

County delays decision on gravel issue

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A recommendation that the Gallatin County Commission zone the entire county to regulate gravel pits got no traction Tuesday, so it's back to the drawing board for county staff, who must find a compromise between landowners and the gravel industry before current regulations expire.

Don Seifert, chairman of the now-defunct Gravel Pit Task Force, presented that group's report Tuesday, saying that zoning the entire county would put all gravel operators on a level playing field and provide predictability to both operators and residents. The task force included residents, industry representatives and Gallatin County Planning Board members.



SEAN SPERRY/CHRONICLE The Rock LLC. Pit, leased by TMC Inc. is situated near Gallatin Gateway. A recommendation that the Gallatin County Commission zone the entire county to regulate gravel pits got no traction Tuesday.

“Zoning is the only tool available” to reconcile the gravel industry’s right to mine with property owners’ right to a clean, healthy environment, Seifert said.

The state Department of Environmental Quality only regulates what goes on inside the pits, he said, not the effects of noise, traffic and dust on neighboring residences.

The county is currently operating under temporary regulations that require pit operators to ease their operations’ impact on surrounding areas. Those rules were imposed in place in May 2008, after two controversial pits were proposed southeast of Belgrade, and expire next may. County Attorney Marty Lambert said Tuesday it may not be possible to enforce those permits without the backbone of zoning.

If gravel pits are regulated through countywide zoning, operators will be unable to avoid regulation by setting up shop in unzoned areas, Seifert said.

“If you don’t zone countywide, it just moves the problem to someone else’s backyard,” he said.

For Paul Durnham, who lives next to the Nuss Pit in Gallatin Gateway, the problem is already there. Loud noise made by machinery, dust clouds and questions about water quality are issues he and his family deal with on a daily basis, he said.

“Now it’s like I live by a factory,” Durnham said. “I didn’t move to Billings; I moved to Bozeman.”

But the gravel industry thinks countywide zoning just for gravel unfairly singles it out, and that a “good neighbor policy,” coupled with state regulations, are enough.

Countywide zoning also discriminates against homeowners who want to benefit from gravel deposits on their property, said Cary Hegreberg, a representative for the Montana Contractors’ Association.

“We do continue to support this county’s authority to impose regulations on gravel operations,” Hegreberg said. But zoning just for gravel is “arbitrary, subjective and somewhat politicized.”

Ron Pike, a member of the task force and co-owner of TMC, a sand and gravel supplier, said the industry is becoming embittered by what it feels is a targeted campaign against it. The industry is already regulated by the state, which he said ensures mines are not unduly harming the environment.

“It’s not like we’re out there raping and pillaging,” he said. “If you’re going to zone, zone everybody.”

Commission Chairman Steve White and Commissioner Joe Skinner both said that they were hesitant to adopt a comprehensive zoning plan, saying it would probably be protested by large-acre land owners and farmers.

Skinner said he would be more apt to consider zoning high-density pockets of the county, where gravel has been a contentious issue, like Gallatin Gateway and Belgrade.

White said he’s concerned about whether a countywide ordinance would trump those of neighborhood planning areas developing their own regulations. In a previous interview, he told the Chronicle that most of the gravel-pit issues are in areas “that plan to be zoned.”

But there are pits that fall through the cracks, as resident Carol Lee-Roark put it. The Nuss Pit in Gallatin Gateway is just outside that zoning district boundary, according to Warren Vaughan, a county planner who helped residents craft the plan. The Nuss and Huttinga pits were excluded from the boundary last March when the commission allowed the operators to opt out, Vaughan said.

Belgrade is working to permanently adopt the county’s interim permitting regulations for its district, said Heidi Jensen, city/county planner for Belgrade. Four Corners has already adopted them.

What effect a countywide rule on gravel pits would have on regulations already in place in certain zoning districts is another piece of the puzzle that Lambert said he’s still unsure about.

With no more time to extend “emergency” measures and a protest period to fit in, action must be taken to replace the regulations in the next month or so, if it’s going to happen at all, he said.

The commissioners all expressed interest in finding a compromise between residents and pit operators. In coming weeks, they will meet with Seifert to more thoroughly review the recommendation and have instructed staff to prepare several alternative zoning districts to consider.

Lambert said he will submit formal opinions on the legal questions raised in the next few weeks.

The commission will discuss the issue again Jan. 5.

“It’s our business as your elected officials to referee this,” Commissioner Bill Murdock said. “I don’t think we should just throw our hands up in the air, say the state screwed up and walk away from it.”

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