

Missoula Board of County Commissioners

SPECIAL PUBLIC MEETING MINUTES COVER SHEET



THURSDAY, JUNE 20, 2024 – 9 AM

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

Planning and Zoning Commission:

Chair David Strohmaier
Commissioner Josh Slotnick
Commissioner Juanita Vero
Shane Stack, Director, Public Works
Tyler Gernant, Clerk and Recorder, Clerk and Recorders' Office

Staff Present:

Cheryl Hartman, Administrative Assistant, Commissioners' Office
Jennie Dixon, Planner, Planning, Development, and Sustainability
John Hart, Civil Deputy Attorney, County Attorneys' Office
Karen Hughes, Director, Planning, Development, and Sustainability
Christina Dewar, Administrative Assistant, Commissioners' Office
Melissa Fisher, Strategic Initiatives Manager, Commissioners' Office
Allison Franz, Communications Manager, Commissioners' Office
Kyla Lehnerz, Office Administrator, Commissioners' Office
Carey Powers, Communications Coordinator, Commissioners' Office
Randy Arnold, Director, Lands, Culture and Recreation
Bethany Holland, Project Specialist, Parks and Trails
Andrew Czorny, Chief Financial Officer, Commissioners' Office
Chris Lounsbury, Chief Administrative Officer, Commissioners' Office
Patrick Swart, Planner, Planning, Development, and Sustainability
Tim Worley, Senior Planner, Planning, Development, and Sustainability

1. CALL TO ORDER *[Time stamp – 0:04]*

2. **PLEDGE OF ALLEGIANCE** *[Time stamp – 0:11]*
3. **LAND ACKNOWLEDGEMENT** *[Time stamp – 0:29]*
Missoula County acknowledges that this event takes place in the aboriginal territories of the Salish and Kalispel people.
4. **PUBLIC ANNOUNCEMENTS** *[Time stamp – 0:37]*
 - a. Closed Captioning
5. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA** *[Time stamp – 1:38]*
6. **CURRENT CLAIMS LIST** *[Time stamp – 02:10]*
Claims received as of May 29, 2024 to June 11, 2024 by the Commissioners' Office total of \$5,037,296.66.
7. **HEARINGS (Planning and Zoning Commission and BCC)**
 - a. **Western Materials Gravel Pit Use Variance** *[Time stamp –02.23]*
Jennie Dixon, Planner, Planning, Development, and Sustainability

[Continued to Special Public Meeting on August 06, 2024]
8. **OTHER BUSINESS** *[Time Stamp- 01:27:13]*
9. **ADJOURN**
Chair Strohmaier – Called the meeting to adjourn at 3:27 p.m.

BCC Public Meeting June 20, 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 --> 0:0:0.390

Sophie Moiese Room

All right.

0:0:0.400 --> 0:0:1.550

Sophie Moiese Room

Good morning, everyone.

0:0:1.560 --> 0:0:7.110

Sophie Moiese Room

Welcome to this special meeting of the Missoula Board of County Commissioners on this Thursday, June 20th.

0:0:7.260 --> 0:0:11.810

Sophie Moiese Room

I'd like to call today's meeting to order and please stand and join me in the Pledge of Allegiance.

0:0:13.970 --> 0:0:26.410

Sophie Moiese Room

What's the reason to the flag of the United States of America through the Republic for which it stands, one nation God, indivisible, with liberty and justice for all?

0:0:29.30 --> 0:0:36.170

Sophie Moiese Room

Door County acknowledges that this play, that this event today takes place in the Aboriginal territories of the Salish and Kalispell people.

0:0:37.190 --> 0:0:40.210

Sophie Moiese Room

Cheryl, you have some closed captioning announcements for us.

0:0:41.260 --> 0:0:41.710

Sophie Moiese Room

See you.

0:0:42.720 --> 0:1:0.250

Sophie Moiese Room

Hello everyone, if you're joining us for this meeting virtually today, instructions for turning on closed captioning or

on your screen, if you're joining us in person, we'll have closed captioning on all the screens here in the Sophie Louise room, there will be an opportunity to speak during the meeting for public comment virtually and in person.

0:1:0.260 --> 0:1:3.210

Sophie Moiese Room

We asked that all speakers today speak slowly and clearly.

0:1:3.220 --> 0:1:5.950

Sophie Moiese Room

This helps with the accuracy of the closed captioning.

0:1:6.280 --> 0:1:13.470

Sophie Moiese Room

If you're 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.

0:1:13.480 --> 0:1:14.780

Sophie Moiese Room

This is the small hand button.

0:1:15.310 --> 0:1:19.40

Sophie Moiese Room

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

0:1:19.50 --> 0:1:22.80

Sophie Moiese Room

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

0:1:22.210 --> 0:1:24.560

Sophie Moiese Room

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

0:1:24.570 --> 0:1:27.0

Sophie Moiese Room

We also have assisted listening devices available.

0:1:27.90 --> 0:1:27.920

Sophie Moiese Room

Thank you.

0:1:28.410 --> 0:1:29.240

Sophie Moiese Room

Thank you, Cheryl.

0:1:29.370 --> 0:1:38.40

Sophie Moiese Room

We only have one item on the agenda here in a moment that we'll talk about and that is the Western materials gravel pit use variance.

0:1:38.50 --> 0:1:43.380

Sophie Moiese Room

But is there anything else at this time that is not on the agenda that folks would like to comment on?

0:1:43.890 --> 0:1:46.800

Sophie Moiese Room

Any public comment on items not on today's agenda?

0:1:49.10 --> 0:1:53.710

Sophie Moiese Room

And if you're online, please use the raise hand function if you'd like to comment.

0:1:56.470 --> 0:2:1.540

Sophie Moiese Room

OK, seeing none, we will move on our current claims list.

0:2:2.20 --> 0:2:10.510

Sophie Moiese Room

Our and this would be claims received as of May 29th through June 11th, 2024 by the Commissioner's Office total 5,000,000.

0:2:10.600 --> 0:2:23.160

Sophie Moiese Room

\$37,296.66 we have one public hearing today that will be heard by the planning and Zoning Commission.

0:2:23.170 --> 0:2:33.320

Sophie Moiese Room

So at this time, I'm going to do something that's a little unique for the board of County Commissioners and unique for the public also.

0:2:33.330 --> 0:2:49.530

Sophie Moiese Room

And that is I'm going to recess the board of County Commissioners and convene and call to order a meeting of the Missoula Planning and Zoning Commission to hear this item, which again, is the Western materials gravel pit used variance.

0:2:49.540 --> 0:2:53.760

Sophie Moiese Room

And we will begin with a staff report and the staff update from Jenny Dixon.

0:2:59.310 --> 0:3:0.130

Sophie Moiese Room

Thank you very much.

0:3:2.180 --> 0:3:3.940

Sophie Moiese Room

Umm, let me get.

0:3:9.350 --> 0:3:21.900

Sophie Moiese Room

So this is the I believe, the 4th hearing on this use variance request for property located South of Lolo at the Western Materials gravel operation.

0:3:22.290 --> 0:3:33.240

Sophie Moiese Room

The use variance as you, as you recall, is to expand their operations to the West from a current 66 acre pit to a 96 acre pit.

0:3:36.650 --> 0:3:45.660

Sophie Moiese Room

We have provided you with findings and conclusions that support a recommendation of approval from staff, subject to three conditions.

0:3:47.90 --> 0:4:2.730

Sophie Moiese Room

The first condition actually has about 12 sub sub conditions, so I guess in reality it's about 15 conditions of approval and at the last hearing we submitted a revision to several of those conditions.

0:4:3.20 --> 0:4:10.110

Sophie Moiese Room

I can at any point during this meeting bring those up for you to look at if you decide you want to talk about those conditions.

0:4:10.990 --> 0:4:19.210

Sophie Moiese Room

Umm, also would just point out, sorry the slide umm this.

0:4:21.120 --> 0:4:21.350

Sophie Moiese Room

Sorry.

0:4:24.170 --> 0:4:25.110

Sophie Moiese Room

This proposal.

0:4:27.590 --> 0:4:29.850

Sophie Moiese Room

As shown in this slide, and I'm not going to.

0:4:33.160 --> 0:4:33.610

Sophie Moiese Room

That's weird.

0:4:34.380 --> 0:4:34.840

Sophie Moiese Room

Oh, there it is.

0:4:35.780 --> 0:4:48.320

Sophie Moiese Room

I'm not going to expand this because I mean need to jump to a couple other slides, but I just wanted to show you that this is the scenario that of the development of the site.

0:4:48.450 --> 0:5:11.390

Sophie Moiese Room

Should the variance be approved and ultimate reclamation would result in the image on the right side of the screen which is 110 acres that are shown like in the check marks or little marks as open area with a development footprint of 40 acres that would allow forty homes.

0:5:11.640 --> 0:5:30.930

Sophie Moiese Room

And the reason I'm bringing this up again today is to just let you know about a new comment letter from parks, trails

and open lands with respect to this proposal, their initial recommendation and uncommment letter back in November indicated that they did not support this variance.

0:5:31.320 --> 0:5:41.90

Sophie Moiese Room

And as of yesterday, with a new letter, then the civic clerk packet for you and not sure if anyone was on from PTL.

0:5:41.100 --> 0:5:46.90

Sophie Moiese Room

But in essence, they recognize that there's still has impacts.

0:5:46.100 --> 0:6:7.570

Sophie Moiese Room

However, with this mitigation, as this is shown here, they have withdrawn their opposition or recommendation for denial and instead are our neutral on the request identifying that there will still be impacts, but there will be impacts regardless of the approval of the variance.

0:6:7.580 --> 0:6:10.890

Sophie Moiese Room

So umm and I think at that.

0:6:10.960 --> 0:6:18.360

Sophie Moiese Room

With that, I'll I'll leave it to the rest of the public and the applicant to present, but I'm happy to answer questions.

0:6:18.400 --> 0:6:18.780

Sophie Moiese Room

OK.

0:6:18.850 --> 0:6:19.240

Sophie Moiese Room

Thank you.

0:6:19.250 --> 0:6:28.970

Sophie Moiese Room

So the way we're going to work this this morning before the planning and zoning Commission is we'll begin with the applicant or applicants representative providing an update to us.

0:6:28.980 --> 0:6:42.190

Sophie Moiese Room

We asked specifically a couple of things at the last meeting and and one was that the applicant or applicants, legal counsel and the Carlton Protection Trust legal counsel talk to one another.

0:6:42.200 --> 0:6:52.800

Sophie Moiese Room

In the interim, I do not know if that has happened or not, and then we also asked that the process be initiated to do some water quality or water resource.

0:6:53.70 --> 0:7:8.690

Sophie Moiese Room

Uh studies and analysis in this area, so if we will begin with the applicant or applicants representative, come on up and once we get through this portion, we will have an opportunity for the public to comment and I will reiterate this later.

0:7:9.500 --> 0:7:13.150

Sophie Moiese Room

Uh, we're looking for new information today.

0:7:13.160 --> 0:7:20.410

Sophie Moiese Room

If all you're going to do is simply reiterate what you've said before, we have that on the record and have already heard that.

0:7:20.420 --> 0:7:24.930

Sophie Moiese Room

So no need to bring up those points again.

0:7:24.980 --> 0:7:26.30

Sophie Moiese Room

So Sir.

0:7:29.130 --> 0:7:29.800

Sophie Moiese Room

Good morning.

0:7:29.850 --> 0:7:30.740

Sophie Moiese Room

I'm John kappas.

0:7:30.750 --> 0:7:32.130

Sophie Moiese Room

I'm President of Western excavating.

0:7:34.110 --> 0:7:37.460

Sophie Moiese Room

And and you might need to just kind of eat that mic a little bit there.

0:7:37.530 --> 0:7:37.860

Sophie Moiese Room

Thank.

0:7:37.870 --> 0:7:38.500

Sophie Moiese Room

Thank you.

0:7:38.870 --> 0:7:39.410

Sophie Moiese Room

Is that better?

0:7:40.320 --> 0:7:40.790

Sophie Moiese Room

Much OK.

0:7:42.0 --> 0:7:42.210

Sophie Moiese Room

Uh.

0:7:42.660 --> 0:7:51.730

Sophie Moiese Room

The past three meetings, we have detailed the specifics of this resource and the site and the special conditions that make this site suitable for expansion.

0:7:52.420 --> 0:7:57.90

Sophie Moiese Room

So today I'm going to run through just a quick summary of that of those conditions.

0:7:57.220 --> 0:8:6.570

Sophie Moiese Room

Then I will provide an update of what's happened since last meeting and then offer some additional mitigation to address some of the outstanding concerns.

0:8:9.120 --> 0:8:12.450

Sophie Moiese Room

So why should this site be allowed to expand?

0:8:12.880 --> 0:8:14.630

Sophie Moiese Room

First of all, there's limited resource.

0:8:14.640 --> 0:8:24.630

Sophie Moiese Room

The Missoula community is built over its gravel resources and current resources in the Missoula area are at their end of life or approaching the end.

0:8:25.260 --> 0:8:41.610

Sophie Moiese Room

Reduce construction costs for the community to replace this source, new pits will need to be developed with costs associated with permitting equipment and new infrastructure, and require hauling from further distances, increasing costs to community construction projects.

0:8:42.300 --> 0:8:45.500

Sophie Moiese Room

There's reduced environmental impacts this resource.

0:8:47.240 --> 0:8:53.430

Sophie Moiese Room

Requires less energy to extract than other pits that must dredge or use heavy equipment to mine.

0:8:53.960 --> 0:9:8.510

Sophie Moiese Room

The source is easily extracted from the banks with a loader less hauling time to Missoula area reduces trucking impacts to the environment and the extraction is not in the groundwater or floodplain and plants are already permitted.

0:9:8.800 --> 0:9:12.210

Sophie Moiese Room

So no additional plants are needed to utilize the resource.

0:9:12.800 --> 0:9:14.90

Sophie Moiese Room

It's a known source.

0:9:14.380 --> 0:9:22.450

Sophie Moiese Room

This site is relied on for all types of construction projects in the Missoula area and meets construction standards for City, county and state projects.

0:9:22.650 --> 0:9:33.200

Sophie Moiese Room

The source is unique in being able to provide aggregates for all phases of construction, including sub base, base, concrete and asphalt, and there's mitigation of impacts.

0:9:33.210 --> 0:9:39.840

Sophie Moiese Room

The topography allows the resource to be extracted from the floor of the site, which mitigates noise, dust and visibility.

0:9:40.450 --> 0:10:0.590

Sophie Moiese Room

Zoning provides a county with the ability to require additional conditions not currently in place on this site, and if a source is found in neighboring non zoned areas, the county would not have the ability to require mitigation and the mitigation proposed also provides post reclamation benefits to wildlife and the surrounding area.

0:10:2.870 --> 0:10:14.370

Sophie Moiese Room

So effort since the last meeting, we've tried to set up a meeting with representative representatives of CPT, but we were never able to get a time or date from them.

0:10:14.780 --> 0:10:21.730

Sophie Moiese Room

So our attorneys for Western and CPT have discussed concerns regarding the expansion that could be mitigated.

0:10:23.110 --> 0:10:32.870

Sophie Moiese Room

CPT's concerns are with public health and safety issues, mainly air quality and water quantity and quality regarding air quality.

0:10:33.860 --> 0:10:40.210

Sophie Moiese Room

We are required annually to obtain air quality permits for our concrete, asphalt and processing plants.

0:10:40.600 --> 0:10:49.700

Sophie Moiese Room

Those permits are regulated by the county through site visits to assure mitigation efforts are in place to meet the counties air quality regulations.

0:10:50.150 --> 0:10:56.240

Sophie Moiese Room

Missoula is one of only three counties in Montana that has regulation over these types of plans for air quality.

0:10:57.290 --> 0:11:5.730

Sophie Moiese Room

In addition, asphalt plants must have an independent stack test study performed every five years to obtain that annual permit.

0:11:7.450 --> 0:11:14.50

Sophie Moiese Room

Regarding the water, we engaged in an independent firm, GNSI environmental, to study the groundwater.

0:11:14.310 --> 0:11:20.330

Sophie Moiese Room

Dave Rue from GSI is here today to provide a scope and update to the prod progress of that study.

0:11:21.980 --> 0:11:29.330

Sophie Moiese Room

CPT is yet to engage their own hydrologist, but we have agreed to share our results of our study with CPT.

0:11:33.320 --> 0:11:37.870

Sophie Moiese Room

Well, no additional mitigation suggestions have been provided by CPT.

0:11:37.940 --> 0:11:46.220

Sophie Moiese Room

We are willing to OfferUp the following mitigation based on concerns heard during the last hearing and the ongoing discussions.

0:11:46.590 --> 0:11:51.970

Sophie Moiese Room

We believe this additional mitigation resolves outstanding concerns we've heard.

0:11:54.360 --> 0:12:8.570

Sophie Moiese Room

To address pit reclamation certainty and to prevent ongoing concrete and asphalt production as seen in other pits in Missoula, we propose that we will not process any pit run from other gravel pits at the site.

0:12:8.960 --> 0:12:16.880

Sophie Moiese Room

Any material that may be needed for mixed designs in our plans from other gravel pits must be processed elsewhere and hauled in.

0:12:17.950 --> 0:12:26.270

Sophie Moiese Room

We will limit process materials hauled in from other gravel pits to 20% of the annual production of our plants.

0:12:26.840 --> 0:12:33.610

Sophie Moiese Room

This will ensure that when the pit is out of gravel resource, it will no longer be able to produce concrete or asphalt.

0:12:37.60 --> 0:12:42.830

Sophie Moiese Room

A question asked by this Commission the last hearing had us relook at our our reclamation plan.

0:12:43.400 --> 0:12:50.230

Sophie Moiese Room

Initial an initial mitigation we proposed was to not have production plants move into the expanded area.

0:12:50.660 --> 0:12:56.30

Sophie Moiese Room

However, since then the buffer zones have been added as mitigation.

0:12:56.340 --> 0:13:3.690

Sophie Moiese Room

These zones will prevent the plants from being cited any close, any closer to residences in the new expanded area.

0:13:4.120 --> 0:13:5.190

Sophie Moiese Room

So if we remove.

0:13:6.100 --> 0:13:11.400

Sophie Moiese Room

Move the production plant mitigation and allow the production plants to move into the expanded area.

0:13:12.500 --> 0:13:24.210

Sophie Moiese Room

We then could agree to reclaiming the same amount of acreage as we expand into, so the bonded area for extraction will remain the same size as it is today.

0:13:24.380 --> 0:13:25.940

Sophie Moiese Room

The pit will never get larger.

0:13:27.50 --> 0:13:34.700

Sophie Moiese Room

The only additional bonded land would be for the wildlife corridors, which would not be used for extraction.

0:13:34.940 --> 0:13:41.960

Sophie Moiese Room

They would remain vegetated and only use for future reclamation to slope into the dedicated spaces.

0:13:46.240 --> 0:14:1.20

Sophie Moiese Room

Currently, the mobile asphalt plant is not at the site, so prior to placing an asphalt plant at the site, we would install monitoring wells to monitor monitor water quality from the water study.

0:14:1.30 --> 0:14:9.590

Sophie Moiese Room

GSI is recommending that we have two water monitoring wells on the West border of the expansion area prior to expansion.

0:14:9.860 --> 0:14:16.960

Sophie Moiese Room

So prior to expanding into the new area, we will install 2 groundwater monitoring wells on the West most boundary of the site.

0:14:19.40 --> 0:14:24.900

Sophie Moiese Room

If there are no questions of me, then I will turn this over today from GS I so he can.

0:14:26.110 --> 0:14:27.720

Sophie Moiese Room

Uh, yeah, it looks like we have a question.

0:14:27.810 --> 0:14:38.270

Sophie Moiese Room

Yeah, just wanna make sure I understood you at the opening of your remarks where you said you all were not be able to weren't able to find a time to speak with the CPT's attorneys.

0:14:39.500 --> 0:14:44.780

Sophie Moiese Room

Uh, we weren't able to meet as parties, but our attorneys have have had discussions through.

0:14:44.790 --> 0:14:47.30

Sophie Moiese Room

OK, great conversations and emails.

0:14:47.40 --> 0:14:47.330

Sophie Moiese Room

Great.

0:14:47.340 --> 0:14:47.660

Sophie Moiese Room

Thank you.

0:14:50.350 --> 0:14:50.740

Sophie Moiese Room

OK.

0:14:50.790 --> 0:14:51.150

Sophie Moiese Room

Thank you.

0:15:3.510 --> 0:15:6.560

Sophie Moiese Room

Hi, my name is Dave Rue with GSI environmental.

0:15:7.90 --> 0:15:9.340

Sophie Moiese Room

I'm a principal hydrogeologist there.

0:15:10.190 --> 0:15:16.260

Sophie Moiese Room

I've got 19 years of hydrogeology consulting experience, and I'm also a licensed geologist.

0:15:16.610 --> 0:15:18.980

Sophie Moiese Room

And hydrogeologist in the state of Washington.

0:15:19.410 --> 0:15:22.810

Sophie Moiese Room

That's only because Montana has no such program. So.

0:15:26.90 --> 0:15:33.650

Sophie Moiese Room

Western engaged us after the previous hearing to do some more detailed groundwater studies at the site.

0:15:34.890 --> 0:15:41.580

Sophie Moiese Room

Some of these stakeholder concerns related to both groundwater quality and quantity impacts.

0:15:42.630 --> 0:15:59.240

Sophie Moiese Room

Since then, we have taken a look at the site we have visited it several times and we have installed some electronic water level monitoring equipment which allowed us to determine the groundwater flow direction beneath the pit.

0:16:1.770 --> 0:16:5.500

Sophie Moiese Room

If you can see this map up here, I know it's kind of hard to see on the screen.

0:16:6.20 --> 0:16:6.430

Sophie Moiese Room

Umm.

0:16:7.80 --> 0:16:14.310

Sophie Moiese Room

But basically, we installed electronic water level monitoring equipment in three of Westerns existing wells.

0:16:15.830 --> 0:16:32.780

Sophie Moiese Room

Those sensors recorded water levels at a high frequency and time, and we were able to determine a time period at which all those wells were at rest and they hadn't pumped for a period of 48 hours.

0:16:33.630 --> 0:16:39.40

Sophie Moiese Room

So what this map shows is sort of a static water table surface.

0:16:40.670 --> 0:16:44.190

Sophie Moiese Room

What we found is that the groundwater under the site.

0:16:45.610 --> 0:16:49.20

Sophie Moiese Room

Flows to the east with a slight SE component.

0:16:50.480 --> 0:17:0.490

Sophie Moiese Room

Groundwater under the existing pit does not flow towards any of the developments to the South, as you might expect.

0:17:0.500 --> 0:17:3.810

Sophie Moiese Room

Groundwater under the pit flows towards the bitter Root River.

0:17:5.540 --> 0:17:25.120

Sophie Moiese Room

What that means is that the existing activities or the proposed expansion are extremely unlikely to have any water quality or quantity impacts for the folks that live South of the site.

0:17:26.910 --> 0:17:40.910

Sophie Moiese Room

The other work that we're planning on doing is we are going to move some of the water level monitoring equipment to Westerns, existing wells that they use for water supply on the South end of the site.

0:17:42.690 --> 0:17:55.460

Sophie Moiese Room

We will record water levels during several pumping cycles to determine how far away other water levels may be impacted by Westerns operations.

0:17:56.20 --> 0:18:7.650

Sophie Moiese Room

We do not expect that the pumping cone of depression will extend to any neighboring wells, but that's what we're we're not.

0:18:7.660 --> 0:18:8.640

Sophie Moiese Room

We're not trying to guess.

0:18:8.650 --> 0:18:17.540

Sophie Moiese Room

We're trying to prove so that hasn't been completed yet, but these water level sensors have only been installed for about a week.

0:18:17.590 --> 0:18:21.50

Sophie Moiese Room

As you guys know, the last meeting wasn't too long ago, so we've been trying to move quickly.

0:18:23.450 --> 0:18:29.120

Sophie Moiese Room

But I'll take any questions from attendees or anyone on the Commission.

0:18:29.890 --> 0:18:30.420

Sophie Moiese Room

OK.

0:18:30.490 --> 0:18:30.930

Sophie Moiese Room

Thank you.

0:18:30.940 --> 0:18:32.500

Sophie Moiese Room

We do have a question, Commissioner Slotnick.

0:18:33.340 --> 0:18:38.430

Sophie Moiese Room

So to what degree would seasonal changes in groundwater levels affect your results?

0:18:38.900 --> 0:18:47.910

Sophie Moiese Room

So we, like I said, the sensors have been in there for a week and still at this time of the year, I think you all know we've had quite a wet spring.

0:18:48.120 --> 0:18:55.880

Sophie Moiese Room

So the water levels are still slightly coming up, so we have not yet captured seasonal high groundwater for this year.

0:18:57.340 --> 0:19:0.10

Sophie Moiese Room

I expect that will occur in the next few weeks.

0:19:0.340 --> 0:19:1.850

Sophie Moiese Room

These sensors are still there.

0:19:1.860 --> 0:19:13.690

Sophie Moiese Room

They're recording right now, so we will be able to verify when that occurs and what the seasonal high is as to how it might, what the flow patterns might be in the winter.

0:19:13.760 --> 0:19:20.90

Sophie Moiese Room

I think it's fairly safe to say that the groundwaters gonna flow basically the same direction.

0:19:20.300 --> 0:19:28.280

Sophie Moiese Room

There may be several degrees of variance, but it's it's not gonna turn around and and flow uphill in the winter.

0:19:28.340 --> 0:19:29.370

Sophie Moiese Room

It can be pretty sure of that.

0:19:30.810 --> 0:19:31.200

Sophie Moiese Room

Thank you.

0:19:31.210 --> 0:19:35.550

Sophie Moiese Room

Other questions from the planning and Zoning Commission at this time.

0:19:37.430 --> 0:19:37.890

Sophie Moiese Room

OK.

0:19:38.290 --> 0:19:38.700

Sophie Moiese Room

Thank you.

0:19:38.790 --> 0:19:39.580

Sophie Moiese Room

Thank you, Mr Ru.

0:19:42.40 --> 0:19:52.140

Sophie Moiese Room

Is there anyone from the Carlton Protection Trust or a representative from the Carlton Protection Trust, who would like to say a few words?

0:19:54.680 --> 0:19:57.190

Sophie Moiese Room

OK, how about anyone from the general public?

0:19:57.200 --> 0:20:8.470

Sophie Moiese Room

And I again, I would encourage you to limit your comments to either the groundwater study or any new information that you've not previously provided to us.

0:20:8.530 --> 0:20:12.180

Sophie Moiese Room

So anyone here in the courthouse and the Sophie Moe's room?

0:20:12.190 --> 0:20:12.960

Sophie Moiese Room

Who'd like to comment?

0:20:14.790 --> 0:20:18.350

Sophie Moiese Room

Come on up and please state your name for the record.

0:20:21.430 --> 0:20:37.690

Sophie Moiese Room

Hi my name's Louis Arches and I live in the affected area and hello again for the 4th time and I won't repeat things I've said in the past, but I think I I think I deserve to be able to tell my story.

0:20:37.860 --> 0:20:50.680

Sophie Moiese Room

UM, you know, I used to own a home in the lower rattlesnake for a while for quite a few years, and I moved out to this area 17 years ago.

0:20:52.530 --> 0:20:58.960

Sophie Moiese Room

Because I wanted to pursue a life of raising my own food, having an orchard.

0:20:59.90 --> 0:21:2.860

Sophie Moiese Room

And although I love the lower rattlesnake, the lots are small.

0:21:4.140 --> 0:21:11.890

Sophie Moiese Room

So I moved out here and in the past 17 years I've retired and once I retired I planned it an orchard.

0:21:12.350 --> 0:21:18.750

Sophie Moiese Room

I grow about 30% of everything I eat comes off of my property when I move there.

0:21:19.280 --> 0:21:26.10

Sophie Moiese Room

It was full of nap, weed, kosher and a lot of other cheat graphs.

0:21:26.360 --> 0:21:27.910

Sophie Moiese Room

I've been raised in sheep and goats.

0:21:29.940 --> 0:21:32.900

Sophie Moiese Room

You can't find a weed on my property and I do not spray.

0:21:37.80 --> 0:21:38.340

Sophie Moiese Room

Now, I've often heard that.

0:21:39.910 --> 0:21:42.390

Sophie Moiese Room

Zoning is foundational planning.

0:21:43.300 --> 0:21:49.270

Sophie Moiese Room

I moved to this area with big plans for my life to live the rest of my life out.

0:21:50.800 --> 0:21:54.480

Sophie Moiese Room

Farm in my own food, living in a beautiful area with wildlife.

0:21:58.30 --> 0:22:5.830

Sophie Moiese Room

They say the pat the pit won't get any bigger, but when I move there, I was told the pit wasn't going to get any bigger and it was only 5 acres.

0:22:7.700 --> 0:22:8.790

Sophie Moiese Room

Now look at it.

0:22:8.880 --> 0:22:10.910

Sophie Moiese Room

And now they want to bring asphalt in.

0:22:11.120 --> 0:22:13.170

Sophie Moiese Room

And I'm gonna have to smell that now.

0:22:13.180 --> 0:22:17.610

Sophie Moiese Room

They wanna do night operations, so I won't be able to open my windows at night.

0:22:17.620 --> 0:22:19.510

Sophie Moiese Room

Most of my neighbors say the same thing.

0:22:19.520 --> 0:22:21.750

Sophie Moiese Room

We open our windows at night to cool their houses off.

0:22:21.760 --> 0:22:36.920

Sophie Moiese Room

We don't have central air conditioning, so if if zoning is foundational, the planning we have zoning, the question is, would you allow this expansion to go into a zoned area?

0:22:37.50 --> 0:22:41.740

Sophie Moiese Room

Would you want an asphalt plant within a couple 100 yards of your house?

0:22:41.830 --> 0:22:45.470

Sophie Moiese Room

It might not pollute my groundwater, but you can sure smell it.

0:22:46.930 --> 0:22:57.510

Sophie Moiese Room

It just, you know, I had plans to build a a greenhouse this year and maybe put in some underground sprinklers for around my house.

0:22:57.580 --> 0:23:3.570

Sophie Moiese Room

I've spent over \$200,000 working improving my property since I've owned it.

0:23:3.660 --> 0:23:6.560

Sophie Moiese Room

That's over the cost of buying that property.

0:23:7.860 --> 0:23:13.870

Sophie Moiese Room

I have not started on my greenhouse because if you guys allow this variance, I'm not gonna put a greenhouse in.

0:23:14.100 --> 0:23:17.550

Sophie Moiese Room

I'm not gonna put anymore effort into my property.

0:23:17.760 --> 0:23:20.660

Sophie Moiese Room

17 years of effort down the drain.

0:23:21.800 --> 0:23:26.750

Sophie Moiese Room

OK, if you allow this to go in, I'm just looking at cutting and running.

0:23:27.270 --> 0:23:32.510

Sophie Moiese Room

You know, I've got 20 acres in the Bitterroot Valley that I could go live on, but it's not zoned.

0:23:32.520 --> 0:23:39.840

Sophie Moiese Room

I don't wanna live there because I see what my neighbors bring in junk guards and all kinds of stuff, so I would prefer to stay where I'm at.

0:23:41.210 --> 0:23:55.90

Sophie Moiese Room

I think you need to know that I'm not the only one in this neighborhood that has worked a lot of years to improve their property with the understanding that that gravel pit was never going to get any bigger than the five acres.

0:23:57.110 --> 0:23:59.380

Sophie Moiese Room

So here we are and you guys have been.

0:24:1.570 --> 0:24:7.980

Sophie Moiese Room

Getting so far into the weeds on all this other stuff when it really just comes down to one thing.

0:24:8.200 --> 0:24:20.460

Sophie Moiese Room

Should we allow an industrial business to move into an area that for almost 50 years has been zoned as one single family dwelling per 5 acres for agricultural uses?

0:24:21.630 --> 0:24:27.840

Sophie Moiese Room

It most of the people I talked to, they just like, I can't understand why they're dragging it out this long.

0:24:28.310 --> 0:24:30.410

Sophie Moiese Room

It makes me wonder why you drag it.

0:24:30.420 --> 0:24:31.710

Sophie Moiese Room

You've been dragging out so long.

0:24:33.30 --> 0:24:38.800

Sophie Moiese Room

I I can't understand it and I I think it's a shame.

0:24:38.810 --> 0:24:45.200

Sophie Moiese Room

I I think the problem is you guys are afraid to make the decision because your vote says one thing.

0:24:45.430 --> 0:24:58.690

Sophie Moiese Room

You either put more value on Westerns, ability to make improve their bottom line over our ability to preserve our equity in our homes.

0:25:0.270 --> 0:25:2.910

Sophie Moiese Room

It also makes it look like you're trying to.

0:25:4.890 --> 0:25:16.180

Sophie Moiese Room

You're more worried about some hypothetical person moving to Montana, saving a few \$100 on their costs of building their little \$1,000,000 McMansions over you?

0:25:16.310 --> 0:25:20.340

Sophie Moiese Room

More concerned about that than you are over the potential effects.

0:25:20.350 --> 0:25:28.350

Sophie Moiese Room

I'm not saying that there are but potential effects to our air or water or wildlife and just our way of life in this community.

0:25:30.260 --> 0:25:39.130

Sophie Moiese Room

I think you guys need to know that and I and I just wish that one way or the other, you would make a decision cause it's becoming a burden on us.

0:25:39.140 --> 0:25:56.180

Sophie Moiese Room

I mean, now we have got to get lawyers and we got to come up with all the money to pay lawyers and we got, you know, I mean, it's just for what, so that some people can save a little bit of money on their haul cost well, build homes on that 70 acres and the hall cost will be cheap.

0:25:57.520 --> 0:25:58.90

Sophie Moiese Room

Thank you.

0:25:58.140 --> 0:25:58.540

Sophie Moiese Room

Thank you.

0:26:0.850 --> 0:26:6.110

Sophie Moiese Room

This is called due process, that is why it is taking as long as it is additional public comment.

0:26:11.880 --> 0:26:13.110

Sophie Moiese Room

Mr Coppess, your light.

0:26:13.500 --> 0:26:16.800

Sophie Moiese Room

Is there anything that you I already gave you the chance to say anything?

0:26:17.100 --> 0:26:19.30

Sophie Moiese Room

Is there anything that you would like to add today?

0:26:21.670 --> 0:26:21.810

Sophie Moiese Room

Yeah.

0:26:22.940 --> 0:26:30.120

Sophie Moiese Room

Apologize for some reason I had this at 9:30, so I thought I was right on time, but I appear to have been off the mark there.

0:26:31.920 --> 0:26:36.320

Sophie Moiese Room

So yeah, we've I've been in negotiations with Alan McCormick on behalf of Western.

0:26:36.330 --> 0:26:38.70

Sophie Moiese Room

They're working on a hydrologic report.

0:26:38.80 --> 0:26:41.930

Sophie Moiese Room

I've given him a dozen things that we'd like to see in that report.

0:26:42.360 --> 0:27:10.90

Sophie Moiese Room

We have not been able thus far to procure report on our own, but Western end I through negotiations and we informed John Hart prior to this that we'd like additional time obviously to review that report when they produce it, we'll need to obviously have somebody review that independently on our own and that would cover the hydrologic aspect of this, which is scientific in nature.

0:27:10.570 --> 0:27:31.170

Sophie Moiese Room

Obviously there are inherently and fundamentally legal issues which are separate and distinct from that, but we have committed to you and to them to continue to work forward, to see if we can identify uh and or categorize what, if any, issues may arise in the hydrologic category concept.

0:27:31.470 --> 0:27:33.320

Sophie Moiese Room

So we're working forward on that.

0:27:33.590 --> 0:27:37.900

Sophie Moiese Room

I had told you two months ago I thought we needed to probably six months to make that happen.

0:27:38.490 --> 0:27:40.0

Sophie Moiese Room

Two months have gone by.

0:27:40.90 --> 0:27:45.110

Sophie Moiese Room

No report has been produced, so looks like six months was about accurate.

0:27:45.540 --> 0:27:50.670

Sophie Moiese Room

If they get it to us in the next month, we would need some time to have somebody review it.

0:27:50.680 --> 0:27:55.670

Sophie Moiese Room

As you guys all can imagine, professionals in the engineering and hydrologic world are busy.

0:27:55.830 --> 0:27:58.60

Sophie Moiese Room

So I have to have somebody have time to review that.

0:27:58.70 --> 0:28:1.500

Sophie Moiese Room

So certainly we're able and willing to do that.

0:28:1.510 --> 0:28:9.540

Sophie Moiese Room

And then to report back to you on the ways that we agree or disagree about that and what we think.

0:28:9.550 --> 0:28:15.860

Sophie Moiese Room

If any mitigation could be made in relation to the hydrologic scientific aspect of this project.

0:28:17.890 --> 0:28:25.290

Sophie Moiese Room

Again, that is obviously one issue that is before you and that was one that was of concern to this body previously.

0:28:25.300 --> 0:28:28.570

Sophie Moiese Room

So I appreciate the time to to investigate that issue thoroughly.

0:28:29.260 --> 0:28:37.170

Sophie Moiese Room

Umm, we obviously still have fundamental disagreements about the length of time that the project would occur.

0:28:37.180 --> 0:28:49.310

Sophie Moiese Room

And so I talked to Alan about whether we could reach a compromise in relation to an end date, a date, certain that the project would come to a conclusion we weren't able to agree about that.

0:28:49.880 --> 0:28:56.920

Sophie Moiese Room

So I don't think you guys had asked us to to pursue sort of a settlement path here.

0:28:57.750 --> 0:29:7.720

Sophie Moiese Room

And I don't think we're gonna ultimately be able to to resolve all of the issues here just based on some sort of fundamental disagreements about how long this project would occur.

0:29:8.40 --> 0:29:19.590

Sophie Moiese Room

And also just the length of time during each day in which it is going to occur and how that fundamentally affects all of the residential community that lives there.

0:29:20.370 --> 0:29:20.840

Sophie Moiese Room

Umm.

0:29:21.290 --> 0:29:40.380

Sophie Moiese Room

However, I do think there's information still to be gleaned that is relevant to my clients and to you all and in relation to the hydrology of the site and how this activity, which is known to cause significant groundwater pollution, may or may not have that effect in this location.

0:29:40.680 --> 0:29:46.850

Sophie Moiese Room

So we are requesting additional time to review that information once we get it.

0:29:47.300 --> 0:29:55.690

Sophie Moiese Room

And I think probably an appropriate thing to do would be for us to report back to you all through John Hart.

0:29:56.20 --> 0:30:4.580

Sophie Moiese Room

Once I receive that information and have had time to have somebody else review it and then we could see if there's something that we can present to you at that time.

0:30:5.270 --> 0:30:13.920

Sophie Moiese Room

Umm so I'm here to request additional time before you all make a decision and that is supported by also the applicant.

0:30:14.490 --> 0:30:16.640

Sophie Moiese Room

So that's what I have to present.

0:30:17.190 --> 0:30:17.720

Sophie Moiese Room

Thank you.

0:30:17.730 --> 0:30:19.620

Sophie Moiese Room

And could you state your name for the record, please?

0:30:19.710 --> 0:30:21.830

Sophie Moiese Room

Graham Copas, thank you.

0:30:22.970 --> 0:30:28.940

Sophie Moiese Room

Is there additional public comment beginning here in the Sophie Moiese room and the Missoula County Courthouse?

0:30:28.950 --> 0:30:32.500

Sophie Moiese Room

Any additional public comment on this item?

0:30:34.610 --> 0:30:37.620

Sophie Moiese Room

How about anyone online who would like to comment?

0:30:42.30 --> 0:30:42.880

Sophie Moiese Room

OK.

0:30:43.190 --> 0:30:49.0

Sophie Moiese Room

Uh questions or discussion amongst the planning and zoning Commission.

0:30:50.180 --> 0:30:53.70

Sophie Moiese Room

So what question is there?

0:30:53.340 --> 0:31:0.50

Sophie Moiese Room

Maybe I missed this is are there monitoring wells South of the project area in the neighborhood or Mr Ru?

0:31:2.490 --> 0:31:5.310

Sophie Moiese Room

That is, that is also just run up to that microphone, please.

0:31:7.590 --> 0:31:9.530

Sophie Moiese Room

And this is Dave Rue.

0:31:9.710 --> 0:31:14.360

Sophie Moiese Room

So the modern welders are just on Westerns property, correct?

0:31:14.510 --> 0:31:28.280

Sophie Moiese Room

They're not the wells that we instrumented are westerns, water supply wells, as well as a domestic well that is serves a residence that is on Westerns property.

0:31:29.370 --> 0:31:31.700

Sophie Moiese Room

They are not purpose built monitoring wells.

0:31:31.770 --> 0:31:35.660

Sophie Moiese Room

As John stated earlier, there's currently no asphalt plant there.

0:31:35.890 --> 0:31:38.190

Sophie Moiese Room

Monitoring wells are not required.

0:31:38.870 --> 0:31:45.700

Sophie Moiese Room

Umm for gravel pits that do not have asphalt plants, so there are they're not, they're not currently installed.

0:31:46.170 --> 0:31:46.460

Sophie Moiese Room

OK.

0:31:46.470 --> 0:31:47.0

Sophie Moiese Room

Thank you.

0:31:47.450 --> 0:31:47.850

Sophie Moiese Room

Thank you.

0:31:49.400 --> 0:31:50.490

Sophie Moiese Room

I have a question for Jenny.

0:31:50.500 --> 0:31:58.640

Sophie Moiese Room

So we've heard a number of additional proposed mitigations today that we're just seeing for the first time at least we are.

0:31:58.650 --> 0:32:5.160

Sophie Moiese Room

So will those be circulated amongst staff in some way to provide some review and comment on?

0:32:6.650 --> 0:32:7.820

Sophie Moiese Room

Thank you for asking.

0:32:7.830 --> 0:32:20.510

Sophie Moiese Room

I have not seen those until this morning as well, and with the I took some screenshots and would my assessment was that that they will need to be at least reworded.

0:32:21.280 --> 0:32:21.540

Sophie Moiese Room

Uh.

0:32:21.880 --> 0:32:29.530

Sophie Moiese Room

At the very least, to to evolve them into conditions of approval that might be applied to to a variance approval.

0:32:32.520 --> 0:32:41.720

Sophie Moiese Room

I'm not certain that all of them will be able to become conditions that are are actually enforceable, so we'll need to take a look at those.

0:32:42.60 --> 0:32:43.750

Sophie Moiese Room

We will need more time, OK?

0:32:45.250 --> 0:32:46.670

Sophie Moiese Room

Uh, yeah, Jamie, come on up.

0:32:48.200 --> 0:32:53.580

Sophie Moiese Room

And I'm assuming anything that was presented today will be available to us to inspect.

0:32:54.630 --> 0:32:55.320

Sophie Moiese Room

Thank you, Jamie.

0:32:55.330 --> 0:32:56.440

Sophie Moiese Room

You're backer with WGM?

0:32:57.60 --> 0:33:7.900

Sophie Moiese Room

We do have some marked up condition language taking from the May 2nd hearing and so some modifications strike throughs and I can pass that on to Jenny after this meeting for the public record.

0:33:8.50 --> 0:33:8.360

Sophie Moiese Room

OK.

0:33:8.370 --> 0:33:8.700

Sophie Moiese Room

Thank you.

0:33:9.640 --> 0:33:15.400

Sophie Moiese Room

Additional questions or discussion by the Commission, Shane.

0:33:17.90 --> 0:33:28.90

Sophie Moiese Room

Yeah, with the in regard to the additional mitigation efforts are those for the entire pit or just the pit that that, that you're asking for the variance on, uh, come on up, Jamie.

0:33:28.100 --> 0:33:29.740

Sophie Moiese Room

Mr Capas, whoever.

0:33:39.720 --> 0:33:43.580

Sophie Moiese Room

So the mitigation would be for the entire pit if it expands.

0:33:49.780 --> 0:33:50.250

Sophie Moiese Room

OK.

0:33:50.510 --> 0:33:51.60

Sophie Moiese Room

Thank you.

0:33:52.770 --> 0:33:53.440

Sophie Moiese Room

Uh yes.

0:33:53.450 --> 0:33:56.540

Sophie Moiese Room

Tyler, I actually have two questions.

0:33:57.450 --> 0:33:57.960

Sophie Moiese Room

Both.

0:33:57.970 --> 0:33:59.860

Sophie Moiese Room

I see Ellen and Graham are both here.

0:33:59.870 --> 0:34:12.780

Sophie Moiese Room

So I'm gonna throw this first one out to both of you and then mid 80s there was a case, Missoula County versus American asphalt, that dealt with a fairly similar provision in the other part of zoning.

0:34:13.490 --> 0:34:15.570

Sophie Moiese Room

Obviously that got that.

0:34:15.630 --> 0:34:25.460

Sophie Moiese Room

Statutory language was added to this part of zoning much later in time, and I think 2019 or 2021, but it's specifically said that we don't have the authority to regulate default.

0:34:25.470 --> 0:34:34.710

Sophie Moiese Room

My or gravel mining and so I am curious to hear both of your thoughts on how case law has evolved or whether that would apply to this case or not.

0:34:35.140 --> 0:34:37.560

Sophie Moiese Room

Basically, what effect that would have on in this operation?

0:34:37.570 --> 0:34:39.30

Sophie Moiese Room

And then I have a second question.

0:34:39.40 --> 0:34:42.700

Sophie Moiese Room

After that, Mister McCormick, you've not spoken yet?

0:34:42.710 --> 0:34:43.420

Sophie Moiese Room

Let's start with you.

0:34:48.640 --> 0:34:49.500

Sophie Moiese Room

Good morning, commissioners.

0:34:51.50 --> 0:34:56.880

Sophie Moiese Room

Planning and Zoning Commission members Alan McCormick Arlington Lotta Robinson representing western materials.

0:34:56.960 --> 0:35:11.640

Sophie Moiese Room

Unfortunately, that statutory provision that statutory provision applies to Part 2 zoning not Part 1 zoning and Part 1 zoning, is silent on sort of regulating gravel industries.

0:35:11.710 --> 0:35:13.620

Sophie Moiese Room

So there is some debate.

0:35:13.630 --> 0:35:14.100

Sophie Moiese Room

It does.

0:35:14.110 --> 0:35:26.710

Sophie Moiese Room

There is a provision in Part 1 zoning that's specifically deals with the regulation of or the extraction of minerals, and there is some date debate in Montana about whether gravel is a mineral.

0:35:27.320 --> 0:35:35.430

Sophie Moiese Room

I think most likely the case law should be read that it is not considered to be a mineral for these purposes.

0:35:35.440 --> 0:35:36.590

Sophie Moiese Room

But reasonable minds can differ.

0:35:38.170 --> 0:35:39.560

Sophie Moiese Room

Any other questions while I'm up here?

0:35:41.890 --> 0:35:48.660

Sophie Moiese Room

I'm going to follow up and just say the provision that was added to Part 2 zoning is, I would say fairly similar.

0:35:48.890 --> 0:35:50.830

Sophie Moiese Room

Do you view the subsequent?

0:35:50.840 --> 0:35:59.60

Sophie Moiese Room

Because again, the case in the 80s found that gravel wasn't mineral, but it appears that subsequent case law has maybe said it's not.

0:35:59.390 --> 0:36:3.500

Sophie Moiese Room

Do you see any resolution of that conflict, or is it still kind of up in the air?

0:36:4.310 --> 0:36:7.0

Sophie Moiese Room

If it was clear, we wouldn't be asking for a variance.

0:36:7.370 --> 0:36:17.640

Sophie Moiese Room

So in part, we're asking for a variance because it's not clear and because the case law seems to be trending to the side that says gravel is not a mineral for purposes of these kinds of analysis.

0:36:20.210 --> 0:36:20.740

Sophie Moiese Room

Thank you.

0:36:20.750 --> 0:36:21.760

Sophie Moiese Room

Mr McCormick.

0:36:21.810 --> 0:36:24.920

Sophie Moiese Room

Mr Coppess, is there anything that you would like to add?

0:36:28.380 --> 0:36:28.570

Sophie Moiese Room

Yeah.

0:36:28.580 --> 0:36:35.930

Sophie Moiese Room

And we provided full legal analysis of that question in the original memos that we submitted both in the 1st April meeting and the May meeting.

0:36:35.940 --> 0:36:49.290

Sophie Moiese Room

So you can look for the written analysis to your question there, but the long answer or the short answer rather is I agree with Alan that this is not considered a mineral and is totally able to be regulated under Montana law through the zoning process.

0:36:49.580 --> 0:36:55.390

Sophie Moiese Room

That was an intentional, and that's specifically due to the impacts on residential neighborhoods.

0:36:56.220 --> 0:36:59.80

Sophie Moiese Room

And there has been subsequent case law that issue as well.

0:36:59.270 --> 0:37:13.770

Sophie Moiese Room

So, and I would remind you again that this body did actually take the affirmative step of implementing zoning and previous cases to present to prevent this exact issue from happening, which is kind of the inverse of what's happening here.

0:37:13.780 --> 0:37:26.200

Sophie Moiese Room

We're questioning whether we should bend zoning to allow for non conforming use, and then the past this body has taken the affirmative step of implementing zoning to prevent this exact same thing.

0:37:27.110 --> 0:37:29.400

Sophie Moiese Room

So I feel like that's relevant for you all to consider.

0:37:29.720 --> 0:37:30.70

Sophie Moiese Room

Thank you.

0:37:30.80 --> 0:37:41.410

Sophie Moiese Room

Josh is the question for Jenny about uh bending zoning and the difference between part one and Part 2 zoning, and what's?

0:37:41.420 --> 0:37:42.380

Sophie Moiese Room

What's the question?

0:37:42.470 --> 0:37:42.840

Sophie Moiese Room

How are?

0:37:43.170 --> 0:37:44.60

Sophie Moiese Room

How are those two?

0:37:44.70 --> 0:37:45.650

Sophie Moiese Room

How are those two types of zoning different?

0:37:47.190 --> 0:37:58.320

Sophie Moiese Room

Umm, there there are two sections, two different sections of law relative to zoning and land use, and part one, as I understand it, is older.

0:37:58.330 --> 0:38:13.740

Sophie Moiese Room

It involves this planning and zoning Commission body and the county commissioners, whereas Part 2, which is much of what the zoning is and the Missoula Valley, it it's a it goes to the planning Board and the county Commissioners for Action.

0:38:14.150 --> 0:38:26.640

Sophie Moiese Room

It has, you know, board of adjustment variances and special exceptions, whereas part one because it's older and a lot more ambiguous, we kind it's kind of leaves a lot to.

0:38:27.790 --> 0:38:39.440

Sophie Moiese Room

UM, interpretation on how to and implement it and apply it in terms of, let's say, variances.

0:38:39.870 --> 0:38:48.0

Sophie Moiese Room

We've been talking about that a lot that the the statute is similar, but they're not the same and so there's different interpretation.

0:38:48.10 --> 0:38:54.360

Sophie Moiese Room

And I probably would also because I'm trying to interpret law, which is not totally my strength.

0:38:54.590 --> 0:39:1.880

Sophie Moiese Room

My my ask John to give you a little bit more clarity on those, the differences of those two sections of law.

0:39:1.950 --> 0:39:3.310

Sophie Moiese Room

Sean, is there anything you'd like to add?

0:39:6.690 --> 0:39:9.400

Sophie Moiese Room

This is John Hart, deputy county attorney's.

0:39:9.410 --> 0:39:10.220

Sophie Moiese Room

Not really.

0:39:10.630 --> 0:39:32.850

Sophie Moiese Room

One is initiated, so I mean I called sort of the grassroots approach to zoning the and the other one is a more Part 2 is initiated by the county Planning Board and is more of A is something that then you consider and and and implement.

0:39:33.620 --> 0:39:43.670

Sophie Moiese Room

And I don't know the Part 1 zoning was the first type of zoning that was introduced in Montana in the 40s or 50s.

0:39:44.370 --> 0:39:48.800

Sophie Moiese Room

And then and then Part 2 zoning came later.

0:39:48.880 --> 0:40:1.450

Sophie Moiese Room

I don't know how much later I could also add Josh, Umm one of the results of John, the John John's description of those two zones, part one and Part 2.

0:40:3.70 --> 0:40:38.440

Sophie Moiese Room

Results in very different kind of regulations and as I said, part one is harder to apply and implement because when requested by citizens who are not trained in this and certainly don't have time or money to develop a whole set of regulations that evaluates every presumably every aspect of development that can be considered versus Part 2 where we have chapters on building types and cluster developments and what do you do if there are nonconforming uses and what do you do if they don't meet a certain definition?

0:40:38.450 --> 0:40:41.70

Sophie Moiese Room

I mean it's, I mean it's 400 pages long.

0:40:43.660 --> 0:40:50.860

Sophie Moiese Room

Andrew was hoping it would be 420 pages long, but it's only 400 pages long and the versus.

0:40:52.460 --> 0:41:2.220

Sophie Moiese Room

Part 1 zoning, which might be one page and so that all of that other 399 pages are kind of left to best interpretation.

0:41:4.180 --> 0:41:12.520

Sophie Moiese Room

So in this case, because state law and the zoning district has not prohibited use variances, we are in this situation.

0:41:14.370 --> 0:41:14.900

Sophie Moiese Room

Yeah.

0:41:15.260 --> 0:41:26.460

Sophie Moiese Room

And with R2 zoning, state law does prohibit those local your local regulations that you adopted in July of 2022 have stated you cannot do a use variance.

0:41:27.260 --> 0:41:37.870

Sophie Moiese Room

SO11 possibility for, you know, is to consider, uh, creating, adopting a resolution to not allow use variances in part one.

0:41:37.880 --> 0:41:41.820

Sophie Moiese Room

And but that doesn't exist right now. Thanks.

0:41:44.390 --> 0:41:52.90

Sophie Moiese Room

Other discussion, yes, Tyler of one last question and John's probably gonna hate me for it, but it's it's too John.

0:41:54.280 --> 0:42:25.160

Sophie Moiese Room

I guess my one question I would have is at the last hearing, Mr Kopas, you indicated that you guys were planning on the Carlton Protection Trust, was planning on challenging the existing permit UM and I don't know whether that's still the plan or not, but I'm curious from John's perspective, if we were to approve this variance and they do challenge the permit for the existing pit, does the variance allow them to then just move over and mine the new pit, umm?

0:42:25.660 --> 0:42:33.20

Sophie Moiese Room

In other words, are we, are we foreclosing a legal remedy for them if they were to successfully challenge the existing permit?

0:42:38.800 --> 0:42:39.200

Sophie Moiese Room

I don't know.

0:42:42.80 --> 0:43:3.260

Sophie Moiese Room

I guess my comment to that would be whatever conditions we look to approve, if we if it part of the package I guess is I would say that if for some reason the existing permit is found to be not legal that this would not then extend to the new permit, the new site essentially.

0:43:3.470 --> 0:43:4.970

Sophie Moiese Room

I'm not sure that made any sense.

0:43:5.160 --> 0:43:6.580

Sophie Moiese Room

It makes sense in my mind though.

0:43:7.130 --> 0:43:18.180

Sophie Moiese Room

So so Tyler, would this question for you, I guess would if if the scenario you're talking about came to pass, would Western have to apply for a new permit on the new on the neighboring land?

0:43:18.430 --> 0:43:41.930

Sophie Moiese Room

I guess what I'm thinking, and this is Jenny, obviously you'd have to wordsmith this, but if if for some reason the existing permit were revoked because a court said that it was not valid, that we wouldn't be if we approve this variance, it wouldn't give them the ability to basically just shift operations to the new site and continue to mine that because we've granted a variance.

0:43:41.940 --> 0:43:55.250

Sophie Moiese Room

In other words, this was initially a a grandfathered in use, but we are looking to make it a an actual variance that's approved by this body and well, I guess the county commissioners technically.

0:43:55.260 --> 0:43:59.490

Sophie Moiese Room

But, umm, that one would not negate the other, in other words.

0:44:2.350 --> 0:44:2.910

Sophie Moiese Room

Thanks Tyler.

0:44:7.300 --> 0:44:10.270

Sophie Moiese Room

Ohh yes, I saw that hand hovering back there.

0:44:10.280 --> 0:44:10.720

Sophie Moiese Room

Come on up.

0:44:16.150 --> 0:44:17.670

Sophie Moiese Room

Hi Mike Smith with WGM.

0:44:18.510 --> 0:44:30.130

Sophie Moiese Room

Tyler, I think I'm not sure that this answers your question or not, but the process with the permitting of the pit, there is an existing permit, it's got multiple amendments to it.

0:44:30.540 --> 0:44:36.50

Sophie Moiese Room

This would be an amendment, so the the the actual number of the permit will not change.

0:44:36.280 --> 0:44:41.550

Sophie Moiese Room

So that permit that is in effect now is still the permit, it will just have different parameters.

0:44:42.40 --> 0:44:46.50

Sophie Moiese Room

So I don't not sure if that addresses what you're looking for or not, Tyler.

0:44:47.730 --> 0:45:0.560

Sophie Moiese Room

I think what my concern is is if that existing permit for some reason we're found to not be legal us granting this variance could allow you to just apply for a new permit and you would now have a zoning compliance because we granted a variance.

0:45:0.750 --> 0:45:12.700

Sophie Moiese Room

And So what I am saying, what I am suggesting is that as a condition of granting this variance that it is reliant on that existing permit being valid and just expanding versus being a new permit, I see.

0:45:12.710 --> 0:45:22.710

Sophie Moiese Room

So I guess in that instance the if we were to apply for a new permit after that happened, that would include getting zoning approval.

0:45:22.720 --> 0:45:32.670

Sophie Moiese Room

So I I I guess that's probably are you talking about if if that creates that pathway essentially, yes you would have to come back to this body to get another variance approval to.

0:45:32.940 --> 0:45:47.780

Sophie Moiese Room

In other words, if if the Carlton Protection Trust were successful in shutting down the existing gravel operation that you wouldn't then just be able to move to a new a new sites and operate that as a new gravel operation that you would have to come back to this within 40.

0:45:47.790 --> 0:45:49.110

Sophie Moiese Room

Yes, correct.

0:45:50.170 --> 0:45:50.640

Sophie Moiese Room

You know what?

0:45:51.210 --> 0:45:52.660

Sophie Moiese Room

I don't know the answer. Sorry.

0:45:52.710 --> 0:45:54.440

Sophie Moiese Room

No, thank you, Jenny.

0:45:54.680 --> 0:45:58.930

Sophie Moiese Room

It would you mind putting that on your list of things to look into?

0:45:58.940 --> 0:46:5.980

Sophie Moiese Room

As far as our ability to create a condition of approval, that would be along those lines.

0:46:6.570 --> 0:46:7.360

Sophie Moiese Room

Uh, yes, Sir.

0:46:7.370 --> 0:46:7.730

Sophie Moiese Room

Come on up.

0:46:12.540 --> 0:46:14.70

Sophie Moiese Room

Yes, I'm Alan Foss.

0:46:14.500 --> 0:46:16.700

Sophie Moiese Room

I have a question for the water man.

0:46:17.770 --> 0:46:20.520

Sophie Moiese Room

Why don't you all questions come right here to me.

0:46:20.530 --> 0:46:23.280

Sophie Moiese Room

So OK, I have a question for the water man.

0:46:23.350 --> 0:46:24.990

Sophie Moiese Room

Yeah, I want you to address your.

0:46:25.0 --> 0:46:25.460

Sophie Moiese Room

Yeah.

0:46:25.470 --> 0:46:30.180

Sophie Moiese Room

Tell means to me, cuz I'm having a low water right now.

0:46:30.550 --> 0:46:35.630

Sophie Moiese Room

I am slightly higher than the pit, wouldn't, wouldn't it?

0:46:35.980 --> 0:46:54.590

Sophie Moiese Room

Us write if they had their little test wells above the pit and below the pit so that we could tell the difference between the water that's going into the pit area and the water that's coming out of it after they've pumped it.

0:46:55.980 --> 0:47:6.740

Sophie Moiese Room

I'm already having not problems, but I'm not getting my water pressure that I have had for 40 years.

0:47:7.110 --> 0:47:7.560

Sophie Moiese Room

That's.

0:47:7.630 --> 0:47:8.640

Sophie Moiese Room

That's my question.

0:47:8.810 --> 0:47:9.440

Sophie Moiese Room

Thank you, Sir.

0:47:10.460 --> 0:47:13.770

Sophie Moiese Room

Mr Roo, do you wanna take a stab at?

0:47:15.840 --> 0:47:17.290

Sophie Moiese Room

This hydrology question.

0:47:19.750 --> 0:47:37.380

Sophie Moiese Room

At the opening portion of this meeting, John did commit that if this variance or pit expansion went through that they would install monitoring wells along the and could you pull the mic a little closer to your mouth there?

0:47:38.50 --> 0:47:44.500

Sophie Moiese Room

Western did commit to installing monitoring wells on the upgradient portion of the pit expansion area.

0:47:44.830 --> 0:47:46.80

Sophie Moiese Room

Should this be approved?

0:47:46.310 --> 0:47:57.40

Sophie Moiese Room

So his suggestion is would occur with regards to well yield problems that can be caused by a number of things.

0:47:57.730 --> 0:48:0.660

Sophie Moiese Room

There's no scientific reason with Westerns.

0:48:0.670 --> 0:48:21.410

Sophie Moiese Room

Wells where they're currently located, why they would impact anybody to the South if this gentleman is having water yield issues that aren't consistent with the last 40 years of use, it's more likely to be attributed to the condition of the physical well or pumping equipment in the well.

0:48:23.120 --> 0:48:29.770

Sophie Moiese Room

This Western has not increased their water use recently, so there's no reason why.

0:48:30.600 --> 0:48:33.490

Sophie Moiese Room

Umm, there would be any off-site impacts.

0:48:34.760 --> 0:48:35.190

Sophie Moiese Room

OK.

0:48:35.260 --> 0:48:35.740

Sophie Moiese Room

Thank you.

0:48:35.750 --> 0:48:43.430

Sophie Moiese Room

And I would suggest, Sir, if you have questions related to our hydrologist, why don't you after the meeting tie in with one another?

0:48:46.930 --> 0:48:48.70

Sophie Moiese Room

Yeah, go ahead, Josh.

0:48:49.500 --> 0:48:51.160

Sophie Moiese Room

Mr Ruth, could I ask you a question?

0:48:56.760 --> 0:49:13.750

Sophie Moiese Room

If if we decide to keep this going for a number of months to gather more information and have the the CPT folks comment on your report, will there be any new wells or or is this just as is now with with data that reflects greater period of time passing?

0:49:13.980 --> 0:49:19.310

Sophie Moiese Room

As I understand, there are no immediate plans to install any new wells.

0:49:19.380 --> 0:49:23.750

Sophie Moiese Room

I believe those wells would be contingent on developing the pit expansion.

0:49:25.720 --> 0:49:27.390

Sophie Moiese Room

Thank you, Tyler.

0:49:29.140 --> 0:49:30.420

Sophie Moiese Room

I guess I'll ask one follow-up.

0:49:30.430 --> 0:49:30.880

Sophie Moiese Room

Sorry, Dave.

0:49:34.640 --> 0:49:39.530

Sophie Moiese Room

I what I'm hearing from the land owners is they want you to monitor where they are.

0:49:39.540 --> 0:49:40.370

Sophie Moiese Room

Is there any?

0:49:40.380 --> 0:49:43.790

Sophie Moiese Room

I mean, you'd have to have a legal right to install them.

0:49:43.830 --> 0:49:45.810

Sophie Moiese Room

Monitor their correct. Correct.

0:49:45.870 --> 0:49:46.740

Sophie Moiese Room

Yeah, that's right.

0:49:46.750 --> 0:49:47.140

Sophie Moiese Room

What would?

0:49:47.150 --> 0:49:48.960

Sophie Moiese Room

Yeah, you would need a legal access agreement.

0:49:49.190 --> 0:50:5.860

Sophie Moiese Room

There's a number of issues with collecting water quality samples from domestic wells, mainly that Western doesn't have control of them, so there's no guarantee that if you find something in the well, there's no guarantee of how it arrived there.

0:50:7.300 --> 0:50:10.340

Sophie Moiese Room

Theoretically somebody could dump motor oil down there.

0:50:10.350 --> 0:50:12.870

Sophie Moiese Room

Well, and say look, it's from the gravel pit.

0:50:12.920 --> 0:50:21.550

Sophie Moiese Room

So that's why typically monitoring wells that are on gravel pits, by the way, that's not typical at all.

0:50:22.300 --> 0:50:26.760

Sophie Moiese Room

I do a lot of work in the mining industry and specifically in gravel.

0:50:27.540 --> 0:50:43.310

Sophie Moiese Room

Umm, I've been to at least a dozen different gravel pits this year for for various projects and I think one of them has had monitoring wells and that was because of an off site issue that preexisted that mine.

0:50:44.820 --> 0:50:46.750

Sophie Moiese Room

So yeah, it's not a good idea to.

0:50:48.380 --> 0:50:59.910

Sophie Moiese Room

Monitor water quality with peoples domestic wells and in in addition those upgradient wells that would be installed contingent on this variance and pit expansion.

0:51:0.780 --> 0:51:7.640

Sophie Moiese Room

They would also monitor influent water quality to the pit, as I showed earlier with the map.

0:51:8.350 --> 0:51:8.980

Sophie Moiese Room

Umm.

0:51:9.310 --> 0:51:24.220

Sophie Moiese Room

The residences are located across and up gradient of the pit, which means that water from the septic fields at the houses may enter into the corner of Westerns property.

0:51:24.410 --> 0:51:35.100

Sophie Moiese Room

So it is possible that those wells would not only demonstrate that there are no impacts from the pit, there may be impacts from off site that are showing up at the pit.

0:51:35.150 --> 0:51:37.120

Sophie Moiese Room

So the wells would kind of serve both purposes.

0:51:39.480 --> 0:51:40.50

Sophie Moiese Room

Thank you.

0:51:40.110 --> 0:51:47.730

Sophie Moiese Room

And also not a good idea to dump motor oil down your domestic well, so Mr Coppess.

0:51:51.240 --> 0:52:5.810

Sophie Moiese Room

So I I think this entire conversation highlights a significant issue that we wanna consider, which is that it is very easy in the hydrologic world to explain somebody else's problem as to attenuated, to have a conclusive answer.

0:52:6.60 --> 0:52:13.870

Sophie Moiese Room

This is something that I see in litigating these cases all of the time, and there are two components to the water issue that we want to have looked at.

0:52:13.880 --> 0:52:22.570

Sophie Moiese Room

One is the quantity side and two is the quality side and they have very different sets of influences and very different sets of legal issues associated with them.

0:52:23.20 --> 0:52:25.370

Sophie Moiese Room

For the quantity side, we have people's water rights.

0:52:25.380 --> 0:52:44.950

Sophie Moiese Room

There's a prior appropriation system that deals with that and handles that through the legal system, but from the quality side, there is no regulation of this system, and the hydrologist who spoke is correct that these monitoring wells are not required by DEQ and association with implementation of the Open Cut Act.

0:52:45.100 --> 0:52:52.190

Sophie Moiese Room

However, most of these other sites are not located in a residential neighborhood that have zoning associated with them.

0:52:52.240 --> 0:53:0.830

Sophie Moiese Room

And so that's why we're here and that's why we're discussing this, because there is a legal parameter that says this is not an appropriate place for this activity.

0:53:1.140 --> 0:53:15.520

Sophie Moiese Room

And so to be clear, what is happening in other locations I really think has no bearing on what should be happening here, because we're in a totally different framework for how to consider whether this is an appropriate activity or not.

0:53:15.640 --> 0:53:27.290

Sophie Moiese Room

So from the quantity side, surely we need to look at whether the expansion of the acreage and whether the expansion of production at this facility is going to require more water.

0:53:27.800 --> 0:53:29.250

Sophie Moiese Room

That's a pretty simple question.

0:53:29.820 --> 0:53:41.390

Sophie Moiese Room

It makes basic sense that if you're gonna produce more material and and convey more material through this manufacturing facility, it's gonna require additional water to process that.

0:53:41.400 --> 0:53:48.640

Sophie Moiese Room

So we want to know how much so it simply is not believable that there's not gonna be increase in the consumptive volume of water.

0:53:48.650 --> 0:53:52.0

Sophie Moiese Room

That's actually pumped out of the ground, but we do need to know how much.

0:53:52.90 --> 0:54:1.680

Sophie Moiese Room

And then we need to know how those wells that are going to be pumping the increased volumes are going to relate directly to the aquifer system that neighboring wells are located in.

0:54:2.290 --> 0:54:7.710

Sophie Moiese Room

So that's going to be looking at the depths of wells that are in the area and relation to the depths of the wells that are at issue.

0:54:8.240 --> 0:54:13.850

Sophie Moiese Room

And we'll be used in this production facility and then we need to know how those wells are actually hydrologically connected.

0:54:14.40 --> 0:54:21.970

Sophie Moiese Room

So if they're at differing levels in the geology, we need to know, is there leakage between those hydrologic units and at what rate?

0:54:22.40 --> 0:54:42.30

Sophie Moiese Room

How fast the transmissivity, which is how fast the water is actually going to translate on the lateral level moving through the aquifer system and then that basically they can model a cone of depression which is going to indicate how much water is going to be pulled towards those wells that they're pumping and whether that's going to intercept these other sources.

0:54:42.40 --> 0:54:55.860

Sophie Moiese Room

So it's very possible and and this is what I hope we're gonna see from this report, is to have modeling of all of this information so we can present it to you and maybe it's not going to impact our clients drinking water wells in the sense of quantity and which case that's great.

0:54:56.10 --> 0:55:10.460

Sophie Moiese Room

Everybody can rest assured that their water rights are not going to be impacted, but for them to stand up here and say that this is categorically not possible as factually inaccurate and that's why we would have to have somebody else come up here and present to you about why they're wrong about that.

0:55:11.320 --> 0:55:12.630

Sophie Moiese Room

So that's the quantity side.

0:55:12.720 --> 0:55:26.190

Sophie Moiese Room

The quality side is is certainly a little bit more complicated in the sense that we have impacts to drinking water systems which are separate and distinct from that pulling of water in the cone of depression to those wells.

0:55:26.400 --> 0:55:35.990

Sophie Moiese Room

And So what we need to look at is how the pit can act as a conduit for contaminants from the site to actually be transmitted into groundwater.

0:55:36.0 --> 0:55:39.670

Sophie Moiese Room

And then how that will or will not move in a lateral direction out.

0:55:40.0 --> 0:55:46.510

Sophie Moiese Room

So that is going to look at both essentially how this location could act.

0:55:46.520 --> 0:55:49.70

Sophie Moiese Room

As like I said, a conduit to shallow aquifers.

0:55:49.80 --> 0:55:53.40

Sophie Moiese Room

And if there's going to be leakage into deeper aquifers and where that water will end up going.

0:55:53.310 --> 0:56:0.820

Sophie Moiese Room

And so that's all information that we don't have right now and that we hope we can gain through some sort of a hydrologic scientific report.

0:56:1.20 --> 0:56:7.260

Sophie Moiese Room

And obviously, we're gonna need to Fact Check that information and have somebody else look at it.

0:56:8.210 --> 0:56:14.640

Sophie Moiese Room

It is obviously well known you can pay somebody to write a report that says anything we see it in court all the time.

0:56:15.370 --> 0:56:28.950

Sophie Moiese Room

So we do need to have some sort of a response period to that information and we'd request to have that essentially be scheduled out with you once we once we get that information.

0:56:28.960 --> 0:56:40.860

Sophie Moiese Room

So Tyler, yeah, actually, honestly, the reason why I asked is because I was wondering what are they not doing now that you would like them to do because they seem receptive to trying to do more.

0:56:40.870 --> 0:56:45.960

Sophie Moiese Room

So is there something they should be doing in your mind that they are not doing in terms of this report?

0:56:46.360 --> 0:56:52.310

Sophie Moiese Room

Well, I said, Alan, a whole list of information that we'd like to see and I haven't heard whether that will or will not occur.

0:56:52.320 --> 0:56:58.790

Sophie Moiese Room

So I'm hopeful that it will, but if it doesn't occur, we'll certainly be back here to tell you about all the problems associated with that.

0:56:58.800 --> 0:57:7.550

Sophie Moiese Room

So Josh and then Shane uh gentleman from Western, you got did you have a question for Mr Cops?

0:57:7.560 --> 0:57:7.870

Sophie Moiese Room

OK.

0:57:7.880 --> 0:57:11.830

Sophie Moiese Room

Go ahead, change and you just mentioned the sent Mr McCormick A.

0:57:11.870 --> 0:57:13.830

Sophie Moiese Room

You know a list of dozen items.

0:57:14.270 --> 0:57:17.260

Sophie Moiese Room

Could you share those or share that list of items?

0:57:22.110 --> 0:57:24.670

Sophie Moiese Room

It'd be easier if I just read the email that I sent Alan to you.

0:57:50.530 --> 0:57:52.100

Sophie Moiese Room

OK, I said.

0:57:53.90 --> 0:57:59.20

Sophie Moiese Room

The open cut act requires identification and analysis of seasonal fluctuation and groundwater, which is true.

0:57:59.210 --> 0:58:10.280

Sophie Moiese Room

It requires a 25 foot separation barrier between seasonal high groundwater and the bottom floor of mining, and we'd like to know the relative distance between seasonal high groundwater and the deepest depth of mining.

0:58:10.590 --> 0:58:20.330

Sophie Moiese Room

If these calculations are going to be based on wells off site, we would need to know the GWICH database database numbers for those wells and the distance from those wells to the site.

0:58:21.120 --> 0:58:27.340

Sophie Moiese Room

If you're using static water levels from well logs, we will need to know the month in which those wells were drilled and the year.

0:58:28.190 --> 0:58:32.170

Sophie Moiese Room

As this is all required by the open Cut Act, I don't assume it's a problem to share with us.

0:58:32.800 --> 0:58:40.10

Sophie Moiese Room

We are, of course, interested in that information, but we are also interested in additional hydrologic issues that are not analyzed by the open cut Act.

0:58:40.20 --> 0:58:51.230

Sophie Moiese Room

Following House Bill 599, most notably, we are concerned about the exposed and porous alluvial soils acting as a direct conduit for contaminants from the site into shallow groundwater.

0:58:51.780 --> 0:59:2.70

Sophie Moiese Room

We were concerned with that shallow groundwater is connected to deeper groundwater and we'd like to see an analysis of the confined semi confined or leaky confined aquifers in the vicinity of the site.

0:59:2.420 --> 0:59:20.460

Sophie Moiese Room

We would like to know the rate of leakage, the transmissivity values associated with the groundwater in the area, and if and where surface water discharges are occurring from those aquifers from a water quantity perspective, we would like to know information related to the groundwater wells that are used as a part of the facility.

0:59:21.10 --> 0:59:24.460

Sophie Moiese Room

I would like to know the water right numbers associated with the project site.

0:59:24.670 --> 0:59:36.910

Sophie Moiese Room

The depth of the wells and the individual and combined flow rates and volumes of all we are interested to know if there's pumping logs or well records that have been kept, what the volumes associated with the variable.

0:59:36.920 --> 0:59:39.960

Sophie Moiese Room

Well, various wells are on an annual basis.

0:59:40.160 --> 0:59:46.840

Sophie Moiese Room

How that water is used on the site and whether increases in flow rate and volumes can be expected as a part of the future expansion.

0:59:48.220 --> 0:59:58.980

Sophie Moiese Room

These are the questions that then lead us to want to know the size and scope of the cone of depression and whether the cone of depression will propagate through any geologic layers toward the surface and as far as horizontally.

0:59:59.930 --> 1:0:4.160

Sophie Moiese Room

With that information, we'll be able to analyze the potential for various mitigation needs.

1:0:4.690 --> 1:0:17.540

Sophie Moiese Room

For one, from a quantity side, we could potentially negotiate a subordination agreement between our clients, a cessation of use pant plan or an agreement to be bound by call.

1:0:18.430 --> 1:0:28.940

Sophie Moiese Room

So that is what I would envision as some sort of a settlement agreement that could occur from the quantity side, which would essentially recognize that our clients have senior water rights to those.

1:0:29.80 --> 1:0:38.570

Sophie Moiese Room

And that if they're having, well, problems, they would make a formal call and that they would either be some cessation or restriction of use that would occur at the mining site.

1:0:38.900 --> 1:1:3.300

Sophie Moiese Room

And the reason that water users often enter into some sort of a cessation or user call plan like that is because of the ability to say that essentially causation is attenuated at any point in the future, and that's a major issue when you litigate water rights related issues is that it's very easy for some junior water user to come along and say, well, my well is not your problem, right.

1:1:3.310 --> 1:1:7.640

Sophie Moiese Room

There are 500 other wells in the vicinity of this project and I am not the problem.

1:1:7.650 --> 1:1:27.810

Sophie Moiese Room

You need to go after all of these other people and that is why junior users that are either asking for a new water right or an expansion of a water right are required to essentially have the burden of proof under the water use act to show as a first matter that they're not going to adversely affect anyone else.

1:1:27.980 --> 1:1:37.30

Sophie Moiese Room

And while Western's on here asking for a new water right, they are asking for an expansion of a facility that may or may not require additional water to be used.

1:1:37.430 --> 1:1:39.600

Sophie Moiese Room

And that's what we want to know.

1:1:40.380 --> 1:1:42.920

Sophie Moiese Room

And so those are the specific questions that I asked.

1:1:43.370 --> 1:1:43.940

Sophie Moiese Room

Thank you.

1:1:43.950 --> 1:1:51.530

Sophie Moiese Room

Since this question was or, this correspondence was addressed in Mr McCormick, is there anything that you'd like to add?

1:1:51.580 --> 1:1:54.430

Sophie Moiese Room

Yes, there is the the shaking of the head, yes.

1:1:56.550 --> 1:1:57.690

Sophie Moiese Room

Thank you, Mr Copas.

1:2:2.720 --> 1:2:4.130

Sophie Moiese Room

A list sounds good.

1:2:4.640 --> 1:2:7.570

Sophie Moiese Room

This is Alan McCormick for Western materials list.

1:2:7.580 --> 1:2:14.250

Sophie Moiese Room

Sounds good until you realize the act doesn't require a 25 foot separation from groundwater.

1:2:14.580 --> 1:2:16.790

Sophie Moiese Room

They act doesn't require a lot of those other things.

1:2:17.340 --> 1:2:24.510

Sophie Moiese Room

You don't do cones of depression and analyze those sorts of things unless you find out that there's actually some possibility of a connection between the two.

1:2:26.60 --> 1:2:45.520

Sophie Moiese Room

And so there's a quite a lot of stuff that's being asked here that does not have a fundamental basis for being asked or need to ask be asked and we passed that list along to our hydrogeologist for comment and to see what could be included in the in the study that he's already doing, they don't have a hydrogeologist.

1:2:45.620 --> 1:2:46.830

Sophie Moiese Room

They don't have any data.

1:2:46.930 --> 1:2:48.90

Sophie Moiese Room

They don't have any attempt.

1:2:48.820 --> 1:2:52.390

Sophie Moiese Room

I secured a hydrogeologist in about 5 days after the last meeting.

1:2:52.830 --> 1:2:59.590

Sophie Moiese Room

I did it without talking to them because I had some concerns about whether about the timing and wanting to be independent.

1:2:59.600 --> 1:3:1.290

Sophie Moiese Room

We did not engage WGM to do it.

1:3:1.300 --> 1:3:14.390

Sophie Moiese Room

We hired an independent environmental and we hired them through my office as an expert and got that ball rolling to provide you with the data that we have took a little longer to get the equipment to start doing the study and that's why we don't have a report for you today.

1:3:14.460 --> 1:3:16.90

Sophie Moiese Room

They still don't have a hydrogeologist.

1:3:16.540 --> 1:3:19.900

Sophie Moiese Room

That was something that they promised and they asked us if could we participate in your study.

1:3:20.170 --> 1:3:26.480

Sophie Moiese Room

And I said no, but we'll give it to you and and why don't you get your own hydrogeologist for this stuff?

1:3:26.670 --> 1:3:32.860

Sophie Moiese Room

I don't appreciate at all this impugning of our hydrogeologists.

1:3:34.10 --> 1:3:36.360

Sophie Moiese Room

Qualifications and professionalism.

1:3:36.370 --> 1:3:41.640

Sophie Moiese Room

By saying you can pay anybody any amount of money to get the report that you want.

1:3:41.730 --> 1:3:57.50

Sophie Moiese Room

Of course, data can be manipulated, but let's not start having that kind of a discussion in public of just impugning someones professional qualifications and and professionalism by making those kinds of allegations in a hearing like this.

1:3:57.600 --> 1:4:1.430

Sophie Moiese Room

Certainly anybody can take the data and take a look at it and see whether it's accurate or not.

1:4:1.440 --> 1:4:14.160

Sophie Moiese Room

But let's do that rather than having a conversation here about things that we are not doing that aren't even required by the act, and making some prejudgment about the quality of the reporting and the information that we're trying to give you.

1:4:16.30 --> 1:4:17.160

Sophie Moiese Room

Thank you, Josh.

1:4:17.790 --> 1:4:20.510

Sophie Moiese Room

I wanted to ask questions of the gentleman from Western.

1:4:24.80 --> 1:4:25.630

Sophie Moiese Room

Mr capas.

1:4:31.420 --> 1:4:34.540

Sophie Moiese Room

And this is really just so I can be clear here.

1:4:34.590 --> 1:4:37.600

Sophie Moiese Room

We're we're hearing the words expansion so.

1:4:40.80 --> 1:4:51.770

Sophie Moiese Room

I was understanding this that you had a certain amount of years left in the pit that you're currently mining 20 to 30 kind of depending on the pace of construction and how much gravel is actually there.

1:4:51.780 --> 1:4:52.640

Sophie Moiese Room

Is that accurate?

1:4:52.680 --> 1:4:55.150

Sophie Moiese Room

Up to 20, we figure, yeah, up to 20.

1:4:55.160 --> 1:5:8.660

Sophie Moiese Room

OK, I only was adding the other because if the pace of construction goes much more slowly, let's say we have an economic downturn, you don't have that demand and the need to pull gravel as quickly as you are right now, so.

1:5:10.650 --> 1:5:28.760

Sophie Moiese Room

Is it the case that if you have access to grab to mine gravel to the land we're talking about, would you be actively mining more gravel than you are now, or would you be replacing what you are now after the 20 years passes 20 to 30 years with the new land?

1:5:30.20 --> 1:5:32.250

Sophie Moiese Room

Is this more of an extension or an expansion?

1:5:32.700 --> 1:5:36.870

Sophie Moiese Room

It's more of an extension of of gravel availability into the future.

1:5:36.920 --> 1:5:41.30

Sophie Moiese Room

We will be immediately reclaiming it's it's.

1:5:41.520 --> 1:5:46.0

Sophie Moiese Room

I keep saying 20 acres, but some some of the acreages on the highway.

1:5:46.10 --> 1:5:48.970

Sophie Moiese Room

So I think it's it's 18 bonded acres to the north.

1:5:48.980 --> 1:5:52.490

Sophie Moiese Room

We're gonna reclaim immediately, so we'll be moving.

1:5:52.500 --> 1:6:4.0

Sophie Moiese Room

We'll be shifting our mining into the West and it will just be at the pace for for which the economy as you stayed is utilizing gravel is there.

1:6:4.10 --> 1:6:5.110

Sophie Moiese Room

Is there some way to?

1:6:7.190 --> 1:6:12.180

Sophie Moiese Room

Guarantee, for lack of a better word, that you don't use more water than you are using now.

1:6:12.470 --> 1:6:19.520

Sophie Moiese Room

If it's the case that you're replacing new land with, you're placing old land with new land in terms of actively mined ground.

1:6:20.330 --> 1:6:22.250

Sophie Moiese Room

So if you if you're actively, I'm just gonna make it up.

1:6:22.260 --> 1:6:35.620

Sophie Moiese Room

If you're actively mining 30 acres of gravel now, and as that goes away, you slowly add a new 30 acres from a novices or our laypersons point of view, it seems like well, you'd be using the same amount of gear, the same amount of water, the same amount of everything.

1:6:35.710 --> 1:6:40.970

Sophie Moiese Room

You're just transferring the space from that east to the West.

1:6:40.980 --> 1:6:43.600

Sophie Moiese Room

In this case, that's what we're envisioning.

1:6:43.610 --> 1:6:48.510

Sophie Moiese Room

I mean to say we won't need more water in the future.

1:6:48.520 --> 1:6:53.240

Sophie Moiese Room

I'd hate to put that as an absolute, but I know we won't need.

1:6:55.260 --> 1:7:8.570

Sophie Moiese Room

Nearly close to as much water as that area would need if it was developed as a zoning says, as one per five acres, we will we won't be even close to 20.

1:7:8.620 --> 1:7:11.290

Sophie Moiese Room

I believe it's would be 24 new houses.

1:7:11.740 --> 1:7:15.990

Sophie Moiese Room

We won't be even ever close to that amount of volume of water.

1:7:18.80 --> 1:7:18.530

Sophie Moiese Room

So.

1:7:18.540 --> 1:7:23.750

Sophie Moiese Room

So at at the point when that gets subdivided, it's gonna have a lot more water.

1:7:23.760 --> 1:7:26.410

Sophie Moiese Room

Use than than our gravel pit ever will.

1:7:26.660 --> 1:7:27.150

Sophie Moiese Room

Is it?

1:7:27.200 --> 1:7:34.90

Sophie Moiese Room

Is it possible for you to agree to not actively mining any more land than you are now?

1:7:34.140 --> 1:7:37.660

Sophie Moiese Room

You just transfer as one chunk of land is kind of spent.

1:7:37.670 --> 1:7:41.840

Sophie Moiese Room

You move to the West as opposed to mining more land than you are right now.

1:7:44.250 --> 1:7:46.210

Sophie Moiese Room

One, I think that's that's part of the mitigation.

1:7:46.220 --> 1:7:47.520

Sophie Moiese Room

We're we're saying, right?

1:7:47.530 --> 1:7:53.530

Sophie Moiese Room

Is that when we move into the new area, we're going to reclaim breaker for acre.

1:7:53.680 --> 1:8:3.30

Sophie Moiese Room

So yeah, so so we will open up 20 new acres as we reclaim that 20 to the north or 18 to the north.

1:8:3.40 --> 1:8:10.860

Sophie Moiese Room

So it seems it's it's going to be about the footprints going to be no different than it is today, right under that mitigate.

1:8:10.870 --> 1:8:14.940

Sophie Moiese Room

So it's, it seems that the water use could be the same as well.

1:8:15.0 --> 1:8:17.40

Sophie Moiese Room

It's going to be very close to the same.

1:8:17.50 --> 1:8:20.240

Sophie Moiese Room

That's why I that's why I'm saying we could put a number to it.

1:8:20.250 --> 1:8:23.0

Sophie Moiese Room

I wouldn't want to put the exact number that we are today.

1:8:23.10 --> 1:8:28.420

Sophie Moiese Room

Yeah, but it it, it will definitely be way less than 24 new homes.

1:8:28.430 --> 1:8:40.230

Sophie Moiese Room

You think it's possible after conferring with your folks to put a number or put a range where you this is where you are now and you are committing to remain within that range and that we would, we would stay under a certain number.

1:8:40.240 --> 1:8:41.300

Sophie Moiese Room

Yeah, that's great.

1:8:41.310 --> 1:8:49.760

Sophie Moiese Room

And I think you know, once we see the water study that will help us to sure if there's enough effect at a certain amount.

1:8:49.940 --> 1:8:50.190

Sophie Moiese Room

Yeah.

1:8:50.200 --> 1:8:56.170

Sophie Moiese Room

And then we would standard that amount and so that would help us come to the number that you're asking.

1:8:56.240 --> 1:8:59.30

Sophie Moiese Room

Thanks for the patience with amateur questions.

1:8:59.640 --> 1:9:0.100

Sophie Moiese Room

Thank you.

1:9:0.910 --> 1:9:2.100

Sophie Moiese Room

Uh Jane.

1:9:2.150 --> 1:9:2.420

Sophie Moiese Room

Yes.

1:9:2.910 --> 1:9:3.220

Sophie Moiese Room

Yeah.

1:9:3.230 --> 1:9:10.20

Sophie Moiese Room

Mr Cap is just a few more, and and Commissioner Slotnick, so thinking kind of the same same thing you were, and I really.

1:9:10.30 --> 1:9:12.720

Sophie Moiese Room

I just wanted to maybe ask another question.

1:9:12.730 --> 1:9:14.380

Sophie Moiese Room

And what are you using in water for?

1:9:14.390 --> 1:9:17.740

Sophie Moiese Room

I'm assuming if you have a concrete batch plant right, there's some going there.

1:9:17.750 --> 1:9:25.720

Sophie Moiese Room

If you got to wash plant, there's some going there and and and as I understood, when you do have your wash plant operating you you kind of recycling that water.

1:9:25.730 --> 1:9:36.240

Sophie Moiese Room

So it's not like you're you're pulling out of the ground constantly to run your wash plant, but I just like to get you know, everybody up here a sense of like what water you're you're using, what's it being used for?

1:9:36.350 --> 1:9:36.580

Sophie Moiese Room

Yeah.

1:9:36.590 --> 1:10:2.480

Sophie Moiese Room

So the the main uses are for the concrete plant, the wash plant, the wash plant we pump into retention ponds so we can recycle that water as much as we we can and then we use water for dust control and so those those are the three uses umm I we we do not have a restroom there we use umm corded port a pots for restroom.

1:10:2.540 --> 1:10:2.910

Sophie Moiese Room

So.

1:10:2.960 --> 1:10:4.940

Sophie Moiese Room

So those are the three three uses.

1:10:4.950 --> 1:10:19.550

Sophie Moiese Room

So so the the reason it could go up slightly is if we're getting more demand and we have to wash some more gravel or we have have more concrete production, that's where the fluctuation would be.

1:10:19.640 --> 1:10:31.810

Sophie Moiese Room

But like I said, it's that that water use is far less than 24 new homes and and you would be willing after conferring with your folks to put a a top end on that.

1:10:31.820 --> 1:10:35.870

Sophie Moiese Room

Yes, we would be willing to put a top end of what our water needs.

1:10:35.880 --> 1:10:39.660

Sophie Moiese Room

It would that ever be, and hopefully that that top end would reflect kind of where you are now.

1:10:41.990 --> 1:10:42.190

Sophie Moiese Room

Yeah.

1:10:45.360 --> 1:10:46.550

Sophie Moiese Room

One additional question.

1:10:46.560 --> 1:11:3.560

Sophie Moiese Room

So yeah, a little bit different than ground water, but do you have any sense of what percentage of the overall gravel needs of the Missoula area this pit provides?

1:11:5.320 --> 1:11:18.600

Sophie Moiese Room

Because we we've heard a lot in terms of this is this is a critical asset for the the future of of the Missoula Valley for decades to come, it would, it would if you don't have it now, it would be helpful to have some sense by way of scale.

1:11:18.610 --> 1:11:18.890

Sophie Moiese Room

What?

1:11:18.940 --> 1:11:19.310

Sophie Moiese Room

What?

1:11:19.740 --> 1:11:42.50

Sophie Moiese Room

What this actually contributes to the need I just we have to find out what the total gravel sales are from all gravel pits, but I can tell you we we sell out of there and and out of the mall and because we sell that gravel both out of the mall and pit and the Lowell pit we transfer up to our mallin pit about 200,000 tons a year.

1:11:44.110 --> 1:11:45.390

Sophie Moiese Room

And I will.

1:11:46.460 --> 1:11:52.610

Sophie Moiese Room

I will see what I can do to better give a kind of a how that value, what that value means.

1:11:53.600 --> 1:11:54.720

Sophie Moiese Room

OK, that would be.

1:11:54.760 --> 1:11:56.140

Sophie Moiese Room

I can't just write off the code.

1:11:56.150 --> 1:12:0.350

Sophie Moiese Room

That's what the good analogy or or conceptual way to explain it?

1:12:0.420 --> 1:12:1.250

Sophie Moiese Room

No, that's helpful.

1:12:1.260 --> 1:12:2.780

Sophie Moiese Room

Thank you, Tyler.

1:12:4.450 --> 1:12:7.780

Sophie Moiese Room

This is maybe a question for both Graham and John.

1:12:7.790 --> 1:12:13.460

Sophie Moiese Room

Umm I I heard one of the residents say they would like an answer right now.

1:12:13.690 --> 1:12:18.980

Sophie Moiese Room

Graham, you're saying that you would like more time to study the hydrological reports, John.

1:12:19.190 --> 1:12:27.800

Sophie Moiese Room

I guess what are what are, what is the time frame of what's reasonable from both parties in terms of us making a decision so that we have a better sense of when we need to make a decision.

1:12:27.950 --> 1:12:33.640

Sophie Moiese Room

You know, I think I will defer this one to Alan because he has a better understanding of the timing on the contracts.

1:12:33.650 --> 1:12:48.150

Sophie Moiese Room

And I know this is we do have a lot of other things we need to do so that I mean this has been going on now for for many almost a year I believe is when we put in the application time flies on me.

1:12:48.160 --> 1:12:53.50

Sophie Moiese Room

So but I will, I will turn that over to Alan to give a better answer.

1:12:53.380 --> 1:12:55.40

Sophie Moiese Room

Thank you, Mr Davis. Alan.

1:13:3.840 --> 1:13:5.870

Sophie Moiese Room

Could you give me a better sense of your question?

1:13:7.980 --> 1:13:8.650

Sophie Moiese Room

I get hurt.

1:13:8.690 --> 1:13:9.170

Sophie Moiese Room

Yeah.

1:13:9.180 --> 1:13:15.660

Sophie Moiese Room

What I'm quite sure what you're asking what I'm asking is, you know, we had one resident who said just make a decision already.

1:13:17.170 --> 1:13:25.200

Sophie Moiese Room

I imagine you guys would like us to make a decision already, but I also recognize Graham, I think you have a valid concern of like wanting to see the hydrological report.

1:13:25.210 --> 1:13:27.0

Sophie Moiese Room

So there's sort of conflicting.

1:13:27.710 --> 1:13:29.140

Sophie Moiese Room

Make a decision already or not.

1:13:29.370 --> 1:13:48.590

Sophie Moiese Room

What is your guys timeline in terms of when you really need a decision made and likewise Graham, what is your timeline, you're probably less looking for decision right away, but I just kind of want to get a sense of do we need to make a decision by August by September, by remember when sure I mean sooner rather than later.

1:13:48.600 --> 1:13:51.190

Sophie Moiese Room

I think everybody in this room would like to be done with this issue.

1:13:51.820 --> 1:14:3.130

Sophie Moiese Room

Most probably the most would be the five of you saying there the information that we we promised to provide some information we told you at the last meeting that we provided information.

1:14:3.340 --> 1:14:7.590

Sophie Moiese Room

We told you that we would reach out to the other side to talk about a possible resolution.

1:14:7.600 --> 1:14:8.510

Sophie Moiese Room

We've done that.

1:14:8.740 --> 1:14:10.850

Sophie Moiese Room

We just don't have all of that information yet.

1:14:10.860 --> 1:14:17.560

Sophie Moiese Room

We tried to scramble so that we could get it to you for this meeting and and just with getting the equipment the like it took longer than and needed.

1:14:17.630 --> 1:14:20.940

Sophie Moiese Room

I don't think we need a whole lot more time to complete the study.

1:14:20.950 --> 1:14:23.840

Sophie Moiese Room

Put that information together and be and make it available.

1:14:23.850 --> 1:14:28.620

Sophie Moiese Room

So I think that's a matter of a couple of weeks, not months, to be able to do that.

1:14:29.230 --> 1:14:33.330

Sophie Moiese Room

You know what's a reasonable time frame to give the members of the public an opportunity to review that?

1:14:33.430 --> 1:14:35.900

Sophie Moiese Room

They know a couple weeks after that, who knows?

1:14:35.950 --> 1:14:36.160

Sophie Moiese Room

I'm.

1:14:36.170 --> 1:14:41.100

Sophie Moiese Room

I'm sure Graham has different feelings on that wanting to get a hydrogeologist to take a look at it.

1:14:41.530 --> 1:14:54.670

Sophie Moiese Room

But but we we can be prepared to provide you with the information and in the in the meantime, because we we have not gotten, we have not received or been able to successfully engage in actual discussions about mitigation with CPT folks.

1:14:54.800 --> 1:14:58.600

Sophie Moiese Room

We've tried that doesn't seem like that's gonna be very practical to do.

1:14:58.850 --> 1:15:9.10

Sophie Moiese Room

And so that's why you saw some additional mitigation being suggested this morning of of hearing what their concerns are trying to find some solutions to it even without those discussions.

1:15:9.20 --> 1:15:10.930

Sophie Moiese Room

So we've been moving that along as best we can.

1:15:11.880 --> 1:15:15.310

Sophie Moiese Room

I'm gonna ask one clarifying do and this also for you.

1:15:15.320 --> 1:15:20.280

Sophie Moiese Room

Graham, do you have any hard dates by which a decision needs to be made, like contract dates?

1:15:22.760 --> 1:15:30.570

Sophie Moiese Room

Yes, I mean there you know there there is a an agreement in place you've you've we've we've talked about this before, there's an agreement in place.

1:15:31.20 --> 1:15:35.710

Sophie Moiese Room

I don't know the exact date when that current agreement expires.

1:15:35.990 --> 1:15:40.760

Sophie Moiese Room

I think it's August and so a decision prior to August, you know mid August would be great.

1:15:42.310 --> 1:15:49.570

Sophie Moiese Room

You know if if we know it's going to be 10 days after that or something like that, then I'm we we can ask make a request to extend those contracts.

1:15:50.560 --> 1:15:56.580

Sophie Moiese Room

Umm it it would be probably be unfair to be saying to them, hey, let's wait till December and keep keep doing that.

1:15:57.930 --> 1:15:59.790

Sophie Moiese Room

Mr Coppess, thank you, Alan.

1:16:6.460 --> 1:16:6.800

Sophie Moiese Room

So.

1:16:9.80 --> 1:16:14.830

Sophie Moiese Room

I think that you have everything before you that you need today to just deny this application.

1:16:15.200 --> 1:16:16.510

Sophie Moiese Room

So we'll just start with that.

1:16:16.600 --> 1:16:26.930

Sophie Moiese Room

There has been significant testimony and evidence presented through the last two presentations about how this is not in the public interest about how the applicant has not carried its an affirmative duty.

1:16:26.940 --> 1:16:33.490

Sophie Moiese Room

So members of the public that stood up here and said they wanna decision today denying this, I fully understand.

1:16:33.620 --> 1:16:40.480

Sophie Moiese Room

I'm coming at it from a little more holistic perspective of looking at all of the information that you all have requested.

1:16:40.870 --> 1:16:50.0

Sophie Moiese Room

And so my request for additional time is based on an opportunity to review what they're going to present, and that's based on an assumption that you guys wanna see that information.

1:16:50.230 --> 1:16:55.750

Sophie Moiese Room

If you don't want to see an that information, you certainly can make that decision today. But.

1:16:57.630 --> 1:17:3.750

Sophie Moiese Room

We have engaged a hydrogeologist as the folks that I've used for a number of these projects.

1:17:3.760 --> 1:17:4.620

Sophie Moiese Room

They're out of Helena.

1:17:4.630 --> 1:17:11.740

Sophie Moiese Room

It's Hydro Solutions Inc and they are a very competent organization.

1:17:13.140 --> 1:17:25.910

Sophie Moiese Room

However, we have not taken the steps to produce an affirmative study of our own A because that's super expensive and B because we're not up here asking you for a use variance to and establish zoning requirement.

1:17:25.920 --> 1:17:36.250

Sophie Moiese Room

So what I'm asking for is the opportunity to have somebody who's competent in this field of science review the information and identify if there are problems with that information that you should be aware of.

1:17:36.550 --> 1:17:39.290

Sophie Moiese Room

And so that is going to take a little bit of time.

1:17:39.440 --> 1:17:46.720

Sophie Moiese Room

I didn't hear a date that we'd get this report, but I'd say that at the very least we'd need a month after that to make that happen.

1:17:47.530 --> 1:17:59.480

Sophie Moiese Room

So we could essentially let you know when we get it and then we could set a hearing date after that or you guys can just make a decision today.

1:17:59.550 --> 1:18:10.660

Sophie Moiese Room

And I mean all of the information that's been presented to you has a very clear path and a defensible legal path for you to deny this application that's in front of you.

1:18:11.190 --> 1:18:25.160

Sophie Moiese Room

There is not going to be exposure if you do in that way, but in the inverse I would suggest that there's gonna be significant exposure legally for this body if it grants this used variance and this may be tied up in court for quite some time afterwards.

1:18:25.480 --> 1:18:33.790

Sophie Moiese Room

And so there there's an easy path and there's a hard path, and that's obviously all your prerogative.

1:18:33.980 --> 1:18:34.360

Sophie Moiese Room

Thank you.

1:18:36.180 --> 1:19:0.960

Sophie Moiese Room

Jenny or or Cheryl, do you have any sense of when we might be able to reconvene and recognizing that it's going to be predicated on the groundwater study actually being completed by by that time and also that a special meeting like this does not have to occur during a normally scheduled public meeting on on a Thursday?

1:19:2.650 --> 1:19:16.820

Sophie Moiese Room

Well, so I have been kind of using the Thursdays as a guide, but there are also weeks where that Thursday may not work, but also weeks where commissioners or people are gone.

1:19:16.830 --> 1:19:18.360

Sophie Moiese Room

So I did ask you to bring your calendars.

1:19:18.370 --> 1:19:31.500

Sophie Moiese Room

The first opportunity, given what I've heard that I would throw out there as a possible date is actually would be like today a special, Umm, Commission meeting at in the morning of August 15.

1:19:33.760 --> 1:19:36.580

Sophie Moiese Room

Like at 9:00 AM on Thursday, August 15.

1:19:36.590 --> 1:19:40.50

Sophie Moiese Room

That's your third Thursday, where you don't have a normal.

1:19:45.90 --> 1:19:48.790

Sophie Moiese Room

Do either the Carlton Protection Trusts or.

1:19:50.270 --> 1:19:53.270

Sophie Moiese Room

Western uh have thoughts on that?

1:19:53.280 --> 1:19:54.880

Sophie Moiese Room

Would August 15th work?

1:19:56.180 --> 1:19:59.300

Sophie Moiese Room

I got a thumbs up from Alan McCormack.

1:20:0.860 --> 1:20:3.290

Sophie Moiese Room

Thumbs up from Mr Coppess.

1:20:5.850 --> 1:20:6.270

Sophie Moiese Room

Ohh.

1:20:9.140 --> 1:20:10.320

Sophie Moiese Room

Not good.

1:20:11.910 --> 1:20:12.280

Sophie Moiese Room

After.

1:20:14.500 --> 1:20:15.730

Sophie Moiese Room

OK, that was close.

1:20:15.810 --> 1:20:16.580

Sophie Moiese Room

That was close.

1:20:16.620 --> 1:20:19.250

Sophie Moiese Room

Also, it looks like Tyler's not here that day.

1:20:19.520 --> 1:20:29.840

Sophie Moiese Room

I do just want to make you aware that for the planning and zoning Commission to be able to take action with a quorum, you will need to have four planning and zoning Commission members.

1:20:30.250 --> 1:20:33.240

Sophie Moiese Room

I would really love to have all five of you though.

1:20:35.550 --> 1:20:52.300

Sophie Moiese Room

Since we have so many parties and I'm not sure if GNSI has their schedule fully and hand, do we need to we we ideally we could figure this out right now, but if we don't figure this out right now it does mean that and it's part of the job.

1:20:52.310 --> 1:21:8.480

Sophie Moiese Room

But I'll have to go back, back out and put posters adjacent property owner letters legal, add those type of things, and I was hoping to be able to pick a date much as we've done in the last three or four meetings to a date certain so we could announce it here today.

1:21:8.490 --> 1:21:8.920

Sophie Moiese Room

How about?

1:21:8.930 --> 1:21:9.970

Sophie Moiese Room

How about August 14th?

1:21:12.190 --> 1:21:21.600

Sophie Moiese Room

I'm still, so I'm out of town all that week as a heads up, so I would, if we could do later, that would probably be better for me, like the week of August 19.

1:21:23.540 --> 1:21:27.120

Sophie Moiese Room

Sometime I would have to be on a Monday or Tuesday for me.

1:21:28.250 --> 1:21:33.40

Sophie Moiese Room

I'm I'm more August 26th fish, actually, even beyond that.

1:21:33.520 --> 1:21:35.520

Sophie Moiese Room

So September might be better for me.

1:21:35.610 --> 1:21:36.980

Sophie Moiese Room

How about August 29th?

1:21:37.370 --> 1:21:41.80

Sophie Moiese Room

I'm supposed to be gone August 28th to September 19.

1:21:41.250 --> 1:21:47.480

Sophie Moiese Room

Ohh, you might just that's an ingenious got like a three week.

1:21:47.490 --> 1:21:48.990

Sophie Moiese Room

What does GS I available?

1:21:54.80 --> 1:21:55.440

Sophie Moiese Room

What about the week of August?

1:21:57.670 --> 1:22:0.940

Sophie Moiese Room

Uh, 5th August 5th.

1:22:0.950 --> 1:22:2.990

Sophie Moiese Room

I got a thumbs up from GSI August 5th.

1:22:6.500 --> 1:22:7.620

Sophie Moiese Room

Well, I'm I'm hearing.

1:22:9.310 --> 1:22:13.180

Sophie Moiese Room

I'm hearing that the water, groundwater study should be completed well before then.

1:22:13.190 --> 1:22:14.710

Sophie Moiese Room

Is that a fair assumption?

1:22:16.240 --> 1:22:17.400

Sophie Moiese Room

Yes, that's a fair assumption.

1:22:19.630 --> 1:22:20.250

Sophie Moiese Room

August 5th.

1:22:21.350 --> 1:22:22.120

Sophie Moiese Room

Alan no.

1:22:23.610 --> 1:22:25.800

Sophie Moiese Room

Or the week of the week that week.

1:22:39.990 --> 1:22:53.110

Sophie Moiese Room

So then if that's not sufficient time, we were looking at the next opportunity was the week of September 23rd, but I believe, Dave, you are gone or maybe it's Josh's gone and we're trying to beat hunting season.

1:22:53.120 --> 1:22:54.340

Sophie Moiese Room

So what about and then?

1:22:55.410 --> 1:23:00.490

Sophie Moiese Room

Uh on September 30, October 1, October 2.

1:23:09.680 --> 1:23:10.60

Sophie Moiese Room

What about?

1:23:12.170 --> 1:23:12.330

Sophie Moiese Room

Yeah.

1:23:15.480 --> 1:23:22.740

Sophie Moiese Room

I know that's a lot farther out than the applicant was looking for and might require an extension on your.

1:23:26.180 --> 1:23:29.60

Sophie Moiese Room

OK, we've got some conferring going on in the back.

1:23:31.590 --> 1:23:35.290

Sophie Moiese Room

It looks like the Sophie Moiese room is not available all week.

1:23:35.960 --> 1:23:37.90

Sophie Moiese Room

What is in here?

1:23:37.200 --> 1:23:38.300

Sophie Moiese Room

It starts with me health.

1:23:39.650 --> 1:23:40.470

Sophie Moiese Room

It had to happen.

1:23:40.650 --> 1:23:41.640

Sophie Moiese Room

Can can we?

1:23:41.850 --> 1:23:44.300

Sophie Moiese Room

I think we could, we can find a different spot for.

1:23:44.310 --> 1:23:45.260

Sophie Moiese Room

It starts with me.

1:23:45.270 --> 1:23:49.410

Sophie Moiese Room

Yeah, we will find a different spart spot for it starts with me.

1:23:51.230 --> 1:23:56.450

Sophie Moiese Room

So we're looking potentially after some conference October one or two.

1:24:5.830 --> 1:24:6.910

Sophie Moiese Room

Can you do October 2?

1:24:19.860 --> 1:24:19.980

Sophie Moiese Room

No.

1:24:21.500 --> 1:24:29.580

Sophie Moiese Room

For the August 5th, your compass, if they get the report within a week, can you roll into action evaluating it?

1:24:40.970 --> 1:24:44.0

Sophie Moiese Room

OK, how about we set the tentative date early August?

1:24:44.430 --> 1:24:45.520

Sophie Moiese Room

What was that again?

1:24:45.530 --> 1:24:46.470

Sophie Moiese Room

August 5th?

1:24:48.570 --> 1:24:51.450

Sophie Moiese Room

August 6 or 7 August 6 or 7, OK.

1:24:59.730 --> 1:25:6.140

Sophie Moiese Room

Does anyone have any special requests for August 6 or 7? A special time that works better?

1:25:6.610 --> 1:25:7.870

Sophie Moiese Room

Otherwise, we could just pick.

1:25:9.700 --> 1:25:13.390

Sophie Moiese Room

Commissioners, just so you know, I I won't be available for that meeting.

1:25:13.800 --> 1:25:23.620

Sophie Moiese Room

I think I've proven to be singularly unhelpful, so set the meeting for the first full week of August and we'll have someone else staff it.

1:25:25.690 --> 1:25:28.760

Sophie Moiese Room

What about August 6th at 9:00 AM?

1:25:31.740 --> 1:25:32.920

Sophie Moiese Room

Tuesday we have.

1:25:35.580 --> 1:25:36.70

Sophie Moiese Room

We can.

1:25:36.80 --> 1:25:36.500

Sophie Moiese Room

OK.

1:25:36.510 --> 1:25:37.990

Sophie Moiese Room

Is that OK?

1:25:39.360 --> 1:25:40.150

Sophie Moiese Room

OK.

1:25:40.580 --> 1:25:43.320

Sophie Moiese Room

I guess 6:10 AM in this room.

1:25:44.540 --> 1:25:49.70

Sophie Moiese Room

10:00 AM is good or nine or nine if you want to just keep your admin meeting and then come.

1:25:49.80 --> 1:25:51.380

Sophie Moiese Room

I mean, the less you have to shift around, the better.

1:25:51.390 --> 1:25:52.120

Sophie Moiese Room

I think so.

1:25:52.550 --> 1:25:53.140

Sophie Moiese Room

There's 10.

1:25:54.660 --> 1:25:55.360

Sophie Moiese Room

This 10 better.

1:25:56.970 --> 1:25:57.520

Sophie Moiese Room

It doesn't.

1:25:57.530 --> 1:25:59.30

Sophie Moiese Room

We'll have to cancel it regardless.

1:25:59.40 --> 1:26:0.50

Sophie Moiese Room

This is not gonna take an hour.

1:26:9.400 --> 1:26:10.990

Sophie Moiese Room

OK, let's try this again.

1:26:11.160 --> 1:26:14.970

Sophie Moiese Room

Would 2:00 PM on the afternoon of August 6th work?

1:26:17.450 --> 1:26:19.250

Sophie Moiese Room

OK, let's.

1:26:29.250 --> 1:26:32.100

Sophie Moiese Room

In a week in a week, in a week, within a week of today.

1:26:34.950 --> 1:26:37.440

Sophie Moiese Room

Is that is that going to be achievable GSI?

1:26:39.60 --> 1:26:40.320

Sophie Moiese Room

OK, good.

1:26:41.220 --> 1:26:44.660

Sophie Moiese Room

Yes, August 6th, 2:00 PM this room.

1:26:47.20 --> 1:26:53.970

Sophie Moiese Room

So if you're always room, and between now and then, we'll be taking a look at the proposed additional mitigations.

1:26:53.980 --> 1:26:56.470

Sophie Moiese Room

See how that aligns with conditions of approval?

1:26:58.740 --> 1:26:59.880

Sophie Moiese Room

I and get that out for comment.

1:27:2.340 --> 1:27:2.750

Sophie Moiese Room

OK.

1:27:2.760 --> 1:27:4.590

Sophie Moiese Room

Any other questions from the planning and Zoning Commission?

1:27:7.610 --> 1:27:8.30

Sophie Moiese Room

OK.

1:27:8.40 --> 1:27:13.620

Sophie Moiese Room

We will recess as the planning and zoning Commission and reconvene as the Missoula board of County Commissioners.

1:27:13.630 --> 1:27:19.20

Sophie Moiese Room

Is there any other business to come before the Commission today seeing none, we will be adjourned.

1:27:19.30 --> 1:27:19.680

Sophie Moiese Room

Thanks everyone.

1:27:20.70 --> 1:27:20.470

Sophie Moiese Room

Thank you.