

## LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

**Public Hearing:** Mineral Resource Development

**Date:** April 7, 2010 **Time:** 5:30pm

**Applicant:** Gary Anderson, LLC

**File #:** CUP #808

---

### 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.** Photos of Subject Property
- 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.** Plans for blasting and crushing (Submitted by Applicant)
- Exhibit #2F.** Declarations of Consent to Location of Mineral Resource Development
- Exhibit #3.** Notice of Filed Reclamation Plan from Idaho Department of Lands, dated March 1, 2010
- Exhibit #4.** Authorization and letter of support from Mr. Don Nygaard, owner of the subject property
- Exhibit #5.** Letter of support to Planning and Building Department from North Latah Highway District dated March 3, 2010.
- Exhibit #6.** Staff Introduction for Latah County Zoning Commission hearing for CUP #808 held on April 7, 2010.

**GARY ANDERSON, LLC**  
**CONDITIONAL USE PERMIT APPLICATION #808**  
**STAFF REPORT**

**SUMMARY OF APPLICATION:**

A request by Gary Anderson, LLC for a conditional use permit to operate a mineral resource development including excavation, stockpiling, crushing, and blasting on a portion of a 92.88-acre parcel owned by Don Nygaard located in the Agriculture/Forest zone. The site is accessed off of Highway 95 and is located approximately 1000 feet southwest of the intersection of Highway 6 and Highway 95. The property is located in Sections 03 and 10 of Township 41 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel numbers RP41N05W036303A and RP41N05W103130A.

**Site Characteristics:**

<b>Size of Parcel(s):</b>	92.88 acres
<b>Soils:</b>	Southwick silt loam, 12-25% slopes (Latah County Soil Survey Sheet #14)
<b>Floodplain:</b>	Zone "C" & Zone "A" (FIRM Panel #160086 0130B)

**Land Use and Regulations:**

<b>Comprehensive Plan Designation:</b>	Industrial, Commercial, Residential
<b>Existing Zoning:</b>	Agriculture/Forest (A/F)
<b>Existing Uses:</b>	Gravel Pit, Forestry, and Agriculture
<b>Neighboring Zoning:</b>	Agriculture/Forest, Commercial, Suburban Residential
<b>Neighboring Uses:</b>	Agriculture, Forestry and Residential

**Infrastructure/Services:**

<b>Water:</b>	None
<b>Sewer:</b>	Not Applicable
<b>Access:</b>	Highway 95, Idaho Transportation Department
<b>Schools:</b>	Potlatch School District #285
<b>Fire Protection:</b>	Potlatch Fire District
<b>Law Enforcement:</b>	Latah County Sheriff

**EXHIBITS:**

<b>Exhibit #1.</b>	Staff Report
<b>Exhibit #1A.</b>	Criteria Worksheet
<b>Exhibit #1B.</b>	Vicinity and Comprehensive Plan Land Use Map
<b>Exhibit #1C.</b>	Zoning Map
<b>Exhibit #1D.</b>	Aerial Photograph and Adjacent Property Owners Map
<b>Exhibit #1E.</b>	Photos of Subject Property
<b>Exhibit #2.</b>	Application Form (Submitted by Applicant)
<b>Exhibit #2A.</b>	Applicant's Narrative (Submitted by Applicant)
<b>Exhibit #2B.</b>	Vicinity Map (Submitted by Applicant)
<b>Exhibit #2C.</b>	Plat Map (Submitted by Applicant)
<b>Exhibit #2D.</b>	Site Plan (Submitted by Applicant)
<b>Exhibit #2E.</b>	Plans for blasting and crushing (Submitted by Applicant)
<b>Exhibit #2F.</b>	Declarations of Consent to Location of Mineral Resource Development

- Exhibit #3.** Notice of Filed Reclamation Plan from Idaho Department of Lands, dated March 1, 2010
- Exhibit #4.** Authorization and letter of support from Mr. Don Nygaard, owner of the subject property
- Exhibit #5.** Letter of support to Planning and Building Department from North Latah Highway District dated March 3, 2010.
- Exhibit #6.** Staff Introduction for Latah County Zoning Commission hearing for CUP #808 held on April 7, 2010.

**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 for Mineral Resource Development

### Description of application:

A request by Gary Anderson, LLC for a conditional use permit to operate a mineral resource development including excavation, stockpiling, crushing, and blasting on a portion of a 92.88-acre parcel owned by Don Nygaard located in the Agriculture/Forest zone. The site is accessed off of Highway 95 and is located approximately 1000 feet southwest of the intersection of Highway 6 and Highway 95. The property is located in Sections 03 and 10 of Township 41 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel numbers RP41N05W036303A and RP41N05W103130A.

### 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 Gary Anderson, LLC, the Applicant and Don E. Nygaard, owner of 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 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# 808 Vicinity and Comprehensive Plan Land Use Map

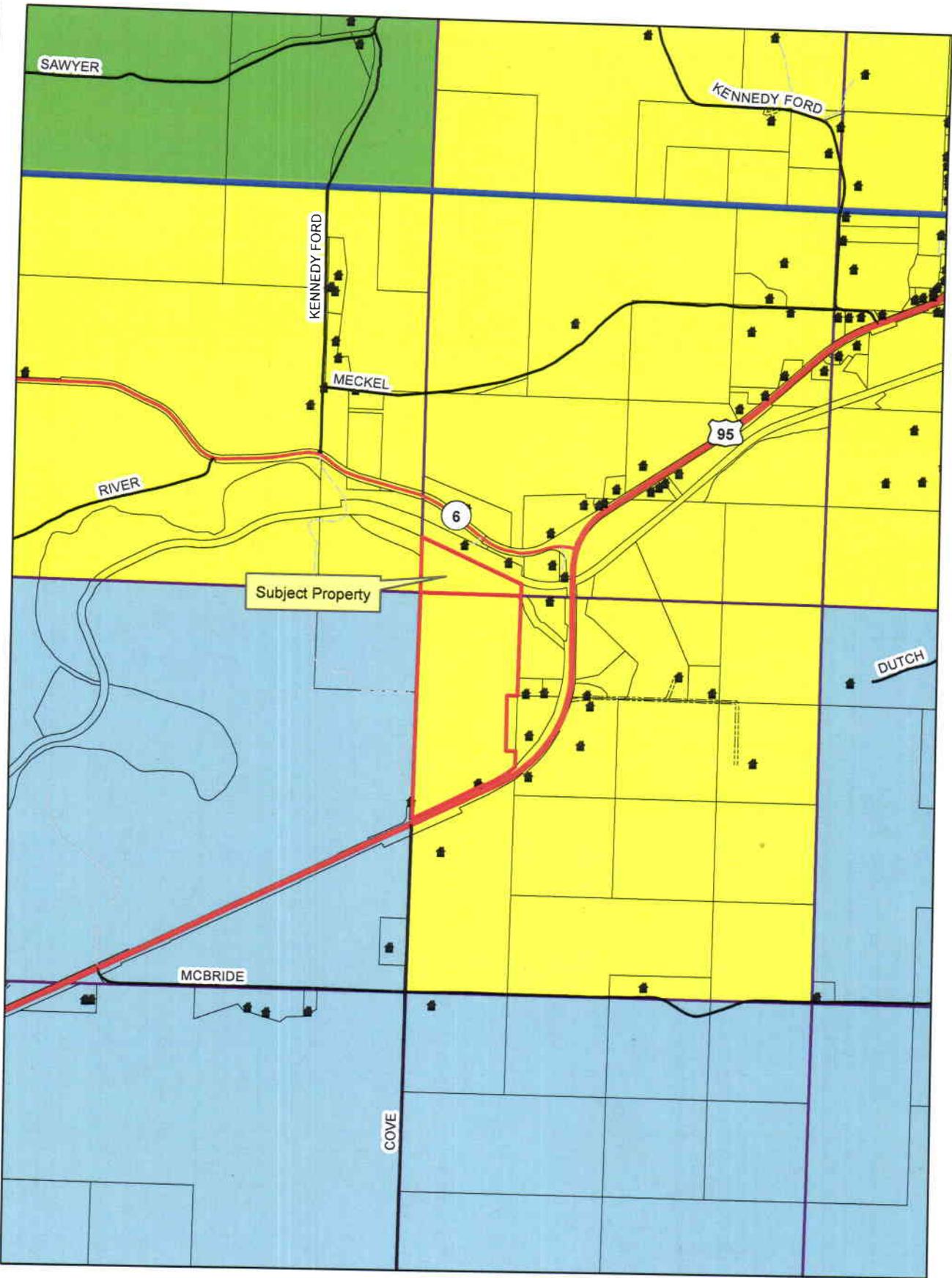


## Legend

- Rural Addresses
- Parcel
- Subject Property

## Comprehensive Plan

- Rural
- ICR
- Productive
- AOI



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

\*Created on 4/1/10 by DB

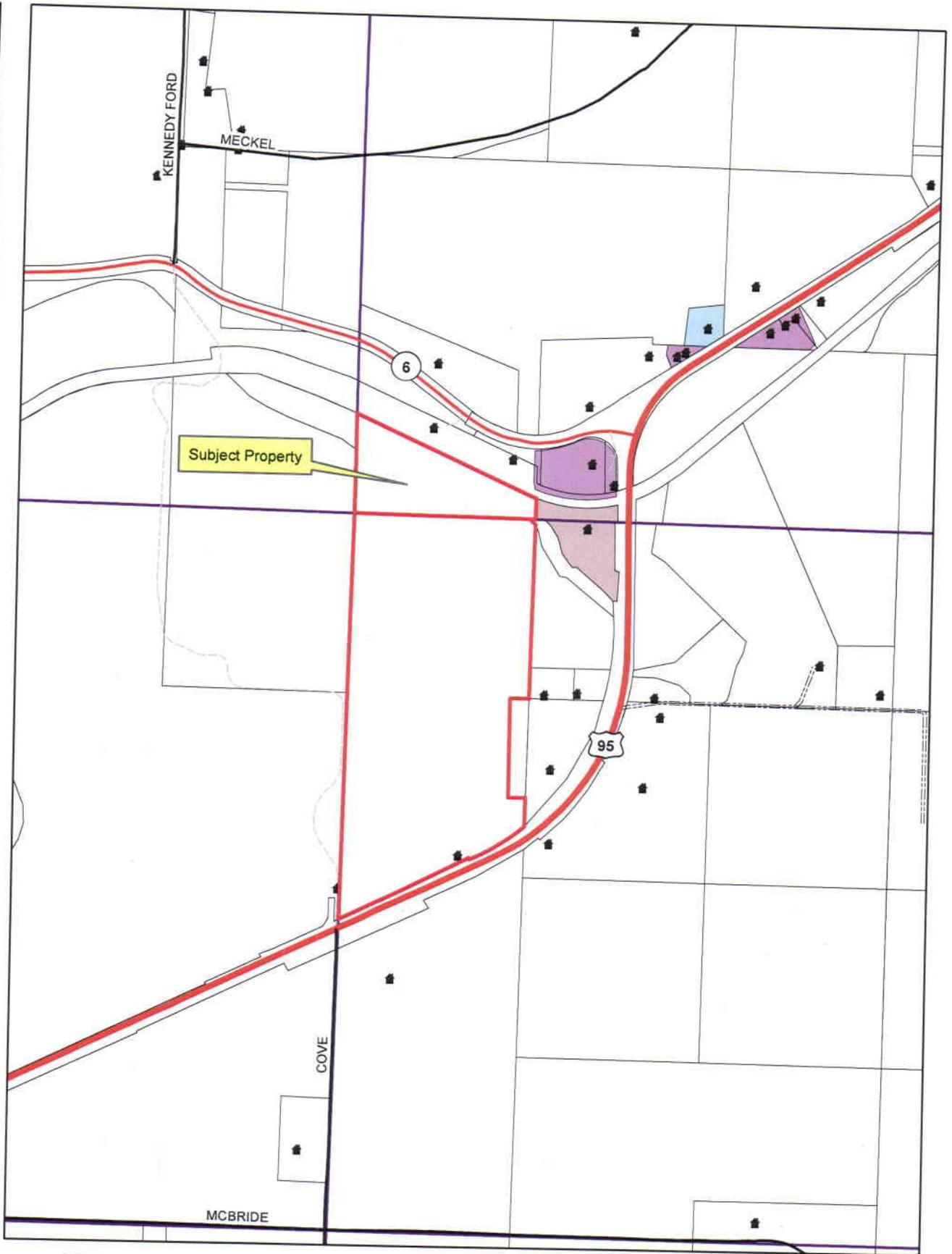
LCZC Hrg: CUP 808  
Applicant: Anderson  
Exhibit #: 1B  
Date: 4/7/2010

# CUP #808 Zoning Map



## Legend Zoning Districts

-  Subject Property
-  Agriculture / Forestry
-  Commercial
-  Suburban Residential
-  Rural Residential



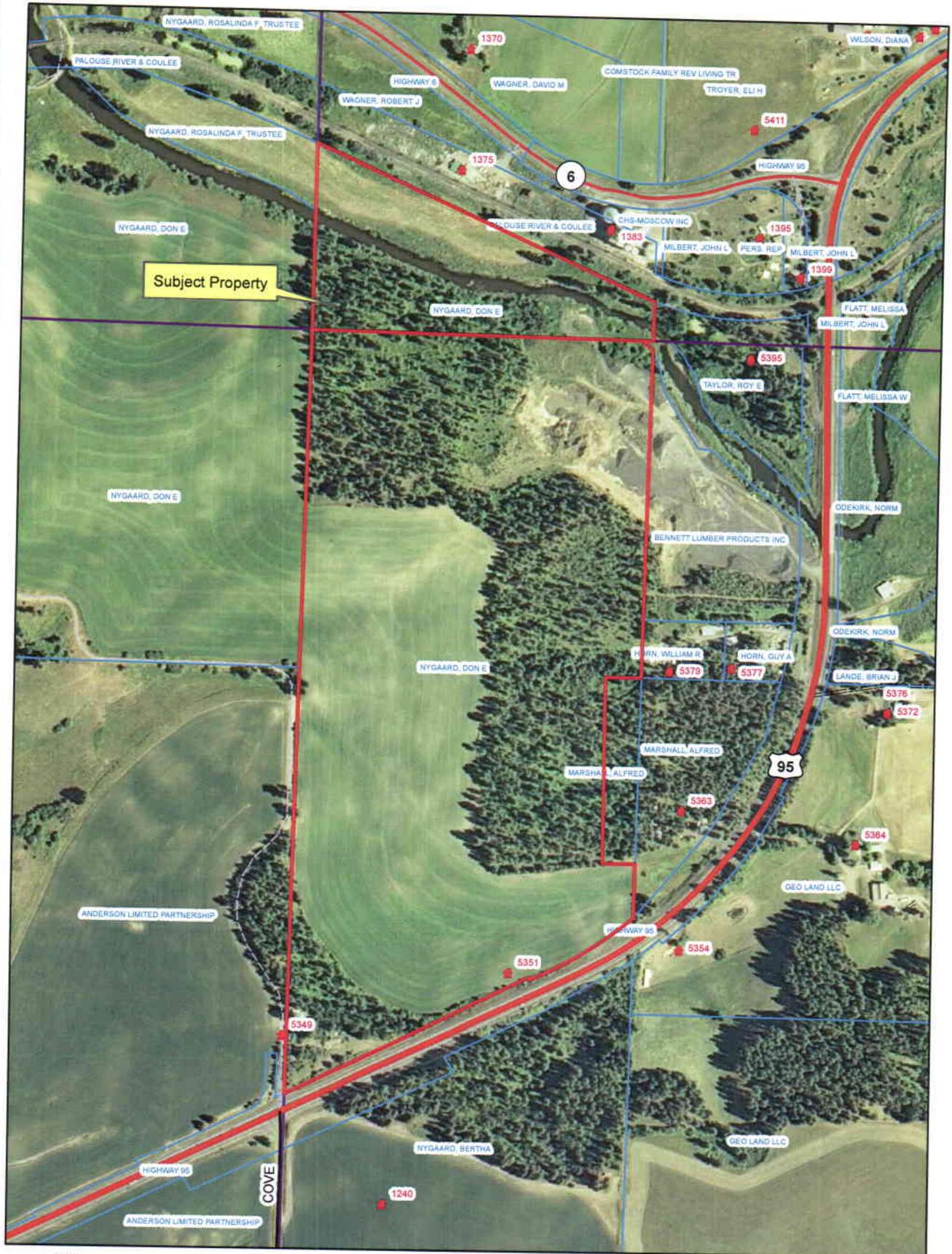
1,500 750 0 1,500 Feet

NOTE: This Document is a representation only.  
Latah County bears no responsibility for errors or omissions.  
\*Created on 4/1/10 by DB



LCZC Hrg: CUP 808  
Applicant: Anderson  
Exhibit #: 1C  
Date: 4/7/2010

# CUP# 808 Aerial Photo and Adjacent Property Owners Map



## Legend

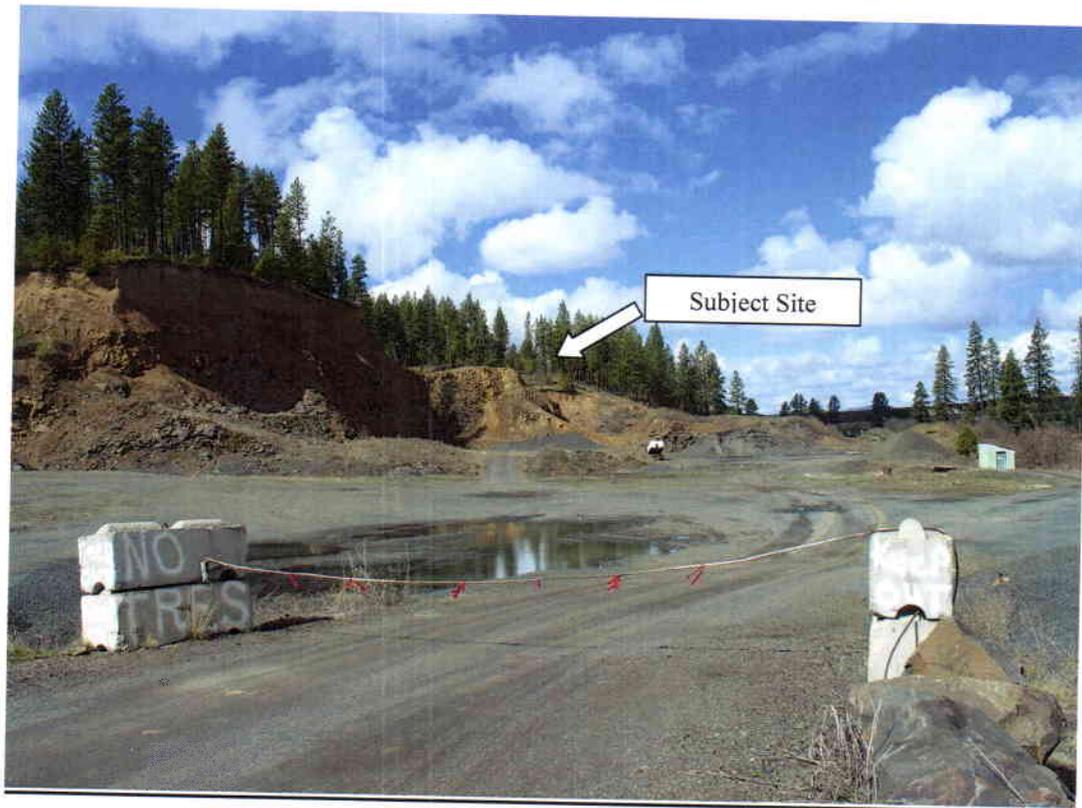
-  Rural Addresses
-  Parcel
-  Subject Property



NOTE: This Document is a representation only.  
 Latah County bears no responsibility for errors or omissions.  
 \*Created on 4/1/10 by DB

LCZC Hrg: CUP 808  
 Applicant: Anderson  
 Exhibit #: 1D  
 Date: 4/7/2010

**PHOTOS OF SUBJECT PROPERTY FOR CUP # 808**



**Access Road to Subject Site**



**(Photo taken from across Palouse River looking South)**

LCZC Hrg: CUP 808  
Applicant: Anderson  
Exhibit #: 1E  
Date: 4/7/2010



# 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**

<b>1. Applicant Information</b>			
a. Applicant Name <i>Larry Linderson LLC</i>		b. Home Phone <i>875-0735</i>	c. Work Phone <i>875-0735</i>
d. Mailing Address <i>1020 Mc Bride Rd</i>		e. City <i>Potlatch</i>	f. State <i>ID</i>
g. Zip code <i>83855</i>		h. Property Owner (if different than applicant) <i>Don E Rygaard</i>	
i. Home Phone <i>208-596-2359</i>		j. Work Phone <i>875-0889</i>	
k. Mailing Address		l. City	m. State
		n. Zip code	
<b>2. General Site Information</b>			
a. Assessor's Parcel Number(s) <i>RP41N05W103130 and RP41N05W1036303</i>		b. Parcel Address (if applicable) <i>Potlatch</i>	
c. Acreage of Existing Parcel <i>5.93</i>	d. Zoning <i>AG/F</i>	e. Comprehensive Plan Designation <i>ICR</i>	f. Floodplain designation(s) <i>Zone C</i>
g. FEMA Panel # <i>160086 0130 B</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>		j. Road Used to Access Site <i>State HWY 95</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 <i>To have stockpiles of rock on site</i>			
<b>3. Service Provider Information (please attach additional information if requested)</b>			
a. Fire District <i>Potlatch</i>		b. Road District <i>North Latah</i>	c. School District <i>Potlatch #285</i>
d. Source of Potable Water (i.e. water district or private well) <i>N/A</i>		e. Sewage Disposal (i.e. sewer district or private septic system) <i>N/A</i>	
<b>4. Adjacent Properties Information</b>			
a. Zoning of Adjacent Properties <i>AG/F &amp; SR</i>		b. Existing Uses of Adjacent Properties <i>Agriculture, Timber, and Old Rock Pit</i>	
<b>5. Permit Information</b>			
a. Proposed Use <i>To be able to replenish stockpiles of rock on site by blasting + crushing of rock</i>			
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? <i>Sec. 3.01.02 (7)</i>		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.	
<b>6. Authorization</b>		<b>7. Attachments</b>	
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>Larry Linderson LLC</i>		b. Date <i>3-2-2010</i>	
c. Signature of Property Owner (if different than applicant) <i>see Attached</i>		d. Date	
<b>Office Use Only</b>			
Date Received <i>3/3/10</i>	Amount <i>200<sup>00</sup></i>	Receipt No. <i>371896</i>	By <i>DB</i>
CUP # <i>808</i>	Date Determined Technically Complete <i>3/17/10</i>	By <i>DB</i>	
Hearing Date <i>4/7/10</i>			

- All attachments should be reproducible in black and white at 8 1/2" 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 / certain proposed uses.

**LCZC Hrg: CUP 808**  
**Applicant: Anderson**  
**Exhibit #: 2**  
**Date: 4/7/2010**



# Conditional Use Permit Narrative Worksheet

## Application Information

Applicant's Name

Phone Number

**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.

LCZC Hrg: CUP 808  
Applicant: Anderson  
Exhibit #: 2A  
Date: 4/7/2010

**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**

**C. The use is not in conflict with the goals and policies of the Comprehensive Plan.**

*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.*

**a. Community Design Element**

**b. Population Element**

**c. Housing Element**

**d. Economic Development Element**

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

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

## Conditional Use Permits

February 24, 2010

**Description of Proposal:** I want to continue to work the rock pit, described in NW Section 10 Township 41 Range 5 W B.M., Parcel #RP41N05 W103130A. To blast, crush rock, stockpile rock, and move dirt and trees as needed to get to the rock to be crushed.

**Existing Uses of Property:** There are no structures on the site, nor has there ever been a structure on this site. There are four (4) stockpiles of rock on the site at this time 1 pile of #/4 minus rock, 1 pile of 3" to 5" rock, 1 pile of 5/8" rock, and 1 pile of 1 1/4" rock.

### Consistency Requirements

- 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: The site is gated and locked to keep the public out that is not involved in the blasting, crushing, and hauling of the rock for the public safety. This zone has never been used for the public enjoyment or recreation
- B. The use will not require facilities or services with excessive costs to the public: The site has never required any facilities or services with excessive cost to the public because the cost of making the rock is mine, Gary Anderson, LLC.
- C. The use is not in conflict with the goals and policies of the Comprehensive Plan: This rock pit achieves a solid broad-based and sustainable economic foundation by the selling of rock to the community for buildings, roads, sewer systems, rebuilding of highways, and rock for seal coating. We also help the community with the taxes we pay. We have protected wildlife habitat by building a bird sanctuary to encourage the wildlife that is there to stay.

I have the approved Reclamation Plan (107.17) and number RP-1190 approved with the Cultural Resource survey Plan completed along with the Environmental Impact.

There is only one (1) access road from our site onto Highway 95. The access is 50 feet and was put in by ID Dept of Transportation.

- a. **Community Design Element:** We have a plan growth in our Reclamation Plan and Environmental Plan.
- b. **Population Element:** The site is 2 ½ miles from the city of Potlatch which will not affect the attractive development of Latah County.
- c. **Housing:** This site is not suitable for a housing development.
- d. **Economic Development Element:** There are a few trees harvested before the over burden is removed to get to the rock which will be blasted. These trees will be cut and skidded to the loading site where they will be limbed and cut to length. The limbs are stacked and burnt. Some of the limbs will be made into wildlife habitat in the wooded area. The logs are to be hauled to a local mill. This will stimulate the forestry industry. The harvesting of the trees and supplying of rock stimulate Idaho's economy.
- e. **Public Services Element:** There is a Port-a-Potty on site when blasting and crushing are going on. There is also a water truck for dust control and in case of fire.
- f. **School:** There are no school faculties or student transportation on the site.
- g. **Transportation Element:** I have a 50 foot access to Highway 95 that the ID Department of Transportation put in. There are traffic truck signs before the access when heading North. The ID Dept. of Trans. Said no sign is needed when heading South on Highway 95. When there are 30 to 40 loaded trucks coming onto Highway 95 from our site flagger signs and flag persons are used to control traffic.

- h. **Natural Resource Element:** The wooded area was explained in d. Economic Development Element. This site is not in the floodplains or wetlands in the natural resource areas.
- i. **Special Areas Element:** We have had a Cultural Resource (107.18) specialist person come and look at the site on 11-28-98 and 2007. The findings were negative for this site.
- j. **Hazardous Areas Element:** The site is posted with no trespassing signs 75 feet around the perimeter of the site and survey colored tape is place around the top of the highest slope to warn away trespassers of the high slope ahead. This site is not in the floodplains.
- k. **Recreation Element:** The rock quarry and land around it are private land and timber and farm land. Recreation is not allowed.
- l. **Land Use Element:** This site is not suitable for residential or agricultural use because the site is a rock pit. The ground could not be cultivated or seeded to grow a crop such as wheat, barley, peas, lentils, or garbanzo beans. It would be very unsuitable to make a residential area there. The site is for blasting and crushing rock for highways, county road, and building of new roads, and re-rocking existing roads. The over burden is used for making fills to raise roads and building site at times.
- m. **Property Rights Elements:** This site is privately owned and has been an active pit since 1958 or 52 years. The Reclamation Plan is number 1190 for this site. I have the notarized signatures of the two families that are within 1,000 feet on the site's couth side property line. They approve of the rock pit on property located on NW NW Section 10 Township 41 Range 5 W B.M. Parcel RP41N05W103130A.

**Plans for application of conditional use permit;**

**A When Crushing and drilling there is a watering system on the equipment for dust control. A water truck pumps the water to the systems. The water truck waters the road when it becomes dusty. There is only one road used when hauling rock from the site.**

**B,C. A containment center is made for the oil and diesel stored on site when crushing. The tank for diesel and barrels for oil are put inside a liner material made for spills. The liner is cradled in a rock containment made on site. This is the only time a containment center is needed on site. Fuel for the loader and drills are hauled in transfer tanks in pickups or local fuel trucks come on site to fill equipment. There has only been one time a diesel tank in a containment center was used. Most times local fuel trucks were used to fill generators.**

**D If an emergency or spill would occur the local fire and emergency equipment would be called. The crusher, drilling equipment, loader, and trucks have the equipment that is required to fight fire and spills. In 52 years on the site being used there has never been a fire or chemical spill.**

## **03.02 Existing Mineral Resource Development**

**1 I would like to have the 9am to 6pm daily hours extended to 6am to 7pm for the hauling of rock out of the site. Most of the hauling is 1 truck unless there is a contractor hauling on a state highway, or county road project. These are at times under a time limit to be finished. At that time there can be as many as 10 trucks hauling rock from this site. There is generally no hauling of state highway or county projects on weekends.**

**I haul on Saturdays and Sundays to private owners because they are home and want to be there when the rock is delivered.**

**I would also like to extend the hours for drilling and crushing rock to 5am to 6pm. This causes less dust.**

**2 I have a Mineral Reclamation Plan number 1190; it is bonded through the state bond insurance fund.**

**3 I will leave a 50 foot buffer strip around stock piles so they are continuously free of noxious weeds. I have never had a problem with the weeds because of the solid rock floor.**

**4 The person drilling and blasting the site has always notified the residences in person and put flag persons on the highway when the blasting occurs.**

**5 We have not blasted on Saturdays or Sundays or holidays in the past years. Blasting has occurred before 9:30am because there is less traffic on highway 95.**

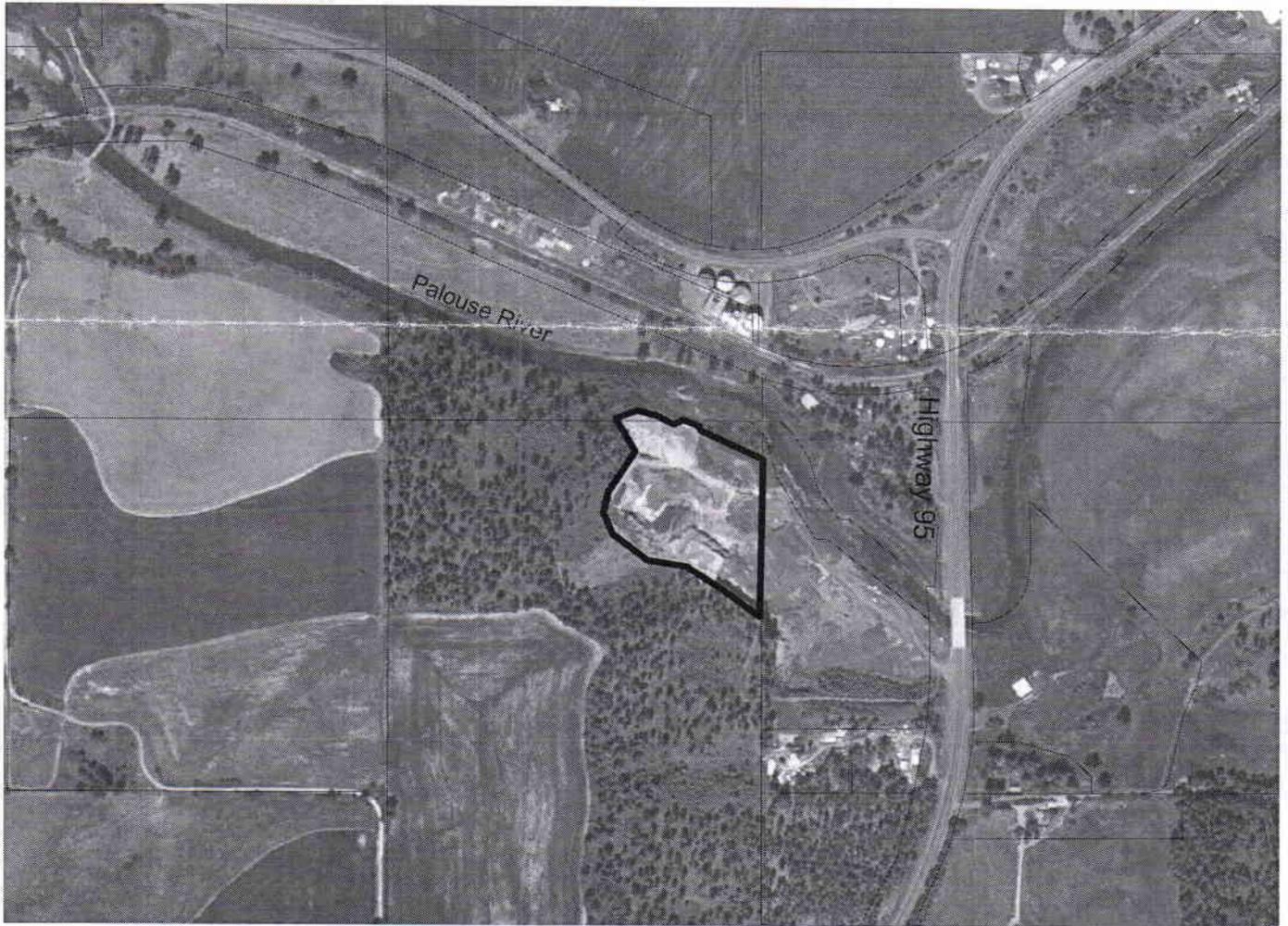
**6 I believe I answered owner or operator request for additional hours in question 1 for hours of operation.**

7 The Idaho Department of Transportation has a truck sign on the Highway 95 when traveling north. There is no sign when traveling south because of better visibility of the entrance onto the highway. The state said there is no need of a truck sign going south. I did ask for a sign and it was denied. There are flag persons on Highway 95 when needed for truck traffic coming out of the site onto Highway 95.

8 The perimeter of the site is signed and color surveyors ribbon is placed on high slope areas.

9 I have a 3 to 4 foot solid dike of rock along the north side, the site next to the Palouse River.

# RP-1190



0 0.25 0.5 Miles

NWNW Section 10  
Twp 41N Rge 5W B.M.

Landowner - Don Nygaard

 Source area - 5.93 Acres

 Property Boundaries



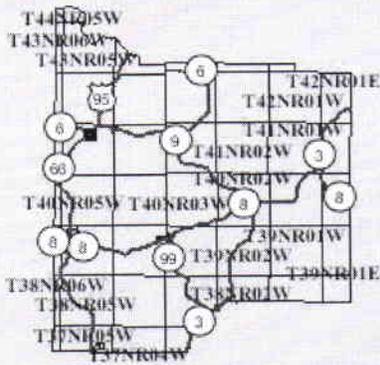
Dece

LCZC Hrg: CUP 808  
Applicant: Anderson  
Exhibit #: 2B  
Date: 4/7/2010

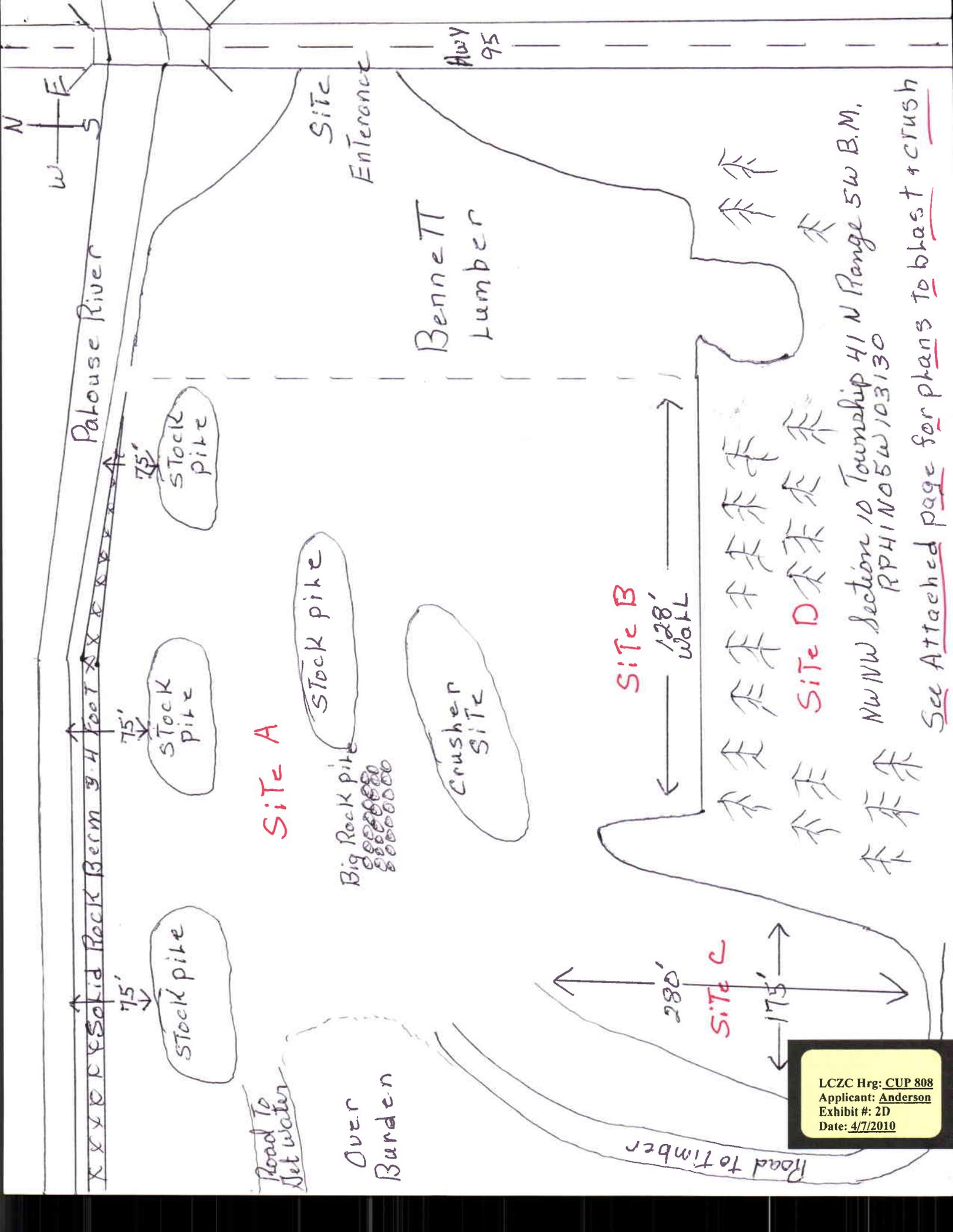
### Latah County GIS Map



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



LCZC Hrg: CUP 808  
 Applicant: Anderson  
 Exhibit #: 2C  
 Date: 4/7/2010



Hwy 95

Site Entrance

Bennett Lumber

75' Stock Pile

75' Stock Pile

75' Stock Pile

Site A

Stock pile

Big Rock pile

Crusher Site

Site B 128' wall

Site D

280' Site C 175'

NW/4 Section 10 Township 41 N Range 5W B.M.  
 RPH1N05W103130

See Attached page for plans to blast + crush

LCZC Hrg: CUP 808  
 Applicant: Anderson  
 Exhibit #: 2D  
 Date: 4/7/2010

Road To Water

Over Burden

Road to Timber

Plans for blasting and crushing within the next ten years: Blast and crush site B and C in 2010 to 2012 and crush the rock.

Then Don Nygaard, owner of site, will harvest trees from the site D 350 feet south of the wall on site B. The road on site to the timbers will be used to haul the logs.

After the harvesting of the trees, then the over burden from site D will be moved into site C till rock is again struck. The laid back of the wall will leave 1 ½ to 1 on the remaining wall. The top soil will be spread on slope and seeded to wheat grass and hard fuscue. The stockpiles will remain close to the same locations.

The crusher setting will very depending on the blasting of rock. My goal is to not harvest or disturb anything more than needed to get to the rock needed.

There has always been deer and wildlife in the timber above the site. Don and I want them to continue to have a safe place to stay.

Gary Anderson, LLC

February 28, 2010

I, Guy Horn, approve of

Gary Anderson, LLC to continue to develop and continue working  
the rock pit on property located NW NW Sections 10 Township  
41 N Range 5 W B.M. Parcel RP41N05W103130.

Signature Guy Horn

Dated this 1st day of March, 2010

State of Idaho

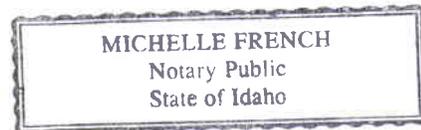
County of Latah

Personally appeared and signed before the undersigned.

Michelle French

notary for Idaho

my commission expires 3-7-2011



LCZC Hrg: CUP 808  
Applicant: Anderson  
Exhibit #: 2F  
Date: 4/7/2010

February 28, 2010

I, W.R. Horn, approve of

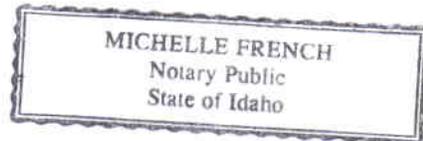
Gary Anderson, LLC to continue to develop and continue working  
the rock pit on property located NW NW Sections 10 Township  
41 N Range 5 W B.M. Parcel RP41N05W103130.

Signature William R. Horn

Dated this 1st day of March 2010  
State of Idaho  
County of Latah

Personally appeared and signed before the undersigned

Michelle French  
Notary Public for Idaho  
My Commission Expires 3-7-2011





**PONDEROSA AREA**  
**3130 HWY 3**  
**DEARY ID 83823**

**PHONE: (208) 877-1121**  
**FAX: (208) 877-1122**

# Fax

*Attn: Drew*

To: <i>Latah Building Planning</i>	From: <i>Jason Swancare</i>
Fax:	Date: <i>March 1, 2010</i>
Phone:	Pages: <i>4</i>
Re:	CC:

Urgent     For Review     Please Comment     Please Reply

**-Comments:**

- 1. Transfer document*
- 2. Map*
- 3. Rec-plan*

**NOTICE:** THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND EXEMPT FROM DISCLOSURE UNDER ANY APPLICABLE LAW. IF THE READER OF THIS NOTICE IS NOT THE INTENDED RECIPIENT OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THESE PAPERS TO THE ADDRESS SHOWN ABOVE VIA FIRST CLASS MAIL.

LCZC Hrg: CUP 808  
 Applicant: Anderson  
 Exhibit #: 3  
 Date: 4/7/2010

Mar. 1. 2010, 9:14AM  
DEPARTMENT OF SURFACE  
AND MINERAL  
RESOURCES  
954 West Jefferson  
Post Office Box 83720  
Boise ID 83720-0050  
Phone (208) 334-0200  
Fax (208) 334-3698



GEORGE BACON, INTERIM DIRECTOR  
EQUAL OPPORTUNITY EMPLOYER

No. 2925 P. 2/3  
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

February 6, 2007

Gary Anderson  
1020 McBride Road  
Potlatch ID 83855

RECEIVED

FEB - 8 2007

DEPARTMENT OF LANDS  
10230 HIGHWAY 12  
OROFINO, IDAHO 83544

SUBJECT: Mineral Reclamation Plan 1190

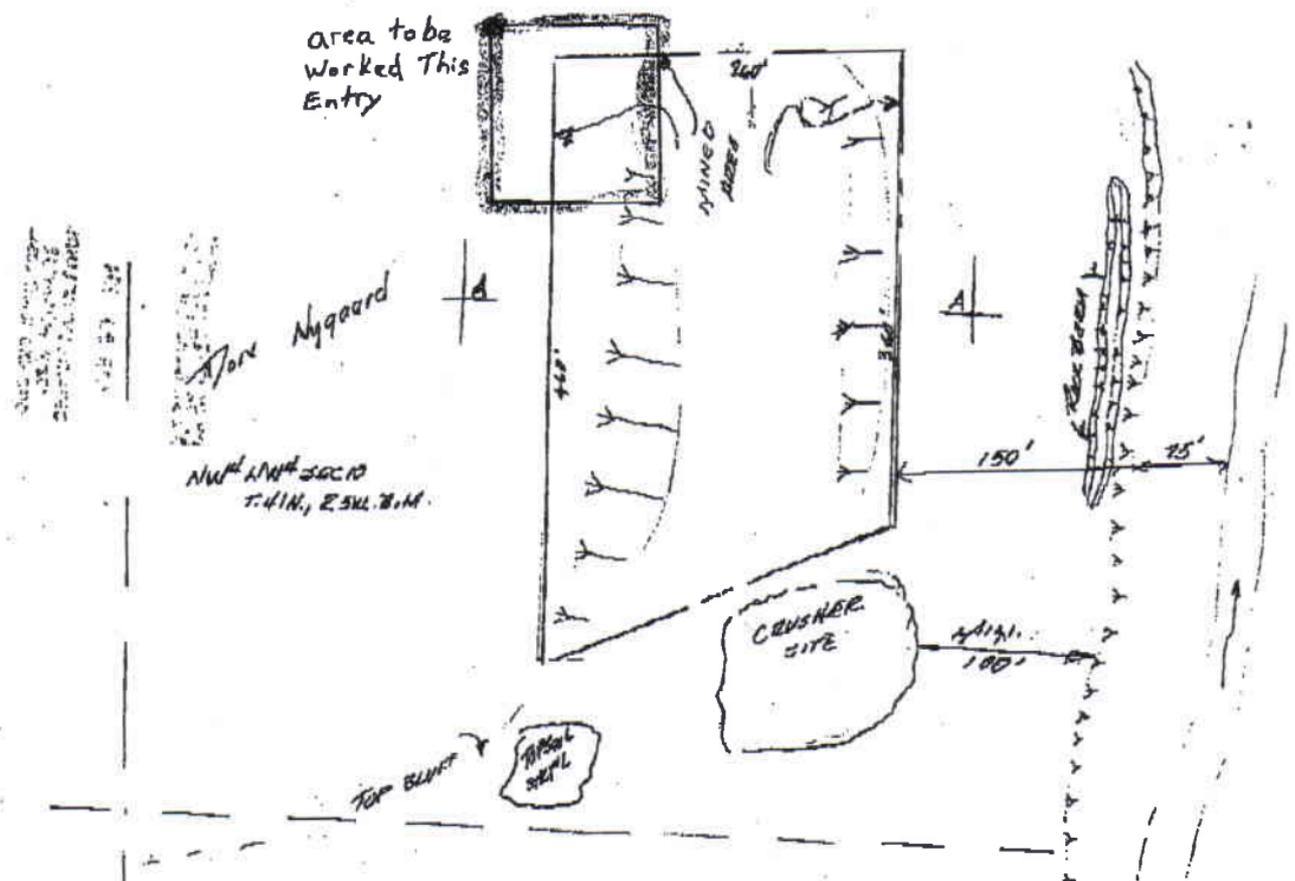
This correspondence is notification that transfer of subject reclamation plan from Camas Gravel Company to Gary Anderson, LLC has been approved. The plan is bonded through the state bond assurance fund through November 1, 2007.

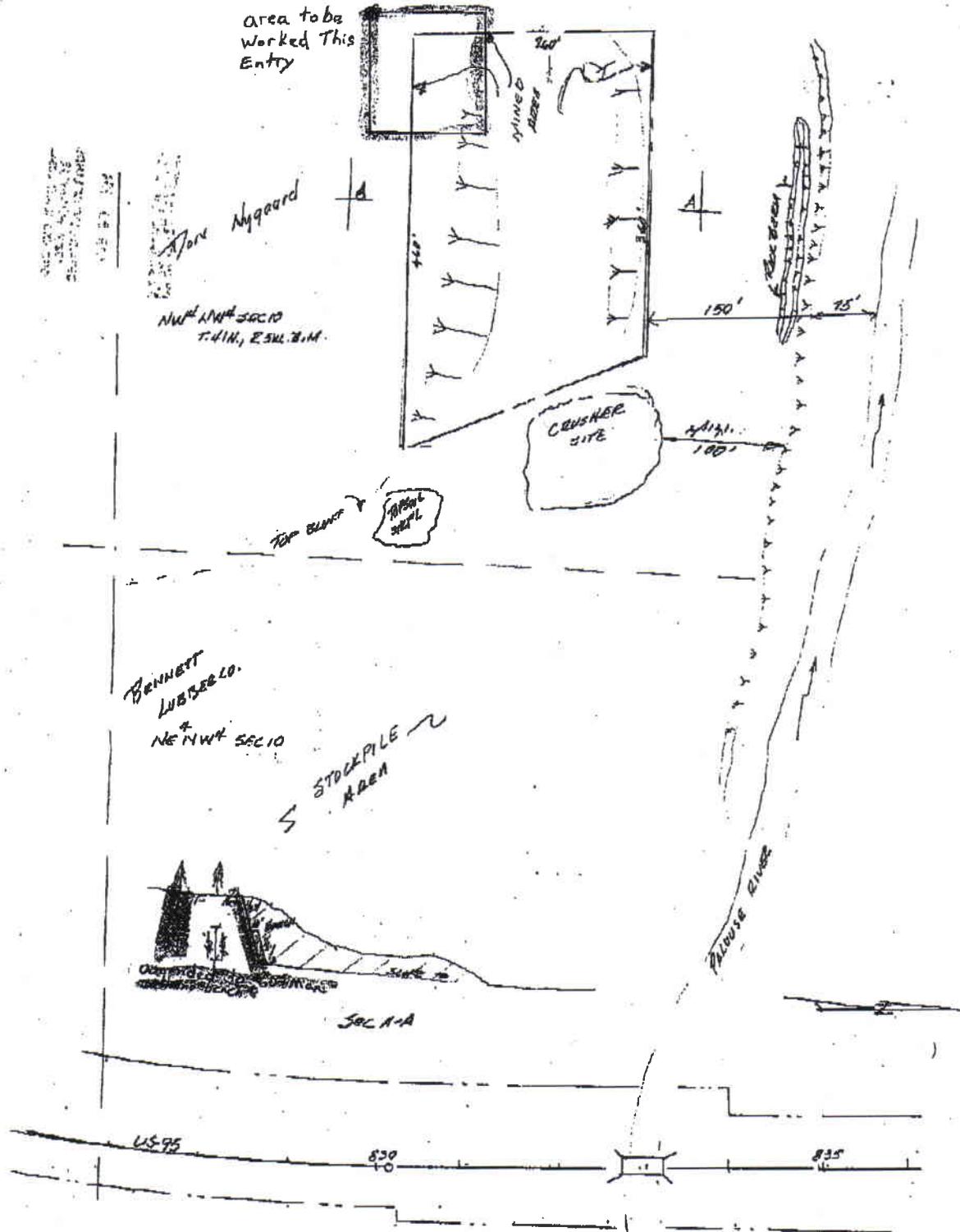
Should you have any questions, you may contact me at the above address or telephone (208) 334-0261.

ERIC WILSON, Program Manager  
Navigable Waters/Minerals

EW/lh

CC: IDL  
Clearwater Area Office: 10230 Highway 12 Orofino ID 83544 208.476.4587





OPERATION OF SOURCE

- 1) Fuel use must be controlled
- 2) Remove debris generated by mining operations
- 3) NO equipment or fire apparatus closer than 50 FT to 100' fire zone

EMERGENCY PLAN

- 1) Final slopes shall be 1 1/2:1 or flatter
- 2) When source has been depleted the source shall be reclaimed with topsoil and seeded
- 3) Topsoil to be placed over source and seeded

- 4) Seeding (Per SCS)
  - Wheat grass 17 lbs/ac
  - Alfalfa 17 lbs/ac
  - Urea 2 lbs/ac
  - Phosphate 12 lbs/ac

OPERATION - RECLAMATION PLAN	
NORTH NYGAARD SOURCE	
SCALE 1"=100 FT.	
BY	DATE
STEWART	1/26/94

Revised 8/21/94

I Don E. Nygaard would like to continue rock  
Crushing in my existing pit in N.W. of N.W Sec. 10 T. 41N.  
R. 5W.

The pit has been in continuous use since 1958,  
First on the part of the pit owned by Carl Carbon and  
since 1986 on my land.

Don E. Nygaard

Jan. 02, 1990

1958

Carl Carbon & J. P. Carbon <sup>owners of ↙</sup> (Palouse Asphalt  
and Paving Co., Inc. of Spokane, WA) started crushing  
rock on their land. ↘ and Pullman, WA.

1986

Surface mining permit extended to Don Nygaard  
land next to Carl Carbon pit.

1986

March 24 - permit given by Latah County  
Commissioners for Carl Carbon Jr. to expand  
rock pit and crush on Don Nygaard land.

Don E. Nygaard

Jan. 02, 1990

# North Latah County Highway District

1132 White Avenue  
Moscow, Idaho 83843

Deary Phone: (208) 877-1101  
Fax: (208) 877-1298

Moscow Phone: (208) 882-7490  
Fax: (208) 883-3926  
[nlchd@nlchd.com](mailto:nlchd@nlchd.com)

Potlatch Phone: (208) 875-0717  
Fax: (208) 875-8967

Michelle Fuson  
Planning and Building  
Latah County Courthouse  
PO Box 8068  
Moscow, ID 83843  
[HAND DELIVERED]

March 3, 2010

Michelle,

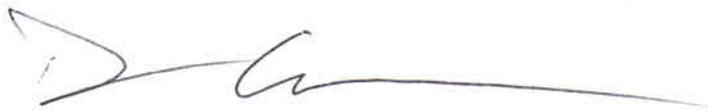
The North Latah County Highway District was approached by Gary Anderson about support for the continued operation of their rock pit at Riverside near Potlatch. The Highway District has purchased rock from the Andersons in the past, and the location of that pit is convenient to that area.

Any time a rock pit can be opened or continue operation the Highway District is in favor of it due to the potential for fuel savings and less vehicle maintenance, which in turn means using those savings for other road maintenance projects that translate to benefits for the taxpaying public.

The Board supports the continuation of this conditional use permit.

Thank you

For the Board of Commissioners of the North Latah County Highway District



Dan Carscallen  
Secretary

LCZC Hrg: CUP 808  
Applicant: Anderson  
Exhibit #: 5  
Date: 4/7/2010

## CUP #808 – Staff Introduction

A request by Gary Anderson, LLC for a conditional use permit to operate a mineral resource development including excavation, stockpiling, crushing, and blasting on a portion of a 92.88-acre parcel owned by Don Nygaard located in the Agriculture/Forest zone. The site is accessed off of Highway 95 and is located approximately 1000 feet southwest of the intersection of Highway 6 and Highway 95. The property is located in Sections 03 and 10 of Township 41 North, Range 05 West, B.M. in Latah County and is referenced as Latah County Assessor's parcel numbers RP41N05W036303A and RP41N05W103130A.

The Latah County Land Use Ordinance, under section 3.01.02(7), lists mineral resource developments as 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 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 resource development, unless making specific findings supporting the omission or alteration of the requirements of Section 4.03.02. 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.

***Section 4.03.02 requires the following for 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:

- |                     |  |
|---------------------|--|
| <b>Exhibit #1.</b>  | Staff Report                                       |
| <b>Exhibit #1A.</b> | Criteria Worksheet                                 |
| <b>Exhibit #1B.</b> | Vicinity and Comprehensive Plan Land Use Map       |
| <b>Exhibit #1C.</b> | Zoning Map   |
| <b>Exhibit #1D.</b> | Aerial Photograph and Adjacent Property Owners Map |
| <b>Exhibit #1E.</b> | Photos of Subject Property                         |
| <b>Exhibit #2.</b>  | Application Form (Submitted by Applicant)          |