

## **Gallatin County Interim Zoning Task Force Minutes for January 14, 2009**

**Date:** Jan 14, 2009

**Time:** 7:30 AM

- **Place:** Gallatin County Courthouse Community Room

**Task Force Members Present:** Don Seifert; Alvin Vander Vos; Dick Huttinga; Shane Skinner; Jackie Flikkema; Ron Pike; Rich Morse; Sandy Lee; Drew Jenkins.

**County Staff/Personnel Present:** Heidi Jensen; Jason Karp; Bill Ware, Tom Rogers

**County Commissioners Present:** None

**Public Present:** Carol Roark; Jerry Rice

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**Chairman Seifert commenced the meeting at 7:36 AM.**

**Public comment received on non-agenda items: None.**

**Minutes continued to the next meeting as there were questions as to correction requests.**

**Agenda Item: Discussion and direction on the strategic plan beginning to accomplish the Commission directed tasks.**

**Don:** Started discussion and writing of broad ideas onto the board. Asked the operators how the CUP process went. Hopefully, the second one was easier than the first application.

**Jerry:** There are now working on the Land Use Permit for the pits with their engineers, which is kind of like the final plat process in a subdivision.

**Don:** Development plan permit. The problem with TLA's (three letter acronym)

**Rich:** One thing that needs to be debated is property values and whether they are affected.

**Shane:** Would like to see areas in the county where people can not mine, subdivisions, planned development, areas where limited mining is allowed and areas where no permits are needed.

**Rich:** Would the question be how do we classify areas for pits?

**Shane:** yes.

**Rich:** Should gravel mining be considered an industrial or heavy industrial use?

**Don:** Along that line we need a classification for pits. Belgrade is heavy however, the ones in town where everything on-site probably shouldn't be classified as so. One of the tasks set forth by the Commission is to determine how gravel pits fit into the growth policies of Gallatin County and Belgrade.

**Ron:** Thinks there is something in State Law that prohibits classifying them as heavy industry.

**Sandy:** Asked Jackie if she knew the definition.

**Jackie:** Said that she wasn't sure but knew they were classified differently.

**Don:** Reasonable levels for noise, air quality, water quality, so standards.

**Ron:** Theoretically all of that is done with DEQ, MSHAW, are you looking at putting on another set of rules?

**Don:** The CUP process put on some noise.

**Jackie:** Thinks it is 30 dB.

**Tom:** The CUP put 10 dB. Increase at operations they may be required to help alleviate the effects. The conditions were not more restrictive than DEQ.

**Ron:** Doesn't think that this board should be setting air quality standards.

**Don:** I think you're right.

**Jason:** We need to think locally enforceable.

**Jackie:** When people get pits they don't necessarily have air quality permits. So to tell somebody that we need to see your air quality data, may not be feasible. Thinks the Board needs to be careful on asking people for information.

**Heidi:** Then that could come under the change of use plan where the applicant comes to the county and has it reviewed.

**Jackie:** Doesn't the County have someone to check?

**Tom:** If and or when a plant or facility is installed, most of them request a temporary use. An air quality use is included with the equipment. Well then the operator and the equipment would be in trouble.

**Don:** Tom, did we with the pits heard through this process. We may want an asphalt plant. Can that be structured so when they say they may want one it is included.

**Tom:** Yes they did and it is in there.

**Jerry:** It was in there.

**Tom:** If you want an open cut permit you have to let them know.

**Jackie:** The open cut permit has good language for "if."

**Don:** Does that work if we include "we may" in the application.

**Tom:** It might, it depends on the circumstances.

**Don:** What other changes require a change in permit?

**Jackie:** Read from open cut permit.

**Don:** What happens if you change capacity?

**Rich:** You don't start the process over you let DEQ know if the change.

**Dick:** Send them a letter and they send you a packet back. If you change generators such as horse power and don't let them know they fine you.

**Jason:** It is often a question of enforceability, there isn't staff.

**Jackie:** Hopefully, it will help.

**Don:** Cumulative effects on air, water, and noise.

**Rich:** Mining above and below the water table.

**Jackie:** Can't that be handled through hydrology studies? Read through Alan's information from last week. Asked Nicklin to come.

**Carol:** The problem is he won't release his data.

**Jerry:** The asphalt plant and the grizzly we put the option in at the beginning so it is there and we aren't constantly going back. The air quality permit is 15 pages.

**Don:** When you get an open cut mining permit is it a piece of paper?

**Jackie:** It is a signature on your plan of operations and a signature page on another part of your application.

**Don:** So anything requires an update and signature. Do they notify anybody else?

**Jackie:** In the paper.

**Don:** Is there a noise permit?

**Tom:** Not that I am aware of? Operators are required to follow certain MSHAW.

**Rich:** Tom, going back to noise. He thinks it is a big issue. Where do they measure the change in ambient decibel?

**Tom:** Doesn't know all the answer to that. But a certified specialist can go out, and they have a federal program where the most appropriate place to take readings would be. Certain protocol when the readings are taken. Sometimes late into the evening to get a basis point, then the analysis could determine a high and low dB range. If that basis is exceeded by 10dB that is where enforceability would come in.

**Rich:** So the change is related to other factors?

**Tom:** yes.

**Don:** What permits are required and what standards are followed, there are state standards, federal and local? Are there conflicts in those standards?

**Jackie:** Local. If you don't have a state standard then you follow federal. You can't go back each one has to be more restrictive.

**Tom:** In agreement with Jackie. If the process is outside of zoning then it would be under state.

**Don:** What total permits and standards are you required to comply with? Some local standards to comply with and some state standards. It would be nice to get a copy of the standards.

**Jackie:** She studied the standards and the state is more restrictive.

**Carol:** That is what she does. [She makes recommendations.]

**Don:** Will you provide the data.

**Carol:** Yes but some of it is definitely site specific.

**Jackie:** Why wouldn't we look at the plan of operations where the standards are already located.

**Don:** He wants to get a list of where the standards come from.

**Rich:** How are the standards are enforced? Does it go to the county? That may be why we need to have the same standards for the whole county so that they are enforceable.

**Don:** Can be put in conditions, if we don't put them in there we may be out of the loop for enforcement.

**Jackie:** It would give the county the same power of the state.

**Ron:** Thinks that is what the county wants is so we can manage on a more personal and local basis. Doesn't think we are trying to put more stringent conditions on than the state just more enforceability at a local level.

**Tom:** He agrees with Ron. He could expand for an hour but he won't. It is local control for the neighbors.

**Carol:** The thing the CUP process is providing, that wasn't provided by open cut mining ensures the permits are there. She talked about a lot of standards that are gathered together at the CUP process.

**Don:** So the Open cut mining permit is only going to make sure the requirements are met for the state?

**Carol:** There is no check in open cut to check and ensure that state and federal permits are included. All the information for permits is looked at differently.

**Jackie:** Thinks MSHAW checks them all. It is a good thing for the county to check.

**Don:** So one of the things we need to look at is some method that all the information is included. A list of required information included? A checklist?

Shane: That isn't already included?

**Don:** It doesn't appear that there is.

**Ron:** Are we actually here to write regulations?

**Don:** When we get through we will have a set of regulations.

**Ron:** Hopefully, Greg is here to help, especially with the legal aspects.

**Tom:** Writing a policy.

**Don:** A policy from which the regulations will come from.

**Bill:** Roads and hauling routes.

**Don:** One of the things he thinks of this whole process is predictability for all sides.

**Jackie:** Time frames on these processes. [County review time limits.]

**Don:** Tom, the last two pits that were done, approximately how long did that take? 60-days?

**Tom:** It did take 60-days. He would expect closer to 120-days for Morgan. Story was probably a little shorter but there are a lot of variables.

**Don:** Timeline/timeframe definitely needs to be looked at.

**Rich:** Dick, how long for you?

**Dick:** He is thinking 90-days for the county so far.

**Ron:** They have county approval but haven't even seen anything from the state. Right on the form it states zoning or un-zoned. So they have to go through the county process first.

**Alvin:** What is the timeline on road construction?

**Ron:** 1-month.

**Jackie:** DEQ understands they need to help the contractor get their permit quickly when it is a specific job. It doesn't have to be something long-term.

**Shane:** We can't control DEQ but we could make it easier in the county.

**Rich:** If the county would have a classification of a temporary pit for a specific job, say they were going to be in for 24-months in and out and check the box at the top of the form and move it through the process.

**Jackie:** It needs to be the same for everybody.

**Rich:** If there was classification it would be the same process.

**Jackie:** Isn't going to argue. Thinks we have discussed this in the past. The level playing field would be putting everybody at the same standard.

**Rich:** I think we are on the same thing.

**Jackie:** There is a process that everybody is going through should be the same.

**Drew:** Asked if she thought there shouldn't be a fast track?

**Jackie:** Referred to issues discussed.

**Rich:** Wants to ensure that local jobs could be fast tracked to be able to bid. If everybody has one process then the process would be the long process.

**Jackie:** Just wants to ensure equitability.

**Don:** To fast track a pit right across the road from neighbors may be an issue. However, there may have to be really tight perimeters for the pit.

**Alvin:** Can it go back to predictability?

**Group agreed.**

**Don:** No one should get special treatment. That is predictability for local operators.

**Drew:** I think the diversion here is size, classification, neighborhood. Those are three different animals. The ability to change one to the other and being able to change should be there.

**Don:** Is the term of the permit, a method to classify? A two year permit beside a 20-year permit, which could be job specific.

**Jackie:** Reclamation is complete we want to make sure that is done.

**Don:** Are there other methods of review.

**Jason:** We are looking for a public process, so we need to go through the Commission.

**Don:** [Drew a rectangle on the board, with a vein of gravel running horizontal.] As is the process with a subdivision development; we aren't necessarily concerned with years but for predictability we are going to say that if you dig 10 acres you reclaim it as you move every 10 acres. Constant reclamation. That does a couple things in his mind, it would inform the neighbors that there will only be 10 acres open at a time. Permit creep is limited.

**Jerry:** Story pit is a prime example.

**Don:** This is basically what you guys are going to do, but do it for all pits. Tell us what you are going to reclaim it to.

**Jason:** What we don't want around Belgrade is a bunch of holes. It would alleviate a lot of concerns with our planning board.

**Don:** This is what your development or operation plan for that pit is. If it is a one shot plan.

**Jackie:** That is perfect for story pit but what about Knife River or TMC in Belgrade. I like that and it has worked well for the story pit.

**Jerry:** It is written in the plan what kinds of grasses are there.

**Rich:** Ask for rolling reclamation. Exist for so many years on so many acres.

**Jackie:** You have to be careful with years.

**Don:** That is why I am not so concerned with years.

**Ron:** Our first two pits have time constraints.

**Heidi:** We need to set up a review process.

**Jackie:** There reclamation plan for their pit is a lake.

**Rich:** Rolling reclamation won't work everywhere. Dick has a situation.

**Dick:** It would have it we started 15 years ago. Another issue is the bonding issue. So a huge amount of money is tied up in this then.

**Don:** Just wanted to put that idea out. It isn't something we necessarily something we adopt right now.

**Jackie:** Thinks all pits would be done that way if they could be.

**Rich:** I think what you have there is a mitigation tool. I think what our questions should be. What tools are available to mitigate the issues of gravel mining?

**Don:** Rather than just permitting the pit we are talking about the whole parcel of land.

**Jason:** PUD standards talk about relaxing standards to produce a better product overall. Some operators would be allowed flexibility in a way that you wouldn't do normally.

**Jackie:** Look at language in operator documents.

**Ron:** Flip side is like the big pits in Belgrade. In order to reclaim you have to take the berm off, and everybody looks in there and everybody looks bad.

**Don:** I think that this process would work well for new pits.

**Jerry:** They are grandfathered but everybody looks at Belgrade and think gravel pits.

**Don:** Is there a method to revise a reclamation plan?

**Dick:** It wouldn't be any different that amending your operation permit.

**Don:** Dick, I haven't been by your pit how does it work

**Dick:** Rolling reclamation.

**Don:** Wonders if we should have a range specialist come and visit.

**Dick:** Doesn't think we should go into that.

**Jackie:** Originally DEQ was concerned with reclamation.

**Rich:** Find out what mitigation tools we have available to us on the issues surrounding gravel, noise traffic, air, property values, and water

**Don:** What do we want to talk about at the next meeting?

**Rich:** I think we should pick out a couple of items.

For Next Time:

**Don:** He will take list and arrange it in some sort of order and get them earlier so they have time to research and talk. I will come up with some agenda items.