

Meeting Notes November 1, 2005

PC Present: John Hunt, Suvia Judd, James Smith, Kathleen Warnick, Janet Hohle  
Staff: Michelle Fuson

The meeting was called to order at 5:40 PM. MF gave a brief review of the previous meeting and the November 1, 2005 meeting packet.

Mineral Resource Developments discussion resumed from the last meeting. Materials were submitted by Phil Nesbitt and John \_\_\_\_\_ (Potlatch Corp). The significant differences presented in these documents from the existing draft ordinance language are: 1) Existing sites would be allowed to expand to 5 acres without being required to acquire a conditional use permit. 2) Both documents provided for exceptions to the conditional use permit, notably private use of material.

There was extensive discussion on structuring the ordinance to allow some level of personnel use of material, much focusing on the concept of categorizing the use as non-commercial. These uses could include private landowner use of gravel for road construction, repair, pond development, or grading an area, etc; and the Potlatch Corporation type private landowners to use aggregate materials in their forest practices. This concept deviates from the current draft ordinance which does not allow for private use of material without a permit and from the current ordinance that uses the definition of “commercial value” to trigger the conditional use permit requirement.

SJ suggested distance from another property boundary be used to distinguish the need for a permit to develop mineral resources, such as those surrounded by forest lands. Personal use of mineral materials perhaps could be addressed with administrative review by staff.

Discussion then focused on the characteristics that make personal use different from commercial development. The differences identified include: personal use is not for economic gain, duration of activity, and scale of activity – surface disturbed and quantity excavated. Characteristics associated with commercial development that conflict with other existing uses could include, blasting, crushing, and other processing. The Idaho Department of Lands uses the definition of materials for “immediate or eventual sale” and the number of acres disturbed to initiate the reclamation permit requirement.

The following two categories were proposed to address private use of mineral material:

Condition	Category A	Category B
Distance from other property boundary or, structures on state or federal lands	$1,000 \text{ ft} < X \leq 1 \text{ mile}$	$> 1 \text{ mile}$
Transportation of material off site	Okay	Okay
Affected area	$\leq 2 \text{ acres}$	$2 \text{ ac} < X < 5 \text{ ac}$
Blasting, crushing, processing okay	No	Yes

SJ motion: Staff and PC member draft new language to reflect concept of personal use using Category A and B criteria. KW seconded the motion. Motion passed 3 yes: 1 abstain.

Extraction of material for personal use that is less than 1,000 feet from adjacent property boundary was discussed. It was determined that a category of specific uses be categorically exempted, e.g. some ponds, grading, etc. A motion by SJ to direct the staff/PC member committee to incorporate this language in the new draft was made and seconded by KW. Motion passed unanimously.

MF provided amended language in Article 7 Conditional Use Permits and Variances Section 7.01.08 Failure to Comply. SJ moved that Section 7.01.08 be adopted as drafted; the motion was seconded by KW and passed unanimously.

A motion was made by JH to amend Section 7.01.07; the motion was seconded by KW and passed unanimously. The adopted language to read (amended in italics):

- A conditional use permit shall expire if the use allowed by the permit is not initiate within one year of the effective date or if the use is initiated and then ceases for a period of one year, *unless otherwise specified by the Zoning Commission. An extension of one year may be granted by the administrator upon written request providing the reason for the extension.*

Submitted by substitute recorder:

Janet Hohle  
November 7, 2005