

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

Public Hearing: CUP 949 Date: June 3rd, 2015 Time: 5:30 pm

Applicant: Taylor Construction File #:CUP 949

EXHIBITS:

- Exhibit #1. Criteria Worksheet and Staff Report
- Exhibit #1A. Vicinity and Comprehensive Plan Land Use Map
- Exhibit #1B. Zoning Map
- Exhibit #1C. Aerial Photograph and Adjacent Property Owners Map
- Exhibit #1D. Email received from City of Kendrick
- Exhibit #2. Application Form (Submitted by Applicant)
- Exhibit #2A. Applicant's Narrative (Submitted by Applicant)
- Exhibit #2C. Site Plan (Submitted by Applicant)
- Exhibit #2D. Notice of Reclamation Plan Approval from Idaho Department of Lands, dated June 25st, 1996
- Exhibit #3. Staff Introduction for Latah County Zoning Commission hearing for CUP #949 held on June 3rd, 2015

CRITERIA WORKSHEET & APPLICATION SUMMARY

Note: This exhibit 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 a non-conforming Mineral Resource Development

Description of application:

A request by Taylor Construction, to permit and expand an existing non-conforming mineral resource development to include a portable concrete batching plant for three years on 2 acre portion of a 16 acre parcel. The site is located 1715 Hwy 3, in the Kendrick Area of City Impact, Idaho, in Section 26, Township 38 North, Range 03 West B.M., and is currently referenced as assessor's parcel number RP38N03W261805A and RP38N03W263750A.

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.

The Latah County Land Use Ordinance, under section 3.01.03(8), lists "Mineral Resource Developments" as a conditionally permitted use in the Agriculture/Forest Zone.

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

Shane Taylor, representative of Taylor Construction, submitted a conditional use application of the Latah County Planning and Building Department on May 14th, 2015. The application was deemed complete by the Latah County Planning and Building Department on May 15th, 2015. The conditional use permit application was signed by the applicant and the property owner, Dale Taylor.

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 (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.

Facts of application and the information submitted

Site Characteristics:

Size of Parcel: 16 acres
Floodplain: Zone "C"

Land Use and Regulations:

Comprehensive Plan Designation: ICR / City of Kendrick Area of Impact
Existing Zoning: Agriculture/Forest
Existing Uses: Mineral Resource Development
Neighboring Zoning: Agriculture/Forest
Neighboring Uses: Agriculture/Forestry, Public Right of Way, Commercial

Infrastructure/Services:

Water: N/A
Sewer: N/A
Access: State Hwy 3
Fire Protection: N/A

Applicable Statute, Ordinance, and Comprehensive Plan Sections:

Local Planning Act: Idaho Code 67-6512

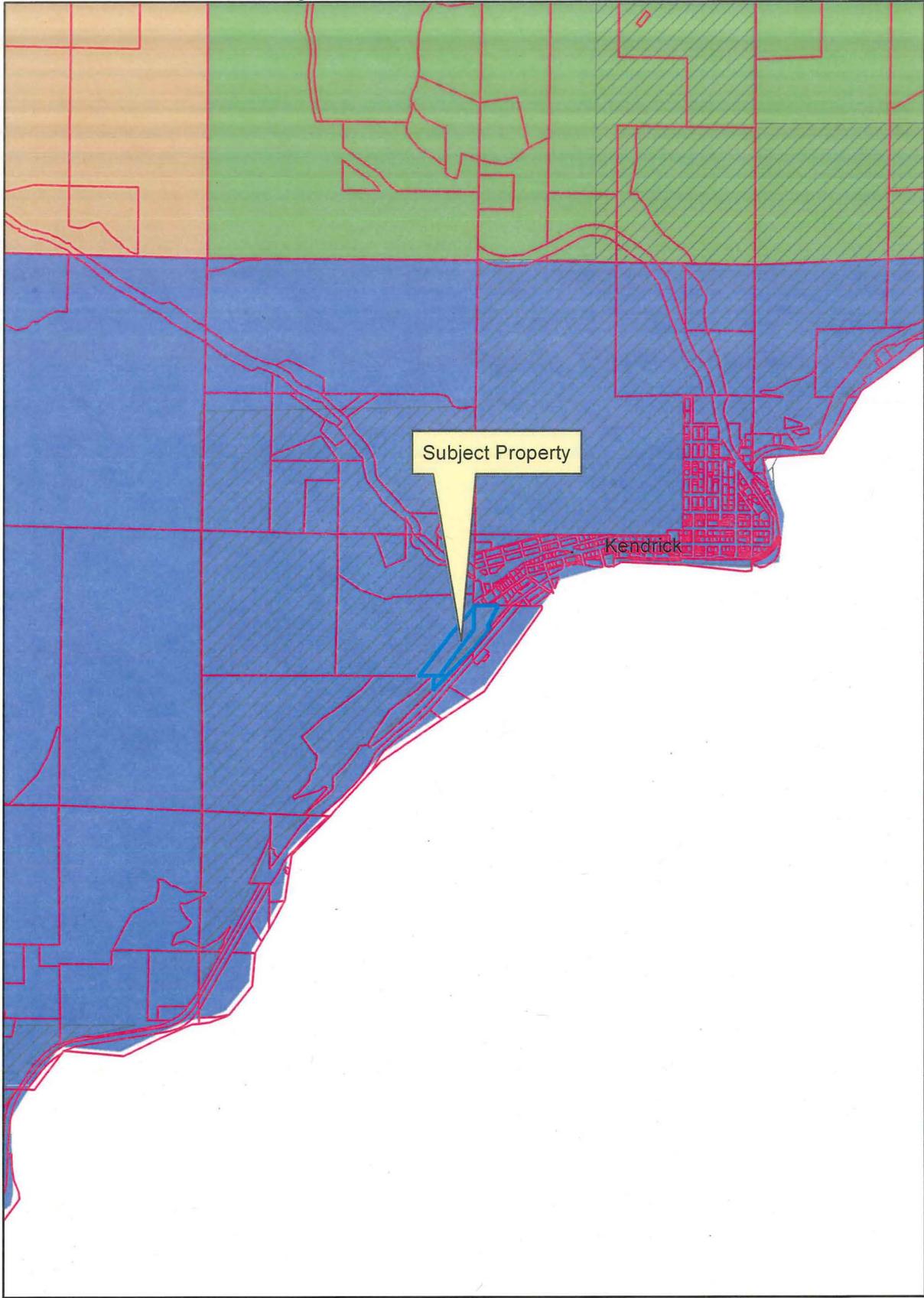
Latah County Land Use Ordinance # 269, as amended:

Section 3.01 Agriculture/Forest Zone
Article 7 Conditional Use Permits

Latah County Comprehensive Plan

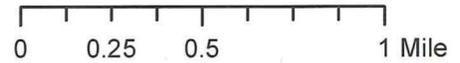
CUP #949 Comprehensive Plan and Vicinity Map

Planning and Building Department



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

Created by: CAB

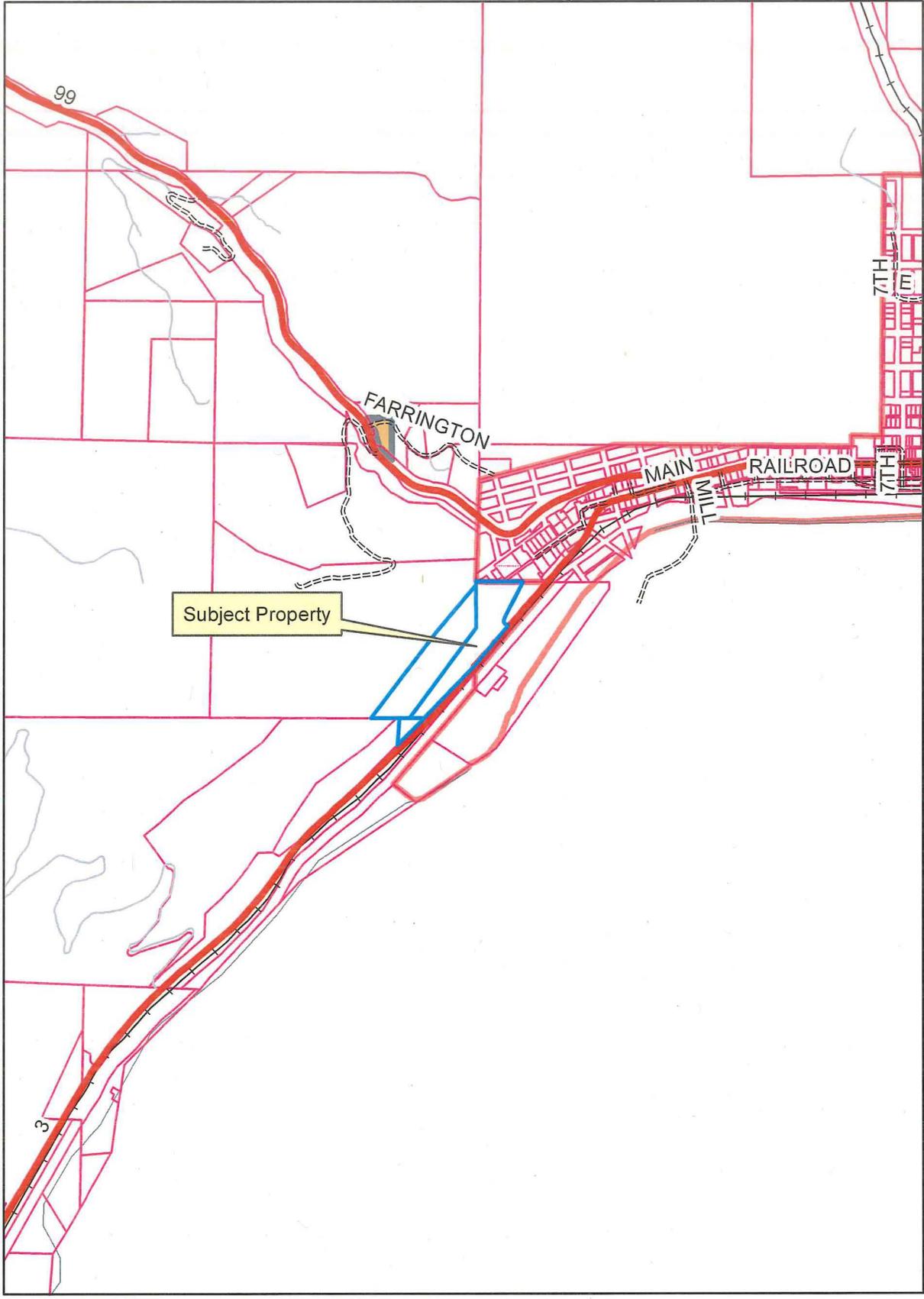


Comprehensive Plan	ICR
AFR	PRODUCTIVE
AOI	RURAL

LCZC Hrg: CUP 884
Applicant: Taylor
Exhibit #: 1A
Date: 06/03/2015

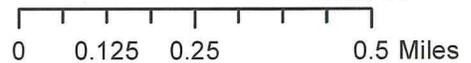
CUP #949 Zoning Map

Planning and Building Department



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|----------------------|-----------------------------|---------------------------|
| Agriculture Forestry | Motor Business | Rural Residential |
| Commercial | Multiple Family Residential | Single-Family Residential |
| Industrial | Municipality | Suburban Residential |

LCZC Hrg: CUP 884
 Applicant: Taylor
 Exhibit #: 1B
 Date: 06/03/2015

mस्कнott

From: Barb Wilson <cityofkendrick@tds.net>
Sent: Tuesday, May 19, 2015 5:08 PM
To: Mauri Knott
Cc: Mark Lapinskas
Subject: Taylor Construction Concrete Batching Plant

Hello Mauri,

The Kendrick City Council met last night. Shane Taylor spoke to the council about his request for CUP #949 by Taylor Construction to permit and expand an existing non-conforming mineral resource development to include a portable concrete batching plant for three years on a 2 acre portion of a 16 acre parcel located at 1715 Highway 3, in the Kendrick Area of Impact.

The council is in unanimous support of this request and they also waive the 30 day notification so your public hearing can take place on June 3, as requested.

Thanks,

Barb Wilson
City Clerk/Treasurer
City of Kendrick
(208) 289-5157



Application for Conditional Use Permit

Instructions

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

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

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

1. Applicant Information

a. Applicant Name Shane Taylor	b. Home Phone / Work Phone 208 289-7961 / 791-2072	c. Email taylor1@tols.net
d. Mailing Address PO Box 290	e. City Julietta	f. State ID
g. Zip code 83535	h. Property Owner (if different than applicant) Dale Taylor	i. Home Phone 208 276-7961
j. Work Phone 208 301-3231	k. Mailing Address PO Box 290	l. City Julietta
m. State ID	n. Zip code 83535	

2. General Site Information

a. Assessor's Parcel Number(s) R138NO3W061805	b. Parcel Address (if applicable) 1715 Hwy 3
c. Acreage of Existing Parcel 16.6	d. Zoning AF
e. Comprehensive Plan Designation ICR	f. Floodplain designation(s) NA
g. FEMA Panel # NA	h. Is the parcel within an Area of City Impact? <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i. Impact City Kendrick	j. Road Used to Access Site Hwy 3

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

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

a. Fire District Kendrick Fire district	b. Road District South Latah	c. School District Kendrick Joint school district
d. Source of Potable Water (i.e. water district or private well) private well	e. Sewage Disposal (i.e. sewer district or private septic system) private septic	

4. Adjacent Properties Information

a. Zoning of Adjacent Properties A/F and City limits	b. Existing Uses of Adjacent Properties SFR, Public Right of Way, Bareland
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5. Permit Information

a. Proposed Use CUP for Temporary Concrete Batching at an existing mineral resource development
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?

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

6. Authorization

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

a. Signature of Applicant Dale C. Taylor	b. Date 5-14-15
c. Signature of Property Owner (if different than applicant)	d. Date

Office Use Only

Date Received 5/14/15	Amount 300	Receipt No. 742562	By [Signature]
CUP # 949	Date Determined Technically Complete 5/14/15	By [Signature]	
Hearing Date 6/3/2015			

7. Attachments

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

- Fee:** (\$300.00) Make checks payable to Latah County.
- Completed Narrative Worksheet:** See instructions on the Conditional Use Permit Narrative Worksheet.
- Site Plan:** The site plan should include a north arrow, location of roads and rights-of-way, existing buildings, improvements and features; the location and dimensions of proposed facilities, improvements and operations; as well as any other details necessary for the Zoning Commission to make a decision.
- Vicinity Map:** The map should show the site location in relation to neighboring communities and natural features.
- Assessor's Plat Map:** Include a copy of that portion of the map that shows the subject parcel and adjoining parcels.
- Other Attachments:** Required by staff / Zoning Commission for certain proposed uses.



Conditional Use Permit Narrative Worksheet

Application Information

Applicant's Name

Shane Taylor

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.

The proposed CUP is for a temporary concrete batching plant to be located at the existing mineral resource development located on Hwy 3. This request is to operate the concrete plant for 3 years. The concrete will be utilized to develop local infrastructure. The plant five days per week Monday-Friday from 5:00 am to 5:00 pm

Existing Uses of Property

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

Current rock pit with shop on site

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.

The use is not detrimental to public health safety or welfare. It is an existing pit with no residences within 1000 feet.

The property is located within the Industrial Commercial Residential Comp plan designation.

It meets the goals of the comp plan as it is an economical land use.

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

There will be no costs to the public.

LCZC Hrg: CUP 884
Applicant: Taylor
Exhibit #: 2A
Date: 06/03/2015

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

In our opinion, the temporary use of the mobile concrete batch plant to the region is not in conflict with the comprehensive plan.

Dust abatement will be controlled by on site water truck and a dust silo located on the plant itself.

Hazardous materials, fuel storage and containment

All fuel and hazardous materials will be stored in their appropriate containers.

Fire Suppression

Water truck, water tanks, extinguishers and shovels will be available on site.

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

The community will not access this private parcel where the plant is located.

b. Population Element

Population is limited in the area and has not been affected by current operations.

c. Housing Element

No houses planned as part of the operation.

d. Economic Development Element

For the economic growth of the region this plant will provide a quality product at a less expensive cost.

e. Public Services, Facilities, and Utilities Element

No public service required.

f. School Facilities and Student Transportation Element

No new students will originate from this operation nor will any be impacted.

g. Transportation Element

Existing roadways are adequate for the planned site.

h. Natural Resource Element

Not applicable

i. Special Areas Element

Not applicable

j. Hazardous Areas Element

Not applicable

k. Recreation Element

Not applicable

l. Land Use Element

Approximately 2 acres of the 16 acres will be used for the plant. This site is not adequate for agriculture or forestry production. Also, due to the topography of the property, proximity to the state highway district shop and an industrial agriculture facility, and location next to public right of way it is not suitable for residential purposes.

m. Property Rights Element

This property has valuable mineral resources and having met all aspects of the Land Use Ordinance and Comprehensive Plan for Latah County the property owner has the conditioned right to operate this facility.

n. Water Resources Element

All water used on site will be portable water. Source is a well located on the property.

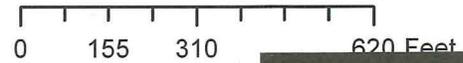
Site Plan Map

Planning and Building Department



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

Created by: CAB



mm = vegetative buffer

LCZC Hrg: CUP 884
Applicant: Taylor
Exhibit #2C
Date: 06/03/2015

STANLEY F. HAMILTON - DIRECTOR

BOARD OF LAND COMMISSIONERS

PHILIP E. BATT
Governor

PETE T. CENARRUSA
Secretary of State

ALAN G. LANCE
Attorney General

J.D. WILLIAMS
State Controller

ANNE C. FOX
Sup't of Public Instruction

June 25, 1996

RECEIVED

JUL 3 1996

Jack Brown
P.O. Box 350
Jullaetta, Idaho 83535

DEPARTMENT OF LANDS
JUL 12 1996
COP. 12/110 49844

SUBJECT: Reclamation Plan Approval

This correspondence is notification that the following reclamation plan has been approved:

NO.	COUNTY	ACRES	LEGAL DESCRIPTION
RP-1347	Latah	2	Por. SW $\frac{1}{4}$ /SW $\frac{1}{4}$ Sec. 25, T38N, R3W, B.M.

The Idaho Department of Lands has reviewed the operator's plan of operation and finds the plan as designed, and if properly implemented, to not interrupt the central behavioral patterns of spawning, feeding or rearing of threatened or endangered salmon species. The plan was approved subject to the following stipulations:

1. All refuse, chemical and petroleum products and equipment shall be stored and maintained in a designated location 100 feet away from any surface waters, and disposed of in such a manner as to prevent their entry into a waterway. A Spill Prevention Control and Countermeasure Plan must be developed and certified by a registered professional engineer if:

- a. The facility is non-transportation related.
- b. Above-ground storage capacity of a single container is in excess of 660 gallons, or an aggregate above-ground storage capacity greater than 1,320 gallons, or the total below-ground storage capacity is greater than 42,000 gallons.
- c. Facilities which, due to their location, could reasonably expect spilled oil to reach waters of the United States.

A complete copy of the Spill Prevention Control and Countermeasure Plan shall be maintained at the facility or at the nearest field office if the facility is not attended at least eight hours per day.

2. There will be no discharge from the operation to any surface water without first obtaining a National Pollution Discharge Elimination System (NPDES) permit from the EPA.

3. State water quality standards will be maintained at all times during the life of the operation. Should a violation of water quality standards occur, mining operations on the site will cease immediately and corrective action will be taken, and the Department of Health and Welfare, Division of Environmental Quality, notified.

4. Erosion and non-point source pollution shall be minimized by careful design of the site access and implementing Best Management Practices; which shall include, but not be limited to:

- a. Diverting all surface water flows around the mining operation;
 - b. Removing and stockpiling vegetation and slash, except timber, for use in erosion control and reclamation;
 - c. Removing and stockpiling all topsoil or suitable plant growth material for use in reclamation.
5. A reclamation bond of \$1,000 per affected acre with a \$2,000.00 minimum will be submitted to and maintained with the Department of Lands for the duration of the reclamation plan.
6. The operator must operate this mining project to ensure that the project is not likely to jeopardize the continued existence of any threatened or endangered species or result in the destruction or adverse modification of critical habitat.
7. If any excavation occurs the operator must comply with the provisions of the Underground Facilities Damage Prevention Law (55-2201 - 55-2210, IDAHO CODE). The one-call locator service number is 1-800-342-1585.
8. Acceptance of this permit does not preclude the operator from obtaining other necessary permits and approvals from local, state and federal authorities, i.e., Storm Water Pollution Prevention Plan (SWPPP), County Conditional Use Permit, waste water generation, and/or air quality, for each production process.

If the department does not receive a written notice of objection from you regarding these stipulations within 15 days of receipt of this letter, the stipulations will be considered accepted.

For your convenience, I have enclosed bond forms and instruction statement. Acceptable forms of bonding include surety bonds, certificate of deposit, Letters of Credit, and cash deposit with this office. If you are considering a certificate of deposit, please be sure you and the bank understand the instructions as outlined in number 2 on the instruction sheet. The department cannot accept anything except an actual, original certificate of deposit to be held at the State Treasurer's Office for the duration of the plan. If you are considering a letter of credit, please ensure that the bank complies with No. 3 of the instruction sheet.

Please note -- no operations are to begin on this site until your bond has been received and accepted by the Department of Lands. If you have any questions concerning this plan approval you may contact Bob Brammer at the Clearwater Area Office, (208) 476-4587, or you may contact me at the above address, telephone (208) 334-0261.

SCOTT H. NICHOLS
Mined-Land Reclamationist

SHN:ijg
enclosures

cc: Bob Brammer

CERTIFIED MAIL

CUP #949 – Staff Introduction

CUP #949-A request by Taylor Construction, to expand an existing mineral resource development to include a portable concrete batching plant for three years on 2 acre portion of a 16 acre parcel. The site is located 1715 Hwy 3, in the Kendrick Area of Impact, Idaho, in Section 26, Township 38 North, Range 03 West B.M., and is currently referenced as assessor's parcel number RP38N03W261805A and RP38N03W263750A.

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 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 not in conflict 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

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:

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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.

Following exhibits were submitted with the staff packet

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| Exhibit #1. | Criteria Worksheet and Staff Report |
| Exhibit #1A. | Vicinity and Comprehensive Plan Land Use Map |
| Exhibit #1B. | Zoning Map |
| Exhibit #1C. | Aerial Photograph and Adjacent Property Owners Map |
| Exhibit #1D. | Email received from City of Kendrick |
| Exhibit #2. | Application Form (Submitted by Applicant) |
| Exhibit #2A. | Applicant's Narrative (Submitted by Applicant) |
| Exhibit #2C. | Site Plan (Submitted by Applicant) |
| Exhibit #2D. | Notice of Reclamation Plan Approval from Idaho Department of Lands, dated June 25 th , 1996 |
| Exhibit #3. | Staff Introduction for Latah County Zoning Commission hearing for CUP #949 held on June 3 rd , 2015 |