

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

April 19, 2016 Tuesday 7:00 PM

Carbon County Courthouse  
102 North Broadway Avenue  
Red Lodge, MT

**A. CALL TO ORDER**

7:00 Julie called the meeting to order.

**B. ROLL CALL**

Present: Gordy Hill, Clint Giesick, Elizabeth (Betsy) Scanlin, Pits DeArmond, Annette Anderson, John Francis, David Alsager, and Julie Jones.

Absent: Gene Koch

Pete Cretelli sent in letter of resignation.

Staff: Brent Moore, Monica Plecker, and Angela Newell

Audience: Julie Holzer, Red Lodge; Becky Grey, Red Lodge; Carol Nash, Bridger; Susan Beug, Red Lodge; Tom Tschida, Bridger; Maggie Zaback, Billings; Susan (Elli) Elliott, Red Lodge; and Michelle Harper, Belfry.

**C. MINUTES**

Betsy corrected the spelling of Bill "DeGroot." On page 3 the sentence "Pete did not object to the addition of Annette's language" was removed. Betsy moved to approve March minutes as amended; Annette seconded; motion carried.

**D. PUBLIC HEARINGS**

Development Permit Regulations

Julie turned the meeting over to staff. Monica gave an overview of the Oil & Gas Conditional Use Permit section. She noted a provision has been added to allow landowners to waive the setback requirements. For Baseline Water Testing, there is a minimum of four samples within a quarter mile which is expanded to half a mile if there are not the minimum number of testing sites within a quarter mile. The section also specifies that sampling shall include both ground and surface water when available and specifies a list of compounds to be tested for. The Dust Mitigation Plan section requires dust free site access near concentrated residential areas and requires haul roads to be located so they are not directly through recreational, residential, or rural residential areas.

Brent noted a provision has been added to the "Current Use" definition to allow the Planning Director to rely on both the Department of Revenue assessment and a site visit to determine the current use of a piece of property. Monica reviewed the "Administration and Procedures for Variances" section and the changes that had been made to incorporate Betsy's memo. The Board reviewed the "Issuance of Permit for Group 2 Development Permit" section. The Board suggested that the time frame to issue

a permit be expanded to 45 days to allow more time to review comments as the comment period is 30 days.

Monica noted five emails had been received from members of the public suggesting their support for the revised Regulations. Four of those emails were specific to the Oil & Gas Section and one addressed the regulations as a whole. Julie read the written correspondence from the audience (attached).

Annette and Betsy suggested the language under V-A(5)(b)(iii) should be strengthened by specifying the Board of County Commissioners consider "demonstrable" or "evidence of" adverse effects when considering appeals. Annette suggested adding language under the Oil and Gas Development Dust Mitigation Plan that "roads must be located so they are not directed through recreational, residential or rural residential areas (add) to the extent possible."

Julie opened the meeting to public comments on the Development Regulations.

Susan Beug, Red Lodge – Requested clarification on some items. For Baseline Water Testing who would have access to the results; Brent noted the results would be part of the Conditional Use Permit application and would be a public document. Susan asked who would pick the water test sample locations; Brent noted it would be up to the individual performing the testing, but if the samples were all in a concentrated area it would likely raise questions in the review process and at the Public Hearing.

Carol Nash, Bridger – Asked why language had been removed to exclude financial hardships as an unnecessary hardship under the "V-C Administration and Procedures for Variances." Staff noted it was overlooked when the section was revised to add more specific variance language; it will be reinserted into that section.

Becky Grey, Red Lodge – Thank the Planning Board for their discussions throughout the revision process and allowing the public to comment so readily. She asked about submitting additional comments regarding the regulations. Brent noted additional comments can be raised with the County Commissioners as they will hold a Public Hearing to adopt the finalized regulations.

Ellie Elliott, Red Lodge – Reiterated her thanks to the Board noting she appreciates their work as public servants.

Julie Holzer, Red Lodge – Noted she enjoyed witnessing the revision process and felt like she was able to participate in the process. She thanked the Board for engaging the public.

The Public Comment period and Public Hearing were closed.

#### **E. REGULAR BUSINESS**

Betsy moved to recommend the revised Development Regulations for approval by the County Commissioners; David seconded; Roll Call Vote: Ayes: Gordy, Clint, Betsy, Pits, Annette, John, David, and Julie. Nays: none. Motion carried unanimously.

#### **F. PETITION AND COMMUNICATION FROM THE AUDIENCE**

No additional communication received

**G. WRITTEN COMMUNICATIONS**

No additional

**H. REPORTS FROM PLANNING BOARD MEMBERS AND COMMITTEES**

None.

**I. STAFF REPORTS**

Monica noted in May Staff will be suggesting changes to the Subdivision regulations regarding lifting Agricultural Covenants; the Commissioners would like to see more expedited process in the regulations.

8:15 Dave moved to adjourn; Gordy seconded; motion carried.