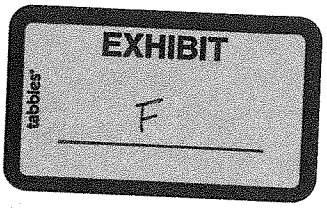


**Gallatin County Interim Zoning Gravel Pit Task Force**
**Minutes September 24, 2009**

**Date:** September 24, 2009

**Time:** 6:30 AM
- Belgrade City Hall, 91 E. Central

**Task Force Members Present**: Don Seifert, Shane Skinner, Sandy Lee, Dick Huttinga, Rich Morse (via phone), Ron Pike, Alvin VanderVos,

Task Force Members Absent: Drew Jenkins, Jackie Flikkema,

County Staff/Personnel Present: Heidi Jensen, Tom Rogers, Jason Karp

County Commissioners Present: Joe Skinner

Public Present: Jerry Rice, Michael Tucker, Tom Etchart

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Meeting commenced at 6:32 AM

Don thanked everyone for coming.

No public comment.

Don started the discussion with the MCA comments. He talked about adding a statement to Section 4 of the Regulation. Ron stated that he felt the MCA letter was well done and unbiased in the gravel industry. Don agreed and said that we were not trying to make new standards, just keeping a better watch on DEQ. Alvin thought it was so the County would have some enforcement if DEQ fails again. Don stated that the only way the County could currently have anything to say about gravel was through an encroachment permit. He referenced the Zeulke Pit. Commissioner Skinner stated that was correct, however they are not called encroachment permits any longer. Don said that it was really so that the County had a seat at the table. Ron asked if Lee [Provance, Road Department Superintendent] understood that. Joe laughed and said yes he was aware. Don had some other comments. He again referred to the language "significant" in Section 7. This discussion has been had multiple times and should be understood the Commission needs the language to make findings. Ron said he is not worried about this Commission, they have stated they are willing to work with us. He is worried about future Commissions and their ability to interpret significant. Commissioner Skinner said he could really understand their concern. It is the same with subdivisions they have to make significant findings on primary concerns. Sandy asked if the conversation had been had previously? Yes it has been had multiple times. I explained why significant was in the document. The County was not bound by black and white this is the gray area that is a problem, and where the negotiation comes in. Don said that is what allows a pit on the north end of the

Bridger's to have different mitigation than one on the valley floor. Commissioner Skinner said that the CUP's granted during this interim period has had neighbors of gravel pits upset that there was not enough mitigation. It is a tough problem the Commission will always have to deal with. Don asked Ron if there was anything else in the MCA letter that he wanted to talk about. Ron was concerned about the qualifications of the County to come out and say "no" to noise, air, etc. Commissioner Skinner understood the point. Ron asked who would come out and do it. Skinner said we could contract with an Engineer. Ron wants to know who is going to pay for it. He said that during the legislature they came up with a voluntary funding to supply new DEQ employees. Skinner asked if the County had an engineer would you trust them? Tom Etchart from Knife River said no. Ron said it is tough to distinguish between farmers and operators. Don thought there could be some preliminary work done between the operators and the County. Commissioner Skinner said the County does need an engineer and perhaps this is the catalyst to do it. Ron said theoretically if you hired an engineer it would not be a water specialist. That is the advantage of DEQ they have the various specialties. Don said that since we are not making any standards higher than DEQ. Tom Etchart asked what the purpose of having the County involved anyway was? Unanimous it was supposed to be. However, that is why we are here. Shane thought a lot of things could be avoided if we kept this at a local level. There are a lot of things that we could take care of that would save time and money. Jason said that one thing that enraged people to begin with was the frustration from the people when we said we could not do anything.

I pointed out the changes in the document, specifically Section 7 where I had made clerical and grammatical changes. Tom Rogers also pointed out areas in the document where there were additional changes. There was also one change in Section 3.2 regarding the term structures that would need to be looked at.

Don asked three times if anyone had questions or comments on the document.

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Don asked if for a motion from someone to accept the documents

Sandy made the motion.
Alvin seconded.

Don then said he would like to explain how he would like to continue with the voting, a motion shall be made, seconded and then comments. Everyone is able to make comments, including alternates. Don asked for discussion.

All in favor: unanimous aye.

Don said we will move on to the recommendations to the Commission. Don can not make motions.

Sandy, as Vice Chair, will read and make motions.

Sandy made a motion that the Gravel Pit Task Force recommends to Gallatin County Commission adopt zoning regulations to allow gravel pit operations in the un-zoned areas of Gallatin County.

Rich seconded.

Discussion: Dick is opposed to it because under state law they are allowed to mine and zoning regulations are not allowing him to mine.

Ron is opposed as most of his operations are with Agriculture people there is no zoning and they feel this is somewhat of a single use zoning. Agriculture and ranch people do not want to see it.

Don asked for further discussion.

Motion passes (4:3)

| **The Gravel Pit Task Force recommends that the Gallatin County Commission adopt zoning regulations to allow gravel pit operations in the un-zoned areas of Gallatin County.** | **Yes/For** | **No/Against** |
|---|---|---|
| Alvin- | | x |
| Don- | x | |
| Dick- | | x |
| Drew (alternate)- | | |
| Jackie- | | |
| Rich- | x | |
| Ron (alternate)- | | x |
| Sandy- | x | |
| Shane- | x | |

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Second vote

Sandy read motion that the Gravel Pit Task for recommends that, should the Gallatin County Commission adopt zoning to allow gravel pit operations in un-zoned areas of Gallatin County, that the zoning be single issue (to allow gravel pits) and stand alone. And that any subsequent zoning amendments be limited to gravel pit zoning.

Shane seconded.

Discussion: Ron asked if it was allowed in un-zoned areas? Don said yes. Commissioner Skinner had a conversation with the Task Force regarding single issue zoning. Don said he thought everyone understood, that amendments to the document must be made according to law. Don said they are creating a zoning district. Ron said so we are creating zoning district 21. He said we were talking about all the areas outside of zoning districts. Don said all the un-zoned. There is another vote that the currently zoned areas of the County adopt this regulation. Don asked if everyone was clear. Rich said we were voting to send the Commission a recommendation regarding gravel, and that we understand if they want to add at a later date they could. Don said we are making sure this is single issue. It is strictly to allow gravel pits, in currently un-zoned areas of the County. Rich asked about the regulations? That is the next vote.

Dick said once we open the door to single use zoning he does not think it will ever be contained to gravel pits. Shane said there is notification and protest. Alvin said it is generally during the day and hard to attend. Don said there are public hearings and protest periods. An interesting note is the large landowners actually gain from this as zoning expands in the County their percentage of land in the zoning district expands. Ron's opinion was totally opposite. He thought we were starting single use zoning on the agriculture and ranch people. Ron was opposed. Rich said that regarding the agriculture and ranch people we were streamlining a process that had not been in the past. This would make things more predictable for them and not make them stuck like Dick has been. A person could run the gauntlet with predictability.

Don asked for any other discussion.

Motion passes (5:2)

| The Gravel Pit Task for recommends that, should the Gallatin County Commission adopt zoning to allow gravel pit operations in un-zoned areas of Gallatin County, that the zoning be single issue (to allow gravel pits) and stand alone. And that any subsequent zoning amendments be limited to gravel pit zoning | **Yes/For** | **No/Against** |
|---|---|---|
| Alvin- | x | |
| Don- | x | |
| Dick- | | x |
| Drew (alternate)- | | |
| Jackie- | | |
| Rich- | x | |
| Ron (alternate)- | | x |
| Sandy- | x | |
| Shane- | x | |

Vote 3.

Sandy read a motion that the Gravel Pit Task Force recommends that, should the Gallatin County Commission adopt zoning to allow gravel pit operations in un-zoned areas of Gallatin County, the Gallatin County Commission adopt the "Gallatin County Zoning Regulation for Operations that Mine Sand and Gravel or Operations that Mix Concrete or Batch Asphalt." (as approved by the Task Force) as the regulations for the areas of the county to be zoned to allow gravel pit operations.

Ron 2nd

Discussion: Don said this states that if the County decides to adopt zoning the Commission use the document we produced.

No discussion.

Unanimous vote (7:0). Motion passes.

| that the Gravel Pit Task Force recommends that, should the Gallatin County Commission adopt zoning to allow gravel pit operations in un-zoned areas of Gallatin County, the Gallatin County Commission adopt the "Gallatin County Zoning Regulation for Operations that Mine Sand and Gravel or Operations that Mix Concrete or Batch Asphalt." (as approved by the Task Force) as the regulations for the areas of the county to be zoned to allow gravel pit operations | **Yes/For** | **No/Against** |
|---|---|---|
| Alvin- | x | |
| Don- | x | |
| Dick- | x | |
| Drew (alternate)- | | |
| Jackie- | | |
| Rich- | x | |
| Ron (alternate)- | x | |
| Sandy- | x | |
| Shane- | x | |

Vote 4.

Sandy read a motion the Gravel Pit Task Force recommends that the Gallatin County Commission support the adoption of the "Gallatin County Zoning Regulation for Operations that Mine Sand and Gravel or Operations that Mix Concrete or Batch

Asphalt" (as approved by the task force) into the zoning regulations for the areas of Gallatin County currently zoned.

Ron 2nd.

Discussion: Rich had discussion. He was concerned about imposing the document on the zoning districts that exist. Commissioner Skinner asked of the majority was 101. The land area of 201 districts is greater. The adoption would be different. Sandy said we are asking the County support the adoption into the districts if they want it. Tom thought it would level the playing field, in case there was a district that did not have any regulation about gravel pits.

Unanimous vote (7:0). Motion passes.

| the Gravel Pit Task Force recommends that the Gallatin County Commission support the adoption of the "Gallatin County Zoning Regulation for Operations that Mine Sand and Gravel or Operations that Mix Concrete or Batch Asphalt" (as approved by the task force) into the zoning regulations for the areas of Gallatin County currently zoned. | **Yes/For** | **No/Against** |
|---|---|---|
| Alvin- | x | |
| Don- | x | |
| Dick- | x | |
| Drew (alternate)- | | |
| Jackie- | | |
| Rich- | x | |
| Ron (alternate)- | x | |
| Sandy- | x | |
| Shane- | x | |

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Vote 5.

Sandy read a motion that the Gravel Pit Task Force recommends to the Gallatin County Commission that the all zoning regulation to allow gravel pits be applied to all gravel pits within the zoning district.

2nd Alvin.

Discussion: Don said what this does was make every pit liable. All county and state pits were included. Commissioner Skinner asked if it was onsite pits? Don said if it meets the triggers for a pit it applies.

Unanimous vote (7:0). Motion passes.

| The Gravel Pit Task Force recommends to the Gallatin County Commission that the all zoning regulation to allow gravel pits be applied to all gravel pits within the zoning district. | **Yes/For** | **No/Against** |
|---|---|---|
| Alvin- | x | |
| Don- | x | |
| Dick- | x | |
| Drew (alternate)- | | |
| Jackie- | | |
| Rich- | x | |
| Ron (alternate)- | x | |
| Sandy- | x | |
| Shane- | x | |

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Vote 6.

Sandy read a motion that the Gravel Pit Task Force recommends the "concept" of Site Assessment as a tool to assist the Commission. And requests the Commission continue to evaluate and implement the Site Assessment component of the Regulation.

2nd Alvin.

Discussion: The site assessment was the issue Tom was developing a matrix and scoring system that could develop over time to easily map pits in the County. It would help the Commission score and evaluate the component of a pit. Shane said once it was refined it could be a good tool to help everyone make decisions. Ron said this was very vague. Belgrade is a good tool for them but nobody wants to discuss it. It would talk about compatible use. Don said that is where site assessment would be refined. This vote is to say that it is a valuable tool and should be looked into more. Rich said that he thought the criteria Tom came up with was really important for the Commission to review apples to apples when looking at pits.

Unanimous vote (7:0). Motion passes.

| The Gravel Pit Task Force recommends the "concept" of Site Assessment as a tool to assist the Commission. And requests the | **Yes/For** | **No/Against** |
|---|---|---|

| | | |
|---|---|---|
| Commission continue to evaluate and implement the Site Assessment component of the Regulation | | |
| Alvin- | x | |
| Don- | x | |
| Dick- | x | |
| Drew (alternate)- | | |
| Jackie- | | |
| Rich- | x | |
| Ron (alternate)- | x | |
| Sandy- | x | |
| Shane- | x | |

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Don said the time was here to make findings.

The Task Force found that the committee process was effective. They also found that many alternative processes were looked at throughout the last year and a half and were satisfied with the ones chosen for the proposed document. The Task Force found that they sought to consider every persons point of view. The Task Force was made up of a mixture of Planning Board members, Industry and neighbors, and was pleased at the constant and respectful dialogue held at the meetings.

The Task Force found that they were disappointed by the 2009 Legislature. There was little discussion as to long-term solutions with HB 678 being a patch over the greater underlying problems with the Montana Department of Environmental Quality. The Task Force found and acknowledged there were appropriate and inappropriate areas for mining. They find that the proposed regulation that is being forwarded to the Planning Boards and the County Commission is a solution to most of the Counties gravel pit problems.

The Task Force found that more involvement with Staff through the application process in the form of site assessment visits was necessary. The Task Force found that all County gravel pits go through the CUP process if the trigger was met. The Task Force found the necessity to appoint Staff to work on the existing districts in the adoption of the proposed regulation.

Commissioner Skinner thanked the Task Force.

Alvin made motion to adjourn.
Sandy seconded.

Adjourned 8:02 a.m.