

LATAH COUNTY ZONING COMMISSION EXHIBIT LIST

Public Hearing: CUP 950 Date: June 17th, 2015 Time: 5:30 pm

Applicant: Whitcomb Excavation File #:CUP 950

EXHIBITS:

Exhibits will now be entered into the record.

The following exhibits were submitted with the staff packet:

- 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.** Topographic Map
- Exhibit #2.** Application Form (Submitted by Applicant)
- Exhibit #2A.** Applicant's Narrative (Submitted by Applicant)
- Exhibit 2B.** Site Specifications (Submitted by Applicant)
- Exhibit #2C.** Site Plan (Submitted by Applicant)
- Exhibit #2D.** Operation Plans (Submitted by Applicant)
- Exhibit #2E.** Stormwater Plan (Submitted by Applicant)
- Exhibit #2F.** Drainage Control (Submitted by Applicant)
- Exhibit #2G.** Vicinity Map (Submitted by Applicant)
- Exhibit #2H.** Road Map (Submitted by Applicant)
- Exhibit #2I.** Notice of Application for Reclamation Plan from Idaho Department of Lands, dated May 29th, 2015
- Exhibit #2J.** Site Lease Agreement
- Exhibit #3.** Staff Introduction for Latah County Zoning Commission hearing for CUP #950 held on June 17th, 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:

A conditional use permit to operate a mineral resource development on approximately 7 acres.

Description of application:

A request by Whitcomb Excavation for a mineral resource development for blasting, crushing, and stockpiling on a 7 acre of a 106 acre parcel. The site is located on Hwy 8 approximately 3 miles south of Bovill, Idaho, in Section 26, Township 40 North, Range 01 East B.M., and is currently referenced as assessor's parcel number RP41N01E180050A.

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.

Whitcomb Excavation submitted a conditional use application of the Latah County Planning and Building Department on May 18th, 2015. The application was deemed complete by the Latah County Planning and Building Department on February 17th, 2015. The conditional use permit application was signed by the applicant, Dave Whitcomb, and Andre and Arla Molsee owners 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 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

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 4.05.06 Construction of New Wireless Telecommunication Towers states the following:*

1. A conditional use permit is required for the following:

- A. The construction of a tower.

- B. The installation of an antenna that would require lighting by the FAA.

2. Conditional use permits for wireless telecommunication towers or support structures are subject to the provisions of Section 7.01 and the following standards and requirements:

- A. All applicants must complete a conditional use permit application for the construction of a wireless telecommunication tower as provided by Section 7.01.

The application must be signed by all legal landowners of the property, the applicant, and proposed tower owner.

- B. The following documents must be attached and submitted along with the application:

1. A legal description of the parcel of land on which the proposed tower is to be located. This legal description shall include all real property described on the deed of conveyance most recently recorded for that parcel that complies with this ordinance.
2. A detailed drawing of the tower with the height specified.
3. The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
4. A signed agreement with Latah County stating that the applicant will allow co-location with other users and that any future owners or operators will allow co-location on the tower. This agreement will be recorded in the Latah County Recorder's Office by the Planning Department.
5. Documents demonstrating to the satisfaction of the Zoning Commission that the necessary easements have been obtained, as well as plans showing how vehicle access will be provided.
6. FAA form 7460-1 as well as a diagram showing the placement and type of lighting that will be used if required by the FAA, or documentation demonstrating that the applicant has complied with FAA requirements that no lighting is required and verifying that none will be used.

7. Evidence satisfactorily demonstrating to the Zoning Commission that use of an existing support structure is not possible pursuant to Section 4.05.05.
8. A map showing the area of coverage provided by the transmission of the proposed antenna(s).
9. If the proposed tower is less than 1,000 feet from any residence or commercial building, and/or less than 150% the height of the tower to any property line, the applicant shall submit a signed notarized form, approved by the Planning Department, from all owners of record of such residential or commercial buildings and all owners of record of such property consenting to the location of the tower. This form shall be recorded in the Latah County Recorder's Office by the Planning Department. Setbacks from any public road or public right-of-way shall not be waived.
3. Notification shall follow the requirements of Idaho Code Section 67-6512, and all property owners of record located within 1,000 feet of the proposed tower shall be notified by regular mail at the last address listed in the Latah County Assessor's Office records by the Planning Department 15 days prior to the hearing.

5) Section 4.05.07 requires the following:

In addition to the conditional use permit criteria set out in Section 7.01, the Zoning Commission shall take the following considerations into account when deciding whether to grant a conditional use permit for a wireless telecommunication tower:

1. Whether the wireless telecommunication provider has attempted in good faith to co-locate or use an existing structure in the County;
2. Whether the height, design, and any proposed future modification of the wireless telecommunication facility, will reduce or eliminate visual obtrusiveness to the greatest extent feasible and practical;
3. Whether it has been demonstrated the tower will have a negative impact on nearby property;
4. Whether the existing land use of the proposed site is unique to that land; and
5. Whether any lighting required by law may pose an unreasonable nuisance at the proposed site.

Facts of application and the information submitted

Site Characteristics:

Size of Parcel:	106 acres
Floodplain:	Zone "C"

Land Use and Regulations:

Comprehensive Plan Designation:	Productive
Existing Zoning:	Agriculture/Forest
Existing Uses:	Forestry
Neighboring Zoning:	Agriculture/Forest
Neighboring Uses:	Public Right of Way/Agriculture/Forestry

Infrastructure/Services:

Water:	N/A
Sewer:	N/A
Access:	State Hwy 8
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:

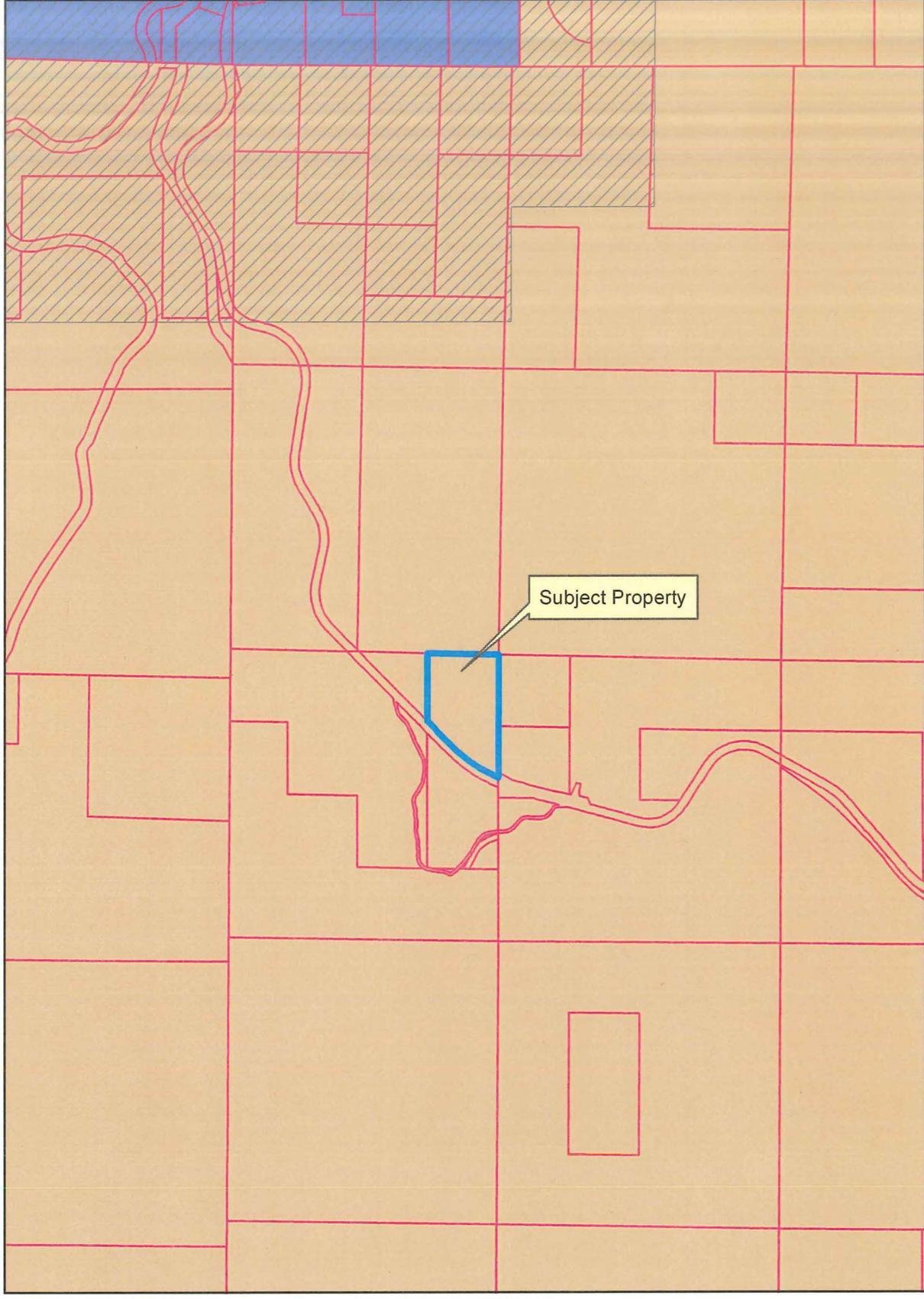
Section 3.01 Agriculture/Forest Zone

Article 7 Conditional Use Permits

Latah County Comprehensive Plan

CUP #950 Whitcomb Comprehensive Plan and Vicinity Map

Planning and Building Department

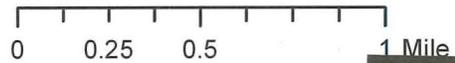


Subject Property

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

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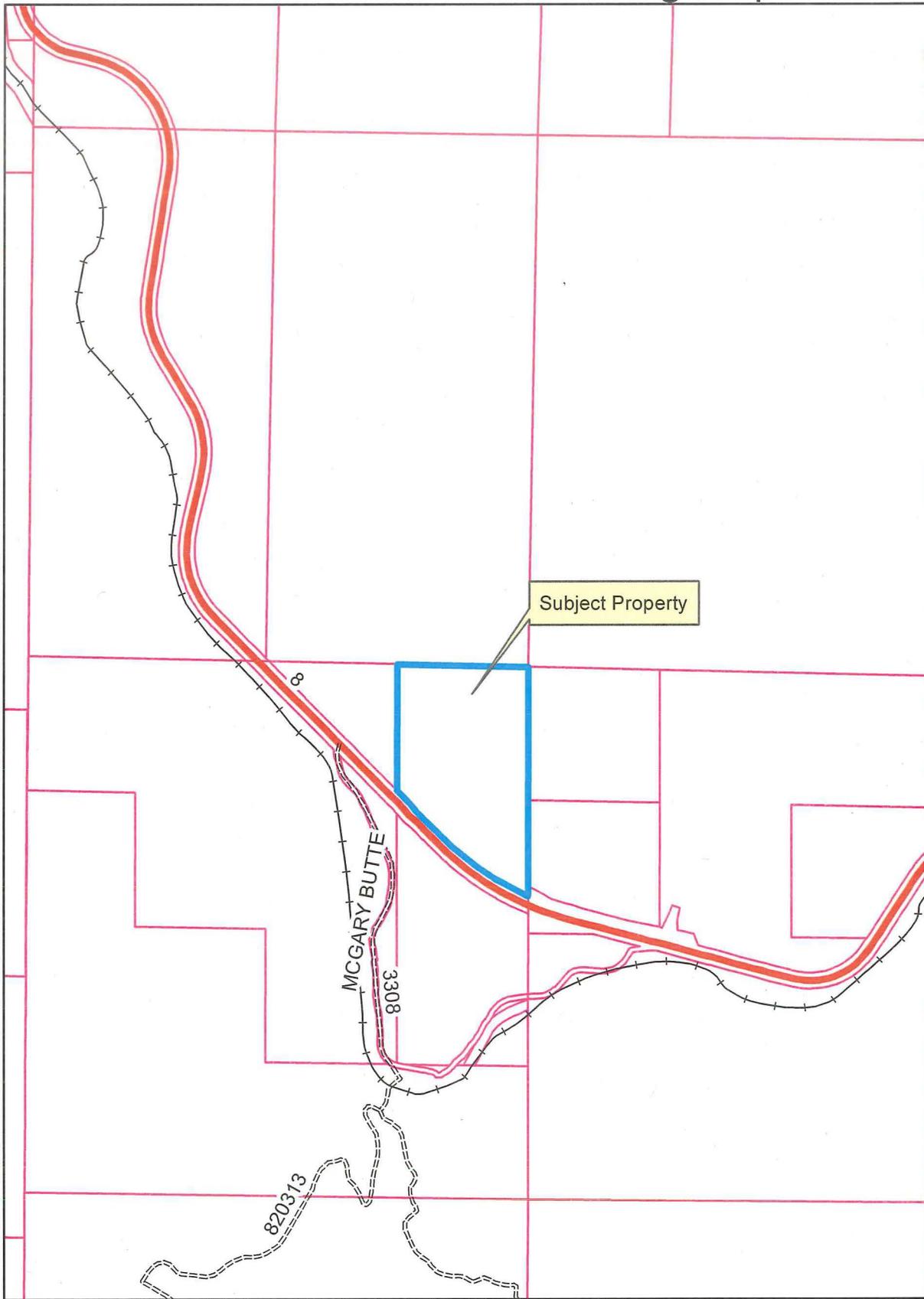
- Comprehensive Plan**
- AFR
 - AOI
 - ICR
 - PRODUCTIVE
 - RURAL



LCZC Hrg: CUP 950
Applicant: Whitcomb
Exhibit #: 1A
Date: 06/07/2015

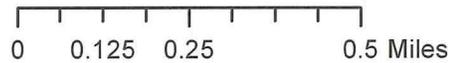
CUP #950 Whitcomb Zoning Map

Planning and Building Department



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

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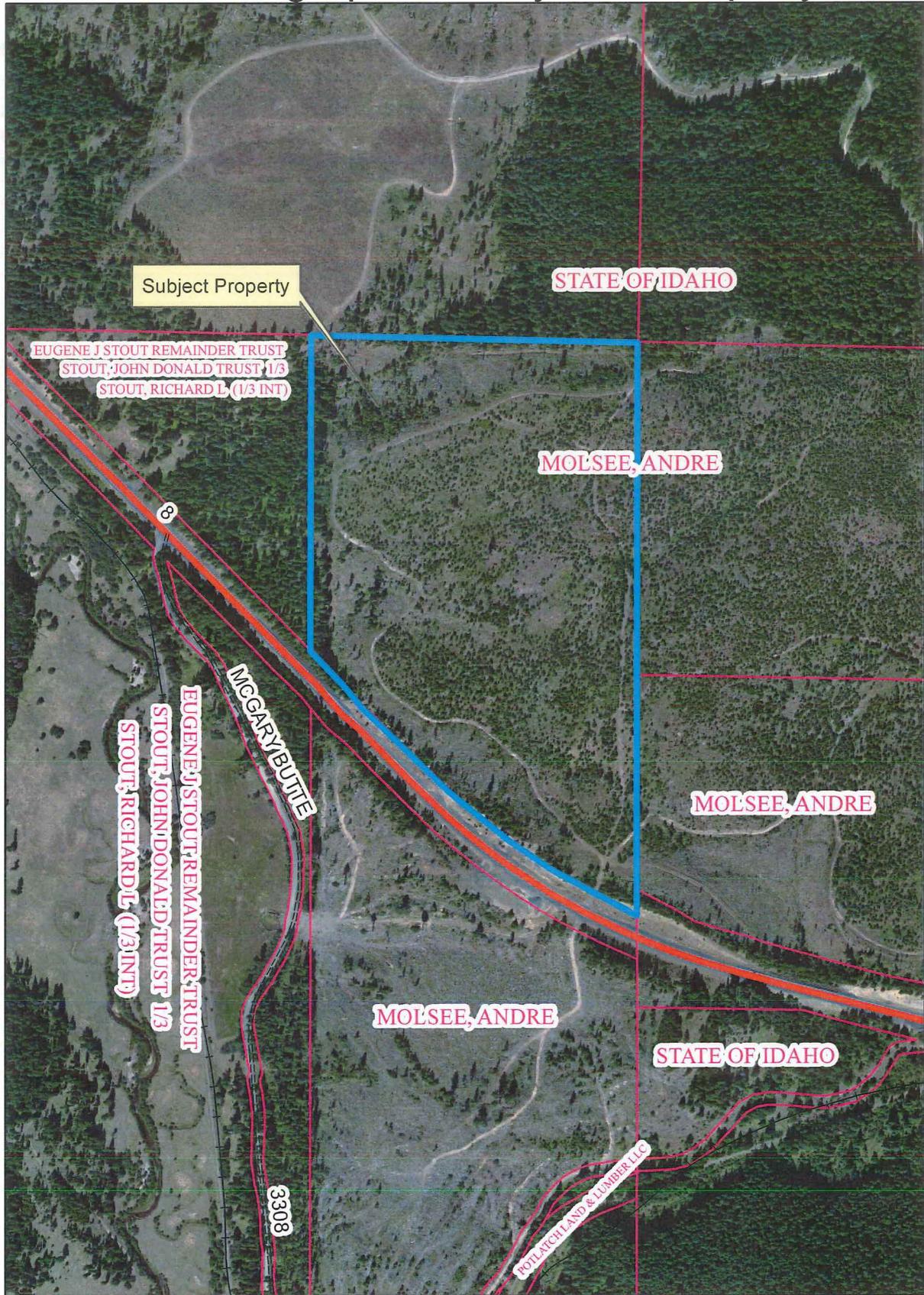


- | | | |
|----------------------|-----------------------------|---------------------------|
| Agriculture Forestry | Motor Business | Rural Residential |
| Commercial | Multiple Family Residential | Single-Family Residential |
| Industrial | Municipality | Suburban Residential |

LCZC Hrg: CUP 950
Applicant: Whitcomb
Exhibit #: 1B
Date: 06/23/2015

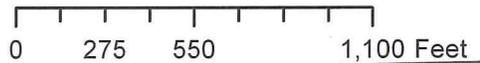
UP #950 Aerial Photograph and Adjacent Property Owners Map

Planning and Building Department



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

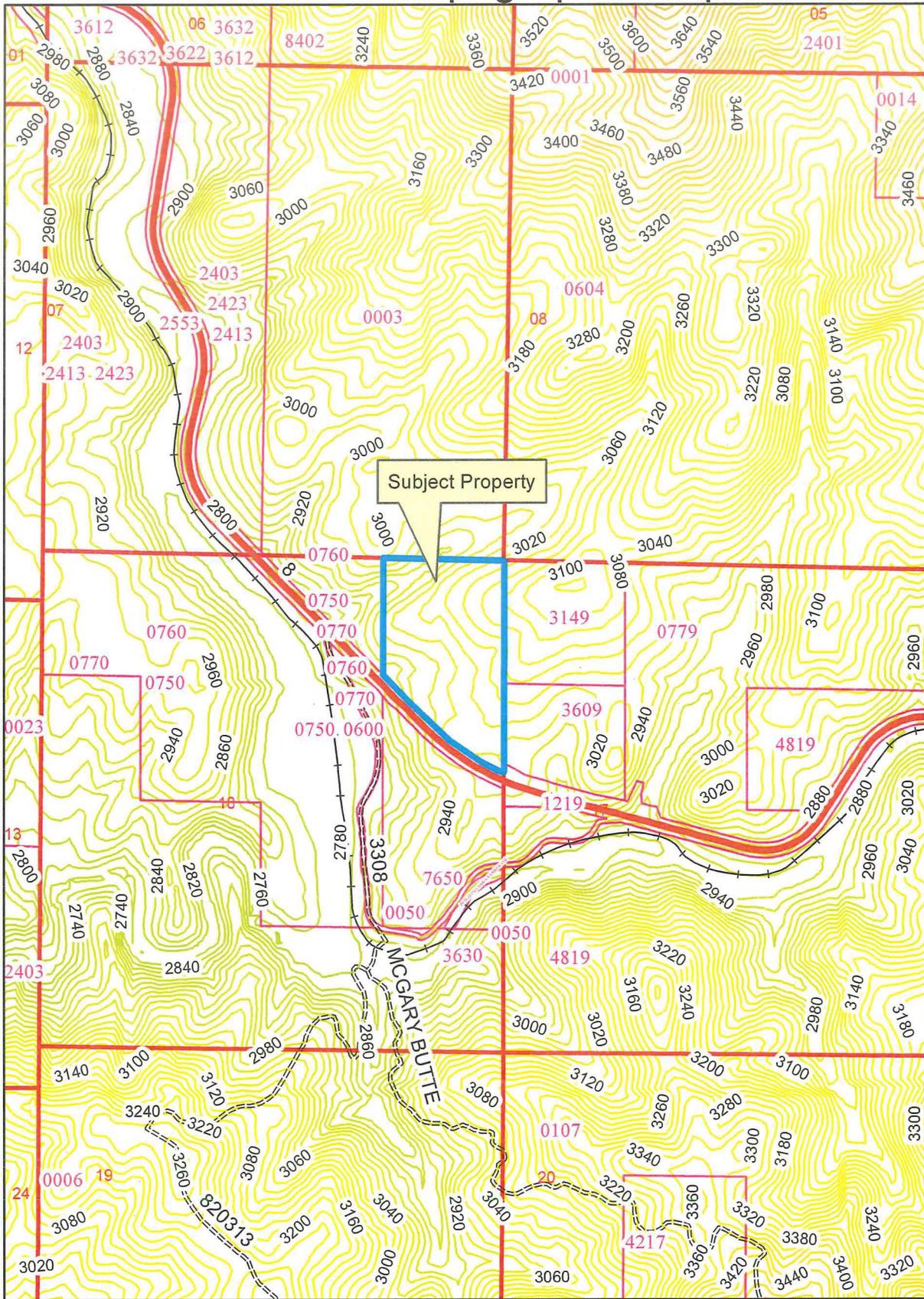
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LCZC Hrg: CUP 950
Applicant: Whitcomb
Exhibit #: 1C
Date: 06/07/2015

CUP #950 Topographic Map

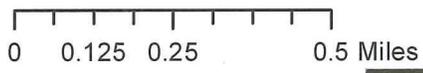
Planning and Building Department



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— 20 Foot Contour Lines



LCZC Hrg: CUP 950
 Applicant: Whitcomb
 Exhibit #: 1D
 Date: 06/07/2015



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 Whitcomb Excavation / David A		b. Home Phone / Work Phone 509-330-0787		c. Email Whitcomb Excavation@hotmail.com	
d. Mailing Address PO Box 207		e. City Deary	f. State ID	g. Zip code 83823	
h. Property Owner (if different than applicant) Andre & Arla Moslee		i. Home Phone 208-877-1081		j. Work Phone	
k. Mailing Address 5276 Hwy 8		l. City Deary	m. State ID	n. Zip code 82823	

2. General Site Information

a. Assessor's Parcel Number(s) RP 4 0N01E180050 A			b. Parcel Address (if applicable) 3 miles East of Bovill Hwy 8 Mile marker 40		
c. Acreage of Existing Parcel 106.41	d. Zoning Ag/Forest	e. Comprehensive Plan Designation Productive		f. Floodplain designation(s) None	g. FEMA Panel # NA
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 Hwy 8	

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
TimberGround

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

a. Fire District Bovill	b. Road District North Latah County	c. School District WhitePine # 288
d. Source of Potable Water (i.e. water district or private well) None		e. Sewage Disposal (i.e. sewer district or private septic system) NA

4. Adjacent Properties Information

a. Zoning of Adjacent Properties Ag/Forestry	b. Existing Uses of Adjacent Properties Ag/Forestry
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5. Permit Information

a. Proposed Use
Rock Quarry

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? **Section 4.03**

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

6. Authorization

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

a. Signature of Applicant <i>David Whitcomb</i>	b. Date 5-14-15
c. Signature of Property Owner (if different than applicant) <i>Andre Moslee</i>	d. Date 5-14-15

Office Use Only

Date Received 5	Amount 300.00	Receipt No. 742567	By <i>mm</i>
CUP # 950	Date Determined 6/18/15	Technically Complete mm	By
Hearing Date 6/17/15			

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 / certain proposed uses.



Conditional Use Permit Narrative Worksheet

Application Information

Applicant's Name

Whitcomb Excavation/ David A

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 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.

Whitcomb Excavation intends to mine out Basalt Rock starting on the north side of proposed Rock Quarry

Extending South following the contour of Highway 8. Mining will Commence for 10 years with option of

Renewing for an additional 10 years.

The Source will be reclaimed under the attachment Reclamation plan

Existing Uses of Property

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

The Quarry is accessed off the East Side of Highway 8 approximately 3 miles East of the City of Bovill mile marker 40.

There are no Structures or occupants on the property.

Vegetation consist mostly of Evergreen Trees

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.

There are no Residents, Structures, Streams or water Sources on or near Land to be used for Quarry purposes.

There will be a 100 ft wide barrier between Highway 8 and Rock Quarry

Pit will be blasted in the opposite direction of State Highway 8 into the Rock Quarry and will adhere to Latah County Requirements

For notification and and blasting time periods.

The planned use and eventual reclamation will adhere to the standards of care in the area during the times of operation.

Reference: Dust Abatement, Hazardous Materials Response, Fuel Storage and Containment and Fire Suppression in the Supplemental Narrative Attachment.

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

No additional services or costs are expected to be imposed on the public or taxpayers of Idaho and Latah County.

Reference: Dust Abatement, Hazardous Material Response, Fuel Storage and Containment and Fire Suppression in the Supplemental Narrative Attachment.

LCZC Hrg: CUP 950
Applicant: Whitcomb
Exhibit #: 2A
Date: 06/17/2015

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

In My Opinion the use of the source to supply Quality Rock to our Local Area is not in conflict with the Comprehensive Plan.

Reference: Dust abatement, Hazardous Materials Response, Fuel Storage and Containment, and Fire Suppression responses in the Supplemental Narrative attachment.

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

b. Population Element

There are no Residents surrounding the area of operation. . The Owners of the neighboring properties will be notified at the time each blast event is planned

c. Housing Element

There are no houses planned as a part of this operation and there are no Homes located on Neighboring properties.

d. Economic Development Element

Development of the region's resources will provide quality, safe roads and Improvement for private and commercial transportation.

This Source will also provide quality rock for improvement of Land, Home and Business.

This Source will be able to provide to State, County, City and to the Local surrounding people

e. Public Services, Facilities, and Utilities Element

No Public Servies are Required

f. School Facilities and Student Transportation Element

No New Students will originate from this operation and land use nor will any be impacted.

g. Transportation Element

ITD 2109 Right-of-Encroachment Application and Permit Approaches or Public streets have been submitted.

See attachment ITD

Highway 8 shall be monitored or closed temporarily when blasting occurs. Blasting may only occur Between 9am-4pm.

h. Natural Resource Element

There are no Natural Resources in the area Whitcomb Excavation intends to Mine. Whitcomb Excavation anticipates 1-2 Shots annually producing between 10,000-20,000 tons of Rock Product

i. Special Areas Element

Not Applicable to this land use application

j. Hazardous Areas Element

Not Applicable to this land use application

k. Recreation Element

Not Applicable to this land use application

l. Land Use Element

Approximately 400' long x 200' wide will be mined over a 10 year Period as mining advances.

The Source will be reclaimed to and closed in accordance with IDL practices.

m. Property Rights Element

Whitcomb Excavation has secured a 10 year lease (with an optional 10 years) and royalty agreement with the land owner.

n. Water Resources Element

Not Applicable to this land use application

Notes

General Notes

1. The Source is owned by Andre & Arla Moslee. A 10 year lease with optional 10 year extension has been secured with Whitcomb Excavation/David. Material originating from the source is generally classified as basalt bedrock with varying depth of overburden and scarce vegetation. There are no creeks, streams, rivers, structures or residents within 1,000 ft of total area of Rock Pit.
2. The source material will be mined for rock product ranging from Pit Run to Drain Rock.
3. Test rock probes were performed by Mike Seubert/High Mountain Construction.
4. The Source will be used for local, private and commercial use in the area.
5. Whitcomb Excavation and any contractor solicited by David are solely responsible for mining within the source property boundaries.
6. Hours of operation shall be 6:00am-9:00pm. Monday through Saturday.
7. Source location: PTS. SENE Section 18; Township 40N; Range 1E

Source Operation

Mining

1. Mining will be directed by Whitcomb Excavation/David and generally staged to progress eastward from Access road towards state road. Natural drainages on north and south sides will not be disturb.
2. First year of operation the Area to be me mined will be 300 ft by 300 ft. Starting at the east end (access road) including stock pile area. Overburden will be used to fill in the stock pile area and any extra burden will be used to add to rock to meet necessary specs as needed for Jobs. As the pit is expanded Eastward within established boundaries... benches will be 50-75 ft based on desired rock quality and quantities.
3. Expose rock slopes per MSHA criteria will not exceed 50ft
4. Inspect the pit area once a year for weeds and undesirable vegetation and apply herbicide (per manufacturer's directions) as needed.
5. Stockpiles of material produced for Whitcomb Excavation or under contract shall become the property of Whitcomb Excavation.
6. Future mining area is estimated at 4.8
7. 1st year operation is estimated at 2 acres.
8. Total mining is estimated at 6.8 acres

Blasting

1. Highway 8 shall be closed temporarily when blasting occurs. Blasting will only occur between 9:00am through 4:00pm.
2. Notify all property owners within 1 mile of the source at least 72 hours in advance of blasting
3. Shots will be towards the North of property and blasted away from Highway 8 that has a 75 foot barrier between area to blast and highway. There are no residents or structures within 2 miles of area to be blasted.
4. Whitcomb Excavation anticipates 1-2 shots annually, producing between 10,000-20,000 tons of rock products.

Storm Water

1. Drainage control will be maintained by sloping the pit floor back to Pit wall located on east side of access road away from highway 8 and state road access. Water will drain through Rock and Stock Piles. If ANY other water disperses it will be contained by silt fences. There is a 75 foot natural barrier between Hwy 8 and actual source site. On the North side is unused land of owners. There are NO streams, creeks, Rivers, structures or Residents within 1,000 feet of source area.

Dust abatement

1. Each Contractor solicited by Whitcomb Excavation to perform site clearing grubbing drilling blasting and crushing is responsible by contract to control dust which interferes with the public of adjacent land.
2. These operations, will occur where there is a 75ft natural buffer between operations and the public.
3. If needed during high volume truck traffic or prolong dry hot weather, the access road will be oiled.

Hazardous Materials responses, Fuel Storage and Containment

1. This is not Applicable for this Source site as there will be no Hazardous Materials or Fuel Stored at this Location.

Fire Suppression

1. WHEN Pit is in operation Equipment such as track hoes and loader will be on site at all times, and such equipment is responsible to respond to fires created by their operations.
2. There will be a 600 Gallon water tank filled

3. If needed and Bovill Fire Department is located just 3 miles west of Site.

Hours of Operation

1. This source is Located in a rural area with no inhabitants or residence within 2 miles.
2. Whitcomb Excavation Formally requests an exception to the operation ordinances to allow mining, crushing, and Rock production from 6:00 am to 9:00 pm Monday-Saturday.

Site Plan:

- A. State road
- B. New Access road (Haul)
- C. - - - -
total Rock Pite Site
- D. ————
stockPile area
- E.
75 Ft natural Barrier



LCZC Hrg: CUP 950
Applicant: Whitcomb
Exhibit #: 2C
Date: 06/07/2015

1. On Site Location Map

- Approximate boundaries + acreage of mining operations
 - - - 6.8 Acres
- 1st year operations
 - 2 acres 300' x 300'
- Overburden will be used to fill in stock pile area. xtra mixed with rock. stock pile Area
 - 100' x 100'
- N/A no chemicals
- Fuel stored



860 Feet



East Creek / Potlatch

• East Fork / Potlatch River



Supplemental Narrative CUP Application

Whitcomb Excavation/David A

Bovill Rock Source

Supporting Documentation

Enclosed with this application, please find:

ITD Right-of-Way Encroachment Application Number 02-15-131.

The reclamation plan prepared by Jille Whitcomb and submitted to IDL. The Reclamation Plan delineates the anticipated mining approach and general site conditions, use of land. (Rock material, overburden, ect.) and condition site will be left in at the end of Operations

Dust abatement

Each Contractor solicited by Whitcomb Excavation to perform site clearing grubbing drilling blasting and crushing is responsible by contract to control dust which interferes with the public of adjacent land. These operations, will occur where there is a 75ft natural buffer between operations and the public. If needed the access road will be oiled.

Hazardous Materials responses, Fuel Storage and Containment

This is not Applicable for this Source site as there will be no Hazardous Materials or Fuel Stored at this Location.

Fire Suppression

WHEN Pit is in operation Equipment such as track hoes and loader will be on site at all times, and such equipment is responsible to respond to fires created by their operations. There will be a 600 Gallon water tank filled if needed and Bovill Fire Department is located just 3 miles west of Site.

Hours of Operation

This source is Located in a rural area with no inhabitants or residence within 2 miles. Whitcomb Excavation Formally requests an exception to the operation ordinances to allow mining, crushing, and Rock production from 6:00 am to 9:00 pm Monday-Saturday.

LCZC Hrg: CUP 950
Applicant: Whitcomb
Exhibit #: 2D
Date: 06/07/2015

Reclamation plan

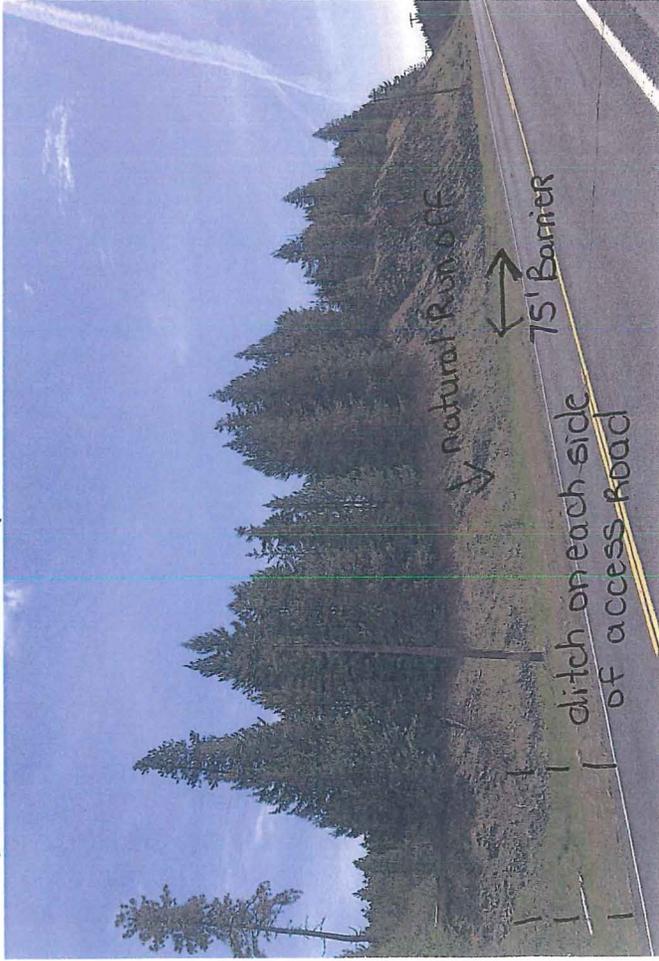
Storm Water

1. Drainage control will be maintained by sloping the pit floor back to Pit wall located on east side of access road away from highway 8 and state road access. Water will drain through Rock and Stock Piles. If ANY other water disperses it will be contained by silt fences. There is a 75 foot natural barrier between Hwy 8 and actual source site. On the North side is unused land of owners. Ditches will be dug and maintained on both east and west sides of Access road. There are NO streams, creeks, Rivers, structures or Residents within 1,000 feet of source area. See attachment: Drainage control maps
2. Reclamation will be done annually as pit is mined for Rock. Beginning with a 1st year area of 300x300 starting at the west end of the pit next to access road. Pit walls will be drilled and left at a 1 to ½ slope... Pit floor will be left to Rock per owners request as he will be using it for Storage Buildings after Mining is finished. Seeding will be done in an areas outside rock area that soils have been damaged with Pasture mix. See attachment: Scaled cross section map.
3. No Roads will be reclaimed as owner will use for property Access when Quarry closes.
4. There are no and will not be any tailings or sediment ponds to be reclaimed. Over burden will be used to fill in Stock Pile floor. Then yearly mixed with rock per job specs.
5. If gate is installed it will remain for Owner of Property. State Highway gate will not be disturbed as road will not be used by Whitcomb excavation.
6. Estimate cost for 3rd party reclamation is estimated at 20,000.00 for whole 10 year period.

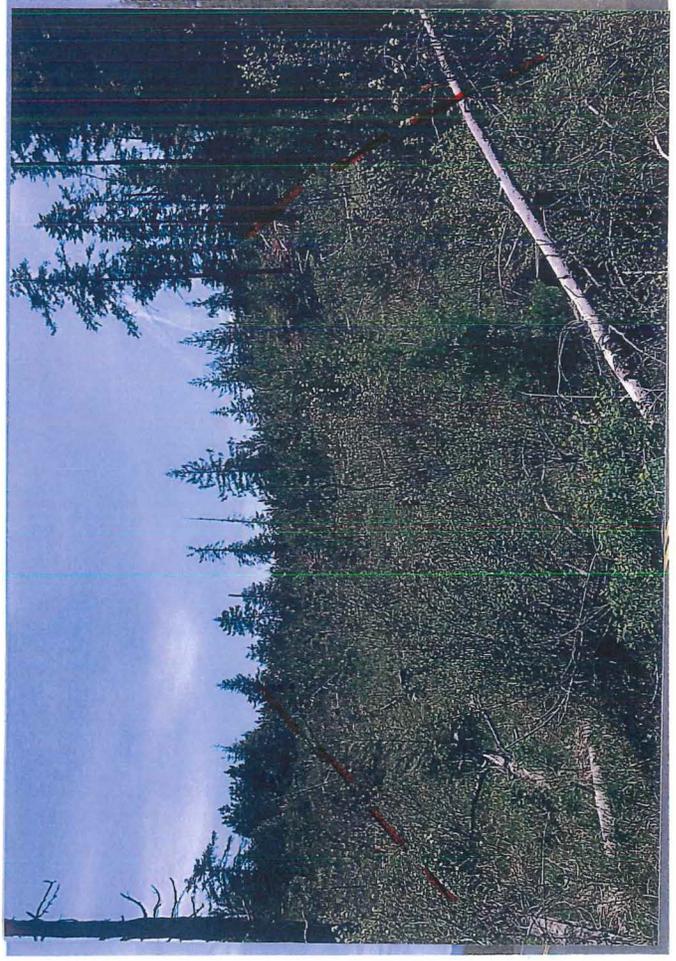
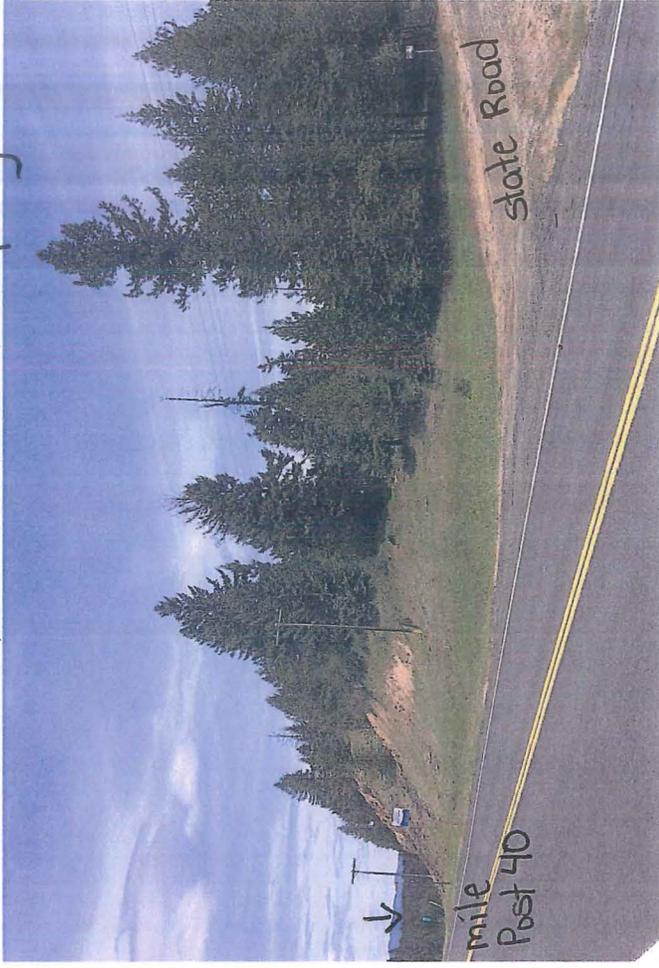
LCZC Hrg: CUP 950
Applicant: Whitcomb
Exhibit #2E
Date: 06/17/2015

J. Attachment Drainage Control

West End of Bovill Pit



East End of Bovill Property

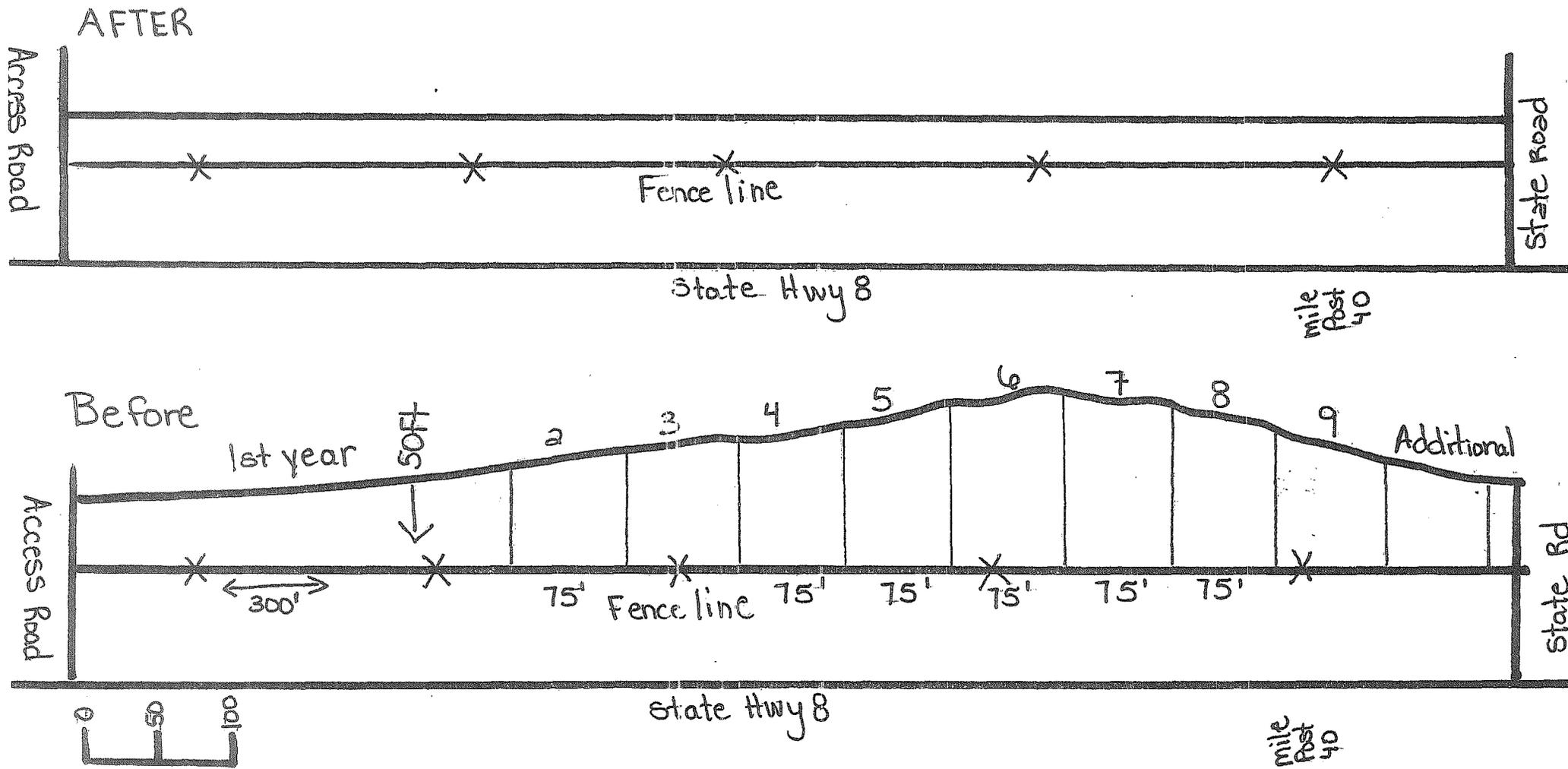


Natural Slope for storm water, with pit,



Scaled cross section map;

The pit will be Mined 300 ft starting on West side of Pit to a depth of 50 ft after over burden is cleared. The pit floor will be leveled with a slight slope towards the west to allow storm water drainage. Each additional year the quarry will be shot and mined an approximate 50-75 feet working towards the east end of the quarry. Leaving a Level Pit floor as mining progresses. Per owners request. It will be left level as he intends to put storage units and us for personal when mining operations are finished.



scale 1" = 100 FT

13a. Drainage Control Map

- A. Pit Boundaries
- B. Pit wall
- C. Access rd
- D. Slope Progression
- E. 75 Foot Natural Barrier
xxxxx
- F. Abandon rd
- G. None productive land.
no structures or residents
- H. StockPiles
- I. Natural Barrier to state Road
xxxxx
- J. Attachment



LCZC Hrg: CUP 950
Applicant: Whitcomb
Exhibit #2F
Date: 06/07/2015

A. Vicinity Map

City of Bovill 3 miles NW

Planning and Building Department

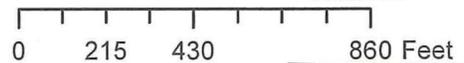
East Fork River

City of Elk River 11 miles E



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

Created by: CAB



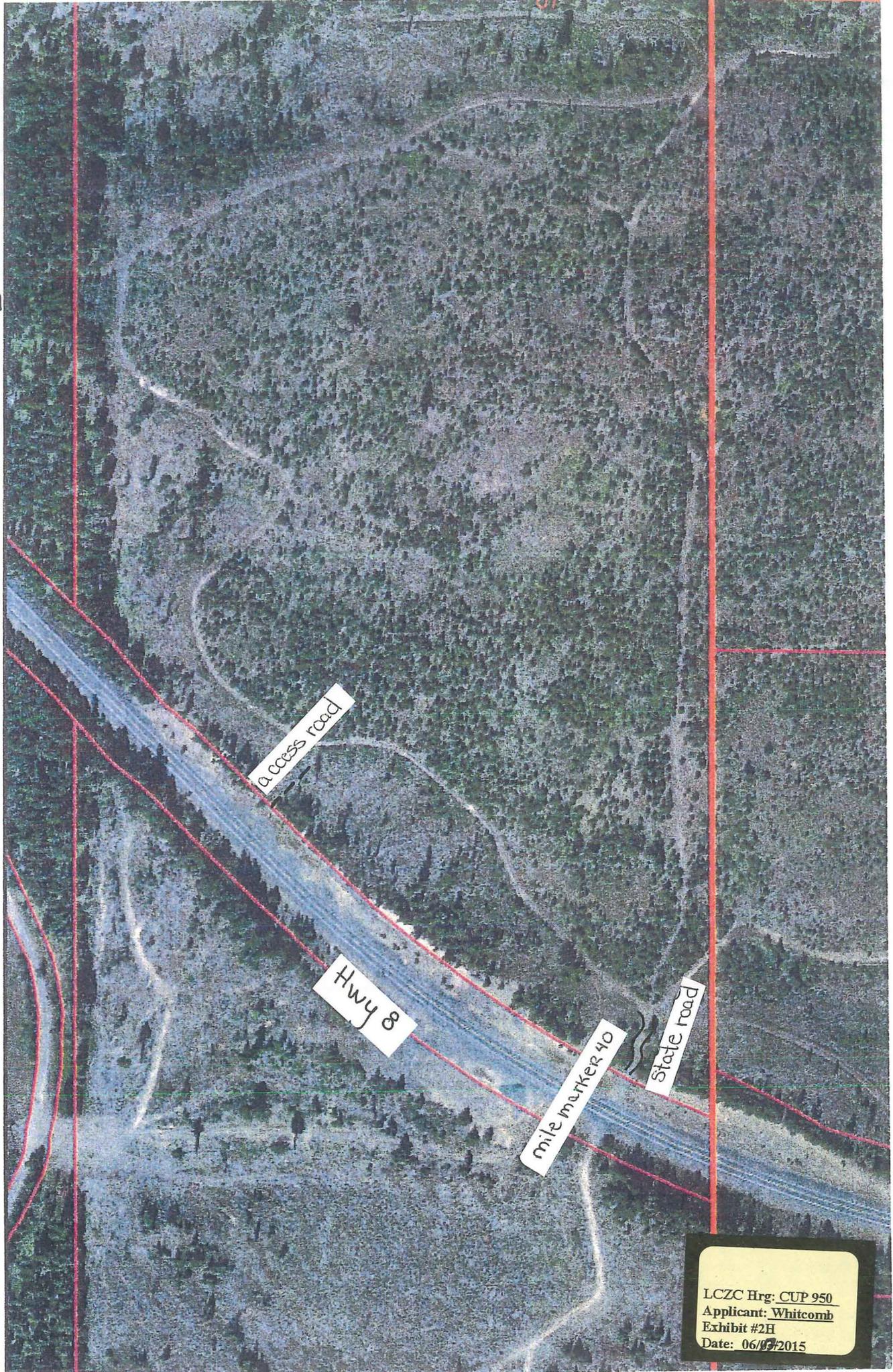
From Deary take Hwy 8 north for 10 miles. At Bovill intersection turn east (left) and travel 2.8 miles access rd will be on North side 800 ft before mile marker 40. State access rd will be 200 ft after mile marker 40

LCZC Hrg: CUP 950
Applicant: Whitcomb
Exhibit #2G
Date: 06/07/2015



Site Map:

Access road will begin instruction upon Permit UP approval. Road will remain after use of line for Property owners personal access.



LCZC Hrg: CUP 950
Applicant: Whitcomb
Exhibit #2H
Date: 06/07/2015

14.
**PONDEROSA
SUPERVISORY AREA**
3130 Highway 3
Deary ID 83823
Phone (208) 877-1121
Fax (208) 877-1122



TOM SCHULTZ, DIRECTOR
EQUAL OPPORTUNITY EMPLOYER

STATE BOARD OF LAND COMMISSIONERS
C.L. "Butch" Otter, Governor
Lawrence E. Denney, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon Woolf, State Controller
Sherri Ybarra, Sup't of Public Instruction

May 29, 2015

Latah County Planning and Building Department
P.O. Box 8068
522 South Adams
Moscow, ID 83843

To Whom it May Concern:

**NOTICE
RECLAMATION PLAN APPLICATION**

The State of Idaho, Department of Lands (IDL), as required by the Idaho Surface Mining Act (Idaho Code § 47-1505(7)), is giving your county notice of an individual or company proposing a mining activity.

NAME OF OPERATOR: Whitcomb Excavation/David A.
ADDRESS OF OPERATOR: P.O. Box 207
Deary, ID 83823
PLAN NUMBER: S412903
LEGAL DESCRIPTION: Pts. SENE; Section 18; T40N, R1E, B.M.

IDL has reviewed the application for completeness in accordance with Idaho Code § 47-1506. 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 respective IDL Area Office or the State Office in Boise. IDL works with other agencies to ensure that environmental, water quality, and reclamation standards are maintained. We rely

"Trusted Stewards of Idaho's Resources, from Main Street to Mountaintop"

LCZC Hrg: CUP 950
Applicant: Whitcomb
Exhibit #21
Date: 06/03/2015

and counties to address land use issues, including planning and zoning, and operational requirements (i.e. hours of operation, etc). If you have any questions or comments you may contact me at the above address, or telephone (208) 877-1121.

Sincerely,



Robert Barkley
Private Forestry Specialist

CC: Bureau



IDAHO DEPARTMENT OF LANDS
APPLICATION FOR RECLAMATION PLAN APPROVAL
 Reclamation Plan # _____

GENERAL INFORMATION

The Idaho Surface Mining Act, Title 47, Chapter 15, Idaho Code requires the operator of a surface mine to obtain an approved reclamation plan and bond. There is no fee required.

When an applicant is mining on lands administered by the U.S. Forest Service or Bureau of Land Management, it is necessary to obtain the proper federal approvals in addition to the Department of Lands. Each agency's application requirements are similar, but not exactly the same. Please review both state and federal application requirements, and develop one plan which meets the requirements of all the agencies involved.

After the mine plan has been finalized, five (5) copies of this application must be submitted to the appropriate Area office of the Idaho Department of Lands. When the department receives an application, the appropriate federal or state agencies will be notified of the application. The department shall deliver to the operator, if weather permits and the plan is complete, the notice of rejection or notice of approval of the plan within sixty (60) days after the receipt of the reclamation plan or amended plan.

All reclamation plan applications will be processed in accordance with Section 080 of the Rules Governing Exploration, Surface Mining, and Closure of Cyanidation Facilities (IDAPA 20.03.02) and applicable Memorandums of Understanding with state and federal agencies.

APPLICATION INFORMATION

1. NAME: Whitcomb Excavation/David A d/b/a: _____
2. ADDRESS: P.O. Box 207
 CITY, STATE, ZIP CODE: Deary, Idaho
3. TELEPHONE: 509.330.0787
4. DESIGNATED IN-STATE AGENT AND ADDRESS: (if Company's main place of business is 'out of state')
NA
5. PROOF OF BUSINESS REGISTRATION (if applicable): If applicant is a business, please attach proof of registration with the Idaho Secretary of State.
6. LEGAL DESCRIPTION (Section, Township, and Range) TO THE QUARTER-QUARTER SECTION:
PTS. SENE Sec. 18; township 40N.; Range 1E
7. ACREAGE: _____
8. COUNTY(ies): Latah
9. OWNERSHIP: (check applicable)
 Private U.S. Forest Service Bureau of Land Management Idaho Department of Lands
10. COMMODITY TYPE, PROPOSED START-UP DATE: Basalt rock, August 2015
11. SITE NAME OR MINE NAME (if any): Bovill

RECEIVED

MAY 18 2015

njs

IDL PONDEROSA, DEARY ID

12. Please provide the following maps of your mining operation (Subsections 069.04 or 070.03 of IDAPA 20.03.02):

- a. A vicinity map prepared on a standard USGS 7.5' quadrangle map or equivalent.
- b. A site map which adequately shows the location of existing roads, access roads, and main haul roads, which would be constructed or reconstructed for the operation. Also, list the approximate dates for construction, reconstruction and abandonment.
- c. On a site location map, show the following;
 - i. The approximate location and names, if known, of drainages, streams, creeks, or bodies of water within 1,000 feet of the surface mining operation.
 - ii. On a site location map show the approximate boundaries and acreage of the lands that will become affected by the mining operation. This map must be of adequate scale for boundary identification.
 - iii. The approximate boundaries and acreage of the lands that will become affected by the mining operations during the first year of operations. This map must be of appropriate scale for boundary identification.
 - iv. The planned configuration of all pits, mineral stockpiles, overburden piles, topsoil stockpiles, sediment ponds, and tailings ponds, that will be developed by the mining operation.
 - v. The planned location of storage for fuel, equipment maintenance products, wastes, and chemicals utilized in the surface mining operation.
- d. A surface and mineral control or ownership map of appropriate scale for boundary identification.
- e. Scaled cross-sections of the mine showing surface profiles prior to mining, at maximum disturbance, and after reclamation.

13. A reclamation plan must be developed and submitted in map and narrative form (Subsections 069.05 or 070.04 of IDAPA 20.03.02). The reclamation plan must include the following information:

- a. On a drainage control map show and list the best management practices which will be utilized to control erosion on or from the affected lands.
- b. Where surface waters are likely to be impacted, identify and assess foreseeable, site-specific nonpoint sources of water quality impacts upon adjacent surface waters and the BMPs the operator will use to control such impacts during surface mining and reclamation
- c. Which roads will be reclaimed and a description of the reclamation.
- d. A revegetation plan which identifies how topsoil or other growth medium will be salvaged, stored and replaced in order to properly revegetate the area. Identify soil types, the slope of the reclaimed areas, and precipitation rates. Based on this information, identify the seed species, the seeding rates, the time and method of planting the soil, and fertilizer and mulch requirements.
- e. Describe and show how tailings, process, or sediment ponds will be reclaimed.
- f. Estimate the actual cost of third party reclamation which includes the direct and indirect costs for equipment mobilization, re-grading, seed, fertilizer, mulch, labor, materials, bonding, insurance, profit, and any other pertinent costs plus 10% contingency.

APPLICANT SIGNATURE:

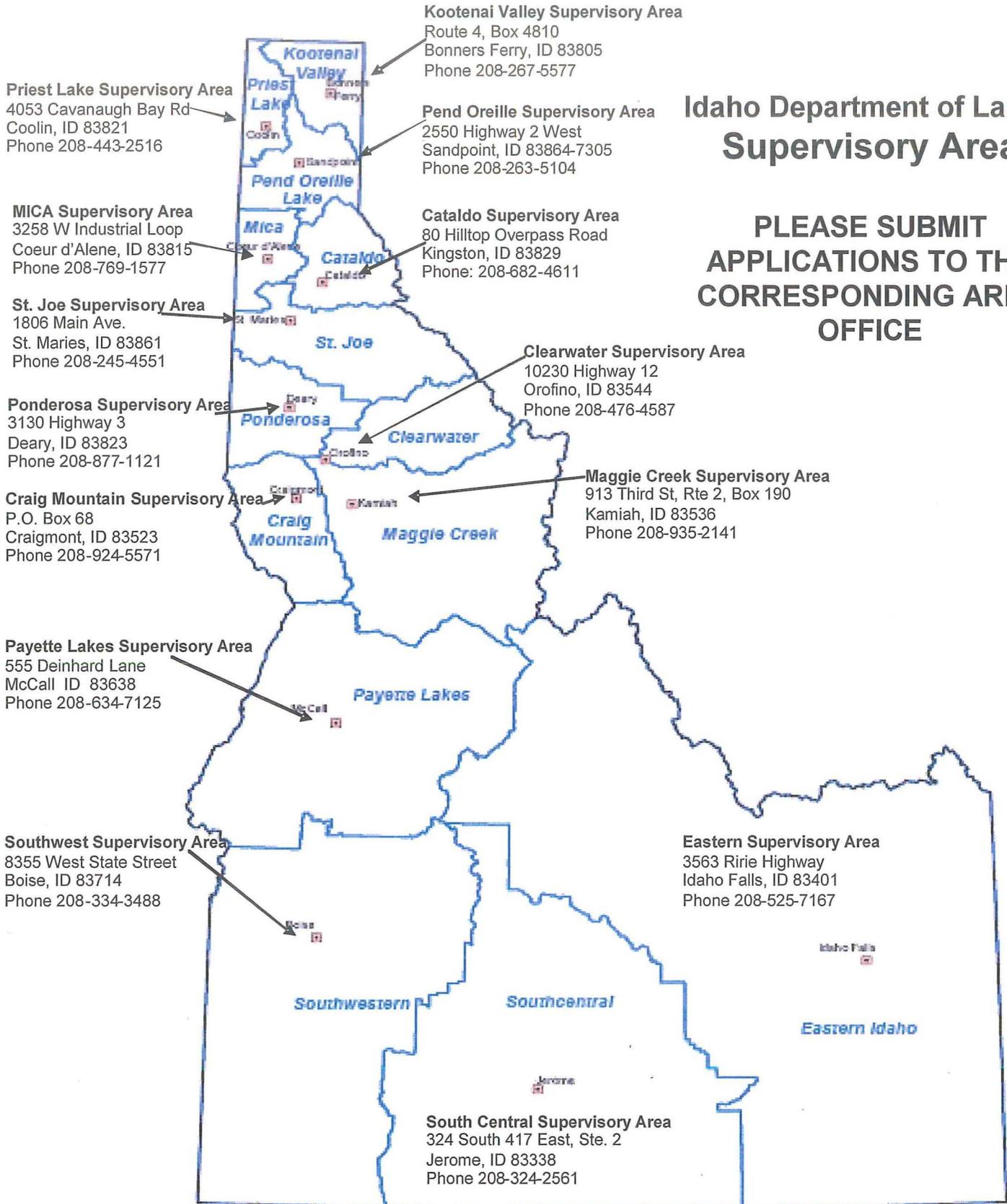
David [Signature]

DATE

5-18-15

Idaho Department of Lands Supervisory Area

**PLEASE SUBMIT
APPLICATIONS TO THE
CORRESPONDING AREA
OFFICE**



ROCK QUARRY LEASE AGREEMENT

Andre & Arla Molsee of Deary Id agree to lease Rock Quarry site Tax Parcell RP 40 N 1E 1850 A Sec 18 located in Latah County to David A Whitcomb of Deary Id for 10 (Ten) years from the date of aproval of the Conditional Use Permit. An option to renew for an additional 10 (Ten) years will need approval by both parties one year prior to the renewal date.

David A Whitcomb agrees to pay Royalty of .60 (sixty-cents) per yard for unprocessed rock. Adjustments will be made accordingly when market prices increase or decrease. Payments will be made on or before the 15th of each month.

Signature of Lessor Andre Molsee Date 5/19/15

Signature of Lessor Arla Molsee Date 5-19-15

Signature of Lessee David Whitcomb Date 5-19-15

CUP #950 – Staff Introduction

A request by Whitcomb Excavation for a mineral resource development for blasting, crushing, and stockpiling on a 7 acre of a 106 acre parcel. The site is located on Hwy 8 approximately 3 miles south of Bovill, Idaho, in Section 26, Township 40 North, Range 01 East B.M., and is currently referenced as assessor's parcel number RP41N01E180050A.

The Latah County Land Use Ordinance, under section 3.01.03(8), 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 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 ($\frac{1}{4}$) 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.