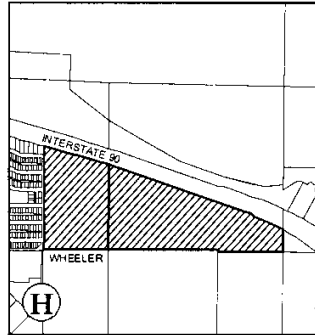


## RESOLUTION NUMBER 2012-005

**A RESOLUTION TO AMEND THE JTL SPECIAL DISTRICT ZONING FOR PROPERTY LEGALLY DESCRIBED AS ALL OF TRACT 1-A, CERTIFICATE OF SURVEY 4971, LOCATED IN SECTION 6 OF TOWNSHIP 13 NORTH, RANGE 19 WEST, P.M.M. (SEE MAP H), TO AMEND THE HOURS OF OPERATION TO ALLOW FOR LIMITED NIGHTTIME OPERATIONS FOR PUBLIC WORKS PROJECTS.**



**WHEREAS**, 76-2-201 M.C.A. authorizes the Board of County Commissioners to adopt zoning regulations; and

**WHEREAS**, the Board of County Commissioners did adopt zoning regulations for Missoula County through the passage of County Resolution 76-113, as amended; and

**WHEREAS**, 76-2-202 M.C.A. provides for the establishment and revision of zoning districts; and

**WHEREAS**, a request to amend the JTL Special District Zoning for the property legally described above was reviewed by the Missoula Consolidated Planning Board at a public hearing held December 6, 2011; and

**WHEREAS**, a notice of public hearing was advertised in *The Missoula Independent* on November 17, 2011 and November 24, 2011, and

**WHEREAS**, a hearing was held by the Board of County Commissioners of Missoula County on December 21, 2011, in order to give the public an opportunity to be heard regarding the proposed zoning amendment; and

**WHEREAS**, the Missoula Board of County Commissioners adopted Resolution No. 2011-134 on December 21, 2011, stating its intention to amend the Special District zoning for the property described above, to allow for limited night-time hours of operation for public works projects; and

**WHEREAS**, the Missoula Board of County Commissioners resolves to make a clear record that they conditioned the approval of the zoning to require the following:

1. The gravel pit operator shall notify OPG in writing prior to any operations occurring after 6:00 PM and before 7:00 AM. The notification shall include the contract with the public agency requiring the nighttime operations, the approved Missoula City-County Health Department permits, and the dates and hours for the nighttime operations for the specific contract.



2. During hours of operation after 6:00 PM or before 7:00 AM, the gravel pit operator shall provide the following notifications two weeks prior to commencement of nighttime operations: Written notice to any Home Owners Associations representing properties within 300 feet of the JTL Special District; written notice to the owner of the Westview Mobile Home Park; posted notice at a location visible from Wilkie Street adjacent to the west boundary of the JTL Special District and at a point visible from Wheeler Drive along the south boundary of the gravel pit.
3. During hours of operation after 6:00 PM and before 7:00 AM, all vehicles and machinery shall utilize white noise indicators rather than backup beepers, until hours of darkness, at which time strobing light warnings shall be utilized per OSHA requirements. In addition, any lighting installed for nighttime operations shall be shielded so that no light is emitted beyond the property; and

**WHEREAS**, a protest period was held for thirty (30) days after the first publication of the Resolution of Intent on December 29, 2011; and

**WHEREAS**, no protest petitions were filed by persons who own real property within the area proposed for rezoning;

**NOW, THEREFORE, BE IT RESOLVED** that the JTL Special District Zoning is amended for property described above to allow for limited nighttime hours of operation, subject to the conditions of approval noted above.


**ADOPTED THIS 14TH DAY OF FEBRUARY, 2012**

ATTEST:

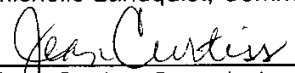
  
Vickie Zeier, Clerk and Recorder



BOARD OF COUNTY COMMISSIONERS  
MISSOULA COUNTY

  
Bill Carey, Chair

  
Michelle Landquist, Commissioner

  
Jean Curtiss, Commissioner