

Proposed gravel pit faces unknown future

By [LARRY KLINE](#) - *Independent Record* - 05/09/08

Recent court decisions and Lewis and Clark County commissioners' approval Thursday of a new citizen-initiated zoning district have complicated issues surrounding Helena Sand & Gravel's proposal to dig a new 111-acre gravel pit north of East Helena.

The commission's approval of the zoning-district boundaries is the first of a two-step process. Residents are working to draft proposed regulations for the district, seeking to outlaw mining, industrial development and commercial operations in the area.

The company is developing its own proposed rules for the district, which would allow the pit to operate while suggesting safeguards to mitigate residents' concerns that it would contaminate groundwater resources, spread dust laced with arsenic, lead and other contaminants across the neighborhood, increase traffic and keep families awake with all-night operations.

Both proposals aren't yet completed and ready for public review. The county's Planning and Zoning Commission, which deals specifically with citizen-initiated zoning districts, will consider the proposed regulations June 4 at 6 p.m. The following morning at 9 a.m., county commissioners will consider the board's recommendations.

Courtroom decisions challenging the state Department of Environmental Quality's practice of developing environmental studies for proposed gravel pits have delayed the agency's final release of an environmental assessment for the operation and its potential issuance of a permit, which would allow the company to move forward.

And District Judge Dorothy McCarter this week ruled against the Eastgate Water and Sewer Association's request for an injunction. The organization had sued DEQ, claiming the agency hadn't allowed residents to analyze new environmental and traffic information unearthed after DEQ's draft version of the environmental assessment had been made public.

McCarter said the request was premature because the agency hasn't yet released a new study or a permit, but her order doesn't close the lawsuit.

Jerry Bowser, Helena Sand & Gravel's environmental manager, told commissioners the company was disappointed with residents' efforts to stop the gravel pit's development through zoning rules. He said the company favors a zoning district that allows it to operate while addressing residents' concerns.

"We believe (residents') intent was to move toward outright prohibition," he said. "That disappoints us. We're members of the community and we want to be a part of that community out there."

The company's current operation on Canyon Ferry Road is running out of available resources, and officials say the new site is needed to provide for the greater Helena area's building boom.

The uncertainty surrounding the proposal recently prompted the company to ask the Montana Department of Transportation for an access permit for its other site on Canyon Ferry Road, which received a mining permit about 10 years ago.

Jennifer Nye, a resident involved in the zoning effort, noted the citizens' proposal would ensure the

area remains a place for homes and families.

“We want to keep a residential aesthetic out here,” she said.

Canary Drive resident Brian Connolly told commissioners he’s tired of listening to the company’s suggestions.

“They make it sound like they’re going to be a great benefit to us, but I don’t think they’re using common sense,” he said.

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