #2B. Vicinity Map (Submitted by Applicant)
Exhibit #2C. Plat Map (Submitted by Applicant)
Exhibit #2D. Site Plan Map (Submitted by Applicant)
Exhibit #2E. Letter of Reclamation Plan Approval from Idaho Department of Lands, dated March 23, 2007 (Submitted by Applicant)
Exhibit #2F. Notarized letter from Merle and Connie King, dated May 18th, 2011
Exhibit #3. Staff Introduction for Latah County Zoning Commission hearing for CUP #488D held on June 15th, 2011.

NOTE: Exhibits not included in the staff packet are available for review in the Planning Office, and will be entered into the record during the public hearing.

APPLICABLE STATUTE, ORDINANCE, AND COMPREHENSIVE PLAN SECTIONS:

Local Planning Act: Idaho Code 67-6512

Latah County Land Use Ordinance #269, as amended:

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

Latah County Comprehensive Plan

CRITERIA WORKSHEET

Note: This criteria worksheet does not represent staff analysis of information provided by the applicant supporters, or opponents; however, staff has identified policies which may be applicable to this particular request. Information submitted to the Planning Department prior to the mailing of the staff packet has been organized herein in relation to the applicable criteria for approval or denial. This worksheet is intended only to help identify if all relevant criteria have been addressed with supporting factual information and to provide a juxtaposition of any conflicting testimony that has been presented.

Type of request:

Amendment to Conditional Use Permit

Description of application:

A request was made by North Idaho Crushing to renew conditional use permit #488C that amended conditional use permit #488B to allow importing off-site materials and asphalt batching on a portion of a 65.52 acre parcel in the Agriculture/Forest zone. The property is located at 1032 Canyon Road, in Sections 20, 21, and 28, Township 39 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel numbers RP39N04W208863A, RP39N04W283121A, RP39N04W209783A, RP39N04W209803A, RP39N04W216301A, RP39N04W207263A

Facts of application and the information submitted

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

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

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

The conditional use permit application was signed by Randy McCall, owner of North Idaho Crushing Inc. and the subject property.

3) Section 7.01.02 requires:

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

A. The use is not detrimental to the health and safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone;

B. The use will not require facilities or services with excessive costs to the public;

C. The use is consistent with the goals and policies of the Latah County Comprehensive Plan.

2. **If the Zoning Commission finds that a proposed use is essential to the public health, safety, or welfare, such use may be permitted even if the use is not found to meet the criteria listed above.**
3. **The Zoning Commission shall have the authority to set an expiration date for any conditional use permit so long as the reasons for such are included in their finding of fact and conclusions of law.**

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

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

1. Activity associated with a mineral resource development shall be at least 1,000 feet from any home existing at the time of application for conditional use permit, unless a lesser distance is approved by the Zoning Commission. A lesser distance shall not be approved unless the applicant submits a signed notarized form, approved by the Planning Department, from all owners of record of any residential building within 1000 feet of the development consenting to the location of the mineral resource development. Each form shall be recorded in the Latah County Recorder's Office by the Planning Department. Approval of a distance less than 1000 feet shall be within the discretion of the Zoning Commission, even if all owners of residential buildings within 1000 feet approve of the location of the development.

2. The operator of a mineral resource development must provide at least a 75 foot undisturbed or natural buffer on the perimeter of mineral resource development operations. The buffer and the area of mineral resource development operations shall be maintained so that they are continuously free of all noxious weeds as determined by the Latah County Noxious Weed Control Superintendent. Frontage on a public road does not require a buffer. Activities associated with a mineral resource development shall not be

allowed within the 75 foot buffer area. Location and specifications for access road(s) shall be determined by the Zoning Commission.

3. To protect aquatic and terrestrial habitat and other biological resources, all mineral resource developments and mineral resource development operations shall be set back at least 75 feet from perennial streams and 30 feet from any intermittent streams shown on USGS 7.5 minute maps; except for stream crossings that are regulated by a state or federal regulatory system and those activities permitted under the Idaho Placer and Dredge Mining Protection Act from the Idaho Department of Lands, a Stream Channel Alteration Permit from the Idaho Department of Water Resources, a Dredge and Fill Permit from the U.S. Army Corps of Engineers, a Development Permit from the Latah County Planning Department, and / or a National Pollution Discharge Elimination System permit from the U.S. Environmental Protection Agency. Applicable permit documentation shall be provided to the Zoning Administrator prior to onset of mineral resource development.

4. The applicant shall prepare and submit the following plans with the application for a conditional use permit:

- A. Dust abatement plan to include mineral resource development operations and all access roads.
- B. A plan for coordination with County response units for hazardous materials transport and use and emergency spill response.
- C. A plan for procedures and protocols for spill containment and storage of oil, fuels, and/or chemicals; and documentation of compliance with the state and federal laws or documentation of exemption from requirements.
- D. A plan for fire suppression and response, including an inventory of tools stored on-site to implement planned suppression and response.

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

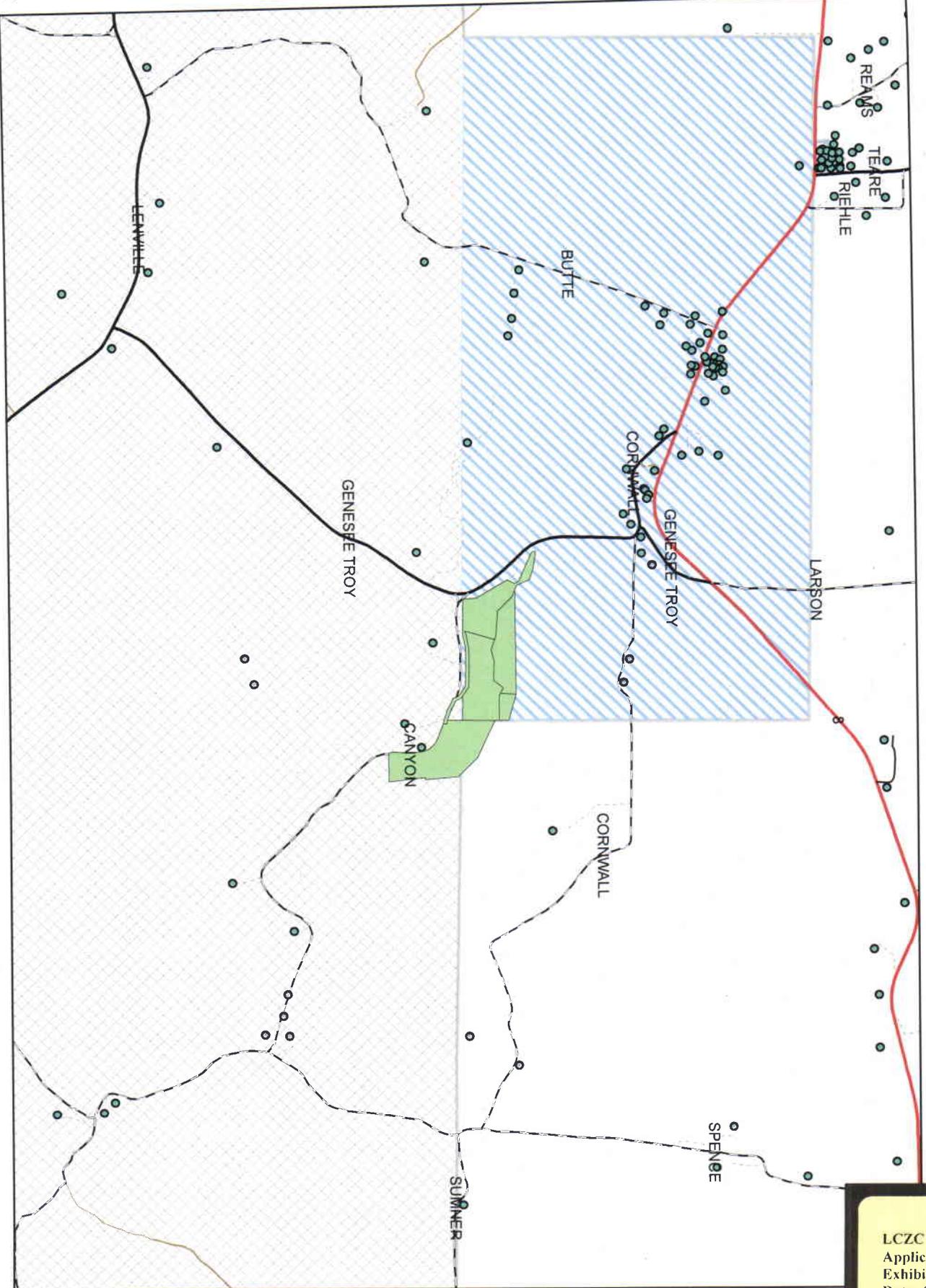
5) Section 4.03.02 requires the following

- 1. Hours of operation are limited to 9 AM to 6 PM daily. An operator may vary from this requirement by applying for a conditional use permit under the provisions of Section 7.01 of this ordinance.
- 2. Written verification of compliance with the Idaho Surface Mining Act, including filing of any reclamation plan required by the Idaho Surface Mining Act.

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

Planning and Building

CUP488D Vicinity and Comprehensive Plan Map



Legend
Comprehensive Plan
ZONE

- AOI (diagonal lines)
- ICR (cross-hatch)
- PRODUCTIVE (horizontal lines)
- RURAL (vertical lines)
- Parcels selection (green)

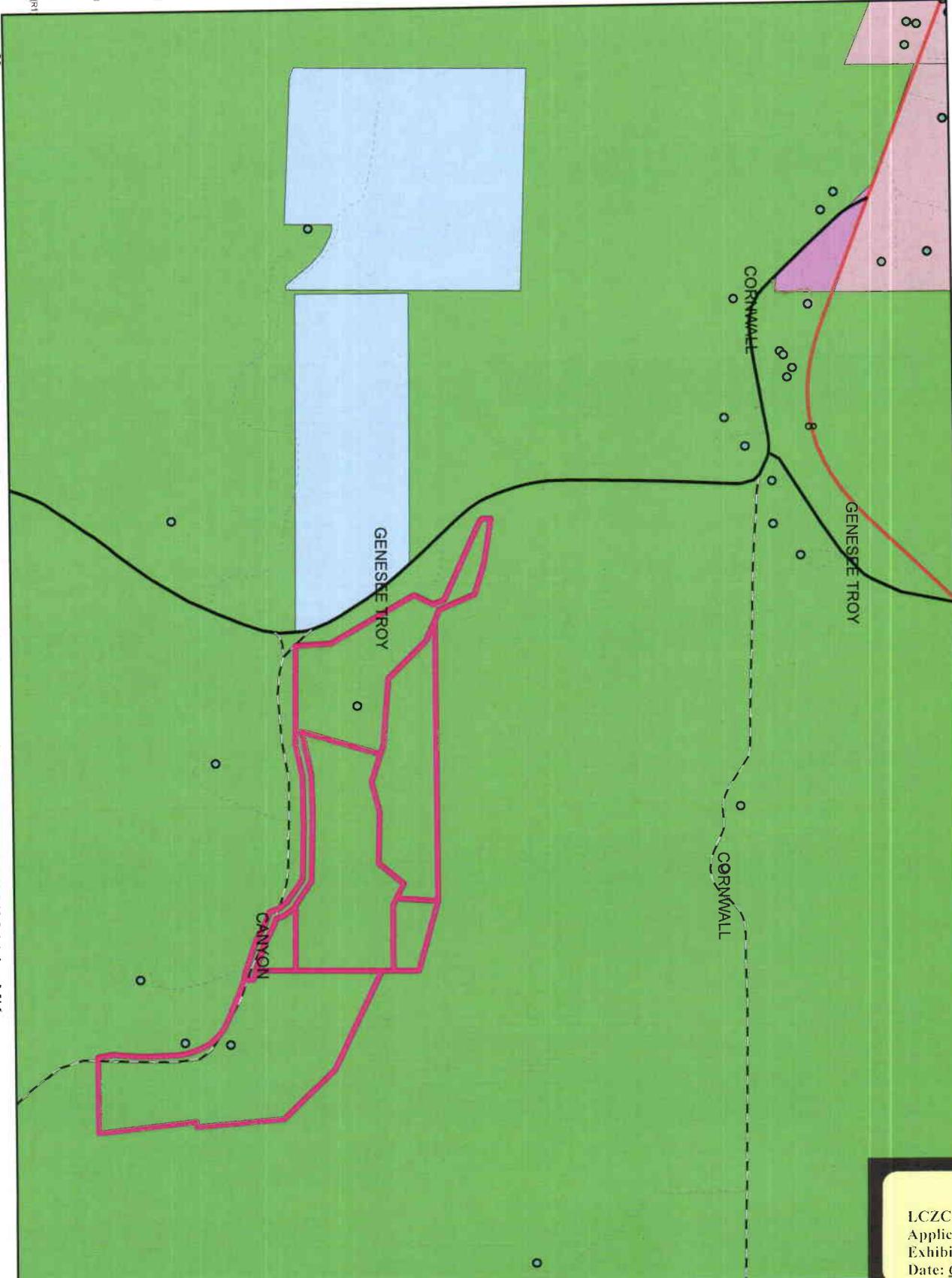


*Created on 06/06/2011 by MK

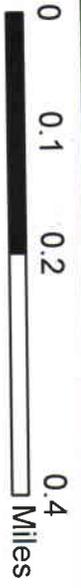
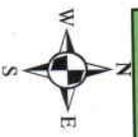
LCZC Hrg: CUP 488D
Applicant: NIC
Exhibit #: 1B
Date: 6/15/2011

CUP488D Zoning Map

Planning and Building



- Legend**
- Parcels selection
 - Zoning_Districts_2009
- ZONE_TYPE**
- Agriculture / Forest
 - Agriculture / Forestry
 - Area of Impact - Genesee
 - Commercial
 - Industrial
 - Major Business
 - Multiple Family Residential
 - Municipality
 - Rural Residential
 - Single Family Residential
 - Single Family Residential (RT)
 - Suburban Residential



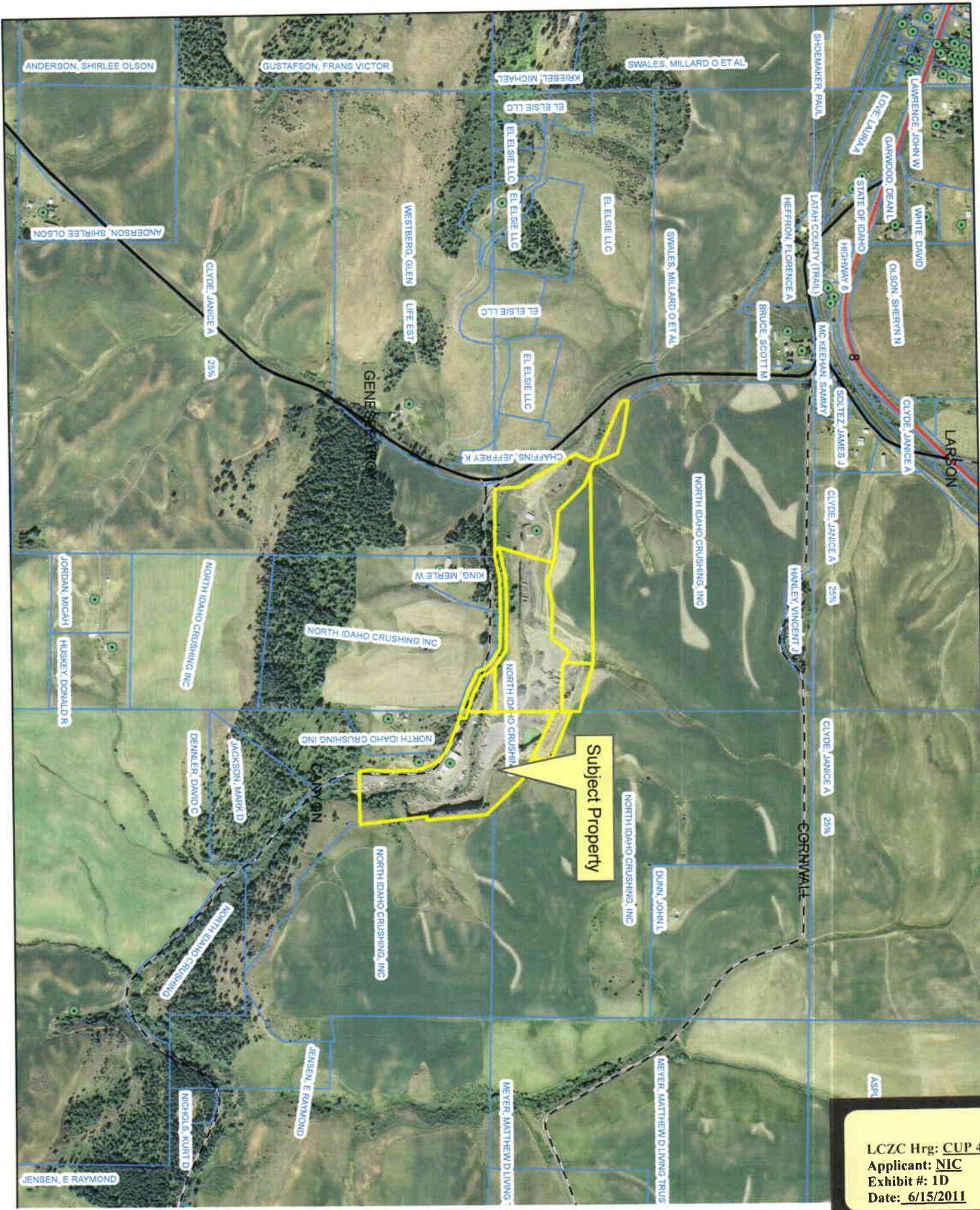
*Created on 06/06/2011 by MK

LCZC Hrg: **CUP 488D**
 Applicant: **NIC**
 Exhibit #: **1C**
 Date: **6/15/2011**

Planning & Building Department



Legend
 ● Address



LCZC Hrg: CUP 488D
 Applicant: NIC
 Exhibit #: 1D
 Date: 6/15/2011

*Created on 06/05/2011 by MK

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING A PETITION OF NORTH IDAHO CRUSHING, INC., FOR A CONDITIONAL USE PERMIT TO EXPAND AN EXISTING GRAVEL PIT, IN SECTIONS 20, 21, 28, 29, TOWNSHIP 39 NORTH, RANGE 4 WEST, B.M.

WHEREAS, North Idaho Crushing, Inc. made application for this conditional use permit on September 1, 1993; and

WHEREAS, a duly noticed public hearing was held on Wednesday, October 13, 1993, and was continued on October 27, 1993, before the Planning and Zoning Commission to take testimony and consider this proposed conditional use. The Planning and Zoning Commission recommended approval of Conditional Use Permit #488.

WHEREAS, a duly noticed public hearing was held on Monday, December 13, 1993, before the Board of Latah County Commissioners to take testimony and consider the proposed conditional use permit.

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

1. The affected property is presently zoned Agriculture/Forestry (A/F). Natural mineral resource developments are a conditional use in an A/F zone (Exhibit #10).
2. North Idaho Crushing, Inc. made application for this permit under the provisions of §11.04 (F.4) which requires existing operations to receive conditional use permits if the existing operation doubles in excavation area, or if the operation expands across property lines existing in 1980 (Recorded Testimony).
3. The applicant submitted reclamation plans to the Idaho Department of Lands (Exhibit #10 and Recorded Testimony).
4. The operation provides approximately 70% of the gravel supplied to the Moscow area (Exhibit #10 and Recorded Testimony).

5. Blasting at the gravel pit may damage bulk chemical storage tanks located within the gravel pit and threaten adjacent property owners. This poses a health and safety risk to those on surrounding properties (Exhibit #2 and Recorded Testimony).
6. Surrounding land uses include agriculture, low-density residential, and a conditionally permitted ag-chemical storage facility. The affected property is a developed gravel pit which was in operation prior to the effective date of the Latah County Zoning Ordinance (Exhibit #1 and Recorded Testimony).
7. The proposed use will not result in excessive costs to the public for road maintenance. No other testimony indicated that any excessive costs to the public would result from the proposed expansion of the gravel pit (Exhibit #3, letter from Dave Anderson, North Latah Highway District, and Recorded Testimony).

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

1. The proposed conditional use is consistent with the Economic Development Element of the Comprehensive Plan.
 - A. The conditional use permit meets the objective of Goal #2 "to provide land uses appropriate to local and regional economic needs" (Finding #4).
 - B. The conditional use permit meets the objective of Policy #3 (Mining) which states that "excavated areas shall be restored and replanted after excavation is completed" (Finding #3).
2. With the addition of conditions #2 and #3 (see below), the proposed use will not be detrimental to the health or safety of those in the surrounding area (Finding #5).
3. With the addition of conditions #1, 4, 5, 6, 7, 8, 9 (see below), and compliance with State of Idaho reclamation requirements, the proposed use will not adversely affect surrounding properties to any greater extent than would a permitted use in the zoning district (Finding #6).
4. The proposed use will not require facilities or services with excessive costs to the public (Finding #7).

DECISION

THEREFORE, The Board of Latah County Commissioners approves this request of North Idaho Crushing, Inc. to expand their existing gravel pit subject to the following conditions:

1. Crushing, loading, and hauling activities shall be limited to six days a week with the following hours:

6 a.m. to 10 p.m. from January 1 through March 31.

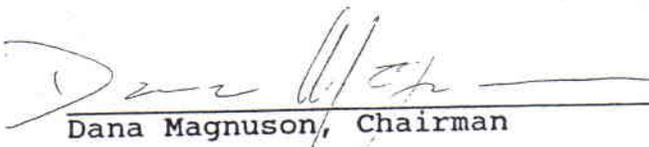
7 a.m. to 8 p.m. from April 1 through October 31.

6 a.m. to 10 p.m. from November 1 through December 31.

The hours of operation may be modified by the Board upon written request of the permit holder. To approve the temporary modification of hours, the Board must find that the hours given above will prevent the permit holder from meeting specific orders for their product. Upon receipt of the written request, which must include information on specific orders which can not be fulfilled, the Board may consider the request by placing that request on its regular agenda. Any modification shall only be granted for a period not to exceed sixty days.

2. Written notification, at least 24 hours prior to blasting, shall be given to adjacent property owners and property owners within 300 feet of the affected property.
3. Blasting shall not occur within 600 feet of any tanks containing ag-chemicals.
4. Idaho Fish and Game approval of North Idaho Crushing's compliance with the IF&G recommendations contained in Exhibit #3. Agency confirmation of this approval shall be received by the County Planning Department no later than May 1, 1994.
5. Compliance with applicable local, state, and federal regulations.
6. All new overburden shall be graded and seeded in compliance with the recommendations of the Soil Conservation Service (contained in Exhibit #3), within 30 days of initial removal.
7. Equipment shall not be permitted to ford Middle Potlatch Creek.
8. Dust abatement, including the use of spray bars, must be employed while the crusher is in operation.
9. Outdoor lighting shall be directed away from affected residences.

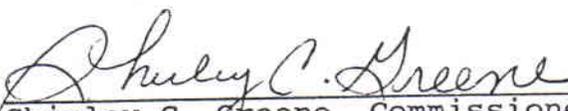
PASSED BY THE BOARD OF LATAH COUNTY COMMISSIONERS THIS 4TH DAY OF
JANUARY, 1994.



Dana Magnuson, Chairman



Mark Solomon, Commissioner



Shirley C. Greene, Commissioner



Attest: ~~Susan Petersen~~
Deputy Clerk of the Board

January 5, 1995
Findings of Fact Signed (date)



LATAH COUNTY
BOARD OF COMMISSIONERS
MOTION AND ORDER

P.O. Box 8068 ♦ 522 S. Adams ♦ Moscow, ID 83843
(208) 882-8580 ♦ Fax: (208) 883-2280
bocc@latah.id.us

COMMISSIONER Kimmell MOVES THAT THE BOARD:

Approves ~~#~~ Conditional Use Permit #488A requested by North Idaho Crushing for an expansion of their existing rock crushing/excavation operation onto 3.32 acres of their adjacent properties, pursuant to ~~the signed Findings of fact and conclusions of law by the BOCC.~~ ^{PLANNING DEPT WILL PREPARE}

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>Paul J. Kimmell</u> Paul J. Kimmell, Chair	✓	_____	_____
<u>Loreca J. Stauber</u> Loreca J. Stauber, Commissioner	_____	✓*	_____
<u>John A. Nelson</u> John A. "Jack" Nelson, Commissioner	✓	_____	_____

WRITTEN FINDINGS OF FACT AND CONCLUSIONS OF LAW FOR BOCC ADOPTION

ATTEST:

DATE:

Susan Peterson
Clerk/Deputy Clerk

12-19-2001

* on SW basis the conditions do not satisfactorily satisfy the test ^{or} of existing

LCZC Hrg: CUP 488A
Applicant: NIC
Exhibit #: 1F
Date: 6/15/2011

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THE REQUEST BY NORTH IDAHO CRUSHING INC. FOR AN EXPANSION TO THEIR CONDITIONAL USE PERMIT #488A TO EXPAND THEIR EXISTING ROCK CRUSHING/EXCAVATION OPERATION. THE PROPERTY IS LOCATED AT 1032 CANYON ROAD, MOSCOW, IN SECTIONS 20 AND 21, TOWNSHIP 39 NORTH, RANGE 4 WEST, B.M., LATAH COUNTY.

WHEREAS, North Idaho Crushing made application for a conditional use permit on August 6, 2001; and

WHEREAS, a duly noticed public hearing was held on Wednesday October 3, 2001 before the Zoning Commission to take testimony and consider the conditional use permit application; and

WHEREAS, the Zoning Commission having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents, recommended approval of the conditional use permit with conditions as set forth in the Findings of Fact and Conclusion of Law signed November 7, 2001; and

WHEREAS, a duly noticed public hearing was held on Monday, December 10, 2001, before the Board of County Commissioners to take testimony and consider the conditional use permit application; and

WHEREAS, the Board of County Commissioners having reviewed the application, including all exhibits entered and the recommendations of the Zoning Commission, and having considered the issues presented by the applicant and the opponents;

THE LATAH COUNTY BOARD OF COUNTY COMMISSIONERS, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY MAKES THE FOLLOWING FINDINGS OF FACT:

1. The subject parcels are located at 1032 Canyon Road, approximately 6 miles east of the city of Moscow, and are currently zoned Agriculture/Forestry (A/F) (Exhibit #1, Exhibit #1A, Exhibit #1C, Exhibit #2, Exhibit #7 & Exhibit #24).
2. The neighboring parcels are zoned Agriculture/Forestry (Exhibit #1, Exhibit #1C, Exhibit #2 & Exhibit #24).
3. One of the two subject parcels included in the proposed conditional use expansion is located in the Industrial/Commercial/Residential designation of the Latah County Comprehensive Plan Land Use Map (Exhibit #1, Exhibit #1A, Exhibit #1, Exhibit #2, Exhibit #14 & Exhibit

- #24). The other subject parcel is located within the Rural designation of the Latah County Comprehensive Plan Land Use Map (Exhibit #1, Exhibit #1A, Exhibit #1, Exhibit #2, Exhibit #14 & Exhibit #24).
4. The existing use of the subject parcels is agriculture (Exhibit #1, Exhibit #2, Exhibit #2A & Exhibit #24).
 5. Natural mineral resources development is a conditionally permitted use in the Agriculture/Forestry Zone (Exhibit #1A & Exhibit #24).
 6. The subject parcels are adjacent to the current surface mining and rock crushing operation owned by North Idaho Crushing Inc. (Exhibit #2A, Exhibit #2D, Exhibit #2E, Exhibit #2F, Exhibit #14, Exhibit #24 & Record of Hearing).
 7. The neighboring uses include forestry, agriculture, mining and low-density residential (Exhibit #1, Exhibit #2, Exhibit #2A, Exhibit #7, Exhibit #9, Exhibit #18, Exhibit #19 & Exhibit #24).
 8. Testimony was presented that North Idaho Crushing is one of only a few regulated rock pits in Latah County (Exhibit #14, Exhibit #24 & Record of Hearing).
 9. The proposed conditional use expansion is expected to provide enough rock to meet North Idaho Crushing Inc.'s operational needs for 8-15 years using existing roadways and access points (Exhibit #24 & Record of Hearing).
 10. The proposed conditional use expansion will result in a 10% increase of the current surface mining operation by adding 3.32 acres to the existing 35-acre site covered by CUP#488 and will not significantly alter the nature, method or size of the current operation (Exhibit #2A, Exhibit #24 & Record of Hearing).
 11. The subject parcels of the proposed conditional use expansion are not located in the FEMA floodplain (Exhibit #1, Exhibit #24 & Record of Hearing).
 12. Testimony was given that fly rock from blasting activities had caused damage upon a neighboring property (Exhibit #7, Exhibit #8, Exhibit #24 & Record of Hearing).
 13. Testimony was given that blast shock waves had disturbed and concerned neighboring property owners (Exhibit #6, Exhibit #24 & Record of Hearing).
 14. Testimony was given that North Idaho Crushing Inc. had voluntarily reduced its blast charge size after fly rock damaged a neighboring home in the spring of 2000 (Exhibit #24 & Record of Hearing).
 15. Testimony was received that neighboring farming activities create as much or more dust and air pollution as does North Idaho Crushing Inc.'s operation (Exhibit #24 & Record of Hearing).
 16. Testimony was received that an asphalt batch plant had temporarily operated on North Idaho Crushing Inc.'s property and was exempt from Latah County Ordinance by State of Idaho Code (Exhibit #14, Exhibit #24 & Record of Hearing).

17. Testimony was received that the temporary batch plant operation resulted in degradation of air quality around North Idaho Crushing Inc.'s Property (Exhibit #7, Exhibit #9, Exhibit #10, Exhibit #24 & Record of Hearing).
18. Testimony was received that North Idaho Crushing Inc. is currently in compliance with State of Idaho Air Quality Rules for their crushers and had received air quality training from the State of Idaho Department of Environmental Quality (Exhibit #12, Exhibit #14, Exhibit #23, Exhibit #24 & Record of Hearing).
19. Testimony was presented that the proposed conditional use expansion is not within and will not result in the creation of a densely populated area (Exhibit #2C, Exhibit #2D, Exhibit #24 & Record of Hearing).
20. North Idaho Crushing Inc. sells 108,000 to 147,000 tons of rock per year with average annual sales of 126,000 tons of rock (Exhibit #14, Exhibit #22, Exhibit #24 & Record of Hearing).
21. No additional public services will be required if the proposed conditional use expansion is approved (Exhibit #14, Exhibit #24 & Record of Hearing).
22. No oral or written testimony was presented that the proposed conditional use would significantly impact any areas of significant historic, archeological, geologic, biologic or scenic significance (Exhibit #24 & Record of Hearing).
23. No oral or written testimony was presented that the proposed conditional use would significantly impact school facilities or student transport in the county (Exhibit #24 & Record of Hearing).
24. No oral or written testimony was presented that the subject parcels are subject to any significant natural hazards (Exhibit #24 & Record of Hearing).
25. No oral or written testimony was presented that the proposed conditional use would significantly impact any recreational opportunities or facilities (Exhibit #24 & Record of Hearing).
26. No testimony was received that approval of this application would deny any owner of all economically viable uses or result in an unconstitutional occupation of their property (Exhibit #9, Exhibit #14, Exhibit #24 & Record of Hearing).
27. No testimony was presented that the proposed conditional use would impact the availability of housing, housing construction standards and/or the energy efficiency of housing in Latah County (Record of Hearing).
28. Testimony was presented that blasting and crushing activities had created the nuisance and hazard of noise, dust and fly rock upon neighboring properties (Record of Hearing).

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

1. The proposed conditional use would allow a 10% increase in size of the currently operating surface mining operation (Finding #10). The proposed conditional use would continue to utilize existing access points and roadways and would not significantly alter the existing rural character of the area or place additional burdens upon public services (Findings #5, #6, #7, #9, #10, #15, #19, #21, #22, #23, #24 & #25). The proposed conditional use is adjacent to an existing rock crushing operation and within the area designated as Industrial/Commercial/Residential on the Latah County Comprehensive Plan Land Use Map (Findings #3, #5, #6). Therefore, the proposed conditional use is consistent with the Community Design Element of the Comprehensive Plan.
2. The policies of the Population Element of the Comprehensive Plan are not relevant to this proposal as this element addresses high-density developments (Finding #19). No written or oral testimony was given that the proposed conditional use would impact orderly growth (Findings #9, #10, #20, #22 & #24). Therefore, the proposed use is consistent with the Population Element of the Comprehensive Plan.
3. The policies of the Housing Element are not relevant to this proposal as this element addresses new housing construction standards. No written or oral testimony was presented that the proposed conditional use would have any impact upon the available housing or construction standards within Latah County (Finding #27). Therefore, the proposed conditional use consistent with the Housing Element of the Comprehensive Plan.
4. The proposed conditional use would provide economic diversification that would be consistent with the existing uses of the neighboring mineral resource processing facility and agriculture and the Comprehensive Land Use Plan Map designation of Industrial/Commercial/Residential (Findings #2, #3, #5, #6, #7, #9, #10, #19 & #21). Therefore, the proposed use is consistent with the Economic Development Element of the Comprehensive Plan.
5. The proposed conditional use consists of a 10% increase in size of an existing mineral resource extraction and processing site utilizing existing roadways, access points and other public services (Findings #9, #10 & #21). Therefore, the proposed conditional use will not present excessive costs or burdens upon public services and is consistent with the Public Services, Facilities and Utilities Element of the Comprehensive Plan.
6. No written or oral testimony was presented that the proposed conditional use would impact existing school services (Finding #23). Therefore the proposed conditional use is consistent with the School Facilities and Student Transport Element of the Comprehensive Plan.
7. The proposed conditional use utilizes existing roadways and access points (Finding #9). No significant additional traffic load is expected to result from the proposed conditional use (Finding #10). Therefore the proposed conditional use is consistent with the Transportation Element of the Comprehensive Plan.

8. Testimony was presented that the proposed conditional use may pollute or degrade the natural environment (Finding #17 & #28). Therefore the proposed conditional use may not be consistent with the Natural Resource Element of the Comprehensive Plan.
9. No written or oral testimony was presented that the proposed conditional use would significantly impact any area of significant historic, archeological, geologic, biologic or scenic significance (Findings #22 & #25). Therefore the proposed conditional use is determined to be consistent with the Special Areas Element of the Comprehensive Plan.
10. No written or oral testimony was presented that the proposed conditional use on the new subject parcels would be associated with any natural hazards (Finding #24). Therefore the proposed conditional use is determined to be consistent with the Hazardous Areas Element of the Comprehensive Plan.
11. No written or oral testimony was presented that the proposed conditional use would impact any existing or provide any new recreational opportunities (Finding #24). Therefore the proposed conditional use is consistent with the Recreation Element of the Comprehensive Plan.
12. Both subject parcels are currently zoned Agriculture/Forestry (A/F) (Finding #1). Mineral resource development is a conditionally permitted use in the A/F Zone (Finding #5). Both subject parcels are located adjacent to the existing mineral resource development site (Findings #6 & #7). One of the subject parcels is designated as Industrial/Commercial/Residential on the Comprehensive Plan Land Use Map (Finding #3). The other subject parcel is designated as Rural on the Comprehensive Plan Land Use Map (Finding #3). Therefore the proposed conditional use is consistent with the Land Use Element of the Comprehensive Plan.
13. The policies of the Implementation Element of the Comprehensive Plan do not apply to conditional use proposals.
14. Approval of this application would not deprive any owner of all economically viable uses of their property (Finding #26). Approval of this application will not result in an unconstitutional occupation of any property (Finding #26). No unconstitutional dedications or easements are required as a result of approval of this application. Approval of this application will not significantly affect the value of this or any adjacent property, as zoning designation of the area is unchanged and all present permitted uses may continue or be initiated without significant disruption (Findings #1, #7 & #10). Approval of this application will not deny any property owner a fundamental attribute of ownership. Approval of the proposed conditional use, if the approval is in accordance with Latah County's Comprehensive Plan and Zoning Ordinance, will serve a legitimate public purpose.

BASED UPON THE FOREGOING CONCLUSIONS AND FINDINGS, THE LATAH COUNTY BOARD OF COUNTY COMMISSIONERS HEREBY DETERMINES THE FOLLOWING:

1. As required by § 13.10.04.1 (A) the Board has reviewed the application as it relates to the Latah County Comprehensive Plan. Taken as a whole, with the conditions as set forth, the Board concludes that the use is consistent with the goals and policies of the Comprehensive Plan (Conclusions #1, #2, #3, #4, #5, #6, #7, #9, #10, #11, #12, #13 & #14).

2. As required by § 13.10.04.1 (B) the Board has reviewed the application and concludes that the proposed use, with the conditions as set forth, is not detrimental to the health and safety of those in the surrounding area or region (Conclusions #1, #5, #7, #9, #10 & #12).
3. As required by § 13.10.04.1 (C) the Board has reviewed the application and concludes that the proposed use, with the conditions as set forth, will not adversely affect the surrounding properties to a greater extent than would a permitted use in the Zoning District (Conclusions #1, #5, #7, #9, #10 & #12).
4. As required by § 13.10.04.1 (D) the Board has reviewed the application and concludes that the proposed use will not require facilities or services with excessive costs to the public (Findings #9, #11, #12, #15, #16, #18, #20 & #21).

DECISION

BASED UPON THE FOREGOING FINDINGS AND CONCLUSIONS, THE LATAH COUNTY BOARD OF COUNTY COMMISSIONERS APPROVES THE REQUEST BY NORTH IDAHO CRUSHING INC. FOR AN AMENDMENT TO THEIR EXISTING CONDITIONAL USE PERMIT #488 TO EXPAND THEIR EXISTING ROCK CRUSHING AND EXCAVATION OPERATION. THE PROPERTY IS LOCATED AT 1032 CANYON ROAD, MOSCOW, IN SECTIONS 20 AND 21, TOWNSHIP 39 NORTH, RANGE 4 WEST, B.M., LATAH COUNTY.

The facility shall be developed in accordance with the plans submitted by the applicant and described during the public hearing, and shall comply with all applicable federal, state and local permits and regulations. The use is subject to the following conditions:

1. Drilling, blasting, crushing, loading and hauling activities shall be limited to five (5) days per week, Monday through Friday, between the hours of 6:00 AM to 9:00 PM. Loading and hauling shall be allowed on Saturday between the hours of 7:00 AM and 5 PM.
2. Blasts shall be limited to 75,000 tons per blast.
3. All landowners within a 1/2 mile radius of the blast site and all other parties that make a request of North Idaho Crushing Inc., shall be notified of any blasting activities, by both certified letter and regular mail, such that it is received three (3) days prior to any blast.
4. Blasting shall not occur within 600 feet of any tanks containing agriculture chemicals.
5. All overburden shall be graded and seeded within thirty (30) days of initial removal.
6. Equipment shall not be permitted to ford Middle Potlatch Creek.
7. Daily dust abatement and dust control measures on all traveled lanes must be employed while the crusher and other equipment are in operation.
8. Outdoor lighting shall be directed away from affected residences.

9. The salvage yard area shall be screened so that it is not visible from any public roadway.
10. A maximum of 200,000 tons of rock may be hauled from North Idaho Crushing's Canyon Road site per year and may only be exceeded during times of a declared emergency.
11. North Idaho Crushing Inc. shall be in compliance at all times with all applicable federal, state and local laws, rules and regulations.
12. Copies of any federal, state or local inspections, permits and citations, not conducted by Latah County, shall be forwarded to the Latah County Planning Department within sixty (60) days of receipt.
13. North Idaho Crushing Inc. shall at all times be in substantial compliance with all written and oral testimony presented by the applicant.
14. The Latah County Planning Department shall conduct annual inspections of the subject property to verify conformance to the conditions as set forth.

PASSED BY THE LATAH COUNTY BOARD OF COUNTY COMMISSIONERS

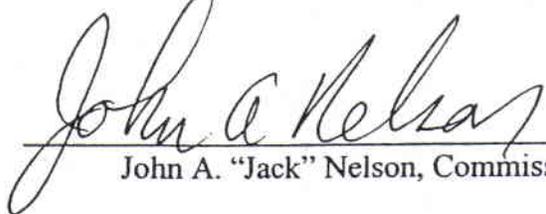
THIS 31st Day OF December, 2001



Paul J. Kimmell, Chair



Loreca J. Stauber, Commissioner



John A. "Jack" Nelson, Commissioner

ATTEST:

DATE:


Clerk/Deputy Clerk

12-31-01

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

FINDINGS OF FACT AND CONCLUSIONS OF LAW REGARDING THE REQUEST BY NORTH IDAHO CRUSHING INC. FOR AN AMENDMENT TO CONDITIONAL USE PERMIT #488B TO EXPAND AN EXISTING ROCK CRUSHING/EXCAVATION OPERATION. THE PROPERTY IS LOCATED AT 1032 CANYON ROAD, MOSCOW, IN SECTION 20, TOWNSHIP 39 NORTH, RANGE 4 WEST, B.M., LATAH COUNTY, IDAHO.

WHEREAS, North Idaho Crushing made application for a conditional use permit on January 26, 2007; and

WHEREAS, a duly noticed public hearing was held on Wednesday, April 4, 2007 before the Zoning Commission to take testimony and consider the conditional use permit application; and

WHEREAS, the Zoning Commission having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents, recommended approval of the conditional use permit with conditions as set forth in the following Findings of Fact and Conclusions of Law; and

THE LATAH COUNTY ZONING COMMISSION, STATE OF IDAHO, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY MAKES THE FOLLOWING FINDINGS OF FACT:

1. The subject parcel is 10.98-acres.
2. The subject parcel is zoned Agriculture/Forestry (A/F).
3. The neighboring parcels are zoned Agriculture/Forestry.
4. The subject parcel is designated "Industrial/Commercial/Residential" (I/C/R) on the Comprehensive Plan Land Use Map. The Comprehensive Plan states, "This area should be considered the most suitable for future commercial, industrial and higher density residential development; however, development requests must be reviewed for specific site considerations prior to any land use change."
5. The parcel is located in an area designated as Zone "C" on panel #0335B of the Flood Insurance Rating Map (FIRM) for Latah County provided by the Federal Emergency Management Agency (FEMA).
6. The existing use of the subject parcel is agriculture.
7. The neighboring uses include forestry, agriculture, surface mining, rock crushing and low-density residential.

8. Mineral resource developments are listed as a conditionally permitted use in the Agriculture/Forestry Zone.
9. The subject parcel is adjacent to the current surface mining and rock crushing operation owned by North Idaho Crushing Inc.
10. The proposed conditional use expansion will add 10.98-acres to the existing site operations granted by CUP#488 and CUP#488A and will not significantly alter the nature of the current operation.
11. The applicant's representative, Randy McCall, testified that the expanded mining activities on the new parcel would begin on the east side of the property, near the existing rock pit, and would progress west toward Genesee-Troy Road.
12. The applicant testified that an earthen berm would be placed between the expanded activity area and Canyon Road. The berm would be situated from east to west and would act as a sight and sound buffer.
13. The applicant testified that the approved reclamation plan from the Idaho Department of Lands is for a total disturbed area of 40-acres.
14. The applicant submitted written testimony and orally testified that there would not be an increase in traffic in and out of the project area.
15. The applicant submitted written testimony that North Idaho Crushing is mandated by federal, state and local laws to protect streams, floodplains, wetlands and air quality. The applicant gave oral testimony that the proposed expansion would not affect the existing drainages and Middle Potlatch Creek to any greater degree than the existing operation.
16. The applicant testified that no additional public services will be required.
17. The applicant asked that the conditions from conditional use permit CUP #488A be placed on the expansion activities.
18. No oral or written testimony was presented that the proposed conditional use would significantly impact any areas of significant historic, archeological, geologic, biologic or scenic significance.
19. No oral or written testimony was presented that the proposed conditional use would significantly impact school facilities or student transport in the county.
20. No oral or written testimony was presented that the subject parcel is subject to any significant natural hazards.
21. No oral or written testimony was presented that the proposed conditional use would significantly impact any recreational opportunities or facilities.
22. No testimony was received that approval of this application would deny any owner of all economically viable uses or result in an unconstitutional occupation of their property.
23. No testimony was presented that the proposed conditional use would impact the availability of housing, housing construction standards and/or the energy efficiency of housing in Latah County.

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

1. The proposed conditional use would continue to utilize existing access points and roadways and would not significantly alter the existing rural character of the area or place additional burdens upon public services. The proposed conditional use is adjacent to an existing rock crushing operation and within the area designated as Industrial/Commercial/Residential on the Latah County Comprehensive Plan Land Use Map. Therefore, the proposed conditional use is consistent with the Community Design Element of the Comprehensive Plan. (should this be two conclusions?)
2. The policies of the Population Element of the Comprehensive Plan are not relevant to this proposal as this element addresses high-density developments. No written or oral testimony was given that the proposed conditional use would impact orderly growth. Therefore, the proposed use is consistent with the Population Element of the Comprehensive Plan.
3. The policies of the Housing Element are not relevant to this proposal as this element addresses new housing construction standards. No written or oral testimony was presented that the proposed conditional use would have any impact upon the available housing or construction standards within Latah County. Therefore, the proposed conditional use is consistent with the Housing Element of the Comprehensive Plan.
4. The proposed expansion of the conditional use would provide economic diversification that would be consistent with the presence of the existing mineral resource processing facility and the Comprehensive Land Use Plan Map designation of Industrial/Commercial/Residential. Therefore, the proposed use is consistent with the Economic Development Element of the Comprehensive Plan.
5. The proposed expansion of the conditional use for mineral resource extraction and processing site utilizes existing roadways, access points and other public services. Therefore, the proposed conditional use will not present excessive costs or burdens upon public services and is consistent with the Public Services, Facilities and Utilities Element of the Comprehensive Plan.
6. No written or oral testimony was presented that the proposed conditional use would impact existing school services. Therefore, the proposed conditional use is consistent with the School Facilities and Student Transport Element of the Comprehensive Plan.
7. The proposed conditional use utilizes existing roadways and access points. No significant additional traffic load is expected to result from the proposed expansion of the conditional use. Therefore, the proposed conditional use is consistent with the Transportation Element of the Comprehensive Plan.
8. No written or oral testimony was presented stating that the proposed expansion would pollute or degrade the natural environment. Therefore, the proposed conditional use is consistent with the Natural Resource Element of the Comprehensive Plan.
9. No written or oral testimony was presented that the proposed conditional use would significantly impact any area of significant historic, archeological, geologic, biologic or scenic significance. Therefore, the proposed conditional use is determined to be consistent with the Special Areas Element of the Comprehensive Plan.

10. No written or oral testimony was presented that the proposed expansion area for the conditional use would be associated with any natural hazards. Therefore, the proposed conditional use is determined to be consistent with the Hazardous Areas Element of the Comprehensive Plan.
11. No written or oral testimony was presented that the proposed conditional use would impact any existing or provide any new recreational opportunities. Therefore, the proposed conditional use is consistent with the Recreation Element of the Comprehensive Plan.
12. The proposed conditional use is an industrial development and the subject parcel is designated as Industrial/Commercial/Residential on the Comprehensive Plan Land Use Map. Therefore, the proposed conditional use is consistent with the Land Use Element of the Comprehensive Plan.

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

1. The Zoning Commission has reviewed the application and concludes that the use is not detrimental to the health or safety of those in the surrounding area and will not adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone.
2. The Zoning Commission has reviewed the application and concludes that the use will not require facilities or services with excessive costs to the public.
3. The Zoning Commission has reviewed the application as it relates to the Latah County Comprehensive Plan. Taken as a whole, the Zoning Commission concludes that the use is consistent with goals and policies of the Comprehensive Plan.

DECISION

THEREFORE, THE LATAH COUNTY ZONING COMMISSION APPROVES THIS REQUEST BY NORTH IDAHO CRUSHING INC. FOR AN AMENDMENT TO CONDITIONAL USE PERMIT #488A TO EXPAND AN EXISTING ROCK CRUSHING AND EXCAVATION OPERATION. SUBJECT TO COMPLIANCE WITH PLANS AND SPECIFICATIONS PRESENTED TO THE LATAH COUNTY ZONING COMMISSION AND THE FOLLOWING CONDITIONS:

1. Drilling, blasting, crushing, loading and hauling activities shall be limited to five (5) days per week, Monday through Friday, between the hours of 6:00 AM to 9:00 PM. Loading and hauling shall be allowed on Saturday between the hours of 7:00 AM and 5 PM.
2. Blasts shall be limited to 75,000 tons per blast.
3. All landowners within a 1/2 mile radius of the blast site and all other parties that make a request of North Idaho Crushing Inc., shall be notified of any blasting activities, by both certified letter and regular mail, such that it is received three (3) days prior to any blast.
4. Blasting shall not occur within 600 feet of any tanks containing agriculture chemicals.
5. All overburden shall be graded and seeded within thirty (30) days of initial removal.
6. Equipment shall not be permitted to ford Middle Potlatch Creek.

7. Daily dust abatement and dust control measures on all traveled lanes must be employed while the crusher and other equipment are in operation.
8. Outdoor lighting shall be directed away from affected residences.
9. The salvage yard area shall be screened so that it is not visible from any public roadway.
10. A maximum of 200,000 tons of rock may be hauled from North Idaho Crushing's Canyon Road site per year and may only be exceeded during times of a declared emergency.
11. North Idaho Crushing Inc. shall be in compliance at all times with all applicable federal, state and local laws, rules and regulations.
12. Copies of any federal, state or local inspections, permits and citations, not conducted by Latah County, shall be forwarded to the Latah County Planning Department within sixty (60) days of receipt.
13. North Idaho Crushing Inc. shall at all times be in substantial compliance with all written and oral testimony presented by the applicant.
14. The Latah County Planning Department shall conduct annual inspections of the subject property to verify conformance to the conditions as set forth.

PASSED BY THE ZONING COMMISSION OF LATAH COUNTY THIS 20th DAY OF May, 2007.


Wayne Sprouse, Chairman
Zoning Commission



Application for Conditional Use Permit

Instructions

Please complete the application and required attachments. For certain uses, additional information may be necessary. Incomplete applications or applications without all required attachments will not be accepted. A public hearing will be scheduled only after Staff has determined the application is technically complete.

Please submit to: **Latah County Department of Planning & Building**

Latah County Courthouse 522 S Adams, Room 205, P.O. Box 8068, Moscow, ID 83843 (208) 883-7220

1. Applicant Information

a. Applicant Name <i>North Idaho Crushing Inc</i>	b. Home Phone	c. Work Phone <i>(208) 882-3573</i>	
d. Mailing Address <i>1032 Canyon Rd.</i>	e. City <i>Moscow</i>	f. State <i>Id</i>	g. Zip code <i>83843</i>
h. Property Owner (if different than applicant)	i. Home Phone	j. Work Phone	
k. Mailing Address <i>Same</i>	l. City	m. State	n. Zip code

2. General Site Information

a. Assessor's Parcel Number(s) <i>RP39N04W208863A, RP39N04W28321A, RP39N04W209783A, RP39N04W209803A, RP39N04W216301A, RP39N04W207263A</i>	b. Parcel Address (if applicable)		
c. Acreage of Existing Parcel <i>65.52</i>	d. Zoning <i>Mining/AG</i>	e. Comprehensive Plan Designation <i>Industrial, Commercial, Residential</i>	f. Floodplain designation(s) <i>1600860 0335B</i>
g. FEMA Panel # <i>"C & A"</i>		j. Road Used to Access Site <i>Canyon Road</i>	
h. Is the parcel within an Area of City Impact? <input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.	i. Impact City <i>N/A</i>		

Note: Sites within an area of city impact may require additional notification time prior to public hearings or a hearing before the other jurisdiction.

i. Existing Uses
Mining & Rock Crushing

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

a. Fire District <i>Moscow Fire Dept.</i>	b. Road District <i>North Latah Cty. Hwy. Dist.</i>	c. School District <i>Moscow School Dist. Whitepine School Dist.</i>
d. Source of Potable Water (i.e. water district or private well)	e. Sewage Disposal (i.e. sewer district or private septic system) <i>No</i>	

4. Adjacent Properties Information

a. Zoning of Adjacent Properties <i>AG/F w/mining</i>	b. Existing Uses of Adjacent Properties <i>Mining/AG / Residential</i>
--	---

5. Permit Information

a. Proposed Use
Mining and Rock Crushing and Asphalt Batching

b. What provision of the Latah County Zoning Ordinance allows the proposed use to be considered for a Conditional Use Permit in the Zoning District in which the property is located?
Sec. 4.03 + 3.01

Note: If the proposed use is not specifically listed, please contact the Department prior to submittal to determine if the use is similar to those that are specifically listed as conditionally permitted uses. The Department may require additional information in order to make a determination.

6. Authorization

The applicant does hereby certify that all of the above statements and information in any attachments transmitted herewith are true, and further acknowledges that approval of this application may be revoked if it is found that any such statements are false.

a. Signature of Applicant <i>[Signature]</i>	b. Date <i>5/18/2011</i>
c. Signature of Property Owner (if different than applicant)	d. Date

Office Use Only

Date Received <i>5/18/2011</i>	Amount <i>200.00</i>	Receipt No. <i>0855201</i>	By <i>MSA</i>
CUP # <i>4881D</i>	Date Determined Technically Complete <i>5/18/2011</i>	By <i>MSA</i>	
Hearing Date <i>6/15/2011</i>			

7. Attachments

All attachments should be reproducible in black and white at 8½" x 11"

- Fee:** (\$200.00) Make checks payable to Latah County.
- Completed Narrative Worksheet:** See instructions on the Conditional Use Permit Narrative Worksheet.
- Site Plan:** The site plan should include a north arrow, location of roads and rights-of-way, existing buildings, improvements and features; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Zoning Commission to make a decision.
- Vicinity Map:** The map should show the site location in relation to neighboring communities and natural features.
- Assessor's Plat Map:** Include a copy of that portion of the map that shows the subject parcel and adjoining parcels.
- Other Attachments:** Required by staff / Zoning Commission for certain proposed uses.

LCZC Hrg: CUP-4881
Applicant: NIC
Exhibit #: 2
Date: 6/15/2011



Conditional Use Permit Narrative Worksheet

Application Information

Applicant's Name

North Idaho Crushing

Phone Number

882-3573

Purpose: To assist the Zoning Commission in making an informed decision regarding the applicant pursuant to the requirements of the Latah County Land Use Ordinance.

Instructions: Please respond to each section of this form. If you need more space, you may attach additional sheets to the worksheet.

Description of Proposal

Describe your proposal in detail. Include all aspects of your proposal.

see attached

Existing Uses of Property

Please describe what uses, structures and features currently occupy the property.

Consistency Requirements

Please respond to each of the three criteria listed in Section 7.01.02 of the Latah County Land Use Ordinance by explaining how your proposal meets each criteria. If the provided space is insufficient, please attach your responses to this packet.

A. The use is not detrimental to the health or safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone.

B. The use will not require facilities or services with excessive costs to the public.

g. Transportation Element

h. Natural Resource Element

i. Special Areas Element

j. Hazardous Areas Element

k. Recreation Element

l. Land Use Element

m. Property Rights Element

Conditional Use Permit Narrative

NORTH IDAHO CRUSHING
An Idaho Corporation
1032 Canyon Road
Moscow, ID 83843

Phone No. 208-882-3573
Date: 5/18/2011

Description of Proposal:

1. **Applicable law:** This Application for Conditional Use Permit is submitted pursuant to Idaho Code 67-6512 which provides special use permits and Latah County Zoning Ordinance sections as follows:
 - A. Section 1.02 Purpose
 - B. Section 3.03 (F) Conditional Uses – Natural mining resources development
 - C. Section 11.04 Natural Mineral Resources
 - D. Section 12.02 Flood Hazards – Not applicable to this application
 - E. Section 13-10 Conditional Use Permits
2. **Historical uses of property:** The applicant (“NIC”) and its predecessor in interest (Cay Tenwick and the Estate of Cay Tenwick) has operated a gravel pit and rock crushing operation on for at least thirty (31) years. In 1993, NIC applied for and received Conditional Use Permit #488 for the existing gravel operation as required by Latah County, due to the expansion of the operation. Another expansion #488A was received in 2001 and an expansion #488B was received in 2007.
3. **Approval of this application is consistent with those goals and policies of Latah County which recognize the need to ensure that adequate public services are provided to the people at reasonable cost; to ensure the economy of Latah County and the State of Idaho is protected and enhanced; to encourage the protection of mining lands for production of ...materials. Additionally, approval of this application, together with terms and conditions similar to those terms and conditions set forth in CUP #488, #488A and 488B will also be consistent with those goals and policies of Latah County which recognize the need to protect property rights and enhance property values; and to ensure that development on land is commensurate with the physical characteristics of the land and that important environmental features are protected.**
4. **Important economic consideration:** NIC provides a large supply of crushed rock to the public and private buyers in the area and this material is required in all building and highway improvement projects, including but not limited to North Latah County Highway District, City of Moscow, University of Idaho, Idaho Dept. of Transportation and private contractors and homebuilders. The public and private needs for the rock supplied by NIC and contributions made by NIC to the local economy require the development of additional areas of land for crushing as the existing areas are depleted and subject to closure and reclamation.
5. **The existing residential neighbors will continue to be affected in the same manner as the current use and operation for rock crushing. Assuming the same terms and conditions set forth in the CUP #488, #488A and 488B are applied to this application, blasting notices will be required and the hours of operation will be controlled by Latah County.**
6. **The State of Idaho currently has an Amended Reclamation Plan in place, which consists of 40 acres and was approved as amended on November 12, 2002. Additionally, all activities on these parcels will comply with all applicable state and local laws for mining operations and the protection of wildlife.**

LCZC Hrg: CUP 488D
Applicant: NIC
Exhibit #:2A
Date: 6/15/2011

7. All terms and conditions required by Section 11.04, including necessary fencing, signage and gating will be met, consistent with the existing operation.
8. In this permit we would like to amend our current CUP permits to include importing foreign materials to our pit (ie, concrete for recycling, other rock sources, fill material for disposal and use in our reclamation). We would also like to request allowance of asphalt plant setup in our pit as deemed necessary.
9. Exhibits attached: Location map

Existing Uses of Property

Property is used for mining and rock crushing.

Consistency Requirements

Our proposal meets the three criteria listed in Section 7.01.02 of the Latah County Land Use Ordinance as follows:

- A. The use is not detrimental to the health or safety of those in the surrounding area and will not otherwise adversely affect permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone.**
NIC is mandated by many federal, state and local laws to protect streams, floodplains, wetlands and air quality. Conditions and limitations under the existing CUP #488, 488A and 488B, together with additional laws and regulations ensure that the mining and rock crushing operations conducted by NIC are consistent.
- B. The use will not require facilities or services with excessive costs to the public.**
No additional public services or facilities are required and it is consistent with an "orderly pattern of development."
- C. The use is not in conflict with the goals and policies of the Comprehensive Plan.**
The proposed amendment to CUP #488, #488A and 488B is consistent with the policies and goals of the Latah County Comprehensive Plan and the Latah County Zoning Ordinance.
 1. NIC provides steady employment with wages and benefits well above the cost of living to Idaho residents and contributes to the tax base of Latah County.
 2. NIC's operations are consistent with the type of commercial and industrial uses located in rural areas away from densely populated residential areas, hence, preserving the rural character of Latah County.

Proposal's consistency with the proceeding elements of the Comprehensive Plan:

- a. Community Design Element:
The existing CUP utilizes this area for ongoing mining activities and preserves the rural character of Latah County, consistent with the plan Objective, which includes mineral extraction as "rural" activity, away from high density residential and populated areas of Latah County.
- b. Population Element:
Land is used for mining operations – not residential use.
- c. Housing Element:
Our NIC application is consistent with the policy that development of housing types should occur on land suitable for development. North Idaho Crushing acreage is for mining and rock crushing – not for residential development.

- d. Economic Development Element:
Mining and natural resource extraction is allowed as a conditional use in AG-Forestry areas and is a supporting activity. Mining and rock crushing is necessary to local and regional economic needs and is an essential and material element of economic growth, development and diversification. The development and continuing operations of mining and rock crushing activities on the NIC site and is compatible with the natural environment and existing land uses. The health and safety of the general public is protected by the location of this mining operation – which is at a considerable distance from any city or densely populated area, and the area residences are adequately protected by the conditions imposed under CUP #488, 488A and 488B.
- e. Public Services, Facilities and Utilities Element:
The application is consistent with this element because no additional public services are required and it is consistent with an “orderly pattern of development.”
- f. School Facilities and Student Transportation Element:
The application does not conflict with this element and the element may not be applicable because there is no direct or indirect effect on schools or student transportation.
- g. Transportation Element:
The existing NIC operation, which includes the movement of trucks onto the Latah County Highway system will not be modified or changed. The access roads and points from the rock crushing operation onto State Hwy. 8 will not change, nor will there be any increase in truck traffic.
- h. Natural Resource Element:
NIC is required by many federal, state and local laws to protect streams, floodplains, wetlands and air quality. Conditions and limitations under the existing CUP #488, 488A and 488B, together with additional laws and regulations ensure that the mining and rock crushing operations conducted by NIC are consistent with the natural resource element.
- i. Special Areas Element:
The application is consistent with this Goal and stated policies as a recognized site with long term historical use significant to mining and rock crushing operations.
- j. Hazardous Areas Element:
There are no known natural hazards which would endanger “life or property”. Appropriate regulations exist to protect the floodplain areas, as regulated by Latah County and the US Army Corps of Engineers. The risk of loss of property due to wildfire is minimal in this area, which is not located near heavily forested areas.
- k. Recreation Element:
There are no known “recreational development” in the area.
- l. Land Use Element:
The comprehensive plan designation is Industrial/Commercial/Residential which allows for commercial or industrial development. It is not suitable for residential development and it is less productive AG and Forestry lands.
- m. Property Rights Element:
The existing CUP 488, 488A and 488B allows for and is consistent with all the state policies set forth in Section 14.



LCZC Hrg: CUP 4881
 Applicant: NIC
 Exhibit #: 2B
 Date: 6/15/2011

Vicinity Map

**PONDEROSA
SUPERVISORY AREA**
3130 Highway 3
Deary ID 83823
Phone (208) 877-1121
Fax (208) 877-1122



GEORGE BACON
DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
C. L. "Butch" Otter, Governor
Ben Yursa, Secretary of State
Lawrence G. Wasden, Attorney General
Donna M. Jones, State Controller
Tom Luna, Sup't of Public Instruction

March 23, 2007

North Idaho Crushing, Inc
1032 Canyon Road
Moscow, ID 83843

This correspondence is notification the following reclamation plan was approved on March 23, 2007:

<u>PLAN NO.</u>	<u>ACRES</u>	<u>COUNTY</u>	<u>LEGAL DESCRIPTION</u>
RP-1161	40.0	Latah	Pts Sections 20, 21, 28, 29 Twp 39N, Rge 4W B.M.

The plan was granted approval subject to the following terms and conditions:

1. All refuse, chemical and petroleum products and equipment shall be stored and maintained in a designated location, 100 feet away from any surface water and disposed of in such a manner as to prevent their entry into a waterway.
2. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, mining operations will cease immediately, corrective action will be taken, and the Department of Environmental Quality will be notified.
3. Erosion and non-point source pollution shall be minimized by careful design of the site access and implementing Best Management Practices, which may include, but are not limited to:
 - a. Diverting all surface water flows around the mining operation.
 - b. Removing and stockpiling vegetation and slash, except merchantable timber, for use in erosion control and reclamation;
 - c. Removing and stockpiling all topsoil or suitable plant growth material for use in reclamation.
 - d. Noxious weeds shall be controlled on site as needed.
4. In accordance with provisions of Idaho Code title 47, chapter 18, adequate bonding exists with the state reclamation fund for 40 disturbed acres.

LCZC Hrg: CUP 488D
Applicant: NIC
Exhibit #: 2E
Date: 6/15/2011

5. Acceptance of this permit does not preclude the operator from obtaining other necessary permits and approvals from state and federal authorities, i.e. Storm Water Pollution Prevention Plan (SWPPP), waste water generation and/or air quality permits, consultation with the National Oceanic and Atmospheric Administration Fisheries, U.S. Army Corps of Engineers 404 Permit and Stream Channel Alteration Permits for each production process.

6. At the beginning of each calendar year the operator or plan holder shall notify the director of any increase in the acreage of affected lands which will result from the planned surface mining activity within the next twelve (12) months. A correlative increase in the bond will be required for an increase in affected acreage.

Please note – pursuant to Idaho Code section 47-1512(a), operations cannot commence until the bond payment established in Stipulation No. 4 is submitted to this department. Failure to submit payment before mining commences may subject you to legal action by the state pursuant to Idaho Code section 47-1513(d), which may include issuance of an order by the district court to temporarily restrain your mining operations without prior notice to you.

If the department does not receive a written notice of objection from you regarding these stipulations by March 30, 2007, the stipulations will be considered as accepted.

If you have any questions, you may contact me at the above address or telephone.



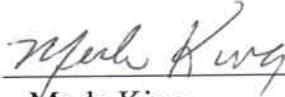
Roger Kechter
Acting Area Manager

RDK:rdk
Enclosure(s)

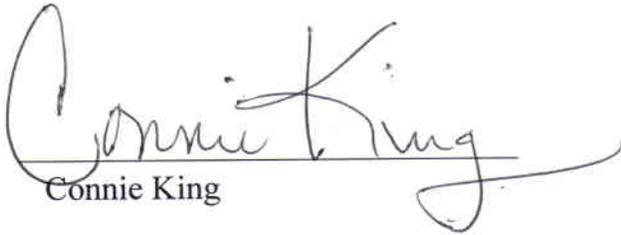
CC: file
Boise

May 18, 2011

We, Merle King and Connie King have a residence at 1019 Canyon Road, which is within 1000 feet of the southern boundry of the proposed cup 488B expansion. We are consenting to the location of the mineral resource development.



Merle King



Connie King

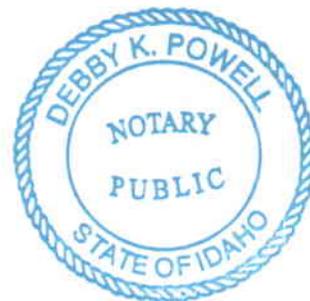
State of Idaho
County of Latah

On this 18th day of May 2011, before me, the undersigned, a Notary Public, in and for said State, personally appeared Merle King and Connie King known and identified to me on the basis of satisfactory evidence, to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

WITNESS MY HAND AND OFFICIAL SEAL



Notary Public, Idaho
Residing at: Fernwood
My commission expires 4/22/2015



LCZC Hrg: CUP 488D
Applicant: NIC
Exhibit #: 2F
Date: 6/15/2011

CUP #488D – Staff Introduction

A request by North Idaho Crushing to renew conditional use permit #488C that amended conditional use permit #488B to allow importing off-site materials and asphalt batching on a portion of a 65.52 acre parcel in the Agriculture/Forest zone. The property is located at 1032 Canyon Road, in Sections 20, 21, and 28, Township 39 North, Range 04 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel numbers RP39N04W208863A, RP39N04W283121A, RP39N04W209783A, RP39N04W209803A, RP39N04W216301A, RP39N04W207263A.

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

Section 7.01.02 requires:

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

Section 4.03.02 requires the following for existing mineral resource developments:

1. Hours of operation are limited to 9 AM to 6 PM daily. An operator may vary from this requirement by applying for a conditional use permit under the provisions of Section 7.01 of this ordinance.
2. Written verification of compliance with the Idaho Surface Mining Act, including filing of any reclamation plan required by the Idaho Surface Mining Act.
3. The excavation site, any overburden and stockpiles, and a 50 foot buffer strip surrounding these areas shall be maintained so that they are continuously free of all noxious weeds as determined by the Latah County Noxious Weed Control Superintendent.
4. The operator shall provide, by certified mail, written notification to all residences within one mile of any blasting. The notification shall be distributed and in the possession of the occupants of these residences at least 72 hours prior to any blasting. The notification shall give the date and time of the planned blast.

5. Blasting shall be restricted to the hours of 9:30 AM to 4:30 PM, Monday through Friday. No blasting shall occur on Saturdays, Sundays, or the following holidays: January 1, Memorial Day, Labor Day, Thanksgiving Day, and December 25.

6. An owner or operator may request, and the Director may grant, an exception to provide for additional hours of operation for a mineral resource development when additional hours of operation are needed to alleviate a public emergency. Public emergencies include the following:

A. Damage to public roads or structures that require immediate repair.

B. Road construction or repair that is scheduled during nighttime hours to reduce traffic conflicts.

7. Signs, upon approval of the signs by the Planning Department, warning of truck entrances shall be posted within one-quarter (1/4) mile of the site's entrance onto a public road.

8. The mineral resource development shall be marked by warning signs posted 200 feet from mine operations.

9. A plan to retain storm water runoff within the mineral resource development boundaries.

Exhibits will now be entered into the record.

The following exhibits were submitted with the staff packet:

- Exhibit #1.** Staff Report
- Exhibit #1A.** Criteria Worksheet
- Exhibit #1B.** Vicinity and Comprehensive Plan Map
- Exhibit #1C.** Zoning Map
- Exhibit #1D.** Aerial and Adjoining Property Owners Map
- Exhibit #1E.** Latah County Board of County Commissioners Findings of Fact and Conclusions of Law for CUP #488
- Exhibit #1F.** Latah County Board of County Commissioners Findings of Fact and Conclusions of Law for CUP #488A
- Exhibit #1G.** Latah County Zoning Commission's Findings of Fact and Conclusions of Law for CUP #488B
- Exhibit #2.** Application Form (Submitted by Applicant)
- Exhibit #2A.** Applicant's Narrative (Submitted by Applicant)
- Exhibit #2B.** Vicinity Map (Submitted by Applicant)
- Exhibit #2C.** Plat Map (Submitted by Applicant)
- Exhibit #2D.** Site Plan Map (Submitted by Applicant)
- Exhibit #2E.** Letter of Reclamation Plan Approval from Idaho Department of Lands, dated March 23, 2007 (Submitted by Applicant)
- Exhibit #2F.** Notarized letter from Merle and Connie King, dated May 18th, 2011
- Exhibit #3.** Staff Introduction for Latah County Zoning Commission hearing for CUP #488D held on June 15th, 2011.

That is all staff has unless the Commission has questions.