



**APPLICATION FORM**

COUNTY Special Review # 330 - Project # PZ-18-00169

The undersigned as owner(s) of the following described property hereby request a Special Review as outlined in the Yellowstone County Unified Zoning Regulations.

Present Zoning: Cultural Open

Special Review Requested: For gravel mine site.

TAX ID# D01161 COUNTY COMMISSIONER DISTRICT # 1

Colors correspond

Legal Description of Property: <sup>①</sup> 534, T01S, R25E, C0S 1299 Parcel 1; <sup>②</sup> 534, T01S, R25E, Frac Hs 1 & 2 & Frac SE4 NE4 (less COS 3036 01); <sup>③</sup> 534, T01S, R25E, Frac NE4 & Frac H 1

Address or General Location (If unknown, contact County Public Works): 2504 Rd.

on Story Road  
1. Unknown, 2. 3750 Wise Lane, 3. 3760 Wise Lane.

Size of Parcel (Area & Dimensions): 1. 24.63, 2. 126.879, 3. 58.21 + 1.0 + 1.0

Present Land-Use: The proposed open cut mine permit area is about 116.8 acres. It does not include some property on west side Wise Ln.

Covenants or Deed Restrictions on Property: Yes  No  or the lower riparian areas by rivers.  
If yes, please attach to application

\*\*\* Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): Limpp Family LLC  
(Recorded Owner)  
2902 Arvin Rd Billings MT 59102-0564  
(Address)  
406-670-7399 oscarspark1901@yahoo.com  
(Phone Number) (email)

Agent(s): MGL Consultants Ltd (doing mine permit application work)  
(Name)  
3139 Poly Drive Billings MT 59102  
(Address)  
406-794-2037 mglbiz10@hotmail.com  
(Phone Number) (Email)

I understand that the filing fee accompanying this application is not refundable, that it pays for the cost of processing, and that the fee does not constitute a payment for a Special Review. Also, I attest that all the information presented herein is factual and correct.

Signature: Marcella C Limpp Date: 10/8/18  
(Recorded Owner)



## **SPECIAL REVIEW APPLICATION**

### **CMG JL LLC, Oscar's Site, Special Review 2018**

CMG JL LLC (CMG) is proposing an approximate 116.8-acre gravel mine on Limpp Family LLC property in Section 34, T1S, R25E, along the south side of Story Road. CMG is required to submit a mine permit application to the Montana Department of Environmental Quality, Opencut Mining Section, that complies with the requirements of the Opencut Mining Act (Act) and Rules adopted thereunder. Several items comprise an opencut permit application, including evidence of compliance with Special Review and Joint Application For Floodplains requirements.

82-4-402, MCA, states, "Because the extraction and use of opencut materials is important to the economy of this state, it is the policy of this state to provide for reclamation and conservation of land subjected to opencut operations. Therefore, it is the purpose of the part:

- to preserve natural resources;
- to aid in the protection of wildlife and aquatic resources;
- to safeguard and reclaim through effective means and methods all agricultural, recreational, home, and industrial sites subjected to or that may be affected by opencut operations;
- to protect and perpetuate the taxable value of property through reclamation;
- to protect scenic, scientific, historic, or other unique areas; and
- to promote the health, safety, and general welfare of the people of Montana."

#### **1A. In what ways is our proposal consistent with the goals and policies of the adopted Growth Policy?**

The requirements of the Act, the Rules adopted thereunder, and operation and reclamation oversight by DEQ ensure that many of the goals and policies of the 2008 Growth Policy are met.

#### **Land Use Element**

Sand/gravel literally are the foundation of Billings, Laurel, and surrounding areas. These materials are used to make many products people use on a daily basis (see Economic Development below). However, existing mine sites are being depleted, and, as the population of Yellowstone County increases, more land overlying sand/gravel deposits is converted to residential, commercial, industrial, and other uses. Yet it is important to have sand/gravel sources within and near populated areas to keep the products made from them readily available and affordable for private and governmental projects.

The proposed site area is currently used as hayland, cropland, community garden, and for mud racing. CMG proposes to change the uses of the property to gravel mine and processing area, eventually reclaiming it to pond and dry ground created with excess soil and overburden. All areas will be seeded with appropriate mixes. The bonded 116.8-acre area will not be released by the Department of Environmental Quality until the site is reclaimed according to the plan approved by the Opencut Mining Section.

The accompanying Off-Site Impacts Considerations sheet lists methods to be used to minimize off-site impacts. CMG's management objectives and compliance with governmental regulations will result in clean

and acceptable industry along Story Road. The proposed operation, with its sight and sound barriers, dust control, hours of operation, and environmentally sound mining and reclamation plan will be compatible with the surrounding human and natural communities.

### **Economic Development**

Sand/gravel are essential for economic development and living in Billings, Laurel, and the surrounding area. Materials and products made from them are used for:

Airports	Foundations
Backfill	Golf courses
Base material	Irrigation structures
Bedding	Landscaping
Block	Parking lots
Bridges	Patios and pools
Buildings	Pipe
Culverts	Roads and streets
Curb and gutter	Sanding material
Drainage and filter courses	Sidewalks and steps
Driveways and aprons	Walls and barriers
Floors	Other

Readily available sources of sand/gravel are decreasing due to being mined out or built upon. Sand/gravel are high volume, low value commodities that cannot be economically transported over long distances. To keep product costs lower for private citizens, businesses, governmental agencies, and other users, sand/gravel sources must be located near consumers. The proposed CMG site is located 8 miles from downtown Billings and 7.5 miles from downtown Laurel, with good access to the south side of the Yellowstone River, South Frontage Road, and Interstate 90.

The site will not only be a source of low-cost materials essential for area improvements, construction, and manufacturing, CMG will provide good-paying jobs and purchase products and services from area vendors.

### **Aesthetic Element**

Residential, commercial, and industrial sites are normal components of vigorous communities. CMG's management objectives, environmental protections, and compliance with other governmental regulation will ensure that mining and processing at the Oscar's Site are compatible with the human and natural environments.

Because of the riparian tree and shrub forest along the Yellowstone River, and the distance of the permit area from the river, there will be no aesthetic impact on river users.

### **Natural Resources Element**

CMG and regulatory agencies are committed to the protection of the human and natural environments. Aspects of this are discussed in other sections. The CMG site will be operated in a manner that protects air,

surface water, and groundwater resources. No riparian area will be disturbed. The site is not in designated sage grouse habitat.

CMG will submit a Joint Application For Proposed Work In Montana's Streams, Wetlands, Floodplains, And Other Water Bodies to the County Floodplain Office and US Army Corps of Engineers. Noxious weeds will be controlled as required by law. CMG will obtain any other permits required by law.

A detailed Plan of Operation and bond posted with DEQ guarantees that the site will be reclaimed to a natural, aesthetically pleasing, and productive condition.

## **Other**

The operation will not restrict access to public land. CMG will comply with county regulations for road use. CMG hired a professional archaeological consultant to perform a Class III inventory of the proposed permit area. Two cultural resources were found: Oscar's Landing Strip, and Oscar's Ditch. Neither is eligible for the National Register of Historic Places. The Montana State Historic Preservation Office concurred with this determination. CMG hired HydroSolutions to do a hydrologic study of the area and information acquired will be incorporated into the mining and reclamation plan submitted to the DEQ Opencut Mining Section.

### **1B. Why is there a need for the intended use of property at this location?**

Construction, repairs, and upgrading are constant activities in Billings, Laurel, and surrounding areas. Economical sources of sand/gravel are in high demand, as are products made from them, such as concrete and asphalt. When sand/gravel are readily available, it keeps the costs of products lower for all consumers.

Sand/gravel deposits are located on the Yellowstone River Valley floor and adjacent terraces. Some of this material is being mined, but much of it has been, is being, or will be made inaccessible due to resource depletion and residential, commercial, and industrial development. The Oscar's Site consists of 116.8 open acres with an approximate 12-foot thick sand/gravel deposit that can be easily mined and the products economically distributed to Billings, Laurel, and surrounding areas.

### **1C. How will the public interest be served if the application is approved?**

As discussed 1B, sand/gravel is needed as product, and to make other products, essential for the use, maintenance, and growth of a vibrant community such as Billings, Laurel, and the surrounding area. See the list of uses for sand/gravel under 1A. Sand/gravel is essential to the function of modern communities. The CMG operation will provide good-paying jobs and tax revenue.

### **1D. Prepare a written statement addressing what is intended to be done with the property, including new construction or change in the use of property, and why a special review is being sought.**

A special review is being sought because about 34.8 acres of the 116.8-acre proposed mine site is zoned Agricultural Open (Tax ID: D01161; GeoCode 03-0926-34-1-01-01-000). CMG would like to use the 34.8-acre area for sand/gravel processing, then mining. The remaining acreage within the propose mine permit area is not zoned.

The first step of an opencut operation is to strip the soil and overburden. At the Oscar's Site, this material is about 5 feet thick. The first 2 feet will be stripped as soil. Initial stripped soil will be used to build the 6-foot-high sight and sound berm. Soil not needed for the berm will be used for topdressing reclaimed areas. Excess soil, along with overburden, will be used as fill to create dry ground and pond slopes.

After soil and overburden removal from an area, CMG will excavate the sand/gravel, using conveyors to transport the material to the processing area, and process the sand/gravel via a grizzly and crusher. Some material may be sent through a wash plant to create clean materials for off-site uses including concrete production. The average sand/gravel thickness is about 12 feet, making the total amount of sand/gravel within the proposed permit area about 2,260,000 cubic yards.

As able during the life of the proposed 25-year permit, and when mining and processing draw to a close, CMG will reclaim the site per the plan approved by the DEQ Opencut Mining Section. The proposed plan includes a postmining land use of recreation and wildlife pond, vegetated +/- 4:1 shore slopes, and flat dryland created with excess soil and overburden fill. The resulting pond will be over 80 acres in size and 11-12 feet deep. All soil in the sight and sound berms will be used for reclamation. It is likely that fish will eventually inhabit the pond.

#### **2 and 3. Site Plan.**

See accompanying Special Review Site Map.

#### **4. Photographs.**

The air photo base for the Site Map gives a clear aerial view of the site and area.

#### **5 and 6. Property Owners.**

We followed steps 5 and 6 and obtained the accompanying Oscar's Site Certified Landowners list. Mailing labels are provided.

#### **7. Filing Fee and Sign Deposit.**

A check to cover the \$1,103 commercial fee and \$45.00 sign deposit made out to the City of Billings is provided.



**AREAS**

- A FACILITY AREA THEN MINE AREA 4, 30 A
- B MINE AREA 1, 31 A
- C MINE AREA 2, 31 A
- D MINE AREA 3, 24.8 A

**THIS RED-BOUNDED AREA IS THE ZONED PORTION D01161 AGRICULTURAL OPEN**

**TOTAL PROPOSED PERMIT AREA 116.8 ACRES**

ACCESS

SIGHTSOUND BERM

A

B

C

C

B

**SPECIAL REVIEW SITE MAP**

**CMG JL LLC  
OSCAR'S PROPOSED GRAVEL SITE  
SECTION 34, T01S, R25E  
SEPTEMBER 2018**

**MGC CONSULTANTS LTD**



**AREAS**

- A FACILITY AREA THEN MINE AREA 4, 30 A
- B MINE AREA 1, 31 A
- C MINE AREA 2, 31 A
- D MINE AREA 3, 24.8 A

THIS RED-BOUNDED AREA IS THE ZONED PORTION D01161 AGRICULTURAL OPEN

TOTAL PROPOSED PERMIT AREA 116.8 ACRES

**SPECIAL REVIEW SITE MAP**

CMG JL LLC  
OSCAR'S PROPOSED GRAVEL SITE  
SECTION 34, T01S, R25E  
SEPTEMBER 2018

MGC CONSULTANTS LTD