

## **REGULAR MEETING OF THE CARBON COUNTY PLANNING BOARD**

June 16, 2015, Tuesday 7:00 PM

Carbon County Courthouse  
102 North Broadway Avenue  
Red Lodge, MT

### **A. CALL TO ORDER**

7:05 Diann called the meeting to order

### **B. ROLL CALL**

Present: Diann Larson, Pete Cretelli, Annette Anderson, Clint Giesick, Gordon Hill

Absent: David Alsager (excused), Julie Jones (excused), Gene Koch (excused), Bob DeArmond, John Francis

Staff: Brent Moore, Monica Plecker, Angela Newell

Audience: Julie Holzer Red Lodge, Maggie Zaback Billings, Deb Muth Red Lodge, Mechelle Harper Belfry, Bill DeGroot Red Lodge, Ron Kapor Bridger.

### **C. MINUTES**

Corrections to the April 21<sup>st</sup> meeting minutes were as follows:

P2 – Eugene Sticka is from Bridger (not Belfry)

P3 – spell out Eugene (not Jean)

The minutes were not approved as there was not a quorum

### **D. PUBLIC HEARINGS**

No public hearings were scheduled

### **E. REGULAR BUSINESS – Development Permit Workshop**

Diann turned the meeting over to Brent.

Brent introduced Monica Plecker who recently joined CTA and will be working out of the Red Lodge Office. She had previously worked for the City of Laurel in planning.

Brent reviewed the packet given to Planning Board members to give them a scope of existing regulations in Montana Counties. Documents included Development Regulations from City of Laurel/Yellowstone County, City of Billings/Yellowstone County, Powell County, and Anaconda Deer Lodge. Brent noted that the Powell County Regulations are most similar to a "Conditional Use Permit." Anaconda Deer Lodge regulations are similar to Powell County, but require a more rigorous review.

Brent reviewed the schedule for the Development Permit revision process: the July meeting will focus on **Permitted Uses** and will evaluate which uses are exempt, which require administrative review, and which uses should be categorized as a conditional

use; the August meeting will focus on the **Standards** to be applied to developments and/or improvements; the September meeting will focus on the review **Process**; and the October meeting will pull all information together so a recommendation can be made to the Commissioners. With this schedule the hope is that the revised Development Regulations can be adopted and put into place in December.

Brent reviewed the current permits that Carbon County issues and how the permitting process is currently administered. To improve permitting efficiencies Carbon County is implementing an online permitting system. Currently there is no review of agricultural or residential development. To assist landowners in obtaining appropriate permits, (such as road approach permits or a rural addresses), it may be helpful to have a development application in which the landowner describes their project. Diann noted the other required permits could also be considered in the criteria for establishing a "conditional use." Clint asked about the current septic permitting process; sanitarian services are contracted with RiverStone Health in Billings and all permits for environmental health issues, including septic, are issued by RiverStone. Annette asked for an overview of which State/other agencies (DEQ, EPA, HRDC, etc.) are involved in other required permits; she would like to make sure that Carbon County Regulations do not duplicate something already in place at the State or Federal level and would like this information to help guide the discussion about what uses should be permitted in Carbon County.

Monica gave an overview of City of Laurel/Yellowstone County's special review process. Under their development regulations a use is either allowed, allowed by special review, or not allowed. "Special review" uses require the applicant to provide a site plan and initial documents that are reviewed by staff and the Planning Board. After the review, a recommendation to approve or deny the use is given to the Commissioners. Some items that can trigger the "special review" are road capacity, ingress/egress, parking, fencing, building bulk and location, usable open space, signs and lighting, noise/vibration/air pollution, or other environmental influences. Diann asked what happens if a use is not listed in the regulations? In that case they may consult the County Attorney to determine if it could be grouped with another allowable or special review use or if it is not allowable. Annette asked how Yellowstone County addresses opposition from neighbors that do not want development that is allowable ("not in my backyard" issues). Brent noted that if uses are defined and criteria are established, consistently following the process should help keep those issues at bay. Annette agreed that the rules needed to be clear and consistent.

There are some differences in the City of Billings/Yellowstone County. A "zoning compliance permit" is required to be submitted for all development to establish the intended property use. The biggest issue they have faced is people not knowing they need a permit and this process helps guide applicants through acquiring other needed permits. Diann asked how the jurisdiction was established. The Cities and County have interlocal agreements for administering development in the "buffer zones." Brent noted that if a municipality is interested in a similar arrangement they would need to approach the County. Currently the Carbon County Planning Board serves as the planning board for all incorporated cities with the exception of the City of Red Lodge which has its own planning board.

Brent reviewed the Powell County and Anaconda Deer Lodge permit systems. Powell County requires a "development certificate" for all development including residential. The "development certificate" is reviewed by planning staff to determine if a "conditional use permit" is also required. If it is required, there is a public hearing process and the Planning Board can approve, conditionally approve, or deny applications for conditional use permits. Anaconda Deer Lodge is very similar to Powell County; however, there are differences in time frames, exceptions, and variances. The Anaconda Deer Lodge regulations also provide for minimum specifications (lot size, setbacks) that are more similar to formal zoning regulations.

Clint asked why Red Lodge has its own Planning Board. Brent noted that Red Lodge's capacity for staff to facilitate the creation of a Growth Policy and administer their own regulations is probably the biggest factor. Annette noted that other municipalities could apply for grants to create their own Growth Policies if they desired. Pete noted that they could also appropriate funds to hire a contract entity to fulfill the duties of Planning Staff if they wanted.

#### **F. PETITIONS & COMMUNICATION FROM AUDIENCE**

Deb Muth read her written response (attached) to Annette's letter.

Ron Kapor asked if a zoning committee was still being considered. Brent reiterated that per the schedule the September meeting would address the process for issuing and administering permits. The revision process will be working from the framework of a "conditional use permit" as discussed at the meeting with the Commissioners.

Julie Holzer asked Monica how Billings permits industrial uses. There is a "high industrial" zone that includes the Laurel refinery. If similar development was proposed outside of that zone, the developer would have to apply for a zoning change or expansion of the current zone.

#### **G. WRITTEN COMMUNICATIONS**

There was no other written communication.

#### **H. REPORTS FROM PLANNING BOARD MEMBERS**

Annette, Clint, and Gordi attended the Property Rights, Land and Minerals Forum hosted by the Stillwater Watershed Council in May. The forum had some good information and addressed the complications with split estates in mineral development.

#### **I. STAFF REPORTS**

No staff rpt.

8:10 adjourned.

Respectfully submitted: Angela Newell, Administrative Assistant

TO: Carbon County Planning Board  
FROM: Deborah Muth  
RE: Response  
DATE: April 21, 2015

In her "report" to the Carbon County Planning Board dated March 17, 2015, Planning Board member Annette Anderson falsely claimed that I lied to her and this Planning Board about alleged "affiliation" with a "radical environmental group identifying itself as 'No Fracking the Beartooth Front'."

The name 'No Fracking the Beartooth Front' is not a group, as Ms. Anderson well knows, but is simply a personal Facebook page of someone who happens to be a member of the Carbon County Resource Council (CCRC). Neither I nor CCRC has control over such a Facebook page and we are not authors of it. The so-called "evidence" attached by Ms Anderson to her "report" of March 17, itself proves the ridiculous nature of her allegations

Furthermore, neither I nor CCRC is involved in any way with the recent lawsuit commenced by a group of private citizens against the Carbon County Commissioners over issues related to citizens initiated zoning.

More important than her personal attack against me, however, is that a member of the Planning Board continues to bully and demonize those with whom she disagrees, rather than to engage in constructive discussion to resolve issues important to all in Carbon County.

CCRC is a consensus based citizens group whose goal is to work constructively with all citizens to protect our rights to a clean and healthy environment consistent with those guarantees of the Constitution of the State of Montana. CCRC believes that these protections can coexist with safe oil and gas development and promotes reasonable regulation to achieve this goal.

No citizen's group such as the Carbon County Planning Board can function successfully with Board members who are continually disruptive and abusive of other citizens' input to the Board decisions.

Sincerely,

Deborah Muth, Citizen of Carbon County