

RESOLUTION NO. 98-078

A RESOLUTION TO REZONE PROPERTY FROM "C-RR3" (RESIDENTIAL) AND "C-RR3/MH" (RESIDENTIAL/MOBILE HOME) TO THE JTL SPECIAL DISTRICT, SUBJECT TO CONDITIONS. THE PROPERTY IS DESCRIBED AS A PORTION OF THE NW 1/4 OF SECTION 6, T13N, R19W, P.M.M., LOCATED BETWEEN I-90 AND WESTVIEW PARK, KNOWN AS THE "WHEELER SITE" AND MORE PARTICULARLY DESCRIBED BY A METES AND BOUNDS DESCRIPTION:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 6; THENCE S 89°41'34" W ALONG THE SOUTH LINE OF SAID NORTH HALF, 2651.52 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE S 89°41'17" W ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 988.73 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE N 00°13'51" W ALONG THE WEST LINE OF LAST SAID EAST HALF 651.18 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE N 00°00'27" W ALONG THE WEST LINE OF LAST SAID EAST HALF 651.19 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE N 00°00'28" W ALONG THE WEST LINE OF LAST SAID EAST HALF 299.43 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MONTANA DEPARTMENT OF TRANSPORTATION PROJECT NUMBER F.A.P. 1-IG-90-2(25)95; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES: 1) S 74°21'00" E, 449.59 FEET; 2) S 88°23'11" E, 41.23 FEET; 3) S 74°21'00" E, 279.03 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 11380.00 FEET; 4) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°09'12", AN ARC LENGTH OF 626.33 FEET; 5) S 71°11'48" E, 1684.85 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 5560.00 FEET; 6) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°13'59", AN ARC LENGTH OF 216.70 FEET TO A POINT, A RADIAL LINE THERETO BEARS N 21°02'11" E; 7) S 54°05'28" E, 80.03 FEET, NON-TANGENT TO LAST SAID CURVE, TO A NON-TANGENT POINT ON A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 5540.00 FEET, A RADIAL LINE THERETO BEARS N 21°50'11" E 8) SOUTHEASTERLY ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 04°55'27", AN ARC LENGTH OF 476.12 FEET TO THE EAST LINE OF SAID SECTION 6; THENCE S 00°05'37" W ALONG LAST SAID EAST LINE, 339.36 FEET TO THE POINT OF BEGINNING; CONTAINING 85.96 ACRES MORE OR LESS.

WHEREAS, the Board of Missoula County Commissioners adopted Resolution No. 98-067 on September 3, 1998, stating their intention to rezone the property described above from "C-RR3" (Residential) and "C-RR3/MH" (Residential/Mobile Home) to the JTL Special District, subject to conditions.

WHEREAS, a protest period was held for thirty (30) days after the first publication of the Resolution of Intent on September 6, 1998; 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-RR3" (Residential) and "C-RR3/MH" (Residential/Mobile Home) to the JTL Special District, subject to the following conditions:

1. If legal access can be acquired from the site to Michael Road, the primary access for the operation shall be via Michael Road, and the secondary access shall be via Wheeler Drive, subject to review and approval by the City Engineer and the State Department of Transportation. If Michael Road access is acquired, the phasing for sand and gravel extraction shall occur east to west, instead of west to east as proposed, and a new phasing plan shall be presented to and approved by OPG, prior to issuance of a Zoning Compliance Permit.
2. Wheeler Drive shall be improved for the proposed use, to a standard approved by the County Surveyor, prior to issuance of a Zoning Compliance Permit.
3. The Michael Road access, if acquired, shall be improved for the proposed use to a standard approved by the City Engineer and the Health Department, prior to issuance of a Zoning Compliance Permit.
4. The developer shall prepare a written plan for disposal and storage of all waste material and other stored materials on the site in compliance with the Missoula City-County Health Code Solid Waste Management Regulations, the Missoula Community Decay Ordinance, and the Missoula Municipal Code Garbage regulations, to be reviewed and approved by the Health Department, within 30 days of rezoning approval. The plan shall include a time frame for completing the site clean-up no later than two years after rezoning approval. No Zoning Compliance Permit shall be issued until the site clean-up has been completed. The developer shall post a performance bond to guarantee the site clean-up to be completed no later than two years after rezoning approval.
5. The developer shall prepare a written lighting plan to be reviewed and approved by OPG, prior to issuance of a Zoning Compliance Permit. The plan shall show that the height of all light fixtures, including those on resource processing equipment, is below the height of the lowest berm adjacent to the site. All lighting shall be shielded so that all light falls within the property boundary.
6. A berm shall be constructed and landscaping shall be installed along the entire length of the property adjacent to Interstate

7081-7567

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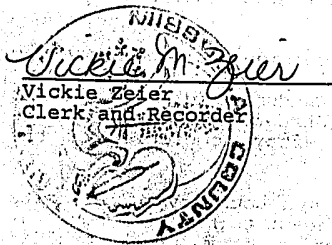
- 90, consistent with the landscape plan presented by the applicant. This berm shall remain after gravel resource recovery is complete.
7. A berm shall be constructed and landscaping shall be installed along the north side of Wheeler Drive between Wilkie Street and Expressway, consistent with the landscape plan for Wheeler Drive between Wilkie and White Street presented by the applicant. This berm may remain after completion of the gravel resource recovery.
 8. The berm and landscaping on the south boundary of the site shall continue west to directly adjacent to the well house as a means to buffer this intersection from truck traffic impacts. The berm on the south boundary of the site may remain, depending on the state reclamation plan.
 9. The minimum size of shrub at planting is five-gallon, and minimum size of deciduous and evergreen tree at planting is eight feet (8') tall.
 10. The developer shall post a performance bond to guarantee the construction of berms and installation of all landscaping, to be completed no later than two years after rezoning approval, as required by this special district. Plans shall be reviewed and approved by OPG.
 11. Consistent with the DEQ permitting process, the developer shall provide a phased reclamation and bonding plan as part of the local permitting process to mitigate particulate and control erosion in areas where mining phases are complete.
 12. Section 6.05 THE JTL SPECIAL DISTRICT: NATURAL RESOURCE RECOVERY AND PROCESSING shall apply as shown in Attachment A.
 13. The property owner(s) shall file a document of record with Missoula County waiving the right to protest a future RSID/SID for improvements to Wheeler Drive from Expressway to the end of the county road until the intersection with Wilkie Street, based on benefit, which may be used in lieu of signatures on an RSID/SID petition. The waiver shall run with the land and shall be binding on the transferees, successors, and assigns of the owners of the land depicted herein. Such document shall be filed prior to issuance of a Zoning Compliance Permit.

PASSED AND ADOPTED THIS 6th DAY OF OCTOBER, 1998.

MSL-753

BOOK 557 PAGE 1267

ATTEST:



BOARD OF COUNTY COMMISSIONERS
Missoula County, Montana

Barbara Evans
Barbara Evans, Chairman

Not Available for Signature
Michael Kennedy, Commissioner

Fern Hart
Fern Hart, Commissioner

APPROVED AS TO FORM AND CONTENT:

Michael W. Blissett
County Attorney

ATTACHMENT A

SECTION 6.05 - JTL SPECIAL DISTRICT: NATURAL RESOURCE RECOVERY AND PROCESSING**A. Intent**

This zoning district classification is intended to allow for sand and gravel extraction and processing on the "Wheeler Site" located south of Interstate 90 and west of Grant Creek. This district recognizes the importance providing sand and gravel and their byproducts to the community at a location close to the urban area.

This district provides for performance standards to mitigate potentially negative impacts to adjoining property. This district is not intended for open storage of any permanently inoperative junk vehicles or equipment, nor is dumping of any kind permitted except for storing of materials associated with sand and gravel processing and recycling.

B. Space and Bulk Requirements

Minimum Lot Area - None

Minimum Required Yard for Structures, Equipment and Storage*

- Front, Side, and Rear Setbacks 100 ft.

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

Maximum Building Height - 35 feet, except for mineral processing equipment.

C. General Standards

1. See Supplementary Regulations - Chapter III.

2. Phasing.

This district contains a three-phase operational plan, with a projected lifetime of the gravel extraction operation of 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 1, 2 and 3 are depicted in the attached maps. If Michael Road access is acquired (per condition of rezoning), the phasing for sand and gravel extraction shall occur east to west, instead of west to east as proposed, and a new phasing plan shall be presented to and approved by

OPG, prior to issuance of a Zoning Compliance Permit.

3. **Landscaping and Buffering.**
All landscaping and buffering shall be completed prior to commencement of gravel resource recovery or processing and no later than two years of rezoning. Posting of a performance bond is required to guarantee the construction of berms and installation of all landscaping, to be completed no later than two years after rezoning approval. The use of the site for any purpose other than agriculture shall require screening and buffering from residential districts and public roadways.

The preliminary site improvements plan and conditions of rezoning contain specifications and locations for landscaping and buffering, including berms, planting of trees and shrubs, and seeding of native grasses, lawn and wildflowers. The plan contains provisions for the maintenance of the screening and buffering.

4. **Air Quality.**
Haul roads from the site to the public right-of-way shall be paved. Public rights-of-way from the site to the nearest paved arterial shall be paved.

Operations within the property shall meet the requirements of the MCCHD.

5. **Hours of Operation.**
Hours of operation for processing of material shall be limited to the hours 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.

Storing asphalt and concrete for recycling.

Recycling concrete and asphalt.

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.

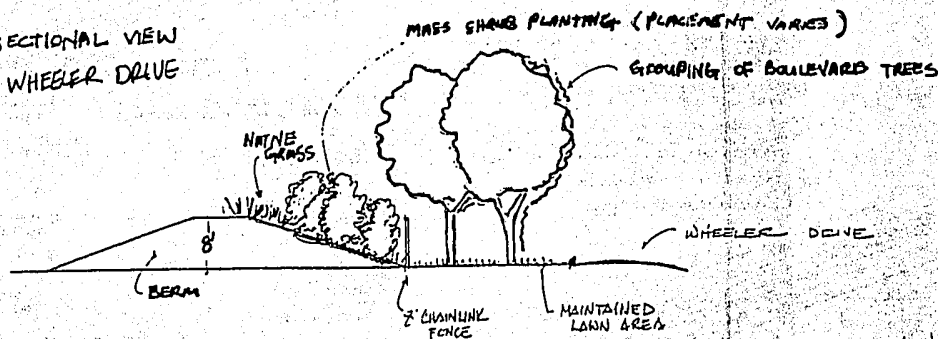
Accessory building and uses.

LEGAL DESCRIPTION: BOUNDARY

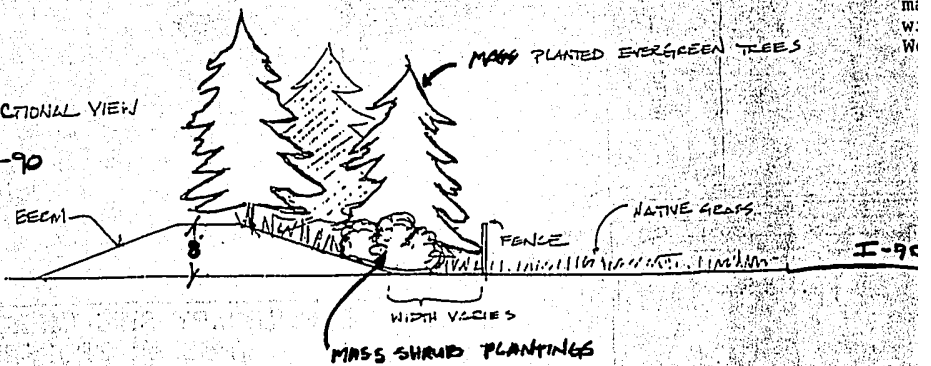
A TRACT OF LAND BEING A PORTION OF THE NORTH HALF OF SECTION 6, TOWNSHIP 13 NORTH, RANGE 19 WEST, PRINCIPAL MERIDIAN, MONTANA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SAID SECTION 6; THENCE S 89°41'34" W ALONG THE SOUTH LINE OF SAID NORTH HALF, 2651.52 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE S 89°41'17" W ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 988.73 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE N 00°13'51" W ALONG THE WEST LINE OF LAST SAID EAST HALF 651.18 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE N 00°00'27" W ALONG THE WEST LINE OF LAST SAID EAST HALF 651.19 FEET TO THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 6; THENCE N 00°00'28" W ALONG THE WEST LINE OF LAST SAID EAST HALF 299.43 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF MONTANA DEPARTMENT OF TRANSPORTATION PROJECT NUMBER F.A.P. I-IG-90-2(25)95; THENCE SOUTHEASTERLY ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING EIGHT (8) COURSES: 1) S 74°21'00" E, 449.59 FEET; 2) S 88°23'11" E, 41.23 FEET; 3) S 74°21'00" E, 279.03 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 11380.00 FEET; 4) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 3°09'12", AN ARC LENGTH OF 626.33 FEET; 5) S 71°11'48" E, 1684.85 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 5560.00 FEET; 6) SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°13'59", AN ARC LENGTH OF 216.70 FEET TO A POINT, A RADIAL LINE THERETO BEARS N 21°02'11" E; 7) S 54°05'28" E, 80.03 FEET, NON-TANGENT TO LAST SAID CURVE, TO A NON-TANGENT POINT ON A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 5540.00 FEET, A RADIAL LINE THERETO BEARS N 21°50'11" E 8) SOUTHEASTERLY ALONG LAST SAID CURVE THROUGH A CENTRAL ANGLE OF 04°55'27", AN ARC LENGTH OF 476.12 FEET TO THE EAST LINE OF SAID SECTION 6; THENCE S 00°05'37" W ALONG LAST SAID EAST LINE, 339.36 FEET TO THE POINT OF BEGINNING; CONTAINING 85.96 ACRES MORE OR LESS.

SECTIONAL VIEW
WHEELER DRIVE



SECTIONAL VIEW
I-90



0701 1506-000

BOOK 557 PAC 1272

ATTACHMENT C

(PLACEMENT VARIES)

GROUPING OF BOULEVARD TREES

SKETCH BY:

CONNIE POTTER-TEAHIE

YULEY LANDSCAPE, INC.

527-0509

JULY 8, 1998

WHEELER DRIVE

WED
AREAS

* NOTE: TREES SHOWN @ 3/4 OF
EVENTUAL SIZE

* ALL DIMENSIONS ARE GENERAL

* SCALE APPROXIMATELY 1" = 20' 0"

* All trees and shrubs to be drip irrigated,
maintained lawn areas will have underground
irrigation

Berms planted with native grasses will be
maintained to control weeds in accordance
with the recommendations of the Missoula County
Weed Board

EVERGREEN TREES

NATIVE GRASS

WHEELER DRIVE I-90

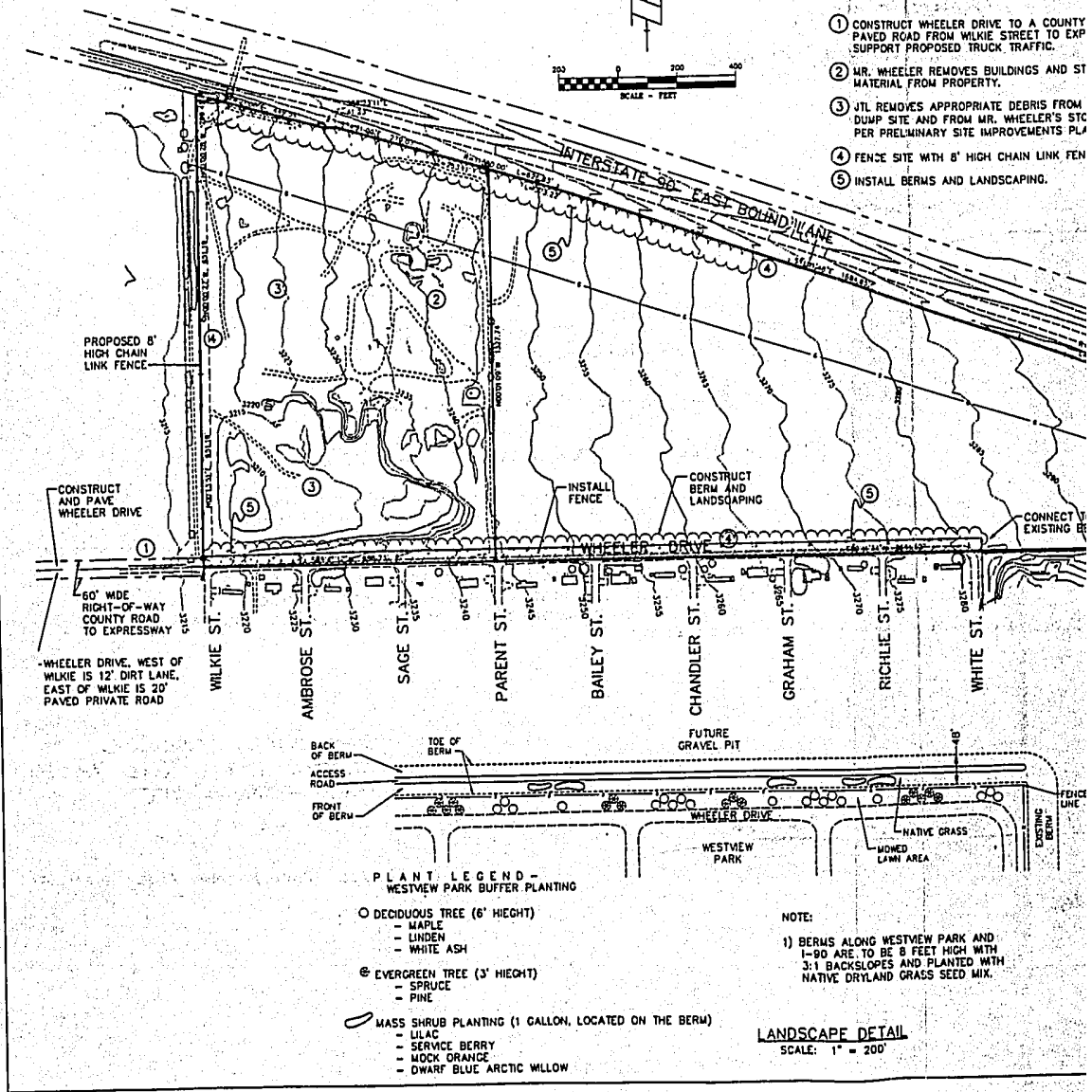
SECTIONAL DRAWINGS
OF BUFFER PLANTINGS ALONG
NEW GRAVEL PIT

* ALL DIMENSIONS ARE GENERAL

Sheet 400

BOOK 557 PAGE 1273

1981



SUB-STANDARD QUALITY WHEN FILMED

17581 17582

BOOK 557 PAGE 1274 SHEET 2 OF 6

CONSTRUCT WHEELER DRIVE TO A COUNTY STANDARD PAVED ROAD FROM WILKIE STREET TO EXPRESSWAY, TO SUPPORT PROPOSED TRUCK TRAFFIC.

MR. WHEELER REMOVES BUILDINGS AND STORED MATERIAL FROM PROPERTY.

JTL REMOVES APPROPRIATE DEBRIS FROM FORMER DUMP SITE AND FROM MR. WHEELER'S STORAGE AREA PER PRELIMINARY SITE IMPROVEMENTS PLAN (SHEET 2).

FENCE SITE WITH 8' HIGH CHAIN LINK FENCING.

INSTALL BERMS AND LANDSCAPING.

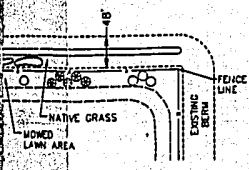
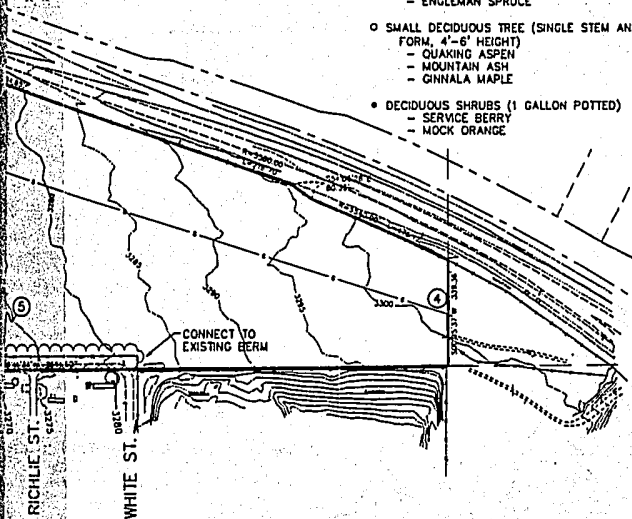
PLANT LEGEND -
JTL GRAVEL PIT BUFFER PLANTING ALONG I-90

- ⊙ DECIDUOUS TREE (6' HEIGHT)
 - RED MAPLE
 - AUTUMN PURPLE ASH
 - SUGAR MAPLE
- ⊙ EVERGREEN TREE (3' HEIGHT)
 - COLORADO SPRUCE
 - AUSTRIAN PINE
 - ENGLEMAN SPRUCE
- SMALL DECIDUOUS TREE (SINGLE STEM AND CLUMP FORM, 4'-6' HEIGHT)
 - QUAKING ASPEN
 - MOUNTAIN ASH
 - GINNALA MAPLE
- DECIDUOUS SHRUBS (1 GALLON POTTED)
 - SERVICE BERRY
 - MOCK ORANGE

NOTES:

- 1) WILDFLOWERS TO BE PLANTED IN MASSES, DOTTED THROUGHOUT THE SITE.
- 2) BERM TO BE PLANTED WITH NATIVE DRYLAND GRASS SEED MIX.
- 3) WILDFLOWER SEED MIX TO BE INTRODUCED ONCE GRASS IS ESTABLISHED AND WEEDS CONTROLLED.

LANDSCAPE DETAIL
SCALE: 1" = 200'



NOTE:
ACCESS ROAD ON TOP OF BERM IS FOR BERM MAINTENANCE ONLY.

ATTACHMENT D

PRELIMINARY SITE IMPROVEMENTS
WHEELER PROPERTY
MISSOULA COUNTY, MONTANA

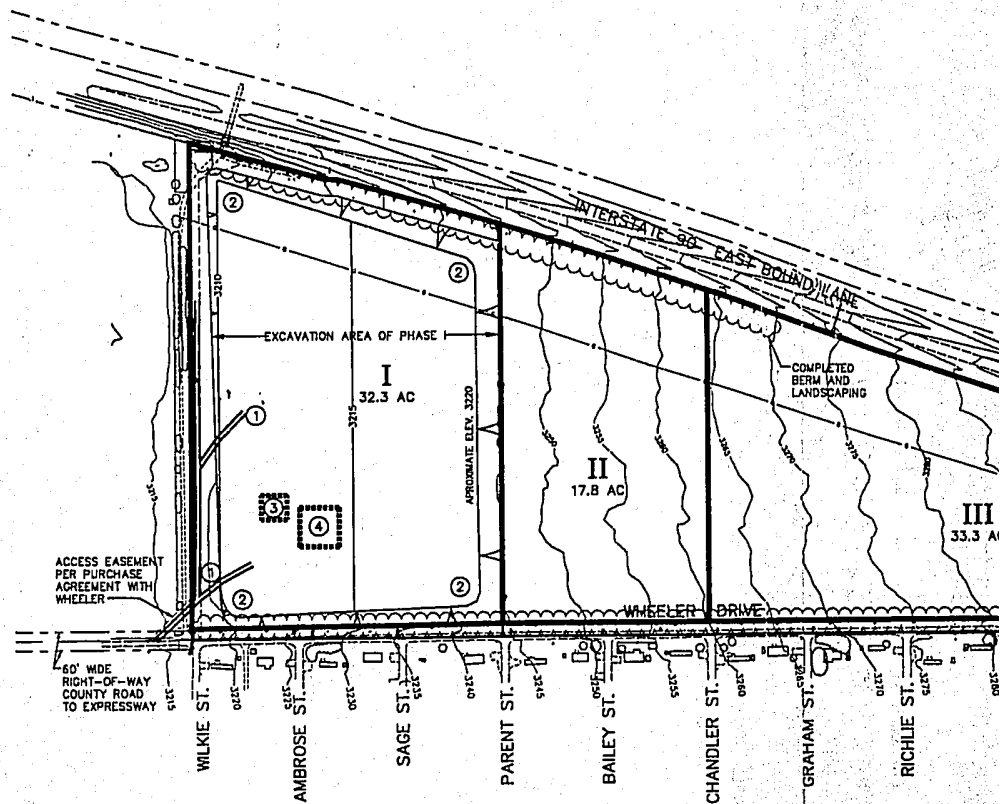
WGM group

ENGINEERING • SURVEYING • PLANNING
3021 Palmer • (406) 728-4611
P.O. Box 16027 • Missoula, MT 59808

PROJECT: 98-01-07
FILE No: 980107.m.DWG
SURVEYED: ---
DESIGN: ---
DRAFT: CEG
APPROVE: NPK
DATE: JULY 15, 1998
SHEET 2 of 6 SHEETS

DETAIL
200'

SUB-STANDARD QUALITY WHEN FILMED



PHASE I

- ① CONSTRUCT AND PAVE INTERIOR HAUL ROAD.
- ② BEGIN EXCAVATION AT FLOOR OF EXISTING GRAVEL PIT AND EXCAVATE NORTH.
- ③ SET UP TEMPORARY CRUSHER SITE. CRUSHER WILL MOVE NORTH AS MATERIAL IS EXCAVATED.
- ④ POSSIBLY MOVE IN OFFICE AND SHOP.

Diagram illustrating a cross-section of a slope with the following labels:

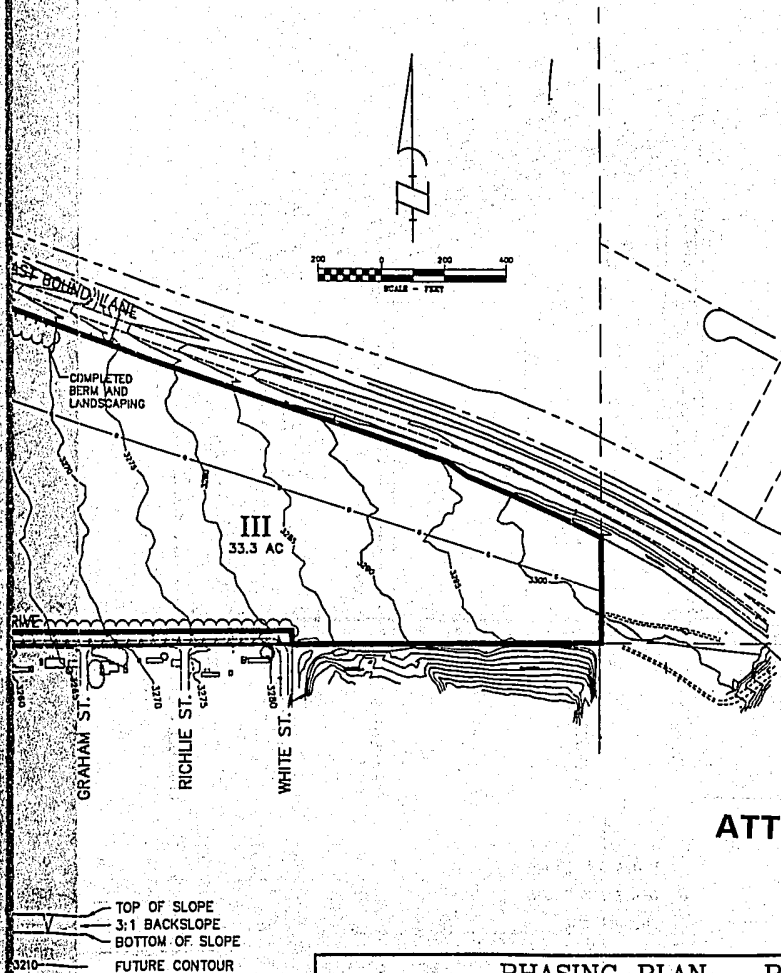
- TOP OF SLOPE
- 3:1 BACKSLOPE
- BOTTOM OF SLOPE
- FUTURE CONTOUR

A vertical line is labeled 3210.

1751-560-001

SHEET 3 OF 6

BOOK 557 PAGE 1276



ATTACHMENT D

PHASING PLAN - PHASE I WHEELER PROPERTY MISSOULA COUNTY, MONTANA

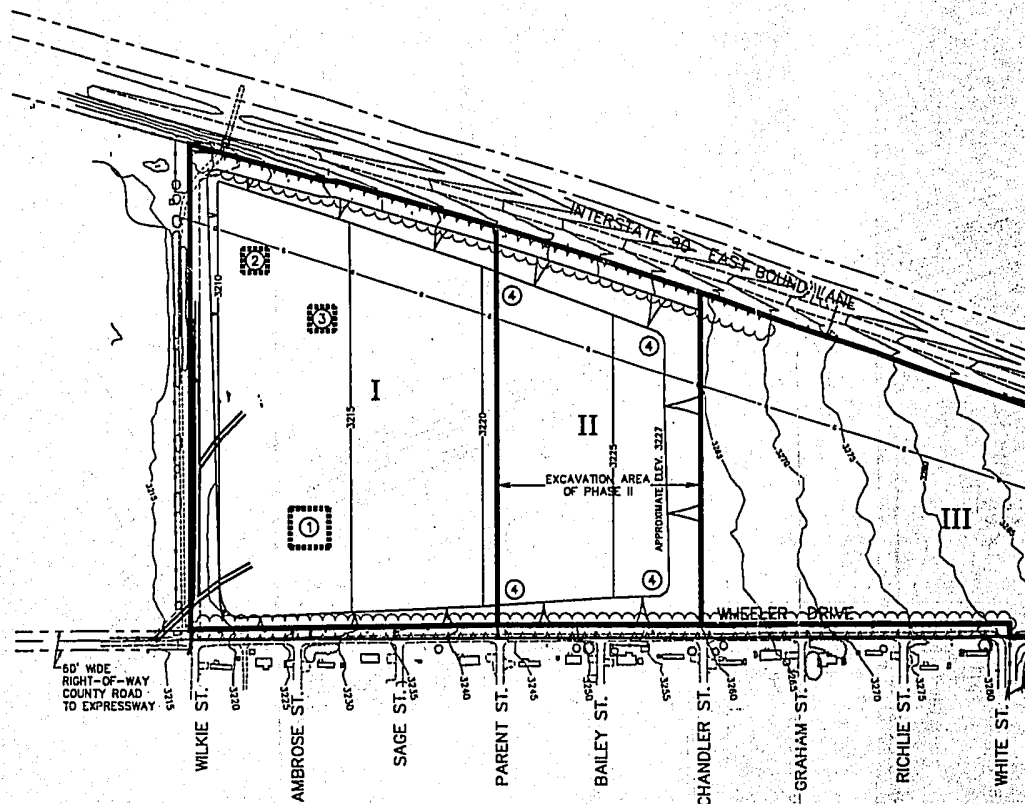
WGM group

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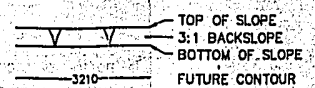
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FILE No: 980107h1.DWG
SURVEYED: ---
DESIGN: ---
DRAFT: CEG
APPROVE: NPK
DATE: JULY 15, 1998
SHEET: 3 of 6 SHEETS

SUB-STANDARD QUALITY WHEN FILMED



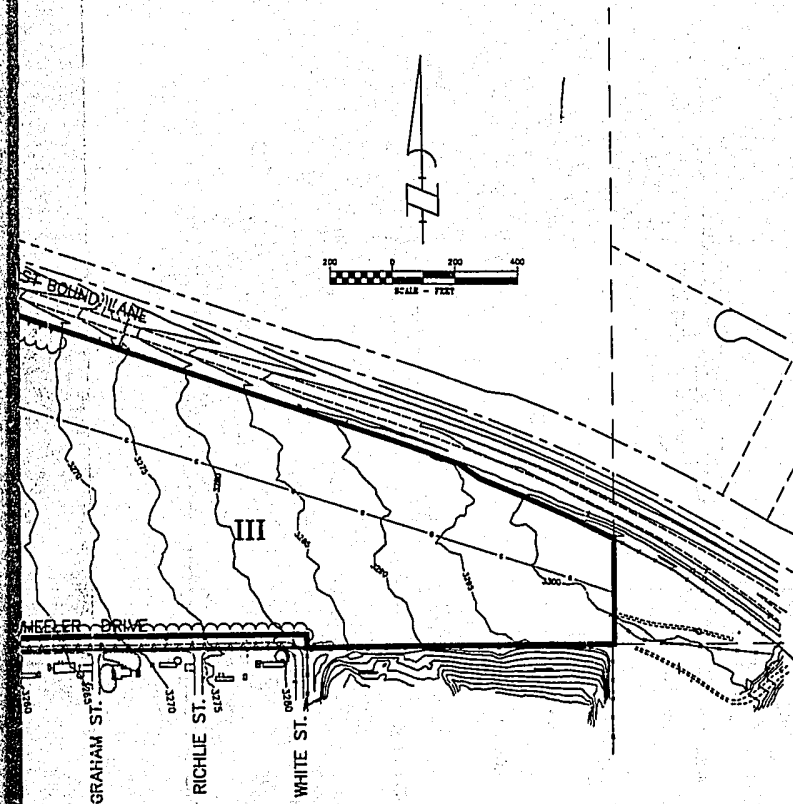
PHASE II

- ① OFFICE AND SHOPS.
- ② CRUSHER SITE.
- ③ MOVE IN CONCRETE PLANT.
- ④ EXCAVATION AREA. BEGIN ON WEST EDGE OF PHASE II AND EXCAVATE EAST ON ABOUT A 1.5% GRADE UP FROM THE ELEVATION OF ABOUT 3210 IN PHASE I.



5781 5788-009

BOOK 557 PAGE 1278 SHEET 4 OF 6



ATTACHMENT D

TOP OF SLOPE
3:1 BACKSLOPE
BOTTOM OF SLOPE
210
FUTURE CONTOUR

PHASING PLAN - PHASE II WHEELER PROPERTY MISSOULA COUNTY, MONTANA

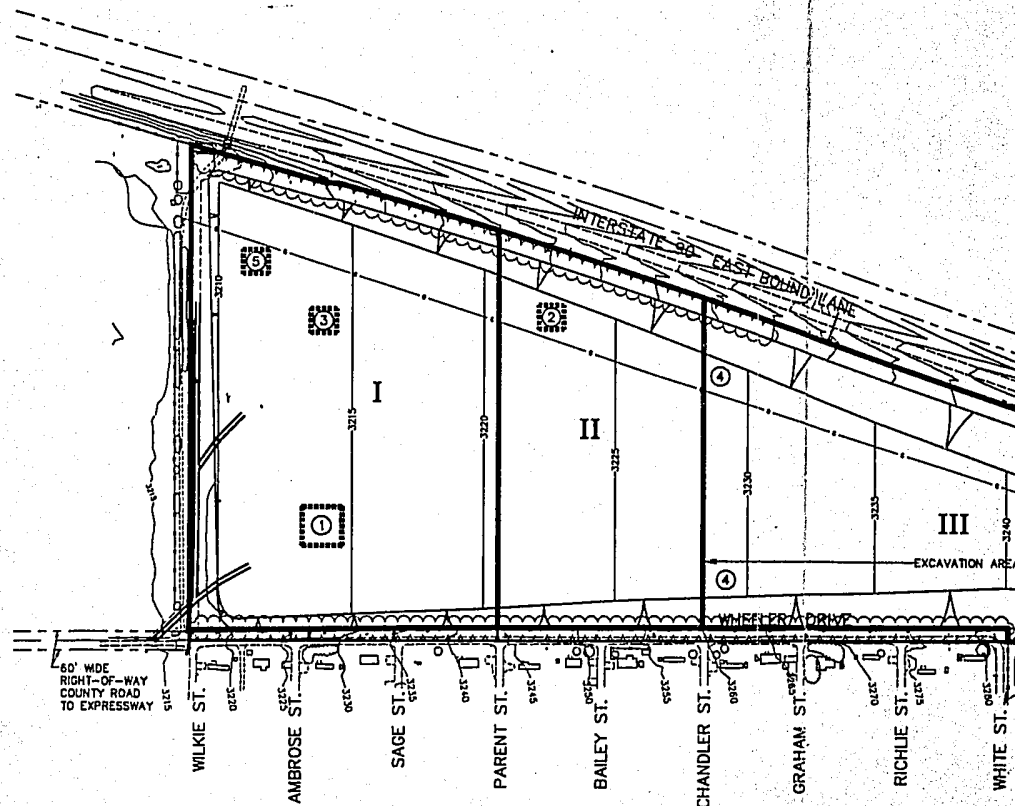
WGM group

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PROJECT: 98-01-07
FILE No: 980107H2.DWG
SURVEYED: ---
DESIGN: ---
DRAFT: CEG
APPROVE: NPK
DATE: JULY 15, 1998
SHEET 4 of 6 SHEETS

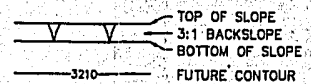
SUB-STANDARD QUALITY WHEN FILMED

BOOK 557 PAGE 1279



PHASE III

- ① OFFICE AND SHOPS.
- ② MOVE CRUSHER.
- ③ CONCRETE PLANT.
- ④ EXCAVATION AREA. BEGIN ON WEST EDGE OF PHASE III AND EXCAVATE EAST ON ABOUT A 1.5% GRADE UP FROM THE ELEVATION OF ABOUT 3210 IN PHASE I TO THE ELEVATION OF ABOUT 3250 IN PHASE III.
- ⑤ MOVE IN ASPHALT BATCH PLANT.

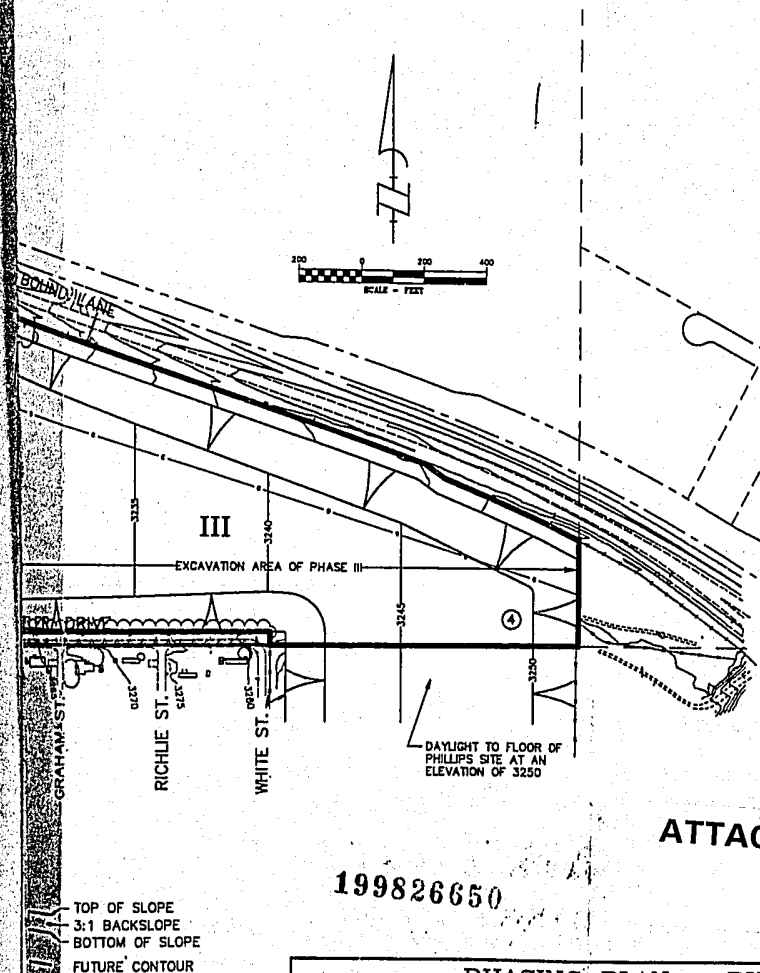


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SUB-STANDARD QUALITY WHEN FILMED

BOOK 557 PAGE 1280

SHEET 5 OF 6



ATTACHMENT D

199826650

PHASING PLAN - PHASE III
WHEELER PROPERTY
MISSOULA COUNTY, MONTANA

WGM group

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P.O. Box 16027 • Missoula, MT 59808

PROJECT:	98-01-07
FILE No:	980107H3.DWG
SURVEYED:	---
DESIGN:	---
DRAFT:	CEG
APPROVE:	NPK
DATE:	JULY 15, 1998
SHEET	5 of 6 SHEETS

RECEIVED AND FILED THIS INSTRUMENT FOR RECORD ON THE 7 DAY OF OCT. 1998 A.M. AND IS RECORDED IN VOL. 557 OF MARCH RECORDS OF THE COUNTY OF MISSOULA, STATE OF MONTANA ON PAGE 1280. SEE 5 AND 6. BY: [Signature] DEPUTY CLERK