



**Yellowstone County Zoning Commission
APPROVED Minutes for the Meeting of
Monday, January 11, 2021**

The County Zoning Commission met on Monday, January 11, 2021 at 4:00 p.m. Due to the COVID-19 health concerns, the format of the County Zoning Commission meeting will be held in a virtual videoconferencing environment.

Commissioners and Staff		01/13/20	02/10/20	03/09/20	04/13/20	05/11/20	06/08/20	07/13/20	08/10/20	08/26/20	08/27/20	09/14/20	10/12/20
Blaine Poppler	Commissioner	1											
Troy Boucher	Commissioner Chairman	1											
Tyler Bush	Commissioner Chairman	1											
Todd Hewett	Commissioner	1											

Chairman Boucher opened the meeting and introduced the County Zoning Commission members and Planning Division staff: Monica Plecker, Planning Division Manager, Tammy Deines, Planning Clerk.

Other Participants: Jennifer Kondracki, Richard Juntman

Public Comment

Chairman Boucher asked if there was anyone wishing to speak during the public comment portion of the meeting. The Public may call in during specific Public Comment periods at (406) 237-6165. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to 3 minutes of testimony as is customary.

Staff received a letter from Bryce and Lesli Glen, owners, Rocky Mountain Compost Inc. 3060 Farley Lane. Billings, Montana

Questions:

- Our main concern is what will happen to the pond / water level as we use the pond for recreation?
- There has been a very active and viable fish and amphibian eco- system in the pond for many years, what impact on that environment will this project have?



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- What is the plan for control of the water that has an outlet on our property and how will it affect our use of the pond?
- What is the process going to be for noise and dust control?
- How long is this project expected to take? Months? Years?
- What is the plan for restoring the pond back to its natural habitat and what is the projected time line?
- There is already work being done in the areas in question, has this already been approved to continue?
- Why are we having this meeting if work has already been in progress?
- What is the intention of Jim Weaver /JDW Farms or any other entity for the land after all the gravel is mined?
- Is there any intention to have the mining be a 24 hr. operation?

Motion. Approval of Minutes: September 24, 2020 (PROJECT RECODE); OCTOBER 12, 2020 (PROJECT RECODE)

Motion

It was moved by Commissioner Bush and seconded by Commissioner Hewitt to approve the September 24, 2020 and October 12, 2020 meeting minutes as submitted. The motion carried with a unanimous voice vote.

Item #1: Special Review 332

Staff read the legal notice for the record. County Special Review 332 – North End of Johnson Lane – Expansion of Kembel Post Gravel Mine – A special review request to allow expansion of an existing gravel extraction operation in a Heavy Industrial (HI) zone on Tracts 1, C/S 2796, a 43.3 acre parcel of land. Tax ID: D06421.

REQUEST

A special review request to allow expansion of an existing gravel extraction operation in a Heavy Industrial (HI) zone JDW Industrial Park 2, LLC, Owners. Jennifer Kondracki, Agent



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The applicant is requesting a special review to allow the expansion of an existing gravel mine located along Johnson Lane. The applicant is JDW Industrial Park 2 LLC. This Special Review application is for consideration of a gravel pit on a 43.3 acre parcel immediately adjacent to an existing and approved (SR282) gravel pit on an 85.6 acre parcel of land. The existing mine and proposed expansion area are both zoned Heavy Industrial (I2). The proposed site is legally and physically accessed from Johnson Lane, a gravel road. The applicant states the expansion and additional mining will primarily be used to excavate material to be used in support of the construction of the new Yellowstone River highway bridge and right-of-way on adjacent property to the east of the project. The need for the project directly supports a major highway and bridge project. The applicant further states the project is adjacent to the highway right-of-way and bridge construction site so access/travel/material haul will be contained within the project boundary and will not require use of public roads.

Before a recommendation of approval or conditional approval can be made, each special review request must demonstrate conformance with three primary criteria: 1) The application complies with all parts of the Zoning Regulations, 2) The application is consistent with the objectives and purposes of the Zoning Regulations and adopted Growth Policy, and 3) the application is compatible with surrounding land uses and is otherwise screened and separated from adjacent land to minimize adverse impacts.

This application conforms to the first criteria in so far that it is within a zoning district where a gravel pit can be allowed by special review approval. The application was submitted before the new zoning code was adopted by the Board of County Commissioners. The application is proceeding under the previous code provision. The Heavy Industrial zone district requires a special review approval for all sand and gravel mining. The application also conforms to the second criteria. The zoning regulations in place at the time of this application designated all zoning districts as locations where gravel pits may be allowed by special review approval.

The 2008 Growth Policy encourages new development that provide essential service to neighborhoods. The gravel pit expansion would provide essential materials for a highway and bridge project that benefits the County's transportation network. The application also meets the third criteria in that it can be made somewhat compatible with surrounding land uses in the area through conditions that mitigate the impacts to the surrounding uses. This site is in an area of Yellowstone County that is industrial and is adjacent to an already existing gravel pit. There are impacts from the proposed use that need to be mitigated. The conditions recommended with the special review should mitigate impacts from the site on the surrounding properties.





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RECOMMENDATION

Staff recommends conditional approval of County Special Review #332 with the following conditions:

1. Dust suppression shall be employed on all exposed rock, gravel, sand or topsoil.
2. Adequate back sloping of all cut-slopes shall be applied to prevent slope collapse.
3. This special review is only for the legally described property and only for gravel and sand extraction. No on-site generation of asphalt is allowed by this approval.
4. Internal haul roads shall be graveled and sprinkled or paved.
5. The site shall be reclaimed according to the plan submitted to the Montana Department of Environmental Quality (MT DEQ).
6. A weed control plan shall be submitted and approved by Yellowstone County Weed Control Department.
7. Any mining activity within 500 feet of a residence on adjacent property shall be limited to the hours of 7:00 am and 8:00 pm
8. The operator of the mining operation shall appoint an individual to as a contact person and complaints about failure to comply with these conditions shall be directed to that person in writing as a first step in resolving the problem. Failure to respond to a complaint or to reasonably comply with the complaint will allow the matter to be brought to the attention of the Planning Department. Failure to reasonably address the complaint will bring the matter before the Zoning Commission for recommendation to the Board of County Commissioners on resolving the problem. The name, address and phone number of the contact person shall be provided to the Planning Department and the County Public Works Department.
9. The mined portion of the property shall be restricted to the area described on the MT DEQ application.
10. These conditions of special review approval shall run with the land described in this authorization and shall apply to all current and subsequent owners, operators, managers, leaseholders, heirs and assigns.
11. Failure to comply with these conditions of approval of the special review use shall be deemed a violation of the zoning regulations.

Division Manager reviewed the citizen comments from Bryce and Lesli Glenn, who are concerned with the existing pond and future use. The applicant is anticipating a 5-year project. Dust suppression is addressed in the Conditions of Approval. Reclamation is planned to bring the pond to its natural habitat. There is a DEQ mining permit for reclamation. Mining should not be occurring at this time. The proposal is for operations to be 10-12 hours a day Monday-Saturday.

Discussion

Commissioner Boucher asked the Commissions for questions and comments. Commissioner Bush noted the requirement of 500-ft separation and asked how many residents are affected. It appears on the property to the west there is presently a farm that would be most affected.



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Public Hearing

Jennifer Kondracki, Agent, JDW Industrial Park (No address given)

Ms. Kondracki, JDW Industrial Park, asked for expansion of the current open cut mining operation. The long-term goal is turn this into a recreational area.

Richard Juntman, JDW Industrial Park (No address given)

Mr. Juntman explained that during mining of the western edge of the pond, a dike will be placed across the pond and the existing stream would be bypassed into the remaining Glen pond. He said the applicant is committed to preserving the water level in the pond.

- **Environmental Impact:** water banks will be treated to create additional habitat. Ultimately, the purpose is to improve the fishery habitat. The final reclamation is planned for two years after initial reclamation.
- **Plan for water:** reroute the existing stream into the Glen pond
- **The noise level will be restricted during hours of operation**
- **Dust level addressed in permit and conditions of approval**
- **Project period:** 1 to 5 years, depending on the materials needed at the bridge crossing.
- **The plan for restoration to natural habitat-**ultimate reclamation is to create a large pond, approximately 30 acres. After reclamation, the dike will be removed and the pond will be accessible to the Glens. Any construction activity on the present land will be conducted for road access and to improve the area around the pond. The northern parcel does have mining activity occurring.

Bryce Glen, 3060 Farley Lane. Billings, Montana

Mr. Glen clarified that they live on the property as caretakers and there is a modular home on the premises. The plan is the dike will only be in place while mining operations are occurring and the pond will be available to adjacent landowners.

Chairman Boucher announced the Public Comment phone number 237-6165 and asked if there is anyone wishing to speak about this text amendment. There were no further public comments. Chairman Boucher closed the public hearing at 5:35 pm and called for a motion.

Motion

Commissioner Bush moved and Commissioner Hewitt seconded the motion that the County Zoning Commission forward a recommendation of conditional approval to the County Commissioners for County Special Review #332 with the conditions of approval presented by staff.

Chairman Boucher called for discussion on the motion. There was none.

The motion carried with a unanimous voice vote.



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*County Special Review #332 will be heard by the Board of County Commissioners Tuesday, January 26, 2021, 9:30 a.m.

OTHER BUSINESS

a. Election of 2020 YC Zoning Commission Officers

Motion was made by Commissioner Hewitt and seconded by Commissioner Bush for Commissioner Boucher to serve as YC Zoning Commission Chairman for the 2020 term.

Motion was made by Commissioner Hewitt and seconded by Commissioner Boucher for Commissioner Bush to serve as YC Zoning Commission Vice Chairman for the 2020 term.

b. Announcement: The next Yellowstone County Zoning Commission meeting on Monday, February 10, 2020 is canceled due to a lack of agenda items.

Adjournment 5:45 PM

Approved by a motion July 12, 2021

--Tamara L. Deines, Planning Clerk