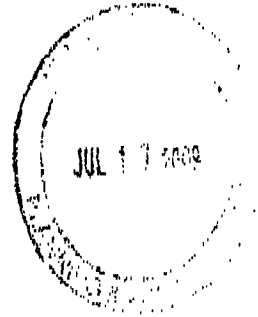




Flathead County Planning & Zoning

1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



PETITION FOR ZONING AMENDMENT

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 700

APPLICANT/OWNER:

- 1. Name: Gary Krueger Phone: 406-261-7290
- 2. Mail Address: 805 Church Drive
- 3. City/State/Zip: Kalispell, MT 59901
- 4. Interest in property: Landowner

Check which applies: Map Amendment Text Amendment:

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: _____ Phone: _____
 Mailing Address: _____
 City State, Zip: _____
 Email: _____

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:

- A. What is the proposed zoning text/map amendment?
 A text change to FCZR's in Section 7 to define "Gravel Extraction" at FCZR 7.08.035.
 See attached document for proposed definition.

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: _____
- B. Legal Description: _____
 (Lot/Block of Subdivision or Tract #)
- Section Township Range (Attach sheet for metes and bounds)
- C. Total acreage: _____
- D. Zoning District: _____
- E. The present zoning of the above property is: _____
- F. The proposed zoning of the above property is: _____

G. State the changed or changing conditions that make the proposed amendment necessary: Flathead County Planning and Zoning Office needs a clear definition from the Board of Commissioners for "Gravel Extraction" as the Planning Office has previously determined (albeit with no authority to do so) that "Gravel Extraction" is not synonymous with "Extractive Industries".

HOW WILL THE PROPOSED CHANGE ACCOMPLISH THE INTENT AND PURPOSE OF:

A. Promoting the Growth Plan see attached

B. Lessening congestion in the streets and providing safe access see attached

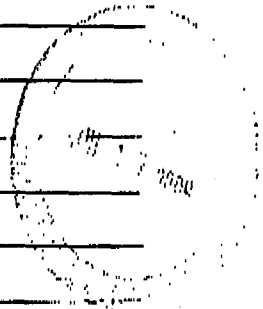
C. Promoting safety from fire, panic and other dangers see attached

D. Promoting the public interest, health, comfort, convenience, safety and general welfare see attached

E. Preventing the overcrowding of land see attached

F. Avoiding undue concentration of population see attached

G. Facilitating the adequate provision of transportation, water, sewage, schools, parks and other public facilities see attached



H. Giving reasonable consideration to the character of the district see attached

I. Giving consideration to the peculiar suitability of the property for particular uses see attached

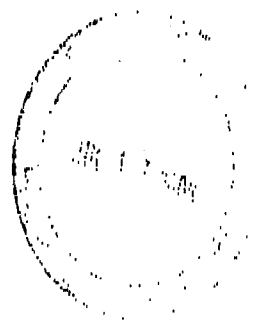
J. Protecting and conserving the value of buildings see attached

K. Encouraging the most appropriate use of land by assuring orderly growth see attached

The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.

[Signature]
Owner/Applicant Signature(s)

7/17/09
Date



7.08.035 Gravel Extraction - - - the following activities, if they are conducted for the primary purpose of sale or utilization of materials:

- 1) removing the overburden and mining directly from the exposed natural deposits or mining directly from natural deposits of materials;**
- 2) mine site preparation, including access;**
- 3) processing of materials within the area that is to be mined or contiguous to the area that is to be mined or the access road;**
- 4) processing materials within the area that is to be mined through crushing, screening, asphalt, wash and concrete plants, and utilizing other equipment used in processing of enclaved materials;**
- 5) transportation of materials on areas referred to in subsections 1 through 3;**
- 6) storing or stockpiling of materials on areas referred to in subsections 1 through 3;**
- 7) reclamation of affected land; and**
- 8) any other associated surface or subsurface activity conducted on areas referred to in subsections 1 through 3.**

Source: Mont. Code Ann. § 82-4-403(7) &(12).



- A. Goal 12 of Chapter 2 states: "Mineral resource extraction that is safe, carefully planned, environmentally sound and appropriately segregated for incompatible land uses." The eight policies of Goal 12 – Mineral Resource Extraction range from identifying areas of know sand and gravel resources to development of policies to mitigate the impacts of mineral resource extraction. Defining the term "Gravel Extraction" is an important part of developing an overall management program for mineral resource extraction activities. Gravel extraction and processing operations are considered an appropriate use, if mitigated.
- B. The zoning text amendment will have no physical impact on county roadways. Transportation related issues and road conditions are taken into account at the time a CUP request is reviewed by the BOA.
- C. This zoning text amendment should have no direct implication to anything physical, including fire, panic and other dangers. The proposed amendment is a change needed to administer CUP requests. This change allows the county to continue regulating mining operations as they have done previously.
- D. The proposed text amendment will not alter the underlying zone and permitted and conditional uses in the use districts. In most cases, the affected zoning districts provide appropriate areas for gravel extraction operations. Locating such uses in these areas will protect public health and welfare to the greatest extent possible while providing a natural resource essential for all types of development, including construction of public infrastructure. Where the use is proposed adjacent to residential development in these zones, the operation would be appropriately conditioned to mitigate impacts.
- E. The overcrowding of land is prevented through the bulk and dimensional requirements of the zones; ensuring adequate space for the intended use is in conjunction with the Conditional Use Permit process.
- F. Gravel extraction operations generally do not contribute to an undue concentration of people. Other than increased traffic volume generated by a commercial use, the number of employees is relatively minimal and would be comparable to a large scale agricultural operation.
- G. The zoning text amendment will not affect the facilitation of transportation, water, sewerage, schools, parks, and other public requirements. Gravel extraction operations support each of these public needs by providing an essential component for constructing the facilities that provide these services; gravel extraction operations are critical to a developing community.
- H. The affected zoning districts consist of uses that can exist alongside gravel extraction operations, such as farming operations, agricultural processing facilities, and landfills. While

residential use exists in these zones, residents can expect impacts from "Gravel Extraction" operations. All Open Cut Operations proposed for these areas are required to secure a Conditional Use Permit, allowing for mitigation of impacts to existing residential development.

I. The proposed text amendment is intended to clarify issues surrounding "Gravel Extraction" and "Extractive Industries" and the administration of these land uses. The proposed text does not apply to particular uses for specific properties. The zone text amendment is not site specific.

J. The proposed amendment should not affect the value of buildings, as the most affected zones already have "Gravel Extraction" as a conditional use. This proposed text amendment does not alter the conditional permit process where impacts to adjacent property owners can be mitigated.

K. This text amendment is administrative in nature and has no relationship to spatial land use. The proposed text change would give a clear definition to "Gravel Extraction" something not in FCZR. FCZR in section 4.10.010 requires "compliance with the Montana Open Cut Mining Act, 82-4-401, et seq., M.C.A., as administered by the Montana Department of Environmental Quality". The proposed definition is used in the Open Cut Mining Act and was approved through the state legislative process. Thus, this definition conforms to state law, eliminating confusion and interpretation issues that have plagued the CUP review and permitting process in Flathead County.