

## LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

**Public Hearing:** Mineral Resource Development

**Date:** November 2, 2011 **Time:** 5:30pm

**Applicant:** David Whitcomb **File #:** CUP #781A

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### EXHIBITS:

- Exhibit #1.** Staff Report
- Exhibit #1A.** Criteria Worksheet
- Exhibit #1B.** Vicinity and Comprehensive Plan Land Use Map
- Exhibit #1C.** Zoning Map
- Exhibit #1D.** Aerial Photograph and Adjacent Property Owners Map
- Exhibit #1E.** Aerial and Topographic Map
- Exhibit #1F.** Latah County Zoning Commissions Findings of Fact and Conclusions of Law for CUP 781, dated September 17, 2008
  
- 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 (Submitted by Applicant)
- Exhibit #2E.** Notarized letters from Adjacent Property Owners dated September 28, 2011 (Submitted by Applicant)
  
- Exhibit #2F.** Notice of Filed Reclamation Plan from Idaho Department of Lands, dated August 7<sup>th</sup>, 2008 (Submitted by Applicant)
  
- Exhibit #3.** Staff Introduction for Latah County Zoning Commission hearing for CUP #781A held on November 2, 2011

**DAVID WHITCOMB**  
**CONDITIONAL USE PERMIT APPLICATION #781A**  
**STAFF REPORT**

**SUMMARY OF APPLICATION:**

A request by David Whitcomb to renew conditional use permit #781 to operate a mineral resource development including excavation, crushing, and surface stockpiling on a portion of a 12.62 acre parcel in the Agriculture/Forest zone. The property is accessed off Old Highway 8, approximately 2.5 miles west of the City of Deary, in Section 29, Township 40 North, Range 02 West, B.M., in Latah County and referenced as Assessor's parcel number RP40N02W291819A.

**Site Characteristics:**

<b>Size of Parcel:</b>	12.62 acres
<b>Soils:</b>	Santa silt loam, 2-5%, 5-20%, and 20-35% slopes (Latah County Soil Survey Sheet #29)
<b>Floodplain:</b>	Zone "C" (FIRM Panel #160086 0270 B)

**Land Use and Regulations:**

<b>Comprehensive Plan Designation:</b>	Rural
<b>Existing Zoning:</b>	Agriculture/Forest (A/F)
<b>Existing Uses:</b>	Timber
<b>Neighboring Zoning:</b>	Agriculture/Forest (A/F)
<b>Neighboring Uses:</b>	Agriculture, Rural Residential, and Mining

**Infrastructure/Services:**

<b>Water:</b>	None
<b>Sewer:</b>	Not Applicable
<b>Access:</b>	Old Hwy. 8, North Latah County Highway District
<b>Schools:</b>	White Pine School District # 288
<b>Fire Protection:</b>	Deary Fire District
<b>Law Enforcement:</b>	Latah County Sheriff

**EXHIBITS:**

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**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:

Conditional Use Permit to renew a Mineral Resource Development

### Description of application:

A request by David Whitcomb to renew conditional use permit #781 to operate a mineral resource development including excavation, crushing, and surface stockpiling on a portion of a 12.62 acre parcel in the Agriculture/Forest zone. The property is accessed off Old Highway 8, approximately 2.5 miles west of the City of Deary, in Section 29, Township 40 North, Range 02 West, B.M., in Latah County and referenced as Assessor's parcel number RP40N02W291819A.

### 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 David Whitcomb.

*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 findings 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.

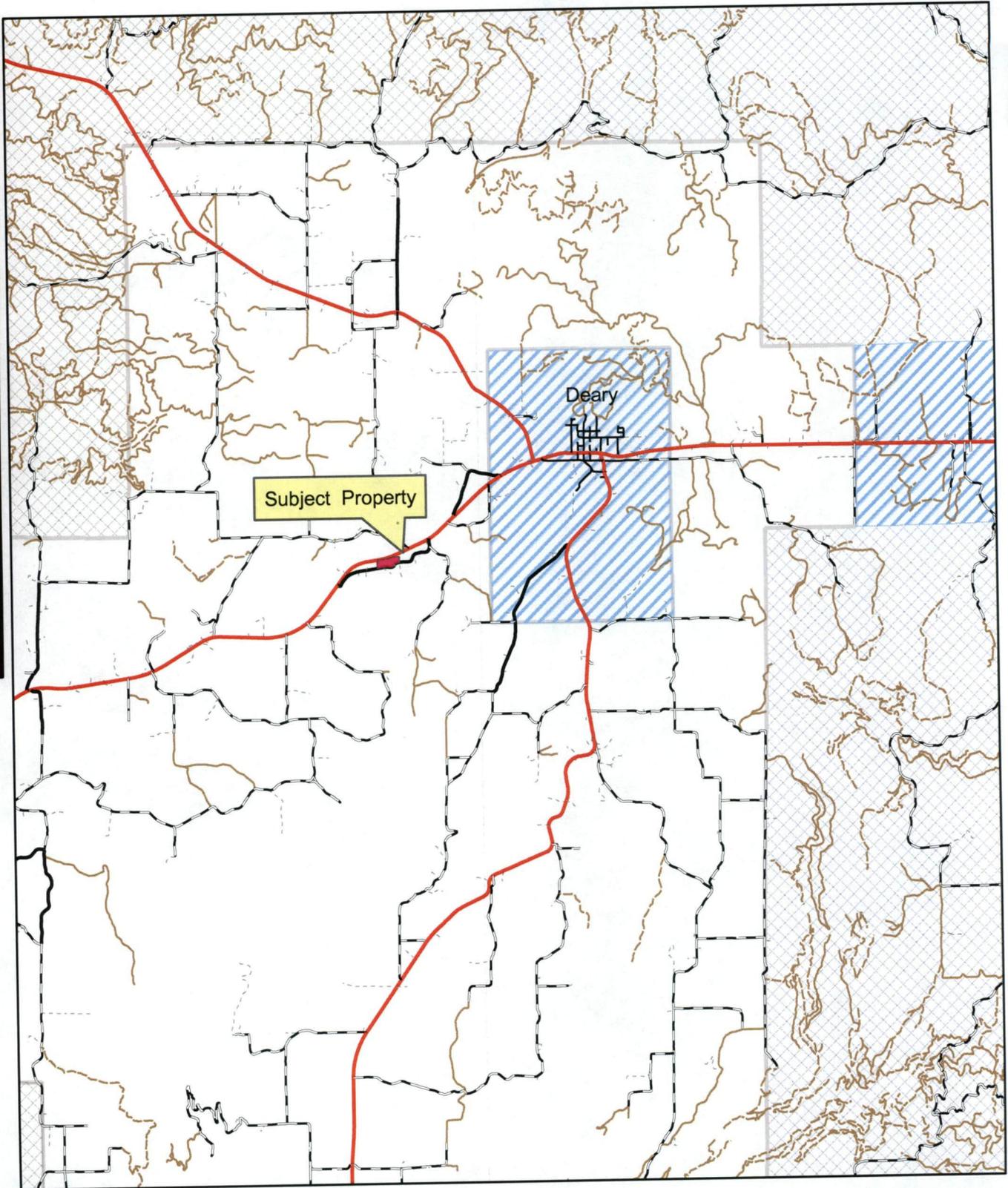
7. Signs, upon approval of the signs by the Planning Department, warning of truck entrances shall be posted within one-quarter ( $\frac{1}{4}$ ) mile of the site's entrance onto a public road.

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.

# CUP 781A Vicinity and Comprehensive Plan Map

## Planning and Building



### Legend

#### Comprehensive Plan ZONE

-  AOI
-  PRODUCTIVE
-  RURAL

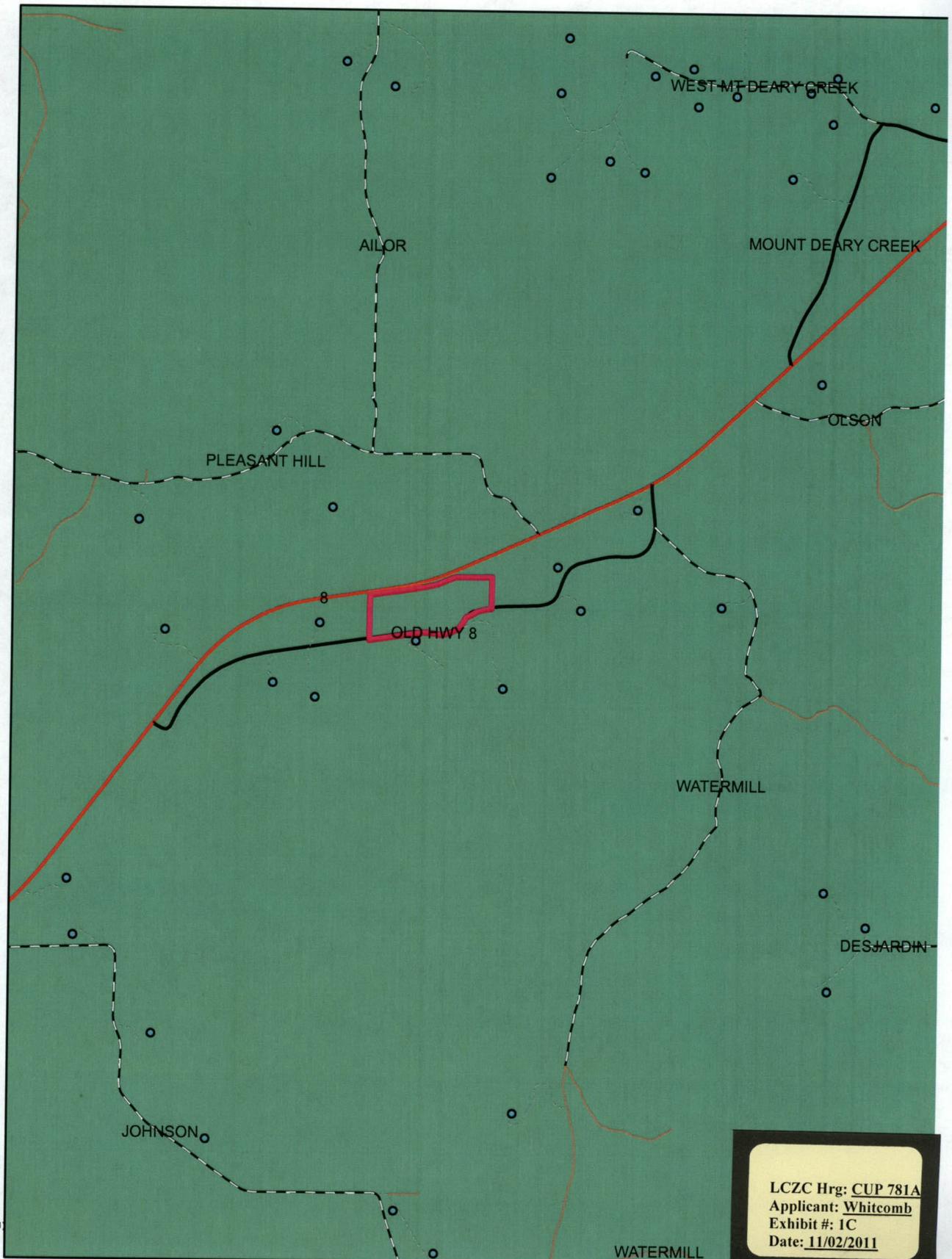
0 0.5 1 2  
Miles

\*Created on 10/26/2011 by MK

LCZC Hrg: CUP 781A  
Applicant: Whitcomb  
Exhibit #: 1B  
Date: 11/02/2011

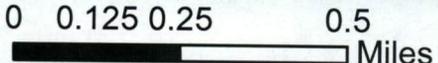
# CUP 781A Zoning Map

Planning and Building



- Legend**
- Parcels selection
  - Zoning\_Districts\_2009**
  - ZONE\_TYPE**
  - Agriculture / Forest
  - Agriculture / Forestry
  - Area of Impact - Genesee
  - Commercial
  - Industrial
  - Motor Business
  - Multiple Family Residential
  - Municipality
  - Rural Residential
  - Single-Family Residential
  - Single-Family Residential (R1)
  - Suburban Residential

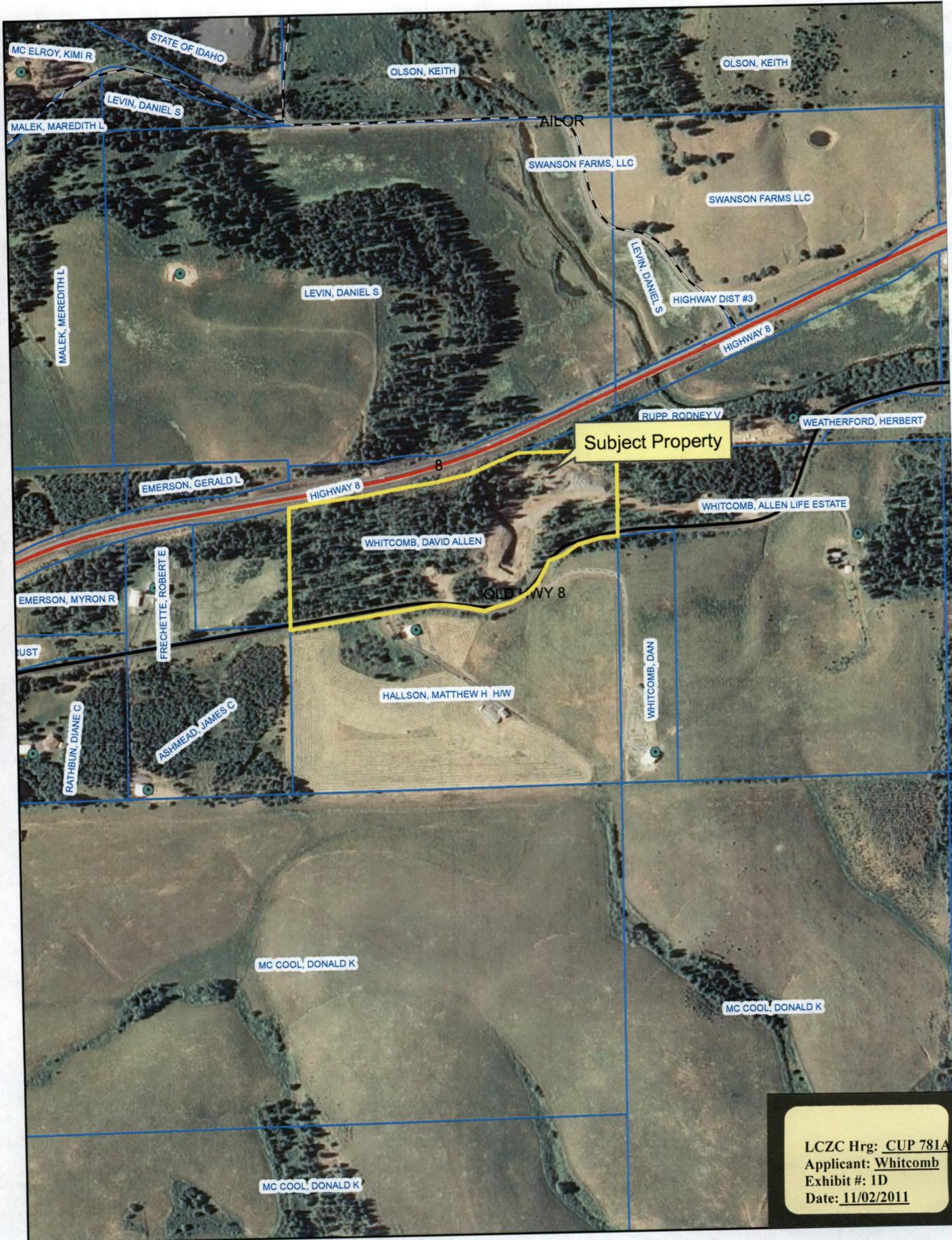
LCZC Hrg: CUP 781A  
 Applicant: Whitcomb  
 Exhibit #: 1C  
 Date: 11/02/2011



\*Created on 10/26/2011 by MK

# CUP 781A Aerial and Adjacent Property Owners

Planning & Building Department



Legend  
 Addresses

LCZC Hrg: CUP 781A  
 Applicant: Whitcomb  
 Exhibit #: 1D  
 Date: 11/02/2011

0 0.1 0.2 0.4 Miles

\*Created on 10/26/2011 by MK

# CUP 781A Aerial and 10 Ft Contours

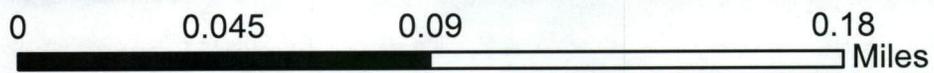
Planning & Building Department



Legend  
con10ft\_arc



LCZC Hrg: CUP 781A  
Applicant: Whitcomb  
Exhibit #: 1E  
Date: 11/02/2011



\*Created on 10/26/2011 by MK

**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 DAVID WHITCOMB FOR A CONDITIONAL USE PERMIT (CUP #781) TO OPERATE A MINERAL RESOURCE DEVELOPMENT INCLUDING EXCAVATION, CRUSHING AND SURFACE STOCKPILING ON A PORTION OF A 12.62-ACRE PARCEL IN THE AGRICULTURE/FOREST ZONE. THE PROPERTY IS ACCESSED OFF OF OLD HIGHWAY 8, APPROXIMATELY 2.5 MILES WEST OF THE CITY OF DEARY IN SECTIONS 20, TOWNSHIP 40 NORTH, RANGE 02 WEST, B.M., LATAH COUNTY AND REFERENCED AS LATAH COUNTY ASSESSOR'S PARCEL NUMBER RP40N02W291819A.**

**WHEREAS**, David Whitcomb made application for a conditional use permit (CUP#781) on August 6, 2008; and

**WHEREAS**, a duly noticed public hearing was held on Wednesday, September 3, 2008 before the Zoning Commission to take testimony and consider the conditional use permit application; and

**WHEREAS**, having reviewed the application, including all exhibits entered, and having considered the issues presented by the applicant and the opponents,

**THE LATAH COUNTY ZONING COMMISSION, AFTER DUE DELIBERATION AND CONSIDERATION, HEREBY MAKES THE FOLLOWING:**

**I. FINDINGS OF FACT**

1. The Applicant is David Whitcomb, P.O. Box 36, Deary, ID 83823. The property owners are Alan and Thelma Whitcomb, 3200 State Highway 3, Deary, ID 83823.
2. The subject parcel is approximately 12.62 acres.
3. The subject parcel is zoned Agriculture/Forestry (A/F), and the neighboring parcels are also zoned Agriculture/Forestry (A/F).
4. Mineral resource developments are listed in §3.01.02 of the Latah County Land Use Ordinance # 269, as amended, as a conditionally permitted use in the Agriculture/Forestry Zone. The Applicant is requesting to operate a mineral resource development to include excavation, crushing and surface stockpiling on an approximately 4 acres of the 12.62-acre parcel.
5. The subject parcel is designated "Rural" on the Comprehensive Plan Land Use Map. The Comprehensive Plan states, "This area should be protected from conversion to more

concentrated residential, commercial, or industrial development; however, sites within this area may be suitable for consideration for further low-density residential development.”

6. The proposed use is located in an area designated as Zone “C” on panel #1600860 0335B of the Flood Insurance Rating Map (FIRM) for Latah County provided by the Federal Emergency Management Agency (FEMA). This designation is not considered to be an area of special flood hazard.
7. The existing use of the subject parcel is forestry, and the neighboring uses include agriculture, forestry, mining and low-density residential.
8. The Applicant testified that dust abatement would be controlled by the use of water trucks on the subject site and all access roads associated with the operation.
9. The Applicant testified that no hazardous materials, fuels, oils and/or chemicals would be stored on the subject site. The Applicant also submitted that any necessary fire response and suppression would be supplied by the Deary Rural Fire District.
10. The Applicant submitted written verification that a reclamation plan was submitted to the Idaho Department of Lands for compliance with the Idaho Surface Mining Act. In addition, the Applicant testified that all federal, state and local laws to protect streams, floodplains, wetlands and air quality will be met.
11. The Applicant submitted testimony that there would not be a substantial increase in traffic resulting from the proposed operation.
12. The Applicant testified that no additional public services will be required for operation of the mineral resource development.
13. The Applicant submitted signed notarized forms from all owners of record of residential buildings within 1,000 feet of the development consenting to the location of the mineral resource development.
14. Pursuant to Section 4.03.03 (2) of the Latah County Land Use Ordinance #269, as amended, the Applicant testified that the required undisturbed or natural buffer on the perimeter of the mineral resource development will be provided by leaving the existing trees in place.
15. 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.
16. No oral or written testimony was presented that the proposed conditional use would significantly impact school facilities or student transport in the Latah County.
17. No oral or written testimony was presented that the subject parcel is subject to any significant natural hazards.

18. 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.
19. 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:**

**II. CONCLUSIONS OF LAW**

1. The proposed conditional uses 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 within the area designated as "Rural" 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.
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 conditional use would provide for economic diversification within Latah County that would be consistent with the surrounding area and the Comprehensive Plan Land Use Map designation of Rural. Therefore, the proposed conditional use is consistent with the Economic Development Element of the Comprehensive Plan.
5. The proposed use 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 conditional use. Therefore, the proposed conditional use is consistent with the Transportation Element of the Comprehensive Plan.

8. The proposed conditional use is mandated by federal, state and local laws to protect streams, floodplains, wetlands and air quality. Therefore, with the limiting conditions imposed, 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 conditional uses on the subject property 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 uses would significantly impact any existing recreational opportunities. Therefore, the proposed conditional use is consistent with the Recreation Element of the Comprehensive Plan.
12. The proposed conditional use is located on property composed entirely of less productive soils. The proposed conditional use is also located on a parcel designated as "Rural" on the Comprehensive Plan Land Use Map. Therefore, the proposed conditional use is consistent with the Land Use Element of the Comprehensive Plan.
13. The Zoning Commission has reviewed the proposal and concludes that with the limiting conditions imposed, the conditional use is not detrimental to the health or safety of those in the surrounding area and will not adversely affected permitted uses or the enjoyment of such uses in that zone to any greater extent than a permitted use in that zone.
14. The Zoning Commission has reviewed the proposal and concludes that with the limiting conditions imposed, the conditional use will not require facilities or services with excessive costs to the public.
15. The Zoning Commission has reviewed the application as it relates to the Latah County Comprehensive Plan. The Zoning Commission concludes that with the limiting conditions imposed, the conditional use is consistent, as a whole, with the goals and policies of the Comprehensive Plan.

### **III. DECISION**

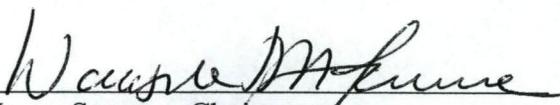
Based on the Findings of Fact and Conclusions of Law as set forth in this document, the Latah County Zoning Commission hereby approves the request by David Whitcomb for a Conditional Use Permit to operate a mineral resource development including excavation, crushing and surface stockpiling on a portion of a 12.62-acre parcel subject to the following conditions:

1. The mineral resource development shall be in compliance at all times with all applicable federal, state and local laws, rules and regulations.

2. The mineral resource development shall at all times be in substantial compliance with the application as submitted and presented.
3. The mineral resource development shall be in compliance with the requirements listed in Section 4.03.02, # 1-9 of the Latah County Land Use Ordinance # 269, as amended:
  - 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 ( $\frac{1}{4}$ ) 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.

4. Blasts shall be limited to 30,000 tons of material per blast. In addition, prior to any blasting, the Applicant or responsible party shall provide the Planning Department a detailed plan for traffic control.
5. The mineral resource development shall be limited to producing no greater than 30,000 tons of crushed rock per year.
6. The mineral resource development shall have constructed and installed any necessary settlement pond(s) and/or runoff retention controls prior to commencing operations to prevent any sediment, stormwater run-off, or construction water from flowing outside of the disturbed area.
7. As set forth in Section 7.01.06 of the Latah County Land Use Ordinance #269, as amended, any expansion, enlargement, or alteration of the approved conditional use shall be reviewed by the Planning Department upon written request by the permit holder. If the Department determines that the alteration, expansion, or enlargement is beyond the scope of action allowed by the original permit, the Department shall require the permit holder to apply for the review and approval of the Zoning Commission under the provisions of Section 7.01.03.
8. This conditional use permit (CUP #781) shall expire three (3) years from the date of this decision. Prior to the expiration date, the Applicant must resubmit and apply for a conditional use permit and gain approval under Section 7.01 of the Latah County Land Use Ordinance to continue the operations approved in this permit.

PASSED BY THE ZONING COMMISSION OF LATAH COUNTY THIS 17 DAY OF SEPT, 2008.

  
 Wayne Sprouse, Chairman  
 Latah County Zoning Commission

#### **IV. REQUIRED LEGAL NOTICES**

##### **NOTICE OF EFFECTIVE DATE AND NOTICE OF RIGHT TO APPEAL**

All final decisions of the Zoning Commission may be appealed, as set forth in Section 1.02.18 of the Latah County Land Use Ordinance #269, as amended.

##### **NOTICE OF RIGHT TO REQUEST REGULATORY TAKINGS ANALYSIS**

The owner of the property that is the subject of this decision may make a written request to the Latah County Planning and Building Department for a Regulatory Takings Analysis within twenty-eight (28) days from the date of this decision as provided by Chapter 80, Title 67, Idaho Code.

**NOTICE OF PUBLIC HEARING**  
**BEFORE THE LATAH COUNTY ZONING COMMISSION**  
**Wednesday, November 2, 2011, 5:30 pm**

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

**5:35 p.m.** – **CUP # 781A** request by David Whitcomb for to renew conditional use permit #781 to operate a mineral resource development including excavation, crushing, and surface stockpiling on a portion of a 12.62 acre parcel in the Agriculture/Forest zone. The property is accessed off Old Highway 8, approximately 2.5 miles west of the City of Deary, in Section 29, Township 40 North, Range 02 West, B.M., in Latah County and referenced as Assessor's parcel number RP40N02W291819A.

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. This hearing 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)



# 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, (208) 883-7220**

1. Applicant Information			
A. Applicant Name	B. Home Phone	C. Work Phone	
David Whitcomb	509-330-0787	509-330-0787	
D. Mailing Address	E. City	F. State	G. Zip code
PO Box 36	Deary	ID	83823
H. Property Owner (if different than applicant)	I. Home Phone	J. Work Phone	
Same			
K. Mailing Address	L. City	M. State	N. Zip code

2. General Site Information				
A. Assessor's Parcel Number(s)			B. Parcel Address (If Applicable)	
RP40N02W291819				
C. Acreage of Existing Parcel	D. Zoning	E. Comprehensive Plan Designation	F. Floodplain designation(s)	G. FEMA Panel #
12.62	AG/Forest zone	Industrial comm/ag	1600860270B	Zone C
H. Is the parcel within an Area of City Impact?	<input type="checkbox"/> Yes. <input checked="" type="checkbox"/> No.	I. Impact City	J. Road Used to Access Site	
			old Hwy 8 Deary ID	

**Note:** Sites within an Area of City Impact may require additional notification time prior to public hearings.

K. Existing Uses
Timberground, Rock Pit

3. Service Provider Information (Please Attach Additional Information if Needed)		
A. Fire District	B. Road District	C. School District
Deary Rural Fire	North Latah Hwy	Whitepine School
D. Source of Potable Water (i.e. Water District or Private Well)	E. Sewage Disposal (i.e. Sewer District or Septic System)	
NO	NO	

4. Adjacent Properties Information	
A. Zoning of Adjacent Properties	B. Existing Uses of Adjacent Properties
AG/Forest	Timberground

5. Permit Information	
A. Proposed Use	
Rock quarry Surface stock piling, crushing rock excavation	
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?	
3.61, 4.03, 7.01	

**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		7. Attachments	
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	B. Date	<input checked="" type="checkbox"/> <b>Fee:</b> (\$200.00) Make checks payable to Latah County.	<input checked="" type="checkbox"/> <b>Completed Narrative Worksheet:</b> See Instructions on the Conditional Use Permit Narrative Worksheet.
	9-28-11	<input checked="" type="checkbox"/> <b>Site Plan:</b> 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.	<input checked="" type="checkbox"/> <b>Vicinity Map:</b> The map should show the site location in relation to neighboring communities and natural features.
C. Signature of Property Owner (if different than applicant)	D. Date	<input checked="" type="checkbox"/> <b>Assessor's Plat Map:</b> Include a copy of that portion of the map that shows the subject parcel and adjoining parcels.	<input checked="" type="checkbox"/> <b>Other Attachments:</b> Required for certain uses.
Same	9-28-11		
Office Use Only			
Date Received	Amount	Receipt No.	By
10/14/11	4208	86979	P.
CUP #	Date Determined Technically Complete	By	
781A	10/12/2011	MSA	
Hearing Date			

LCZC Hrg: CUP 781A  
 Applicant: Whitcomb  
 Exhibit #: 2  
 Date: 11/02/2011



# Conditional Use Permit Narrative Worksheet

## Application Information

Applicant's Name

David Whitcomb

Phone Number

509-330-0787

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

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

## 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 four criteria listed in § 13.10.01 by explaining how you proposal meets each particular criteria. If the provided space is insufficient, please attach your responses to this packet.

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

## Office Use Only

CUP #

Page 1

Conditional Use Permit Narrative Worksheet

**g. Transportation Element**

**h. Natural Resource Element**

**i. Special Areas Element**

**j. Hazardous Areas Element**

**k. Recreation Element**

**l. Land Use Element**

**j. Property Rights Element**

Office Use Only

CUP #

Page 3

Conditional Use Permit Narrative Worksheet

# Completed Narrative Worksheet for Conditional Use Permit

Whitcomb Excavating  
Sole Proprietor (Dave Whitcomb)  
P.O. Box 36  
Deary, Id 83823

Phone No. 509-330-0787  
July 28, 2008

## 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 property has been family owned for the past 70 plus years and has been used for timber use only.
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 and 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: Whitcomb Excavating will provide crushed rock to the public and local contractors in the area and this material is required in all building and road preparation including but not limited to the City of Deary, Potlatch Corporation, Idaho Department of Lands, City of Bovill and private contractors and homebuilders. There is no other rock source in our immediate area so this rock supply would be very beneficial.
5. There are no residential neighbors within 1000 feet of proposed rock pit.
6. The Reclamation Plan has been submitted.
7. All terms and conditions required by Section 11.04 will be met.
9. Exhibits attached: Location map

## **Existing Uses of Property**

Property is currently timber property.

*Water Road as needed for dust control  
No storage of hazardous materials,  
Fire protection will be supplied by Deary Rural Fire Dist.*

LCZC Hrg: CUP 781A  
Applicant: Whitcomb  
Exhibit #: 2A  
Date: 11/02/2011

## **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.**

Whitcomb Excavating will be hauling rock from the new pit. All crushing and stockpiling will be done by a crushing company such as North Idaho Crushing which is mandated by many federal, state and local laws to protect air quality. Crushed rock production is estimated between 10,000 and 20,000 tons per year.

**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 proposal is consistent with the policies and goals of the Latah County Comprehensive Plan and the Latah County Zoning Ordinance.

1. Whitcomb Excavating is located in a rural area 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 proposal 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 Whitcomb Excavating application is consistent with the policy that development of housing types should occur on land suitable for development. The acreage will be used for mining and rock crushing – not for residential development.

d. Economic Development Element:

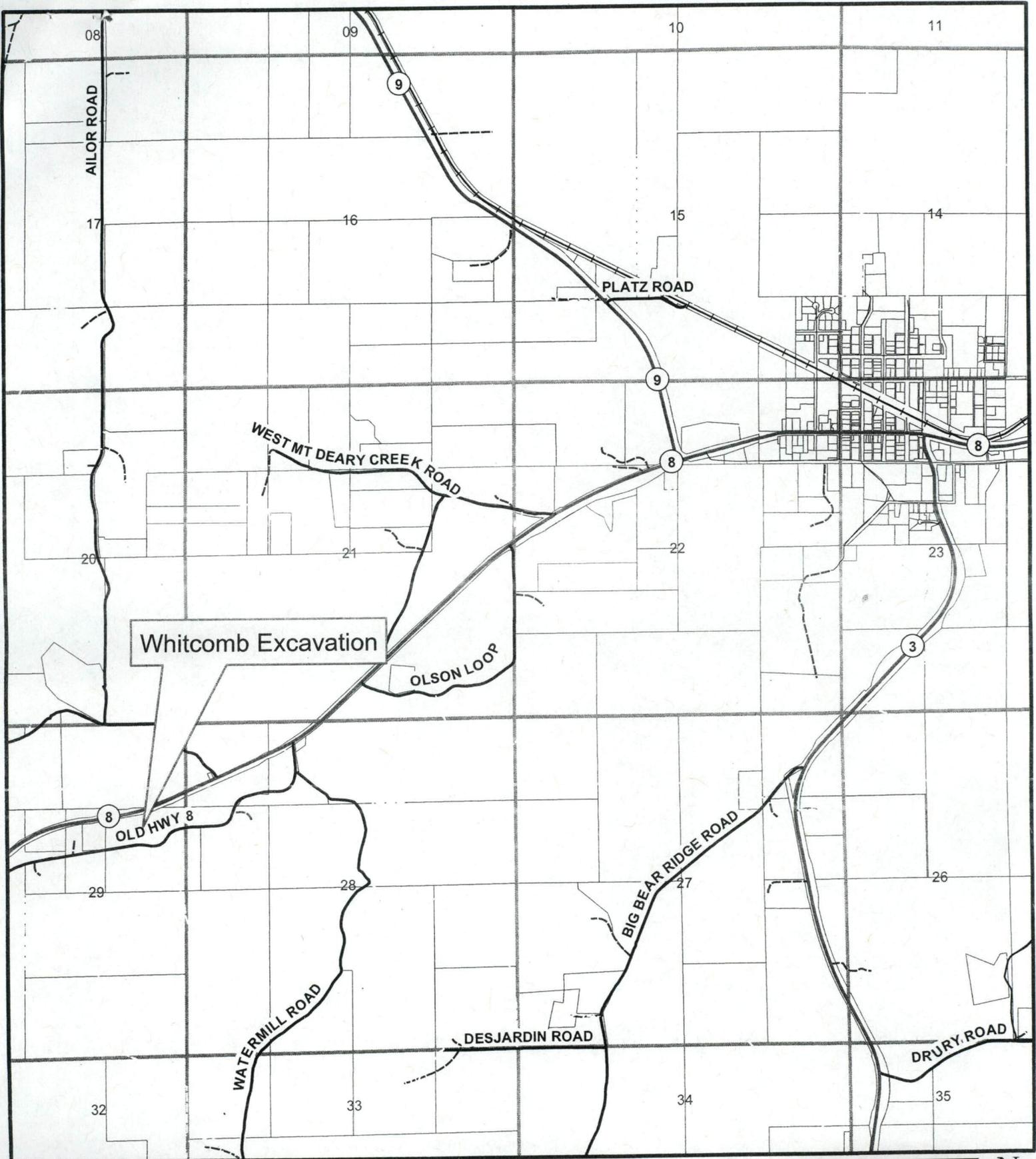
Mining and natural resource extraction is allowed as a conditional use in AG-Forestry areas and is a supporting activity. Mining and rock crushing is necessary to local and regional economic needs and is an essential and material element of economic growth, development and diversification. The health 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.

e. Public Services, Facilities and Utilities Element:

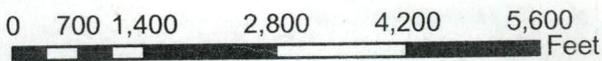
The application is consistent with this element because no additional public services are required and it is consistent with an "orderly pattern of development."

- 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:  
There will be truck movement onto the Latah County road.
- h. Natural Resource Element:  
Whitcomb Excavating and its contractors will be required by many federal, state and local laws to protect streams, floodplains, wetlands and air quality. The pit location is not in a floodplain and does not have any streams on the property.
- 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 Agricultural/Forest Zone which allows for commercial or industrial development.
- m. Property Rights Element:  
The proposal will be consistent with all the state policies set forth in Section 14.

# Vicinity MAP



This Document is a representation only.  
Latah County bears no responsibility for errors or omissions.  
JLS 07/28/2008

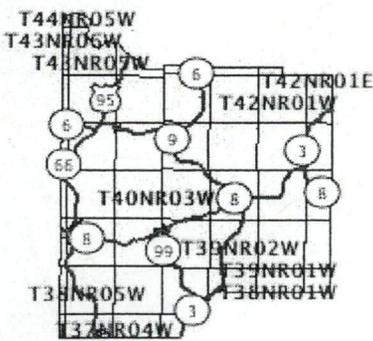


LCZC Hrg: CUP 781A  
Applicant: Whitcomb  
Exhibit #: 2B  
Date: 11/02/2011



FLAT MAP

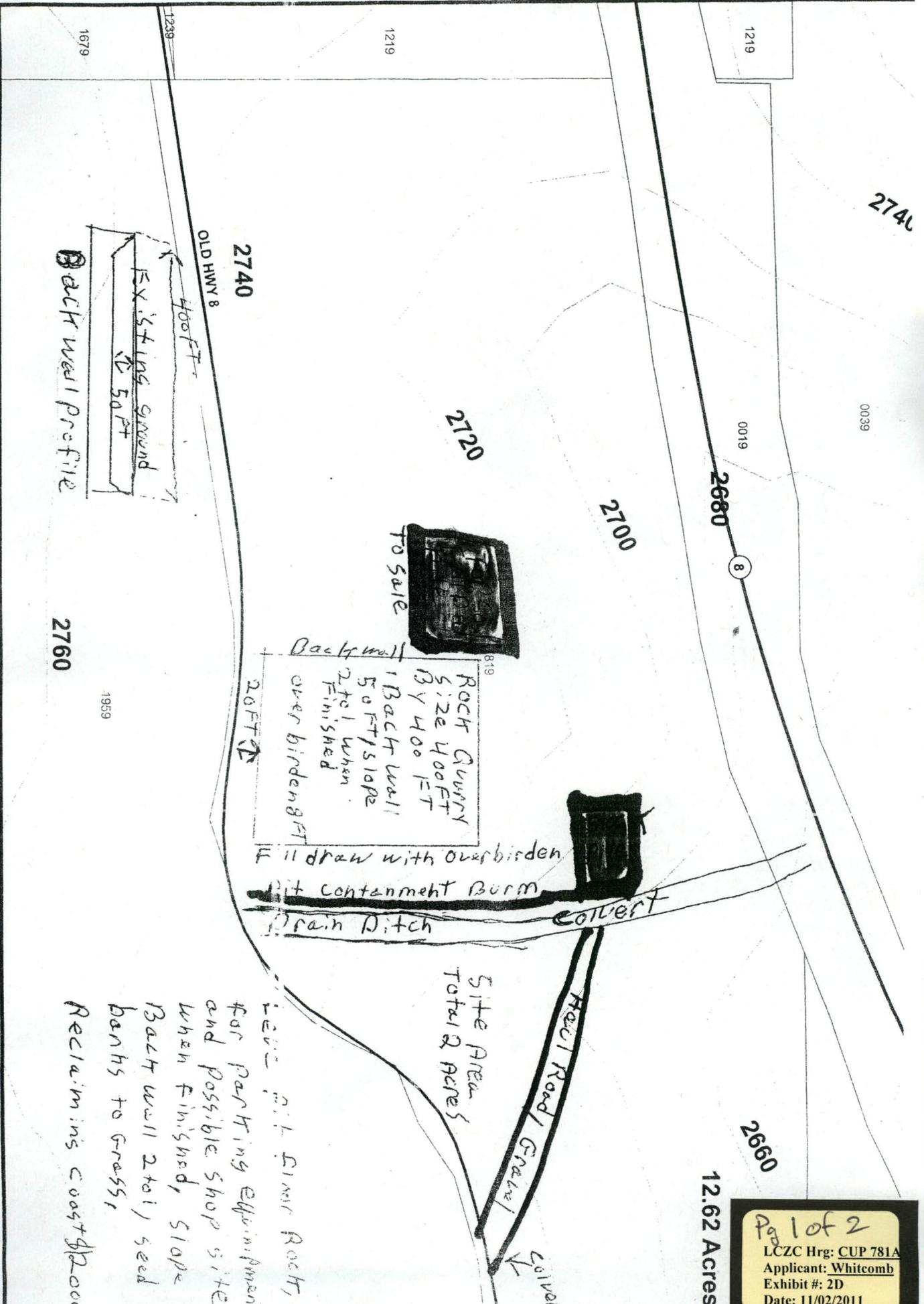
Latah County GIS Map



This document is a representation only. Latah County bears no responsibility for errors or omissions.

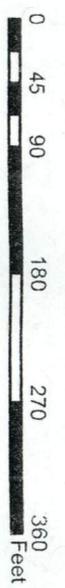
LCZC Hrg: CUP 781A  
 Applicant: Whitcomb  
 Exhibit #: 2C  
 Date: 11/02/2011

# SITE PLAN



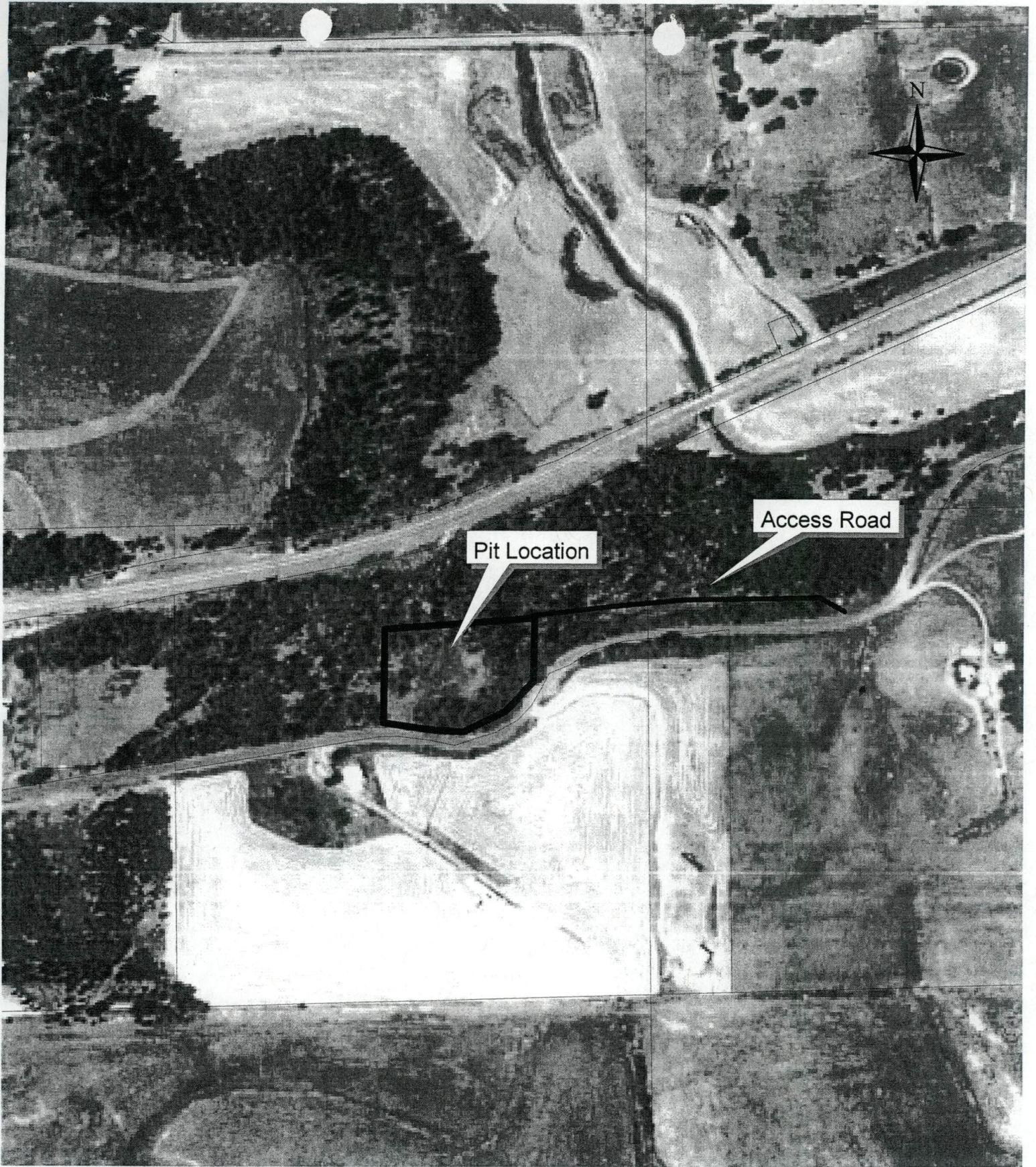
This Document is a representation only.  
 Latah County bears no responsibility for errors or omissions.

JLS 07/28/2008



leave pit finish rock,  
 for parking equipment  
 and possible shop site  
 when finished, slope  
 Back wall 2 to 1, seed  
 banks to grass,  
 Reclaiming cost \$2000

12.62 Acres



0 500 1000 Feet

SITE PLAN

Pg 2 of 2  
LCZC Hrg: CUP 781A  
Applicant: Whitcomb  
Exhibit #: 2D  
Date: 11/02/2011

**WHITCOMB EXCAVATION  
PO BOX 36  
DEARY, ID 83823  
509-330-0787**

**9/28/2011**

**I, David Whitcomb of Whitcomb Excavation, am requesting your permission to renew my rock pit permit with Latah County on Old Hwy 8 in Deary Id, 83823. The purpose of the rock pit is to supply crushed rock to the public and local contactors in our rural area. Hours of operation are limited to 9 A.M. to 6 P.M. daily but is not in use every day.**

**By signing this consent form, you are allowing me to renew my conditional use permit for the rock pit on Old Hwy 8 Deary, Id 83823.**

**Thank you for your time,**

**David Whitcomb**



*Judy Heath  
com. expires  
3-21-2017  
10-7-11*

**Property owner signature:**

*San Wilson*

**Address:**

*1269 Old Hwy 8*

LCZC Hrg: CUP 781A  
Applicant: Whitcomb  
Exhibit #: 2E  
Date: 11/02/2011

**WHITCOMB EXCAVATION  
PO BOX 36  
DEARY, ID 83823  
509-330-0787**

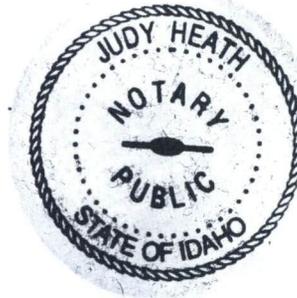
**9/28/2011**

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**By signing this consent form, you are allowing me to renew my conditional use permit for the rock pit on Old Hwy 8 Deary, Id 83823.**

**Thank you for your time,**

**David Whitcomb**



*Judy Heath  
com. exp  
3-21-2017  
10-11-2011*

**Property owner signature:**

*[Handwritten signature]*  
\_\_\_\_\_

**Address:** *1230 OLD HIGHWAY 8  
DEARY, ID 83823*  
\_\_\_\_\_

**WHITCOMB EXCAVATION  
PO BOX 36  
DEARY, ID 83823  
509-330-0787**

**9/28/2011**

**I, David Whitcomb of Whitcomb Excavation, am requesting your permission to renew my rock pit permit with Latah County on Old Hwy 8 in Deary Id, 83823. The purpose of the rock pit is to supply crushed rock to the public and local contactors in our rural area. Hours of operation are limited to 9 A.M. to 6 P.M. daily but is not in use every day.**

**By signing this consent form, you are allowing me to renew my conditional use permit for the rock pit on Old Hwy 8 Deary, Id 83823.**

**Thank you for your time,**

**David Whitcomb**



*Judy Heath  
Com. expires  
3-21-201  
10-4-11*

**Property owner signature:**

*David Whitcomb*

**Address:**

*3200 Hwy 3*

**WHITCOMB EXCAVATION  
PO BOX 36  
DEARY, ID 83823  
509-330-0787**

**9/28/2011**

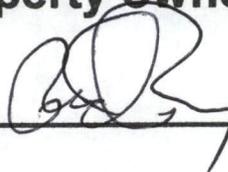
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**By signing this consent form, you are allowing me to renew my conditional use permit for the rock pit on Old Hwy 8 Deary, Id 83823.**

**Thank you for your time,**

**David Whitcomb**

**Property owner signature:**

  
\_\_\_\_\_

**Address:**

1310 Old hwy 8 Deary, ID 83823

ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF Washington

COUNTY OF Whitman

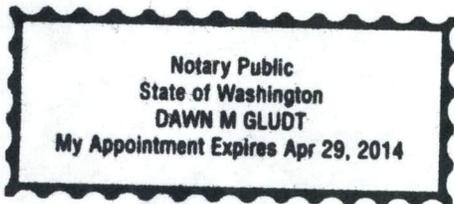
CUSTOMER NAME Rodney V Rupp

On October 6, 2011 before me, Dawn M. Gludt, a Notary Public,  
(DATE)

personally appeared, Rodney V Rupp,

\_\_\_\_ personally known to me    OR     (SIGNERS) proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of the which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Dawn M Gludt  
NOTARY SIGNATURE

My Commission Expires: 4-29-14

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 YSURSA, SECRETARY OF STATE  
LAWRENCE G. WASDEN, ATTORNEY GENERAL  
DONNA M. JONES, STATE CONTROLLER  
TOM LUNA, SUP'T OF PUBLIC INSTRUCTION

August 7, 2008

Latah County Planning and Building Department  
PO Box 8068  
522 South Adams  
Moscow, Idaho 83843

**NOTICE  
RECLAMATION PLAN APPLICATION**

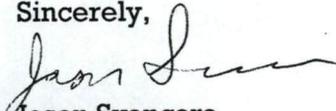
The State of Idaho, Department of Lands (IDL), as required by the Idaho Surface Mining Act, 47-1505 (6) Idaho Code, is giving your county or city notice of the individual or company proposing mining activity.

NAME OF OPERATOR: Whitcomb Excavation  
ADDRESS OF OPERATOR: P.O. Box 36  
Deary, ID 83823  
PLAN NUMBER: RP-2760  
LEGAL DESCRIPTION: Pts SWNE, Sec 29  
T 40N, R 2W

IDL has reviewed the application for completeness in accordance with Section 47-1506, Idaho Code. If the application could impact surface waters, it has been submitted to the Idaho Department of Water Resources, Department of Environmental Quality, and Department of Fish and Game with a request for comments within 30 days. This review process must be finalized and the operator notified within 60 days or the reclamation plan becomes automatically approved as submitted under the statute.

Cities and counties may review the non-confidential portions of the plan at the Lands' office nearest the county or the state office in Boise. IDL works with other agencies to ensure environmental, water quality and reclamation standards maintained. We rely on cities and counties to address multiple-use issues, including planning and zoning and other operating requirements, i.e., hours of crushing and hauling, etc. If you have any questions or comments you may contact me at the above address.

Sincerely,

  
Jason Svancara  
Resource Supervisor

PC: Eric Wilson, Lands Program Manager  
File

LCZC Hrg: CUP 781A  
Applicant: Whitcomb  
Exhibit #: 2F  
Date: 11/02/2011

## CUP #781A – Staff Introduction

A request by David Whitcomb to renew conditional use permit #781 to operate a mineral resource development including excavation, crushing, and surface stockpiling on a portion of a 12.62 acre parcel in the Agriculture/Forest zone. The property is accessed off Old Highway 8, approximately 2.5 miles west of the City of Deary, in Section 29, Township 40 North, Range 02 West, B.M., in Latah County and referenced as Assessor's parcel number RP40N02W291819A.

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 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 findings of fact and conclusions of law.**

### *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. (Exhibit 2E)

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. (Exhibit 2D)

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. (Exhibit 2A)

B. A plan for coordination with County response units for hazardous materials transport and use and emergency spill response. (Exhibit 2A)

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. (Exhibit 2A)

D. A plan for fire suppression and response, including an inventory of tools stored on-site to implement planned suppression and response. (Exhibit 2A)

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.

***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. (Exhibit 2D)

**The applicant has not requested any modification to conditions set forth in Section 4.03.03. The previous CUP 781 operated under the conditions of Section 4.03.03. During the operation of CUP 781 the Planning and Building Office did not receive any complaints regarding the mineral resource development.**

**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 Land Use Map
- Exhibit #1C.** Zoning Map
- Exhibit #1D.** Aerial Photograph and Adjacent Property Owners Map
- Exhibit #1E.** Aerial and Topographic Map
- Exhibit #1F.** Latah County Zoning Commissions Findings of Fact and Conclusions of Law for CUP 781, dated September 17, 2008
  
- 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 (Submitted by Applicant)
- Exhibit #2E.** Notarized letters from Adjacent Property Owners dated September 28, 2011 (Submitted by Applicant)
  
- Exhibit #2F.** Notice of Filed Reclamation Plan from Idaho Department of Lands, dated August 7<sup>th</sup>, 2008 (Submitted by Applicant)
  
- Exhibit #3.** Staff Introduction for Latah County Zoning Commission hearing for CUP #781A held on November 2, 2011

**That is all staff has unless the Commission has questions.**

*In addition to your response above, please explain your proposal's consistency with the proceeding elements of the Comprehensive Plan. If a certain element is not applicable to your proposal, please explain why. Please refer to the Latah County Comprehensive Plan for specific goals and policies of the particular elements.*

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**a. Community Design Element**

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**b. Population Element**

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**c. Housing Element**

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**d. Economic Development Element**

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**e. Public Services, Facilities, and Utilities Element**

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**f. School Facilities and Student Transportation Element**

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2. The use is not detrimental to the health and safety of those in the surrounding area or region

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3. The use will not adversely affect surrounding properties to a greater extent than would a permitted use in the zoning district

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

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Office Use Only

CUP #

Page 4

Conditional Use Permit Narrative Worksheet