

RESOLUTION NUMBER 2004- 106

A RESOLUTION CORRECTING RESOLUTION NO. 2004-080 REZONING PROPERTY LOCATED AT 4815 MULLAN ROAD LOCATED ONE MILE WEST OF RESERVE (SEE MAP IN ATTACHMENT A), DESCRIBED AS PARCEL 1 BELOW, CONTAINING APPROXIMATELY 62 ACRES, FROM C-RR1 (RESIDENTIAL) TO THE JTL-ALLEN SPECIAL DISTRICT, SUBJECT TO CONDITIONS (LISTED BELOW) AND THE ATTACHED ZONING DISTRICT STANDARDS, LANDSCAPING, BERMING, FENCING, LIGHTING AND PHASING/SITE RECLAMATION PLANS.

DESCRIPTION OF PARCEL 1:

The E½ SE¼ and that part of the SE¼ NE¼ lying south of the Missoula-Frenchtown lower Road (Mullan Road) in Section 13, T13N, R20W, P.P.M. EXCEPT that parcel conveyed in Book 146 of Deeds at page 581.

ALSO LESS AND EXCEPTING those parcels conveyed in Book 41 of Deeds, page 11 and Book 41 of Deeds, page 286 and that parcel conveyed to the State of Montana by Final Order of Condemnation recorded in Book 273 of Micro, page 1388.

ALSO LESS AND EXCEPTING that portion of the NE¼ SE¼ of Section 13 lying south of that parcel described in Book 41 of Deeds, page 11 of records of Missoula County, Montana.

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 regulations; and,

WHEREAS, the Board of Missoula County Commissioners adopted Resolution No. 2001-094 on October 16, 2001 stating their intention to rezone the property described above from the zone classification of C-RR1 (residential) and replaced with the JTL-ALLEN SPECIAL DISTRICT (gravel pit).

WHEREAS, a protest period was held for thirty (30) days after the first publication of the Resolution of Intent on October 21, 2001; and,

WHEREAS, no protest petitions were filed by district freeholders.

NOW, THEREFORE, BE IT RESOLVED, that the property described above is hereby rezoned from C-RR1 (residential) to the JTL-ALLEN SPECIAL DISTRICT, subject to the following conditions:

1. Section 6.11 The JTL-ALLEN SPECIAL DISTRICT shall apply to Parcel 1 (described above), except that asphalt batching shall not be permitted in this district.

2. JTL shall prepare and provide for OPG final plans consistent with the proposal in the application packet to attach to the zoning resolution regarding landscaping, berming, fencing, phasing and site reclamation.
3. The developer shall prepare a lighting plan to be reviewed and approved by OPG, prior to issuance of a Zoning Compliance Permit (*plan details are on file at OPG*). All lighting shall be shielded so that all light falls within the property boundary and does not glare laterally or upward.
4. Landscaping of the Mullan Road berm shall be in accordance with Missoula County's Primary Travel Corridor landscaping standards in Section 3-14(3)(A) of the Missoula County Subdivision Regulations. All perimeter landscaped berms shall maintain a minimum eight foot (8') height above grade and shall be planted with a combination of deciduous and evergreen trees.
5. Prior to adoption of the zoning resolution, the developer shall post a performance bond to guarantee the construction of berms and installation of all landscaping, to be completed prior to beginning Phase 1 excavation, as required by this special district.
6. The western side of the area of rezoning may be fenced with a six foot high chain link fence and along the railroad grade, in compliance with Missoula County Floodplain Regulations.

PASSED AND ADOPTED THIS 21<sup>st</sup> DAY OF SEPTEMBER, 2004.

ATTEST:

VICKIE M. ZEIER, Missoula County Clerk

By Barbara Evans

Vickie Zeier  
Clerk and Recorder

BOARD OF COUNTY COMMISSIONERS  
Missoula County, Montana

Barbara Evans  
Barbara Evans, Chair

Bill Carey  
Bill Carey, Commissioner

Jean Curtiss  
Jean Curtiss, Commissioner

APPROVED AS TO FORM AND CONTENT:

Michael J. Smith  
County Attorney



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Page: 2 of 12  
09/23/2004 03:46P  
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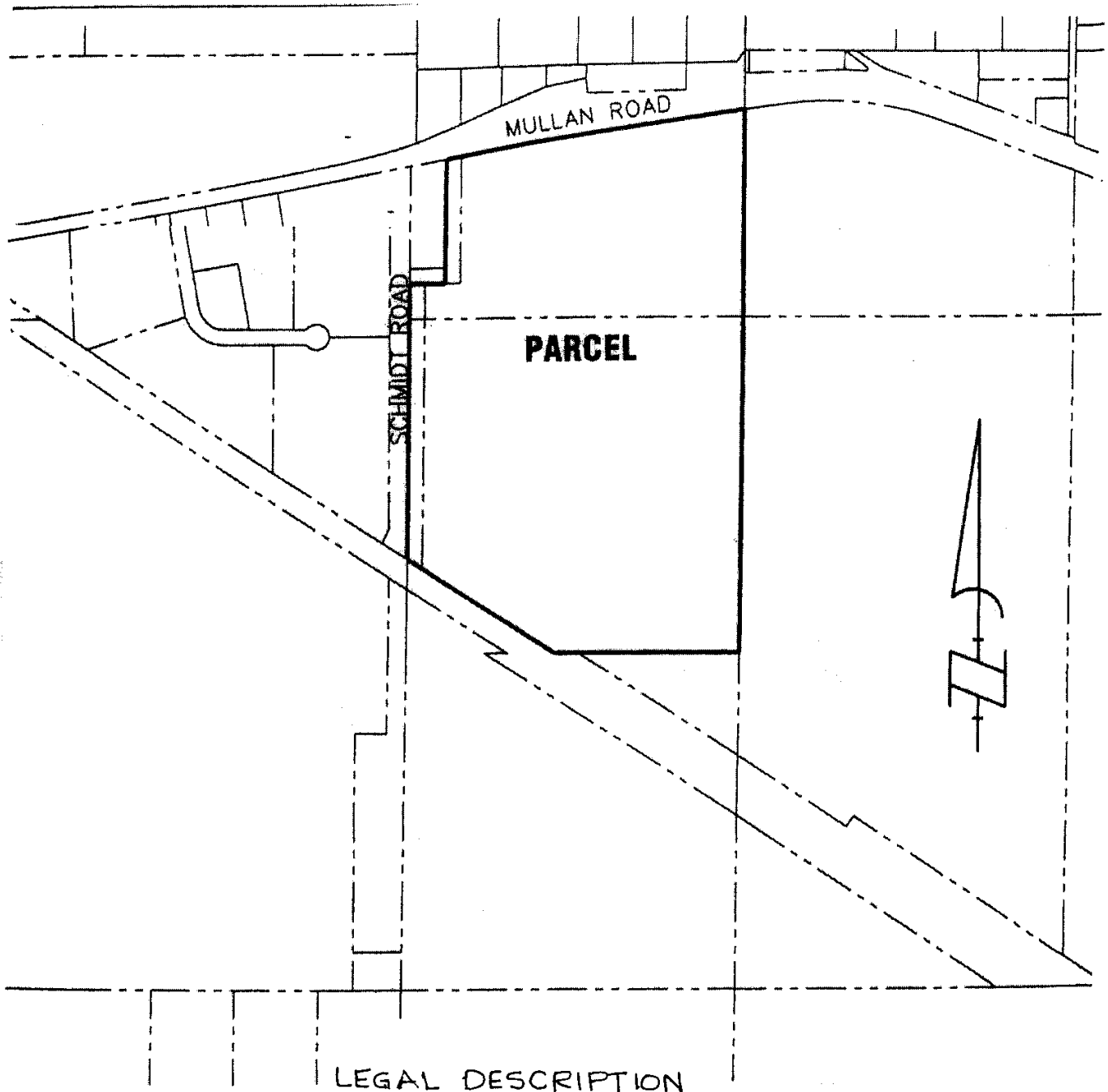


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Page: 3 of 12

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Attachment **A**LEGAL DESCRIPTION

The E1/2 SE1/4 & that part of the SE1/4 NE1/4 lying South of the Missoula-Frenchtown Lower Road (Mullan Road) in Section 13, Township 13 North, Range 20 West M.P.M. except that parcel conveyed in Book 146 of Deeds at Page 581. Also less and excepting those parcels conveyed in Book 41 of Deeds at Page 11 and Book 41 of Deeds at Page 286 and that parcel conveyed to the State of Montana by Final Order of Condemnation recorded in Book 273 of Micro at Page 1388. Also less and excepting that portion of the NE1/4 SE1/4 of Section 13 lying South of the parcel described in Book 41 of Deeds at Page 11 records of Missoula County, Montana. This parcel contains approximately 62 acres.

**SECTION 6.11 - JTL ALLEN SITE SPECIAL DISTRICT: NATURAL RESOURCE RECOVERY AND PROCESSING**

A. Intent

This classification allows the use of land for sand and gravel extraction and processing. This district recognizes the importance of sand and gravel and their byproducts to the community. This district provides for performance standards to mitigate potentially negative impacts to adjoining property.

B. Space and Bulk Requirements

Minimum Lot Area	None
Minimum Required Yard for Structures, Equipment and Storage*	
-Front	100 ft.
-Side	100 ft.
-Rear	100 ft.

\*In addition, resource processing equipment such as screening plants, crushers, and concrete and asphalt batch plants shall be located no closer than 500 feet from any existing residential zoning district.

Maximum Building Height	Not to exceed 35 feet, except for mineral processing equipment.
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C. General Standards

1. See Supplementary Regulations - Chapter III.
2. Phasing.

This district contains an operational plan consisting of preliminary site improvements, Phase I and Phase II excavation and operations, and reclamation, with a projected lifetime of the gravel extraction of at least fifty years. Unless otherwise specified in these district regulations or in conditions of rezoning approval, this district does not set specific time frames for allowed uses and activities. All other time frames specified within the phasing plan are projections and not required to be followed.

Preliminary site improvements shall occur prior to issuance of a Zoning Compliance Permit. These improvements include site clean-up, landscaping, buffering, fencing and road construction.

Phases I and II and the reclamation are depicted in the attached maps.

3. Landscaping and Buffering.

The use of the site for any purpose other than agriculture shall require screening and buffering from residential districts and public roadways. Such screening and buffering may consist of a combination of earthen berms, landscaping and fencing. The plan shall contain provisions for the maintenance of the screening and buffering. A landscaping plan shall be submitted to and approved by the zoning officer prior to issuance of a zoning compliance permit.

The screening and buffering shall be installed prior to the commencement of mining or processing on the site. The zoning compliance permit shall contain provisions for bonding of screening and buffering improvements.

4. Air Quality.

Haul roads from the site to the public right-of-way shall be paved. Operations within the property shall meet the requirements of the MCCHD.

5. Hours of Operation.

Hours of operation for crushing shall be limited to the time between 7:00 AM and 6:00 PM.

D. Permitted Uses

Sand and gravel extraction.

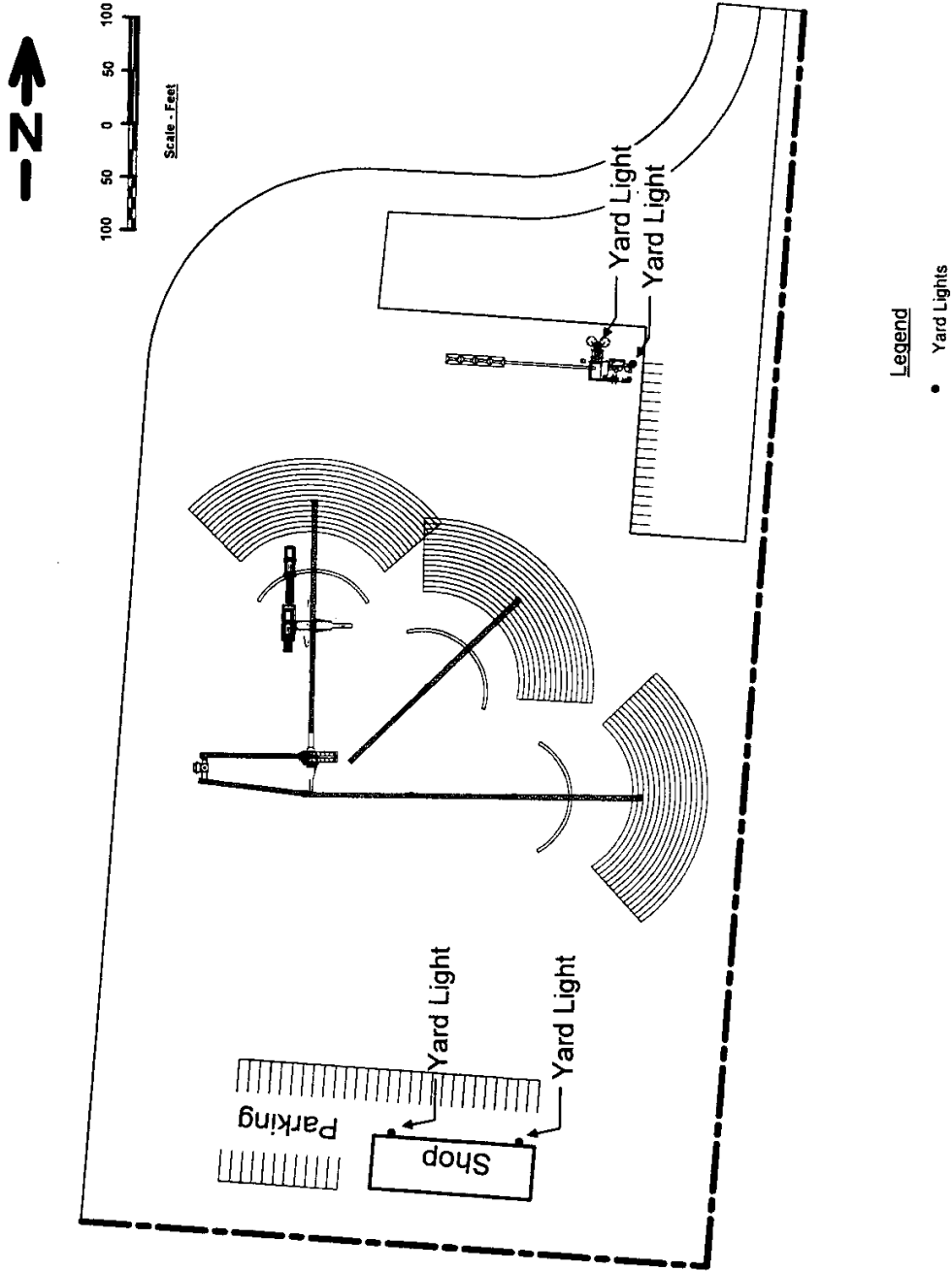
Facilities for the complete storage, processing and manufacture of sand and gravel products such as screening, crushing, concrete ~~and asphalt~~ batch plants including all structures or buildings needed to pursue such activities.

Concrete products manufacturing and storage.

Agriculture, including any and all structures or buildings needed to pursue such activities.

Business office and shops associated with the primary use of the property.

Accessory buildings and uses.



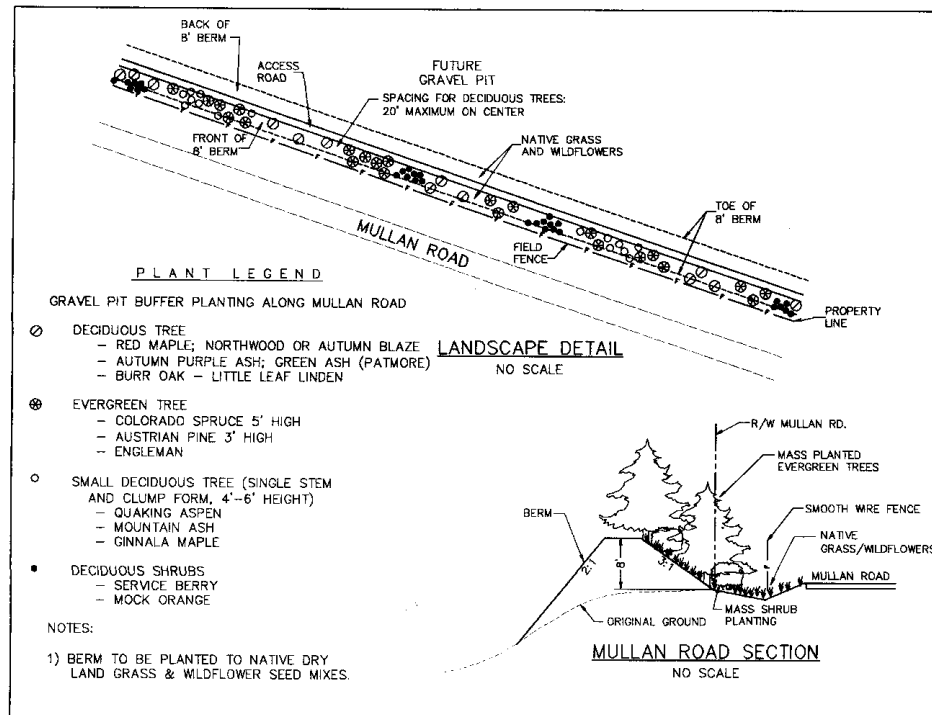
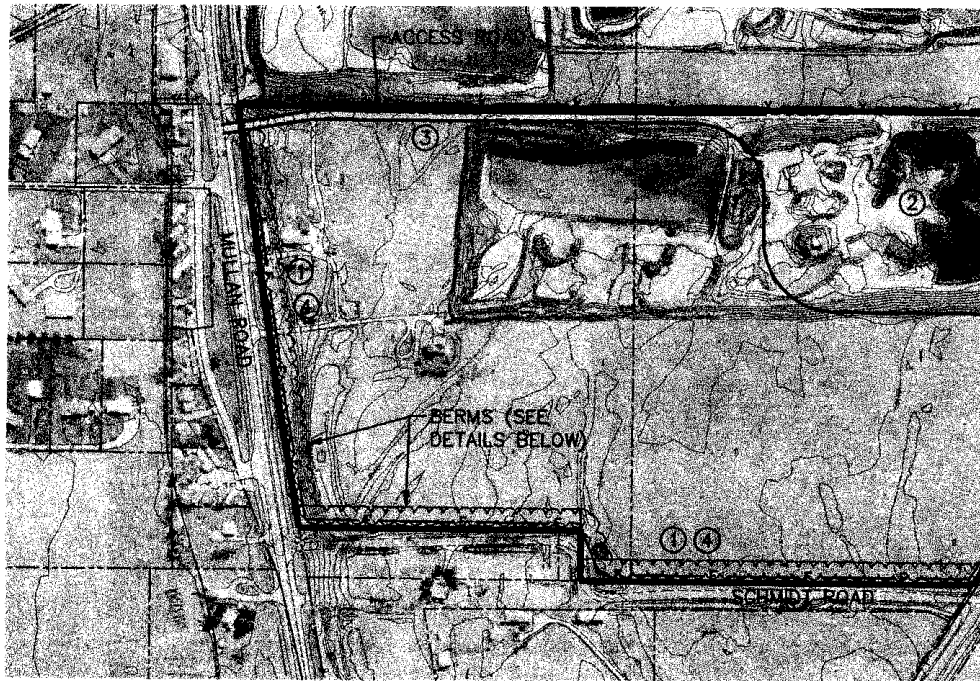
## Staging and Processing Area Lighting Plan



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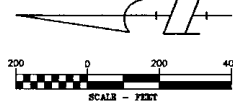
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Page: 6 of 12  
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Attachment D-1

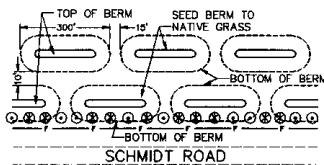


#### LEGEND

- LANDSCAPED BERM
- EXISTING FENCE
- PROPOSED 4' HIGH SMOOTH WIRE FENCE WITH 4 STRAND

#### NOTES:

- 1) TREES SHOWN AT 3/4 OF EVENTUAL SIZE.
- 2) ALL DIMENSIONS ARE APPROXIMATE.
- 3) RIGHT-OF-WAY BETWEEN PRIVATE PROPERTY LINES & EDGE OF PAVEMENT, & BERMED AREAS SHALL BE MAINTAINED & KEPT IN A WEED-FREE CONDITION IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE MISSOULA COUNTY WEED BOARD.
- 4) MINIMUM ONE TWO-INCH (2" CALIPER) TREE OR VERTICALLY BRANCHING FIVE (5) GALLON SHRUB PER 30' OF FRONTAGE.
- 5) ALL TREES & SHRUBS TO BE DRIP IRRIGATED, MAINTAINED LAWN AREAS WILL HAVE UNDERGROUND IRRIGATION. THE IRRIGATION SYSTEM, WITH BACKFLOW PREVENTION, SHALL BE INSTALLED AND MAINTAINED BY THE PROPERTY OWNER.
- 6) AVOID OVERHEAD/UNDERGROUND UTILITIES DURING PLANTING, ENSURE FUTURE GROWTH OF TREES DOES NOT CONFLICT WITH OVERHEAD/UNDERGROUND UTILITIES.
- 7) PRIOR TO PLANTING IN THE RIGHT-OF-WAY, OBTAIN THE PROPER PERMITS FROM THE AGENCY WHOSE JURISDICTION OF THE RIGHT-OF-WAY IS HELD. THE OWNER SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE LANDSCAPING.
- 8) BERMED AREAS TO BE PLANTED WITH NATIVE DRY LAND GRASS SEED MIX.
- 9) WILDFLOWERS TO BE PLANTED IN MASSES, DOTTED THROUGHOUT THE BERMED AREAS. WILDFLOWER SEED MIX TO BE INTRODUCED ONCE GRASS IS ESTABLISHED AND WEEDS CONTROLLED.



#### LANDSCAPE DETAIL

NO SCALE

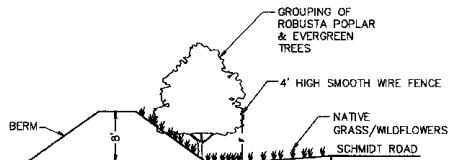
#### PLANT LEGEND

GRAVEL PIT BUFFER PLANTING ALONG SCHMIDT ROAD

- ① EVERGREEN TREE (3' HEIGHT)
  - PONDEROSA PINE
  - DOUGLAS FIR
- ② ROBUSTA POPLAR (6' HEIGHT)

#### NOTES:

- 1) BERM TO BE PLANTED TO NATIVE DRY LAND GRASS & WILDFLOWER SEED MIXES.
- 2) SAVE EXISTING HEALTHY TREES & SHRUBS ON SCHMIDT LANE WHENEVER POSSIBLE.



#### SCHMIDT ROAD SECTION

NO SCALE

#### PHASE 1

- ① CONSTRUCT BERMS ON THE NORTH AND WEST SIDES OF THE PROPERTY AS SHOWN.
- ② CONSTRUCT STAGING AND PROCESSING AREA.
- ③ PAVE ACCESS ROAD.
- ④ INSTALL FENCING.

REVISION: 09/02/04 - REVISED TITLE AND NOTES AND ADDED AERIAL PHOTOGRAPH.  
 REVISION: 12/10/03 - REVISED SPECIES AND SPACING OF BERM.  
 REVISION: 12/12/02 - REVISED MULLAN RD SECTION AND LANDSCAPE DETAILS.

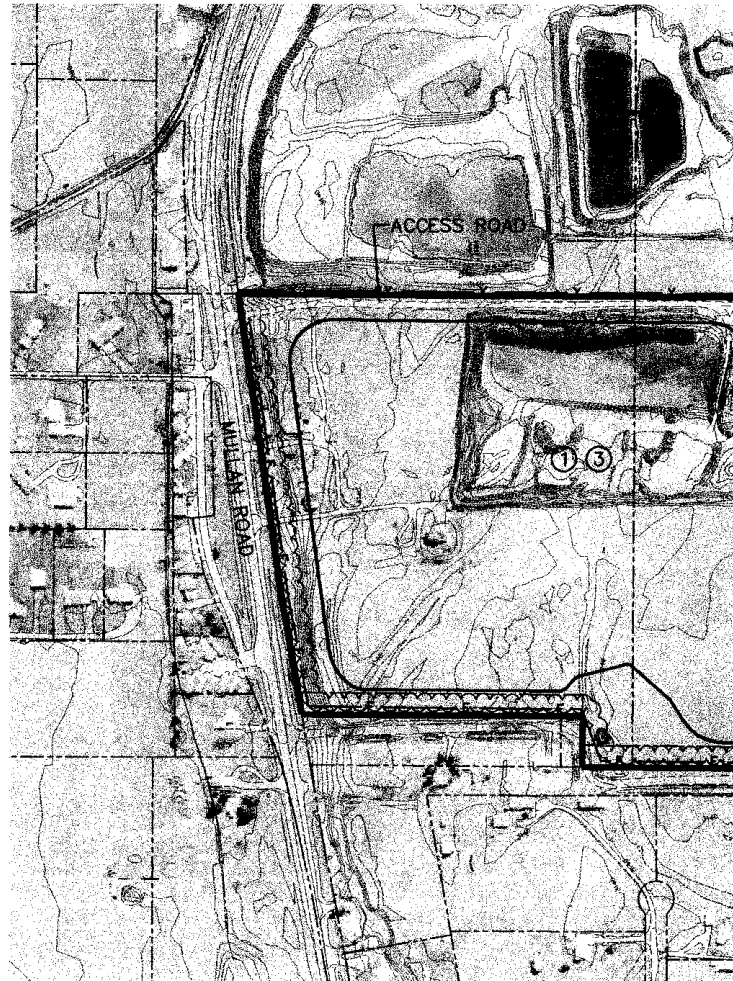
#### PRELIMINARY SITE IMPROVEMENTS - PHASE 1 MISSOULA COUNTY, MONTANA

**WGM GROUP, INC.**  
 ENGINEERING • SURVEYING • PLANNING  
 5021 Palmer • (406) 728-4611  
 P.O. Box 16027 • Missoula, MT 59808

PROJECT: 00-08-12  
 FILE No: 000812R22.DWG  
 SURVEYED: ---  
 DESIGN: ---  
 DRAFT: CEG/AMS  
 APPROVE: NPK  
 DATE: AUGUST 6, 2001

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 Page: 8 of 12  
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PHASE 2

- ① EXCAVATE TO WATER TABLE ELEVATION.
- ② BRING IN CRUSHING, WASHING, AND CONCRETE BATCH PLANTS.

PHASE

- ③ EXCAV/ AND B

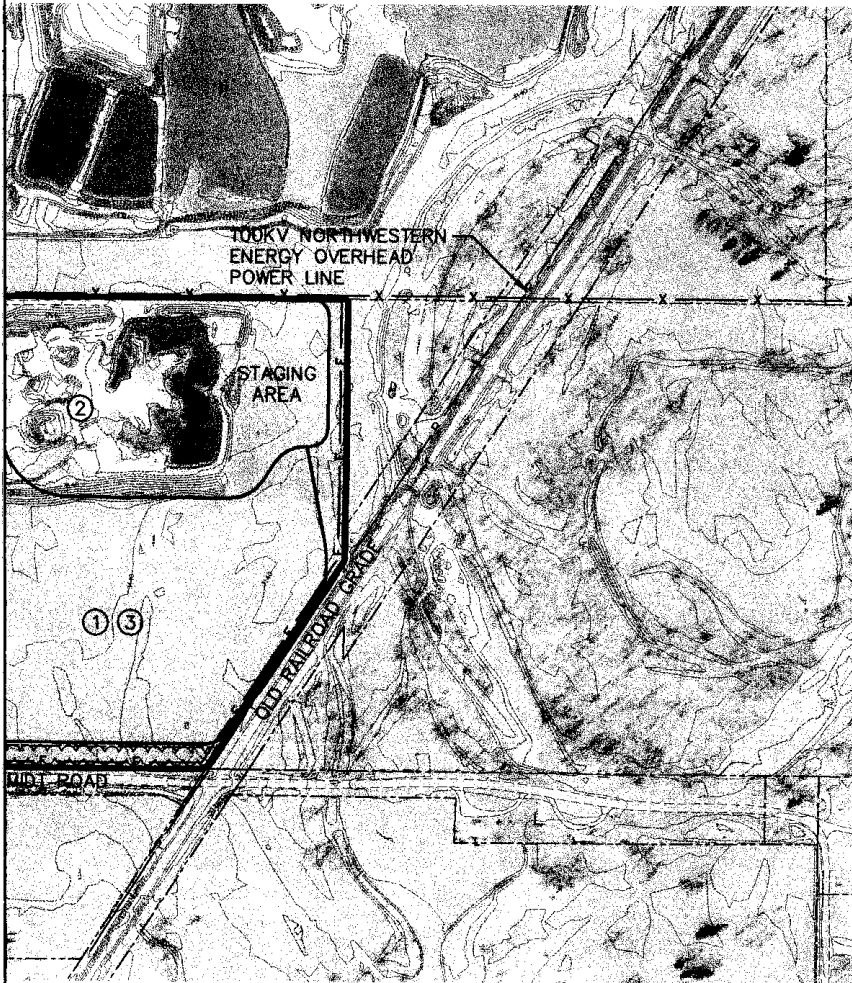


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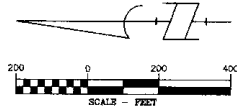
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Page: 10 of 12  
09/23/2004 03:46P  
Bk-740 Pg-531

Attachment D-2



BELOW WATER LEVEL  
DREDGING.



REVISION: 09/01/04 - REVISED PHASING NUMBERS AND EXCAVATION BOUNDARY.

PHASING PLAN - PHASES 2 AND 3  
MISSOULA COUNTY, MONTANA

**WGM GROUP, INC.**  
ENGINEERING • SURVEYING • PLANNING

5021 Palmer • (406) 726-4611  
P.O. Box 16027 • Missoula, MT 59808

PROJECT: 00-08-12  
FILE No: 000812R22.DWG  
SURVEYED: ---  
DESIGN: ---  
DRAFT: CEG  
APPROVE: NPK  
DATE: AUGUST 6, 2001



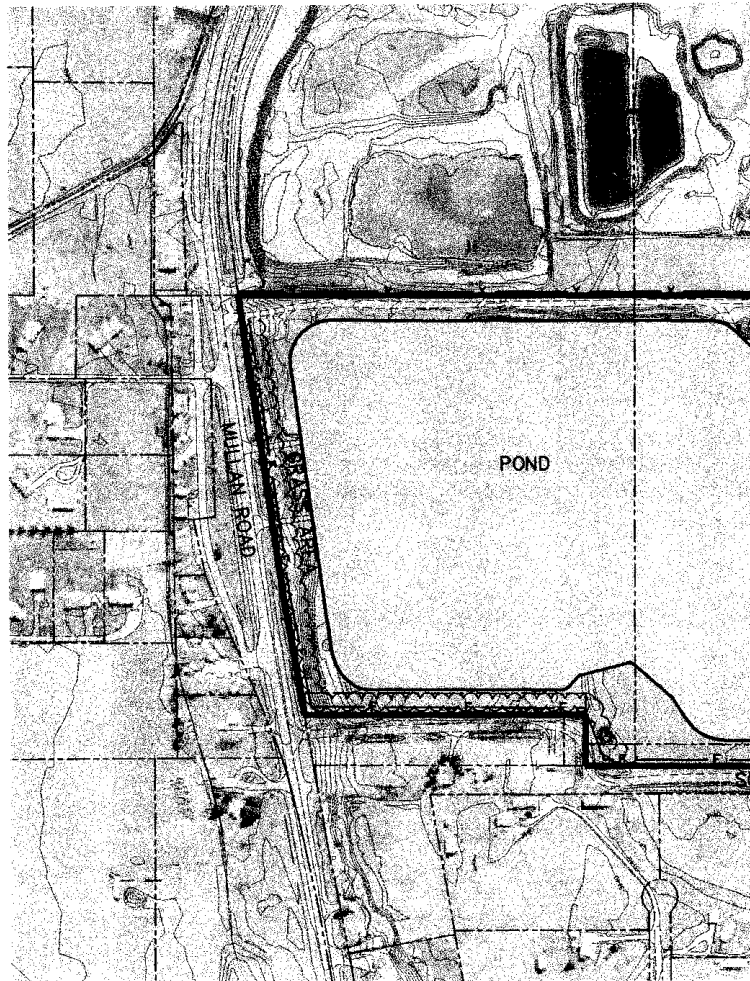
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Page: 11 of 12

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RECLAIM SITE  
\* EXCAVATE STAGING AREA  
\* DRESS ALL SLOPES  
\* TOPSOIL AND SEED

NOTE:  
THE ABSOLUTE MAXIMUM POTENTIAL  
DEPTH OF THE PONDS WILL NOT  
EXCEED NINETY FEET, THE  
PHYSICAL LIMITS OF DREDGING.

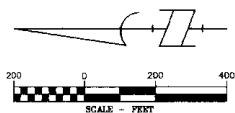
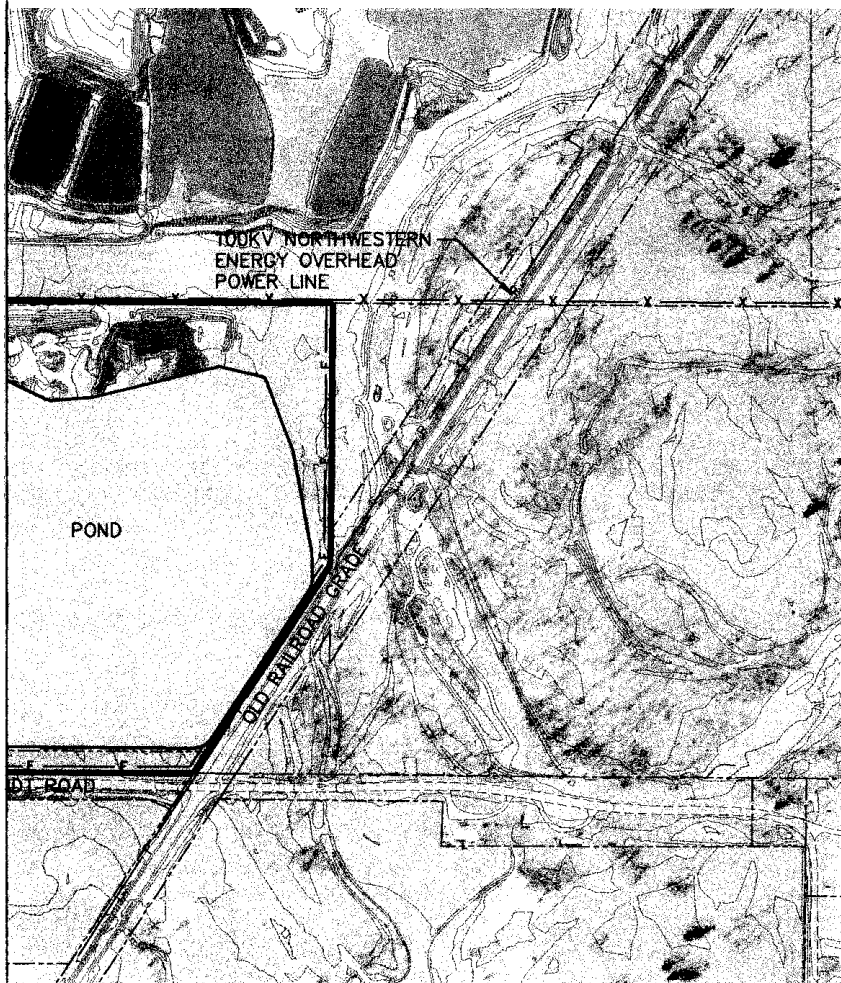


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200427295

Page: 12 of 12  
09/23/2004 03:46P  
Bk-740 Pg-531

Attachment D-3



REVISION: 09/01/04 - REVISED TITLE AND POND.

RECLAMATION PLAN - PHASE 4  
MISSOULA COUNTY, MONTANA

**WGM GROUP, INC.**  
ENGINEERING • SURVEYING • PLANNING  
5021 Polaris • (406) 725-4011  
P.O. Box 16027 • Missoula, MT 59808

PROJECT:	00-08-12
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DESIGN:	---
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APPROVE:	NPK
DATE:	AUGUST 6, 2001