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**MADISON COUNTY
ORDINANCE 509**

**AN ORDINANCE AMENDING, MADISON COUNTY CODE CHAPTER 117-62 (c)
CONDITIONAL USE PERMIT REQUIREMENTS, UNDER SATURATION (4),
AMENDING THE SATURATION PORTION OF THE COUNTY'S GRAVEL PIT
REGULATION, OF THE MADISON COUNTY CODE AND ESTABLISHING AN
EFFECTIVE DATE HEREON.**

WHEREAS Madison County may amend its adopted codes or provisions from time to time; and,

WHEREAS the Madison County Planning and Zoning Commission held a public hearing on or about the 11th day of June 2025 and the 25th of June at the Commissioner's room located in the Madison County Courthouse, Rexburg Idaho, to amend the saturation restrictions from the County's gravel pit regulation as outlined in Madison County Code 117-62 (c) (4) which reads:

Saturation. The maximum amount of active mining in the county shall not exceed 10 percent of any given section where the maximum amount of any mining the contractor/company shall not exceed 2 percent of the total given section. The limit of the maximum active mining space per gravel pit shall be 12.8 acres, no matter how many sections the property is in. (2 percent equals the 12.8 acres.) within the zone in the Madison County Unified Development Code.

WHEREAS, on or about the 14th day of July 2025, the Madison County Planning and Zoning Commission recommended to the Board of Madison County Commissioners to approve the amendment of section 117- 62 of the County's gravel pit regulation as outlined.

WHEREAS the Madison County Board of County Commissioners accepted and adopted the Madison County Planning and Zoning Commission's recommendations to AMEND section 117-62 in the Madison County Unified Development Code on or about the 14th day of July 2025.

WHEREAS Madison County, having considered submitted comments and testimony from the public, having determined that it is in the best interest of the public to adopt this proposed amendment to Madison County Code; and,

WHEREAS the Madison County Board of County Commissioners now desire to adopt this ordinance to reflect these changes as seen in Appendix A.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MADISON COUNTY, IDAHO, AS SEEN IN APPENDIX A, within the Madison County Unified Development Code have been adopted hereon.

PASSED AND ADOPTED THIS 14th day of July 2025.

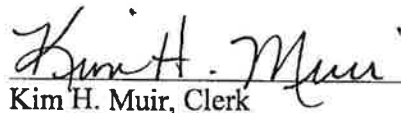
BOARD OF COMMISSIONERS
MADISON COUNTY, IDAHO


Todd Smith, Chairman


Brent Mendenhall, Commissioner


Dustin Parkinson, Commissioner

ATTEST:


Kim H. Muir, Clerk

APPENDIX A

Sec 117-62 Gravel Pit Overlay Zone (GPO)

1. *Scope and purpose.* This section applies to the Gravel Pit Overlay Zone (GPO). The purpose of this section is to provide guidelines and requirements for the development and utilization of identified deposits of gravel and sand and their subsequent extraction on lands within the county; to provide for the protection of the public health, safety, and welfare of its residents from adverse effects of such development; conserve the natural beauty and resources; aid in the protection of wildlife, domestic animals, aquatic resources; and reduce soil erosion.
2. *Applicability.*
 1. A Gravel Pit Overlay Zone shall be applied to any approved gravel pit subject to the regulations in all zones in the county and as provided in section 117-51, land use table. The Gravel Pit Overlay is a Zone where all gravel pit mining would be temporarily allowed during the operation and reclamation period. As soon as the reclamation is completed this Gravel Pit Overlay Zone would no longer be in effect. The Gravel Pit Overlay means an additional designation that temporarily restricts the uses or development standards within a zone. All gravel pits mined for making concrete or producing aggregate for construction projects require a conditional use permit (see chapter 101, article V, conditional use permit). The mining of aggregate for use on-site to construct roadways and/or to develop landscaping will not require a permit.
 2. The developers of small gravel pits (see section 101-2 for definition), may be required by the commission to meet any or all of the requirements contained in the following section. Each small developer's project shall be determined on location and proximity to and type of development that surrounds it. Requirements shall be determined and set by the commission to protect surrounding property owners.
3. *Conditional use permit requirements.* For the basics of a conditional use permit see chapter 101, article V, conditional use permit. The following are additional, but not limiting considerations:
 1. Current zoning of property.
 1. Determine what the underlying zone designation is.

2. Floodplain. Applicant must have a floodplain determination and a map showing where the high-water mark is, as identified in the Floodplain Overlay Zone, section 117-63. The developer must show the line on the map 200 feet from the high-water mark. Gravel pit mining must also be FEMA floodplain compliant.
3. Grandfathering is any use that existed prior to the adoption of the ordinance from which this section of the Unified Development Code is derived. Any expansion of an existing use that would require the rezoning of a parcel or purchasing additional real property shall require compliance with this section.
2. Unique and ecological areas must be shown to the commission/board.
3. Groundwater protection. No gravel pit mining shall excavate materials below the water table/groundwater unless specifically permitted as part of the gravel pit mining approval. Mining below the water table will require the implementation of a professionally prepared plan for the 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 time. This plan shall be reviewed by the commission/board with technical assistance from the state Department of Environmental Quality (DEQ).
- ~~4. Saturation. The maximum amount of active mining in the county shall not exceed 10 percent of any given section where the maximum amount of any mining the contractor/company shall not exceed 2 percent of the total given section. The limit of the maximum active mining space per gravel pit shall be 12.8 acres, no matter how many sections the property is in. (The 2 percent equals the 12.8 acres.)~~
5. Saturation Analysis. Provide a map of the proposed location, with a 1-mile buffer around the subject property. The map should show:
 1. any active gravel mining within the 1-mile radius from any mining company, including acreage of current mining operations.
 2. Any reclaimed gravel mines (including acreage) within the 1-mile radius from any mining company.
 3. Any residential properties within a 1-mile radius.

4. Any schools, hospitals, care facilities, churches, commercial, or industrial land uses within 1-mile radius.
6. Phasing/Staging Plans. Provide a plan that represents any phasing and/or staging for operation of the mine during it's lifecycle. For example, how many acres of active mining is planned for any given time, when will mined out areas be reclaimed, locational staging (what areas will be mined first, second, third, etc....), total acreage anticipated to be mined on the site, acreage of areas to be used to support mining operation (stockpiles, crushing, parking, office/restroom/shop areas, etc....
7. Setbacks.
 1. Setbacks to the beginning of excavation shall be a minimum of 105 feet from the centerline of a designated county road and 75 feet from the surveyed right-of-way of any state highway.
 2. There shall be a minimum of 30 feet setback from nonresidential property lines or 300 feet from any residential living space or 200 feet from any residentially taxed property line, whichever is the greater distance.
8. Operation; hours/days.
 1. Crushing only.
 1. 7:00 a.m. to 7:00 p.m., Monday through Friday.
 2. Saturday work may be allowed for short periods of time with hours running from 9:00 a.m. to 6:00 p.m. Contractor must show proof of a special need to run with a pit operation extension of days or hours. A fee of half of the conditional use permit will be charged for each application and only 5 such applications for extensions may be filed per pit.
 3. No Sunday or federal holidays work will be permitted; and
 4. A new conditional use permit must be obtained for each project that exceeds the application limit of the original conditional use permit.
 2. Operation hours (all other operating activities, except crushing).
 1. December 1—March 31.

1. 7:00 a.m. to 7:00 p.m., Monday through Friday.
 2. No Saturday, Sunday or federal holiday.
2. April 1—November 30.
 1. 7:00 a.m. to 7:00 p.m., Monday through Friday; 9:00 a.m. to 1:00 p.m., Saturday.
 2. No Sunday or federal holiday.
9. Buffering. The goal is to minimize visual impact, noise, dust and light pollution.
 1. Perimeter landscaping shall be required along public roads and all residential properties lines.
 2. Landscaping shall be installed and maintained with an approved watering system in a buffer area consisting of 4 rows of an approved tree system that must be made up of 1 row of bush type plants, 2 rows of fast-growing trees and 1 row of evergreens. This landscaping must be maintained during the development, operation and reclamation process. The required tree system shall be established for at least 3 years before the mining operation commences. If trees used in the buffering zone are established and of a height of 12 feet for 1 row of fast-growing type trees and 3 to 4 feet for the slower growing trees the developer can start at that time.
 3. Rows of trees must be spaced at 10 feet apart between the bushy plant and fast-growing trees and 10 feet between each of the fast-growing tree rows and 20 feet between the evergreen and the fast-growing tree rows.
 4. Each row of trees must be staggered from the previous row and plant spacing in each row shall be 10 to 15 feet between trees.
 5. The first row of approved buffering shall be installed within 20 feet of the county road right-of-way or state road right-of-way.
 6. Proof of sufficient water rights to maintain buffering trees and area must be presented at the time of the application for the conditional use permit.

7. A plan to control noxious weeds must be submitted, installed and maintained at the time of the sketch plan. The plan must be approved and periodically reviewed by the county weed department.
8. Buffers may be crossed by access driveways, utility lines, sidewalks, and pedestrian trails. A sidewalk or pedestrian trail may also run the length of the buffer, with its width up to a maximum 5 feet, being included in the required buffer width. Buffers may also include permitted signs.
10. Berm. The berm may be optional, except next to areas of residentially zoned lands or next to existing homes. The berm option must be submitted at the time of the sketch plan. The berm is to act as a shield for visual/sound impact and to be used to store topsoil that will be used for reclamation. The berm must be maintained during the entire operation of the gravel pit.
 1. The berm must be tapered at a maximum of 4 feet horizontal to 1 foot vertical (4:1) on the offside of the pit to allow for landscaping and prevent soil erosion.
 2. The berm shall be of sufficient height to screen, from view, the crusher and screens from the homes and local roads of adjacent properties.
 3. The berm shall be seeded with appropriate plants, or native grasses that will stabilize the slopes and reduce blowing dust and must be kept free of noxious weeds.
 4. An irrigation system shall be required to maintain vegetation.
 5. The berm requirement may be deleted if the perimeter buffer is of adequate size to perform as the visual buffer and is acceptable to all abutting residences.
11. Road capacity and traffic. The contractor must submit a copy of the written approval from both the county road department and the state Department of Transportation. The letters of review listed below must be submitted at the time of application.
 1. 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 shall be the responsibility of the applicant and will be made part of a contingency plan before the county road department and the state Transportation Department will process the applicant's permit application. Contractor shall be responsible for any damage.

2. The county road department and state Transportation Department shall:

1. Review all entrances and exits to the property;
2. Determine if acceleration or deceleration lanes shall be needed;
3. Review the number of approaches planned and if new approaches, they must have a county approach application and pay the fees for such;
4. Review emergency exits;
5. Review the truck route plan; and
6. Review and/or adjust the speed limits.

12. Dust. Contractors must follow all federal and state guidelines in regards to air quality standards.

1. Contractors shall implement a plan that will substantially control blowing dust into adjacent areas from the beginning of operations through reclamation.
2. The minimum requirements will be to Department of Environmental Quality (DEQ) standards.
3. Reasonable neighborhood complaints about dust must be filed with the administrator, who will address the issue after reviewing the application for the permit. The administrator may require the contractor to use additional dust control measures.

13. Stockpile.

1. Measuring from the existing ground level, stockpiles shall not exceed 25 feet in height.

~~2. In the beginning of the operation, the developer may use an additional 2 acres above the 12.8 acres to store material. This will be allowed for the first 6 months.~~

3. A variance may be issued for a higher stockpile for pits having a contract for a maximum of 6 months.
4. Location must be inside the berm.
5. Stockpiles shall be watered, as needed, to control dust.

14. Water.

1. An appropriate amount of water rights must be acquired to ensure proper maintenance of landscaping. Contractors shall show proof of water rights at the time of application.
2. If there is standing water on site that creates a mosquito breeding environment, contractor must make arrangements with the county mosquito abatement department to test and treat the standing water, if necessary.
3. Shall show a copy of the EPA stormwater runoff permit.

15. Utilities. Review of the requirements shall be on a case-by-case basis by the administrator.

16. Lighting.

1. All on-site lighting shall be designed to comply with chapter 107, article II, night sky.
2. Lighting shall be off during night hours or when the operations are not in use, except for security lighting.

17. Signage. The number and types of signs allowed shall be in compliance and approval with chapter 113, signs.

18. Equipment storage. Areas where equipment is stored shall be constructed and maintained to prevent chemicals from discharging into surface waters or groundwaters. Such chemicals shall include, but not limited to: petroleum products, antifreeze, and lubricants.

19. Parking required. The approved site plan shall include adequate parking and loading areas to accommodate the peak number of vehicles.

20. Prohibited use of site. The site shall not be used as a junkyard, automobile wrecking yard, impound yard or nonreclaimable waste storage site.
21. Fencing. If security fencing is desired, see section 101-2, definitions, under security fence.
22. Reclamation. Goal: Gravel mining is viewed as a temporary use to be followed by another land use that is compatible with the surrounding landscape. This may include agriculture and forestry uses, fish and wildlife habitat, recreation areas or urban building sites. The most successful reclamation occurs when gravel pits are no longer recognizable as former mining areas. Progressive reclamation shall begin as outlined within this section in an effort to limit the exposure of the county in the event of default and to maintain public relations.

1. Minimum standards.

1. The county requires that the contractor submit for approval, prior to the issuance of the conditional use permit, a detailed plan for reclamation including:
 1. The intended reclaimed use of the land;
 2. Design drawings depicting the finished appearance; and
 3. The integration of the operation of the mine and reclamation along with any other pertinent information to allow the county to analyze its adherence to this section and the overall goals of the county.
2. A minimum of 18 inches of topsoil must be retained on site for reclamation. In the event the existing ground does not have at least 18 inches of topsoil, all topsoil must be retained.
3. Bond or performance guarantee shall be posted by the land owner with the county to cover the estimated costs of reclamation as determined by the developer/contractor and shall provide supporting documentation for the estimated cost. If bonding with the state is equal to or greater than the estimated cost proposed to the county, then the state bond cost may be deemed sufficient as a guarantee. The dollar amount needed to be posted with the state shall be in the conditional use permit application.

4. The bond or performance guarantee shall be received by the administrator within 30 days of the approval of the conditional use permit by the board and prior to the opening of gravel pit mining. The performance guarantee (see section 101-2, definitions), if needed, will have the county listed as joint owner. The performance guarantee shall be in an amount needed to cover the difference between the state bond and the reclamation costs as determined by the owner/developer and accepted by the board. It shall be subject to review and adjustment by the administrator at the end of a 1-year period.

~~5. Reclamation shall begin at the end of 3 years from the start of mining or as soon as the first 12.8 acres have been mined. A conditional use permit extension may be applied for in increments of 1 year each. A fee of half of the conditional use permit will be charged and not more than 5 such extensions will be granted. (see crushing, subsection (c)(6)b of this section). In the case where reclamation includes a pond or wetland, mining shall begin closest to the edge where vegetation can be reasonably restored and maintained as part of the progressive reclamation process.~~

*****Comment – The terms of this section can be negotiated into the reclamation plan noted below, and can be done considering the site-specific conditions, operations, and details of the reclamation plan, rather than demanding a one-size fits all approach.*****

6. Reclamation shall be completed as **agreed upon by the administrator, board and applicant in an approved development plan within 1 year of the completion of mining.** Upon failure of any contractor to perform reclamation of the mining site within 1 year, as agreed upon in the approved site plan, the performance guarantee will be forfeited. The county shall use the funds to cover the costs of restoring the site and to pay for the administrative costs incurred in so doing. Any cost in addition to those covered by the performance guarantee shall be billed to the operator and a lien placed against the subject property. If

unpaid, the cost shall be collected in the same manner as delinquent taxes or as allowed by law.

7. Standards controlling reclamation.

1. Reclaimed areas shall not collect stagnant water;
2. Surface of such area which is not intended to be permanently submerged shall be graded or backfilled with the inert solids as described by the state, necessary to produce a surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area;
3. The banks of all excavation shall be sloped to the waterline in a water-producing excavation and to the pit floor in a dry operation at a slope which shall not be steeper than 4 feet horizontal to 1 foot vertical (4:1);
4. Vegetation shall be restored and maintained for 2 years by the appropriate planting of indigenous grasses, trees, or shrubs to establish a permanent vegetation cover on the land surface and to minimize erosion;
5. Any future owner will have to carry the same responsibility to finish the reclamation within 1 year. If transfer of the property occurs prior to 1 year, the new owner shall sign a letter of responsibility to finish the reclamation and said letter must be filed with the administrator.

2. Maintenance.

1. Slopes and surfaces shall be maintained as agreed upon in the development site plan and this section.
2. Erosion areas shall be filled and the surface restored.
3. Upon the start of reclamation any dead plants, that are part of the reclamation work, shall be replaced by the owner/developer. The owner/developer shall be responsible for all work for a period of 2 growing seasons after completion of reclamation.

4. An additional 3 acres, besides the active mining site, may be used as an area for stockpiling of mined material.
 5. Must comply with all federal, state and county standards.
 6. Subject to review on a case-by-case basis as noted in the sketch plan agreement.
3. Structures. Upon reclamation of the final phase, all temporary structures shall be removed from the property, except for property line fences. Soils shall be tested and properly recycled or disposed of if contaminated.

23. Enforcement.

1. Establish sunset period for construction, operation and reclamation.
2. Establish sunset period for removal of operations after a period of non-use.
3. Annually review the buffer system and any requirements placed on the gravel pit mining operation when the conditional use permit was issued.
4. Ensure all federal, state and county air and water quality requirements are maintained.
5. Ensure that the proper hours of operation will be maintained.
6. On-site inspections by the administrator for periodic review of reclamation during the life of the active gravel pit.
7. Ensure that the reclamation plan and process is being adhered to during the operation until the project is completed.
8. The county reserves the right to have the party responsible for the reclamation post a bond or performance guarantee above the state requirements for reclamation and show proof of ability to complete.
9. Establish an enforceable punishment for violations, such as fines, etc.
10. Liability issues must be addressed for any environmental damage after the pit is closed.

11. Any violations of any of the provisions of this section may void the conditional use permit and the owner will be subject to chapter 101, article VII, enforcement and penalties.

24. Review/renewal.

1. Once the conditional use permit has been issued by the board and mining/extraction has commenced and the administrator has done the yearly review for a period of 5 years, a public hearing for review of compliance will be held by the commission.
2. Prior to additional permits being issued for gravel extraction, all existing permits held by the applicant will be reviewed for compliance with the original approval conditions and progress reviewed on applicant's reclamation plans.

25. Conflicts with other sections. This section shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, bylaw, permit or provision of law. Where this section imposes a higher standard for the promotion of health, safety and welfare, the provision of this section shall prevail.

26. Approval of permits. The board shall approve or deny applications on which it is empowered to act, as stated in chapter 101, article V, conditional use permit. The board shall, after the submission of a completed application, including all the information requested and after review of the most recent compliance request and other available enforcement information with respect to the gravel pit mining in question; grant a permit if it makes a positive finding based on the information presented that the proposed gravel pit mining operations will:

1. Not result in unsafe or unhealthy conditions;
2. Not result in erosion or sedimentation;
3. Not result in water pollution, nor affect existing groundwater, springs, or ponds;
4. Conserve natural beauty in keeping with the restoration provision of this section;
5. Not adversely affect public ways; and
6. Not adversely affect surrounding properties.

4. *Application process.*

1. *Pre-application (sketch plan).*

1. A sketch plan conference shall be scheduled with the administrator prior to the application and the fee shall be paid (see section 101-15, fees). Such conference will require sufficient information for the administrator to make a determination of the viability of development, i.e., zone in which the development is located, location and distance from all residences, and the acreage in that section of land that are currently being mined.
2. Contractors shall submit a plan that includes the development, operation and reclamation.
3. Contractor shall show that the plans meet the standards set by the state Department of Lands and the county as set forth in this section.
4. Contractor must submit soil strata information to the planned depth of the mine where the mining shall take place.

2. *Pre-hearing process.* All contractors are strongly encouraged to host meetings with the surrounding property owners to discuss their plan for development, operation and reclamation of the gravel pit.

3. *Application.*

1. Show proof of ownership, have a signed lease, or intent to purchase upon approval of the conditional use permit.
2. Shall submit:
 1. Completed application for a conditional use permit;
 2. Must show density assignments by land type;
 3. A sketch plan specification and nature features analysis checklist;
 4. A reclamation plan for the whole project with drawings that show what the area will look like when finished;
 5. A plan for each phase of reclamation with drawings;
 6. A good faith estimated time for completion and compliance with the reclamation portion of this section;

7. Agencies shall submit evidence they have notified, by certified mail, and with cost invoiced to the developer the following agencies:
 1. Idaho Department of Transportation;
 2. County road department;
 3. Idaho Department of Lands;
 4. County mosquito and weed department;
 5. Any other affected ditch or canal company; and
8. Type of development whether large or small (section 101-2, definitions).

(Prior Code, title 10, § 4.13; Ord. No. 382, 9-26-2011)