

County

APPLICATION FORM

CITY SPECIAL REVIEW

Billings Special Review#

- Project # PZ-20-00255

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

Present Zoning: Heavy Industrial

Special Review Requested: Open cut Mining/Reclamation by JDW Industrial Park 2

TAX ID# G16728 D06421 CITY ELECTION WARD # N/A outside City limits

Legal Description of Property: Phase 6 on C/S 2796 Tract 1, Section 18, T1N, R27E

Address or General Location (If unknown, contact City Engineering): East End of Johnson Lane

Size of Parcel (Area & Dimensions): 43.3 acres, 2500 ft x 1560 feet

Present Land-Use: Cattle Grazing

Covenants or Deed Restrictions on Property: Yes _____ No x

If yes, please attach to application

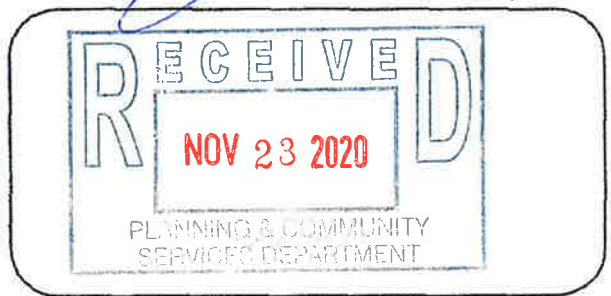
*** Additional information may be required as determined by the Zoning Coordinator in order to fully evaluate the application.

Owner(s): JDW Industrial Park 2
(Recorded Owner)
2348 N. Frontage Rd., Billings, MT 59101
(Address)
406-245-8833 jkondracki@weave.com
(Phone Number) (email) management.com

Agent(s): Jennifer Kondracki
(Name)
2348 N. Frontage Rd Billings MT 59101
(Address)
406-245-8833 jkondracki@weave.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: [Signature] Date: 11/18/2020
(Recorded Owner)



UNANIMOUS WRITTEN CONSENT OF THE MEMBERS
OF JDW INDUSTRIAL PARK 2, LLC

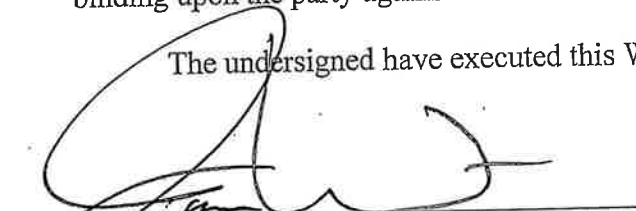
The undersigned, being all of the members of JDW INDUSTRIAL PARK 2, LLC, a Montana limited liability company (the "*Company*"), hereby adopt, approve and consent to the following Company actions effective as of April 16, 2019:

The Company authorizes and appoints Jennifer Kondracki, as the authorized agent of the Company (the "*Authorized Agent*") at any time and from time to time to execute and deliver to banks, credit unions and other financial institutions, vendors, customers, attorneys, accountants, governmental agencies and any other person any agreements, deeds, bills of sale, assignments, checks, negotiable instruments, promissory notes and other evidence of the Company's obligations to any person, security agreements, mortgages, trust indentures, deeds of trust, pledge agreements, collateral assignments, guarantees, and other documents and instruments required by any person from time to time ("*Documents*"), all in a form as the Authorized Agent may determine and approve (which determination and approval shall be established conclusively by the Authorized Agent's execution and delivery of any Documents).

The Authorized Agent is authorized at any time and from time to time to grant, mortgage, create security interests in and pledge to any person the collateral described in any Documents granting a lien or security interest in any property of the Company for any consideration as the Authorized Agent may determine to be appropriate for the payment or performance of any or all debts, liabilities and obligations of every type and description now or at any time owed to any person by the Company, on any terms as the Authorized Agent may approve, and to do any other acts or things in connection therewith or pursuant thereto as the Authorized Agent may determine to be appropriate, all in a form as the Authorized Agent may determine and approve (which determination and approval shall be established conclusively by the Authorized Agent's execution and delivery of any Documents).


A facsimile or electronic signature to this Unanimous Written Consent of the Members of JDW INDUSTRIAL PARK 2, LLC (this "*Written Consent*") shall be deemed an original and binding upon the party against whom enforcement is sought.

The undersigned have executed this Written Consent as of the date first written above.



SIGNATURE
James Weaver

PRINT OR TYPE NAME



SIGNATURE
Diane Weaver

PRINT OR TYPE NAME

SPECIAL REVIEW REQUEST - Phase 6 on C/S 2796 Tract - 11/16/20

JDW Industrial Park 2 requests a Special Review for an Open Cut Mining project (KEMBEL) as shown on the attached Kembel Project Location Map. The Kembel Project Site Map (Phase 6), Kembel Post-Mine Topography Map (Corcoran Parcel 43.3 Acres), Kembel Cross Sections and Kembel Project map with 300 foot buffer are attached to this application. Also included are a completed application form, a check for Application Fee of \$1,337.00 and Sign Fee of \$50.00 for a total of \$1,387.00, a certified list of landowners within 300 feet of project and gummed labels with names and addresses of landowners. A Special Review is required to obtain an Open Cut Mining Permit. A previous Zoning Compliance application required a Special Review for Phase 6.

This project involves additional mining and reclamation of 43.3 acres that is adjacent to an approved 85.6 acre mining and reclamation project under SR 282, Floodplain Permit #02-04 and Open Cut Permit #1922. Primary use of material produced from this project will be in support of construction of new Yellowstone River highway bridge and right-of-way on adjacent property to the east of the project. This project will directly support Billings Growth Guidelines since majority of material produced from this project will be utilized in support of “connectivity of transportation systems” and “public transit”. In addition, the project reclamation to a “natural landscape” of fishing and recreation ponds will help “define the uniqueness Billings and help protect the environment”.

The need for the project is direct support of a major Billings highway and bridge construction project. Since the project is adjacent to the highway right-of-way and bridge construction site, access/travel/material haul will be contained within the project boundary and will not require use of public roads. As the area is now zoned for Heavy Industrial the reclaimed landscape of fishing and recreation ponds will enhance the area environment to a more natural landscape.

If approved this project Phase 6, will tie in directly with the adjacent mining/reclamation project to the north. The present site which is utilized for cattle grazing, will be mined to an approximate depth of 18 feet below the land surface with a pond depth of approximately 15 feet. The reclamation plan will finalize with 62 acres of new fishing and recreation ponds in addition to approximately 15 acres of existing ponds to the west (total pond acreage of Phase 6 is 27.9 acres).

If the Open Cut Mining Permit is approved construction would begin immediately and last approximately 5 years. Equipment on site would be (2) 30-yard scrapers, (3) excavators in 300-400 class, (4) 30-yard haul trucks, (2) 500 class loaders, (1) 14 M Cat grader and (2) D6 dozers. Hours of operation will be variable up to Monday through Saturday, 10-12 hours/day. However, majority of material haul will be directly to adjacent construction site.



Legend

- Permit Boundary - 128.9 Acres
- Permit_Corners
- Mine Phase
- Soil Test Pits
- Topsoil Stockpile
- Material Stockpile
- Collection Pond
- Access/Haul Roads
- Equipment Parking/Fueling/Staging
- PLSS Sections



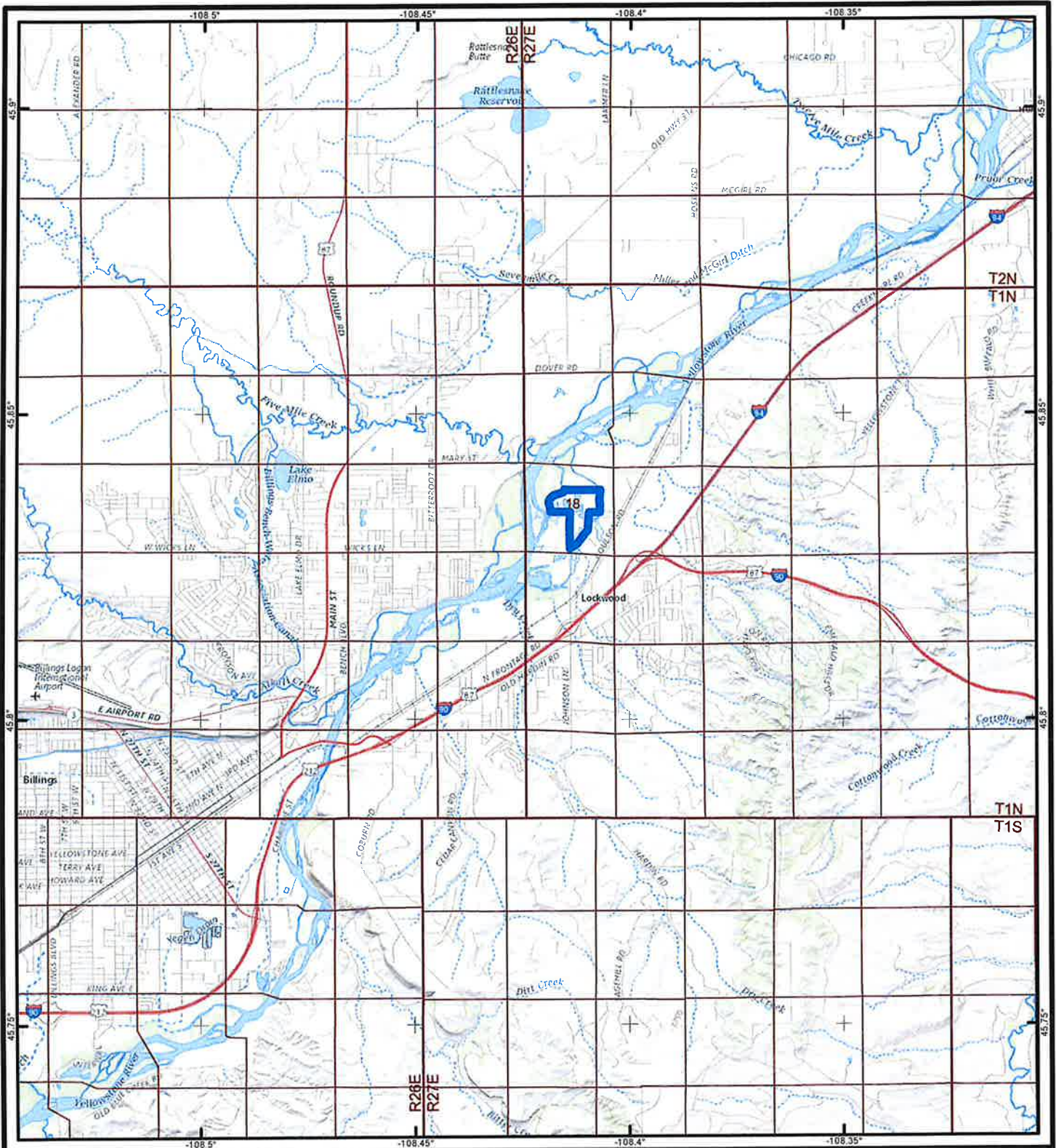
Base: 2019 NAIP
Grid: WGS84 Decimal Degrees

JDW Industrial Park 2




**Kemmel Project
Site Map**

Yellowstone County, Montana
Sec. 18, T1N, R27E

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Legend

-  Permit Boundary
-  PLSS Township & Range
-  PLSS Sections



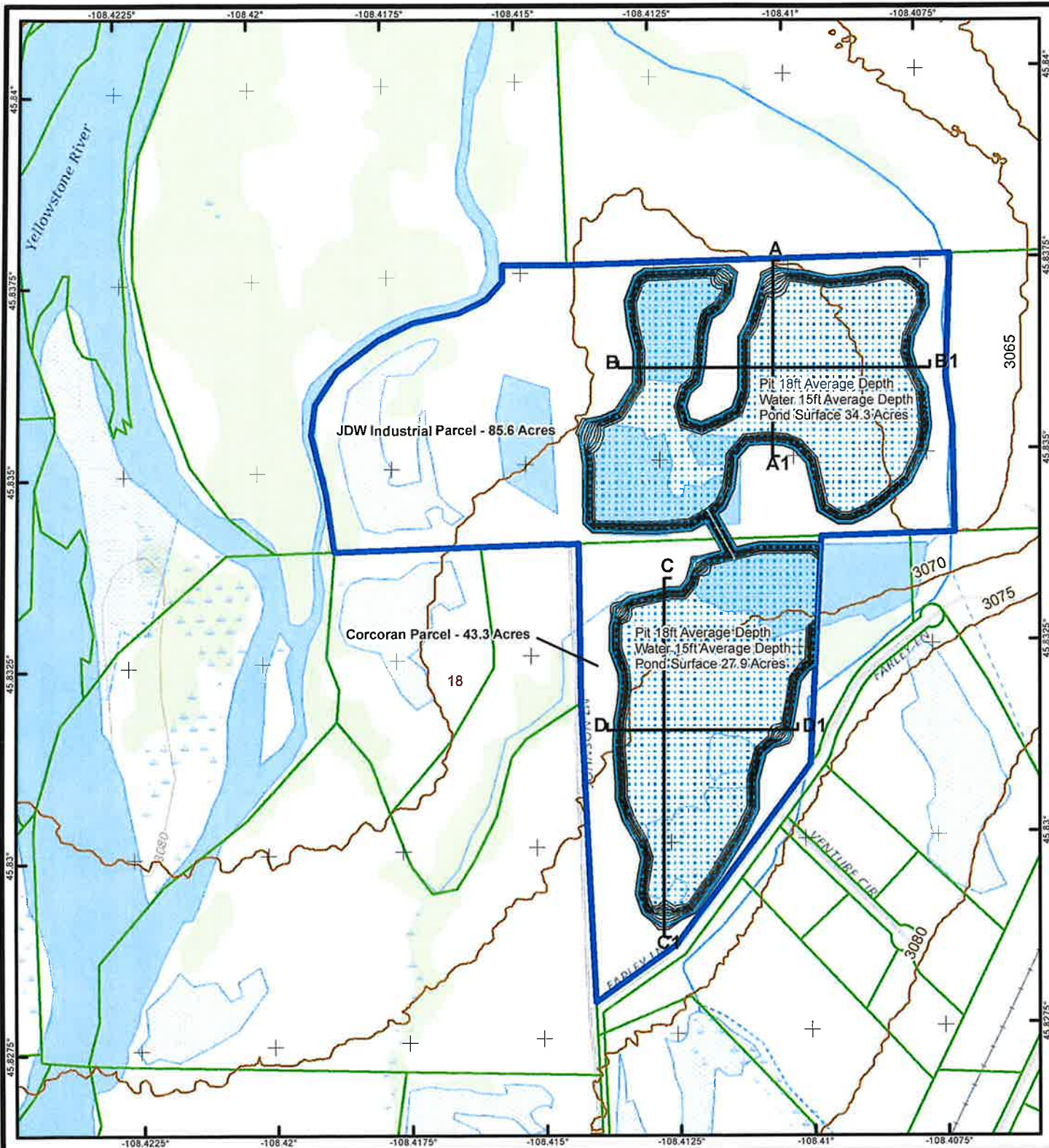
JDW Industrial Park 2

**Kembel Project
Location Map**

Yellowstone County, Montana
Sec. 18 & 19, T1N, R27E

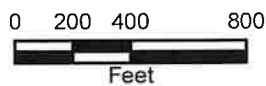
Base: ESRI USGS National Map
Grid: WGS84 Decimal Degrees

WT20_Kembel_Location.mxd | 9/26/2020 | 1:100,000



Legend

- Permit Boundary - 128.9 Acres
- Montana Cadastral Parcel Boundary
- 5' Premine Contours
- Cross Section Location
- Post-mine Topography**
- Pond High Water Line
- 2' Contour Interval



JDW Industrial Park 2

**Kembel
Post-mine Topography Map**

Yellowstone County, Montana
Sec. 18, T1N, R27E

WT20_Kembel_PMT.mxd | 11/5/2020 | 1:8,000

Grid: WGS84 Decimal Degrees



Kembel Project

CMG REJ LLC

JDW INDUSTRIAL PARK 2, LLC

JDW INDUSTRIAL PARK 2, LLC

GLEN, BRYCE R & LESLI R.

CMG REJ LLC

MAURITZSON, MARK W

MAURITZSON, MARK W

MAURITZSON, MARK W

JDW INDUSTRIAL PARK 2 LLC

LUCHT, GREGORY J

LOCKWOOD INDUSTRIAL DEVELOPMENT LLO

BAILEY ENTERPRISES OF MONTANA LLC

EXXON CORPORATION

TACO CO LLC

JDW INDUSTRIAL PARK 2, LLC

Johnson Ln.

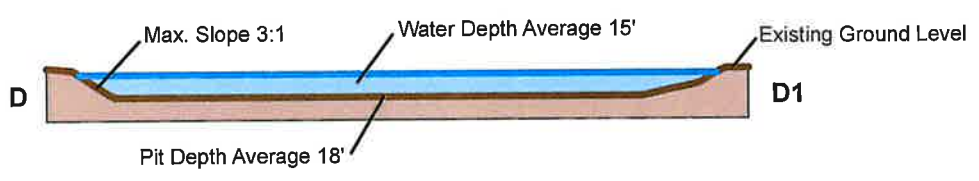
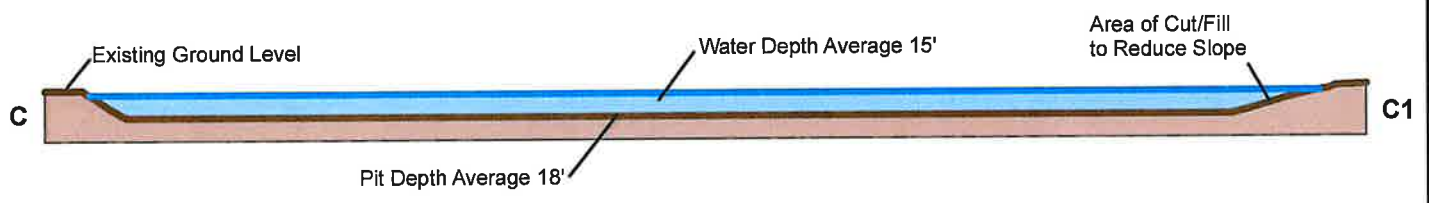
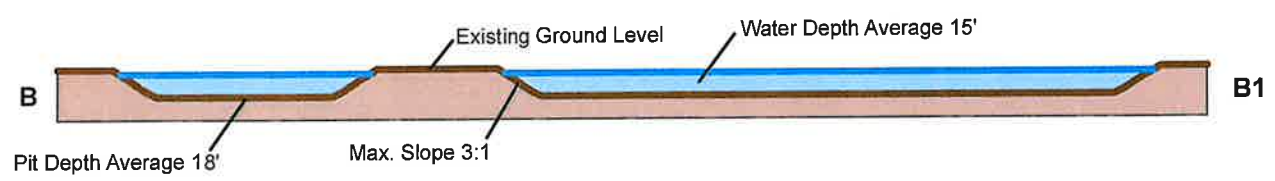
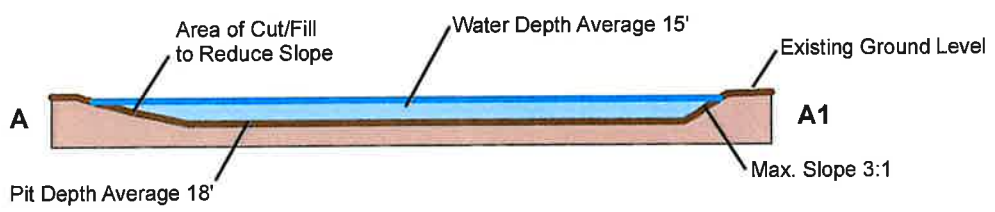
Farley Ln.

Venture Cir.

- Kembel Project
- 300 ft Buffer
- Parcel Lines



This document is intended for informational purposes only and is not guaranteed to be accurate nor current.



Horizontal Scale: 1"=250'
 Vertical Scale: 1"=125'

JDW Industrial Park 2

Kembel Cross Sections

Yellowstone County, Montana
 Sec. 18, T1N, R27E