

DIVIDE COUNTY

**APPLICATION FOR A CONDITIONAL USE PERMIT
MINING: SCORIA, GRAVEL, SAND, ROCK, STONE, CLAY**

PLANNING AND ZONING COMMISSION
PHONE: (701) 965.6361 • FAX: (701) 965.4370
300 N MAIN ST • PO BOX 49 - CROSBY, ND 58730

APPLICATION: _____

DATE ISSUED: _____ EXPIRES: _____

REVISED 4/2013

INSTRUCTIONS:

1. Include all necessary drawings or maps of the property to application
2. Return completed application and fees to the Land Use Administrator before proposed upcoming zoning meeting which is posted online

CERTIFICATE FEES, CHECK ALL THAT APPLY:

\$ 200.00.....Conditional Use Permit

Make Check Payable to: Divide County

TO THE DIVIDE COUNTY PLANNING & ZONING COMMISSION:

The undersigned owner or representative of the property herein described Requests a Conditional Use Permit to construct, operate, or maintain the following: (attach additional sheets if necessary)

Acreage to be Mined: _____ Estimated Cubic Yards of Aggregate: _____

LEGAL DESCRIPTION OF SITE:

Qtr/Qtr: _____ Section: _____ Township: _____ Range: _____

PARCEL NUMBER: _____ - _____ - _____ - _____

CURRENT ZONING: _____

APPLICANT INFORMATION:

Name: _____

Company or Corporation: _____

Mailing Address: _____

City, State Zip: _____

Phone Number: _____ Cell: _____

I the undersigned applicant for a permit do hereby attest that the information contained in this application is truthful and correct to the best of my ability. I certify that the owner of the property (if different from the applicant) has been notified of this request and is in agreement. I further agree to comply with all codes and standards as regulated by the State of North Dakota, and the requirements and conditions of this permit, and the Zoning Ordinance of Billings County. I understand that any inappropriate use of this permit may cause me to be required to pay a penalty.

I certify that I am the Property Owner Mine Operator

Signature of Applicant

Date

7.8.7 Excavation and Mining of Sand, Gravel, Rock, Stone, Scoria, and Clay

All mining and excavation sites shall be located so as to protect and preserve agricultural land and to minimize the traffic, noise, dust, fumes, vibration impact on adjoining uses, and disruption of known water sources. The provisions of this section shall not apply to any excavations for agricultural purposes or for uses requiring less than 5,000 cubic yards of aggregate.

An applicant for a conditional use permit to excavate or mine sand, gravel, rock, stone, scoria, or clay shall meet the following requirements:

- 1) Written evidence of reclamation agreement with the surface owner.
- 2) Evidence of written agreement between the applicant and adjacent property owner that excavation or processing shall not take place within three hundred (300) feet of an adjacent property line. or within five hundred (500) feet of an existing residence unless otherwise agreed.
- 3) Evidence of written agreement between the applicant and any adjacent residents that excavation or processing shall not take place within five hundred (500) feet of an existing residence unless otherwise agreed.
- 4) Evidence of meeting all site approval requirements. All excavation sites require approval by the County Commission.
- 5) Data Submission Requirements:
 - a) A site plan for operation and reclamation of the mined land including maps showing the location of the land to be mined, location of roads and points of access to the site, adjacent residences within one mile of site, maps showing the existing and proposed contours after the land is mined and a time table for operation of the site. There will be a minimum 1-to-3 slope. All top soil shall be replaced and planted to natural protected vegetation.
 - b) Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned or closure of the operation of the site.
 - c) Proof of compatibility with the existing landform including the vegetation, surface, and ground water resources.
 - d) A surety or cash bond or other financial instrument must be posted for 150% of the total cost of improvements and anticipated reclamation costs.
- 6) Rock crushers shall be considered accessory to sand and gravel operations, provided that the material used and processed by said crusher is limited to that found on the site of the operation.
- 7) Approval of a conditional use permit DOES NOT authorize any form of temporary housing or dwelling on site.
- 8) Any additional information deemed necessary by the Planning and Zoning Commission shall be provided before the application for sand and gravel operations is approved.

6.4 HIGHWAY & LOT LINE SETBACK REQUIREMENTS:

All buildings or structures shall adhere to the following public road or highway setback requirements:

- 1) The minimum setback for buildings from the centerline of all section lines and the center line of county roads shall be one hundred three (165) feet.
- 2) The minimum setback for buildings from the centerline of all state highways shall be two hundred fifty (250) feet.

TO BE COMPLETED BY THE LAND USE ADMINISTRATOR

Is the proposed use openly permitted in the Zoning District in which it is proposed? Yes No

If not, mark appropriate box(es): Conditional Use Variance Rezoning

Recommendation by County Road Foreman: Approve Deny With Conditions, see attached

Recommendation by County Weed Board: Approve Deny With Conditions, see attached

Zoning Administrator Signature _____

Date _____

ACTION BY THE COUNTY PLANNING & ZONING BOARD & BOARD OF COUNTY COMMISSIONERS

Approved Denied by Zoning _____ Approved Denied by County Commission _____

Conditions Attached to this Permit: _____