

SUBJECT: Buffer Zones

DATE: November 1, 2001 - Revised 08/01/06

Legal Authority: 22-4-8

“The director shall not give approval to quarry within one hundred feet of any public road, stream, lake, or state, national or interstate park or other public property, and shall not approve the application for a permit where the quarry operation will cause adverse affects to these locations unless adequate screening and other measures approved by the director are to be utilized and the permit application so provides: Provided, That the one-hundred-foot restriction does not include berms, drainage control structures and ways used for ingress and egress to and from the minerals as herein defined and the transportation of the removed minerals, nor does it apply to the dredging and removal of minerals from the streams or watercourses of this state. The one hundred foot limitation may be waived only when the director, upon consideration of local land uses, finds that the land use of and near the permitted area will be significantly enhanced by an alternation of the topography within the one hundred foot barrier. Mineral removal shall be prohibited within twenty five feet of all property lines; Provided, however, That the twenty five foot setback area may, where appropriate, be used for tree planting, berms, visual barriers, vegetation, drainage structures, access right of ways or any other purposes approved by the director: Provided, further, That existing berms, barriers, stockpiles, roads and other structures in existence within the twenty-five foot set back prior to the effective date of this section may remain in place. The permittee must provide adequate revegetation within the setback, as is appropriate for the intended use.”

Note: The prohibitions of mineral removal within the 25-foot setback applies only to those areas mined after June 8, 2000.

The term “adequate screening” shall normally mean a vegetated dirt-and-rock barrier berm, fencing or tree screening, however, other screening methods may be considered. The permit application shall specify the type and method of screening. This may include the location, height, and cross-sectional area of such screens.

Legal Authority: 38-3-2.28 (definition)

“Screening means measures taken to minimize adverse impacts a quarry operation may have on aesthetics, the environment or the health, safety and welfare of the public.”

Legal Authority: 38-3-2.6 (definition)

“Buffer Zone means an undisturbed border along or around a public road, stream, lake, public park, or public or private property.”

Legal Authority: 22-4-14(k)

“The operator may, where appropriate, use visual screening methods such as berms, plantings, or fences which may be place within the buffer where conditions allow and where the site is readily visible to the general public.”

Consideration may be given to waiving the buffer zone requirement only if the application contains a specific plan which:

- (a) demonstrates that land use in the vicinity of the 100-foot zone will be significantly enhanced by an alteration of the topography in the vicinity, and
- (b) provides a detailed regrading and reclamation plan for the 100-foot zone