Gallatin County Interim Zoning Gravel Pit Task Force
Minutes August 5, 2009

Date: August 5, 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: None

Public Present: Jerry Rice

Meeting commenced at 6:39 AM

No public comment.

All July minutes approved.

Don started by talking about classification, and where we had ended up at the last meeting. Industry had said they wanted everybody to be the same. Don held up the new matrix. Don drew a box and a timeline on the board. His example begins by talking about someone coming to the county office and decides they only want to mine the lower quarter of the parcel. The timeline is set for 15 years. However, if after a few years and they decide they want to now mine half the parcel, the CUP starts again from 15 years forward. If in the interim a subdivision or non-compatible uses are surrounding the property it is reviewed with the uses. If an operator comes in and says that eventually they will want to start in the lower quarter but their intent is to move to mine half. So when they come in for the CUP the whole property is taken into account. The residential or non-compatible uses that move in around the property know what is coming and are aware of what is proposed. The whole idea is to be upfront with the land and potential mining.

Don then drew another rectangular parcel on the board. He suggests it is 20-acres and that 15-acres will be mined for a specific project, a one time pit. An applicant could come in and get a CUP for the project. The CUP is not extendable, the pit is reclaimed. If after a length of time, say 5 years, the pit could be reopened with a new permit. It would give some assurance to the neighbors. The predictability would be there for the neighbors. Jerry asked if he had a neighboring 20-acres what happens? It would be a

whole new CUP. Don asked Tom if that was correct? Tom said it was the general idea discussed, the ending of a term limited pit. Rich asked if it would be an option for defusing opposition? Don said yes and the Zuelke pit would be an example. It give the operator the option if another project comes up in the area the land is not unavailable forever. For the neighbors to know the pit will be shut down after the length of the permit it will defuse a lot of complaints and potential problems. Tom said that it sounds like Don was suggesting that if someone takes the short-term option and they have to close the pit after reclamation they could begin reapplying. Tom said that there may be some confusion on the terms. Another way to look at this is not that it is non-renewable, just that the operators would have a new way to look at diffusing conflict. Ron said it still gets back to mitigation. If you have a 2-year pit you mitigate less, than a 20-year pit. Dick says he would never sign anything that limits him, or says he would not open something for a length of time. It is an option that the operator could choose when they decide to go in.

Rich suggested it would be under duration in the new matrix. It may be good if it was just an option the Commission may use. For example if Dick had a project that he wanted to work for two years that was site specific and he did not want to limit for time specific. He would just go for a two or five year renewable. If you had some really good resource right next to a project and you opened with a lot of extraneous circumstances with neighbors it may be a bone for the Commission to throw when contention arises. Don said exactly what about when the neighbors complain about permit creep, this really addresses the issue. Tom was changing how he was perceived the whole process. Clearly we have come full circle there is now nothing that is classified everything is a pit. We are talking different forms the permits could take. Ron said that he is kind of glad the Zuelke pit came up because it gave us a good example. Dick told his story and how detrimental to his business it has been. Ron said that it is very tough with the Morgan pit. Rich asked if the clock had started for the Morgan pit? Ron said that they were still working with the MDT. They want an illuminated raised median on highway 191. Don said what we are tying to do is prepare for the future and give neighbors predictability. Rich asked if it was like the subdivision review process, in that you permit so much and then you want to expand you do the process over? Don said yes. It is more like a PUD, where you say what future intentions are. Don asked if it was something the operators could work with? Something the neighbors could work with? Works for Rich, and thinks that it would be a good tool for the Commission to work with. Don said it is an option, if operators want to take it.

Tom suggested the TF was forwarding recommendations, non-renewable could be options. Here are some different forms the permit could take. It gets people think outside the box of how things will work. Rich said that it is looking more like what the operators are looking for with a CUP. The non-renewable is covered with expansion/extension option on the matrix. Everything goes through the CUP there is no longer a temporary. Sandy asked why there was the time limit where you couldn't go back in? Don said it was if a neighbor has decided to sell a piece of property it gives them time. Sandy doesn't think we need to two year closure. Tom said that if in the interim time when the pit is closed and reclaimed a whole new notification is sent. That

is the CUP process. It is not a requirement for time closure. Rich said what it does for him it says that if you are going to opt for saying you are going to do a limited term pit, it commits you. If you decide to change your mind you are already obligated to close the pit and re-do everything. It takes care of the neighbors concerns. Tom said Sandy may be right and that it may never be used. Tom said people are concerned that there is a two year pit it is purely an option that can be taken, an applicant can take at a hearting. Shane says that if you have a two year permit and it finishes do you have to reclaim? Dick said it depends on what you bond for, and what is in your plan of operations. Don said that the other thing that it does for the neighbors if it is closed and reclaimed, they know the next time it is used part of it has been reclaimed. It will take some time to move everything. Dick said that is what you do with phases. Rich said he thought we were talking about requiring you to stick to the plan of operations. The CUP and plan are things that can be extended. Don said it was important to note the plan of operations becomes part of the permitting, and requires at least a review of the CUP process. If it something relatively minor it isn't a big deal. An amendment or change to the DEQ permit requires at least a review by planning. Shane said we just need to go through the County process and direct staff. Tom said to take a look at the current interim regulation that can be addressed. How much of one thing is a problem Shane asked. Dick said it is site specific.

Jason said that we have a direction now we need to draft something. Tom said the big change he picked up was land use analysis. What is the capacity for neighboring properties to be developed as a mining operation? Don said in his mind the land use analysis is an important part. Dick asked if the land use analysis would become part of a burden for the operator? Tom said his understanding was that what we have been discussing requires more Staff time to look at potential neighboring parcels. We take aerial imaging anything that has been submitted. Short story it falls on Staff, we may ask for your knowledge of the neighboring parcels. Don said it is all part of the conversation had during the CUP process. Don wants to explain the land use idea. A formula has been drafted.

I have a problem with the subjectivity of the formula. Rich thinks it gives the Commission a benchmark. He is okay with the difference between a 40 and an 80 but not with a 65 or a 70. Don drew a box divided in half long ways and then into quarters. The first square is a 40 however moving to the next box the score becomes an 80 due to housing and development. It could be used as a way to benchmark stuff. In remembering the formula there was not a lot of subjectivity. Tom said the intention was to remove subjectivity to quantify the analysis, and the standard is there. It could address a lot of public outcry. There are some assumptions that need to be made. Where do you put the scale factors, high value agriculture? Once they have been established the number that it generates is objective. The number it generates is the question. Don said that after time it begins to have some value to it. Tom has done the analysis for three of the operations done. They were all fairly moderate. Tom did do Gateway's numbers (Nuss Pit) and it was not off the charts. We can assume the Zuelke pit would be low. There are three structures within a ¼ mile. Don asked from a planning standpoint, does it give you something long-term. He knows there is a lot of resistance. The intention is to

quantify. It provides another data point. The spread of the pits done was small. Tom said the calculation could be done in a number of ways. Ron said it was a good measuring stick since people outside of the area tend to show up at public hearings. Don said that was part of his thinking as well. If there aren't any residents within a ¼ mile then why are the people within a mile complaining? Rich also thought that if the 1 person who has a lot of money and friends is complaining then it could take some wind out of their sales. If you locate an area with numbers it gives the Commission some leverage in the mitigation measures they ask for. Don asked what pit has the most non-compatible pit. Tom said it was another idea to grade the non-compatible use. There may not be any in ¼ mile but a lot in a mile is that important? There may be 10 homes adjacent and then nothing. Shane thinks it is. The evolution of the analysis may start out as something advisory. The static number may be a visual number of non-compatible use. Tom thought it might be important to tell the Commission 80% live in ¼ or nobody lives next door. He thinks it may be informative. Don asked if there is a range system from inner rings out?

How you decide what to do with those numbers is the question. He thinks it is important to use them to determine how non-compatible uses work. Ron said he would do an analysis of the pit he has now in Belgrade and it is surrounded by non-compatible uses and is able to mine. Shane asked if you could get the permit today? Ron said yes because of the airport. If you take a mile you are in town so it is easy to show how compatible they can be. Dick said that they notified within a mile and a lot of those people could not even see the pit. Don thinks it is important to note when a CUP is presented to the Commission. If you have 200 people next door the heat may be warranted. Ron said that at the hearings everybody lives right next door.

Don asked Tom to refine the idea. Tom said we are going to make it simple and we could present what is available right now. Determine the relevance from there.

Don asked the group to think about what we talked about today, regarding the matrix and different types of pits. Putting the flexibility in the CUP process gives everyone predictability. Rich asked what the consensus around the table was on the new matrix. Can we quantify that and move on? Is it something that a lot of people are not agreeing on? Don told Jackie that we would not take any votes without her review. To answer your question I think there was general consensus that this was a good process.

Agenda next time will have a vote on the draft review process. Refinement to discuss some of today's comments. Next week will be a push to get everything to a finished product. Short discussion for or against.