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Knife River has long operated this gravel pit near Gallatin Field Airport. Homeowners in the Gallatin Valley have serious concerns over the proliferation of permits for gravel pits in unzoned areas, where they are often approved adjacent to existing homes.

By JODI HAUSEN  
Chronicle Staff Writer

Lois Kahler is worried.

If three gravel pits proposed for her neighborhood are approved, the value of her log home on 20 acres outside Belgrade could plummet, she says. A real estate agent told Kahler she would be lucky to recoup 40 percent of her home's value if the pits go in.

"We have more concerns than ever about the value of our property,"

Kahler wrote in recent e-mails to the Chronicle.

Kahler, 57, and her husband have lived on Alaska Road near Cameron Bridge Road since 1983. They built their retirement home there in 1992. Proposed gravel pits along Cameron Bridge Road would

likely bring increased truck traffic, noise, airborne dust and emissions, she said.

"It tears me up when I think about having to leave our retirement home we've worked so hard on and take a huge loss because of all the problems the gravel pits would cause," she wrote. "What are we to do now?"

She's not alone in her uneasiness about the proposed pits.

Curtis Crow's family farmed 60 acres on Cameron Bridge Road for about 20 years, he said. About two years ago, his mother sold most of

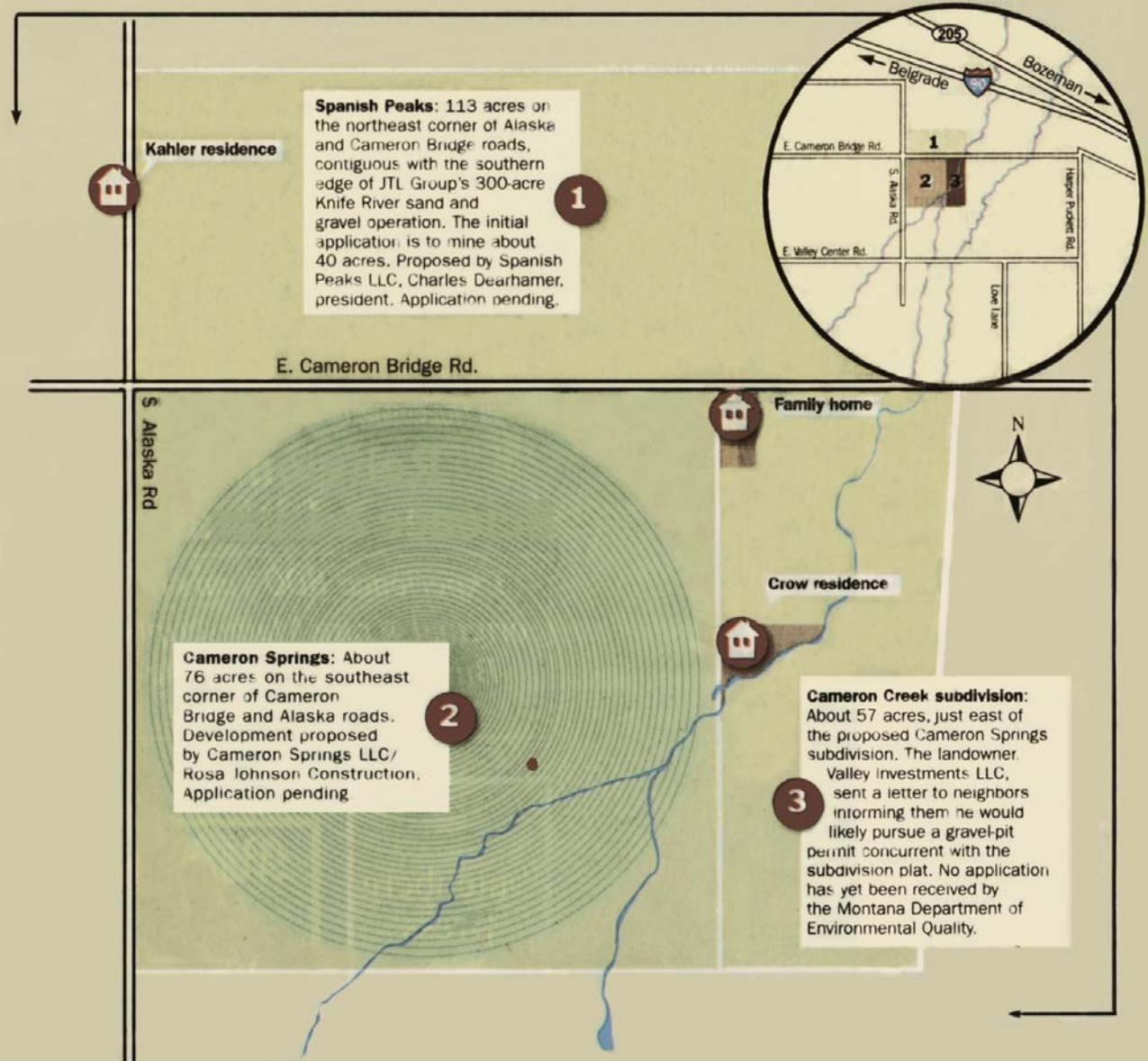
it to a developer, who intended to develop it as a subdivision. His mom kept a few acres for herself and her family.

Then in January, Crow and his neighbors got a letter from the developer, Valley Investments LLC, who said it was still pursuing a subdivision, but, with proposals for two gravel pits on adjacent land, it needed to pursue a gravel pit permit as well.



Gallatin County residents hope county-wide zoning will save them from life next to a gravel pit

# LIFE WITH A PIT



If that happens, Crow's property will be completely surrounded by gravel operations.

The 43-year-old Baptist pastor said the loss he'd suffer from the diminishing value of his property represents his life savings being stripped from him.

"It's almost like being raped - having something taken from me I have no say in," he said. "I will have no retirement or not enough for my wife and me to sustain ourselves."

## The need

Gravel pits are necessary for growth, providing the rock and sand needed for roads and building construction.

"Gravel is, literally, the foundation of all construction," Cary Hegreberg, executive director of the Montana Contractors' Association, said.

The most cost-effective situation is one in which construction companies can get sand and gravel needed for a project locally, he said. In fact, most large gravel pits are owned by construction companies.

But in places where the value of land has spiraled upward —Seattle, Wash., and Houston, Texas, for example — gravel pits get edged out, and rocks and sand have to be barged in from as far away as Scotland, said Robin McCulloch of the Montana Bureau of Mines and Geology at Montana Tech in Butte.

In situations like that, McCulloch said, "everybody has a wonderful environment, but then nobody can afford to build

a home (there) and counties can't build roads."

The numbers make his point: In Montana, the cost of local gravel is about \$4 to \$5 a cubic yard. Imported gravel can cost up to \$75 a yard, he said.

Mike Newton, chairman of the contractors' association's sand and gravel committee, estimates about 54 million cubic yards of gravel will be needed in Gallatin County in the next 20 years. For every additional 10 miles that gravel has to be hauled, the cost increases \$2.50 per ton. With trucks typically hauling 25- to 30-ton loads, that adds up fast.

Another argument in favor of local gravel-pit mining is that high-priced gravel hurts the people who live closest to the margin by driving up the cost of housing.

"It's part of the whole affordable-housing equation," McCulloch said.

On the other hand, he added, he understands why people resist gravel pits as neighbors. "I really feel sorry for those people. The same as if someone decides to raise pigs next to me."

## Air and water

The three proposed gravel pits near Belgrade would encompass about 250 acres. Two came on the heels of failed subdivision proposals, which is actually a common scenario, said Christopher Cronin, the state Department of Environmental Quality's opencut-mining program supervisor, which is charged with reviewing all gravel-pit permit applications.

"I've seen it repeatedly," he said, and he's only been in the position for six months.

Applications for gravel pits are rarely denied, he said.

"If you provide the information required in the Opencut Act, you get a permit," he said.

Applicants must complete a 12-page Operation Plan form and, depending on the project, state agencies could also require proof of the necessary water rights and/or air-quality permits from the DEQ.

Air quality is a concern for Lois Kahler, who is on supplemental oxygen at least 12 hours daily, she said.

Air-quality permits are not required for a gravel-pit operating permit, but they are required to operate equipment typically used at them, said Dave Klemp, chief of DEQ's Air Resources Management Bureau.

The agency considers the cumulative effect of machine emissions and particulate matter from dust based on an operator's proposed sand and gravel withdrawal, said Christine Weaver, an air-quality specialist with DEQ.

"It's not a perfect world," she said. "It's a compromise between what industry wants to do and what society's willing to tolerate," she said.

The state's air-quality emissions standards are more stringent than those in the Federal Clean Air Act, Klemp noted.

In addition to air quality, gravel pit opponents often cite water quality and quantity concerns. They argue that gravel pits

that dig into the water table, which they sometimes do, leave the aquifer, which ostensibly provides drinking water to nearby homes, susceptible to contamination and dissipation due to evaporation.

But McCulloch and Cronin said that's rare.

"Based on our experience so far, we haven't seen an issue with water quality," Cronin said. "That's not to say it never could be. But, it's not expected."

McCulloch called neighbors' water-quality and quantity arguments weak.

"I look at that as grasping at straws," he said.

## Legislation

Sen. John Sinrud, R-Bozeman, said gravel-pit permitting ought to come down to water issues.

"DEQ has the ability to control (the pits) through the water issues," he said. "It is DEQ's responsibility to review this stuff, but they don't want to deal with it because they think it's a local issue."

He said he believes DEQ is abdicating its responsibility.

But DEQ employees say they are only following the letter of the law. Gravel pits are subject to the Montana Environmental Policy Act, which requires DEQ to conduct environmental assessments on every proposed pit.

Cronin said the assessments saddle his agency with looking at potential impacts, like traffic, of which they have no knowledge or regulatory authority over.

"I'm a geologist," he said, not a planner or engineer.

Statewide there are 2,000 active sand and gravel permits, Cronin said, and more than 100 pending applications.

More than half of those are county pits that are mined intermittently when need arises, said Jo Stephen, a reclamation specialist with the opencut program.

In Gallatin County there are 33 active commercial pits, nine county pit and 14 pending actions, which include new or amended ones, she said.

DEQ has five people tasked with regulating and permitting all those pits.

Hegreberg's group worked with Sen. Gary Perry, R-Manhattan, during the past two legislative sessions to try to address some of the regulatory issues and long permitting delays experienced by contractors, but the bill never made it out of committee.

"We're frustrated," Hegreberg said. "We're trying to identify some solutions and we've been stymied."

"We know we need the gravel but we need to do it right and recognize and acknowledge the property rights of the neighbors," Perry said. "We can't put blinders on and recognize the property rights for just (the pit developers)."

Perry and the contractors plan to submit another bill in the 2009 session.

## The 'Z' word

Speak with any DEQ employee who routinely receives complaints about gravel pits and they

will tell you that zoning is the answer.

"Several people have reached the conclusion that zoning is the way to deal with it," Cronin said.

Two of the three proposed pits on Cameron Bridge Road are in a proposed Four Corners Neighborhood Zoning District, which would zone the area for agricultural and rural residential uses and exclude gravel pits.

The entire area also falls within Belgrade's growth doughnut.

For that reason, the newly formed East Cameron Bridge Road Action Group plans to appeal Monday night to Belgrade's City-County Planning Board for emergency zoning in the southern area of the doughnut.

Curtis Crow, whose property will be surrounded by the pits, said he'll be at that meeting. He estimates his property will be devalued by two-thirds to three-fourths its current value if the pits are permitted.

"I'm for property rights, for the right of individuals to do with their property what they want, but when their property use diminishes the value of my property, it's an infringement on me," Crow said.

"That shouldn't be because I have no recourse. ... A rare snail in that gravel pit would have more right than I do. I'm part of that environment, but the damage to me is not considered. (The pits) will leave me with nothing except for dust, noise and aggravation," he said.

Opponents have also expressed concerns that Belgrade's city planner, Jason Karp, may have a

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conflict of interest regarding gravel pits since his uncle owns a pit near Gallatin Gateway.

Karp points out that he has no decision-making authority on the matter. Nevertheless, he handed the gravel-pit issues over to Associate Planner Heidi Jensen.

"She's doing all the heavy lifting on this," he said.

The East Cameron Bridge group also submitted a 125-signature petition to county commissioners asking for emergency interim zoning. But interim or emergency zoning requires proof that a proposed land use would pose an immediate threat to life or property, according to state law.

With Lois Kahler's need for supplemental oxygen, the group could argue that her health could be compromised by the pits.

"The standard is generally set to protect people's health," DEQ's Klemp said, but he was unsure if the standard was adequate to protect "a more sensitive human component. One standard does not fit all."

However, an effort to get the county to institute emergency zoning in Gallatin Gateway and Amsterdam-Churchill this past fall, to stop other gravel pit proposals, failed. The Gallatin County Commission was not convinced the pits posed immediate threats and rejected the requests.

"Without the help of the county commissioners, they're pretty much sunk," Perry said. "There's not much we can do."

Many developers apply for

gravel pits "because they know it's a rubber stamp," especially in areas where there is no zoning, he said.

But not everyone sees zoning as the solution. Sinrud said although he wants to see more controls placed on gravel-pit development, he's opposed to zoning because it takes away property rights.

"I'm not a big proponent of zoning, but I'm not for having gravel pits everywhere," he said. "We can only have so many gravel pits in this state. Enough is enough."

### **Other options**

Montana Tech's McCulloch noted that non-native Montanans are often the ones to complain most vigorously about the threat of government control on their property. Zoning is the exact thing many people moved to Montana to get away from.

"Maybe there are options we haven't considered yet," he said.

For example, gravel pits could be considered "temporary land disturbances" that would eventually revert to residential development, he suggested. To accomplish that, gravel-pit developers could be required to design reclamation plans that use the talents of landscape architects to convert formerly flat pastures into hilly, more aesthetically-pleasing terrain with high-end homes.

Beavertail State Park on the Clark Fork River outside Missoula is one such example of how a gravel pit, the resources of which were used to construct

Interstate 90, can be attractively and usefully reclaimed, he said.

"From my perspective, I would like to see more resource analysis," whereby natural assets such as gravel and water are identified and then growth is carefully planned around them. Building a subdivision on top of high-quality gravel isn't the best use of that land, McCulloch said.

He said he'd also like to see more pit operators develop good-neighbor policies based on the concerns of nearby residents.

Debbie Shea, executive director for the Montana Mining Association, agreed

"It's always in everybody's best interest to work together," she said. "People need to make a living and people need to be comfortable in their homes."

Along those lines, Gallatin County commissioners asked county planning staff in January to prepare good-neighbor conditions for sand and gravel pits. The planning department announced Thursday that a draft of those standards had been posted on its Web site.

Once its finalized, commissioners said they will ask DEQ to include good neighbor rules as part of the permitting process.

In the meantime, residents near Cameron Bridge Road hope emergency zoning will give them enough time to find a suitable solution.

If the pits are approved, Crow said, then he's got no recourse.

"I can't open a 3-acre gravel pit," he said. "It ultimately comes down to our county not

being able to pass zoning or be proactive in planning."

Jodi Hausen can be reached at 582-2630 or [jhausen@dailychronicle.com](mailto:jhausen@dailychronicle.com)