

Missoula Board of County Commissioners

PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, MAY 02, 2024 – 2 PM

**Hybrid meeting – Missoula County Courthouse Annex Sophie Moiese
Room/Microsoft Teams**

[Click here to view the meeting recording.](#)

Time stamps (in green) correspond to meeting recording above. Please click to
the time stamps listed to view a particular item in the meeting.

ATTENDANCE:

Commissioners Present:

Chair David Strohmaier
Commissioner Josh Slotnick
Commissioner Juanita Vero

Staff Present:

Cheryl Hartman, Administrative Assistant, Commissioners' Office
Jennie Dixon, Planner, Planning, Development, and Sustainability
Shane Stack, Director, Public Works
Tyler Gernant, Clerk and Recorder, Clerk and Recorder's Office
John Hart, Civil Deputy Attorney, County Attorney's Office
Vincent Pavlish, Civil Deputy Attorney, County Attorney's Office
Annie Cathey, Lead Administrative Assistant, Commissioners' Office
Christina Dewar, Administrative Assistant, Commissioners' Office
Allison Franz, Communications Manager, Commissioners' Office
Carey Powers, Communications Coordinator, Commissioners' Office
Tim Worley, Senior Planner, Planning, Development, and Sustainability
Chris Lounsbury, Chief Administrative Officer, Commissioners' Office
Emmie Bristow, Community Engagement Coordinator, Commissioners' Office
Matt Heimel, Planner III, Planning, Development, and Sustainability
Elisha Buchholz, Equity Coordinator, Human Resources
Shane Stack, Director, Public Works
Melissa Fisher, Strategic Initiatives Manager, Commissioners' Office
Kyla Lehnerz, Office Coordinator, Planning, Development, and Sustainability
Andrew Hagemeyer, Planner III, Planning, Development, and Sustainability
Vincent Pavlish, Civil Deputy Attorney, County Attorneys' Office
Garrick Harmel, Housing Specialist, Grants
Nicholas Zanetos, Operations Administrator, Parks, Trails, and Open Lands

1. **CALL TO ORDER** *[Time stamp – 0:10]*
2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:12]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 0:36]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 0:51]*
 - a. Closed Captioning
 - b. Proclamation: Ron and Nancy Erickson
 - c. Proclamation: National Wildfire Preparedness Month
 - d. Proclamation: Missing and Murdered Indigenous Women Day
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 8:14]*
6. **CURRENT CLAIMS LIST** *[Time stamp – 08:28]*
Claims received as of April 17, 2024 to April 24, 2024 by the Commissioners' Office total \$980,397.14.
7. **HEARINGS (Planning and Zoning Commission and BCC)**
 - a. **Western Materials Gravel Pit Use Variance** *[Time stamp – 08:51]*
Jennie Dixon, Planner, Planning, Development, and Sustainability

[Continued to a Special Public Meeting June 20, 2024 for the Planning and Zoning Commission and BCC]
8. **OTHER BUSINESS**
[None]
9. **ADJOURN**
Chair Strohmaier – Called the meeting to adjourn at 5:12 p.m.

BCC Public Meeting May 02, 2024 – Transcription

This transcription was produced by transcription software. There may be discrepancies between this transcription and meeting dialogue. You can view the recording of the meeting on the county's YouTube channel: <https://www.youtube.com/c/missoulacounty> or contact the commissioners' office to obtain a copy.

Dialogue in the transcription attributed to "Sophie Moiese Room" is for all speakers that attended the meeting in person. Attendees that participated virtually are labeled individually.

0:0:0.0 --> 0:0:4.50

Sophie Moiese Room

Alright, a hush came over the room, so I think that is our signal.

0:0:4.120 --> 0:0:10.730

Sophie Moiese Room

Welcome, everyone to today's public meeting of the Missoula Board of County Commissioners.

0:0:10.740 --> 0:0:12.680

Sophie Moiese Room

I'd like to call today's meeting to order.

0:0:12.690 --> 0:0:14.390

Sophie Moiese Room

Please stand and join me in the Pledge of Allegiance.

0:0:16.980 --> 0:0:23.950

Sophie Moiese Room

Huge allegiance of the flag, United States of America to the Republic for which it stands.

0:0:24.320 --> 0:0:29.440

Sophie Moiese Room

One nation under God, indivisible, with Liberty and justice for all.

0:0:36.20 --> 0:0:51.290

Sophie Moiese Room

And Missoula County acknowledges that this event today takes place in the Aboriginal territories of the Salish in Kalispell, people we have a number of public announcements before we get into our one public hearing today.

0:0:51.300 --> 0:0:54.40

Sophie Moiese Room

So Sheryl, would you like to take us off with some logistics?

0:1:3.540 --> 0:1:4.530

Sophie Moiese Room

Hello everyone.

0:1:4.540 --> 0:1:11.850

Sophie Moiese Room

If you are joining us for this meeting virtually today and stretching instructions for turning on closed captioning are on your screen.

0:1:12.160 --> 0:1:17.790

Sophie Moiese Room

If you are joining us in person, we will have closed captioning on all the screens here in the soapy movies room.

0:1:18.80 --> 0:1:22.950

Sophie Moiese Room

There will be an opportunity to speak during the meeting for a public comment virtually and in person.

0:1:23.210 --> 0:1:26.290

Sophie Moiese Room

We ask that all speakers today speak slowly and clearly.

0:1:26.300 --> 0:1:28.780

Sophie Moiese Room

This helps with the accuracy of the closed captioning.

0:1:29.550 --> 0:1:36.660

Sophie Moiese Room

If you are on Microsoft Teams, if you'd like to speak when discussion has been open for public comment, we ask that you use the raise hand feature.

0:1:36.990 --> 0:1:38.620

Sophie Moiese Room

This is the small hand button.

0:1:38.750 --> 0:1:42.760

Sophie Moiese Room

If you're calling in on the phone, you'll need to hit start at 5 to raise your hand.

0:1:42.770 --> 0:1:46.100

Sophie Moiese Room

Once called upon, you will need to hit star 6 to unmute.

0:1:46.110 --> 0:1:49.400

Sophie Moiese Room

If you have any questions, please find me during the meeting and let me know.

0:1:49.690 --> 0:1:52.970

Sophie Moiese Room

We also have assisted listening devices if you need one.

0:1:52.980 --> 0:1:53.380

Sophie Moiese Room

Thank you.

0:1:54.620 --> 0:1:55.600

Sophie Moiese Room

Thank you, Cheryl.

0:1:55.610 --> 0:2:10.420

Sophie Moiese Room

And by way of introduction, and Commissioner James Stromeyer enjoying that today by Commissioners

Josh Slotnick and Wanita Vero and various staff members, we have 3 proclamations to read today and we will begin with Ron and Nancy Erickson Day.

0:2:13.30 --> 0:2:13.500

Sophie Moiese Room

Alright.

0:2:13.510 --> 0:2:14.180

Sophie Moiese Room

Thanks Dave.

0:2:14.190 --> 0:2:29.270

Sophie Moiese Room

I wanna lead with their saying, uh, that I kind of cut my teeth in civic life on the city, county consolidated planning Board and Ron Erickson was a mentor to me there and was a professor when I was a teacher and was a mentor to me there as well.

0:2:29.280 --> 0:2:31.320

Sophie Moiese Room

So deep affection for Ron Erickson.

0:2:32.980 --> 0:2:37.930

Sophie Moiese Room

Whereas Ron and Nancy Erickson loved the Missoula community and wished they lived for almost 60 years.

0:2:38.260 --> 0:2:50.410

Sophie Moiese Room

And whereas the Ericksons remained entranced by the beauty of Montana throughout their lives and dedicated themselves to preserving its natural wonders run through his work and local conservation organizations and the state legislature.

0:2:50.600 --> 0:3:6.580

Sophie Moiese Room

And Nancy, through her art, and whereas the Ericksons demonstrated the power of local activism through their involvement in peace, environmental and arts action, and whereas even a partial list of the local arts piece and environmental groups they worked with boggles in mind.

0:3:6.990 --> 0:3:11.720

Sophie Moiese Room

The Patty Canyon Lady Salon, the Missoula Art Museum, Montana Museum of Art and Culture.

0:3:11.770 --> 0:3:25.780

Sophie Moiese Room

Jeannette Rankin Peace Center Missoula Women for Peace, Western Montana scientists public information concerned citizens for Equality Environment Montana Environmental Information Center save the Port Zula Open space program and it's Mount Jumbo campaign.

0:3:25.890 --> 0:3:37.460

Sophie Moiese Room

And whereas the Ericksons, we're committed to UM's environmental studies program and art programs, which they supported financially with scholarships and by mentoring dozens of students and colleagues who followed their examples.

0:3:37.550 --> 0:3:42.440

Sophie Moiese Room

And now work in many service oriented nonprofits, businesses, agencies and elected bodies.

0:3:42.450 --> 0:3:59.520

Sophie Moiese Room

In the Missoula area and now, therefore, I dream, may Davis, Mayor of the City of Missoula, and Dave Strohmeier, Wanita Vero and Jocelyn Neck of the Missoula Board of County Commissioners in the state of Montana, hereby recognized the 12th of May 2024 as Ron and Nancy Erickson Day.

0:4:2.340 --> 0:4:2.930

Sophie Moiese Room

Thank you.

0:4:2.940 --> 0:4:5.260

Sophie Moiese Room

Josh, any comment on that proclamation?

0:4:7.400 --> 0:4:8.100

Sophie Moiese Room

OK.

0:4:10.30 --> 0:4:10.470

Sophie Moiese Room

Thanks, Josh.

0:4:11.770 --> 0:4:18.630

Sophie Moiese Room

Our second proclamation is in recognition of national Wildfire Preparedness month.

0:4:19.350 --> 0:4:28.600

Sophie Moiese Room

Whereas Western Montana is becoming increasingly susceptible to extreme wildfire conditions, resulting in an elevated risk to our communities, landscapes and responders.

0:4:29.740 --> 0:4:44.450

Sophie Moiese Room

And whereas wildfires in Montana are routinely increasing in size, severity and duration, resulting in an increased need for communities to adapt to fire while promoting safe and effective response to wildfire and restoring fire resilient landscapes.

0:4:45.0 --> 0:4:57.830

Sophie Moiese Room

And whereas wildfires are a natural part of Western Montana's ecological processes and are critical to a healthy ecosystem, however, the negative impacts of wildfires can be minimized through routine mitigation activities.

0:4:58.360 --> 0:5:6.30

Sophie Moiese Room

And whereas Missoula County residents must be encouraged to participate in these activities, the better prepare their homes and community to suffer.

0:5:6.80 --> 0:5:10.70

Sophie Moiese Room

Survive wildfire and reduce the burden on our firefighting resources.

0:5:10.700 --> 0:5:45.360

Sophie Moiese Room

And whereas local, state and federal agencies are working in partnership with nonprofit and forestry organizations in Missoula County to increase awareness and provide resources on how to be wildfire ready now, therefore we the Missoula board of County Commissioners and the state of Montana do hereby proclaim the month of May as Wildfire Preparedness Month in Missoula County as a means for education and a call to action for residents and communities to reduce their wildfire risk and to collectively become more wildfire adapted by learning to live with wildfire.

0:5:47.340 --> 0:5:54.480

Sophie Moiese Room

And our third and final proclamation today is regarding missing and murdered Indigenous Women's Day.

0:5:57.750 --> 0:6:1.500

Sophie Moiese Room

Does anyone have anything to share with us on that last proclamation?

0:6:2.560 --> 0:6:3.350

Sophie Moiese Room

OK, go ahead.

0:6:5.430 --> 0:6:15.420

Sophie Moiese Room

Whereas Missoula County and the City of Missoula join an international effort to heighten awareness in Montana, the Great Plains region and the United States for murdered and missing Indigenous women.

0:6:15.610 --> 0:6:29.360

Sophie Moiese Room

And whereas there is not a comprehensive estimate of indigenous women who are missing and murdered in the United States, but many factors contribute to the crisis, which is fear, stigma, legal barriers, racism, sexism, and the devastating levels of violence in the US.

0:6:29.610 --> 0:6:41.800

Sophie Moiese Room

And whereas Native Americans are 2 1/2 times more likely to experience to assault crimes compared to all other races, and one and three indigenous women are, reports haven't been raped during her lifetime.

0:6:42.330 --> 0:6:51.700

Sophie Moiese Room

And around 39% are victims of domestic violence and most violence against the mother Preciated by non native men, except in rural Alaska villages.

0:6:51.990 --> 0:7:1.780

Sophie Moiese Room

And whereas Native Americans were four times more likely to go missing in Montana than other demographics in Montana is among the top five states for missing and murdered indigenous women.

0:7:2.190 --> 0:7:22.250

Sophie Moiese Room

And whereas indigenous women are murdered at 10 times the rate of other ethnicities, and murder is a leading cause of death from digitus women, and whereas more than 20 years have been, excuse me, as

well as more for more than 20 years, there have been awareness moving efforts in Canada and murdered and missing indigenous women.

0:7:22.260 --> 0:7:26.710

Sophie Moiese Room

Awareness Day seeks to build support by increasing awareness in the United States.

0:7:27.20 --> 0:7:37.550

Sophie Moiese Room

Now there are for we, the Missoula board of County Commissioners and the Mayor of the City of Missoula do hereby continue to proclaim May 2024 as murdered and missing indigenous women's awareness type.

0:7:39.720 --> 0:7:40.470

Sophie Moiese Room

Thank you, Anita.

0:7:40.480 --> 0:7:42.720

Sophie Moiese Room

Any public comment on that proclamation?

0:7:45.350 --> 0:7:46.70

Sophie Moiese Room

Alright.

0:7:47.660 --> 0:7:58.580

Sophie Moiese Room

So as you all know, there's per the agenda one public hearing today and it relates to the Western materials Lolo gravel pit use variance proposal.

0:7:59.690 --> 0:8:0.720

Sophie Moiese Room

Now is the opportunity.

0:8:0.730 --> 0:8:7.20

Sophie Moiese Room

If you have any public comment on anything else other than that that you would like to share with us, come on up.

0:8:7.110 --> 0:8:12.400

Sophie Moiese Room

If you're in the Sophie Moise room, introduce yourself and provide your comment.

0:8:14.430 --> 0:8:14.980

Sophie Moiese Room

Is there?

0:8:14.990 --> 0:8:20.890

Sophie Moiese Room

Or if there's anyone online who would like to provide comment on non agenda items, now is your opportunity.

0:8:23.630 --> 0:8:25.400

Sophie Moiese Room

Alright, no takers?

0:8:26.310 --> 0:8:28.320

Sophie Moiese Room

We will move on to our claims list.

0:8:28.870 --> 0:8:36.760

Sophie Moiese Room

Claims received as of April 17th, 2024 through April 24th, 2024 by the Commissioner's Office.

0:8:36.770 --> 0:8:51.140

Sophie Moiese Room

Total \$980,397.14 as I just mentioned, we have one public hearing today by way of introduction in terms of how we're going to handle this procedurally today.

0:8:51.150 --> 0:9:3.230

Sophie Moiese Room

This is a continuation of the public hearing that we had the last time around when many of you were in this room and that is a public hearing of the planning and zoning Commission.

0:9:3.900 --> 0:9:13.860

Sophie Moiese Room

The way this will work is at whatever point in time that we close the public hearing and the planning and zoning Commission begins its deliberations.

0:9:13.870 --> 0:9:27.310

Sophie Moiese Room

The planning and Zoning Commission will then, when the planning and Zoning Commission is, is kind of a funky aspect of state law and these these types of zoning districts that were contemplating today.

0:9:27.320 --> 0:9:29.560

Sophie Moiese Room

It includes the three county commissioners.

0:9:29.740 --> 0:9:37.170

Sophie Moiese Room

It also includes our chief Public Works Officer and also our clerk and recorder and treasure.

0:9:37.820 --> 0:9:52.550

Sophie Moiese Room

Uh, and it sometimes would include a citizen to citizen members of the particular zoning district that we are citizen initiated is a part one any zoning district?

0:9:54.730 --> 0:9:56.760

Sophie Moiese Room

But we do not have those two Members.

0:9:56.770 --> 0:10:0.140

Sophie Moiese Room

So what you see is what you get in terms of the planning and zoning Commission.

0:10:0.150 --> 0:10:6.800

Sophie Moiese Room

It will make a recommendation to the board of County Commissioners, who will then come into session and take up that issue.

0:10:7.50 --> 0:10:11.260

Sophie Moiese Room

Do they does the planning and zoning Commission have to make a recommendation to them?

0:10:11.450 --> 0:10:25.430

Sophie Moiese Room

It does not have to make a recommendation today, so the way I see today unfolding is we will begin with a staff report or an update from staff following on whatever update they provided the last time around.

0:10:25.500 --> 0:10:38.630

Sophie Moiese Room

Following the staff report, there will be an opportunity 20 minutes each for the applicant or applicants representative to say anything that they would like in support of the proposal.

0:10:39.360 --> 0:10:46.880

Sophie Moiese Room

The legal counsel for the opponents, the Carlton Protection Trust, will also have 20 minutes to make statements.

0:10:47.900 --> 0:10:54.510

Sophie Moiese Room

We will then open it up to all of you for public comment, both online and in the Sophie Mouries room.

0:10:54.800 --> 0:10:59.100

Sophie Moiese Room

And could I get a show of hands of folks in the room who would like to maybe make comment today?

0:11:2.270 --> 0:11:15.650

Sophie Moiese Room

OK, there's a smattering of folks, So what I'm going to ask folks to do is please keep your comments to 3 minutes or less when you make comment and be respectful of one another.

0:11:15.660 --> 0:11:22.470

Sophie Moiese Room

There's a diversity of opinions in the room, and I know there are strong feelings one way or another on the proposal before us.

0:11:22.480 --> 0:11:24.70

Sophie Moiese Room

So do be respectful.

0:11:24.400 --> 0:11:29.510

Sophie Moiese Room

No applause or other outward signs of support or disapproval.

0:11:30.60 --> 0:11:34.830

Sophie Moiese Room

And you only get one bite at the apple, so use your 3 minutes wisely.

0:11:34.940 --> 0:11:48.440

Sophie Moiese Room

We're not going to get into back and forth conversation here today, so state your comments and that is your opportunity today and direct your comments to the chair that would be me.

0:11:48.490 --> 0:12:3.380

Sophie Moiese Room

And if there are questions that you have, uh, we will have an opportunity that Commission the we should say the planning and zoning Commission will have an opportunity later to pursue any comments or questions that you have that we also have additional thoughts on.

0:12:3.430 --> 0:12:9.810

Sophie Moiese Room

So without further ado, I would turn it over to staff Jenny Dixon with any updates from staff.

0:12:15.200 --> 0:12:16.180

Sophie Moiese Room

Thank you very much.

0:12:18.330 --> 0:12:20.580

Sophie Moiese Room

So for the record, my name is Jenny Dixon.

0:12:20.590 --> 0:12:25.780

Sophie Moiese Room

I'm a land use planner with AH PDS, planning, development and sustainability.

0:12:27.970 --> 0:12:50.900

Sophie Moiese Room

Umm, I would like to first of all, note that all the materials from the prior to hearings are incorporated into the record, including presentations through these slides because some of the materials in these slides are not in the packet and it's important to be able to refer to those in the record.

0:12:50.910 --> 0:13:3.550

Sophie Moiese Room

So I'm going to get the slide show up and running here for you and cover a few topics that we haven't really covered adequately in the last two hearings.

0:13:4.620 --> 0:13:8.280

Sophie Moiese Room

I'm just a reminder of the existing conditions.

0:13:8.290 --> 0:13:12.500

Sophie Moiese Room

As you know, there's an existing pit and the one on approximately 80 acres.

0:13:12.650 --> 0:13:17.540

Sophie Moiese Room

They want to expand to the West through a variance to 70 acres.

0:13:19.870 --> 0:13:29.570

Sophie Moiese Room

The request for variance is based on criteria established in 76 Title 76, Part 2 zoning or, I'm sorry, Part 1 zoning.

0:13:31.860 --> 0:13:50.380

Sophie Moiese Room

What was the three criteria being that it would not be contrary to the public interest, but there are special conditions that might warrant a variance and that a literal enforcement of the planning and zoning Commission will result in the unnecessary hardship, and those have been addressed in the staff report that is been before you since February 22nd.

0:13:52.270 --> 0:14:1.990

Sophie Moiese Room

I do wanna take some time today to to clarify some uh, as much as I can the operations and permit history which I know.

0:14:3.840 --> 0:14:13.390

Sophie Moiese Room

Graham and and folks did a really good job with some photos last time that I would like to supplement that from the perspective of the planning department.

0:14:15.570 --> 0:14:22.240

Sophie Moiese Room

And so using some really wonderful photos, Graham and his his group got ahold of.

0:14:22.370 --> 0:14:25.820

Sophie Moiese Room

I pulled those into the slideshow and what?

0:14:25.830 --> 0:14:38.610

Sophie Moiese Room

This photo shows is that there was gravel extraction happening in the 1950s and an area an area of extraction of approximately an acre.

0:14:40.200 --> 0:14:41.770

Sophie Moiese Room

That's in 1955.

0:14:43.400 --> 0:14:51.810

Sophie Moiese Room

By 1966, with a USGS map in 1967 reflecting an existing gravel pit at this location.

0:14:51.820 --> 0:14:58.530

Sophie Moiese Room

At this point, it's a little bigger, maybe at 1 1/2 to 2 acres of extraction area, right?

0:14:58.580 --> 0:15:0.180

Sophie Moiese Room

And that's going to be an important key in a minute.

0:15:2.460 --> 0:15:7.630

Sophie Moiese Room

On the these are the photos where I had to zoom out a little bit from 1980 to 1983.

0:15:8.50 --> 0:15:12.770

Sophie Moiese Room

It's hard to tell what is happening here if there's active extraction or not.

0:15:13.840 --> 0:15:25.130

Sophie Moiese Room

These photos were purchased by Graham and his group Carlton Protection Trust, so these photos are available to us.

0:15:25.220 --> 0:15:33.540

Sophie Moiese Room

Thanks to them, they were not available to like the land use planner back in 1993, right?

0:15:35.240 --> 0:15:37.860

Sophie Moiese Room

Nor was the Internet all right.

0:15:38.600 --> 0:15:42.300

Sophie Moiese Room

So then 1993, what happened?

0:15:42.840 --> 0:15:45.60

Sophie Moiese Room

As best as I can tell is that.

0:15:46.940 --> 0:15:47.920

Sophie Moiese Room

Based on.

0:15:51.330 --> 0:16:8.900

Sophie Moiese Room

The GSGS maps showing a gravel pit there, and they'll love this handwritten letter up in the upper left hand corner of the screen from the applicant, Mr Hendrickson, stating that he is operating approximately 5 acres of extraction.

0:16:9.450 --> 0:16:22.440

Sophie Moiese Room

That also includes umm, storing material movement of trucks, trucks coming in to load and unload, and that may not all be contained within an extraction area.

0:16:22.530 --> 0:16:28.940

Sophie Moiese Room

And then on top of that, there's an area that has to then be pulled, soils that get pulled down for reclamation.

0:16:28.950 --> 0:16:34.660

Sophie Moiese Room

And so Mr Hendrickson's letter, which all we can do is is, you know.

0:16:36.320 --> 0:16:46.550

Sophie Moiese Room

Suppose not that his statements are the area of extraction is about 5 acres and the remaining area that's needed.

0:16:46.560 --> 0:16:48.640

Sophie Moiese Room

That will be disturbed is 10 acres.

0:16:48.650 --> 0:16:49.970

Sophie Moiese Room

So in 1993?

0:16:50.820 --> 0:17:0.210

Sophie Moiese Room

Umm, this permit was issued acknowledging that there was an existing gravel pit there and you can see in that blue circle the blue circles.

0:17:1.980 --> 0:17:9.950

Sophie Moiese Room

The disturbance was the addition of crushing that that was going to occupy about an acre of that 15 acres.

0:17:11.850 --> 0:17:12.180

Sophie Moiese Room

Right.

0:17:12.190 --> 0:17:21.120

Sophie Moiese Room

So in 1983, the best assessment we had, I mean the way we issued permits back then, people came to the front desk on the spot we issued permits.

0:17:21.130 --> 0:17:34.920

Sophie Moiese Room

And so the because planner who signed this bud he used and he actually in the record in our files it shows used several different umm see if I can whoops.

0:17:35.910 --> 0:17:45.50

Sophie Moiese Room

Here's the maps that were shown here in the lower that was all he had to determine what was going on at this site.

0:17:46.260 --> 0:18:6.660

Sophie Moiese Room

And essentially, based on past past activity and statement by the applicant and the USGS map this form here that has been at issue where it says at the very last line is not located within an area zoned as residential.

0:18:8.410 --> 0:18:39.20

Sophie Moiese Room

This is going to become relevant when I take you to the 2009 the exact same form from DQ of reformatted, because as best I can tell just I know this is a form letter and it was the way DEQ determined if there was zoning compliance, but there were so many different permutations of how you could find zoning compliance and in this case it was legal, nonconforming and that is not language that I believe to EQ uses.

0:18:39.280 --> 0:18:42.230

Sophie Moiese Room

They simply would look at it as can.

0:18:42.240 --> 0:18:43.610

Sophie Moiese Room

That are these women compliant.

0:18:43.620 --> 0:18:45.500

Sophie Moiese Room

As you can see the top line there is.

0:18:45.780 --> 0:18:56.160

Sophie Moiese Room

This is the D huge forum to find clients local zoning, so they send it to us and they say, hey, is this comply with zoning?

0:18:56.390 --> 0:19:6.790

Sophie Moiese Room

And because at that time you could not do that extraction and residential, therefore letter says, and it is not, it's not within an area zoned residential.

0:19:8.20 --> 0:19:11.120

Sophie Moiese Room

Now, Bud signed it and it's not.

0:19:11.510 --> 0:19:18.420

Sophie Moiese Room

It's not accurate as far as that, but the gist of what was trying, I think trying to be conveyed here to the EQ.

0:19:18.610 --> 0:19:21.130

Sophie Moiese Room

Is that this pin based on?

0:19:21.140 --> 0:19:31.60

Sophie Moiese Room

As you can see down below, the letter from Stan Anderson, then the four USGS Maps 1 zoning compliant, and he probably should have just made a note that it was legal, nonconforming.

0:19:34.150 --> 0:19:36.0

Sophie Moiese Room

OK, what do you?

0:19:38.470 --> 0:19:45.160

Sophie Moiese Room

So Fast forward a couple years where they wanna do something else has to do with access.

0:19:46.0 --> 0:19:53.0

Sophie Moiese Room

The question came up again because it is if it is an A part one zone and it is zoned residential and it was confusing.

0:19:53.10 --> 0:20:18.210

Sophie Moiese Room

Like, are they legal handful conforming or not and you did issue a permit in 1993 acknowledging 15 acres as legal, nonconforming, zoning compliant, and in 1999, double check again with the county Attorneys Office and that is what that handwritten note is up in the upper left hand corner, which has former county Attorney's office saying this is a legal, nonconforming use issue.

0:20:18.280 --> 0:20:20.840

Sophie Moiese Room

Permit for 15.

0:20:21.230 --> 0:20:25.200

Sophie Moiese Room

15 still a 15 acre travel operation, because nothing changed.

0:20:25.310 --> 0:20:27.170

Sophie Moiese Room

Still 15 from 1983.

0:20:29.780 --> 0:20:42.860

Sophie Moiese Room

Then we get to 2009, and that intervening time between 1999 and 2009, there are there are materials here I did not include because they are DEQ.

0:20:44.530 --> 0:20:51.150

Sophie Moiese Room

It was a DEQ application that was submitted and nothing came to the planning commitment until 2008, 2009.

0:20:51.160 --> 0:20:55.250

Sophie Moiese Room

And so in 2009, we issued this on compliance permit.

0:20:56.650 --> 0:21:3.710

Sophie Moiese Room

This is the point at which there are there are holes in the situation that I cannot answer.

0:21:3.800 --> 0:21:9.640

Sophie Moiese Room

Which have to do with how did it go from 15 to 72 other than they just they did it.

0:21:11.560 --> 0:21:27.230

Sophie Moiese Room

And that's where mikes at least said from the county Attorney's office, issued a letter to our planning department saying that if you based on statute of limitations, is 7 years and and stoppel history of this.

0:21:27.240 --> 0:21:29.490

Sophie Moiese Room

Sign compliance planet for 72 acres.

0:21:31.320 --> 0:21:39.300

Sophie Moiese Room

I'm gonna show you that same form that DEQ sent us about 15 years later, the one that that.

0:21:40.230 --> 0:21:41.780

Sophie Moiese Room

Yes, I'll revise this.

0:21:41.790 --> 0:21:46.120

Sophie Moiese Room

He revised version of the one that says and is not his own residential.

0:21:46.130 --> 0:21:52.980

Sophie Moiese Room

You can see they changed their form because that does not cover every single situation.

0:21:53.700 --> 0:22:22.250

Sophie Moiese Room

So instead what we're asking is what is it zoned and will it comply with local zone and that is what the purpose of that that form is, even though it wasn't worded great in 1983 and the planner should have been more particulars about it on this photo here is showing what was going on in 2009 when that permit was issued by our planning staff.

0:22:27.210 --> 0:22:53.810

Sophie Moiese Room

Do you guys have any questions on on well wait till the end and so recently cause we've covered this many times, the proposal as you know as to expand that existing area to the West Western materials

owns the property outlined in red, the Southern 20 acres, they want to expand by purchasing A50 acres and yellow and they want to.

0:22:54.990 --> 0:22:56.170

Sophie Moiese Room

I'm not.

0:22:56.230 --> 0:22:59.20

Sophie Moiese Room

You want to not do this, which is if the variance is not approve.

0:22:59.30 --> 0:23:0.780

Sophie Moiese Room

But this is the plan of what would happen.

0:23:0.790 --> 0:23:5.560

Sophie Moiese Room

If the variance is not approved, they would continue my full 72 acres.

0:23:6.10 --> 0:23:17.820

Sophie Moiese Room

That property to the West likely to support the residential development and then upon representation of their existing site, it would also be developed with hybrid contacts.

0:23:20.210 --> 0:23:29.980

Sophie Moiese Room

Of what you are proposing with this variance is to not mind on those fighting attacks along the north along the banquet Rd.

0:23:30.560 --> 0:23:38.980

Sophie Moiese Room

So leave those alone at the higher grade with homes on each of those 5 tracks, restrict their mind area.

0:23:40.170 --> 0:24:2.100

Sophie Moiese Room

So on the left in red to that 96.3 acres South of those five acre tracts and and the wildlife corridor buffer strip, as well as keeping out of the wildlife floater buffer strip on the South and mining 96.3 acres instead of 75 acres on without the things.

0:24:2.330 --> 0:24:9.970

Sophie Moiese Room

But just in a in a different location upon recognition that they have agreed through conditions of approval to.

0:24:12.460 --> 0:24:15.230

Sophie Moiese Room

Allow this stuff six homes on those five records.

0:24:15.240 --> 0:24:16.450

Sophie Moiese Room

Max, you where they're at.

0:24:16.460 --> 0:24:21.790

Sophie Moiese Room

And then another 20, I think 24 homes on that open area.

0:24:21.840 --> 0:24:24.950

Sophie Moiese Room

That's kind of an envelope for development.

0:24:24.960 --> 0:24:33.880

Sophie Moiese Room

Development may occur to the other 110 acres and permanently protected open space that was proposed as a result of the.

0:24:36.20 --> 0:24:39.260

Sophie Moiese Room

Concerns raised by wildlife agencies.

0:24:41.40 --> 0:24:43.980

Sophie Moiese Room

Regarding wildlife habitat and corridor, transferable.

0:24:47.260 --> 0:24:53.600

Sophie Moiese Room

On I have gone through every public comment cause received.

0:24:53.610 --> 0:24:59.280

Sophie Moiese Room

Since this application was received in October, I'll be it.

0:24:59.630 --> 0:25:10.600

Sophie Moiese Room

Maybe I don't know what I was looked at in detail to things that came in last night, but now why I wanted to bring your attention to the issues raised with letters.

0:25:10.610 --> 0:25:13.310

Sophie Moiese Room

Of course we did receive letters of support.

0:25:13.370 --> 0:25:16.490

Sophie Moiese Room

Several of them are in the packet and not gonna touch on neurosis.

0:25:16.630 --> 0:25:17.220

Sophie Moiese Room

I mean, you can.

0:25:17.270 --> 0:25:18.0

Sophie Moiese Room

You can look at those.

0:25:18.10 --> 0:25:32.940

Sophie Moiese Room

They're in the record and the reasons for support are varied and yet smaller to staff with committed my findings and conclusions are supporting this application in the staff report.

0:25:32.950 --> 0:25:43.330

Sophie Moiese Room

In February, we had a finding of something that summarized public comment and really thought the public comment focused on these items.

0:25:44.460 --> 0:25:46.560

Sophie Moiese Room

That was that kills all violence.

0:25:46.570 --> 0:25:55.390

Sophie Moiese Room

Zoning regulations fails to detect residential areas from industrial activities like, meaning that it has natural detrimental effects on the environment.

0:25:56.530 --> 0:26:0.250

Sophie Moiese Room

Examples listed in there risks to public health and safety.

0:26:0.780 --> 0:26:2.660

Sophie Moiese Room

Then for examples listed.

0:26:4.720 --> 0:26:8.280

Sophie Moiese Room

And impacts to the surrounding communities, quality of life and property values.

0:26:9.810 --> 0:26:24.50

Sophie Moiese Room

So those were factors identified for you and findings of fact that as you've been having these hearings when taking into account and what I wanted to do for you is summarize the comment that has come in since February 22nd.

0:26:24.700 --> 0:26:31.140

Sophie Moiese Room

Umm, you know, there's so many letters that I had to kind of hit highlights.

0:26:33.530 --> 0:26:33.880

Sophie Moiese Room

Yeah.

0:26:33.890 --> 0:26:42.660

Sophie Moiese Room

So I just had to kind of hit the highlights of those letters, those impacts that have been identified, their residents and not necessarily and.

0:26:44.970 --> 0:26:54.650

Sophie Moiese Room

Have basis in our findings of fact that staff would agree that they are impacts to consider, but citizens and people in the area.

0:26:54.810 --> 0:26:57.670

Sophie Moiese Room

These are important factors that they want you to take into account.

0:26:59.650 --> 0:27:9.800

Sophie Moiese Room

Uh water is this irrigation and impacts on wells, disregard for zoning says, and the perception that this is a zoning violation and other legal concerns.

0:27:10.130 --> 0:27:16.570

Sophie Moiese Room

Livelihood impacts agricultural and organic certification, fencing and livestock intrusion into the pit.

0:27:17.510 --> 0:27:30.180

Sophie Moiese Room

Impacts on local ranch to the West and their possible desire for conservation easement infrastructure strain, lack of community input, and countability long term environmental consequences.

0:27:30.610 --> 0:27:37.250

Sophie Moiese Room

Claims of insufficient gravel sources is inaccurate, understandable community development pattern.

0:27:37.720 --> 0:27:39.840

Sophie Moiese Room

The zoning, integrity and setting a precedence.

0:27:40.710 --> 0:27:43.10

Sophie Moiese Room

That there is some hard shape that this is a question.

0:27:43.20 --> 0:27:49.20

Sophie Moiese Room

The permitting process there has been lack of transparency and accountability of people in moral concerns.

0:27:49.30 --> 0:27:53.890

Sophie Moiese Room

Overall, community opposition and requests for you to seek alternative solutions.

0:27:55.660 --> 0:28:7.710

Sophie Moiese Room

Then your contemplation of and consideration of this request, you probably should take into account and address these concerns.

0:28:7.720 --> 0:28:17.800

Sophie Moiese Room

Whether I how you feel today mitigated, if they are concerned in your mind that that kind of thing and we talking about that as we get further.

0:28:18.960 --> 0:28:27.530

Sophie Moiese Room

So I do not talk in a few minutes about part one versus Part 2 zoning and then we're going to get to a recommended recommendation.

0:28:27.540 --> 0:28:28.580

Sophie Moiese Room

So it won't be much longer.

0:28:30.380 --> 0:28:31.460

Sophie Moiese Room

Part 1 zoning.

0:28:32.360 --> 0:28:36.50

Sophie Moiese Room

Yes, I because I think I described one older type of zoning.

0:28:36.100 --> 0:28:41.740

Sophie Moiese Room

It has its own procedures, its own criteria it's own.

0:28:44.520 --> 0:28:48.850

Sophie Moiese Room

Kind of protocol for how things are done within Part 1 zoning.

0:28:48.860 --> 0:28:51.360

Sophie Moiese Room

The difference Part 2 and has different.

0:28:53.270 --> 0:28:55.130

Sophie Moiese Room

Advisory bodies and.

0:28:57.290 --> 0:29:1.170

Sophie Moiese Room

The government sent, but there's a planning board.

0:29:1.190 --> 0:29:5.460

Sophie Moiese Room

That's in part to use zoning, planning and zoning Commission or Part 1 zoning.

0:29:5.620 --> 0:29:14.910

Sophie Moiese Room

There is different there report of adjustment for variances in Part 2 and and the finance of the Commission and part one.

0:29:15.530 --> 0:29:17.640

Sophie Moiese Room

So this is a part one zone which.

0:29:20.450 --> 0:29:39.430

Sophie Moiese Room

Unlike cartoon zoning authorizes use variances, and I've said this before, but it's I think I think I need to say it again, these Part 1 zones are the only places in the entire county and and in Missoula County that allow for use variances.

0:29:39.440 --> 0:29:54.90

Sophie Moiese Room

So when the Commission and and staff are looking at zoning properly, we are talking about Part 2 zoning because Part 1 zoning is very unwieldy.

0:29:54.100 --> 0:30:9.620

Sophie Moiese Room

Unworkable and create opportunities for lack of compliance with growth policy and recommendations and goals and objectives and and so we would prefer that any zoned areas in Missoula are part too.

0:30:9.630 --> 0:30:31.130

Sophie Moiese Room

But unfortunately we are stuck with some Part 1 zoning and in fact I think the legislature last session recognized that a lot of communities in the state of Montana wanna get rid of Part 1 zoning and created a pathway to do that in state law because we've been trying to help people who want to maintain zoning keep it.

0:30:31.200 --> 0:30:38.600

Sophie Moiese Room

But use a process that is a lot more clear and flexible or not flexible.

0:30:38.610 --> 0:30:39.750

Sophie Moiese Room

What as the case may be.

0:30:39.760 --> 0:30:44.990

Sophie Moiese Room

So in this case you have a situation where an appetizer can request a use variance.

0:30:47.280 --> 0:30:55.160

Sophie Moiese Room

Umm, there's a provision in Part 1 zoning about enforcement that I wanna just bring your attention to.

0:31:1.540 --> 0:31:19.590

Sophie Moiese Room

That it's basically there is non compliance with the zoning then the county in addition to other remedies made any appropriate actions or begin proceedings to correct your violation.

0:31:19.640 --> 0:31:21.910

Sophie Moiese Room

And so this section of what where is that?

0:31:22.70 --> 0:31:24.70

Sophie Moiese Room

That's not how it's written.

0:31:24.140 --> 0:31:33.620

Sophie Moiese Room

In Part 2, zoning and this kind of zoning, you are authorized to be able to bring back the 12 years.

0:31:33.680 --> 0:31:45.470

Sophie Moiese Room

At least some violent here of zoning and start proceedings to correct or data, or one restrain it, prevent the occupancy.

0:31:45.510 --> 0:31:48.710

Sophie Moiese Room

Whatever the case may be, you have that authority through third months only.

0:31:50.380 --> 0:31:55.880

Sophie Moiese Room

There is reference in County Fair 2 zoning to Park 1 zoning.

0:31:56.970 --> 0:32:11.510

Sophie Moiese Room

Umm where it describes if there are on administrative procedures lacking in part one zone, we go to the Part 2 zone and in this case on the translator to send check on standards.

0:32:12.430 --> 0:32:16.460

Sophie Moiese Room

80 Forties is only refers to this and the general standards.

0:32:18.350 --> 0:32:25.120

Sophie Moiese Room

I but those are not those administrative procedures were not ready to replace the procedures and state law.

0:32:25.130 --> 0:32:33.860

Sophie Moiese Room

So the criteria of Americans or the body which makes the decision about it or enforcement of zoning.

0:32:33.950 --> 0:32:53.310

Sophie Moiese Room

So I bring this up because I do believe that was mentioned and on the protection trust letter from yesterday that that the regulations in Part 2 Governor, this part one however cut this part one is not silent on those things and therefore that is not acceptable.

0:32:59.110 --> 0:33:14.200

Sophie Moiese Room

I have provided a handout for everybody and there are there are extras on the table and the dog so that if the board and findings on the Commission get to the point where you want to look at, our recommendation is approval.

0:33:14.430 --> 0:33:26.860

Sophie Moiese Room

We all have something like that and I don't have to fiddle around with slides and it will show you some revisions that I've recommended since the last some Council.

0:33:29.210 --> 0:33:33.790

Sophie Moiese Room

Ah, that's yeah, yeah.

0:33:36.250 --> 0:34:17.570

Sophie Moiese Room

This since the last, the only version of recommended conditions, so this is the only modification that you've been presented with since the staff that was first issue contrary, 22nd and only included here the the three conditions which had additional language incorporated to try to address some of the concerns that have come up in the last several couple months on one is the farming that is required on the kit and wanted to clarify that that phone me is also required along the southeast corner of it which is a response most visible from I'm all having every three.

0:34:17.740 --> 0:34:21.50

Sophie Moiese Room

And counting import down where you can visually.

0:34:21.60 --> 0:34:27.850

Sophie Moiese Room

I mean, it's been for a very long time, but one of the conditions is to try and mitigate these impacts for the residents.

0:34:28.320 --> 0:34:35.820

Sophie Moiese Room

This to fund period of ARM there that the sign in attempts to soften that visual impact.

0:34:37.750 --> 0:34:39.430

Sophie Moiese Room

Also, along the same lines.

0:34:39.940 --> 0:34:44.330

Sophie Moiese Room

On something else must have lower than better lower elevation.

0:34:44.340 --> 0:34:47.50

Sophie Moiese Room

You're surrounding the rooms in the north South and the West.

0:34:47.560 --> 0:34:53.610

Sophie Moiese Room

That's not really possible given the entirety of the site to make firms not visible from the east.

0:34:54.640 --> 0:34:56.650

Sophie Moiese Room

Uh, although there will be.

0:34:56.820 --> 0:34:57.270

Sophie Moiese Room

I'm sorry.

0:34:57.310 --> 0:34:58.900

Sophie Moiese Room

Files from the east.

0:34:58.980 --> 0:35:0.810

Sophie Moiese Room

There were firms that were screened.

0:35:1.100 --> 0:35:11.170

Sophie Moiese Room

You might see the tops and tails, and then finally a new condition having to attempting to address kind of a life.

0:35:11.220 --> 0:35:39.260

Sophie Moiese Room

None of the pit and consultation with the county Attorneys office, who were really comfortable with the idea of an end date and end date on a business operation and it's dead on recommended that, umm, materials not able to be transported to this property and processed once they have towards the end of the life of this pit they are doing that right now and we'd like to continue and so they can.

0:35:39.270 --> 0:35:41.180

Sophie Moiese Room

I swap microphones with you.

0:35:41.250 --> 0:35:44.920

Sophie Moiese Room

It you're does does your sound funny to the rest of you?

0:35:45.210 --> 0:35:46.280

Sophie Moiese Room

It's hard to hear.

0:35:46.340 --> 0:35:46.650

Sophie Moiese Room

Yeah.

0:35:46.710 --> 0:35:47.280

Sophie Moiese Room

Yeah, it's.

0:35:47.690 --> 0:35:50.140

Sophie Moiese Room

It can only hear every few words things so.

0:35:53.480 --> 0:35:54.100

Sophie Moiese Room

I'm sorry.

0:35:54.140 --> 0:35:55.70

Sophie Moiese Room

Can you hear me now?

0:35:55.80 --> 0:35:55.440

Sophie Moiese Room

Better.

0:35:55.450 --> 0:35:56.780

Sophie Moiese Room

I'm sorry I didn't even realize it.

0:35:58.260 --> 0:35:58.440

Sophie Moiese Room

Yeah.

0:35:58.500 --> 0:35:59.290

Sophie Moiese Room

OK, go.

0:35:59.330 --> 0:35:59.640

Sophie Moiese Room

Go ahead.

0:36:1.10 --> 0:36:1.690

Sophie Moiese Room

Well, we can.

0:36:1.700 --> 0:36:2.450

Sophie Moiese Room

We can't do that.

0:36:2.460 --> 0:36:2.810

Sophie Moiese Room

We can.

0:36:2.820 --> 0:36:4.370

Sophie Moiese Room

She can just pull it closer to her.

0:36:4.430 --> 0:36:6.830

Sophie Moiese Room

Yeah, I I have never been told.

0:36:6.840 --> 0:36:9.0

Sophie Moiese Room

I'm quiet, so I will.

0:36:12.830 --> 0:36:16.700

Sophie Moiese Room

I apologize if anyone needs a hearing device.

0:36:16.830 --> 0:36:18.980

Sophie Moiese Room

We do have those available for folks.

0:36:21.610 --> 0:36:23.670

Sophie Moiese Room

The no.

0:36:23.720 --> 0:36:25.680

Sophie Moiese Room

OK, got it.

0:36:25.690 --> 0:36:26.500

Sophie Moiese Room

We're back on track.

0:36:26.510 --> 0:36:27.140

Sophie Moiese Room

Thank you, folks.

0:36:27.150 --> 0:36:27.760

Sophie Moiese Room

Go ahead, Jenny.

0:36:27.810 --> 0:36:36.750

Sophie Moiese Room

OK, so recommended conditions of approval with modifications as shown in red and we all have handout to to reflect that.

0:36:36.880 --> 0:36:41.230

Sophie Moiese Room

And when you if and when you get to a point of making motions, that's my last two slides.

0:36:41.320 --> 0:36:45.80

Sophie Moiese Room

So that that part you got to hear very clearly.

0:36:45.270 --> 0:36:45.530

Sophie Moiese Room

OK.

0:36:46.750 --> 0:36:47.340

Sophie Moiese Room

Thank you.

0:36:47.350 --> 0:36:51.260

Sophie Moiese Room

We will now turn it over to the applicant or the applicants representative.

0:36:51.270 --> 0:36:54.570

Sophie Moiese Room

You have 20 minutes to say whatever you would like to say to us.

0:37:13.740 --> 0:37:16.90

Sophie Moiese Room

Good afternoon and you'll have to turn the mic on.

0:37:17.950 --> 0:37:18.500

Sophie Moiese Room

Thank you.

0:37:18.570 --> 0:37:19.40

Sophie Moiese Room

Good afternoon.

0:37:22.960 --> 0:37:24.250

Sophie Moiese Room

My name is John Kappas.

0:37:24.500 --> 0:37:26.990

Sophie Moiese Room

I'm the President of Western excavating.

0:37:27.420 --> 0:37:36.320

Sophie Moiese Room

Today I will be addressing why this resource meets the three criteria for the county in making its determination of approving our variance request.

0:37:37.400 --> 0:37:45.590

Sophie Moiese Room

But before jumping to the criteria, I do wanna address some of the it's representations of facts provided to the Commission and the last hearing.

0:37:46.220 --> 0:37:55.440

Sophie Moiese Room

Not only was it misleading to this Commission, it also you inappropriately smeared the reputation of a long standing member of this community.

0:37:57.400 --> 0:38:17.250

Sophie Moiese Room

The attorney is wanted you to believe that this gravel pit is predicated on a lie based on Rep the represented fact that quote Hendrickson attest that the gravel mining operation will comply with Missoula counties zoning regulations and is not located within an area that is zoned residential.

0:38:17.360 --> 0:38:19.760

Sophie Moiese Room

And quote on me.

0:38:22.130 --> 0:38:37.540

Sophie Moiese Room

This statement does not accurately reflect the document for which they are referencing, as we've seen earlier today, the document is a zoning compliance form and states it must be signed by an appropriate city, county government representative.

0:38:38.410 --> 0:38:48.440

Sophie Moiese Room

The form is signed by a county representative who is declaring that the applicant is notifying them of proposing to conduct sand and gravel mining operations.

0:38:48.790 --> 0:38:55.640

Sophie Moiese Room

The form also states the operation complies with approved zoning regulations and is not located within an area zoned as residential.

0:38:56.90 --> 0:39:1.630

Sophie Moiese Room

Again, the county representative is making the declaration, not the applicant.

0:39:2.970 --> 0:39:16.720

Sophie Moiese Room

The attorneys also want you to believe that the applicant was misleading in a statement to the county representative and the pit didn't exist prior to zoning, they stay quote to obtain the required signature from Missoula County.

0:39:17.30 --> 0:39:27.200

Sophie Moiese Room

The name applicant provided a letter explaining that he owns a gravel pit that has been in operation for 40 years, referring to his families operation along Hwy.

0:39:27.210 --> 0:39:35.820

Sophie Moiese Room

12 and quote there is no reference in the applicants note to his other properties and it is a very clear reading.

0:39:35.830 --> 0:39:42.660

Sophie Moiese Room

He is referring to the land he is applying for, a permit that he owns it and it has been in operation for 40 years.

0:39:43.210 --> 0:39:50.700

Sophie Moiese Room

The applicant was affirming the site had been used for gravel extraction for 40 years and not referring to his other operations.

0:39:51.850 --> 0:39:56.600

Sophie Moiese Room

Opposition attorneys have also verified this and their letter to the Commission quote.

0:39:56.810 --> 0:40:10.490

Sophie Moiese Room

Importantly, the applicant also includes a 1967 USGS map to support that there is a pre existing gravel pit in the new desired location and quote, and we've seen this map earlier today.

0:40:13.410 --> 0:40:21.920

Sophie Moiese Room

The attorneys letter also provides an attachment a an aerial photo from 1966 showing gravel being extracted from the site.

0:40:22.850 --> 0:40:25.420

Sophie Moiese Room

Is this wisely observed by this Commission?

0:40:25.470 --> 0:40:40.90

Sophie Moiese Room

It may be the case that this form was the best choice to fill out since the applicant was not extracting gravel outside of the original 160 acre property in place at the time of zoning, and the property has been used for gravel extraction prior to zoning.

0:40:40.160 --> 0:40:51.850

Sophie Moiese Room

With zoning, the county representative could technically declare it was not zoned residential for gravel extraction purposes and was being accurate that the operation complies with approved zoning regulations.

0:40:52.400 --> 0:41:3.560

Sophie Moiese Room

There's no factual basis from the documents provided that the applicant or county representative did anything wrong, but even further, there is no basis to conclude that there was intentional lying.

0:41:5.310 --> 0:41:16.920

Sophie Moiese Room

There was also testimony that identified there has been another pit in this zoning district that extracted this gravel resource and they stated they did everything right.

0:41:17.190 --> 0:41:21.940

Sophie Moiese Room

Yeah, we can find no documentation that they ever went to the county for approval of their operation.

0:41:22.270 --> 0:41:34.400

Sophie Moiese Room

They're on asphalt plant or their extension to their reclamation date, and that makes sense as they too never extracted from outside the properties that existed at the time of zoning.

0:41:35.150 --> 0:41:41.210

Sophie Moiese Room

In contrast, our pits prior owner determine the best path was to work through the county process.

0:41:41.500 --> 0:41:55.250

Sophie Moiese Room

Even though he was staying within the property boundaries of the 160 acres, we too have come to the county with the request to extract additional gravel within those same original 160 acres in place at time of zoning.

0:41:55.260 --> 0:42:6.600

Sophie Moiese Room

At time of zoning, we feel this process has been beneficial and and in identifying issues that well, never brought to our attention by the neighborhood prior to this process, can now be adequately addressed.

0:42:9.930 --> 0:42:16.430

Sophie Moiese Room

We are committed to conditions that will help the surrounding neighborhood while continuing to have this resource available to the community.

0:42:18.740 --> 0:42:20.770

Sophie Moiese Room

Now moving to the three criteria.

0:42:22.770 --> 0:42:27.990

Sophie Moiese Room

We believe the three of approval criteria are meant with this variance request.

0:42:28.320 --> 0:42:31.370

Sophie Moiese Room

First criteria, special conditions of this request.

0:42:31.720 --> 0:42:37.810

Sophie Moiese Room

The gravel resource in the expanded area is proven and misuse and all types of construction.

0:42:38.280 --> 0:42:48.940

Sophie Moiese Room

There is currently no conditional mitigation on the existing pit and the county would not have as much control if the gravel were to be found in neighboring properties that are unzoned.

0:42:50.310 --> 0:42:58.900

Sophie Moiese Room

The proposed request can be conditioned to mitigate concerns to the neighborhood and for wildlife during and post use of gravel extraction.

0:42:59.490 --> 0:43:9.450

Sophie Moiese Room

This additional gravel resource will not require additional equipment or plants to be added in the Missoula area as the plants are already permitted adjacent to this source.

0:43:10.910 --> 0:43:18.500

Sophie Moiese Room

The level of operation does not have to change since all construction aggregates can be produced out of this resource.

0:43:18.590 --> 0:43:23.700

Sophie Moiese Room

It reduces the number of other gravel sites that would be needed to meet the different types of demand.

0:43:25.410 --> 0:43:33.290

Sophie Moiese Room

Site conditions allow the operation to sit on the on the line floor, reducing visibility, noise and dust to neighbors.

0:43:33.870 --> 0:43:34.660

Sophie Moiese Room

And no longer.

0:43:35.50 --> 0:43:39.220

Sophie Moiese Room

No gravel extraction will occur in the groundwater, as is necessary at other sites.

0:43:40.420 --> 0:43:50.870

Sophie Moiese Room

2nd criteria unnecessary hardship if this variance is denied, the community will have additional construction costs and be restricted from a viable gravel source.

0:43:51.460 --> 0:43:57.950

Sophie Moiese Room

Adding 30 minutes to transport time to truckload doubles the cost of construction material to a project owner.

0:43:58.220 --> 0:44:11.550

Sophie Moiese Room

Specifically, if you were to get hit, run at the little pit at the current \$7.00 per ton in a 15 ton truck, that \$105.00 worth of gravel will cost another \$120.00 and delivery cost if it comes from 30 minutes away.

0:44:11.660 --> 0:44:19.290

Sophie Moiese Room

If it comes from 30 minutes away, that additional cost directly adds to the construction cost for the project owner.

0:44:19.940 --> 0:44:30.530

Sophie Moiese Room

The Missoula County Growth Policy goal includes extraction, sanding, gravel to meet the needs of the growing population while concurrently protecting natural resources and public health and safety.

0:44:31.0 --> 0:44:41.990

Sophie Moiese Room

This location will continue to provide that resource while it's own special conditions and the conditions placed on it through mitigation will be the best way to protect natural resources and public health and safety.

0:44:42.500 --> 0:44:49.550

Sophie Moiese Room

A gravel operation outside of zoning will not lend itself to this type of county oversight and local concerns.

0:44:56.120 --> 0:45:0.120

Sophie Moiese Room

Last time we heard that gravel is ubiquitous.

0:45:0.480 --> 0:45:1.850

Sophie Moiese Room

Well, that's saving may be true.

0:45:1.860 --> 0:45:9.670

Sophie Moiese Room

For gravel it is not true to size that have the gravel resource to provide material that meets building standards and can be extracted viably.

0:45:9.920 --> 0:45:13.30

Sophie Moiese Room

And that is the reality of the hardship this community faces.

0:45:13.540 --> 0:45:28.600

Sophie Moiese Room

And with me today, our manager of Quality control and Materials is a geologist at a spend his career in

gravel extraction with other firms and ours and as to as to material and many of the permitted fits, as well as reviewing many potential sites future gravel expansion.

0:45:28.970 --> 0:45:36.130

Sophie Moiese Room

I will give you a brief overview of what this valley is experience, but he is here today to provide additional specifications.

0:45:37.110 --> 0:45:38.550

Sophie Moiese Room

The map provided last week.

0:45:40.670 --> 0:45:49.680

Sophie Moiese Room

Try to show the gravel exists everywhere in the valley, but as we lay over the map with the communities build out and floodplain, we can see the picture as much different.

0:45:50.790 --> 0:45:52.300

Sophie Moiese Room

The resources may be there.

0:45:52.670 --> 0:45:54.450

Sophie Moiese Room

The ability to extract is not.

0:45:55.530 --> 0:46:1.140

Sophie Moiese Room

Now there is also the argument that there are numerous pits within the valley based on the number of open cut mining permits.

0:46:1.220 --> 0:46:13.20

Sophie Moiese Room

While the original map #10 in the growth policy showed 66 sites, the current information from BQ indicates only 33 as a 50% decrease since 2016.

0:46:13.390 --> 0:46:17.260

Sophie Moiese Room

And looking into those permits, many of those are not even active permits.

0:46:17.270 --> 0:46:26.470

Sophie Moiese Room

Of those 33, and we know of only a handful to provide actual sales to the construction world, and none of the produced a whole range of materials that the low it produces.

0:46:28.680 --> 0:46:40.730

Sophie Moiese Room

The supporting comments is Commission has received from the Chamber, MEP City and engineering firms underscores the communities understanding of this hardship and the reliance of the Community on this resource.

0:46:41.840 --> 0:46:45.990

Sophie Moiese Room

3rd criteria the variance will not be contrary to the public interest.

0:46:46.80 --> 0:46:55.870

Sophie Moiese Room

The zoning allows for the existing gravel pit as a legal non conforming use and the variance is not asking for boundaries outside of the 160 acres that was in place at the time of zoning.

0:46:55.880 --> 0:47:4.790

Sophie Moiese Room

Of zoning, no additional concrete or asphalt plans will be added to the county, but this variance is those plans are already permitted and can utilize this gravel source.

0:47:5.260 --> 0:47:18.550

Sophie Moiese Room

The variance will only increase the area of extraction by 30 acres, which is 45, which is only a 45% increase to the current size and that will be less anchorage than what existed when both pits were operating.

0:47:21.440 --> 0:47:26.540

Sophie Moiese Room

And mitigation conditions have been added to address concerns that have been raised in this process.

0:47:27.940 --> 0:47:30.210

Sophie Moiese Room

We'll talk about the conditions that are already in place.

0:47:30.360 --> 0:47:34.330

Sophie Moiese Room

We talked about, we heard about other conditions that are on this.

0:47:34.600 --> 0:47:38.660

Sophie Moiese Room

We already have paving from the scale to the access drive is done on dust.

0:47:38.900 --> 0:47:45.60

Sophie Moiese Room

We have track pads in front of the scales to help knock gravel and rocks out of the tires of trucks.

0:47:46.30 --> 0:47:48.340

Sophie Moiese Room

We've installed signage inside the pit.

0:47:48.350 --> 0:47:58.120

Sophie Moiese Room

The bitter address traffic insurance and we've put white noise, beepers on all of our equipment to lower the sound visibles from those backup deepers.

0:48:4.500 --> 0:48:8.550

Sophie Moiese Room

The DDQ requires bonding to make sure the reclamation occurs.

0:48:8.880 --> 0:48:25.410

Sophie Moiese Room

That bonding covers regrading the high walls, backfilling material grading, a backfill material, grading of the entire site we control, transfer removal, crushing basketball left on site, removal of crusher, removal of crusher fines and indirect cost of that.

0:48:25.640 --> 0:48:35.650

Sophie Moiese Room

That's so if we are not there to do the reclamation, the state has enough bond in our name to be able to see the reclamation does take place.

0:48:40.10 --> 0:48:43.950

Sophie Moiese Room

On Jamie, if we could go to.

0:48:46.140 --> 0:48:47.530

Sophie Moiese Room

Slide 19.

0:48:49.920 --> 0:48:56.920

Sophie Moiese Room

So this shows that in reclamation we will have over 85 acres of dedicated open space.

0:48:57.70 --> 0:48:59.280

Sophie Moiese Room

There will be available.

0:49:3.140 --> 0:49:7.130

Sophie Moiese Room

This slide is A to try to show what it will look like.

0:49:7.220 --> 0:49:16.390

Sophie Moiese Room

The pit the gravel pit will be reclaimed as sloping of three to one of all the head walls and the material that is saved from stripping the soil that currently grows.

0:49:16.400 --> 0:49:29.110

Sophie Moiese Room

Vegetation will remain on site and that's what we will use to build the berms, those terms and will be spread back over the mine site and planted. This is a view of what it will look like.

0:49:29.220 --> 0:49:50.480

Sophie Moiese Room

Looking to the north and then look into the South as to the question that has come up with having a date certain because the economy can be a driver of gravel used by the Community, which can delay the actual use of the resource, a date certain could leave gravel resources unavailable for the community to benefit from in the future.

0:49:51.80 --> 0:49:54.460

Sophie Moiese Room

We believe a condition that prevents his gravel pit for processing.

0:49:54.470 --> 0:50:7.600

Sophie Moiese Room

Other gravel pit materials is the best way to be certain the pits these operational, while the community can still benefit from the gravel resource once that resource is no longer available to pick, gets reclaimed and no longer is.

0:50:8.80 --> 0:50:9.910

Sophie Moiese Room

Is it no longer?

0:50:9.920 --> 0:50:11.540

Sophie Moiese Room

Is the site processing gravel?

0:50:13.280 --> 0:50:18.30

Sophie Moiese Room

We're asking not to eliminate gravel from other pits altogether.

0:50:18.240 --> 0:50:30.310

Sophie Moiese Room

Construction jobs left and collect different mix designs for concrete and asphalt, and there are cases where there is a certain mix design that is specific that is specified that we do not have.

0:50:30.360 --> 0:50:40.220

Sophie Moiese Room

So in those specific situations, we need to run a specific gravel source until we have time to create a mixed design with a with a current source on site.

0:50:41.990 --> 0:50:47.380

Sophie Moiese Room

So in conclusion, this area is proven to provide an incredible resource to this community.

0:50:47.430 --> 0:50:56.20

Sophie Moiese Room

For decades, the bit the pit to the east of us and ours provide provided the gravel of the past and the current paid is providing the present.

0:50:56.420 --> 0:51:3.850

Sophie Moiese Room

Your approval of this variance to extract to the West will provide the future with the continued access to this file resource.

0:51:4.360 --> 0:51:9.460

Sophie Moiese Room

I'll now turn the mic over to our manager of Quality control, a blue Kurt.

0:51:9.470 --> 0:51:13.970

Sophie Moiese Room

So we can provide you more information pertaining to gravel resources in this valley.

0:51:14.480 --> 0:51:15.20

Sophie Moiese Room

Thank you.

0:51:15.90 --> 0:51:16.30

Sophie Moiese Room

Thank you, Mr campus.

0:51:26.670 --> 0:51:29.140

Sophie Moiese Room

John, you're. Yeah.

0:51:29.180 --> 0:51:30.460

Sophie Moiese Room

Yeah, go ahead.

0:51:30.810 --> 0:51:34.930

Sophie Moiese Room

I'm having problems hearing I want can I get a copy of your testimony because.

0:51:36.680 --> 0:51:39.50

Sophie Moiese Room

The the audience seems distorted.

0:51:39.560 --> 0:51:39.890

Sophie Moiese Room

It's.

0:51:39.940 --> 0:51:40.440

Sophie Moiese Room

I don't.

0:51:41.160 --> 0:51:44.550

Sophie Moiese Room

Maybe I'm the only one that's feeling that, but thank. Thank you.

0:51:44.900 --> 0:51:45.380

Sophie Moiese Room

Thank you.

0:51:47.820 --> 0:51:48.160

Sophie Moiese Room

No.

0:51:48.620 --> 0:51:49.750

Sophie Moiese Room

Yes, go go in there.

0:51:49.940 --> 0:51:54.490

Sophie Moiese Room

Hello, my name is Dave Goucher with western excavating.

0:51:55.40 --> 0:52:4.380

Sophie Moiese Room

I have 18 years of experience with gravel and the requirements to turn gravel pits into construction products required for local building and infrastructure.

0:52:5.420 --> 0:52:14.800

Sophie Moiese Room

My experience has been in geotechnical engineering, construction materials testing and preliminary pit utilization for aggregate concrete and asphalt production.

0:52:15.830 --> 0:52:25.810

Sophie Moiese Room

All of my experiences based in the greater Missoula area, in my experience, gravel is a limited resource that will become more challenging to obtain in our lifetime.

0:52:26.850 --> 0:52:30.990

Sophie Moiese Room

The word gravel is a very general term and not all gravel is the same.

0:52:31.400 --> 0:52:36.730

Sophie Moiese Room

We must look at the material in a bit from the largest piece of gravel to the smallest grain of sand.

0:52:37.720 --> 0:52:43.660

Sophie Moiese Room

There's much more to gravel pit feasibility and its ability to create products than meets the eye.

0:52:44.60 --> 0:52:50.610

Sophie Moiese Room

One cannot simply look at a geological map and assume that all the alluvial deposits are viable to extract.

0:52:51.660 --> 0:52:58.400

Sophie Moiese Room

As shown on the map that John presented for the example, the airport shows available alluvium.

0:52:58.760 --> 0:53:5.160

Sophie Moiese Room

Not only is it under the current Missoula Airport, but it's also capped by substantial deposits of clay overburden.

0:53:6.910 --> 0:53:10.390

Sophie Moiese Room

These are products we all require for day-to-day life.

0:53:10.790 --> 0:53:14.300

Sophie Moiese Room

This 10 this trend is happening in our entire country.

0:53:14.650 --> 0:53:18.200

Sophie Moiese Room

Much of our gravel resource is becoming more challenging to obtain.

0:53:18.550 --> 0:53:21.440

Sophie Moiese Room

Much of our very best gravel is located next to rivers.

0:53:21.870 --> 0:53:25.470

Sophie Moiese Room

It can be more challenging to get permitted and operate in floodplain.

0:53:27.640 --> 0:53:37.350

Sophie Moiese Room

Complicating the extraction of the resource, many of our surface mines are permitted to terminate just above groundwater, and many of these mines.

0:53:39.660 --> 0:53:41.960

Sophie Moiese Room

Or at excuse me.

0:53:45.830 --> 0:53:49.80

Sophie Moiese Room

Many of our service lines are permitted to terminate.

0:53:49.130 --> 0:53:54.0

Sophie Moiese Room

Terminate just above groundwater, and many of these mines are at or near the end of life.

0:53:54.10 --> 0:54:14.100

Sophie Moiese Room

Due to these challenges in Missoula and the bidder of Valley, this complicates the extraction of these resources if permitted to mine below the water table, specialized equipment and additional monitoring are required to making extraction more challenging and costly to add to this challenge are quickly expanding.

0:54:14.110 --> 0:54:15.920

Sophie Moiese Room

Housing and infrastructure are sprawling.

0:54:15.930 --> 0:54:21.730

Sophie Moiese Room

It unforeseen rates when roads and houses are built on viable mind sites, that resource is gone.

0:54:22.900 --> 0:54:31.740

Sophie Moiese Room

This pushes pits further out of town, drastically increasing prices and our carbon footprint to get the seed resource back to the cities that are building exponentially.

0:54:33.770 --> 0:54:37.90

Sophie Moiese Room

The mining of gravel needs to be economically feasible.

0:54:37.190 --> 0:54:46.440

Sophie Moiese Room

This is far more complex than identifying there are rocks on the ground, assuming you find a viable source, it must be permitted to even consider mining it.

0:54:46.970 --> 0:54:59.380

Sophie Moiese Room

The deposit needs to be of a size to justify long term viability without high percentages of unusable material, the rock must be of a certain hardness to qualify for building materials.

0:54:59.770 --> 0:55:17.330

Sophie Moiese Room

The distribution of particle sizes a consistency to meet the requirements of local and federal specifications to produce Rd base, asphalt and concrete mines also need to be of the right percentage of particle distribution to balance the mining production of the pit.

0:55:18.100 --> 0:55:20.560

Sophie Moiese Room

For example, a pit with only rock.

0:55:22.920 --> 0:55:23.110

Sophie Moiese Room

Sir.

0:55:26.250 --> 0:55:26.960

Sophie Moiese Room

Is that better?

0:55:29.670 --> 0:55:46.650

Sophie Moiese Room

OK, for example, a pit with only rock and very little fine particles would be less viable to produce Rd based or concrete concrete sand must meet a very specific, well graded gradation to make quality concrete and meet required specifications.

0:55:47.790 --> 0:55:54.420

Sophie Moiese Room

In fact, many concrete plants are required to haul in or blend offsite materials to create sand capable of making concrete.

0:55:55.430 --> 0:56:1.910

Sophie Moiese Room

In contrast, Rd base requires some silts and clays to buy the materials together to allow for proper compaction.

0:56:3.160 --> 0:56:15.0

Sophie Moiese Room

More distribution of different sized particles allows for a wider variety of products that meet City State federal specifications, which in turn makes the pit more marketable as a resource.

0:56:15.880 --> 0:56:20.470

Sophie Moiese Room

If you can use 100% of the material with no waste, it is a highly viable source.

0:56:21.510 --> 0:56:39.970

Sophie Moiese Room

The county should be aware that we are held to the requirements of durability, hardness, particle distribution, clay, content plasticity, index, liquid limit etcetera for all products produced for infrastructure and building these requirements alone disqualify many potential resources.

0:56:41.0 --> 0:56:53.180

Sophie Moiese Room

I have personally investigated numerous potential pit locations locally, all of which were passed on due to the gravel or the snipe missing one or more of the components mentioned to make it economically viable.

0:56:54.810 --> 0:57:0.700

Sophie Moiese Room

The Missoula Valley by nature is the product of glacial activity and river deposition.

0:57:1.330 --> 0:57:12.360

Sophie Moiese Room

This results in deposits that are high in clays and silts, and alternatively, river deposition aggregates to create clean cut to create concrete.

0:57:12.610 --> 0:57:14.760

Sophie Moiese Room

Clean river depositions are preferred.

0:57:15.170 --> 0:57:24.890

Sophie Moiese Room

Alternatively, roadways bits that are higher in silt and clay as are required to provide binder for compaction and typically used for asphalt production as well.

0:57:25.680 --> 0:57:29.800

Sophie Moiese Room

It is rare to have a gravel pit that can bruise all types of construction materials.

0:57:30.670 --> 0:57:32.580

Sophie Moiese Room

You will notice it in Missoula County.

0:57:32.590 --> 0:57:35.620

Sophie Moiese Room

Most pits are either concrete or Rd base and asphalt.

0:57:36.690 --> 0:57:41.150

Sophie Moiese Room

Many pits in Missoula County struggle with the silt, and clay is leftover from the glacial activity.

0:57:42.250 --> 0:57:45.760

Sophie Moiese Room

The logo pic can produce all three products from one facility.

0:57:45.850 --> 0:57:52.260

Sophie Moiese Room

Due to the nature of the deposition, the low open is a highly viable source and a huge resource to the community.

0:57:52.790 --> 0:57:54.420

Sophie Moiese Room

The rock is of hard nature.

0:57:54.470 --> 0:57:55.770

Sophie Moiese Room

The aggregates are sub angular.

0:57:56.730 --> 0:57:58.740

Sophie Moiese Room

Thoughts and prayers are at lower levels.

0:57:58.810 --> 0:58:4.190

Sophie Moiese Room

Do not create issues and the distribution of the aggregate and sand sizing is of a nature.

0:58:4.590 --> 0:58:9.780

Sophie Moiese Room

It can meet City, County, State federal specifications with minimal processing.

0:58:10.870 --> 0:58:16.540

Sophie Moiese Room

In addition, when processing the aggregates, the pit provides an almost perfect balance of products.

0:58:16.610 --> 0:58:29.540

Sophie Moiese Room

So we end up with virtually no unused products in addition to the wall, a bit over the course of my career, I have had experience with numerous pit bits currently permitted in Missoula County.

0:58:30.580 --> 0:58:36.950

Sophie Moiese Room

I will not specify these bits as some are still actively producing material for the bits I have experience with.

0:58:36.960 --> 0:58:44.870

Sophie Moiese Room

Many either are at or or they're at near end of life, or producing what the assistance of outside resources.

0:58:45.900 --> 0:58:56.960

Sophie Moiese Room

Very few of these pits make concrete Rd base and asphalt materials from one location and some that produce Rd base have at times struggle to meet current construction specifications.

0:58:58.230 --> 0:59:15.360

Sophie Moiese Room

The lower pen is sitting on a unique gravel source that has not been found to exist in any of my currently in any currently permitted bit, nor would any other potential site and you experience it is a uniquely rare depositional formation unlike others that have experience with.

0:59:15.750 --> 0:59:22.590

Sophie Moiese Room

While I cannot tell you how the gravel switch came to be, I can tell you that from my experience in the valley is truly unique.

0:59:23.430 --> 0:59:24.100

Sophie Moiese Room

Thanks for your time.

0:59:25.260 --> 0:59:26.400

Sophie Moiese Room

Alright, thank you.

0:59:28.0 --> 0:59:35.910

Sophie Moiese Room

Next, would the legal counsel for Carlton Protection Trust like to come on up?

0:59:35.920 --> 0:59:36.630

Sophie Moiese Room

You have.

0:59:36.840 --> 0:59:40.710

Sophie Moiese Room

We'll give you 21 minutes since our last group went over.

0:59:40.720 --> 0:59:41.210

Sophie Moiese Room

Just a little bit.

0:59:42.440 --> 0:59:43.490

Sophie Moiese Room

Good to see you guys again.

0:59:43.540 --> 0:59:44.550

Sophie Moiese Room

Can everyone hear me?

0:59:44.660 --> 0:59:46.810

Sophie Moiese Room

You gotta pull that really close and talk loud, right?

0:59:46.820 --> 0:59:47.690

Sophie Moiese Room

Can everyone hear me?

0:59:47.760 --> 0:59:48.620

Sophie Moiese Room

It's better, OK.

0:59:50.350 --> 0:59:53.320

Sophie Moiese Room

Ohh can you use the handheld mic?

0:59:53.360 --> 0:59:53.960

Sophie Moiese Room

Ohh OK.

0:59:53.970 --> 0:59:55.750

Sophie Moiese Room

And if you wouldn't mind really go loud.

0:59:55.760 --> 0:59:58.470

Sophie Moiese Room

So everybody OK, I'll make sure everyone can hear me.

0:59:58.720 --> 1:0:1.430

Sophie Moiese Room

OK, well, I'm Taylor Hagan.

1:0:1.440 --> 1:0:3.530

Sophie Moiese Room

I'm here with my colleague Graham Coppas.

1:0:3.540 --> 1:0:7.950

Sophie Moiese Room

We are the attorneys for the Carlton Protection Trust.

1:0:7.960 --> 1:0:12.700

Sophie Moiese Room

As you guys are all aware, I'm going to try to keep things kind of brief here.

1:0:12.710 --> 1:0:17.300

Sophie Moiese Room

If you want to pull up our presentation, I believe we sent it to you earlier today.

1:0:21.220 --> 1:0:21.670

Sophie Moiese Room

Umm.

1:0:21.680 --> 1:0:22.740

Sophie Moiese Room

If you want to go to the next slide.

1:0:25.810 --> 1:0:28.110

Sophie Moiese Room

And just to make sure, everyone in the room.

1:0:28.120 --> 1:0:29.500

Sophie Moiese Room

Anyone knew joining?

1:0:30.450 --> 1:0:34.20

Sophie Moiese Room

So we're all on the same page throughout this presentation.

1:0:34.30 --> 1:0:35.130

Sophie Moiese Room

If you want to go to Slide 2.

1:0:37.880 --> 1:0:41.360

Sophie Moiese Room

OK, before you go on, I'm sorry for the audio problems here today.

1:0:41.530 --> 1:0:42.400

Sophie Moiese Room

Can we turn that MIC?

1:0:42.440 --> 1:0:42.670

Sophie Moiese Room

Yeah.

1:0:42.680 --> 1:0:43.240

Sophie Moiese Room

There we go.

1:0:43.290 --> 1:0:43.890

Sophie Moiese Room

Thank you.

1:0:43.930 --> 1:0:44.700

Sophie Moiese Room

Feedback OK.

1:0:47.620 --> 1:0:48.160

Sophie Moiese Room

Alright.

1:0:51.440 --> 1:1:1.870

Sophie Moiese Room

So slide two will show again the relevant portions of the zoning resolution that created ZD 40.

1:1:2.160 --> 1:1:19.50

Sophie Moiese Room

Primarily, I want to focus on the intent here, which was to create a community for low density, low density residential development adjacent to critical resource areas such as aquifer recharge areas and critical wildlife habitats.

1:1:19.920 --> 1:1:24.260

Sophie Moiese Room

Again, that that's the spirit of this ordinance.

1:1:24.270 --> 1:1:31.670

Sophie Moiese Room

This is the intent and the spirit behind creating the zoning district 40 in the first place in 1976.

1:1:31.850 --> 1:1:33.330

Sophie Moiese Room

If you want to go to my next slide.

1:1:35.380 --> 1:1:43.840

Sophie Moiese Room

And again, you know, we've gone through a lot of these facts today, but I will just reiterate, these are at least how we see some of the agreed facts.

1:1:43.960 --> 1:1:53.550

Sophie Moiese Room

ZD, 40, was adopted in 1976, again to promote that rural residential use the aerals from 1960 to 1980.

1:1:53.650 --> 1:2:1.210

Sophie Moiese Room

As we have seen, do show minimal disturbance, but certainly nothing on the scale of what we see later in 1993.

1:2:1.220 --> 1:2:13.610

Sophie Moiese Room

So there may have been one to three acres, but this subsequently jumped without any kind of zoning compliance to 15 acres and subsequently increased to 72 acres.

1:2:15.320 --> 1:2:21.960

Sophie Moiese Room

Again, the zoning ordinance does require that these non conforming uses are variances be.

1:2:23.600 --> 1:2:29.790

Sophie Moiese Room

Granted by the Board of Commissioners, which has not been done until this application today, before you guys.

1:2:31.530 --> 1:2:34.130

Sophie Moiese Room

So again the the.

1:2:35.830 --> 1:2:49.790

Sophie Moiese Room

Zoning compliance form that was used with the order to obtain that permit or submitted in order to ensure zoning compliance was was obtained for the DQ to issue that permit.

1:2:49.880 --> 1:2:52.890

Sophie Moiese Room

It does state that the area is not zoned residential.

1:2:52.900 --> 1:2:59.860

Sophie Moiese Room

I think it is clear that that is at least some to some degree of misrepresentation in the area was zoned residential.

1:3:1.280 --> 1:3:8.140

Sophie Moiese Room

Finally night until 1993, the DEQ has no record of any permitted mining activities.

1:3:8.150 --> 1:3:15.150

Sophie Moiese Room

So if there were things going on, they were again unpermitted until 1993.

1:3:18.280 --> 1:3:31.200

Sophie Moiese Room

Finally, the existing permit does allow mining activity until 2045, with the ability to extend that in perpetuity under at least the DEQ regulations today.

1:3:31.580 --> 1:3:37.970

Sophie Moiese Room

And finally, the lot proposed that we're all here discussing is still currently owned by the Leave in Ghosts.

1:3:38.10 --> 1:3:43.680

Sophie Moiese Room

So I think those are again just some relevant facts that we'd like everyone to be keeping in mind.

1:3:44.770 --> 1:3:52.910

Sophie Moiese Room

We can skip the next slide because again, it just shows that that zoning compliance form from 1993.

1:3:55.40 --> 1:3:57.90

Sophie Moiese Room

And to Jenny's point, I do.

1:3:57.140 --> 1:4:3.820

Sophie Moiese Room

You know, I can appreciate that there is a different, maybe level of review for part one versus Part 2 zoning.

1:4:4.660 --> 1:4:5.410

Sophie Moiese Room

That's good.

1:4:5.420 --> 1:4:7.270

Sophie Moiese Room

You know, I have included these here.

1:4:7.280 --> 1:4:9.690

Sophie Moiese Room

I still think they're relevant and I think there is.

1:4:9.700 --> 1:4:12.50

Sophie Moiese Room

Maybe you know something?

1:4:12.60 --> 1:4:20.380

Sophie Moiese Room

Open to interpretation in terms of how you want to interpret the administrative procedures and whether or not Chapter 11 applies to this decision.

1:4:20.970 --> 1:4:34.260

Sophie Moiese Room

I would say that the applicants or the application recommendation materials do include findings related to the growth policy and the Rollow regional growth plan.

1:4:34.270 --> 1:4:37.720

Sophie Moiese Room

So at some point that was considered by the planning department.

1:4:38.690 --> 1:4:45.780

Sophie Moiese Room

In addition, you know in terms of he was, like, not being based on monetary factors.

1:4:46.810 --> 1:4:57.630

Sophie Moiese Room

We do have evidence or, well, we have some indication that at least in 1993, the County Attorney and determined we just pull it up.

1:4:58.910 --> 1:5:12.800

Sophie Moiese Room

I did a general rule in law is that it cannot be inverted if the applicant or the applicants predecessor is own making it has to be a hardship that is unique to the property rather than one that is personal to the applicant, such as a financial hardship.

1:5:12.910 --> 1:5:17.280

Sophie Moiese Room

So that does come from the County Commissioners Journal from 1993.

1:5:18.10 --> 1:5:29.200

Sophie Moiese Room

So either way, I would say that those things are still relevant to consider, but I would like to pay particular attention to today is on our next slide.

1:5:31.320 --> 1:5:38.290

Sophie Moiese Room

Which is a test that the Montana Supreme Court adopts when they're reviewing these types of variances out appeal.

1:5:39.670 --> 1:5:44.360

Sophie Moiese Room

This test comes from a case recently decided in 2017.

1:5:44.370 --> 1:5:47.900

Sophie Moiese Room

Carlson, the Yellowstone County Board of adjustment.

1:5:48.90 --> 1:6:7.800

Sophie Moiese Room

It takes the test from a 1980s case, which is also cited there, and that test is that the variance must not be contrary to the public interest that a literal enforcement of the zoning ordinance must result in unnecessary hardship owing to conditions unique to the to the property.

1:6:8.250 --> 1:6:13.120

Sophie Moiese Room

And finally, that the spirit of the ordinance must be observed and substantial justice.

1:6:14.290 --> 1:6:16.840

Sophie Moiese Room

I'm and so dark, dark case.

1:6:16.890 --> 1:6:17.300

Sophie Moiese Room

A girl?

1:6:17.310 --> 1:6:49.680

Sophie Moiese Room

That task comes from a case, facts of which are an individual who sought to build a 2100 square foot garage for his vintage or vintage cars for his vintage car collection that violated Yellowstone County zoning regulations as to garages being no more than about 1200 square feet, among other issues with the garage, Carlson, the plaintiff in that case, did undertake to essentially start work on that garage.

1:6:49.690 --> 1:7:12.140

Sophie Moiese Room

He hadn't obtained a permit or a variance used variance to build that garage and and ultimately the court did determine that the board was proper and denying that variance request again because the situation was of the applicant's own making and came down to no more than an economic hardship.

1:7:13.820 --> 1:7:20.330

Sophie Moiese Room

And with that, I'm going to pass it over to Graham to take you guys through some of this criteria and more detail.

1:7:22.10 --> 1:7:22.370

Sophie Moiese Room

Thank you.

1:7:24.610 --> 1:7:25.10

Sophie Moiese Room

Thank you.

1:7:25.950 --> 1:7:26.880

Sophie Moiese Room

Hang on just a second.

1:7:33.700 --> 1:7:34.440

Sophie Moiese Room

I'm happy to.

1:7:35.270 --> 1:7:35.780

Sophie Moiese Room

I don't think.

1:7:38.630 --> 1:7:41.30

Sophie Moiese Room

When you do it, I'm not sure what.

1:7:41.180 --> 1:7:43.400

Sophie Moiese Room

Let's give that a try and see if it's any better.

1:7:46.550 --> 1:7:48.140

Sophie Moiese Room

We love to blame it on the media.

1:7:48.390 --> 1:7:49.220

Sophie Moiese Room

So now.

1:7:52.640 --> 1:7:54.230

Sophie Moiese Room

OK, Mr Coppess, go ahead.

1:7:54.270 --> 1:7:57.770

Sophie Moiese Room

Go to the next slide, please, and you're gonna have to turn your microphone on.

1:7:57.780 --> 1:7:59.710

Sophie Moiese Room

Please or use the handhold.

1:7:59.720 --> 1:8:0.770

Sophie Moiese Room

Yes, there we go.

1:8:0.850 --> 1:8:1.930

Sophie Moiese Room

You can go next slide please.

1:8:4.430 --> 1:8:9.160

Sophie Moiese Room

And I want to focus here on some of the public interest factors that that are relevant here.

1:8:9.290 --> 1:8:10.520

Sophie Moiese Room

Thank you all for your time.

1:8:10.580 --> 1:8:17.890

Sophie Moiese Room

Let me just start by saying that again, we appreciate the opportunity here to be heard today and you'll need to hold that MIC up close so that you can be here today.

1:8:18.350 --> 1:8:20.760

Sophie Moiese Room

We appreciate the opportunity and the reminder.

1:8:20.810 --> 1:8:32.590

Sophie Moiese Room

So three things that we want you guys to focus on here, including the public interest component of this and that is that this is a a horrible environmental precedent for for this body to set.

1:8:32.660 --> 1:8:38.310

Sophie Moiese Room

We have very well documented injuries to public health and welfare that are the result of this.

1:8:38.320 --> 1:8:42.890

Sophie Moiese Room

We're not just talking about putting a restaurant in an area that doesn't allow commercial uses.

1:8:42.900 --> 1:8:59.340

Sophie Moiese Room

We're talking about a well documented, well known industry that causes hydrocarbon pollution that causes carcinogenic material that's inhaled by everybody that lives nearby, that creates all sorts of traffic and regulatory issues for the county to undertake.

1:8:59.910 --> 1:9:4.170

Sophie Moiese Room

So this is not a run of the mill request for a use variance.

1:9:4.180 --> 1:9:9.300

Sophie Moiese Room

We are talking about industrial scale mining in the middle of a residential neighborhood.

1:9:9.390 --> 1:9:27.40

Sophie Moiese Room

So we wanna make sure that we're all on the same page and then we really want this board to consider the negative economic implications of what's going to happen to the public, which is how this body gets money to fund public projects, which is through tax revenue.

1:9:27.250 --> 1:9:38.760

Sophie Moiese Room

And this is going to have a direct net negative impact on the county's coffers as a result of decreased property valuations for everybody that's in the immediate area.

1:9:38.870 --> 1:9:49.20

Sophie Moiese Room

And while the company was up here touting that it's going to increase its bottom line and it's going to increase its profit for itself, that doesn't have a negative benefit to the public.

1:9:49.210 --> 1:9:50.500

Sophie Moiese Room

And instead it's the opposite.

1:9:50.630 --> 1:9:51.880

Sophie Moiese Room

So we can go to the next slide.

1:9:54.900 --> 1:10:2.90

Sophie Moiese Room

So as we know, Missoula County growth policy does provide for a balancing of gravel resources.

1:10:2.180 --> 1:10:14.10

Sophie Moiese Room

We all recognize that gravel is something that is needed to live as a part of a society in which we want to build, which we want to drive roads which we want to have bridges.

1:10:14.20 --> 1:10:19.70

Sophie Moiese Room

Those are the realities of the time in which we live and we are not here pretending that that's not the case.

1:10:19.280 --> 1:10:38.980

Sophie Moiese Room

But the Missoula County growth policy very clearly develops a balance between those two competing

interests in that illustrates an understanding that the interests of public health, safety and welfare are fundamentally at odds with the need for development of this product.

1:10:39.70 --> 1:10:44.200

Sophie Moiese Room

And that is often the case that we see an extractive resource industry is where we need something as a society.

1:10:44.210 --> 1:10:50.460

Sophie Moiese Room

But that has negative externalities, which are passed off on the rest of society, generally in the form of pollution.

1:10:50.700 --> 1:10:53.380

Sophie Moiese Room

But in this case also loss of property values et cetera.

1:10:55.330 --> 1:11:14.560

Sophie Moiese Room

When we look at what the court, the Montana Supreme Court looked at and Carlson, they identified this issue as being persuasive, the Court and Carlson noted that one board member voice concerned that granting the the variance would set a precedent of the board permitting significant deviations from zoning regulations.

1:11:14.790 --> 1:11:16.700

Sophie Moiese Room

And the same is exactly true.

1:11:16.710 --> 1:11:22.790

Sophie Moiese Room

Here there is no reading of the zoning regulations that allow for this use.

1:11:23.170 --> 1:11:26.970

Sophie Moiese Room

While we do know that there is a variance process that's allowed, which is why we're here.

1:11:28.980 --> 1:11:35.990

Sophie Moiese Room

The crux of the issue is the expansion over time on the original property and then the expansion of this through the use variance here today.

1:11:36.220 --> 1:11:44.830

Sophie Moiese Room

And while we heard the planning department present and what we heard the company present about that there was some existing use that made this nonconforming use.

1:11:44.940 --> 1:11:55.770

Sophie Moiese Room

It certainly wasn't 72 acres, which is what's occurring today and what I didn't hear anybody explained was how we got from 3 acres, which was documented in a photograph as Jenny showed.

1:11:55.840 --> 1:11:58.450

Sophie Moiese Room

And the 1960s to 1993.

1:11:58.520 --> 1:12:11.0

Sophie Moiese Room

And we're permitting 15 acres and then in 2009, we're permitting 72 acres and this is the very first time that we were ever coming before this board in a public hearing in any of that expansion.

1:12:11.310 --> 1:12:23.340

Sophie Moiese Room

And so there is a significant both environmental precedent and public participation precedent that's being set here, which is essentially we're going to give a stamp of approval on something that has expanded illegally.

1:12:23.690 --> 1:12:24.980

Sophie Moiese Room

That's undisputed.

1:12:25.90 --> 1:12:35.270

Sophie Moiese Room

There is no permit or public process that has ever given rise to the circumstance that exists on the ground today and nothing that anybody has presented here sheds any light on anything differently.

1:12:35.540 --> 1:12:44.700

Sophie Moiese Room

So I think we really need to focus hard on the precedent that's being set here and and that's on the public participation side.

1:12:44.710 --> 1:12:46.260

Sophie Moiese Room

But on the environmental side?

1:12:50.240 --> 1:13:12.30

Sophie Moiese Room

Essentially, we're talking about DEQ process that is operating in conjunction with this current zoning process and I don't know if you all were here in the last week when the governor was here and Donald Trump junior was here and there was a big presentation that happened over at the university.

1:13:12.860 --> 1:13:22.550

Sophie Moiese Room

But one of the things that the governor said that he was touting that struck me was, he said, and I quote, we have made it such that if you want it permit, you get it.

1:13:22.940 --> 1:13:24.800

Sophie Moiese Room

And that's part of the red tape initiative.

1:13:24.980 --> 1:13:36.710

Sophie Moiese Room

That's a part of House Bill 599, which I'm sure the company is aware of, which was the process that the state legislature to strip all regulatory authority from DEQ to regulate this industry.

1:13:37.100 --> 1:13:49.500

Sophie Moiese Room

We're talking about a wholly unregulated industry that exists with no control over water quality, no control over noise, no control over air pollution.

1:13:49.640 --> 1:13:57.610

Sophie Moiese Room

We're talking about an industry that is essentially granted permits at their request and that's happening across the state.

1:13:58.20 --> 1:14:5.620

Sophie Moiese Room

And as you can see, if you do go look on Deques website, which I encourage you all to do which shows pending permits and shows currently active, permits.

1:14:6.540 --> 1:14:7.250

Sophie Moiese Room

How many?

1:14:7.260 --> 1:14:9.150

Sophie Moiese Room

There are thousands of these.

1:14:9.160 --> 1:14:9.720

Sophie Moiese Room

Exist.

1:14:9.770 --> 1:14:20.480

Sophie Moiese Room

It is an absolute false narrative that this product is not end exist in substantial amounts that are necessary to develop as a society.

1:14:20.610 --> 1:14:34.440

Sophie Moiese Room

That and I do understand that we did hear some evidence today about why this is beneficial to the company, but again, there wasn't any evidence that showed specifically that if we moved just outside of this mining district, right, like on the same bench.

1:14:34.450 --> 1:14:44.260

Sophie Moiese Room

So on the same side, the West side of the river, if we move just a few miles away outside of this zoning district, that these exact same materials don't exist there.

1:14:44.270 --> 1:14:55.90

Sophie Moiese Room

And I'm not a scientist, but it doesn't take much to understand that this deposit doesn't exist only on this 50 acre piece of property.

1:14:55.100 --> 1:15:2.490

Sophie Moiese Room

That's an absurd proposition to put forward for you all to believe, and and that obviously goes to the unique element here.

1:15:2.660 --> 1:15:35.730

Sophie Moiese Room

But it also does talk about the impacts that we're going to impart on the public interest of zoning as a whole, whereas people have expectations in that zoning district and here if we're going to grant a use variance for something that is demonstrably and objectively a nuisance in the sense that it's creating

externalized pollution on the neighbors, it's and and various forms, it's creating public health and safety impacts that are not mitigated able in any sense of the word, as has been explained here.

1:15:37.670 --> 1:16:4.360

Sophie Moiese Room

That is an increase in the permitting significant deviations that the Montana Supreme Court found was very relevant and its decision in Carlson and I really want you guys to think about the fact that on judicial review, that is what the core is gonna be looking at, the court is going to be looking at the conjunctive 3 part test that we have put in the materials for you guys to look at and they have to prove all three of those.

1:16:6.310 --> 1:16:14.130

Sophie Moiese Room

And this public interest component, I think is as a significant one because all of the evidence that I heard today talked about benefits to the company.

1:16:14.960 --> 1:16:34.70

Sophie Moiese Room

And again, I stressed you to look in the record and find any piece of evidence that shows that the cost savings that were demonstrated and or testified to here today will be passed on to any public body and or to any public consumer instead, this is going to increase the bottom line of a private company, which is great.

1:16:34.440 --> 1:16:37.290

Sophie Moiese Room

That's fine, but that's not in the public interest.

1:16:37.500 --> 1:16:42.710

Sophie Moiese Room

And there is no reading of that that shows that that is a proper public interest criteria.

1:16:43.200 --> 1:16:54.570

Sophie Moiese Room

And here on Ron Erickson Day today, I think that we should be looking at the public interest in the sense of something bigger than that, particularly in the sense of the environment.

1:16:54.980 --> 1:17:5.730

Sophie Moiese Room

So at as well as public health of of everybody that's nearby, you can go to the next slide and I'll, I'll, I'll skip through these, but.

1:17:8.270 --> 1:17:15.400

Sophie Moiese Room

What we know is that there are public health and safety impacts that are at issue here.

1:17:15.510 --> 1:17:18.540

Sophie Moiese Room

Those go to a negative public interest implication here.

1:17:19.450 --> 1:17:28.180

Sophie Moiese Room

The variance contradicts the Missoula County Lola Regional Plan and will be injurious to this neighborhood and detrimental to public health and welfare in this area.

1:17:28.610 --> 1:17:30.640

Sophie Moiese Room

So we can go to the next slide.

1:17:34.420 --> 1:17:42.930

Sophie Moiese Room

This is a graph that was in the previous materials, but it shows that there is a well documented and researched on a national level diminishing and property values.

1:17:43.180 --> 1:17:51.250

Sophie Moiese Room

The closer that you get to the site, so on the right side we have further away and on the left side is closest in proximity to the site.

1:17:51.330 --> 1:17:59.420

Sophie Moiese Room

So the closer the property is located to a gravel and asphalt mine, the loss in property value increases exponentially on that curve.

1:18:0.170 --> 1:18:6.280

Sophie Moiese Room

Those studies were cited in the original materials and this is well documented on a nationwide scale.

1:18:6.590 --> 1:18:16.250

Sophie Moiese Room

And so again talking about loss of tax value, that's something that should also bear in the public interest consideration for this body as it's going to result in a net loss of tax revenue.

1:18:17.160 --> 1:18:17.970

Sophie Moiese Room

You go to the next slide.

1:18:21.950 --> 1:18:26.920

Sophie Moiese Room

We heard a lot about this material being unique to just this site.

1:18:26.930 --> 1:18:31.870

Sophie Moiese Room

I already talked to you about the fact that that really doesn't make any practical sense whatsoever.

1:18:31.970 --> 1:18:39.730

Sophie Moiese Room

I didn't see any mapping from the Montana Bureau of Mines and Geology that identified as sort of relevant evidence that that was true.

1:18:39.900 --> 1:18:45.830

Sophie Moiese Room

Instead, I heard broadscale generalizations about this site being great, and this Unicorn of material.

1:18:45.950 --> 1:18:47.550

Sophie Moiese Room

But that's not how geology works.

1:18:47.560 --> 1:18:54.410

Sophie Moiese Room

I think we all understand that on a very basic level it doesn't pick and choose fifty acre properties and say this exists here and not there.

1:18:54.830 --> 1:19:2.620

Sophie Moiese Room

And the point of this for you all to consider is that we could move just outside of this zoning district and alleviate this entire issue.

1:19:3.90 --> 1:19:7.800

Sophie Moiese Room

There is no reason that this couldn't be in Ravalli County, where we don't even have zoning.

1:19:8.390 --> 1:19:15.980

Sophie Moiese Room

The county line is not that far away as well as a number of other properties that are going to be located on the same bench.

1:19:16.410 --> 1:19:28.50

Sophie Moiese Room

Therefore, having the same geologic materials deposited that are not in this zoning district, so really I have not heard anything that shows that there is something unique here.

1:19:28.920 --> 1:19:41.150

Sophie Moiese Room

And while we did hear the applicant talk about this not being in a floodplain, and that groundwater will not be mined into again, DEQ does not regulate those activities in any way, shape or form.

1:19:41.160 --> 1:19:44.350

Sophie Moiese Room

If you wanna mine into the groundwater, DEQ will let you do that.

1:19:44.750 --> 1:19:54.390

Sophie Moiese Room

And so there is no regulatory reason that they can't do that, which is a totally different conversation about how terrible of a law that is, that the legislature left us with.

1:19:54.930 --> 1:20:0.400

Sophie Moiese Room

But that is the reality is that there is no reason that they cannot mine this in the floodplain.

1:20:0.410 --> 1:20:7.580

Sophie Moiese Room

There is no reason that they can't mine this anywhere else where there would be essentially a different set of issues.

1:20:8.510 --> 1:20:11.220

Sophie Moiese Room

So there really is.

1:20:13.80 --> 1:20:26.330

Sophie Moiese Room

No special condition or circumstance exist which are peculiar to land the lot, or something inherent in the land which causes a hardship which are not applicable to other lands in the nearby same district.

1:20:26.340 --> 1:20:28.530

Sophie Moiese Room

And so that's really what we're looking at here.

1:20:29.220 --> 1:20:39.690

Sophie Moiese Room

And that comes again from Carlson, where essentially the court said, Mr Carlson, you can build your giant garage somewhere else, just not in this zoning district.

1:20:39.700 --> 1:20:50.960

Sophie Moiese Room

And you should have known that when you came here, because this zoning district, this did at the time when you purchased the property, which is the exact same circumstance here, Mr Kopp, is you have about a minute left.

1:20:51.20 --> 1:20:58.120

Sophie Moiese Room

OK, well this is not a situation where we're talking about people that didn't do their due diligence that didn't know.

1:20:58.130 --> 1:21:6.150

Sophie Moiese Room

This is a sophisticated mining company with competent legal counsel with competent corporate representation that knew exactly what they were buying.

1:21:6.420 --> 1:21:22.650

Sophie Moiese Room

So we're talking about a property that illegally expanded in the 1st place and then we're talking about a buy sell agreement to purchase property immediately next door when they knew that that also was not properly within the zoned uses of land.

1:21:22.660 --> 1:21:24.240

Sophie Moiese Room

That could be accommodated there.

1:21:24.310 --> 1:21:38.860

Sophie Moiese Room

And so this is the situation where they're coming before you knowing well, just like the, just like the the individual, the litigant and Carlson where the Montana Supreme Court said no, you should have known better and that's not a good reason.

1:21:38.950 --> 1:21:44.980

Sophie Moiese Room

Some existing condition that you wanna build this on this land for you to get this use variance.

1:21:45.310 --> 1:21:59.730

Sophie Moiese Room

So as the court said, that is an issue of the applicant's own making, which I suggest to you here is the same all of the benefits that they said and and attested to and relation to this being next door to currently existing project.

1:22:0.340 --> 1:22:9.600

Sophie Moiese Room

Those are issues that they knew about when they sought to purchase this property in the 1st place, and those are issues that they would have known about at the time that they first researched this.

1:22:12.50 --> 1:22:36.380

Sophie Moiese Room

And in conclusion, I'll just wrap up in 2008 this board took action to enact emergency zoning and Liberty Cove versus Missoula County, and I don't know if you guys remember that, but at that time, the Missoula County Board of Commissioners enacted emergency zoning to stop a gravel mine in a residential neighborhood to protect public health, to protect safety and to protect the public welfare.

1:22:36.570 --> 1:23:0.550

Sophie Moiese Room

That was upheld by the Montana Supreme Court and the Montana Supreme Court looked at specifically the reasons why this county did that and said that those were the proper reasons to consider, and the same concerns are more support the exact land at issue and I urge you to think about why in 2008 you would have enacted emergency zoning to protect a neighborhood.

1:23:0.680 --> 1:23:4.40

Sophie Moiese Room

But now you're going to enact a use variance to destroy another one.

1:23:4.360 --> 1:23:5.240

Sophie Moiese Room

So thank you.

1:23:6.370 --> 1:23:7.380

Sophie Moiese Room

Thank you, Mr Commas.

1:23:7.630 --> 1:23:24.40

Sophie Moiese Room

So the way we're going to handle this going forward this afternoon with the balance of our time is we will open it up for public comment once everyone who wants to speak has had a chance to speak both in the room and online, we will close the public comment period.

1:23:24.50 --> 1:23:27.520

Sophie Moiese Room

We'll close the public hearing at that point.

1:23:27.570 --> 1:23:34.140

Sophie Moiese Room

The planning and Zoning Commission will have an opportunity to ask questions if it so chooses.

1:23:34.150 --> 1:23:36.800

Sophie Moiese Room

It will deliberate and can take action.

1:23:36.810 --> 1:24:2.570

Sophie Moiese Room

I would recommend for the planning and zoning Commission, though, that we only take action as the planning and zoning Commission, if also we're prepared today, as the board of County Commissioners, to take action, so that would be my recommendation, all or none today, and there's nothing that compels us to have to make a decision today if the Commission or the Commissions feel like they need more time when needed.

1:24:4.630 --> 1:24:5.450

Sophie Moiese Room

Yeah.

1:24:5.460 --> 1:24:8.760

Sophie Moiese Room

Yes, and I have been requested to have a short recess.

1:24:8.770 --> 1:24:11.880

Sophie Moiese Room

So let's take five minute, 5 minute recess.

1:24:12.250 --> 1:24:17.650

Sophie Moiese Room

Do what you need to do and come back at 3:30 and we will begin public testimony.

1:24:17.970 --> 1:24:18.310

Sophie Moiese Room

Thank you.

1:30:23.900 --> 1:30:28.170

Sophie Moiese Room

OK, everyone, let us come back into session here.

1:30:28.180 --> 1:30:29.160

Sophie Moiese Room

If you could take your seats.

1:30:36.0 --> 1:30:38.570

Sophie Moiese Room

Alright, we are back in session.

1:30:38.580 --> 1:30:46.630

Sophie Moiese Room

This is your opportunity to offer public comment, so I would ask that folks again be courteous to one another.

1:30:46.760 --> 1:30:48.10

Sophie Moiese Room

You have 3 minutes.

1:30:48.20 --> 1:30:55.410

Sophie Moiese Room

You have one opportunity to provide public comment once everyone in the room here, the physical room in the courthouse is done.

1:30:55.470 --> 1:31:8.460

Sophie Moiese Room

Offering comment will shift to folks online when everyone online has finished offering their public comment, we will close the public hearing and move on to discussion amongst the Commission members.

1:31:8.470 --> 1:31:15.450

Sophie Moiese Room

So with that, if you're in the courthouse in the Sophie Moe's room, come on up and feel free to offer your public comment if you'd like.

1:31:29.20 --> 1:31:29.540

Sophie Moiese Room

Thank you.

1:31:31.870 --> 1:31:34.140

Sophie Moiese Room

Good afternoon and thank you Commissioners.

1:31:34.490 --> 1:31:35.720

Sophie Moiese Room

My name is Liz Heaney.

1:31:35.730 --> 1:31:56.860

Sophie Moiese Room

Heaney, and today, and in my opinion, I'd like to say that the residents should not have to shoulder the burden from the collective missteps of government, which now allow the gravel pit, the ability to spew carcinogenic particulates from their asphalt production and concrete production.

1:31:57.390 --> 1:32:1.850

Sophie Moiese Room

This is not a healthful environment for citizens or the environment.

1:32:2.900 --> 1:32:23.120

Sophie Moiese Room

The residents deserve a clean and healthful environment, according to the Montana Annotated Knife, River is opening 130 acre gravel pit to the West in a totally unpopulated area, which in my opinion is the appropriate location for a mining operation.

1:32:23.670 --> 1:32:30.440

Sophie Moiese Room

So I do ask the Commissioners to protect our environment, protect our health by denying the variance today.

1:32:30.590 --> 1:32:30.980

Sophie Moiese Room

Thank you.

1:32:32.550 --> 1:32:32.970

Sophie Moiese Room

Thank you.

1:32:36.770 --> 1:32:37.360

Sophie Moiese Room

Next person.

1:32:37.370 --> 1:32:37.940

Sophie Moiese Room

Come on up, Sir.

1:32:43.560 --> 1:32:43.710

Sophie Moiese Room

No.

1:32:43.710 --> 1:32:45.670

Sophie Moiese Room

Yes, my name's Alan Foss.

1:32:47.40 --> 1:32:48.580

Sophie Moiese Room

I have two questions.

1:32:49.940 --> 1:33:8.890

Sophie Moiese Room

Umm the pit people showed a picture of the of the way that the pit was in in a given year in the year doesn't match the pit that Washington used when he put in the four lane.

1:33:9.220 --> 1:33:10.190

Sophie Moiese Room

I would like to.

1:33:10.560 --> 1:33:17.890

Sophie Moiese Room

I would like to hear the excuse for that also our first meeting here.

1:33:19.450 --> 1:33:34.670

Sophie Moiese Room

I was one of the people that started the five acres for house and I said these exact words is that there was a certain security in having zoning in place.

1:33:36.110 --> 1:33:50.20

Sophie Moiese Room

There was signed by a group of people like you, and now all of a sudden you folks may cut all that loose to put in on mine.

1:33:51.750 --> 1:33:52.150

Sophie Moiese Room

Thank you.

1:33:53.480 --> 1:33:54.210

Sophie Moiese Room

Thank you, Sir.

1:33:54.220 --> 1:34:1.370

Sophie Moiese Room

And a little bit later on, we'll try to get an answer as far as the photo and the date, additional public comment come on up.

1:34:7.960 --> 1:34:9.350

Sophie Moiese Room

Hi, my name is Kevin Sherman.

1:34:10.140 --> 1:34:13.760

Sophie Moiese Room

I live in the neighborhood, you know.

1:34:13.770 --> 1:34:24.160

Sophie Moiese Room

First I I think I'd like to commend Western materials for the efforts they put forth so far to do some things in in order to be a a better neighbor.

1:34:24.170 --> 1:34:30.680

Sophie Moiese Room

I appreciate that my only I don't have any beef with them over operating your business.

1:34:31.70 --> 1:34:37.550

Sophie Moiese Room

My opposition is to granting this variance and letting it expand to the levels that they have in mind.

1:34:38.630 --> 1:34:47.580

Sophie Moiese Room

Uh, this question I have is probably just gonna demonstrate my ignorance, but and the the applicants put forth 2 scenarios.

1:34:47.590 --> 1:34:53.320

Sophie Moiese Room

Scenario one and scenario two, scenario 2 looks more appealing, right?

1:34:53.870 --> 1:34:56.220

Sophie Moiese Room

Has buffer zones and all of these things.

1:34:57.170 --> 1:35:5.900

Sophie Moiese Room

Lots of good stuff, but my skepticism is that scenario two will be adhere to that.

1:35:5.910 --> 1:35:7.480

Sophie Moiese Room

It'll be set in stone.

1:35:7.730 --> 1:35:20.480

Sophie Moiese Room

I don't know what would uh, those, if that gravel that's in the buffer buffer zones becomes extremely valuable, what would prevent them from going?

1:35:20.490 --> 1:35:23.20

Sophie Moiese Room

Well, we liked scenario too, but now we changed her mind.

1:35:23.310 --> 1:35:24.420

Sophie Moiese Room

The gravel is too valuable.

1:35:24.430 --> 1:35:25.680

Sophie Moiese Room

We're gonna have to dig into that too.

1:35:26.850 --> 1:35:31.940

Sophie Moiese Room

And the other thing we can see is, you know this property is already changed hands.

1:35:31.950 --> 1:35:37.120

Sophie Moiese Room

I think 4 times by my count, since we've been talking about it, it's history.

1:35:37.610 --> 1:35:46.990

Sophie Moiese Room

And I wonder what assurance there is if it changed hands again, that the new owners would adhere to scenario too, or could they just mine the whole thing that they own it.

1:35:47.150 --> 1:35:48.640

Sophie Moiese Room

So that was one question I had about that.

1:35:49.650 --> 1:36:5.210

Sophie Moiese Room

And then as far as part one and Part 2 zoning, as I understand it, we as citizens would be better off if this had been zoned Part 2, we'd have more teeth here and maybe I'll be the applicant would be before a different board.

1:36:6.160 --> 1:36:14.990

Sophie Moiese Room

But I don't think it's fair to penalize us for using the only tool that was available at the time, which was Part 1 zoning.

1:36:15.360 --> 1:36:19.200

Sophie Moiese Room

So that's my comment on that and I have to go back to this hardship thing.

1:36:19.940 --> 1:36:35.670

Sophie Moiese Room

Uh, you know, I appreciate it that it costs more to haul gravel farther, obviously, but I respectfully submit that it's not my or my neighbors responsibility to save future developers money and enhance their bottom line at our expense.

1:36:35.680 --> 1:36:36.820

Sophie Moiese Room

So thanks for your time.

1:36:36.830 --> 1:36:37.510

Sophie Moiese Room

I appreciate it.

1:36:37.940 --> 1:36:38.820

Sophie Moiese Room

Thank you, Mr. Chairman.

1:36:41.850 --> 1:36:42.960

Sophie Moiese Room

Additional public comment.

1:36:42.970 --> 1:36:43.370

Sophie Moiese Room

Come on up.

1:36:53.100 --> 1:37:13.90

Sophie Moiese Room

Hi, my name is Randall Cloyd, and me and my wife moved to the area in 1998 and we noticed there was a tiny little gravel pit at the time, but zoning was for no expansion of any existing business, and since that was the only business we assumed it was assuming that that wouldn't grow.

1:37:13.490 --> 1:37:17.230

Sophie Moiese Room

And then Western bought it, and it already has grown dramatically.

1:37:17.440 --> 1:37:23.160

Sophie Moiese Room

And with the proposed I'm expansion, it would be really huge compared to the tiny little few acres.

1:37:23.430 --> 1:37:32.680

Sophie Moiese Room

Those when we first moved in and I heard the comment in the last hearing, several people says, why did they move to an area that has a gravel pit if they don't want to live by one?

1:37:33.50 --> 1:37:37.750

Sophie Moiese Room

Well, there's a big difference between 35 acre gravel pit and 70 acres.

1:37:39.800 --> 1:37:40.680

Sophie Moiese Room

Thank you, Mr Chloe.

1:37:42.660 --> 1:37:43.700

Sophie Moiese Room

Ditional public comment.

1:37:49.120 --> 1:37:49.260

stephane fort

Hello.

1:37:49.490 --> 1:38:2.440

Sophie Moiese Room

Well, hi, good afternoon, Alan Alt of what I have to say is you know here we go again, it's a big business versus the the common person, the resident.

1:38:2.550 --> 1:38:6.670

Sophie Moiese Room

Ohh it's clear that some mistakes have been made in the past.

1:38:7.520 --> 1:38:11.50

Sophie Moiese Room

I just hope the this board will do the right thing.

1:38:11.360 --> 1:38:11.700

Sophie Moiese Room

Thank you.

1:38:12.800 --> 1:38:13.580

Sophie Moiese Room

Thank you, Mr Alt.

1:38:16.80 --> 1:38:16.800

Sophie Moiese Room

Ditional comment.

1:38:20.830 --> 1:38:20.980

stephane fort

Hello.

1:38:21.250 --> 1:38:21.580

Sophie Moiese Room

Hello.

1:38:22.210 --> 1:38:23.340

Sophie Moiese Room

Hi, good afternoon.

1:38:23.390 --> 1:38:25.890

Sophie Moiese Room

My name is Louis Arches and I live on the bench there.

1:38:25.900 --> 1:38:26.650

Sophie Moiese Room

We're all that nice.

1:38:26.660 --> 1:38:35.780

Sophie Moiese Room

Gravel is and I do have a comment about that photo we saw from 1955 and that small little disturbed area.

1:38:37.0 --> 1:38:39.640

Sophie Moiese Room

That's not proof that there was a mining operation there.

1:38:40.570 --> 1:38:57.870

Sophie Moiese Room

And you know if I go in, if I go home this evening and I dig up some of that fine gravel in my backyard and I use it to fill some potholes in my road or use it to shore up some irrigation ditches, that doesn't make it a mining operation.

1:38:58.890 --> 1:39:8.260

Sophie Moiese Room

OK, so I look at that and say that's quite potentially just somebody that was using some gravel and there was no permit issued for that.

1:39:8.470 --> 1:39:12.930

Sophie Moiese Room

So that says it wasn't an industrial mining site.

1:39:13.20 --> 1:39:18.500

Sophie Moiese Room

There is no record IRS records of somebody selling gravel there and paying taxes on it.

1:39:19.10 --> 1:39:33.370

Sophie Moiese Room

It's just potentially was just some the landowner 160 acres using some gravel on his property in one part of his property to maybe shore up his irrigation ditches or fill up, fill a hole somewhere.

1:39:33.380 --> 1:39:37.890

Sophie Moiese Room

Hole somewhere or maybe put a road in to his property.

1:39:38.220 --> 1:39:48.50

Sophie Moiese Room

So I can't when they say that there was a history history of 40 years of mining operations there, I don't see it.

1:39:48.120 --> 1:39:50.80

Sophie Moiese Room

There's no record that proves that.

1:39:51.470 --> 1:39:53.20

Sophie Moiese Room

That's that's one thing.

1:39:53.350 --> 1:40:4.540

Sophie Moiese Room

And the other thing I wanted to say was, you know, we're talking about there's the gravel pit that's there now, which shouldn't have been allowed to get the size it is.

1:40:4.820 --> 1:40:18.530

Sophie Moiese Room

That's that's another issue, but now you're talking about putting a gravel pit on another 70 acres where there is no there has no history of of mining on that site.

1:40:18.620 --> 1:40:20.840

Sophie Moiese Room

It The history is, it's been zoned.

1:40:21.300 --> 1:40:27.590

Sophie Moiese Room

So I would ask you to just, you know, vote no on granting this variance.

1:40:27.820 --> 1:40:28.200

Sophie Moiese Room

Thank you.

1:40:29.950 --> 1:40:30.380

Sophie Moiese Room

Thank you, Sir.

1:40:31.590 --> 1:40:33.90

Sophie Moiese Room

Additional public comment.

1:40:34.280 --> 1:40:34.780

Sophie Moiese Room

Come on up.

1:40:35.760 --> 1:40:36.860

Sophie Moiese Room

Don't be shy, yes.

1:40:36.170 --> 1:40:37.350

stephane fort

Yes, I'm I'm online.

1:40:38.120 --> 1:40:41.10

Sophie Moiese Room

Alright folks, online if you could just hold off for a second.

1:40:41.20 --> 1:40:45.990

Sophie Moiese Room

We're gonna work through everyone here in person, and then we'll shift over to you on the phone or online.

1:40:47.490 --> 1:40:47.670

stephane fort

OK.

1:40:47.240 --> 1:40:47.690

Sophie Moiese Room

Yes, Sir.

1:40:47.980 --> 1:40:48.390

Sophie Moiese Room

Yeah.

1:40:48.400 --> 1:40:49.230

Sophie Moiese Room

I'm Dave Birch.

1:40:49.240 --> 1:40:52.960

Sophie Moiese Room

I live up West of where this is proposed.

1:40:54.480 --> 1:40:55.510

Sophie Moiese Room

Been there 20 years?

1:40:56.470 --> 1:40:59.860

Sophie Moiese Room

Umm I have bought gravel from the gravel pit.

1:41:0.780 --> 1:41:5.180

Sophie Moiese Room

Uh, because I built a barn in different things.

1:41:7.50 --> 1:41:16.330

Sophie Moiese Room

My most recent uh building is a is a garage and I bought gravel from a different pit.

1:41:16.840 --> 1:41:23.870

Sophie Moiese Room

OK, down the valley and these guys were talking all it's gonna cost you more if you go down the valley.

1:41:23.880 --> 1:41:31.60

Sophie Moiese Room

Well, the same gravel that they said was \$7.00 at their pit was \$7.00 delivered out of the other pit.

1:41:32.10 --> 1:41:40.440

Sophie Moiese Room

OK, which is not in Missoula County and it worked just fine as gravel.

1:41:41.760 --> 1:41:48.340

Sophie Moiese Room

Umm, so you know, just another case of them giving misleading information.

1:41:50.90 --> 1:41:53.580

Sophie Moiese Room

Other pets prices are are fairly similar.

1:41:53.630 --> 1:41:56.700

Sophie Moiese Room

Maybe there's a fuel charge difference, but.

1:41:58.950 --> 1:42:0.0

Sophie Moiese Room

I really think that.

1:42:2.460 --> 1:42:3.830

Sophie Moiese Room

Which Dan had it.

1:42:4.270 --> 1:42:6.650

Sophie Moiese Room

He brought it in a 8 yard truck.

1:42:6.820 --> 1:42:8.730

Sophie Moiese Room

Single axle 8 yards.

1:42:9.260 --> 1:42:18.370

Sophie Moiese Room

The trucks that I see going by there and I was, I ran down Trader brothers this morning within 20 minutes there was two different trucks there.

1:42:18.720 --> 1:42:20.90

Sophie Moiese Room

They're running belly dumps.

1:42:20.100 --> 1:42:27.470

Sophie Moiese Room

It run 21 to 27 yards and then belly dump uh, and they're running all day long that way.

1:42:28.300 --> 1:42:30.70

Sophie Moiese Room

Uh, Derek.

1:42:30.80 --> 1:42:31.880

Sophie Moiese Room

Extracting it as fast as they can.

1:42:34.0 --> 1:42:44.530

Sophie Moiese Room

You know, I had a business and ran through all the permit processes and if there was a glitch, uh, that permit was stop ordered.

1:42:45.720 --> 1:42:50.970

Sophie Moiese Room

I couldn't continue much like you know, the the attorney was talking about that garage.

1:42:53.90 --> 1:42:58.400

Sophie Moiese Room

Or any other permit in the county if if it's not up to snuff or you don't buy a permit.

1:43:0.430 --> 1:43:5.830

Sophie Moiese Room

And you wanna build something and somebody allows the permit guide to be there.

1:43:6.660 --> 1:43:13.10

Sophie Moiese Room

Uh, they don't let you go on and and build for like like 7-9 years or whatever.

1:43:13.20 --> 1:43:14.300

Sophie Moiese Room

This went unpermitted.

1:43:15.520 --> 1:43:23.450

Sophie Moiese Room

OK, there's this season desist order that you stop till you get the project rectified one way or the other.

1:43:24.440 --> 1:43:37.390

Sophie Moiese Room

Uh, I really think there's some disconnects here as far as what's going on as far as legalities of permits versus how they use them.

1:43:38.350 --> 1:43:40.750

Sophie Moiese Room

Umm, that needs to be rectified.

1:43:42.570 --> 1:43:44.700

Sophie Moiese Room

So we're all on the same page. Thanks.

1:43:47.590 --> 1:43:48.30

Sophie Moiese Room

Thank you, Sir.

1:43:49.260 --> 1:43:50.660

Sophie Moiese Room

Additional comment come on up.

1:43:57.90 --> 1:43:57.840

Sophie Moiese Room

Good afternoon.

1:43:57.850 --> 1:43:59.660

Sophie Moiese Room

My name is Tori Fort.

1:44:0.210 --> 1:44:1.710

Sophie Moiese Room

Just a couple quick comments.

1:44:1.790 --> 1:44:11.390

Sophie Moiese Room

The first one was in regards to the slides from the presentation from the Planning Board and also from Western Materials presentation.

1:44:12.530 --> 1:44:32.340

Sophie Moiese Room

I just noticed that they had the public interest and they had the hardship, but the spirit of the zoning just seems to be missing whenever we're discussing it, and I think it's a really crucial part of this discussion, which is the zoning was a part one, and it was the statutes were created.

1:44:32.350 --> 1:44:44.290

Sophie Moiese Room

And it's very clearly written why that zoning was put in place and it was to protect critical natural resources and the wildlife and the rural development.

1:44:44.480 --> 1:44:50.910

Sophie Moiese Room

That gravel pit is sitting on top of our aquifer that we all use.

1:44:51.0 --> 1:45:1.700

Sophie Moiese Room

There is a wetland right below it that from what I have understood from a long standing residence, has changed dramatically over the years.

1:45:1.710 --> 1:45:8.690

Sophie Moiese Room

So we just have to protect our water sources because if we don't have water, we have nothing in that area.

1:45:8.700 --> 1:45:12.370

Sophie Moiese Room

We would all have to move and that would be a substantial hardship.

1:45:12.600 --> 1:45:13.710

Sophie Moiese Room

Everyone in the neighborhood.

1:45:15.740 --> 1:45:19.370

Sophie Moiese Room

And just another thing, sorry regarding the.

1:45:22.110 --> 1:45:27.820

Sophie Moiese Room

Talking about the history, I know we we rehashed it and my husband and I spent hours.

1:45:28.70 --> 1:45:36.920

Sophie Moiese Room

Hundreds of hours finding all of this information as private citizens, I think that the county and the planning board should have been able to have the same information.

1:45:37.570 --> 1:45:41.880

Sophie Moiese Room

But zoning the zoning back then?

1:45:42.200 --> 1:45:45.100

Sophie Moiese Room

The Washington pit, for example, they got a permit.

1:45:45.110 --> 1:45:49.280

Sophie Moiese Room

They had a permit all the time that they were running umm.

1:45:49.490 --> 1:45:52.200

Sophie Moiese Room

They're were use variances during that time, too.

1:45:52.210 --> 1:46:2.620

Sophie Moiese Room

My husband and I found in the county commissioners journals the Sun Valley Ranch actually requested a zoning permit or, excuse me, a use variance, and it went in front of the board to commit county commissioners.

1:46:2.690 --> 1:46:14.300

Sophie Moiese Room

There have been other people throughout the time from 76 all the way to today that have requested use variances in the same area and I'm just in the Sun Valley Ranch is a stones throw away from this gravel pit.

1:46:14.310 --> 1:46:25.280

Sophie Moiese Room

I just don't understand how everybody can do the use variances in the correct way that it's supposed to be done, but for some reason this gravel pit just slipped through the cracks.

1:46:25.830 --> 1:46:28.650

Sophie Moiese Room

I'm when it's a gravel pit, it's it's a big deal.

1:46:28.660 --> 1:46:29.940

Sophie Moiese Room

It's something it's not hidden.

1:46:29.950 --> 1:46:33.590

Sophie Moiese Room

Everyone sees it and the last thing I just wanted to piggyback on the fine.

1:46:33.640 --> 1:46:39.60

Sophie Moiese Room

The former or previous person, Speaking of those double trucks, I sit from my window.

1:46:39.150 --> 1:46:46.340

Sophie Moiese Room

I can see out on the old highway, which is a small highway that is all beat up, and those trucks are going.

1:46:46.390 --> 1:46:52.260

Sophie Moiese Room

If I sit there for 20 minute period talking to somebody on the phone, there will be four or five trucks going at that point.

1:46:52.270 --> 1:46:54.940

Sophie Moiese Room

When I drive with my three children, I have a one year old.

1:46:54.990 --> 1:47:1.170

Sophie Moiese Room

I have a four year old and I have a 7 year old and when we get to that intersection that is not made for this much industrial traffic.

1:47:1.180 --> 1:47:5.760

Sophie Moiese Room

There are double odors now in the last month, there have been double odors coming in and out.

1:47:5.770 --> 1:47:6.270

Sophie Moiese Room

So those are.

1:47:6.740 --> 1:47:9.450

Sophie Moiese Room

You can imagine how long I I'm not good with measurements.

1:47:9.460 --> 1:47:21.290

Sophie Moiese Room

My husband would laugh at me trying to give a measurement, but they're big and sometimes we're behind two of them, so there will be 4 and then I have to try to go on an uncontrolled intersection into the new highway with three little children in the back.

1:47:21.380 --> 1:47:22.410

Sophie Moiese Room

It is scary.

1:47:22.420 --> 1:47:23.590

Sophie Moiese Room

It is not fun.

1:47:23.760 --> 1:47:28.140

Sophie Moiese Room

I try to take alternate routes but it's the same thing anywhere else because these trucks go both ways.

1:47:28.450 --> 1:47:35.350

Sophie Moiese Room

So it's not an area that's conducive for such a large mining operation.

1:47:35.360 --> 1:47:35.750

Sophie Moiese Room

Thank you.

1:47:36.930 --> 1:47:37.480

Sophie Moiese Room

Thank you, miss.

1:47:37.490 --> 1:47:40.210

Sophie Moiese Room

Fork ditional comment.

1:47:47.850 --> 1:47:54.960

Sophie Moiese Room

I'm Janice Brown and I live off of blue and road and Janice, could you pull that Mike close to you?

1:47:55.10 --> 1:47:55.950

Sophie Moiese Room

Yes, I can.

1:47:55.960 --> 1:47:56.460

Sophie Moiese Room

Thank you.

1:47:56.520 --> 1:47:59.180

Sophie Moiese Room

I'm Janice Brown and I live off of Rowan Rd.

1:47:59.190 --> 1:48:0.660

Sophie Moiese Room

Up above Trader brothers.

1:48:0.910 --> 1:48:18.370

Sophie Moiese Room

So I come down Rowan Road and these big trucks are lined up to get off of the old 93 onto that intersection and they string out from the entrance to the freeway around the corner and back.

1:48:18.680 --> 1:48:22.310

Sophie Moiese Room

And so you know how treacherous that intersection is.

1:48:22.460 --> 1:48:33.780

Sophie Moiese Room

There have been a lot of lives lost there, so getting people in and out of that intersection with these commercial vehicles that are beyond the size to fit the road.

1:48:34.300 --> 1:48:36.530

Sophie Moiese Room

And so that's one of my concerns.

1:48:36.940 --> 1:48:48.120

Sophie Moiese Room

The other is is that I was going down to visit with the purchase and so I took the old 93 and low and behold, there's a herd of about 150 talk.

1:48:48.410 --> 1:48:54.170

Sophie Moiese Room

They're caught in the marshland between the old 93 and the new 93.

1:48:54.840 --> 1:48:58.700

Sophie Moiese Room

They would try to go one way, stop the herd.

1:48:58.710 --> 1:49:15.10

Sophie Moiese Room

Looked around, they go back to the other way back and forth trying to get out of that marshland and as far as the marshlands, if you look around you see nothing but cattails that are on both sides of the highway.

1:49:15.300 --> 1:49:21.370

Sophie Moiese Room

That is a water drainage source and it is the water that we need in our homes.

1:49:21.640 --> 1:49:31.560

Sophie Moiese Room

So I'm and then I I see you have allowed 300 feet wide for a wildlife corridor.

1:49:32.150 --> 1:49:34.860

Sophie Moiese Room

Are you gonna put up signs to tell the elk which way to go?

1:49:37.660 --> 1:49:38.420

Sophie Moiese Room

I don't look at that.

1:49:39.790 --> 1:49:40.440

Sophie Moiese Room

Thank you.

1:49:40.940 --> 1:49:42.420

Sophie Moiese Room

Additional public comment.

1:49:45.870 --> 1:49:46.190

Sophie Moiese Room

Yes, Sir.

1:49:48.870 --> 1:50:0.280

Sophie Moiese Room

My name is Mike Roth and I live just South of the bit there and and I just wanted to point out the obvious thing that we all need gravel and we all use gravel and then be my wish that you approve the pit today.

1:50:0.390 --> 1:50:0.670

Sophie Moiese Room

Thank you.

1:50:1.880 --> 1:50:2.310

Sophie Moiese Room

Thank you, Sir.

1:50:5.750 --> 1:50:9.880

Sophie Moiese Room

Additional public comment from folks here in the courthouse.

1:50:13.770 --> 1:50:16.290

Sophie Moiese Room

Going once, going twice.

1:50:16.300 --> 1:50:17.280

Sophie Moiese Room

Let's go online.

1:50:17.290 --> 1:50:21.320

Sophie Moiese Room

Is there anyone online or on the phone who would like to comment?

1:50:21.330 --> 1:50:26.350

Sophie Moiese Room

If you're online, please use the raise hand function and we will call on you in the order in which you raise your hand.

1:50:34.120 --> 1:50:34.260

stephane fort

Hello.

1:50:31.130 --> 1:50:35.90

Sophie Moiese Room

Is there anyone on the phone in which case you can just unmute yourself?

1:50:35.180 --> 1:50:35.870

Sophie Moiese Room

Yes, Sir.

1:50:35.930 --> 1:50:36.200

Sophie Moiese Room

Go ahead.

1:50:38.210 --> 1:50:39.560

stephane fort

Hi, my name is Stefan Forte.

1:50:41.130 --> 1:50:42.330

stephane fort

You just heard my wife, Tori.

1:50:43.350 --> 1:50:46.200

stephane fort

Umm, I just have one quick question for the planning office.

1:50:47.780 --> 1:50:56.70

stephane fort

So Jenny did a pretty good job at finally digging into the history of this pit and pulling up information about the zoning process of it.

1:50:57.350 --> 1:51:09.290

stephane fort

There's one element that's completely missing, though, and that nobody really mentioned is the fact that the public and this board the board of County Commissioners was completely left out to the entire history of this pit.

1:51:10.200 --> 1:51:35.820

stephane fort

Umm, why doesn't my question why uh it you can sense the feeling of injustice and the entire neighborhood here that today we're finally asked about this pit and and and consulted to increase it even more, even though in 1999, 2009 public and the board of County Commissioners should have been included in these decisions, it was not the case.

1:51:36.810 --> 1:51:38.330

stephane fort

I would like to have an answer.

1:51:38.340 --> 1:51:40.360

stephane fort

We will all would like to have an answer.

1:51:40.890 --> 1:51:41.450

stephane fort

Just doesn't.

1:51:41.460 --> 1:51:42.260

stephane fort

Do not understand.

1:51:42.950 --> 1:51:43.310

stephane fort

Thank you.

1:51:44.320 --> 1:51:44.720

Sophie Moiese Room

Thank you, Sir.

1:51:46.520 --> 1:51:50.160

Sophie Moiese Room

Anyone else online or on the phone who would like to comment?

1:51:56.650 --> 1:51:59.840

Sophie Moiese Room

Anyone online or on the phone who like to comment?

1:51:59.850 --> 1:52:0.810

Sophie Moiese Room

Who is not previously?

1:52:3.770 --> 1:52:5.0

Sophie Moiese Room

OK.

1:52:5.870 --> 1:52:15.90

Sophie Moiese Room

With that, we will close the public hearing and open it up to questions or comments from the planning and Zoning Commission.

1:52:21.980 --> 1:52:22.300

Sophie Moiese Room

Tyler.

1:52:25.160 --> 1:52:27.210

Sophie Moiese Room

This is for Tory Fort.

1:52:29.30 --> 1:52:30.260

Sophie Moiese Room

Tori, come on up, please.

1:52:38.280 --> 1:52:38.700

Sophie Moiese Room

Hello.

1:52:38.760 --> 1:52:43.110

Sophie Moiese Room

Hi I am curious you have been fairly prolific.

1:52:43.120 --> 1:52:56.630

Sophie Moiese Room

It sounds like in in this effort to oppose this variance, which I can understand and appreciate from what I can tell, you purchased your property in August, July of last year.

1:52:57.790 --> 1:52:58.520

Sophie Moiese Room

Is that correct?

1:52:58.950 --> 1:52:59.720

Sophie Moiese Room

That is correct.

1:52:59.930 --> 1:53:3.260

Sophie Moiese Room

Can you tell me what steps you went through to?

1:53:3.450 --> 1:53:5.480

Sophie Moiese Room

It's like you've gone to a lot of lengths now.

1:53:5.490 --> 1:53:8.110

Sophie Moiese Room

Did you take those steps before you purchase the property?

1:53:9.300 --> 1:53:10.870

Sophie Moiese Room

Like, I guess just walk me through.

1:53:10.880 --> 1:53:14.390

Sophie Moiese Room

Sorry, walk me through what you guys did before you purchased the property.

1:53:14.400 --> 1:53:15.940

Sophie Moiese Room

Understanding that there was a gravel pit there.

1:53:17.810 --> 1:53:22.940

Sophie Moiese Room

Well, we have a zoning in place which we got when we purchased the property.

1:53:22.950 --> 1:53:31.900

Sophie Moiese Room

So we did the due diligence of seeing what the zoning was like and the zoning precluded industrial operations.

1:53:32.150 --> 1:53:45.690

Sophie Moiese Room

So with the current gravel pit that was there and it's was a non conforming use which we understood the time was, we didn't go through the things that we went through that we have gone through now to understand the illegality of it now.

1:53:45.700 --> 1:53:49.690

Sophie Moiese Room

But at the time we realized that it would not grow in size.

1:53:49.920 --> 1:53:57.30

Sophie Moiese Room

So that's why we purchased our property, because the rest of that neighborhood is fantastic.

1:53:57.40 --> 1:53:58.250

Sophie Moiese Room

It is a beautiful neighborhood.

1:53:58.260 --> 1:54:1.30

Sophie Moiese Room

We're not in an area that's not taking care of.

1:54:1.40 --> 1:54:2.570

Sophie Moiese Room

People have great pride.

1:54:2.760 --> 1:54:6.70

Sophie Moiese Room

I've gotten to know all the neighbors actually through this process.

1:54:6.340 --> 1:54:9.10

Sophie Moiese Room

They are people who have been there from up to 60 years.

1:54:9.450 --> 1:54:13.440

Sophie Moiese Room

Two yes people and another family that moved in just a couple of years prior to myself.

1:54:13.450 --> 1:54:15.980

Sophie Moiese Room

So it's not just me who moved in next to a gravel pit.

1:54:15.990 --> 1:54:20.440

Sophie Moiese Room

There's other people who understood that it was supposed to be restricted in size.

1:54:20.530 --> 1:54:28.820

Sophie Moiese Room

And when you restrict something in size, it has a shorter lifetime than what we're learning about now, which is 2045 or 2070.

1:54:28.830 --> 1:54:29.380

Sophie Moiese Room

I don't know.

1:54:29.390 --> 1:54:31.440

Sophie Moiese Room

So that's why we purchased it.

1:54:34.410 --> 1:54:35.140

Sophie Moiese Room

Thank you.

1:54:35.290 --> 1:54:35.780

Sophie Moiese Room

Thank you.

1:54:35.840 --> 1:54:36.20

Sophie Moiese Room

Yeah.

1:54:36.30 --> 1:54:36.990

Sophie Moiese Room

Thank you, Miss Ford.

1:54:38.180 --> 1:54:38.990

Sophie Moiese Room

Just no questions.

1:54:41.30 --> 1:54:42.330

Sophie Moiese Room

Chang yeah.

1:54:44.90 --> 1:54:46.0

Sophie Moiese Room

This is for Mr Cappis.

1:54:46.10 --> 1:54:47.930

Sophie Moiese Room

I don't know if you mind coming up here.

1:54:51.980 --> 1:54:57.530

Sophie Moiese Room

And this I guess is based more on the the condition of the water.

1:54:57.980 --> 1:55:5.870

Sophie Moiese Room

So do you have wells that you're pumping out of for water service at at the site now?

1:55:5.950 --> 1:55:6.850

Sophie Moiese Room

Yes, we do.

1:55:6.970 --> 1:55:9.320

Sophie Moiese Room

You have a sense of how much water you're using.

1:55:9.630 --> 1:55:17.430

Sophie Moiese Room

We use this is this on I'm you have to speak close to the mic close to it.

1:55:17.480 --> 1:55:18.90

Sophie Moiese Room

There we go.

1:55:18.100 --> 1:55:24.600

Sophie Moiese Room

Now we're talking are the water comes out, we have three wells in there.

1:55:27.20 --> 1:55:36.110

Sophie Moiese Room

The 35 GPM size wells, OK, so we don't use the consumptive use of that is not very, very large.

1:55:36.120 --> 1:55:36.470

Sophie Moiese Room

We do.

1:55:36.530 --> 1:55:52.240

Sophie Moiese Room

We wash the gravel, but we're able to wash the gravel to get the volumes by pumping it up ponds, reusing the water and then it circulates back down through OK and then do you have monitoring wells on site for this site?

1:55:52.250 --> 1:55:56.850

Sophie Moiese Room

We do not have monitoring wells because we're not mining in the groundwater.

1:55:57.270 --> 1:56:2.580

Sophie Moiese Room

That would be a requirement if we had, if we were to go down in the groundwater.

1:56:2.590 --> 1:56:6.920

Sophie Moiese Room

Now we are restricting ourselves, and the DQ will restrict us.

1:56:6.930 --> 1:56:8.240

Sophie Moiese Room

We will not go into groundwater.

1:56:10.260 --> 1:56:16.190

Sophie Moiese Room

OK, so DEQ is not requiring you to have monitoring wells, so that you know the depth of the water.

1:56:17.350 --> 1:56:25.720

Sophie Moiese Room

What we know the depth of the water, OK, but we don't have monitoring wells like you would in a pit where you were actually mining in the water.

1:56:25.770 --> 1:56:26.280

Sophie Moiese Room

OK.

1:56:26.370 --> 1:56:30.160

Sophie Moiese Room

And so that's what sets the depth for which we can't go below.

1:56:30.330 --> 1:56:30.760

Sophie Moiese Room

Alright.

1:56:30.770 --> 1:56:34.610

Sophie Moiese Room

And with your wells, are you experiencing lower flows?

1:56:36.330 --> 1:56:37.100

Sophie Moiese Room

We are not.

1:56:37.110 --> 1:56:37.810

Sophie Moiese Room

We are.

1:56:37.820 --> 1:56:51.480

Sophie Moiese Room

Wells are lower than the neighborhoods wells as far as the aquifer, so we believe the wells are pumping out of the Bitterroot aquifer instead of the aquifer that the neighborhood has on the side of the mountain.

1:56:53.960 --> 1:56:54.270

Sophie Moiese Room

Right.

1:56:54.460 --> 1:56:55.560

Sophie Moiese Room

That's that's all I have.

1:56:55.570 --> 1:56:59.830

Sophie Moiese Room

Thank you, Mr Mr Crappie, while you're still up here, avoid you having to sit down again.

1:56:59.840 --> 1:57:6.930

Sophie Moiese Room

We've heard some comment about the price of material and whether it really does vary.

1:57:7.860 --> 1:57:40.90

Sophie Moiese Room

I guess as far as the end user goes, if it varies depending on how far removed they are from from the pit, is there can you talk a little bit more about that because I think to some extent where the questioning is going is what I've experienced with some utilities like let's take a electrical utility that might see a decrease in its taxes, but we as the end users don't necessarily see any decrease in our ultimate tax bills.

1:57:40.100 --> 1:57:53.350

Sophie Moiese Room

So in a case like that, and I think the implication here would be that any any cost savings are going to to you as as the the owner of the property and and not to the end user.

1:57:54.740 --> 1:58:6.580

Sophie Moiese Room

So when I talk about the the price of the gravel, the price of the gravel we set based on what the current price around the community is, I mean it has to stay.

1:58:6.650 --> 1:58:13.690

Sophie Moiese Room

There are smaller pits when I'm talking about the price to deliver that gravel.

1:58:13.940 --> 1:58:25.500

Sophie Moiese Room

That's not a price that we're paying that would be for the customer hiring that whole truck and paying that hall truck to haul at the extra distance.

1:58:25.580 --> 1:58:38.950

Sophie Moiese Room

So whether you're in in gravel is very heavy, and as we all know, in anything we have to have delivered, the further it has to be delivered and the heavier it is, the more expensive it is for those who are having it delivered.

1:58:39.60 --> 1:58:46.0

Sophie Moiese Room

So it is the end user or the end project person that is paying for that additional cost.

1:58:46.10 --> 1:58:47.810

Sophie Moiese Room

That has nothing to do with us as a company.

1:58:49.330 --> 1:58:49.690

Sophie Moiese Room

OK.

1:58:49.700 --> 1:58:50.780

Sophie Moiese Room

Thank you, Josh.

1:58:52.790 --> 1:58:53.740

Sophie Moiese Room

Thank you, Sir.

1:58:53.800 --> 1:58:56.490

Sophie Moiese Room

I'm going to see if I could ask Mr Coppess some questions.

1:58:59.420 --> 1:59:0.0

Sophie Moiese Room

Mr compass.

1:59:1.810 --> 1:59:8.780

Sophie Moiese Room

Thanks and 1st I want to say I appreciate your very engaging presentation and your manner of speaking was was really good.

1:59:8.790 --> 1:59:10.90

Sophie Moiese Room

I could hang with it.

1:59:10.780 --> 1:59:14.0

Sophie Moiese Room

I'm so even as I say that.

1:59:14.80 --> 1:59:15.760

Sophie Moiese Room

Excuse me if I ask some review questions.

1:59:18.290 --> 1:59:25.620

Sophie Moiese Room

You described quite articularly some pretty negative consequences for people who live near a gravel pit.

1:59:27.620 --> 1:59:29.340

Sophie Moiese Room

Could you say a few of those again?

1:59:29.350 --> 1:59:30.640

Sophie Moiese Room

The ones that are really powerful.

1:59:32.550 --> 1:59:33.760

Sophie Moiese Room

Well, I'll just tell you.

1:59:33.770 --> 1:59:47.260

Sophie Moiese Room

So this is the fifth of these cases that I'm currently litigating, so I have experts in all of my other cases who are scientists, PhD, hydrogeologists who are producing the expert testimony in court to litigate these issues.

1:59:47.490 --> 1:59:49.320

Sophie Moiese Room

That's where my information comes from.

1:59:49.630 --> 2:0:6.30

Sophie Moiese Room

So what we have and obviously that's not the issue here because we're not presenting expert testimony, but when you're in front of the Montana DEQ on an appeal process of one of these mines, there is an actual hearing process through the sort of establishment of that administrative record, which allows you to introduce that testimony.

2:0:6.720 --> 2:0:17.950

Sophie Moiese Room

So what we have learned through this process is that when you remove gravel or overburden to to get at the gravel, essentially you're exposing more transmissive soils.

2:0:18.160 --> 2:0:22.490

Sophie Moiese Room

So those are the gravel itself has greater porosity, right?

2:0:22.500 --> 2:0:27.70

Sophie Moiese Room

It's more porous material than the soil that's on top of it.

2:0:27.80 --> 2:0:27.330

Sophie Moiese Room

Right.

2:0:27.340 --> 2:0:33.510

Sophie Moiese Room

And soil and plants act as a filter for that water before it would go into shallow groundwater.

2:0:33.520 --> 2:0:41.270

Sophie Moiese Room

And when you remove those surfaces as inherently and fundamentally a part of this process, the transmissivity of water increases.

2:0:41.280 --> 2:0:52.490

Sophie Moiese Room

The faster it will transmit through the essentially the aquifer systems and So what is happening is that you're having a greater and expedited increase in infiltration.

2:0:52.500 --> 2:1:4.360

Sophie Moiese Room

So chemicals that are used on site that are created on site, whether contained in dust, fuel that stored on site, any of the related chemicals that are used in asphalt production.

2:1:4.370 --> 2:1:6.630

Sophie Moiese Room

So those include heavy hydrocarbons.

2:1:6.720 --> 2:1:7.430

Sophie Moiese Room

That includes.

2:1:7.440 --> 2:1:10.460

Sophie Moiese Room

That's the carcinogenic dust that's created that's regulated.

2:1:10.990 --> 2:1:12.660

Sophie Moiese Room

I'm under the Clean Air Act.

2:1:12.720 --> 2:1:21.430

Sophie Moiese Room

Those materials are all settling on the site and are then transmitting into the groundwater table, so that is then transmitting outwards.

2:1:21.600 --> 2:1:31.270

Sophie Moiese Room

Depending on what the transmissivity is, and we'd have to have somebody actually study that, which I suggest has not happened here, I have not seen a hydrogeologic report for this site.

2:1:31.600 --> 2:1:34.370

Sophie Moiese Room

That's something that I did not see in the record, which would be.

2:1:34.380 --> 2:1:34.850

Sophie Moiese Room

What's that?

2:1:34.860 --> 2:1:42.450

Sophie Moiese Room

So transmissivity is measured in a in an actual value that can be shown, which is how fast will water transmit and a lateral direction.

2:1:42.460 --> 2:1:47.30

Sophie Moiese Room

And in a vertical gradient direction I have not seen that anywhere for this site.

2:1:47.200 --> 2:1:53.690

Sophie Moiese Room

I heard Mr Capas say that he knows what the groundwater table is, but I have not seen that anywhere.

2:1:53.700 --> 2:2:25.360

Sophie Moiese Room

Also in the record before this and so it it's not as simple, at least from a water quality perspective of saying, are we going to mine into the ground which I think is an oversimplification that's being made here because those transmissive soils, you can have a a distance of 20 or 25 feet 30 feet and still have chemicals being transmitted into groundwater vertically and then going outwards in a hot personal and horizontal path depending on the groundwater flow at the site, you know.

2:2:25.370 --> 2:2:32.880

Sophie Moiese Room

And that's different at each specific site that we're looking at, which is why we actually have to have scientists answer these questions.

2:2:33.10 --> 2:2:57.190

Sophie Moiese Room

So groundwater contamination is well documented, not includes heavy hydrocarbons that are stored on site from fuels and chemicals used in the production that also includes carcinogenic air quality materials that are also created from the actual use of asphalt production and also from dust that's created carrying those hydrocarbons that are exposed on the site.

2:2:57.300 --> 2:3:2.650

Sophie Moiese Room

So those are some of the primary ones that we're concerned about from a public health standpoint.

2:3:3.560 --> 2:3:17.870

Sophie Moiese Room

And as I said, unfortunately those are not regulated by DEQ and so there is nobody that's looking at these things, which is why zoning really is the only, the only step that these people have.

2:3:19.510 --> 2:3:23.560

Sophie Moiese Room

And there are question I think I want to just make sure I heard this right.

2:3:23.570 --> 2:3:36.200

Sophie Moiese Room

The current pit can go till 2045 or potentially longer if they ask the EQ or if the Gravel's not played out and they say the construction environment has slowed.

2:3:36.210 --> 2:3:40.40

Sophie Moiese Room

So they need to extend their amount of time is that is that correct?

2:3:40.350 --> 2:3:40.660

Sophie Moiese Room

Yeah.

2:3:40.670 --> 2:3:52.700

Sophie Moiese Room

And I I mean, I think that's borne out by the facts directly before this, this Commission, which is that it was till 2020 in 2009 when when the County Attorney said has dead looked at this, he said let's let this thing die.

2:3:52.710 --> 2:3:58.960

Sophie Moiese Room

It's almost done in 2020, but then they wanted reapplied and in 2015, when Western came in, we reapplied.

2:3:58.970 --> 2:4:8.110

Sophie Moiese Room

We extended that for 25 more years, and as you heard them say today, there is no promise they are not willing to make a promise to a date certain that this thing will end.

2:4:8.200 --> 2:4:18.370

Sophie Moiese Room

And so it's totally feasible to your question that we get to 2044 and we say actually we need another 30 years and I'm just gonna guess the Missoula County doesn't stop growing in 30 years.

2:4:18.560 --> 2:4:25.780

Sophie Moiese Room

And so we're then at a point where we might expand again and we could expand again and we just essentially have a self fulfilling prophecy.

2:4:26.420 --> 2:4:33.830

Sophie Moiese Room

So and all of what you just described could very well happen regardless if this zoning variance happens or not.

2:4:34.400 --> 2:4:35.450

Sophie Moiese Room

Is that correct?

2:4:35.540 --> 2:4:36.490

Sophie Moiese Room

That's incorrect.

2:4:36.560 --> 2:4:40.90

Sophie Moiese Room

So the zoning variance is the thing that can stop it.

2:4:40.240 --> 2:4:49.420

Sophie Moiese Room

So DEQ is not looking at these issues that we're here considering today and so they are going to rubber stamp this under current state law.

2:4:49.590 --> 2:4:57.400

Sophie Moiese Room

And so you are the body that has the power to stop this, and zoning is the mechanism by which you can legally stop it.

2:4:57.530 --> 2:5:4.800

Sophie Moiese Room

So to be clear, I'm not talking about the zoning variance on the 80 acres or 70 acres to the South, but the current pit.

2:5:5.110 --> 2:5:14.160

Sophie Moiese Room

The current pit could stay in operation to 2045 or beyond, continuing to do all the bad stuff you you just described is, is that correct?

2:5:14.610 --> 2:5:15.430

Sophie Moiese Room

That is correct.

2:5:15.440 --> 2:5:18.560

Sophie Moiese Room

Yeah, but scope and nature is different. Obviously.

2:5:18.570 --> 2:5:21.550

Sophie Moiese Room

Yeah, you're talking about 75 versus 150 acres.

2:5:21.560 --> 2:5:29.310

Sophie Moiese Room

So yeah, but and current site and that that's why I guess and again excuse me for getting some of this wrong.

2:5:29.660 --> 2:5:30.950

Sophie Moiese Room

What I'm what?

2:5:30.960 --> 2:5:34.690

Sophie Moiese Room

I feel like I'm hearing from both proponents and opponents.

2:5:34.700 --> 2:5:46.740

Sophie Moiese Room

Are things like we need gravel right now and things like we gotta get this horrible carcinoid genic dust out of out of our lives right now my kids are in danger today.

2:5:46.810 --> 2:5:51.20

Sophie Moiese Room

I totally hear that it's very, very compelling and.

2:5:52.810 --> 2:6:22.120

Sophie Moiese Room

All that continues regardless of the issue before us today, if and again if I got it wrong, I apologize if I understand it correctly, we're deciding about a zoning variance on the additional 70 acres has not yet been touched, and the land that's being worked right now at this moment can continue to be worked as it is for the next 45 years, no matter what we say, no matter what we do, these giant trucks are gonna endanger your children's lives.

2:6:22.240 --> 2:6:23.300

Sophie Moiese Room

Dust is gonna fly.

2:6:23.310 --> 2:6:26.220

Sophie Moiese Room

It's gonna be terrible, no matter what we do.

2:6:26.290 --> 2:6:27.330

Sophie Moiese Room

So I guess I'm wondering.

2:6:29.440 --> 2:6:33.810

Sophie Moiese Room

Why not attempt to stop the gravel pit from existing like it?

2:6:33.820 --> 2:6:38.350

Sophie Moiese Room

Given it, there's this history that that is really murky and kind of a mess.

2:6:38.570 --> 2:6:40.70

Sophie Moiese Room

But it isn't what we can do.

2:6:40.180 --> 2:6:52.740

Sophie Moiese Room

It sounds to me like if I'm getting it wrong again, I apologize like there would be the best thing for the neighbors is for the gravel pit to go away tomorrow and but I it, it doesn't feel like that is up to us at this moment.

2:6:52.830 --> 2:6:57.300

Sophie Moiese Room

What we're talking about is what's gonna happen in the next 45 years.

2:6:57.310 --> 2:7:8.350

Sophie Moiese Room

And again, if I get it wrong, it sounds like the Western folks are going to slowly decommission the old pit as they begin to mine in the new pit.

2:7:9.90 --> 2:7:25.740

Sophie Moiese Room

And maybe there's a way we can make it so such that the actual amount of actively mined ground doesn't increase and they take mitigation measures that could help the neighbors right now.

2:7:25.930 --> 2:7:35.60

Sophie Moiese Room

Because if, if, if they don't do anything, they just keep mine and keep going straight ahead for the next 44 next 25 years, it's gonna be terrible for the neighbors.

2:7:35.130 --> 2:7:45.10

Sophie Moiese Room

So I'm trying to find a path here where it's actually better for the neighbors and just saying no to the expansion isn't going to be better for the neighbors.

2:7:45.540 --> 2:7:47.550

Sophie Moiese Room

Truthfully, we're not gonna be here.

2:7:47.760 --> 2:7:52.580

Sophie Moiese Room

The kids whose lives are so negatively affected will be gone and coming back with their grandkids.

2:7:53.510 --> 2:7:54.920

Sophie Moiese Room

You see where I'm headed with this?

2:7:54.990 --> 2:7:55.610

Sophie Moiese Room

I I do.

2:7:55.620 --> 2:8:5.470

Sophie Moiese Room

And I I think I have at least a A a decent response for you, which is step one in any situation like this has to be to to stop the bleeding or or don't make it worse.

2:8:5.790 --> 2:8:16.60

Sophie Moiese Room

Right, So what you're asking about is the cumulative effect of adding something new to what is already bad, and so step one has to be don't make the problem worse.

2:8:16.990 --> 2:8:27.300

Sophie Moiese Room

Don't make this thing worse than it already is, because any rationalization of this in which you're making the problem worse doesn't address any of the very real concerns that have been raised.

2:8:27.550 --> 2:8:31.270

Sophie Moiese Room

So step one has to be don't make the problem worth Step 2.

2:8:31.280 --> 2:8:32.530

Sophie Moiese Room

For my clients, you're correct.

2:8:32.540 --> 2:8:45.610

Sophie Moiese Room

So when I started to look at this, that had to be from my strategy perspective as step one is stopped, the use variance Step 2 is we're going to challenge the underlying case in court.

2:8:46.170 --> 2:8:59.790

Sophie Moiese Room

So that's a totally separate process under the uniformed Declaratory Judgment Act, where we're gonna ask a court to invalidate the illegal certificate of zoning compliance that was established here back starting in 1993, that will be fought.

2:8:59.800 --> 2:9:4.50

Sophie Moiese Room

We're going to have a big, long litigation about this that will probably go to the Montana Supreme Court.

2:9:4.130 --> 2:9:8.410

Sophie Moiese Room

Tons of money will be spent arguing about that issue, and maybe one day we'll get an answer.

2:9:8.540 --> 2:9:10.490

Sophie Moiese Room

Somebody will win and somebody will lose.

2:9:10.920 --> 2:9:12.350

Sophie Moiese Room

That's how litigation works.

2:9:12.680 --> 2:9:19.400

Sophie Moiese Room

But this is a public process in which you guys have the power to not make this worse, and that's the best thing that you can do here today.

2:9:20.880 --> 2:9:39.380

Sophie Moiese Room

So I wonder if in not making it worse, we could get the company to take some active measures to mitigate some of the impacts that you very articulately described are there, are there things we could get them to do now that would make life better for the neighbors?

2:9:40.880 --> 2:9:41.830

Sophie Moiese Room

We'd like to see a.

2:9:41.840 --> 2:9:42.120

Sophie Moiese Room

Yeah.

2:9:42.130 --> 2:9:45.950

Sophie Moiese Room

Let's see an advanced hydrologic analysis of shallow groundwater in the area.

2:9:46.100 --> 2:9:51.770

Sophie Moiese Room

Let's see analysis of dust and air flow at the surface level, where people are breathing it.

2:9:51.850 --> 2:9:55.330

Sophie Moiese Room

Let's see a promise about how many trucks are gonna come in and out an hour.

2:9:55.520 --> 2:9:57.310

Sophie Moiese Room

Let's see a promise of a date.

2:9:57.320 --> 2:9:58.790

Sophie Moiese Room

Certain that this is gonna end.

2:9:58.860 --> 2:10:2.670

Sophie Moiese Room

Those are things that you guys don't have before you to consider.

2:10:2.860 --> 2:10:9.170

Sophie Moiese Room

Those are relevant factors that would go into all of the considerations that you should be making, and it's just not here.

2:10:9.270 --> 2:10:10.680

Sophie Moiese Room

So you have to deny this today.

2:10:11.30 --> 2:10:16.40

Sophie Moiese Room

So what if there were to stay mining as they are?

2:10:16.960 --> 2:10:19.670

Sophie Moiese Room

We have no leverage to make them do any of those things.

2:10:20.860 --> 2:10:28.590

Sophie Moiese Room

If I understand it right, we can condition approval and force them to do some of those things and maybe other things, giving them not a scientist.

2:10:28.700 --> 2:10:33.770

Sophie Moiese Room

But if we are just to say no, they get to keep doing exactly what they're doing.

2:10:33.780 --> 2:10:34.970

Sophie Moiese Room

We have no leverage.

2:10:35.60 --> 2:10:46.530

Sophie Moiese Room

It feels like this crazy spot where our, our, our our leverage is by saying yes and then conditioning that yes and again I'm just asking here.

2:10:46.540 --> 2:10:55.260

Sophie Moiese Room

I'm not making any declarations, no I and I get where you're coming from it and you're not wrong that you have authority to make conditions because of the application that's before you.

2:10:55.270 --> 2:11:4.150

Sophie Moiese Room

By virtue of the process exactly, and I would just beg the question of why these conditions weren't imposed in the 1st place on the site.

2:11:4.160 --> 2:11:4.810

Sophie Moiese Room

I have no idea.

2:11:4.870 --> 2:11:5.660

Sophie Moiese Room

Was not here.

2:11:5.700 --> 2:11:6.320

Sophie Moiese Room

Understand.

2:11:6.370 --> 2:11:6.940

Sophie Moiese Room

Understand.

2:11:6.990 --> 2:11:19.560

Sophie Moiese Room

But that is obviously the elephant in the room here is that we're talking about something that went from something that was the size of this room to something that's now taking up a half 80 acres of land.

2:11:19.940 --> 2:11:24.290

Sophie Moiese Room

And there has been no mitigation that's ever been implemented.

2:11:24.300 --> 2:11:31.510

Sophie Moiese Room

And so now all you can do is talk about mitigation going forward on the additional cumulative impact, right?

2:11:31.580 --> 2:11:55.200

Sophie Moiese Room

The additional cumulative impact of adding more pollution, adding more nuisance to a neighborhood that specifically zoned excluding that where there was also a non growth of the non compliance within the zoning regulations where it says no nonconforming uses will be allowed to grow here and that's exactly what's happened and that's exactly what we're talking about doing now.

2:11:56.230 --> 2:12:3.420

Sophie Moiese Room

So I'm gonna say it's not the elephant in the room, which is like the big hidden thing that we're not acknowledging and be like, we're totally acknowledging it.

2:12:3.490 --> 2:12:6.110

Sophie Moiese Room

And and I have no rationalization for it wasn't here.

2:12:6.120 --> 2:12:6.520

Sophie Moiese Room

It can't.

2:12:6.570 --> 2:12:15.710

Sophie Moiese Room

Can't explain it and yet here we are with this gravel pit next to a neighborhood that's spewing and doing all this terrible stuff and making life crappy for the neighbors.

2:12:15.720 --> 2:12:16.620

Sophie Moiese Room

No argument.

2:12:16.630 --> 2:12:17.910

Sophie Moiese Room

I wouldn't want to live there myself.

2:12:19.150 --> 2:12:24.900

Sophie Moiese Room

Is there something we can do actively right now to make life better for the neighbors?

2:12:24.990 --> 2:12:34.540

Sophie Moiese Room

And if the is it true that the way to get to that doing something right for the neighbors is strangely by saying yes and then conditioning that?

2:12:34.550 --> 2:12:34.880

Sophie Moiese Room

Yes.

2:12:34.980 --> 2:12:39.0

Sophie Moiese Room

Because if we say no, then everything just slows.

2:12:39.40 --> 2:12:40.790

Sophie Moiese Room

Sir, please sit down, Sir.

2:12:40.800 --> 2:12:42.560

Sophie Moiese Room

And others in the audience.

2:12:42.570 --> 2:12:46.660

Sophie Moiese Room

And I we're please don't mistake my passion for I'm just asking.

2:12:46.670 --> 2:12:53.390

Sophie Moiese Room

And the answer to your question, when you just distill down what you're saying, which is what can you do right?

2:12:53.470 --> 2:12:54.80

Sophie Moiese Room

What can you?

2:12:54.430 --> 2:13:2.380

Sophie Moiese Room

Well, so then the question is like your your balancing as mitigating conditions on the growth of this site better for the community than denying it.

2:13:2.470 --> 2:13:5.650

Sophie Moiese Room

That's the question that that you're really asking, and I'm openly asking.

2:13:5.710 --> 2:13:7.400

Sophie Moiese Room

It might more openly sang.

2:13:7.530 --> 2:13:10.80

Sophie Moiese Room

I don't know which way I'm going to vote on, but this is wide open.

2:13:10.90 --> 2:13:12.340

Sophie Moiese Room

This is this is thinking in public here.

2:13:12.570 --> 2:13:13.570

Sophie Moiese Room

It might be.

2:13:13.970 --> 2:13:17.60

Sophie Moiese Room

What if we, if we're gonna say hell no, the whole thing with species.

2:13:17.70 --> 2:13:17.600

Sophie Moiese Room

It's terrible.

2:13:17.610 --> 2:13:18.850

Sophie Moiese Room

We're just saying no right now.

2:13:19.340 --> 2:13:27.990

Sophie Moiese Room

They just continue on as they have been going for 20-30, could be 40 years and that's terrible for the neighborhood.

2:13:28.600 --> 2:13:37.930

Sophie Moiese Room

If if we were to say yes and and you're gonna do some of the analysis you asked for and they're gonna take other measures, it could actually be better for than hammerhead.

2:13:38.380 --> 2:13:46.390

Sophie Moiese Room

OK, I will agree with you that hypothetically that could be true, but there is nothing in the mitigating report that we saw here today that would lead to that conclusion.

2:13:46.560 --> 2:13:52.350

Sophie Moiese Room

So if they said yes, we're gonna be done in five years, I would absolutely advise my client that that is a good deal.

2:13:52.500 --> 2:13:58.840

Sophie Moiese Room

We should drop our objection to this process because in five years they're gonna be done and that's how long it's going to take us to litigate this thing anyway.

2:13:59.220 --> 2:14:1.330

Sophie Moiese Room

So yeah, that's a good deal.

2:14:1.510 --> 2:14:6.730

Sophie Moiese Room

But saying ohh yeah, let's agree to, they won't even agree to a date in the 1st place.

2:14:6.740 --> 2:14:8.590

Sophie Moiese Room

So well, we're not done negotiating.

2:14:8.660 --> 2:14:9.290

Sophie Moiese Room

OK.

2:14:9.350 --> 2:14:15.230

Sophie Moiese Room

So I'd say, you know, if we're gonna start, we need to be talking about a very short time frame because you're talking about public health risks.

2:14:15.240 --> 2:14:22.770

Sophie Moiese Room

So, like people, don't I mean you don't have forever to inhale carcinogenic dust before you develop cancer.

2:14:22.940 --> 2:14:26.290

Sophie Moiese Room

So these are things that have to happen quickly.

2:14:26.440 --> 2:14:30.290

Sophie Moiese Room

Alright, groundwater, once it's polluted, you can't take the ink out of the milk.

2:14:30.580 --> 2:14:41.950

Sophie Moiese Room

That is something that has happened then, so you know I I there is a hypothetical world in which you're right, in which case the best case scenario is some sort of very stringent conditions.

2:14:41.960 --> 2:14:46.570

Sophie Moiese Room

But we haven't seen any of those proposed and I'm just gonna guess that they're not going to agree to it.

2:14:46.900 --> 2:14:48.930

Sophie Moiese Room

So I'm sorry to interrupt.

2:14:48.940 --> 2:14:54.460

Sophie Moiese Room

No, I mean, to me, the very best thing that you can do is deny this variance.

2:14:54.470 --> 2:14:56.820

Sophie Moiese Room

That's the best thing for the community undisputably.

2:14:56.830 --> 2:15:0.350

Sophie Moiese Room

And then you let us fight about the illegality of the underlying site in court.

2:15:0.390 --> 2:15:8.540

Sophie Moiese Room

So and you're super compelling, but I'm not quite sold because if we just say no, everything just continues on as it is, which is crappy.

2:15:8.780 --> 2:15:10.300

Sophie Moiese Room

So I wonder, I'm almost done.

2:15:10.350 --> 2:15:10.960

Sophie Moiese Room

OK.

2:15:11.30 --> 2:15:12.550

Sophie Moiese Room

And I promise I'll shut up for a while.

2:15:12.560 --> 2:15:13.640

Sophie Moiese Room

You'll be so grateful.

2:15:13.770 --> 2:15:18.700

Sophie Moiese Room

And I bet we even have a chance to answer or ask the applicant some of those very questions.

2:15:18.710 --> 2:15:23.380

Sophie Moiese Room

I'm just wondering if you and the applicant were to go off somewhere.

2:15:23.390 --> 2:15:24.300

Sophie Moiese Room

Not here today.

2:15:24.310 --> 2:15:25.180

Sophie Moiese Room

It's too intense.

2:15:25.190 --> 2:15:45.100

Sophie Moiese Room

It's too time constrained and and talk about this a little bit because maybe there's a way we say yes and and and are some of the very reasonable, very powerful sounds like very smart things you're talking

about because if we just say no life just continues on as it is, which is obviously not good for the neighborhood.

2:15:45.110 --> 2:15:53.970

Sophie Moiese Room

And I strongly suggest we try not to figure it out here today, but have you guys go off and talk about it and see if you can come up with some things that you agree on.

2:15:54.550 --> 2:15:55.650

Sophie Moiese Room

I'm all for it.

2:15:55.660 --> 2:16:2.520

Sophie Moiese Room

You know, if you guys wanted to ask us to go to mediation, you know, that's something that I think usually does have have a good possibility.

2:16:2.530 --> 2:16:6.260

Sophie Moiese Room

And I always think sounds appealing, compromise, and I would encourage that here.

2:16:6.270 --> 2:16:12.0

Sophie Moiese Room

I'm just gonna guess that when they come back up here, the conditions that we're asking for are not gonna be favorable.

2:16:12.170 --> 2:16:18.610

Sophie Moiese Room

They're not going to be things that the company is willing to agree to, and I'd be happy to be proved and there's unfortunately closing a door too soon.

2:16:19.930 --> 2:16:20.980

Sophie Moiese Room

I'll look and thank.

2:16:20.990 --> 2:16:22.460

Sophie Moiese Room

Thank you for this back and forth.

2:16:22.470 --> 2:16:23.200

Sophie Moiese Room

I appreciate it.

2:16:23.210 --> 2:16:23.660

Sophie Moiese Room

No, thank you.

2:16:23.670 --> 2:16:30.70

Sophie Moiese Room

Sounds like the Commissioners hourglass is half full, so I in public comment has done, Sir, the public hearing is closed.

2:16:30.960 --> 2:16:33.580

Sophie Moiese Room

So additional questions, Tyler.

2:16:34.780 --> 2:16:35.730

Sophie Moiese Room

Sorry, Graham, can you?

2:16:40.640 --> 2:16:44.490

Sophie Moiese Room

And I don't know if you have the legal answer for this or just your, you know your opinion.

2:16:44.500 --> 2:16:53.200

Sophie Moiese Room

But I think the concept that in in nonconforming use can't grow when it's a gravel pit is kind of nebulous to me.

2:16:53.210 --> 2:17:0.340

Sophie Moiese Room

Like, clearly, you're not gonna like every stone you unturn is growing, at what point?

2:17:0.350 --> 2:17:7.840

Sophie Moiese Room

They're staying within the boundaries of the parcel that they had is my understanding when the zoning district was passed.

2:17:7.910 --> 2:17:11.260

Sophie Moiese Room

Are you suggesting that they can't dig any deeper?

2:17:11.270 --> 2:17:17.520

Sophie Moiese Room

They can't dig any wider, they just can't dig because that seems to defeat the purpose of a nonconforming use. Yeah.

2:17:17.530 --> 2:17:23.180

Sophie Moiese Room

So I would say that the question revolves around the nature and the scope of what we're doing and that's what we've seen.

2:17:23.190 --> 2:17:24.600

Sophie Moiese Room

The Montana Supreme Court say.

2:17:24.770 --> 2:17:27.590

Sophie Moiese Room

And so if we look at the case and citizens.

2:17:30.580 --> 2:17:57.690

Sophie Moiese Room

From the the and I'm not having the case side, but the Flathead like water bottling can't plant and the zoning district that was initiated by the citizens in that case, what the court actually said was that the bottling plant got to stay, but they could only bottle water up to the the actual volume that they were doing at that time that they couldn't grow that operation to to bottle more bottles beyond that which was occurring at the date that the zoning went into effect.

2:17:57.780 --> 2:18:4.70

Sophie Moiese Room

And so that's a case where you have a plant that's a fixed plant in a building that's inside that wasn't gonna grow.

2:18:4.80 --> 2:18:14.810

Sophie Moiese Room

They were just gonna process more materials, which would have caused increased truck traffic and stuff like that, but the actual size of the actual ground disturbance wasn't gonna change at all.

2:18:15.60 --> 2:18:22.230

Sophie Moiese Room

And So what we're looking at is the nature and the scope of what existed at the time that the zoning went into effect.

2:18:22.340 --> 2:18:35.460

Sophie Moiese Room

And so Jenny had some slides that we had procured that or photographs that showed a very small disturbance at the time that well, I guess there wasn't a photo directly from 1976, but that was from the 1960s.

2:18:35.690 --> 2:18:37.440

Sophie Moiese Room

And so that's the best.

2:18:37.610 --> 2:18:40.120

Sophie Moiese Room

What that we have, Mr Hendrickson, I guess, said.

2:18:40.130 --> 2:18:46.420

Sophie Moiese Room

And attested to A5 acre development at the time, which so that's the fixed site.

2:18:46.430 --> 2:18:50.480

Sophie Moiese Room

It's not the depth of mining, it's the nature of the disturbance.

2:18:50.490 --> 2:18:57.200

Sophie Moiese Room

So how far linearly it went on each side and how much actual work was being done.

2:18:57.210 --> 2:19:6.70

Sophie Moiese Room

So if we really wanted to drill down and it would be how many cubic yards of gravel was he moving at that time that this one into affect how many trucks were being used?

2:19:6.140 --> 2:19:8.990

Sophie Moiese Room

How much were their commercial gross sales at the time?

2:19:9.80 --> 2:19:11.310

Sophie Moiese Room

Those are the questions that the court is gonna ask.

2:19:12.160 --> 2:19:12.590

Sophie Moiese Room

OK.

2:19:12.760 --> 2:19:17.400

Sophie Moiese Room

One follow up question umm that that is actually really helpful.

2:19:17.410 --> 2:19:30.720

Sophie Moiese Room

So what you're suggesting is they wouldn't be able to just dig deeper forever and ever and ever into the groundwater because it sounds it sounded to me like there's nothing preventing them from digging into the groundwater except revising their DEQ permit there.

2:19:30.790 --> 2:19:33.560

Sophie Moiese Room

Yeah, my, the zoning.

2:19:33.890 --> 2:19:44.780

Sophie Moiese Room

Other than zoning, my next question, I guess with my last question actually for you is you talked about environmental degradation and how this is detrimental obviously to the environment.

2:19:44.850 --> 2:19:47.270

Sophie Moiese Room

But then you talk about we should just move this somewhere else.

2:19:47.280 --> 2:19:51.250

Sophie Moiese Room

How does that not just moving the environmental degradation somewhere else?

2:19:51.570 --> 2:19:57.640

Sophie Moiese Room

Well, it would be, but you'd be moving it somewhere that didn't have zoning, which is the question that you're to consider.

2:19:58.20 --> 2:20:6.220

Sophie Moiese Room

And so obviously when you go and do this in a place where there's not zoning, then there is no analysis like this for you all to consider.

2:20:6.230 --> 2:20:14.940

Sophie Moiese Room

And so that's where I would be before the Board of Environmental Review with these same people, if we weren't here and would be arguing about those issues in a different venue.

2:20:15.30 --> 2:20:27.340

Sophie Moiese Room

So it's it's essentially your jurisdictional authority to look at an issue is related to zoning, but if we weren't in a zone Daria, it would be fighting about this in a different venue.

2:20:27.510 --> 2:20:38.110

Sophie Moiese Room

And essentially I think ultimately what we're gonna have to do is challenge the entire constitutionality of HP 599, which was the law that stripped EQ's authority to look at these issues in the 1st place.

2:20:38.550 --> 2:20:45.730

Sophie Moiese Room

And so it's not that those issues aren't relevant in that we're saying let's just kick the can to somebody else's backyard.

2:20:45.740 --> 2:20:48.550

Sophie Moiese Room

It's that it would be a different venue for us to fight about it.

2:20:49.320 --> 2:20:50.710

Sophie Moiese Room

A different legal mechanism too.

2:20:51.630 --> 2:21:3.850

Sophie Moiese Room

So just just following up on something that Tyler started with as far as the non conforming use, uh, and the use that was in effect when zoning was adopted for this area.

2:21:3.920 --> 2:21:9.830

Sophie Moiese Room

So I I think I heard you or your colleague mentioned 160 acre parcel.

2:21:10.340 --> 2:21:13.270

Sophie Moiese Room

Did I hear that it erroneously?

2:21:13.580 --> 2:21:14.740

Sophie Moiese Room

Somebody said that, yeah.

2:21:17.330 --> 2:21:18.120

Sophie Moiese Room

OK.

2:21:18.180 --> 2:21:19.830

Sophie Moiese Room

So I guess the question would be.

2:21:19.890 --> 2:21:19.980

Sophie Moiese Room

The.

2:21:22.940 --> 2:21:27.640

Sophie Moiese Room

And maybe I need to have John come up here and and speak to this in in a second.

2:21:29.550 --> 2:21:30.870

Sophie Moiese Room

Well, maybe John.

2:21:30.880 --> 2:21:33.390

Sophie Moiese Room

And since John said it, maybe he is the appropriate person.

2:21:33.400 --> 2:21:37.60

Sophie Moiese Room

Uh, like I can just tell you that the parcel size is irrelevant.

2:21:37.410 --> 2:21:39.740

Sophie Moiese Room

It from a legal perspective that that's what you're getting at.

2:21:40.540 --> 2:21:51.760

Sophie Moiese Room

Yeah, I guess what I'm getting at is, is if the gravel mining operation, the footprint of it was smaller than 160 acres, but it's part of a larger 160 acre tract.

2:21:51.770 --> 2:22:16.690

Sophie Moiese Room

160 acre tract to what extent acreage wise or size wise geographically is the nonconformance, does it extend out to the entire parcel somehow or is it just the footprint of the nonconformity well and that's the kind of the same question that Tyler got asked about which is the nature and the scope of the nonconforming use at the time that the zoning went to effect.

2:22:16.700 --> 2:22:24.90

Sophie Moiese Room

And so like in the example of the bottling plant, it was the amount of commercial activity that was happening at the time.

2:22:24.340 --> 2:22:49.20

Sophie Moiese Room

So exactly the questions that are gonna become relevant is what was the volume that was being moved, what was the size of the land disturbance at that time, what was the gross income of the company as it existed at that date, just like in the cases that involve restaurants and nonconforming uses, this board has asked how many tables were there at the time that the restaurant was developed?

2:22:49.110 --> 2:22:54.640

Sophie Moiese Room

So an increase in tables as an increase in scope and so that that's really what you're talking about.

2:22:54.650 --> 2:23:0.120

Sophie Moiese Room

There is no right to expand and definitely out to the the the parcel boundaries of.

2:23:0.130 --> 2:23:1.80

Sophie Moiese Room

That's what you're asking.

2:23:1.550 --> 2:23:2.400

Sophie Moiese Room

Thanks, Mr.

2:23:2.410 --> 2:23:5.370

Sophie Moiese Room

Mr Kappus, did you have anything you wanted to add to that or no?

2:23:7.910 --> 2:23:8.460

Sophie Moiese Room

Yeah.

2:23:8.510 --> 2:23:11.720

Sophie Moiese Room

Thank you, Mr Coppess, this is tough to keep straight here.

2:23:11.730 --> 2:23:14.100

Sophie Moiese Room

Sorry, gentlemen, from Western then I won't get the name wrong.

2:23:23.990 --> 2:23:54.100

Sophie Moiese Room

Just wondering if you are willing to speak with the folks in the Carlton Trust about mitigation measures, additional mitigation measures you could take for the benefit of the neighborhood, not here and now it's too much for right here and now, but step away and have a conversation because that may be I'm going to stress the might be might be a path forward here kind of where I'm headed is that our way to make things better for the neighbors now is to condition an approval.

2:23:55.600 --> 2:23:57.130

Sophie Moiese Room

Are you willing to go off?

2:23:57.220 --> 2:23:57.800

Sophie Moiese Room

Talk with.

2:23:57.810 --> 2:24:6.760

Sophie Moiese Room

Talk with them about additional mitigation measures that would actually make things better for the neighbors, but I think our actions in this process is showed that we are.

2:24:6.770 --> 2:24:11.80

Sophie Moiese Room

I mean, we had a public meeting in November to meet with the neighborhood here.

2:24:11.90 --> 2:24:11.850

Sophie Moiese Room

They're concerns.

2:24:11.860 --> 2:24:23.310

Sophie Moiese Room

We've heard their concerns over the time frame to establish mitigation, so if there's additional mitigation that we can agree to that will help the neighborhood, we would have no problem.

2:24:23.350 --> 2:24:39.560

Sophie Moiese Room

So during that clear, you're saying you would go meet, meet with the folks in the Carlton Trust and have conversations leading towards some additional mitigation measures that you could all agree to because we could enforce those, we could condition an approval and enforce those.

2:24:39.650 --> 2:24:46.880

Sophie Moiese Room

If we without an without an approval, we have no leverage to enforce any new behavior, that's where that's where I'm headed.

2:24:46.890 --> 2:24:50.850

Sophie Moiese Room

So if you're open to that, I I I would love to see you all go do that.

2:24:50.940 --> 2:24:52.550

Sophie Moiese Room

I'm only a voice of one of five.

2:24:52.560 --> 2:24:54.290

Sophie Moiese Room

Here are you saying? Yes.

2:24:54.820 --> 2:24:56.700

Sophie Moiese Room

Yeah, would be willing to talk to him.

2:24:56.740 --> 2:24:57.100

Sophie Moiese Room

Thank you.

2:24:57.840 --> 2:24:57.980

Sophie Moiese Room

Thank.

2:24:58.740 --> 2:24:59.390

Sophie Moiese Room

Thank you, Sir.

2:25:0.100 --> 2:25:1.790

Sophie Moiese Room

Change Shane day.

2:25:1.860 --> 2:25:2.330

Sophie Moiese Room

Yeah.

2:25:2.340 --> 2:25:2.790

Sophie Moiese Room

Thanks Dave.

2:25:2.800 --> 2:25:5.660

Sophie Moiese Room

And since you're up here, I thought it would just lead in because I.

2:25:5.700 --> 2:25:8.760

Sophie Moiese Room

Because I think, Mr Coppess, you know, brings up a valid point.

2:25:8.770 --> 2:25:12.220

Sophie Moiese Room

And that's kind of where I was going as like, you know, groundwater makes me a little nervous.

2:25:12.230 --> 2:25:17.410

Sophie Moiese Room

And when you're digging into that, you are potentially impacting those those neighbors.

2:25:17.470 --> 2:25:23.190

Sophie Moiese Room

And if we could, or if you could, I don't know if you're willing to do this, evaluate.

2:25:23.300 --> 2:25:24.330

Sophie Moiese Room

You know what?

2:25:24.340 --> 2:25:36.580

Sophie Moiese Room

That groundwater is doing, you know, and if you are digging into the existing material, what what's the long term impact to the neighbors as far as the groundwater goes?

2:25:36.590 --> 2:26:11.720

Sophie Moiese Room

And I think if we would make me feel more comfortable trying to make a decision because right now I just don't have enough information to say, you know, I'm really comfortable with you moving forward knowing that you potentially are impacting your neighbors and that's why, you know, one of the mitigations of we put out there is we will not dig into the groundwater and we are right now our only impact to the water is pumping for the wells we have as far as we are required by DEQ to have containment for all of our fuel and.

2:26:11.870 --> 2:26:16.430

Sophie Moiese Room

To deal with storm water so that it does not impact the groundwater.

2:26:16.520 --> 2:26:26.250

Sophie Moiese Room

But if there's additional things we could do or additional studies we could do to make the make sure that we are not impacting the groundwater, we'd be open to that for certain.

2:26:26.300 --> 2:26:27.290

Sophie Moiese Room

Shane, do you have some?

2:26:27.720 --> 2:26:33.520

Sophie Moiese Room

If not here in the future, would you have some specific ideas what that analysis might look like?

2:26:33.890 --> 2:26:41.700

Sophie Moiese Room

I certainly, you know, I could look into it, but I I would put it on Western to to to provide that information, to make us feel a little bit better too.

2:26:41.710 --> 2:26:45.920

Sophie Moiese Room

And the neighbors, frankly, I mean, if I live there and I was concerned about groundwater.

2:26:46.590 --> 2:26:51.770

Sophie Moiese Room

Yeah, I that's something that I would really want to know is that the same as a transmissivity report?

2:26:54.50 --> 2:26:55.170

Sophie Moiese Room

That groundwater analysis.

2:26:56.770 --> 2:26:57.260

Sophie Moiese Room

OK.

2:26:57.330 --> 2:26:59.740

Sophie Moiese Room

OK, could be OK.

2:27:0.110 --> 2:27:0.380

Sophie Moiese Room

Thank.

2:27:0.390 --> 2:27:1.580

Sophie Moiese Room

Thank you. Yeah.

2:27:6.290 --> 2:27:6.590

Sophie Moiese Room

Come on.

2:27:8.220 --> 2:27:8.720

Sophie Moiese Room

Come on up, Sir.

2:27:11.550 --> 2:27:13.640

Sophie Moiese Room

Hi, Mike Smith, WGM uh.

2:27:14.90 --> 2:27:21.560

Sophie Moiese Room

I just wanted to address like so for the water quality and I and and quantity I would assume couple of things.

2:27:21.570 --> 2:27:22.540

Sophie Moiese Room

I just wanted to touch on.

2:27:23.150 --> 2:27:25.420

Sophie Moiese Room

There was a question of how do we know where the groundwater is?

2:27:25.490 --> 2:27:28.240

Sophie Moiese Room

John mentioned that we do have 33 wells on site.

2:27:28.290 --> 2:27:40.120

Sophie Moiese Room

There's clearly water levels in those wells, so it's it's a direct measurement of where the water is on those we could say and there was also a lot of wells in the area and identifying the aquifers that he talked about too.

2:27:40.370 --> 2:27:58.990

Sophie Moiese Room

But we could certainly, I mean it is possible to in in the past the DEQ, as Mr Kopas has noted that the DEQ has changed some of the requirements so that the applicant does not have to make a full groundwater investigation on many other sites.

2:27:59.40 --> 2:28:9.350

Sophie Moiese Room

So what we could do and is is just that look at water quality and water quantity as well As for all options out there.

2:28:10.60 --> 2:28:25.550

Sophie Moiese Room

I'm not sure if that answers kind of everything you're looking for, but I I think what you are hearing is that some additional groundwater analysis would be requested of this board chain.

2:28:25.560 --> 2:28:25.820

Sophie Moiese Room

Go ahead.

2:28:26.900 --> 2:28:28.650

Sophie Moiese Room

Yeah, I I would agree, David.

2:28:28.710 --> 2:28:30.990

Sophie Moiese Room

I think you just reading our comments.

2:28:31.0 --> 2:28:40.630

Sophie Moiese Room

You've got neighbors that are saying my well is drying up and I don't know if that's a result of you guys pumping a lot of water out because a wash plant you guys are gonna burn through a lot of water.

2:28:40.640 --> 2:28:41.390

Sophie Moiese Room

And I don't know.

2:28:41.400 --> 2:28:42.900

Sophie Moiese Room

I just don't know enough about your.

2:28:42.980 --> 2:28:43.550

Sophie Moiese Room

Just don't.

2:28:43.610 --> 2:28:45.490

Sophie Moiese Room

I just don't know enough about your operation.

2:28:45.640 --> 2:28:54.330

Sophie Moiese Room

I can directly address that for sure that the least consumptive use for anything there is going to be the mine residences.

2:28:54.340 --> 2:29:20.580

Sophie Moiese Room

There are going to be much more consumptive and and even 10 times more consumptive than the residences is gonna be agricultural, so the if there's, you know, Senator predicate is up there, that's where they the the the use the volumes that the mind is currently using is not and not being in the same aquifer, they're not impacting the things, but you need a A survey or an investigation approve that right and that you're telling me that.

2:29:20.590 --> 2:29:24.600

Sophie Moiese Room

But I have nothing that shows me that and so and and and.

2:29:24.610 --> 2:29:26.430

Sophie Moiese Room

If you can do that, that would also help us.

2:29:26.440 --> 2:29:30.720

Sophie Moiese Room

We also have people telling you that carcinogenic dust is flying around.

2:29:31.250 --> 2:29:34.820

Sophie Moiese Room

We don't have proof for that either, but I didn't ask you about carcinogenic dust.

2:29:34.830 --> 2:29:35.220

Sophie Moiese Room

OK.

2:29:36.110 --> 2:29:36.740

Sophie Moiese Room

Thanks.

2:29:36.790 --> 2:29:37.440

Sophie Moiese Room

Thank you.

2:29:37.730 --> 2:29:38.950

Sophie Moiese Room

Before you sit down, Sir.

2:29:39.290 --> 2:29:42.60

Sophie Moiese Room

Josh, I just want to make sure I heard this right.

2:29:42.70 --> 2:29:47.930

Sophie Moiese Room

Uh, 335 gallons per minute wells and water's going into a pond in your recycling.

2:29:47.940 --> 2:29:48.470

Sophie Moiese Room

That water.

2:29:48.540 --> 2:30:0.920

Sophie Moiese Room

Yeah, the 35 gallon per minute reference is to the permitted water, right uses of that, they cannot legally extract more than 35 gallons per minute every minute, every day.

2:30:0.930 --> 2:30:1.320

Sophie Moiese Room

Yeah.

2:30:1.360 --> 2:30:1.620

Sophie Moiese Room

Yeah.

2:30:1.820 --> 2:30:8.450

Sophie Moiese Room

And we are way below and that's from coming from an agricultural background.

2:30:8.460 --> 2:30:9.620

Sophie Moiese Room

That's not a tremendous amount of water.

2:30:10.20 --> 2:30:13.490

Sophie Moiese Room

No, that's going into a well and then being recycled.

2:30:13.860 --> 2:30:15.870

Sophie Moiese Room

Yeah, it earned and sorry into a pond.

2:30:15.940 --> 2:30:18.930

Sophie Moiese Room

Well, well, it it goes into the pond and then it's within the pond.

2:30:18.940 --> 2:30:20.710

Sophie Moiese Room

It's recycled several times too.

2:30:20.720 --> 2:30:24.710

Sophie Moiese Room

They they extract from the pond and and I just want to make sure I heard it right.

2:30:24.720 --> 2:30:25.30

Sophie Moiese Room

Yeah.

2:30:25.90 --> 2:30:31.950

Sophie Moiese Room

So they're they're they are extract some from the ground using several times and then it eventually makes it way back to the same.

2:30:31.960 --> 2:30:33.700

Sophie Moiese Room

Well, that's OK.

2:30:33.710 --> 2:30:38.690

Sophie Moiese Room

I have a question about aquifers, then, are we talking about two different aquifers or water sources?

2:30:38.700 --> 2:30:54.520

Sophie Moiese Room

Because that's what we believe right now, but for to to Shane's point, we can prove that with a OK because I I don't even have a concept of of the aquifers that the 35 gallon wells are versus the aquifer that the neighborhood is tapping into.

2:30:54.530 --> 2:30:56.940

Sophie Moiese Room

And that as a neighborhood grows as you.

2:30:57.90 --> 2:30:57.930

Sophie Moiese Room

It doesn't.

2:30:57.940 --> 2:31:6.290

Sophie Moiese Room

You know our neighbors reducing their wells, but just because of growth to that particular Archer and I don't, yeah, clear on that.

2:31:7.810 --> 2:31:8.860

Sophie Moiese Room

I go ahead.

2:31:8.870 --> 2:31:15.760

Sophie Moiese Room

If you're asking is more houses affecting the the uses of their, I would say for sure.

2:31:15.770 --> 2:31:17.740

Sophie Moiese Room

I mean, there's a limited amount of water.

2:31:18.130 --> 2:31:18.680

Sophie Moiese Room

I would.

2:31:18.690 --> 2:31:30.370

Sophie Moiese Room

I would argue there's probably if there's agriculture close and it also depends on upgradient downgradient you know different aquifer, same aquifer, things like that.

2:31:30.810 --> 2:31:35.800

Sophie Moiese Room

But we could get that information, I guess is what Tyler and Shane were asking right?

2:31:36.470 --> 2:31:40.240

Sophie Moiese Room

That is what we're asking the applicant to provide a groundwater investigation.

2:31:40.710 --> 2:31:40.920

Sophie Moiese Room

Yeah.

2:31:40.930 --> 2:31:41.800

Sophie Moiese Room

And and those.

2:31:41.860 --> 2:31:47.930

Sophie Moiese Room

Yeah, that's unfortunately it's not something that I can go to a book and read.

2:31:47.940 --> 2:31:51.190

Sophie Moiese Room

And obviously there's gonna be some background research done for that. Right.

2:31:51.200 --> 2:31:52.150

Sophie Moiese Room

Thank you. Thanks.

2:31:53.740 --> 2:32:2.350

Sophie Moiese Room

So I have a question or two, so I believe these might have been posed by Mr Sherman earlier.

2:32:4.0 --> 2:32:6.690

Sophie Moiese Room

Maybe for Jenny and the the question went something like this.

2:32:6.700 --> 2:32:21.300

Sophie Moiese Room

What ensures that scenario two that's offered by the applicant will actually come to pass and and will not result in something else other than what's being proposed today.

2:32:22.600 --> 2:32:23.350

Sophie Moiese Room

Uh, thank you.

2:32:23.360 --> 2:32:23.830

Sophie Moiese Room

Yes.

2:32:23.880 --> 2:32:51.570

Sophie Moiese Room

So that is going to be reflected and the recommended condition number one under the legal descriptions of the properties that these conditions apply to and it states that they development agreement shall fall include the following provisions which cannot be revised or deleted without Missoula County, your approval and allows for county enforcement and the DEQ permit has to be revised to reflect this.

2:32:51.980 --> 2:33:2.240

Sophie Moiese Room

The first part of this, however, states that the applicant has to file a development agreement binding on Western materials as well as future law purchase purchasers.

2:33:2.370 --> 2:33:18.480

Sophie Moiese Room

So this will show up with a title search or any kind of transfer of ownership that these conditions apply on this property and are enforceable by the county through that provision in part one that I read to you about you, you have the authority to.

2:33:21.540 --> 2:33:24.900

Sophie Moiese Room

But to hear and take action if there is non compliance.

2:33:27.210 --> 2:33:27.710

Sophie Moiese Room

OK.

2:33:28.300 --> 2:33:33.140

Sophie Moiese Room

Uh, and again it it's it's not as though well, correct me if I'm wrong.

2:33:33.180 --> 2:33:39.310

Sophie Moiese Room

As with any case of compliance, it's it's going to be something that's typically reported to us.

2:33:39.380 --> 2:33:40.960

Sophie Moiese Room

We are not going to be out.

2:33:43.190 --> 2:33:49.330

Sophie Moiese Room

Inspecting years later, the the level of compliance or or are we?

2:33:50.230 --> 2:33:56.780

Sophie Moiese Room

I'm I I think there's not a a hard and fast answer to that.

2:33:56.790 --> 2:34:0.440

Sophie Moiese Room

I mean at times we have been out and seen violations.

2:34:0.790 --> 2:34:3.410

Sophie Moiese Room

Most often they do come as citizen complaint.

2:34:5.570 --> 2:34:12.650

Sophie Moiese Room

And we have a list that we go through it and try to manage those enforcement cases.

2:34:13.590 --> 2:34:22.530

Sophie Moiese Room

And but it can also come from observation or site visit as well or future request for a permit on the site.

2:34:22.710 --> 2:34:23.180

Sophie Moiese Room

OK.

2:34:23.190 --> 2:34:24.580

Sophie Moiese Room

Moving on to a second question.

2:34:24.590 --> 2:34:36.820

Sophie Moiese Room

Uh, something along the lines of why should the these folks who are in this Part 1 zoning district be penalized for being in a Part 1 zoning district?

2:34:36.910 --> 2:34:39.210

Sophie Moiese Room

So I guess another way to put it is.

2:34:41.580 --> 2:34:45.30

Sophie Moiese Room

I guess the question for you to begin with, why did Missoula?

2:34:45.160 --> 2:34:53.80

Sophie Moiese Room

Why has Missoula County moved away from Part 1 zoning to Part 2 zoning and and?

2:34:55.340 --> 2:34:57.110

Sophie Moiese Room

That what is the relevance?

2:34:57.120 --> 2:34:59.820

Sophie Moiese Room

I guess, Jenny, do you see in terms of the case at hand here?

2:35:2.90 --> 2:35:7.220

Sophie Moiese Room

The relevance is that the district, the kind of zoning that they're in right now, allows a use variance.

2:35:7.290 --> 2:35:16.600

Sophie Moiese Room

The Part 1 zoning does Part 1 zoning is older and it was what was used typically back in the 50s, sixties, sometimes 70s.

2:35:16.610 --> 2:35:17.740

Sophie Moiese Room

So maybe here's the question.

2:35:17.750 --> 2:35:22.250

Sophie Moiese Room

Why did we do away with use variances in Part 2?

2:35:22.930 --> 2:35:35.10

Sophie Moiese Room

Did we see this as a bad thing and that that there should not be that latitude or flexibility in determining whether a use variance is granted or not?

2:35:35.20 --> 2:35:36.910

Sophie Moiese Room

And that it should be more static.

2:35:39.40 --> 2:35:40.630

Sophie Moiese Room

I that is a.

2:35:40.680 --> 2:35:48.310

Sophie Moiese Room

Yeah, that seems like a reason I don't know the answer for sure, but that seems certainly like a reasonable conclusion that use variances.

2:35:49.0 --> 2:36:3.810

Sophie Moiese Room

So what we do now really are special exceptions and Part 1 zoning doesn't allow, doesn't have that tool and special exceptions in Part 2 zoning lets you take a look at the specifics of the situation and determine if it can fit.

2:36:4.360 --> 2:36:15.180

Sophie Moiese Room

So in the case in the case at hand, would what is being proposed here today fall under the category of a special exception or not?

2:36:15.250 --> 2:36:46.80

Sophie Moiese Room

And and I guess where I'm going with this is if we have the latitude to basically in our decision mimic Part 2 zoning and and not grant the zoning variance or include any mitigations and simply deny the the

request, why would we not do so if we have already determined over time that allowing use variances is a bad thing and we we we would not in Part 2 zoning today allow such a thing?

2:36:47.570 --> 2:37:1.650

Sophie Moiese Room

Ah, beyond the fact that you're that the state law doesn't prohibit and, and conversely authorizes use variances in part one, and the criteria are different for variances than they are for special exceptions.

2:37:1.660 --> 2:37:5.340

Sophie Moiese Room

Part 1 zones rarely if ever in Missoula County.

2:37:5.350 --> 2:37:15.330

Sophie Moiese Room

I don't know that I've seen a single one that has special exceptions, and so you don't realizing the the the framework that is in part one the option.

2:37:15.380 --> 2:37:21.760

Sophie Moiese Room

If you want to do something other than the often few things listed as permitted is use variance.

2:37:22.130 --> 2:37:39.230

Sophie Moiese Room

And as John has has continued to educate me over the years that you, the zoning has to be flexible enough to take a look, not necessarily approve but take a look at are there are deviations whether it's through variants or special exception appropriate.

2:37:40.240 --> 2:37:40.870

Sophie Moiese Room

OK.

2:37:41.280 --> 2:37:41.730

Sophie Moiese Room

Thank you.

2:37:41.740 --> 2:37:45.710

Sophie Moiese Room

Additional questions, Tyler, I've going for Jenny.

2:37:46.540 --> 2:38:6.790

Sophie Moiese Room

So and I don't know if you'll have the answer to this, so feel free to phone a friend I guess, But there's I honestly like this hasn't really been brought up, but I just personally have a concern over the bond amount, which seems insufficient to me for reclamation in 20 or potentially 50 years.

2:38:7.20 --> 2:38:10.850

Sophie Moiese Room

Is that something that we can put in the developer?

2:38:11.500 --> 2:38:13.590

Sophie Moiese Room

Forget whatever you're calling this agreement.

2:38:13.660 --> 2:38:35.810

Sophie Moiese Room

The conditions are the conditions of approval, whatever agreement this is and can we revisit that to

evaluate the scope of because I think I guess from my perspective what we heard John Kappas say was that I want to put a time frame on like this is the end of this mine because we don't know that we don't know what economic conditions will do.

2:38:36.80 --> 2:38:46.130

Sophie Moiese Room

Is there a way for us to evaluate over time in periodic increments what the disturbance is and require some kind of bonding to reclaim that?

2:38:46.190 --> 2:38:57.990

Sophie Moiese Room

If it were to end in addition, because again like I don't think a \$330,000 which is if memory serves me what their bond was is gonna cover reclamation in 2045.

2:39:0.230 --> 2:39:12.140

Sophie Moiese Room

Bonding and reclamation are entire fall entirely under the DEQ air quality or open cut mining permit and I guess I get that.

2:39:12.150 --> 2:39:25.690

Sophie Moiese Room

But I mean like, can the county separately from that or utilizing some other process do something to ensure that we're not in a situation sort of not to look like maybe John has looks like yeah John is joining your cap is come on up.

2:39:28.230 --> 2:39:35.510

Sophie Moiese Room

So that's one of the reasons the the in our DEQ permit, we won't be able to say this pit will go on forever.

2:39:35.520 --> 2:39:45.600

Sophie Moiese Room

We will have to set a date and that's why then the DQ allows that to be extended, but part of the that process is so that they can catch up on the bonding.

2:39:45.770 --> 2:40:6.560

Sophie Moiese Room

So our bonding right now, I believe for reclamation is 430,000 if I'm remembering right in 2045, that bond will be re calculated based on current costs and so that's how DQ keeps up with the the change in cost and bonds Tyler and I can definitely appreciate that.

2:40:6.570 --> 2:40:28.320

Sophie Moiese Room

I think my concern is history has not necessarily proven and this may be not true for gravel pits, but certainly you know, at the Bonner site, Missoula County has spent a bunch of money reclaiming and and just basically doing what the Anaconda Company and Atlantic Richfield and all these other companies didn't do, even though we had laws in place to do that.

2:40:28.330 --> 2:40:49.700

Sophie Moiese Room

So what I'm suggesting I guess, and would you be amenable to not that you have to answer right now, but maybe this can be part of your discussion is evaluating that on a more periodic basis than once every 25 or 30 years because and and that's what you know we're at 2045 now the reclamation we wouldn't set that out for 50 more years.

2:40:49.710 --> 2:40:54.400

Sophie Moiese Room

So it we would be on a, we'll be on a a more current rotation.

2:40:54.410 --> 2:41:1.560

Sophie Moiese Room

So when I when I said we don't want to set a date certain and our DEQ, we will set a date so that bonding gets reevaluated.

2:41:2.80 --> 2:41:17.800

Sophie Moiese Room

But what we're trying to do is not have a date set that that would in the uh mines life, while it's still had gravel resources available, but we would be in the process of keeping that bond up to date if.

2:41:19.700 --> 2:41:26.290

Sophie Moiese Room

Shane, go ahead like and just on that same topic, you can also reclaim as you're going too.

2:41:26.300 --> 2:41:35.890

Sophie Moiese Room

It's not like you have to reclaim the entire site all at once at the very end as you're mining and and and mining is complete in a location you could reclaim portions.

2:41:36.160 --> 2:41:50.770

Sophie Moiese Room

Well, the way we mitigated, uh, some of the concerns on this site that's gonna make it very difficult for us to do because we aren't going to move our processing equipment as we extract.

2:41:51.180 --> 2:42:2.780

Sophie Moiese Room

So our our processing equipment and our plants are gonna stay in the current pit and we're going just to extract the material from the new expansion.

2:42:2.940 --> 2:42:7.150

Sophie Moiese Room

And so all of our stockpiles and our processing will be on the current pit floor.

2:42:7.310 --> 2:42:15.600

Sophie Moiese Room

So that's why we can't move kind of move along and reclaim is because we're not going to move our plants into the new area.

2:42:16.300 --> 2:42:17.850

Sophie Moiese Room

Can go ahead, Josh.

2:42:17.980 --> 2:42:26.880

Sophie Moiese Room

So are you saying that, uh, the gear it takes to do the processing would take up the entirety of the space that you used to extract from?

2:42:30.720 --> 2:42:31.170

Sophie Moiese Room

OK.

2:42:31.180 --> 2:42:32.280

Sophie Moiese Room

I'll I'll try to another way.

2:42:32.290 --> 2:42:32.950

Sophie Moiese Room

Sorry about that.

2:42:33.180 --> 2:42:35.740

Sophie Moiese Room

So we got the current pit that you're on right now.

2:42:36.640 --> 2:42:38.450

Sophie Moiese Room

I could come piggyback enough.

2:42:38.460 --> 2:42:39.560

Sophie Moiese Room

What Shane said, could you?

2:42:42.350 --> 2:42:42.580

Sophie Moiese Room

Yeah.

2:42:42.590 --> 2:42:43.560

Sophie Moiese Room

What's the remediate?

2:42:43.570 --> 2:42:44.580

Sophie Moiese Room

Could you restore?

2:42:44.590 --> 2:42:46.440

Sophie Moiese Room

Could you do restoration as you go?

2:42:46.510 --> 2:42:47.730

Sophie Moiese Room

And that's what Shane asked.

2:42:47.770 --> 2:42:55.440

Sophie Moiese Room

And you were saying no, we can't do that restoration because we still have all our gear there, which sounds to me like like a spatial thing.

2:42:55.450 --> 2:43:3.690

Sophie Moiese Room

Like you can't restore where you've been digging because now you have all the processing gear there, and I'm wondering if that processing gear takes up the entirety of the space.

2:43:3.970 --> 2:43:11.890

Sophie Moiese Room

Could you reduce some restoration and still leave space for the processing gear when we'll like reclaim?

2:43:11.900 --> 2:43:12.300

Sophie Moiese Room

That's right.

2:43:12.310 --> 2:43:21.170

Sophie Moiese Room

We're gonna reclaim that north head wall that currently is there and then we would look at as much as we could reclaim.

2:43:21.190 --> 2:43:31.260

Sophie Moiese Room

So yes, if we're not utilizing the whole pit but with the processing, there might be some acreage we could reclaim and and we would reclaim that there.

2:43:31.310 --> 2:43:41.290

Sophie Moiese Room

There will be an incentive for us to reclaim as much as we can, because then we won't have to bond to have that portion open because we'll have reclaimed it.

2:43:41.300 --> 2:43:44.720

Sophie Moiese Room

So yeah, also might help with the dust and all the rest of it too.

2:43:46.390 --> 2:43:49.660

Sophie Moiese Room

Shane, did you have anything follow up there?

2:43:50.350 --> 2:43:51.560

Sophie Moiese Room

Uh, Mr.

2:43:51.570 --> 2:43:55.900

Sophie Moiese Room

Smith are are you wanting to add on to your client?

2:43:57.440 --> 2:43:57.820

Sophie Moiese Room

Alright.

2:43:57.880 --> 2:44:1.330

Sophie Moiese Room

Yeah, I'm just going to help clarify for you, Mr Commissioners.

2:44:1.340 --> 2:44:4.860

Sophie Moiese Room

Lightning with the with the equipment where it is.

2:44:4.950 --> 2:44:14.170

Sophie Moiese Room

As John noted, the north portion that will be reclaimed in the plans that Jenny showed as part of the mitigation that that will certainly be reclaimed.

2:44:14.660 --> 2:44:14.870

Sophie Moiese Room

What?

2:44:14.880 --> 2:44:37.0

Sophie Moiese Room

The equipment where it is as we move forward westward, we can't reclaim in between where the material is and where we're where we're operating because we essentially be driving over what's

reclaimed and and according to the DEQ, any kind of disturbance, whether you're parking trucks there or storing materials, it's part of the pit and they won't release it as a as a reclaimed part.

2:44:37.10 --> 2:44:38.210

Sophie Moiese Room

Does that help a little bit?

2:44:39.70 --> 2:44:59.730

Sophie Moiese Room

And I guess the only other thing that I'll add for Tyler on there is a the potential to umm or let's put it this way, anytime anything, not just the end of the permit, but anytime anything changes that requires notification of the EQ essentially whether it be.

2:45:1.820 --> 2:45:6.150

Sophie Moiese Room

They're going to try to think of a good example.

2:45:6.920 --> 2:45:17.230

Sophie Moiese Room

If if they wanted to to add concrete storage if for that, then they would have to then revisit any kind of applications that requires an update of the bond.

2:45:17.360 --> 2:45:29.870

Sophie Moiese Room

So it's not just the end of the permit and you can go in prior to the end of the permit and and and just and just do the one if we wanted which which would definitely happen if there's reclamation activities.

2:45:30.120 --> 2:45:36.110

Sophie Moiese Room

So if we release a certain portion of the north, it'll be updated at that point and every time anything's gone out there.

2:45:36.120 --> 2:45:37.130

Sophie Moiese Room

So I think it's.

2:45:39.230 --> 2:45:39.880

Sophie Moiese Room

Absolutely.

2:45:39.890 --> 2:45:46.520

Sophie Moiese Room

Before 2045, it will likely be, but it could also be on a scheduled if, if that's amenable.

2:45:46.530 --> 2:45:47.800

Sophie Moiese Room

I don't wanna promise for Western.

2:45:49.480 --> 2:45:50.440

Sophie Moiese Room

Ah, Tyler.

2:45:50.450 --> 2:45:55.70

Sophie Moiese Room

And then Josh, I'm actually gonna throw out a statement and and if I'm lucky, it'll be my last one, so.

2:45:56.710 --> 2:46:6.620

Sophie Moiese Room

I I think one of the concerns that I've heard today that, Umm, resonates is state law keeps changing and DQ may.

2:46:6.760 --> 2:46:13.600

Sophie Moiese Room

What is true today may not be true tomorrow, and it it doesn't seem to be changing in a path of making it more restrictive.

2:46:14.10 --> 2:46:25.50

Sophie Moiese Room

And so I think what I maybe I'm suggesting is that as part of this agreement, we and this is maybe why I said this to Jenny too, because I don't know that Missoula County has the capacity to enforce such an agreement.

2:46:25.550 --> 2:46:35.710

Sophie Moiese Room

So I'm not sure I'm I might be asking the impossible, but putting some sideboards on that that are actually enforceable independent of state law is kind of what I'm suggesting.

2:46:36.740 --> 2:46:38.740

Sophie Moiese Room

Umm I I don't think I can.

2:46:38.750 --> 2:46:55.350

Sophie Moiese Room

I I could have a lawyer come up and talk to the total Lee illegality point, but I can speak to some of the umm, the the teeth so that that House Bill 599 took out of the DEQ process is many of those are the mitigation.

2:46:55.360 --> 2:47:9.630

Sophie Moiese Room

Some of those mitigation efforts that we're asking to put back in, and I have verified with the DBQ that while, for instance, operating hours is a great example, I'm not required to tell the DEQ what my operating hours are.

2:47:9.680 --> 2:47:12.930

Sophie Moiese Room

So therefore they cannot enforce what my operating hours are.

2:47:13.220 --> 2:47:19.930

Sophie Moiese Room

But if I tell them what my operating hours are and it is in the permit, they now can and will enforce that.

2:47:20.300 --> 2:47:27.550

Sophie Moiese Room

So we are introducing some of those at least operational guidelines to be enforceable.

2:47:27.620 --> 2:47:42.610

Sophie Moiese Room

And I'll just note that the statutory Montana MCA or or our laws written into the open Cut Mining Act as a finable of 100 to \$1000 per day for an offense.

2:47:42.930 --> 2:47:50.620

Sophie Moiese Room

So it's in the operator's best interest to get that taken care of if it is noted to their attention. Josh.

2:47:51.260 --> 2:47:52.960

Sophie Moiese Room

So I heard what you said, Mr.

2:47:52.970 --> 2:47:56.380

Sophie Moiese Room

Smith about not being able to reclaim land that you're then going to drive over?

2:47:56.530 --> 2:47:57.40

Sophie Moiese Room

Yes, Sir.

2:47:57.190 --> 2:48:9.480

Sophie Moiese Room

So what if you were to begin mining at the far western edge of the new land minus strip, reclaim it, and then move from West to east as opposed to east to West?

2:48:9.630 --> 2:48:11.730

Sophie Moiese Room

So could you then reclaim as you go?

2:48:12.700 --> 2:48:13.70

Sophie Moiese Room

I'm.

2:48:13.600 --> 2:48:13.860

Sophie Moiese Room

I'm.

2:48:13.870 --> 2:48:16.490

Sophie Moiese Room

I'm gonna defer to John or or one of those guys.

2:48:16.500 --> 2:48:32.810

Sophie Moiese Room

That's my understanding of of the way that if I'm hearing you right, I mean essentially we've got a hill, we've got the operating down here and then this is the hill we're moving West in order to get the material to where we're processing it.

2:48:33.210 --> 2:48:35.550

Sophie Moiese Room

We're we're gonna basically shave away at that hill.

2:48:35.840 --> 2:48:37.170

Sophie Moiese Room

So I would.

2:48:37.260 --> 2:48:39.160

Sophie Moiese Room

I'm not sure if you're suggesting you're over there.

2:48:39.170 --> 2:48:42.110

Sophie Moiese Room

The topography makes what I'm talking about impossible.

2:48:42.240 --> 2:48:44.10

Sophie Moiese Room

Yeah, yeah, I guess.

2:48:44.140 --> 2:48:51.390

Sophie Moiese Room

I guess if we, unless you were able to just chunk that whole 30 acres at once and then but but that would be impossible.

2:48:51.400 --> 2:48:53.330

Sophie Moiese Room

I mean, you can't just process that much.

2:48:54.120 --> 2:48:55.650

Sophie Moiese Room

And am I close with that?

2:48:55.660 --> 2:48:55.860

Sophie Moiese Room

John.

2:48:57.260 --> 2:48:59.310

Sophie Moiese Room

John, if you have anything to add, come on up.

2:48:59.320 --> 2:49:2.100

Sophie Moiese Room

If not, that's fine, but OK.

2:49:4.190 --> 2:49:4.560

Sophie Moiese Room

Very good.

2:49:5.10 --> 2:49:7.540

Sophie Moiese Room

Alright, I think we're good for now.

2:49:8.130 --> 2:49:11.350

Sophie Moiese Room

Additional comments or questions from the board.

2:49:13.510 --> 2:49:20.790

Sophie Moiese Room

So I've a few things that I'm hearing are one that we have a request for, a more robust or.

2:49:22.510 --> 2:49:26.550

Sophie Moiese Room

Maybe not more robust a groundwater investigation.

2:49:27.110 --> 2:49:34.990

Sophie Moiese Room

Also, some editorial conversation about what the mechanism would be for a more.

2:49:36.630 --> 2:49:43.70

Sophie Moiese Room

Periodic recalculation of the bonding requirements that would be enforceable.

2:49:45.590 --> 2:49:48.210

Sophie Moiese Room

Also for the applicant and the.

2:49:50.310 --> 2:49:51.770

Sophie Moiese Room

Yeah, the cap is copus.

2:49:51.780 --> 2:50:2.390

Sophie Moiese Room

The team at the Carlton Protection Trust and the applicant to I get together and have some additional conversations as to whether or not some meeting of the minds might be had.

2:50:3.500 --> 2:50:4.440

Sophie Moiese Room

What am I missing here?

2:50:4.440 --> 2:50:6.550

Sophie Moiese Room

Now, with that meeting of the minds, what I'm what?

2:50:6.560 --> 2:50:22.330

Sophie Moiese Room

I was leading the pushing on there toward were additional mitigation measures that would address some of the deleterious consequences of gravel mining that Graham so Articularly described.

2:50:22.420 --> 2:50:34.290

Sophie Moiese Room

And what I was hoping for was that the two parties could get together, agree on what those measures would be so that we could actually make things better for neighbors now.

2:50:34.500 --> 2:50:35.930

Sophie Moiese Room

And this is not me saying.

2:50:35.940 --> 2:50:37.910

Sophie Moiese Room

Ohh I don't understand that we need gravel.

2:50:37.920 --> 2:50:39.50

Sophie Moiese Room

I get that we need gravel.

2:50:39.60 --> 2:50:43.990

Sophie Moiese Room

We're set at this bit for the till 2045 or beyond.

2:50:44.160 --> 2:50:46.890

Sophie Moiese Room

This isn't about as gravel production going to end tomorrow.

2:50:46.960 --> 2:50:47.540

Sophie Moiese Room

It's not.

2:50:47.550 --> 2:50:52.780

Sophie Moiese Room

It's going to go on for the next 20 plus years, as could this horrible effects for the neighborhood.

2:50:53.800 --> 2:51:0.830

Sophie Moiese Room

It seems like we can make things better for the neighbors by saying by offering a very heavily conditioned yes.

2:51:1.60 --> 2:51:9.810

Sophie Moiese Room

And what I'd like to see if it's possible is you guys to get together and determine what those conditions could be and if you can't agree, well then you can't agree.

2:51:9.880 --> 2:51:13.580

Sophie Moiese Room

But it might be that we can make things better for the neighbors now.

2:51:16.220 --> 2:51:20.170

Sophie Moiese Room

Additional comment from the board.

2:51:22.470 --> 2:51:24.940

Sophie Moiese Room

John Hart, do you have anything that you'd like to add?

2:51:24.990 --> 2:51:25.850

Sophie Moiese Room

Deputy County Attorney.

2:51:29.370 --> 2:51:33.360

Sophie Moiese Room

I don't have anything to add unless the Commission has questions for me.

2:51:34.140 --> 2:51:35.340

Sophie Moiese Room

If we miss something big.

2:51:38.30 --> 2:51:39.450

Sophie Moiese Room

I can't imagine what it was.

2:51:39.520 --> 2:51:39.820

Sophie Moiese Room

He.

2:51:42.970 --> 2:51:57.610

Sophie Moiese Room

So I guess in terms of next steps, it's a little bit difficult sitting here on a late afternoon on a Thursday here to determine what the time is going to, what time it will take for a groundwater investigation.

2:51:57.620 --> 2:52:0.850

Sophie Moiese Room

So I mean we can we can do one of a couple things.

2:52:0.860 --> 2:52:11.740

Sophie Moiese Room

We can either I identify on the calendar a tentative date, date, certain that we will reconvene and take this up again.

2:52:12.430 --> 2:52:26.180

Sophie Moiese Room

Or the applicant could get back to us applicant and the Carlton Protective Trust could get back to us in terms of at what point in time you will have had the conversations you need to have also.

2:52:26.190 --> 2:52:27.910

Sophie Moiese Room

So that's that's not an either or.

2:52:27.920 --> 2:52:36.260

Sophie Moiese Room

It's a both and there Josh just asking the code and protective trust and Western how much time would you guys need to have such negotiation?

2:52:37.10 --> 2:52:45.930

Sophie Moiese Room

Well, I I would say we'd like to do both, which would negotiate with them and then also we probably will produce our own hydrologic report to to share with you all.

2:52:45.970 --> 2:52:49.280

Sophie Moiese Room

So I'd say six months, whatever works for you is OK with us.

2:52:51.300 --> 2:52:51.720

Sophie Moiese Room

Mr.

2:52:53.150 --> 2:52:53.680

Sophie Moiese Room

Tapas.

2:52:57.990 --> 2:53:0.930

Sophie Moiese Room

And and if you feel like you cannot answer this.

2:53:3.150 --> 2:53:6.140

Sophie Moiese Room

With a straight face today, we we don't have to.

2:53:6.210 --> 2:53:8.640

Sophie Moiese Room

Uh, you can you can get back to us.

2:53:10.860 --> 2:53:15.190

Sophie Moiese Room

Well, I think we can have those discussions as soon as we can get the parties together.

2:53:15.300 --> 2:53:27.700

Sophie Moiese Room

I think I guess in my mind the water investigation or study would be something we would agree to as part of mitigation before we started mining.

2:53:27.710 --> 2:53:44.860

Sophie Moiese Room

So that I guess I'm not seeing that it has to push this process further before we do a water study because what we'd be agreeing to is if the water study doesn't, I mean we will do the water study and mitigate those impacts before we expand into the mine.

2:53:44.870 --> 2:53:48.740

Sophie Moiese Room

So I'm I guess I'm water studies can take some time.

2:53:49.150 --> 2:53:54.610

Sophie Moiese Room

I think we could keep this process moving forward to see if we can reach some mitigation.

2:53:55.560 --> 2:53:57.590

Sophie Moiese Room

Does it does that six months work for you?

2:53:57.860 --> 2:54:2.290

Sophie Moiese Room

I I guess what, maybe maybe we're we're crossing paths here.

2:54:2.300 --> 2:54:8.190

Sophie Moiese Room

I don't think that this body is ready to take action short of having a water investigation and hand.

2:54:8.220 --> 2:54:9.580

Sophie Moiese Room

Am I incorrect or?

2:54:10.890 --> 2:54:12.820

Sophie Moiese Room

But I I'd I'd agree with that, Dave.

2:54:12.830 --> 2:54:18.50

Sophie Moiese Room

I'd I'd like to have some information and not rely on something in the future that when they expand then they'll do it.

2:54:18.860 --> 2:54:19.250

Sophie Moiese Room

Tonight.

2:54:19.810 --> 2:54:20.620

Sophie Moiese Room

Yeah. Tyler.

2:54:20.730 --> 2:54:22.260

Sophie Moiese Room

Yeah, they fairly relevant question.

2:54:22.270 --> 2:54:25.440

Sophie Moiese Room

I presume you're contract to buy the land has some sort of end date.

2:54:25.450 --> 2:54:27.220

Sophie Moiese Room

Is that an issue that is correct?

2:54:27.230 --> 2:54:33.980

Sophie Moiese Room

So we have that end date that we ohh I'd I'd have to look to see, but I guess we can get back to you.

2:54:34.30 --> 2:54:36.140

Sophie Moiese Room

I don't know how long water study's gonna take.

2:54:36.410 --> 2:54:37.960

Sophie Moiese Room

I don't know what the scope of it is.

2:54:37.970 --> 2:54:44.510

Sophie Moiese Room

I've been involved in past career in a lot of water studies and it kind of depends on what the scope of the study is.

2:54:45.690 --> 2:54:46.280

Sophie Moiese Room

Knock that out.

2:54:48.310 --> 2:54:50.680

Sophie Moiese Room

I mean, come on up, Mr Copas.

2:54:52.880 --> 2:54:54.310

Sophie Moiese Room

Obviously, I I think he's correct.

2:54:54.320 --> 2:54:55.580

Sophie Moiese Room

The scope is obviously.

2:54:55.590 --> 2:55:2.10

Sophie Moiese Room

You know, if we're talking about 3D numerical modeling of groundwater flow, that's a pretty sophisticated process.

2:55:2.440 --> 2:55:7.360

Sophie Moiese Room

If we're talking about a two page report, that's something that hydrologist could prepare.

2:55:7.370 --> 2:55:8.670

Sophie Moiese Room

And two weeks.

2:55:8.740 --> 2:55:10.100

Sophie Moiese Room

You guys gotta talk it out.

2:55:10.180 --> 2:55:10.570

Sophie Moiese Room

Yeah.

2:55:10.580 --> 2:55:17.930

Sophie Moiese Room

So I guess my guess is we're probably not gonna be on the same page about that, but we will work it out.

2:55:18.660 --> 2:55:23.740

Sophie Moiese Room

I I guess what I'm thinking of is I've gotta go find somebody that's got the time to do this for me.

2:55:24.150 --> 2:55:25.460

Sophie Moiese Room

I've gotta retain them.

2:55:25.530 --> 2:55:26.270

Sophie Moiese Room

Get them material.

2:55:26.280 --> 2:55:28.720

Sophie Moiese Room

They're gonna have to review groundwater wells in the area.

2:55:28.730 --> 2:55:32.950

Sophie Moiese Room

They're gonna have to look at research from the Montana Bureau of Mines and Geology, et cetera.

2:55:32.960 --> 2:55:44.400

Sophie Moiese Room

They're gonna have projects that they're already doing, so that's why I came up with six months is I think I can reasonably have somebody that could prepare a report that would not be on one extreme or the other within six months.

2:55:44.710 --> 2:55:47.510

Sophie Moiese Room

I would assume they could do the same John Hart.

2:55:48.570 --> 2:55:49.780

Sophie Moiese Room

Were you going to say something there?

2:55:51.360 --> 2:56:4.170

Sophie Moiese Room

Probably nothing that anybody else was going to say, but perhaps we set two dates, umm, one date that would be sooner that we would take this up after.

2:56:4.240 --> 2:56:13.310

Sophie Moiese Room

There is not a meeting of the minds between the parties, you know, presuming that happens another date much longer out, more along the lines of six months.

2:56:13.320 --> 2:56:21.680

Sophie Moiese Room

It Mr Coppess is suggesting assuming that the scope of this this water study can be agreed to.

2:56:22.960 --> 2:56:30.970

Sophie Moiese Room

So Jenny, do we have uh, in the shorter term, a date where all of us assembled here are available that we could get on the calendar?

2:56:31.620 --> 2:56:36.110

Sophie Moiese Room

I do I know for the three of you it would depend on Shane and Tyler.

2:56:36.420 --> 2:56:38.680

Sophie Moiese Room

June 27 had enough time.

2:56:40.680 --> 2:56:46.870

Sophie Moiese Room

Well, that will probably be enough time for them to at least determine if they're going to have any agreement.

2:56:52.440 --> 2:57:19.240

Sophie Moiese Room

And then so kind of keying off of John's ideas suggestion of a short term date and a long longer term date, I would suggest a short term 1 which is about 7 weeks June 27 and then all the longer term 1, Cheryl's checking to see if N7 has the three of you here again would have to check your schedules N7, that's six months.

2:57:20.400 --> 2:57:24.210

Sophie Moiese Room

Well, well, how about we beat December?

2:57:24.840 --> 2:57:29.390

Sophie Moiese Room

How about we begin with the shorter term date and the longer term date yet to be determined.

2:57:29.400 --> 2:57:32.310

Sophie Moiese Room

Although it looks like Jamie, you might have something to add.

2:57:34.850 --> 2:57:35.160

Sophie Moiese Room

Well.

2:57:35.170 --> 2:57:35.610

Sophie Moiese Room

Oh jeez.

2:57:38.910 --> 2:57:40.240

Sophie Moiese Room

Why ability claim there?

2:57:40.250 --> 2:57:44.640

Sophie Moiese Room

OK, I don't think that June 27th will work for us for a hearing date.

2:57:44.650 --> 2:57:49.20

Sophie Moiese Room

So it will not work for you, so there's no further out.

2:57:49.330 --> 2:57:54.40

Sophie Moiese Room

So that would be the one week before that there's no meeting on the 20th.

2:57:54.370 --> 2:57:56.270

Sophie Moiese Room

I don't unless can you?

2:57:56.280 --> 2:58:0.580

Sophie Moiese Room

Yeah, we can make one if you are is there, is there anything available?

2:58:0.590 --> 2:58:2.710

Sophie Moiese Room

Is there anything going on, Shane?

2:58:6.890 --> 2:58:9.480

Sophie Moiese Room

Yes, yes, yes, that's a great.

2:58:9.490 --> 2:58:11.220

Sophie Moiese Room

So that we can then take the whole day.

2:58:11.230 --> 2:58:12.230

Sophie Moiese Room

Is that what you're suggesting?

2:58:12.240 --> 2:58:13.530

Sophie Moiese Room

OK, so we need to do.

2:58:13.540 --> 2:58:24.280

Sophie Moiese Room

We need to pick that day and time now, so June 20th would be a special meeting of the Commission and if you guys think you can be there, I'm here.

2:58:24.290 --> 2:58:24.570

Sophie Moiese Room

I'm not.

2:58:24.580 --> 2:58:26.90

Sophie Moiese Room

Yeah, yeah, yeah.

2:58:28.370 --> 2:58:33.720

Sophie Moiese Room

So yeah, if you're amenable to a special meeting, June 20th certainly works.

2:58:35.240 --> 2:58:41.620

Sophie Moiese Room

We could start it at ten 8:10 AM or something 10:00 AM on the 20th.

2:58:42.690 --> 2:58:43.520

Sophie Moiese Room

Yeah, we can.

2:58:43.640 --> 2:58:47.90

Sophie Moiese Room

We can cancel some other meetings 9:00 or 10:00 AM.

2:58:48.700 --> 2:58:49.90

Sophie Moiese Room

Reference.

2:58:50.450 --> 2:58:51.420

Sophie Moiese Room

Shane, I'm here.

2:58:51.470 --> 2:58:52.0

Sophie Moiese Room

Yeah, whatever.

2:58:52.10 --> 2:58:52.990

Sophie Moiese Room

Whatever works 9.

2:58:54.920 --> 2:58:56.130

Sophie Moiese Room

99 Let's do that.

2:58:56.380 --> 2:59:15.90

Sophie Moiese Room

OK, we are proposing to reconvene the planning and zoning Commission on June 20th at 9:00 AM for a status check or take action, depending on how the conversations go between Western materials and the Carlton Protection Trust.

2:59:15.140 --> 2:59:15.710

Sophie Moiese Room

Jamie, were you?

2:59:19.820 --> 2:59:25.690

Sophie Moiese Room

And it would be a reconvening of both the planning and zoning Commission and the county commissioners.

2:59:25.700 --> 2:59:26.610

Sophie Moiese Room

Yes, that would be correct.

2:59:29.990 --> 2:59:30.790

Sophie Moiese Room

Josh, go ahead.

2:59:30.800 --> 2:59:30.980

Sophie Moiese Room

Yeah.

2:59:30.990 --> 2:59:37.170

Sophie Moiese Room

I just wanted to thank everybody, not just for coming, for giving your time, but for behaving really well.

2:59:37.180 --> 2:59:38.590

Sophie Moiese Room

This is a lot of emotion.

2:59:38.600 --> 2:59:41.40

Sophie Moiese Room

This people's how homes, their kids, their water.

2:59:41.430 --> 2:59:47.270

Sophie Moiese Room

Think you guys, everybody did a really great job and as a fellow human being, I appreciate that.

2:59:48.500 --> 2:59:50.610

Sophie Moiese Room

Jamie, did you have anything else?

2:59:50.700 --> 2:59:51.510

Sophie Moiese Room

Will that date work?

2:59:53.10 --> 2:59:56.230

Sophie Moiese Room

June 20th, tentatively June 20th.

2:59:56.240 --> 2:59:56.640

Sophie Moiese Room

Yeah, I'll.

2:59:56.650 --> 2:59:59.870

Sophie Moiese Room

I'll just echo Commissioner Slotnick's comments.

2:59:59.880 --> 3:0:5.230

Sophie Moiese Room

I hope that folks recognize that we are not being hasty here.

3:0:5.240 --> 3:0:13.690

Sophie Moiese Room

We're we we hear your concerns and are trying to do our due diligence to make sure that this situation works for as many parties as possible.

3:0:14.480 --> 3:0:21.180

Sophie Moiese Room

Is there third that uh, thank you, Commissioner viroid, I deputy County Attorney.

3:0:21.290 --> 3:0:31.390

Sophie Moiese Room

Is it fair to say that we'll keep things posted on Missoula County voice and and just on that issue of Missoula County Voice, one of our crack?

3:0:32.820 --> 3:0:45.430

Sophie Moiese Room

Communication staff told us today about problems that we have been having with this particular page just for this project on Missoula County Voice.

3:0:45.720 --> 3:0:48.390

Sophie Moiese Room

We very much apologize for those problems.

3:0:48.660 --> 3:1:9.340

Sophie Moiese Room

We've been working with the vendor to try to find out what the issue is and resolve this and we know that a lot of people were frustrated trying to post comments to it and know that this is a one off in the two years that we've had this product and we don't think we're gonna continue to have these problems.

3:1:9.350 --> 3:1:14.90

Sophie Moiese Room

So what I say will continue to keep you updated on Missoula County voice.

3:1:14.680 --> 3:1:16.990

Sophie Moiese Room

We're gonna do our very best.

3:1:17.300 --> 3:1:18.670

Sophie Moiese Room

Thank you, John.

3:1:18.760 --> 3:1:23.160

Sophie Moiese Room

And is there any other business to come before the Commission today?

3:1:24.980 --> 3:1:25.680

Sophie Moiese Room

Seeing none.

3:1:25.690 --> 3:1:26.490

Sophie Moiese Room

Thank you everyone.

3:1:26.500 --> 3:1:28.410

Sophie Moiese Room

Online and in the room and we will be adjourned.