



## GALLATIN COUNTY

### MEMORANDUM

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**TO:** GALLATIN COUNTY COMMISSION

**FROM:** TOM ROGERS, PLANNER <sup>TR</sup>  
GALLATIN COUNTY PLANNING DEPARTMENT

**SUBJECT:** OVERVIEW OF PROPOSED ZONING DISTRICTS  
ADDRESSING GRAVEL MINING OPERATIONS

**DATE:** JANUARY 26, 2010

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The purpose of this agenda item is for the Planning Department to provide the County Commission with an overview of the process and steps involved for creation of zoning regulations to address gravel mining operations, and for the Commission to provide Staff with directions regarding the boundaries of the proposed zoning district(s).

#### **Background**

On May 7, 2008 the County Commission adopted Interim Zoning to improve the gravel mining permitting process. Subsequently the Commission created the Gallatin County Gravel Pit Task Force (Task Force) to develop recommendations for long term solutions to issues related to non-compatible land use and allow Gallatin County to address off-site impacts caused by mining operations.

On December 8, 2009 the Task Force presented their report and recommendations to your Board. At that hearing you received a copy of the Task Force's recommendations and proposed regulation.

The Task Force has recommended County-wide zoning to allow gravel mining operations. The Commission has stated for the record they will not support a County wide option. They are, however, intent on adopting zoning regulations for an area in the central part of the valley prior to the expiration of the Interim Zoning district. The district being considered includes where the greatest potential of land use conflict, future growth is anticipated and aggregate resources are located.

The Commission has approved four CUP's under the Interim Zoning Regulation. Based on comments from the County Attorney's office all CUP's issued under the Interim Zoning regulation will terminate if the Interim District expires without adoption of some permanent zoning. The Interim district is set to terminate on May 7, 2010.

## **Commission Action**

The Commission has directed Staff to initiate the steps and process to adopt zoning for the area of interest. Currently five districts being considered concurrently including:

- Belgrade Planning Jurisdiction – On November 23, 2009 the Belgrade Planning Board heard the report and recommendations of the Task Force and voted to adopt those recommendations for their planning jurisdiction. In addition the Belgrade Planning Board has been actively meeting since spring 2009 to draft comprehensive zoning regulations including the gravel mining CUP process.
- Manhattan Planning Jurisdiction - On November 18, 2009 the Manhattan Planning Board heard the report and recommendations of the Task Force and voted to adopt those recommendations for their planning jurisdiction. The Manhattan Planning Board has been working on a comprehensive zoning regulation that will include the gravel mining CUP process. Due to the time considerations the Manhattan Planning Board is proceeding with a two-step zoning regulation adoption process. Step one is adoption of the gravel pit regulation and step will include comprehensive amendments implementing the rest of the Plan
- Three Forks Planning Jurisdiction – On November 19, 2009 the Three Forks Planning Board heard the report and recommendations of the Task Force and voted to adopt those recommendations and regulation for their planning jurisdiction. The Board is considering how to move forward with zoning regulation for their area.
- Amsterdam/Churchill Planning Area – On January 19, 2010 the Commission voted to adopt the Community Plan. The Plan calls for the adoption of a comprehensive regulation including a gravel mining CUP. Due to the time considerations the Amsterdam/Churchill Planning Community Planning Group is proceeding with a two-step zoning regulation adoption process. Step one is adoption of the gravel pit regulation and step will include comprehensive amendments implementing the rest of the Plan.
- “Southern Valley” area which includes the Gateway Planning area – The “Southern Valley” includes the Gateway Planning Area and a limited geographical area surrounding Gateway experiencing conflict between differing land use. Similar to Amsterdam/Churchill Planning community the adoption of the zoning regulation will follow a two-step process. Step one is the adoption of the gravel mining regulation followed by a comprehensive amendment within the boundaries of the Gateway Planning Area implementing the Community Plan. The Commission created a zoning task force on December 15, 2009 to draft the comprehensive regulation that would cover the area included in the Gallatin Gateway Neighborhood Plan.

Staff will schedule hearings before the Gallatin County Planning Board to solicit a recommendation on the proposed district boundary and regulation for your consideration. The Planning Boards recommendations are limited to only the areas the fall under their authority including the Amsterdam/Churchill and “Southern Valley” areas. They will not provide comment on the Manhattan, Belgrade or Three Forks Planning jurisdictions. The Planning Boards recommendation is scheduled to be completed on or before March 23, 2010. The Belgrade Planning Board will make recommendations concerning the Belgrade Planning area and the Manhattan Planning Board will provide recommendations concerning the Manhattan Planning area regulations.

### **Approximate Time Line**

As stated above, considering the Commission directive to adopt permanent zoning prior to the expiration of the Interim Zoning the following time line is required. All dates are approximate at this time.

Posting of Notice	Week of February 5, 2010
Planning Board Hearing	March 9, 2010
Resolution of Adoption	March 23, 2010
Final Adoption	May 4, 2010

### **Next Steps**

Upon approval of the proposed boundary Staff will follow the appropriate notice procedure for the district and begin scheduling hearings before the Gallatin County Planning Board and County Commission. The estimated dates for these hearings are listed above,

At the County Attorney’s request the final regulation will follow the format of the Interim Regulation, to the greatest extent possible, and incorporate the intent and objectives made the TF. Again, as of the date of this memo the Attorney’s office has not finished review of the draft regulation.

### **Exhibit(s)**

- A. Option A: Greater Valley Option
- B. Option B: Greater Planning Area Option
- C. Option C: Southern Valley Option
- D. Written Description of Option C Boundary
- E. Residential Property Location Map

# **Exhibit D: Opencut Mining District Boundary(s)**

## **Part One – Belgrade Planning Area**

## **Part Two – Manhattan Planning Area**

## **Part Three – Amsterdam/Churchill Planning Area**

## **Part Four - Southern Valley Zoning District**

Including all area north of Tract Four South (T4S),  
West of Section 33 T4S R4E (including all Gateway Planning Area) north to  
Norris Road,  
East including all un-zoned contiguous area west of Range Six East (R6E) excluding:

Gallatin County/Bozeman Planning Area,  
Hyalite Zoning District, and  
South Cottonwood Canyon Zoning District  
Forest Service Land

And including all of the Gateway Planning Area

## **Part Five – Three Forks Planning Jurisdiction**