

SUMMARY OF FREMONT COUNTY ORDINANCE NO. 2010-03

Fremont County Ordinance No. 2010-03, APPENDIX J, PERFORMANCE STANDARDS FOR GRAVEL, MINE, PIT MINE, OR QUARRY, which was adopted by the Board of County Commissioners of Fremont County, Idaho on the 7th day of December, 2009, may be summarized for publication as follows:

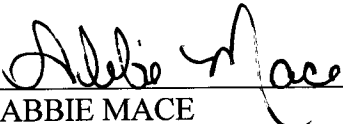
AN ORDINANCE AMENDING THE FREMONT COUNTY DEVELOPMENT CODE TO ADD APPENDIX J, PERFORMANCE STANDARDS FOR GRAVEL MINE, PIT MINE OR QUARRY; STATING THE PURPOSE; LISTING THE PROCESS; SETTING FORTH OPERATING STANDARDS; DISCUSSING ROAD CAPACITY AND TRAFFIC IMPACT; STATING DESIGN AND RECLAMATION STANDARDS; AND PROVIDING THE EFFECTIVE DATE.

A copy of the full text of this ordinance may be obtained or reviewed at the office of the Fremont County Clerk, which is located at 151 West 1st North, Room 12, St. Anthony, Idaho 83445, or at the Planning & Building Department, 125 North Bridge, St. Anthony, Idaho 83445, between 8:00 a.m. and 5:00 p.m.

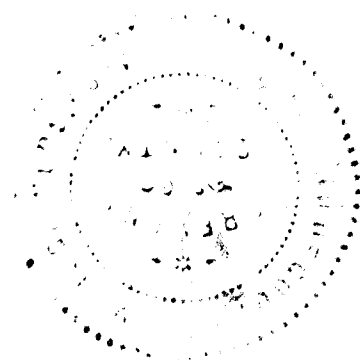
CLERK'S STATEMENT

I, ABBIE MACE, the County Clerk of Fremont County, Idaho hereby state that I have read the foregoing Summary of Fremont County Ordinance No. 2010-03, which summary is true and complete and provides adequate notice to the public.

Dated this 9th day of March, 2010.



ABBIE MACE
COUNTY CLERK



Microfilm No. 527349
16 Day March 2010
At 12:15 O'Clock PM
ABBIE MACE
FREMONT CO RECORDER
Fee \$0 CC Deputy
Recorded at Request of
Abbie Mace, County Clerk

ORDINANCE NO. 2010-03

AN ORDINANCE AMENDING THE FREMONT COUNTY DEVELOPMENT CODE TO ADD APPENDIX J, PERFORMANCE STANDARDS FOR GRAVEL MINE, PIT MINE OR QUARRY; STATING THE PURPOSE; LISTING THE PROCESS; SETTING FORTH OPERATING STANDARDS; DISCUSSING ROAD CAPACITY AND TRAFFIC IMPACT; STATING DESIGN AND RECLAMATION STANDARDS; AND PROVIDING THE EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FREMONT COUNTY, IDAHO, AS FOLLOWS:

The following performance standards shall apply for gravel mine, pit mine, or quarries, within the boundaries of Fremont County:

1. PURPOSE:

1.1. Regulatory Requirement and Use Mitigation: The purpose of this appendix is to provide a regulatory context (standards) for the extraction of gravel resources serving development needs in Fremont County. Also, to assure that gravel mining operations will not adversely affect neighboring uses and to provide for reclamation and reuse of the mined property.

2. PROCESS:

2.1. Limited and Large Scale Permitting: To provide for extraction on a limited scale (Class I Permit) as well as for large scale extraction projects (Class II Permit).

2.2. Public Notification: For any pit, mine, or quarry requiring a Class I or Class II Permit, the administrator shall notify all property owners within one thousand feet (1,000') of any property boundary of the proposed site and any additional area that may be substantially impacted by the use (such as along the primary access route), as determined by the administrator.

2.3. Compliance review of Existing Permits: Prior to additional permits being issued for gravel extraction, all existing permits held by the applicant will be reviewed for compliance with original approval conditions and progress reviewed on applicant's reclamation/reuse plans.

3. OPERATING STANDARDS:

3.1. Safety Standard Compliance: All operations shall be subject to MSHA and OSHA safety standards for the conditions and type of excavation being performed.

3.2. Permitting Additional Uses: Asphalt mixing, crushing, manufacturing and concrete batching may be allowed as additional uses subject to a separate Class II permit approval process in an industrial or commercial zone. These uses are not allowed outside of a

commercial or industrial zone. Additional mitigation requirements outside of those delineated in this section may be imposed on these additional uses.

3.3. Hours of Operation: All extraction and hauling activities shall take place during daylight hours between 7:00 a.m. and dusk or 7:00 p.m., whichever is earlier, Monday through Friday. The noise level at the property line shall not exceed 70 dBA, L-10 at any one time.

3.4. Subletting Not Allowed: Storage areas shall not be rented, leased, let, or otherwise used as a commercial or industrial business.

3.5. Equipment Storage: Areas where equipment is stored shall be deemed outdoor storage areas and shall meet the standards of this appendix. Such storage areas shall be constructed and maintained to prevent chemicals from discharging into surface or ground waters. Such chemicals shall include, but not be limited to, petroleum products, antifreeze, and lubricants.

3.6. Outdoor Storage Areas: All outdoor storage areas shall be completely fenced or enclosed and screened from public view. The sight obscuring screen shall be at least six feet (6'), but not greater than ten feet (10'), in height. One side of the outdoor storage area may be left unenclosed or unscreened, provided that the materials stored in the area shall not be visible from a public roadway.

3.7. Chemicals and Fertilizers: The outdoor storage of chemicals and/or fertilizers, including, but not limited to, salts or other minerals, shall be prohibited. Stored items shall not block sidewalks or parking areas and may not impede vehicular or pedestrian traffic.

3.8. Dust Mitigation: The extraction area shall be watered daily to reduce dust impacts to surrounding properties. Haul roads shall have a durable and dust free surface, and shall be graded to drain all surface water from the haul roads.

3.9. FEMA Floodplain Compliance: The pit, mine, or quarry shall comply with the regulations of Chapter XI, Floodplain Overlay, of this title, if applicable.

3.10. Neighborhood Protection: Haul roads shall not pass through existing residential neighborhoods. For the purpose of this subsection, the term "residential neighborhood" shall be any platted residential subdivision development.

3.11. Solid Waste Storage and Disposal: The storage and/or disposal of solid waste, including importation of asphaltic materials, on the proposed site shall be prohibited.

3.12. Groundwater Protection: No gravel mine shall excavate materials below the water table/groundwater unless specifically permitted as part of the gravel pit approval. Mining below the water table will require the implementation of a professionally prepared plan for prevention of groundwater pollution. Any such plan shall, at a minimum, require the diversion of surface runoff from the excavation, the installation and maintenance of vegetative filter strips around the excavation, the minimization of the area of groundwater

exposed at any one time, the establishment of baseline pre-mine data and monitoring. Applicant will coordinate potential groundwater impacts with the Idaho Department of Environmental Quality.

3.13. Prohibited Uses of Site: The site shall not be used as a “junkyard”, “automobile wrecking yard”, or impound yard.

3.14. Additional Standards for a Class I Permit (Temporary Approval):

3.14.1. No Prior Extraction Use: The property has not been a pit, mine, or quarry under a previous temporary approval or as a temporary permitted use.

3.14.2. Maximum Area: The maximum area of the extraction site shall be six (6) acres.

3.14.3. Time Limit: The proposed extraction activities shall be completed within two (2) years.

3.14.4. Extraction Only: No rock crushing or other materials manufacturing shall be done on site.

3.14.5. Stockpile Height: Stockpiles shall be a maximum of fifteen feet (15') in height.

3.15. Additional Standards for Class II Approval:

3.15.1. Parking Required: The approved site plan shall include adequate parking and loading areas to accommodate the peak number of vehicles. Such areas shall not be within the required front and side yards but may be located in a rear yard.

3.15.2. Stockpile Height: Stockpiles shall be a maximum of twenty-five feet (25') in height.

3.15.3. Extraction Plan Timetable: The Class II approval shall consider and/or establish a time frame for the extraction of material. The commission shall review the status of the pit, mine, or quarry annually and consider owner compliance with all approval provisions for their Class II Permit and progress on their reclamation/reuse plan.

4. ROAD CAPACITY AND TRAFFIC IMPACT

4.1. Road and Bridge Capacity: No gravel mining shall be permitted where existing roads and/or bridges do not have adequate engineered capacity to support the anticipated truck traffic. Any improvements to off site roads and/or structures determined to be necessary to mitigate impacts of the development will be the responsibility of the Applicant and will be

made part of a contingent development agreement **before** Fremont County will process the applicant's permit application.

4.2. Required Reviews: The Road and Bridge Department and the Department of Transportation shall complete the following reviews for their respective road and highway right of ways for all applications and provide said report to the applicant and to the Fremont County Planning and Building Department to be integrated into the Development Agreement.

4.2.1. Entrances and Exit Review: Review proposed entrances and exit options to the property to determine if acceleration and/or deceleration lanes are necessary and if new approaches are proposed, applicant must apply for and receive a county or state access permit.

4.2.2. Truck Route Review: Review the truck route plan and determine if adjacent roads have been engineered and built to handle heavy truck traffic without major deterioration to the roadway as determined by the Fremont County Public Works Director.

4.2.3. Safety Signage Review: Review public safety signage needs and/or adjust speed limits.

5. DESIGN AND RECLAMATION STANDARDS:

5.1. State and Federal Regulations: The applicant shall provide documentation (from the appropriate agency) that the proposed pit, mine, or quarry operation and proposed reclamation plans comply with federal and state regulations in regard to air and water quality and site reclamation.

5.2. Development Agreement Required: A development agreement approved by the board of County Commissioners is required of all gravel extractors and is an absolute standard for approval of an application. This development agreement will address requirements for on and off site road improvements, emergency services, water and wastewater protection and disposal, compliance with state and local noxious weed laws, and other relevant requirements imposed by the county as conditions of approval.

5.3. Letter of Credit for Value of Reclamation: Any development proposing restoration to a natural environment, including ponds, will deliver a Cash Deposit or Bond for the value of the certified engineered cost of the restoration work, and shall be referenced and noted as part of the development agreement signed with the county. The security posed with the State of Idaho may be counted as all or a portion of this required security if the amount is sufficient to cover the total value of the restoration plan.

5.4. Reclamation/Reuse Plan: Reclamation/Reuse plans are required by Idaho Code 47-1501, et. seq. The reclamation plan prepared for the Idaho Department of Lands must be submitted to the County as part of the application. Fremont County had additional mandatory standards from those required by the state. The Reclamation/Reuse plan for the gravel mine

shall show how the reclaimed site shall be suitable for a use permitted by the applicable comprehensive plan and zoning. Applicant may also request as part of their redevelopment or reuse plan, a zone change that would be conforming to the county comprehensive plan map. Said zone change must support and be integral to the proposed reuse.

Upon reclamation of the final phase, all temporary structures shall be removed from the property, except for property line fences or walls. Any contaminated soils shall be tested and then properly recycled or disposed.

5.5. Extraction in Buffers and Setbacks Adjacent to Like Use: Buffers may be mined so as to coordinate reclamation with an adjoining existing gravel extraction site. Buffer extraction may be permitted when an approved reuse plan demonstrating a coordinated reuse between properties has been approved by the Planning and Zoning Commission. This may require amendment to the reclamation plan submitted to the State Department of Lands.

5.6. Reuse Plan Timetable: The reclamation/reuse plan for each phase shall be completed as soon as the subject area is depleted of resources, as defined in Idaho Code § 47-1511, or when allowed time has ended (whichever occurs first).

5.7. Buffering Standards: Gravel extraction is prohibited within 500 feet of any state highway system. Extraction, equipment movement, or stockpiling within the required setbacks is prohibited unless otherwise allowed elsewhere in this section. The tops and toes of cut and fill slopes shall remain outside the required yards. All buffers shall be compliant with those outlined in Appendix K.

5.8. Ponds: For a pit, mine, or quarry where the excavation area results in a pond, the following standards shall apply:

5.8.1. Meandering Edge: The extraction areas shall be designed to create a meandering edge.

5.8.2. Fish and Game Coordination: The applicant shall provide written documentation from Idaho Department of Fish and Game that the proposed pond is designed to create viable fish and/or wildlife habitat.

5.8.3. Public Health District Review: The applicant shall provide documentation from the Eastern Idaho Public Health District that the proposed pond shall not cause septic leach fields on abutting properties to fail.

5.8.4. Pond Defined: For the purposes of this section, a "pond" shall be defined as any pit, mine, or quarry area where the rehabilitation plan results in an area that contains water to within six feet (6') of the surface of the ground the whole year round and where the edges are re-vegetated with locally occurring plant and tree species.

5.9. Riparian Vegetation: A buffer zone of undisturbed riparian vegetation must be left. This buffer must be a minimum of seventy-five feet (75') from the annual high water mark.

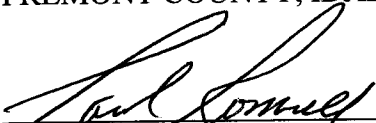
5.10. Best Management Practices: The applicant or owner should refer to "Best Management Practices for Mining in Idaho", published by the Idaho Department of Lands in development of the required reclamation and reuse plan.

6. EFFECTIVE DATE:

This ordinance shall be in full force and effect upon publication.

PASSED THIS 7th DAY OF December, 20~~19~~⁰⁹, BY THE BOARD OF COUNTY COMMISSIONERS OF FREMONT COUNTY, IDAHO.

BOARD OF COUNTY COMMISSIONERS
FREMONT COUNTY, IDAHO



PAUL ROMRELL, CHAIRMAN

ATTEST:



ABBIE MACE, COUNTY CLERK