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Gallatin Co, gravel pit decision appealed

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The Montana Department of Environmental Quality has announced plans an appeal to the Montana Supreme Court over gravel pits in the Gallatin Valley.

The DEQ is disturbed by Helena District Court ruling that state permits be required to go to operators of three gravel pits.

DEQ did not conduct environmental studies for those operations, and a judge says the agency is short of staff to do its work.



DEQ Director Richard Opper says the appeal will question case law used, as the Montana Environmental Information Center says the decisions could have sweeping effects on the process by which Montana issues environmental permits not just for gravel work, but also for operations like feedlots and hard-rock mines.

The paperwork for the appeal is expected to be filed on Friday.

(from May 1, 2008)

The controversy is continuing surrounding the issue of gravel pits in Gallatin County after a District Judge in Helena ruled in favor of a gravel pit operator who sued the Department of Environmental Quality.

Lewis and Clark County District Judge Jeffrey Sherlock's decision means the state must issue an open cut mining permit to Cameron Springs, LLC within 30 days.

In his judgement, Sherlock says the DEQ has been unable to issue the permit because the department has insufficient personnel and resources.

Bozeman County commissioners were hoping to adopt the regulations in early May and Chairman Bill Murdock says this legal action is a step backward.

"It ensures that at least two gravel pits, possibly three, will get in without any good neighbor restrictions, i.e. Sunday mornings during church or school hours when the kids get off the bus. These are the kinds of rules we were looking at engaging the businesses in. Now, they don't have to play ball and obviously they don't want to. It was never our intention to ban gravel pits."

DEQ officials say they will issue the gravel pit permit within 30 days, but will not conduct an environmental assessment because the judge's order does not provide enough time to do so.

The ruling thwarts recent plans by the Gallatin County Commission to use interim zoning as a way to regulate gravel pits on Cameron Bridge Road near Belgrade.

Local residents say they are obviously disappointed, but plan to fight the judge's decision.

(from the archives)

As we first reported, county commissioners voted 2-1 to create interim zoning that encompasses the Belgrade planning district or donut. Commissioners also decided to extend the boundaries of the zoning to include the Four Corners Planning District.

If this interim emergency zoning plan is adopted, it will require gravel-pit operators to get a conditional-use permit for any new or expanded gravel pits in that section of Gallatin county.

Many residents came out in support of Commissioner Joe Skinner's plan to implement county-wide zoning, but Commissioners Steve White and Bill Murdock disagreed, saying an emergency did not exist county-wide.

In the end, Skinner and Murdock voted in favor of zoning gravel pits in the Belgrade donut and Four Corners, with White voting against.

Emergency zoning was still very much in the spotlight during Wednesday's Bozeman County Commission meeting as leaders began discussing boundary options.

During the session it became apparent that each of the three county commissioners had a different idea on what this emergency zoning should look like.

Commissioner Joe Skinner favors county-wide zoning, Commissioner Steve White wants only a small area southeast of Belgrade zoned, and Chairman Bill Murdock falls somewhere in the middle.

Residents along Cameron Bridge road and Alaska Road have asked the Gallatin County to adopt emergency zoning to block two proposed commercial gravel pits, and a few weeks ago, county leaders agreed something needed to be done and are now trying to decide how far to go with this interim emergency zoning.

Many people agreed with Skinner and urged the commissioners to adopt county-wide zoning, saying that it's an issue that isn't going to go away.

But opponents of zoning sided with Commissioner White, saying that they didn't believe an emergency existed county-wide.

Commissioners passed a motion to zone the Belgrade donut area before the meeting adjourned, with Murdock and Skinner voting in favor and White voting against.

County staff still has a lot of planning and work to do on the proposals, but it appears that the commission will not install county-wide zoning, but instead will look to zone the Belgrade donut area.

(from April 7, 2008)

The Gallatin County Planning Department has drafted proposed regulations and district maps for interim emergency gravel pit zoning. The 41-page report outlines three different ways the zoning could be applied.

The first is only in Belgrade's southeast planning district, near the proposed gravel pits the second would create zoning for the entire planning district and the third would cover every place in the entire county where zoning jurisdictions don't already exist.

Residents asked the county to adopt emergency zoning to block two proposed commercial gravel pits.

A public hearing to discuss the zoning jurisdictions is set for Wednesday April 9th, at 1:30 p.m. in the County Courthouse.

You can view the 41-page planning staff report by [CLICKING HERE](#)

(From March 28, 2008)

Following hours of testimony over proposed gravel pits members of the Gallatin County Commission have agreed to explore emergency interim zoning for an area near Belgrade.

While the vote did not put interim zoning in place, it did direct staff to draft regulations and create three zoning district maps.

The property rights controversy ignited after residents learned that two gravel pits were proposed for Cameron Bridge and South Alaska roads, which is an area that falls inside the un-zoned Belgrade donut.

During the meeting, residents cited health and safety concerns and asked commissioners to pass emergency zoning in an effort to stop the new pits.

Meanwhile, those who oppose the zoning argued that the situation was not an emergency and that there would be increased costs and emissions created by transporting gravel from pits that are farther away.

Commissioners decided to support emergency interim zoning, but if the Montana Department of Environmental Quality grants permits for the two proposed gravel pits before the zoning is adopted, then they would not be subject to the new regulations.

(from March 27, 2008)

Folks on both sides of the hotly debated gravel pit issue voiced their opinions at a packed Gallatin County Commission meeting Wednesday afternoon.

No decisions were made, but commissioners heard testimony from dozens of residents from the East Cameron Bridge area.

A gravel pit has been proposed on that site. Homeowners against the pit urged commissioners to impose emergency interim zoning to stop the pit operation.

Gravel pit proponents say the issue doesn't merit an emergency.

We'll continue to follow this story, and bring you updates as soon as possible.

(From March 14, 2008)

There may be a new deal in the works between gravel pit owners and nearby residents who oppose them.

Attorneys for the Contractors Association say that many in the local industry will not object to zoning.

There are currently 13 pit applications in Gallatin County, including one in Gallatin Gateway, that are awaiting approval by the Department of Environmental Quality.

The new proposal includes instituting county regulations, finding ways to prevent future protests, and amending state regulations that address some of the issues. In return, attorneys are asking that homeowners in the Cameron Bridge Road area to withdraw their emergency zoning request.

During a recent county meeting, some residents and commissioners seemed interested in the idea but had reservations. Meanwhile, DEQ supervisors say they don't have any objections to the Contractor's Association's proposal.



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