

<b>Description</b>	County Planning Board October 28, 2008		
<b>Date</b>	10/28/2008	<b>Location</b>	County Planning Board
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">5:59:54 PM</a>	President Kerry White	<b>Call to Order. Members present:</b> Kerry White, Don Seifert, Mike McKenna, Deb Robinson, Marianne Jackson Amsden, Byron Anderson, and Pat Davis. <b>Members absent:</b> C.B. Dormire and Matt Flikkema. <b>Staff present:</b> Planning Director Greg Sullivan, Planner Randy Johnson, Planner Tom Rogers and Recording Secretary Glenda Howze	
<a href="#">5:59:58 PM</a>	President Kerry White	<b>Public Comment.</b> There was no public comment on matters not on the agenda.	
<a href="#">6:00:35 PM</a>	President Kerry White	<b>Approval of October 14, 2008 Minutes.</b>	
<a href="#">6:00:53 PM</a>		The minutes stand approved as written.	
<a href="#">6:00:55 PM</a>	President Kerry White	<b>Planning Department Update.</b>	
<a href="#">6:00:58 PM</a>	Planning Director Greg Sullivan	Distributed the County Budget Summary for the Planning Board for the first quarter of the fiscal year and the final amendment to the subdivision regulations for the water conveyance facilities.	
<a href="#">6:03:01 PM</a>	President Kerry White	<b>Regular Agenda.</b>	
<a href="#">6:03:08 PM</a>		a. <u>Public Hearing and Decision on Recommendation to County Commission on Amendments to the Gallatin County Subdivision Regulations Regarding Fire Protection Plan Submittal and Approval Procedures.</u>	
<a href="#">6:03:16 PM</a>	Planner Randy Johnson	Presentation and entering of staff report into the record.	
<a href="#">6:08:32 PM</a>		Board questions and discussion with staff.	
<a href="#">6:12:22 PM</a>	Commissioner R. Stephen White	Continued presentation on history of the regulations and basis for the amendments. Noted that this is not a modification to Appendix I.	
<a href="#">6:16:20 PM</a>		Public comment.	
<a href="#">6:16:34 PM</a>	Catherine Dinwiddie, Attorney for	Comments regarding stance of the Fire Districts on these amendments and request for adequate time to review the subdivision applications. Submitted letter to Board Members on	

	Rae, Sourdough and Amsterdam Fire Departments	the position of the Fire Districts.
<a href="#">6:17:46 PM</a>		Board questions and discussion with Attorney Dinwiddie.
<a href="#">6:22:01 PM</a>	Commissioner R. Stephen White	Noted that early on in the process of putting the language for the amendments together, the fire districts were made aware of the process and potential changes so that they were always in the loop with what was being planned. Rebuttal to comments within the letter submitted by Attorney Dinwiddie.
<a href="#">6:24:48 PM</a>		Board discussion.
<a href="#">6:24:56 PM</a>	Byron Anderson	I move that we approve the subdivision regulation amendments; fire protection plan submittal and approval procedures (Sections 3.S.2.d., Section 4.S.2.d., Section 5.E.27., Section 5.G.b.(15), and Section 6.e.1.) dated October 28, 2008 as written.
<a href="#">6:25:21 PM</a>	Mike McKenna	Second.
<a href="#">6:25:51 PM</a>		Vote: Unanimous.
<a href="#">6:26:31 PM</a>		<u>b. Presentation by City of Bozeman on Bozeman 2020 Plan Update (Bozeman Planning Board and Bozeman City Planning Staff).</u>
<a href="#">6:26:46 PM</a>	JP Pomnichowski, City of Bozeman Planning Board President	Presentation. Also, invitation to participate in the process by attending their board meetings on the first and third Tuesdays of every month.
<a href="#">6:33:07 PM</a>		Board questions and discussion with Ms. Pomnichowski.
<a href="#">6:45:28 PM</a>		<u>c. Staff and Applicant Presentation, Board Discussion and Decision on Recommendation to County Commission on Morgan Family, LLC Gravel Pit Conditional Use Permit (NO PUBLIC HEARING).</u>
<a href="#">6:46:06 PM</a>	Planner Tom Rogers	Presentation and entering of staff report, applicant submittal packet, suggested changes to the conditions, and additional public comment on the application into the record.
<a href="#">6:51:13 PM</a>		Clarification question(s) regarding the suggested changes to the original proposed conditions.
<a href="#">6:56:39 PM</a>		Continued presentation by Planner Rogers, presentation of

		suggested additional amended conditions.
<a href="#">7:15:43 PM</a>		Board questions and discussion with staff.
<a href="#">7:29:21 PM</a>	Planner Tom Rogers	Noted an additional modification to the suggested conditions; removal of the words "MOA with the" from the last sentence of condition #20.
<a href="#">7:30:09 PM</a>		Continued questions and discussion between the board and staff.
<a href="#">7:48:56 PM</a>	Bob Lee, Morrison-Maierle	Applicant comments on the suggested changes to the original conditions.
<a href="#">7:56:37 PM</a>		Questions and discussion between board, applicants and staff.
<a href="#">7:57:17 PM</a>	Garth Sime, Applicant	Explanation of history of company and efforts to work amicably with the neighbors to mitigate their concerns and potential impacts of the operation.
<a href="#">8:00:03 PM</a>		Questions and discussion with board and applicants.
<a href="#">8:02:18 PM</a>	Jerry Rice, General Manager of TMC	Explanation of the asphalt plant aspect of the operation and need for extended hours for the duration of a project requiring the asphalt. The asphalt plant is run by a subcontractor for a specific project, not run by the pit owner.
<a href="#">8:03:30 PM</a>		Continued questions and discussion between board and applicants.
<a href="#">8:13:38 PM</a>		Public comment. Susan Hellier (proponent of the application), Jim Brown and Carol Lee-Roark (neighbors/opponents).
<a href="#">8:20:24 PM</a>		Public comment closed.
<a href="#">8:20:26 PM</a>		Board discussion.
<a href="#">8:20:34 PM</a>	Gail Richardson	Addressed the statements made about heavy industrial development. Noted comments on page five of the application in reference to the Growth Policy, which seeks to limit the adverse affects on neighboring lands. Stated that the Growth Policy is clear about not bringing in a totally different type of use into an area where the surrounding uses are totally different. There is no industry anywhere around this property. Noted that this is a significant issue to her and should be to the Planning Board and County Commission.
<a href="#">8:22:00 PM</a>	Deb Robinson	Stated that she comes back to the County Growth Policy when considering this application. This is a conditional use permit request and the Planning board is to use five different points when determining if it is an appropriate conditional use permit application. One of the points is adverse impacts on nearby properties and residents. There is a health component, involving

		<p>data collection and monitoring for EPA levels. This is a concern because this is a community. Noted the efforts to build a community in this area [Gateway]. It also talks about whether this application will have adverse affects on ground water. The data for this effect is incomplete. Thirdly is the adverse impact on public services. Montana Department of Transportation has said that there should be an acceleration and deceleration lane, but this is one of the most dangerous highways in the State and not the appropriate place for this type of operation given the school and community in the area. Noted that she would be against this kind of activity on this property.</p>
<a href="#">8:24:57 PM</a>	Pat Davis	<p>Stated that she looks at this from a different point of view. The applicants are trying to improve this as agricultural property. It is a nice piece of property. The high piece of property isn't very productive but if they get it down where it can be sub-irrigated, it will be productive again. The hours of operation - gravel mining is kind of a seasonal operation and daylight hours; suggested that most people in this area would be up during these hours anyway. The permits, rules, etc. that the EPA puts on are huge. Noted that she is in favor of this application.</p>
<a href="#">8:26:28 PM</a>	President Kerry White	<p>Noted that this area is unzoned. State law addresses mineral, agricultural and forestry resources 76-2-209, MCA. If we put conditions on, they must be reasonable so that the landowner's rights are retained. These operations have been protected in the Treasurer State through the years. Subsection 2 under 76-2-209 notes that if the area was zoned, that use could be disallowed, but if the area is unzoned, the use cannot be disallowed. Also stated that the Board received a letter of support from a neighbor to the south who is supportive of the application if the development stays on the north side of the canal. Also noted that this is an excellent piece of property to improve by taking out the bench and creating sub-irrigated ground. They do have water rights and have done an excellent job of mitigating impacts. Also thanked Don for serving on the gravel pit task force.</p>
<a href="#">8:29:40 PM</a>		<p>Questions and discussion with staff regarding the asphalt batch plan permits.</p>
<a href="#">8:31:19 PM</a>	Don Seifert	<p>Motion that we recommend approval of the Morgan Family Gravel Pit Conditional Use Permit because it complies with section 6.1 of the interim regulations, complies with section 6.2 of the interim regulations, and 6.3 of the interim regulations and 6.4 with using the following changes to the conditions; with using the staff conditions handed out October 28th at the meeting; all of those changes with the addition of 7a, no Sunday operation of hauling or crushing or maintenance; condition #20,</p>

		<p>the last sentence should read "Notwithstanding the above, all improvements required by [strike 'MOA with the'] MDT shall be completed prior to issuance of a Land Use Permit."; and 37 - the following changes "Where adjacent residential dwellings [strike 'are'] located within 1000 feet [strike 'or'] have an unobstructed view of active operations, the Applicant shall construct a fence made of natural material and of adequate height and screening capacity to adequately visually <i>and auditorically</i> screen the operation from the residential dwelling."</p>
<a href="#">8:34:18 PM</a>	Mike McKenna	Second
<a href="#">8:34:26 PM</a>	Don Seifert	<p>Stated that this has been an interesting exercise. Noted that the determinations have to be defensible facts. If we go through and look at the determinations that are supported by facts (Page 24 of Staff Report, Gallatin County Commission Determinations) we noted that the application does comply with number one; adequate mitigations have been made to comply with number three; the public services have been mitigated and noted that it is probably better to have a gravel pit servicing the growth in this area rather than having trucks traveling long distances bringing gravel to this area; and number five and six - have been addressed property. Returned to discussion on number two, regarding adverse impacts on nearby properties, property values, nearby land uses, etc. Agreed that this operation will probably have impacts on these areas, but stated that those impacts have been mitigated. On the note of property values, it will have a temporary effect on property values as does anything that might be done with the property, plus or minus. Suggested that there is a chance that after the life of this pit the values of the neighborhood could increase. It will be known that no more gravel can be mined in this area. Stated that he would be supporting the motion.</p>
<a href="#">8:38:26 PM</a>	Gail Richardson	<p>Stated that she would like to talk about the reasons that she can't support this. Item 2, the adverse impacts on nearby properties, etc., stated that if someone wants to sell their land in the 10-year period of operation, they will have no recourse but to sell it at incredibly degraded values. Expressed that this is a huge issue for her and that she can't get around that particular element; doesn't think it meets that criteria and or that it addresses the potential impacts on ground water. Public services - stated that Highway 191 will be a disaster. Recited from the "Criteria for County Commission Review" section 6.3 and noted that many of the conditions help but noted that we have to look at the cumulative effects of gravel pit operations in our County. Stated that she</p>

		<p>doesn't feel the air quality and water quality monitoring is sufficient. Noted that she doesn't see these being mitigated. Feels that the County is becoming overrun with gravel pits and more needs to be done by the task force to identify the cumulative impacts of gravel pits in this county.</p>
<p><a href="#">8:41:53 PM</a></p>	<p>Mike McKenna</p>	<p>Stated that he intends to support this application. Suggested that if the Planning Board focuses on issues number two, three and five; it is clear if you look at the other operations, they have water in the pits, they are being monitored by DEQ and they are working. This land is going to be put back into agricultural use in a way that will be enhancing the land as time goes on. They are mitigating that issue. Noted his agreement with Don that it will be a safer situation to have the trucks in the area rather than traveling into the area. Also stated that our way of looking at it is that we have interim gravel pit regulations to determine have the significant impacts been mitigated adequately. We don't know if the property values will be impacted. Time will tell. If it works the way it is supposed to, this will be mitigated. Stated that he would support the motion.</p>
<p><a href="#">8:43:31 PM</a></p>	<p>Marianne Jackson Amsden</p>	<p>Stated that she is mostly in agreement with Deb and Gail. Noted that she appreciates the property owners wanting to improve the land for future agricultural uses, but who is to say what is happening in 10 years. Stated that she doesn't buy that it is in keeping with the Growth Policy for that reason. The area is unzoned but it is important to keep it as similar to the neighboring areas as possible. The area is primarily agricultural and residential now. Stated that she doesn't think it meets number one with the Growth Policy. Number two, agrees that it has the propensity to lower the property values during the operations in the event that the mitigations aren't sufficient. There is no way to say that those properties won't be adversely affected. Suggested that possibly the Board could think more creatively about how to mitigate this by establishing a baseline for the property values, and then if someone has to sell during those ten years, calculate for other economic factors and mitigate those effects on property owners. Stated that we have one property owner seeking to gain a profit at the expense of their neighbors. Suggested that she is not convinced that the ground water isn't going to be a problem and noted that she would feel more comfortable sticking with the higher standard of four feet. Finally, the public facilities and services, the highway is one of the most dangerous in the State and adding more heavy equipment and trucking on this road is not a good option. Noted that she can't support the motion.</p>
<p><a href="#">8:46:41 PM</a></p>	<p>Byron</p>	<p>Clarified that the plan is to take a plateau of gravel, level it out</p>

	Anderson	and reclaim it when done for agriculture or subdivision. [yes] This is a unique change of pace from the deep holes and could compliment the topography at the end of the project rather than wonder what is going to happen with the hole. Stated that he would vote in favor of this application to encourage this type of process in the future rather than digging more massive holes around the County.
<a href="#">8:47:58 PM</a>	Don Seifert	Noted that he is not going to open up the can of worms regarding the financial security matter in number two, this is up to the County Commission.
<a href="#">8:48:39 PM</a>	President Kerry White	Stated that this area has seen a lot of agricultural ground going under subdivision because farming and ranching is not very profitable. This may be an opportunity to create some better ag ground, giving some profit to the owner so that he may be able to stay in business for another few years and a way to preserve some open space without spending any open space money. Also noted condition #3, this is permitted for 10 years but will be re-reviewed at the end of three years to make sure that all of the conditions are being complied with. There will be two ground water test wells put on the property to give us some data over that three year period as to what the impact is on the water. The EPA and air quality has really cleaned up in this valley, the regulations have improved immensely. The crusher will use some of the new high tech damping material. We've come a long way. This is a hard struggle within the valley but the closer that we can get this gravel to where it is used, the better off we will be with fewer trucks traveling longer distances.
<a href="#">8:52:18 PM</a>		Vote: 5-3, motion passed; Marianne Jackson Amsden, Deb Robinson and Gail Richardson opposed.
<a href="#">8:52:46 PM</a>	Don Seifert	Noted to staff that the staff report was well-written and well presented.
<a href="#">8:53:02 PM</a>	Deb Robinson	Requested [to Don Seifert as member of the Gravel Pit Task Force] that the Gravel Pit Task Force address the future planning efforts and where they should be located.
<a href="#">8:53:52 PM</a>		This application will be heard by the County Commission on November 5th.
<a href="#">9:04:33 PM</a>		Return to order
<a href="#">9:04:38 PM</a>	President Kerry White	<b>Other Business.</b>
<a href="#">9:04:45 PM</a>		a. <u>Discussion and Possible Decision on Amendments to the Bylaws.</u>

<a href="#">9:04:49 PM</a>	President Kerry White	Presentation of two documents. Planning Board member attendance for 2008 and a suggested amendment to the bylaws regarding the use of "title" in letters of support for political candidates or issues. Expressed sincere apologies to the board for the letter that was written and signed as "President"; assured the board that this would not happen again. Presented and read an example of bylaws from another board that addresses this issue. Noted that on April 10, 2007 then President Krebsbach appointed a bylaws committee - C.B. Dormire (Chair), Deb Robinson, Mike McKenna and Kerry White. Removed his name from the committee given other obligations and the shortage of board members at this time and requested the bylaws committee review this proposed bylaw change and/or consider an alternative; unless the Board wishes to vote on the amendment presented.
<a href="#">9:07:54 PM</a>	Deb Robinson	Noted that there was a seconded motion left on the floor from the last meeting. Stated that she would like to remove the motion from consideration.
<a href="#">9:08:14 PM</a>	Gail Richardson	Second concurs with the removal of the motion.
<a href="#">9:08:30 PM</a>	Mike McKenna	Motion to amend the bylaws to say that "Any Member who takes a public stand on any ballot issue or candidate, must clearly state in the context of that public comment that he/she is not speaking on behalf of the board, unless the board has approved by unanimous vote."
<a href="#">9:09:11 PM</a>	Marianne Jackson Amsden	Second.
<a href="#">9:09:15 PM</a>		Board discussion.
<a href="#">9:09:18 PM</a>	Gail Richardson	Stated that the issue she has with the suggested amendment is that it would still allow for a member to use their title or position when signing a letter as long as they noted in the letter that it wasn't the position of the board. Stated that she would rather see something that states that officers and members will refrain from using their titles when endorsing candidates or issues.
<a href="#">9:10:33 PM</a>	Don Seifert	Suggested that this is an important issue; maybe the motion should be tabled and the issue sent to the bylaws committee for them to draft up a code of ethics for inclusion in the bylaws that would encompass this matter as well as others of a similar nature.
<a href="#">9:11:23 PM</a>		Continued discussion.
<a href="#">9:13:00 PM</a>	Deb Robinson	Noted her appreciation to Kerry for how he began this discussion and stated she would be fine with the amendment.



<a href="#">9:13:20 PM</a>		table
<a href="#">9:13:23 PM</a>	Don Seifert	I move that we table the motion that is presently on the floor to the bylaws committee.
<a href="#">9:13:55 PM</a>	Byron Anderson	Second.
<a href="#">9:14:03 PM</a>		Board discussion. Mr. Sullivan asked that the sub-committee forward him their recommendation so that it could be put into a resolution for consideration and adoption by the Board.
<a href="#">9:14:24 PM</a>		Vote: Unanimous.
<a href="#">9:14:40 PM</a>		Discussion regarding Growth Policy Implementation Program documents; when they will be read for review and how long they will be available before consideration by the board.
<a href="#">9:16:28 PM</a>	Planning Director Greg Sullivan	Assured the board that they would have approximately two months to review the documents before considering it formally.
<a href="#">9:17:25 PM</a>	Mike McKenna	Inquired about having a County Attorney present for Planning Board meetings.
<a href="#">9:18:39 PM</a>	Planning Director Greg Sullivan	Suggested that if this is a desire of the board to have such representation on a regular basis or a case by case basis, this request should be made to the County Commission who will consider it and make the appropriate request to the County Attorney.
<a href="#">9:19:24 PM</a>	Gail Richardson	Asked that the Board address the issue of the letter to the editor by Jennifer Moler regarding Kerry White's letter. Suggested that the Board go on record to state that Kerry was not speaking on behalf of the Board. [Read a draft response.]
<a href="#">9:21:42 PM</a>	Mike McKenna	Stated that he would not be in support with the letter suggested by Gail. Suggested that it would be more effective to write a letter stating appreciation for Ms. Moler's concern and recognizing potential confusion, it is not our intent and will not do that again.
<a href="#">9:22:31 PM</a>	Marianne Jackson Amsden	Stated that she agrees it needs to be answered but noted some issues with Gail's draft as well. Suggested that perhaps the by-laws committee should come up with an appropriate response.
<a href="#">9:23:51 PM</a>	Don Seifert	Stated that he doesn't believe that the Board needs to respond. Suggested that Ms. Moler is welcome to come to the Board directly or get resolution in other ways rather than a "war of words" in the paper. It does not require a response beyond what has been said on the record.
<a href="#">9:25:02 PM</a>	Pat Davis	Noted that she agrees with Don. Sometimes the less said the

		better.
<a href="#">9:25:19 PM</a>	President Kerry White	Stated that he is unsure how to proceed with this item. He wants everyone to have their say but doesn't know how to come to resolution on the Jennifer Moler response matter.
<a href="#">9:26:03 PM</a>	Deb Robinson	"Maybe I missed something but what we did is Kerry went on record to say that it was inappropriate, his letter, to use his title in the editorial. And as a result we're going to be adding a new resolution to our bylaws. So we did something. Those are the two steps. I don't think we need another letter."
<a href="#">9:26:55 PM</a>	Marianne Jackson Amsden	Suggested that perhaps the Board could publish something noting the by-law change.
<a href="#">9:27:23 PM</a>	Byron Anderson	Stated that from here on this should be kept in house, it doesn't require further action.
<a href="#">9:27:49 PM</a>	Gail Richardson	Read a portion of Ms. Moler's letter and stated that she feels it is a reflection on her own integrity. Stated that she doesn't want anyone thinking that the Planning Board is operating in this way. Reiterated her desire to see a letter of response on this matter.
<a href="#">9:29:10 PM</a>		Continued discussion on the matter of a response to Jennifer Moler's letter.
<a href="#">9:32:18 PM</a>	Mike McKenna	Suggested that perhaps Kerry could write a letter himself addressing Ms. Moler's letter and noting that he was not representing the board.
<a href="#">9:32:48 PM</a>	Byron Anderson	Agreed that such a letter (by Kerry) may be a good way to neutralize the issue, but not a letter from the Board.
<a href="#">9:34:58 PM</a>		Further discussion.
<a href="#">9:35:28 PM</a>	President Kerry White	Stated that he will take the suggestion under consideration.
<a href="#">9:35:36 PM</a>		Meeting adjourned.