

EXHIBIT 18
DATE 2.16.05
HB 591

Conceptual Amendments To
HB 591

76-2-209. Effect on natural resources. (1) Except as provided in 82-4-431, ~~and 82-4-432,~~ and subsection (2), a resolution or rule adopted pursuant to the provisions of this part, except 76-2-206, may not prevent the complete use, development, or recovery of any mineral, forest, or agricultural resources by the owner thereof.

(2) The complete use, development, or recovery of a mineral by an operation that mines sand and gravel ~~and~~ or an operation that mixes concrete or batches asphalt may be reasonably conditioned or prohibited on a site that is located within a geographic area zoned as residential as defined by the board of county commissioners ~~are subject to the zoning regulations adopted under this chapter.~~

(3) Zoning regulations adopted under this chapter may reasonably condition, but not prohibit, the complete use, development, or recovery of a mineral by an operation that mines sand and gravel, and may reasonably condition an operation that mixes concrete or batches asphalt, in all zones other than residential.

NOTE: These same amendments will be made to District Zoning statues in ~~76-2-113~~