

RESOLUTION NO. 2008 - 053

RESOLUTION ADOPTING THE GALLATIN COUNTY INTERIM ZONING DISTRICT, REGULATION & MAP REGULATING OPERATIONS THAT MINE SAND AND GRAVEL AND OPERATIONS THAT MIX CONCRETE OR BATCH ASPHALT

WHEREAS, this Resolution was introduced by the Gallatin County Planning Director Greg Sullivan, moved by Commissioner Skinner, and seconded by Commissioner White. The Resolution was adopted May 7, 2008, and is effective immediately. Motion passed 2:1. Commissioner White opposed.

WHEREAS, the mining of sand and gravel and the processing of sand and gravel materials into concrete or asphalt contributes significantly to the economic prosperity of the people of Gallatin County and is a critical resource in the physical development of the communities of Gallatin County; and

WHEREAS, the mining of sand and gravel and the processing of sand and gravel materials into concrete or asphalt has impacts on the health, safety, and general welfare of the people of Gallatin County; and

WHEREAS, reasonable regulation of operations that mine sand and gravel and operations that mix concrete or batch asphalt can mitigate these impacts to the health, safety and general welfare of the people of Gallatin County; and

WHEREAS, November 8, 2007, the Gallatin County Commission received a petition and upon notice heard testimony from citizens in the Gallatin Gateway neighborhood and the Highline Road neighborhood requesting interim zoning for operations that mine sand and gravel and operations that mix concrete or batch asphalt as well as testimony from representatives of entities that are involved in the mining, processing, and distribution of sand and gravel resources; and

WHEREAS, the testimony entered into the record during the November 8, 2007 hearing on interim zoning for Gallatin Gateway and Highline Road areas of Gallatin County centered on the following: impacts of these operations on state and local transportation facilities; the need to ensure operations do not negatively impact surface and ground water quantity and quality; the need to ensure these operations do not negatively impact property values and property rights of adjacent and neighboring landowners; and the significant economic contribution of sand and gravel pit operations to the prosperity of the people of Gallatin County; and

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WHEREAS, all testimony, written and oral, presented during the November 8, 2007 hearing is entered into the record as part of the consideration and adoption of this Resolution; and

WHEREAS, at the conclusion of the November 8, 2007, hearing the Gallatin County Commission determined they had not heard sufficient testimony to make findings that exigent circumstances exist regarding these operations in the Gallatin Gateway and Highline Road areas and did not move forward with pursuit of an interim zoning regulation yet the Commission did instruct Gallatin County staff to draft "Good Neighbor Provisions" that could be used by landowners and operators who mine sand and gravel and conduct related operations to reduce conflicts between land uses; and

WHEREAS, the Gallatin County Planning Department drafted said "Good Neighbor Provisions" and made them available to the public via the Department's website on February 15, 2008; and

WHEREAS, on February 25, 2008, upon receipt of a petition and after notice, hearing and consideration of testimony from citizens living along East Cameron Bridge Road, the Belgrade City-County Planning Board voted 4 - 2 to recommend the Gallatin County Commission adopt interim zoning for the county portion of the Belgrade jurisdictional planning area (i.e. Belgrade planning "donut") and place a moratorium on new operations that mine sand and gravel and related facilities for a period of one year; and

WHEREAS, on March 26, 2008, the Gallatin County Commission, after notice, hearing and consideration of testimony from citizens, requested the Gallatin County Attorney and Gallatin County Planning Department assist the Belgrade City-County Planning Department to draft findings regarding exigent circumstances related to public health, safety and the general welfare and to draft regulations and boundaries for an interim zoning regulation that would regulate operations that mine sand and gravel and operations that mix concrete or batch asphalt for a period of one year using a conditional use permit process; and

WHEREAS, the testimony and all submitted documents presented by citizens during the March 26, 2008 hearing are entered into the record as part of the consideration and adoption of this Resolution; and

WHEREAS, on April 9, 2008, the Gallatin County Commission, after notice, hearing and consideration of testimony from citizens, voted 2 - 1 to direct staff to draft boundaries of the proposed district that include the planning jurisdiction for the Belgrade City-County Planning Board and the area covered by the adopted Four Corners Neighborhood Plan; and

WHEREAS, the testimony and all submitted documents presented by citizens during the April 9, 2008 hearing are entered into the record as part of the consideration and adoption of this Resolution; and

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WHEREAS, on April 16, 2008, Gallatin County conducted a facilitated discussion on a DRAFT of the Interim Zoning Regulations and the comments and discussion that occurred at that facilitated discussion are entered into the record as part of the consideration and adoption of this Resolution; and

WHEREAS, the Gallatin County Commission, upon notice, held a hearing on May 7, 2008, and after hearing and considering public testimony, found exigent circumstances exist for the adoption of an interim zoning regulation and those Findings of Fact are attached here as Attachment A are specifically included herein as part of this Resolution.

NOW, THEREFORE BE IT ORDERED AS FOLLOWS:

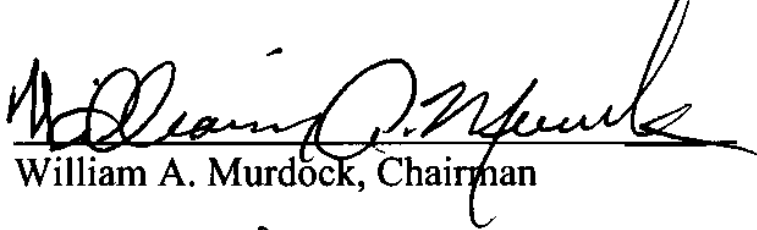
1. The Gallatin County Commission adopts the Gallatin County Interim Zoning District and Regulation, attached as Attachment B for the following described property located in Gallatin County, Montana, as shown on the Interim Regulation Map attached as Attachment C:

All of Gallatin County, Montana, excepting the cities of Bozeman, Belgrade, Three Forks and West Yellowstone and the Town of Manhattan; all zoning districts established pursuant to Title 76, Chpt. 2, Parts 1 and 2.

2. The Interim Regulations are in effect until May 7, 2009, unless such Interim Regulations are extended for additional time through resolution adopted by this Commission.
3. An applicant for a permit under the Interim Regulations attached hereto shall be required to submit to the appropriate planning department, in addition to all costs related to mailing and publication of legal notice, a review fee of \$4000.00.

Dated this 7th day of May, 2008.

GALLATIN COUNTY COMMISSION


William A. Murdock, Chairman

Date: 5/08/08


Joe P. Skinner, Member

Date: 5/08/08

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R. Stephen White, Member

Date: 5/8/08

Attested:



Charlotte Mills
Clerk and Recorder
Gallatin County

Date: 5/8/08