

Description	County Planning Board, November 25, 2008		
Date	11/25/2008	Location	County Planning Board
Time	Speaker	Note	
5:59:19 PM	President Kerry White	<p>Call to Order. Members present: Kerry White, Byron Anderson, Gail Richardson, C.B. Dormire, Don Seifert, Mike McKenna, and Marianne Jackson Amsden. Members absent: Matt Flikkema. Members absent and unexcused : Pat Davis and Deb Robinson. Staff present: Planning Director Greg Sullivan, Planner Randy Johnson, Planner Ada Montague, Planner Tim Skop, Planner Tom Rogers, Planner Chris Scott and Recording Secretary Glenda Howze.</p>	
5:59:28 PM	President Kerry White	<p>Public Comment. There was no public comment on matters not on the agenda.</p>	
5:59:45 PM	President Kerry White	<p>Approval of November 12, 2008 Minutes.</p>	
5:59:59 PM		<p>Minutes stand approved as written.</p>	
6:00:03 PM	President Kerry White	<p>Planning Department Update.</p>	
6:00:15 PM	Planning Director Greg Sullivan	<p>Announced that the County Commissioners will be holding a discussion on the updated Transportation Plan on December 17th at 1:30PM, Community Room. They are inviting the Planning Board to participate in this discussion. The Commission hopes that President White and other members of the TCC along with Jeff Key will give an informal presentation and then participate in a discussion on the plan prior to any meeting with the City. Reminder: The GPIIP subcommittee was unable to meet today due to scheduling conflicts of members. The next meeting is scheduled for December 9th, 4PM in the Community Room. Reminder: All board members are invited to the County's Christmas Party. RSVP's should be submitted to the County Auditor or the Planning Department. Distributed a letter to C.B. that came to him from the Gallatin Valley Land Trust. Also passed around a pamphlet from the American Planning Association called "The Commissioner." Distributed a copy of the Gallatin County Interconnect Parks and Trails Inventory, dated November 25, 2008. Distributed and discussed a memo/request for legal services sent to County Attorney Marty Lambert regarding the Growth Policy</p>	

		Implementation Program, questions related to zoning protest.
6:07:03 PM		Questions and discussion between board and Mr. Sullivan.
6:09:18 PM	Planner Randy Johnson	Reported that he received a request to reschedule the Storm Water Task Force presentation by the Gallatin Watershed Council to January 27th. This was determined to be acceptable.
6:10:11 PM	President Kerry White	Regular Agenda.
6:10:15 PM		a. <u>Public Hearing and Decision on Recommendation to County Commission on Amendments to the Gallatin County Subdivision Regulations Regarding Fire Protection Plan Submittal and Approval Procedures.</u>
6:10:30 PM	Planner Tim Skop	Presentation and entering of staff report into the record.
6:14:49 PM		Board questions and discussion with staff.
6:26:23 PM	Mark Morrill, Applicant	Reported that the family does not want to subdivide further.
6:27:28 PM		Board questions and discussion with staff.
6:29:18 PM	Planner Tim Skop	Clarified the action that the Planning Board should take if so inclined.
6:30:23 PM	Don Seifert	Move that we recommend approval of the CUP for the zoning PUD with the conditions as revised as read into the record by the Planning Staff including the addition of condition 18.
6:31:20 PM	Gail Richardson	Second.
6:31:22 PM		Board discussion. The motion needs to state which CUP it is. Recommendation by staff to include the findings that are made in the staff report.
6:31:53 PM	Don Seifert	Requested to remove his motion.
6:31:56 PM	Gail Richardson	Second agreed with removal of motion.
6:32:26 PM	Don Seifert	Move that based on the findings that are in the staff report, that we recommend approval of the CUP for the zoning PUD with the conditions as read into the record by staff for the Morrill Planned Unit Development.
6:33:02 PM	Gail	Second.

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6:33:09 PM	Marianne Jackson Amsden	Noted that she is pleased that the property owner is willing to include a trail easement when they are not required to.
6:33:19 PM	Gail Richardson	Stated that she is also very pleased with this PUD and noted that the applicant has met all of the criteria.
6:33:44 PM		Vote: Unanimous.
6:34:15 PM		This application goes to the County Commission on December 9, 2008 at 9:00AM.
6:34:39 PM		<u>b. Public Meeting and Board Decision on a Recommendation to the County Commission Regarding the Storey Gravel Pit Amendment Conditional Use Permit.</u>
6:34:54 PM	Planner Tom Rogers	Presentation and entering of the staff report, applicant submittal packet, and addendum to the staff report including additional public comment and additional staff suggested conditions.
6:48:19 PM		Board questions and discussion with staff.
7:17:37 PM	Bob Lee, Morrison-Maierle	Applicant presentation and response to board questions.
7:33:38 PM	(7:33:38 - 8:26:57)	Presented requested modifications to the staff's suggested conditions. (Board questions and discussion regarding various items took place throughout this presentation.) Condition #3, 3rd sentence, "Upon a showing the operation has been in substantial compliance with all applicable conditions of approval, the Gallatin County Commission may expand the approval of the remainder of the permitted <u>twenty</u> year term." (replace "ten" per the original application). Condition #7, 3rd sentence, "Extended hours cannot exceed more than four consecutive weeks or more than eight weeks in any six month period <u>excepting public projects where extended hours may be allowed for up to 12 weeks in a 6 month period</u> ." (added language; this is not in addition to the original eight weeks, but for a total of 12 weeks, adding four to the original 8 weeks). Condition #9, strike, it conflicts with Condition #8. Condition #12, "Mining shall at all times maintain a minimum of a <u>four</u> foot vertical separation between annual high ground water level and lowest level of mining activity." (Replace "ten" in order to stay out of ground water but leave as much flexibility for the applicant as possible.). Condition #14, "Prior to commencing active mining operations, Applicant shall install at least two <u>on</u> (replace "off") site monitoring wells...to monitor <u>and insure adequate groundwater separation</u> (replace "for water quality"). Applicant shall collect...and shall monitor <u>groundwater separation</u>

		(replace "water quality") on no less than..." Condition #15, "Prior to issuance of a Land Use Permit, drainage plans for the operation shall be submitted <u>to the County</u> and approved by MDEQ <u>. if required</u> . (additional language). Condition #19, "If required by MDT,...improvements on <u>MT 84 (Norris Road)</u> and submit..." (replace "U.S. Highway 191 (Gallatin Road)"). Condition #21, strike. Condition #26, "The use of jake (compression) brakes on hauling trucks shall be <u>prohibited between the site and Shedd's Bridge (Gallatin River)</u> ." (additional language). Condition #28, 2nd sentence, "To comply with the above, the operator...on fines storage to <u>minimize dust emanation</u> (replace "so no dust emanates") from any stored materials. Applicant shall spray...on interior roads so that <u>dust emanation from interior roads is minimized</u> . (replace "no dust emanates from interior roads"). Condition #30, "Gravel storage piles shall not exceed <u>50</u> feet in height measured from the excavated area grade." (replace "24"). Condition #33, strike.
7:52:15 PM	Kathy Storey Kohlbeck, property owner	Noted that they recently had to drill two new wells and had to drill one to 516 feet and another to 260 feet.
7:56:32 PM		Board questions and discussion with Mr. Lee regarding Condition #14 and the monitoring of water quality on and/or offsite
8:26:50 PM	Bob Lee, Morrison-Maierle	Summarized the project with discussing the determinations.
8:31:30 PM		Board questions and discussion with Mr. Lee and other applicant representatives regarding portions of the application and history of the pit.
8:35:40 PM	Susan Hellier	Comments regarding the environmental assessments done in the past and the current environmental review.
8:36:11 PM		Board questions and discussion with Ms. Hellier and Mr. Rogers regarding the environmental assessments and environmental review.
8:38:00 PM		Board questions and discussion with Mr. Rice and Ms. Hellier regarding the reclamation process and water [source] for the roads.
8:43:22 PM		Board questions and discussion with Mr. Lee and staff regarding any issues with MT 84 and requirements with MDT.
8:46:37 PM		Board questions and discussion with Mr. Lee regarding Exhibit C and attachments submitted by Paul Shennum and Sandy McManus.
8:55:16 PM	Don Seifert	Noted that many of these issue are and will continue to be topics of discussion with the Gravel Pit Task Force.

8:55:54 PM	Jerry Rice, TMC, Pit Operator	Comments regarding the option to extend the pit from the original time frame, the asphalt plant, the Jake Brake issues, and hours of operation of the pit.
8:58:45 PM	Public Comment	Paul Shennum, Carol Lee-Roark, Susan Hellier, Ron Pike, Garth Sime
9:18:58 PM		Board questions and discussion with public and applicants.
9:22:45 PM		Public comment closed.
9:23:02 PM		Board Discussion. A lengthy and detailed discussion ensued focusing on the efficacy of suggested conditions and the relationship between the local, state, and federal agencies and whether or not the available data is sufficient to base findings upon. [Including but not limited to discussion of the length of time to extend the permit and/or review, reclamation of land back into agricultural use, noise issues including backup alarms, property values, state law 76-2-209, and discussion whether or not to vote on this application or postpone a vote for a later date.]
9:53:24 PM	Planner Tom Rogers	Noted that the County Commissioners do have the ability to move forward with or without the recommendation of the Planning Board.
9:54:43 PM	Marianne Jackson Amsden	Noted that she would attempt a motion, but stated that she feels this pit makes infinitely more sense than the Morgan Gravel Pit for several reasons. I would like to move that the Gallatin County Planning Board recommend approval of the Storey Gravel Pit Conditional Use Permit application with the staff findings that are in the report we have tonight, along with the staff conditions to be amended, if in agreement, with the condition changes supplied by the applicants engineering.
9:56:09 PM	C.B. Dormire	Second.
9:56:25 PM	C.B. Dormire	Stated that he does not think the Board is ready to vote tonight and feels the vote should be postponed for another meeting.
9:56:47 PM	Mike McKenna	Suggested that if the applicant and Commission agreed to extend their review date, this could happen. Stated that there are things like the berming, 45 miles per hour speed limit, etc., that could be resolved with additional time. Stated that he is willing to vote on Marianne's motion, however.
9:57:43 PM	Marianne Jackson Amsden	Stated that she feels it would be the view of everyone that the issues that were discussed by the Board be forwarded to the Commission regardless of the vote.
9:58:18 PM	President Kerry	Stated that it is the role and responsibility of the Board to send something to the County Commission.

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9:59:15 PM	Mike McKenna	The Commission has created this situation, the interim regulation. We have a task force working on it, but in the meantime we have things that have to go forward. Nothing is going to be perfect. There are a lot of changes to the staff conditions and a lot of questions, which are bogging us down, but we need to move forward with this.
10:00:00 PM	Don Seifert	There are a lot of questions that we can't do anything about. The values issue, this is never going to be clear. There are a lot of questions that there is no ability to answer at this point. All of these issues are on the table with the task force, but there are no answers today and we can't stop the process. The Commission can, but as a Planning Board we can't stop it.
10:01:59 PM	Byron Anderson	Questioned why the Planning Board is hearing this if it is not a requirement of the process set forth by the County Commission.
10:02:26 PM	Marianne Jackson Amsden	The question is, are the questions we have big enough to deny this application tonight. Are the questions in this case that big?
10:02:59 PM	Gail Richardson	Stated that she didn't vote for Morgan Pit either, and won't vote for this one for the reasons previously stated.
10:03:23 PM		Vote: 4-2-1; Byron Anderson and Gail Richardson opposed; C.B. Dormire abstained.
10:05:10 PM	C.B. Dormire	Noted again that he does not feel that the Board has a duty to vote on something if it has not had adequate time to review the application; thus the reason for his abstention.
10:05:53 PM		c. <u>Board Decision on Whether to Web Cast Audio of Board Meetings.</u>
10:05:57 PM	President Kerry White	Made a motion to authorize the web cast audio of the board meetings.
10:06:08 PM	Marianne Jackson Amsden	Second.
10:06:22 PM		Board discussion.
10:06:25 PM	Byron Anderson	Expressed that he doesn't agree with it. Stated that the Board has a format in place that allows for people to come and watch and if the meetings are streamed it will only result in grandstanding.
10:06:42 PM	Mike McKenna	Explained the request from the last meeting for the Board to reconsider this option. Also noted that he doesn't feel that there is anyone on the Board that will grandstand.

10:07:05 PM	Marianne Jackson Amsden	Stated that she feels this is a great idea for people like Byron who may not be able to make it into the meeting but could watch or listen from home.
10:07:33 PM	C.B. Dormire	Acknowledged the request by Mr. Threlkeld at the last meeting and stated that he did make a very persuasive argument. Noted that he has spent a lot of time researching the issue that was tasked to the bylaws committee which has in turn influenced his opinion on this matter. Stated that his concern is that broadcasting these meetings might promote disharmony and allow for a forum that isn't conducive to friendly discussion. Stated that he believes the potential detriments to outweigh the benefits and believes it would be a mistake to [web cast] the meetings.
10:12:45 PM	Don Seifert	Stated that the Planning Board is not a professional board, doesn't have legal counsel at the meeting, and often times participates in informal discussion. The FTR audio is available and noted that he is not in favor of streaming the meetings.
10:13:37 PM	Gail Richardson	Noted that she doesn't have a problem with it, the Board doesn't have anything to hide and is a volunteer board. She stated that the streaming is just another way of communicating with the masses.
10:14:06 PM	Byron Anderson	Reiterated that the Planning Board is a volunteer board and doesn't need to be held accountable to the same level as an elected official. Also stated that board members don't need to put themselves out there like that - once it is out there it is public record that can be put anywhere that they want to put it.
10:15:06 PM	Mike McKenna	Stated that he has to agree. If the Board says something on the air that gets misinterpreted or misheard, suddenly we have become a political body and the potential for divisiveness increases.
10:15:41 PM		Vote: 3-4; motion failed. Byron Anderson, Mike McKenna, Don Seifert and C.B. Dormire voted nay.
10:16:35 PM		Meeting adjourned.