

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

**March 17, 2015, TUESDAY 7:00 PM**

**CARBON COUNTY COURTHOUSE  
102 NORTH BROADWAY AVENUE  
RED LODGE, MT**

**I. CALL TO ORDER**

Ms. Julie Jones, Planning Board Chair, called the meeting to order at 7:01pm.

Those present:

Julie Jones  
Diann Fischer Larson  
David Alsager  
Gene Koch  
Annette Anderson  
Pits DeArmond

Those absent:

John Francis  
Pete Critelli  
Clinton Giesick

Notation was made that the seat held by Mike Schara is now vacant (Commissioner Grewell's district), Clinton Giesick is replacing Mike Creeden as representative from the Conservation District; and that Pete Critelli continues to be on an excused absence.

Staff attending: Brent Moore and Doug Riley

**II. APPROVAL OF MINUTES**

Minutes of the February 17, 2015, Planning Board Meeting were corrected as follows: Mike Creeden is added as absent from the February 17th meeting. The spelling of Susan Beug in article V. was corrected. A motion was made by Gene Koch to approve the February 17, 2015, Planning Board Meeting minutes as corrected. Motion received a second from David Alsager; the motion passed unanimously.

### III. PUBLIC HEARINGS - None

### IV. REGULAR BUSINESS

Brent Moore reviewed the Development and Permit Process noting the significance of implementation occurs when there is a change in use of the land from agricultural or residential to some other use. Now that the Growth Policy has been updated the County Commissioners has tasked the Planning Board with updating the Development and Permit Process (D&P Process).

Brent reviewed the Planning Board and staff discussion that took place at the February 17, 2015, Planning Board Meeting, summarized as follows:

1. Categories of uses and what kinds of change in use should be regulated under the D&P Process were discussed.
2. The County Growth Policy (adopted by the Commissioners on March 2, 2015) is non-regulatory. The Development and Permit Process is regulatory.
3. The Planning Board members had expressed their desire to be involved in reviewing future land use changes under the D&P Process.

Brent then reviewed his and Doug Riley's recent meeting with Tera DuPuy, attorney with the Montana Association of Counties (MACo). Ms. DuPuy discussed the bodies of government involved in the D&P Process and the procedures to be followed. Important to item 3. above is the role of the Planning Board as defined in Montana Code Annotated (MCA) 76-2-204 as follows: ... " *The county planning board and the city-county planning board shall make written reports of their recommendations to the board of county commissioners, but such recommendations shall be advisory only.*"

Thus, the desire of the Planning Board to be directly involved in the decision making of the D&P Process is not authorized under state law. Ms. DuPuy also pointed out the county could have a Zoning Commission as authorized in MCA 76-2-220, though a zoning commission would still be making recommendations to the county commissioners [once again not serving as decision makers in land use changes]. Brent discussed that in theory the Planning Board could be appointed as the Zoning Commission by the County Commissioners. To have a Zoning Commission would entail zoning classifications and adopting a zoning map. In light of these discussions, Brent suggested a joint meeting with the County Commissioners and the Planning Board; asking Tera DuPuy to attend. The meeting will be the next regularly scheduled Planning Board meeting on April 21, 2015. The goal will be to decide what role the Planning Board

(Board) will have in the D&P Process – will the Board remain in its current role or would a Zoning Commission (hence zoning classification and map) be the better government body.

Brent also reviewed that the current Board of Adjustment, as provided for in MCA 76-2-221, is the County Commissioners. Discussion should take place as to whether a separate Board of Adjustment should be appointed.

## **V. PETITIONS & COMMUNICATIONS FROM AUDIENCE**

Several members of the public were in attendance. Comments and questions are summarized as follows:

Terry Herden asked if the Board will be addressing citizen initiated zoning. Brent replied citizen zoning (known as Part 1) is not under purview of the Board. The Board deals only with Part 2, County Zoning.

Ron Kapor asked about changes made by the Commissioners to the Growth Policy during their adoption process. Brent and Board members replied changes did not alter the intent, but softened language. Mr. Kapor showed a diagram of the landowners involved in litigation in the proposed Silvertip Zone and expressed his concerns. Board member Annette Anderson expressed her concerns and would like a framework to be included in our work on Part 2 to keep people from getting sued.

Mr. Kapor recommended that changes [D&P Process] be put to a vote of the public; and that the county be split into two counties, a Clarks Fork River Valley county and a Red Lodge West...

John Hayden spoke of his concerns that if a zoning commission zoned the entire county then building permits would be required county-wide.

Dena Spaulding expressed her concerns over folks being sued in the proposed Silvertip Zone.

Duane Hergenrider asked whether county setbacks are in place [they are not]

## **VI. WRITTEN COMMUNICATIONS - none**

## **VII. REPORTS FROM PLANNING BOARD MEMBERS AND COMMITTEES**

Board member Annette Anderson provided her report: "Regarding the reliability of information presented to the Planning Board and the Board's responsibility to exercise diligence when using information to make decisions and recommendations on behalf of all citizens of Carbon County." Ms. Anderson's report, attached and by this reference, is made a part of these meeting minutes.

**VIII. STAFF REPORTS - none**

**IV. ADJOURN**

A motion to adjourn was made by Gene Koch, motion received a second from David Alsager; motion passed unanimously.

The meeting adjourned at 8:03pm.

Respectfully submitted,

Diann Fischer Larson

Board Secretary

Approved: \_\_\_\_\_

March 17, 2015

Report from Annette Anderson, Planning Board member

Regarding the reliability of information presented to this Planning Board and the Board's responsibility to exercise diligence when using information to make decisions and recommendations on behalf of all the citizens of Carbon County.

This Board has heard testimony, input and information from many sources and I want to stress the Board's responsibility to maintain a balanced view toward all the people of Carbon County when considering this information. We need the best information we can get from the most reliable sources we can find to create reasonable policy for the citizens of Carbon County.

At December's meeting I was concerned about the validity and sources of information coming from a group of women presenting themselves as the Carbon County Resource Council. These women have offered a great deal of input to this Board, including a page and ½ of written edits on the Growth Policy and oral information offered during hearings and public meetings

Again, it is the responsibility of this Board to consider the reliability of information sources.

That is why, at the December meeting, I asked the CCRC chair, Deb Muth, outright whether she was affiliated with "No Fracking the Beartooth Front".

Ms. Muth looked me right in the eye and said "no". Ms. Muth was not being truthful with this Board.

Clearly there is an affiliation between Ms. Muth as the Chair of the Carbon County Resource Council and an extremely vocal and radical environmental group identifying itself as "No Fracking the Beartooth Front".

Please see the attached emails of December 4, 2013.

I have taken excerpts from the facebook, "No fracking the Beartooth Front", showing a startup date of July 9, 2013. It includes a call to sign Ms. Muth's "No Fracking the Beartooth Front" petition in December of that year.

I am distressed at the overall stance of Ms. Muth's affiliate, "No Fracking the Beartooth Front", especially the sneering – almost threatening tone taken toward elected Carbon County Commissioners, and energy development in general.

In August of 2014, "No Fracking the Beartooth Front" posted "future generations will curse us if we don't move to break our unnecessary addiction to fossil fuels asap". This group certainly does not appear interested in reasonable and responsible development of resources in Carbon County. They are a coalition of NO. This type of rhetoric is toxic to open debate and reasonable solutions to difficult issues.

With this, I would like to caution the Board to consider all information as something to be verified and examined carefully before incorporating it into consideration during our work.

I am submitting copies of this report and attachments to all Carbon County Planning Board members, The Carbon County Commissioners and to the board's staff with the understanding that it be incorporated into the minutes of this meeting and posted on the county internet site for availability to the public.

From: jly3@localnet.com <jly3@localnet.com>

To: Annette Anderson <annette@valleyprinters.com>, Dawn Blain <dawnblain@wildblue.net>, ~~Stacy Brooks <stacy\_brooks@hotmail.com>, Annette G. Brown <7th Day Adventist Bridge>, Annette G. Brown <annetteg.brown@yahoo.com>~~

Cc:

Date: Saturday, November 02, 2013 10:11 pm

Subject: Fwd: Thank you for signing the "No fracking the Beartooth Front" petition

Thank you for signing my petition, *No fracking the Beartooth Front.*

As of now, the petition has received 1713 signatures! To really make a difference, we need a lot more people to join in. Can you share this petition with all your friends?

Click here to share it on Facebook:

[Share on Facebook](#)

Then, forward the email below to everyone you know.

Thanks!

**-Deb Muth**

Here's a sample message to send to your friends:

-----  
Hi,

Save the Beartooth front!

We, the citizens of South-Central Montana and others who love to travel here, declare that we will NOT stand by and allow our beloved landscape to be fracked for oil and gas. We do not need or want anything akin to the Bakken disaster in OUR backyard. Our land and water are at stake, and therefore our tourism and agricultural economies, not to mention our cherished outdoors that make this such a special place to live.

We call upon John Mork and his Energy Corporation of America to leave Montana, the last best place.

Thank you to all who sign.

**Deb Muth, Chair**

Carbon County Resource Council

Carbon County Resource Council, the local chapter of Northern Plains Resource Council, aims to bring together the hundreds of people who have begun to cry out in response to news that we may be facing the disaster of fracking here in the Beartooths and Big Horn river basin.

Northern Plains Resource Council is a grassroots conservation and family agriculture group. We organize Montana citizens to protect our water quality, family farms and ranches, and unique quality of life.

That's why I signed a petition to John Mork, Energy Corporation of America, which says:

"We call upon Energy Corporation of America to discontinue any plans of fracking in the Beartooth Mountains and Big Horn basin. Our land and water are at stake!"

Will you sign the petition too? Click here to add your name:

[http://petitions.moveon.org/sign/no-fracking-the-beartooth?source=s.fwd&r\\_by=9389875](http://petitions.moveon.org/sign/no-fracking-the-beartooth?source=s.fwd&r_by=9389875)

Thanks!

-----  
You're receiving this message because you signed the *No fracking the Beartooth Front* petition on the [moveon.org](http://moveon.org) petition website. MoveOn Civil Action does not endorse the contents of this email or the petitions posted on MoveOn's public petition website. If you don't

From: jly3@localnet.com <jly3@localnet.com>

To: Annette Anderson [redacted]

Cc:

Date: Saturday, November 02, 2013 10:16 pm

Subject: Fwd: No Fracking the Beartooth Front

Subject: Fw: No Fracking the Beartooth Front

Hi,

Save the Beartooth front! We DO NOT want another BAKKEN here!

We, the citizens of South-Central Montana and others who love to travel here, declare that we will NOT stand by and allow our beloved landscape to be fracked for oil and gas. We do not need or want anything akin to the Bakken disaster in OUR backyard. Our land and water are at stake, and therefore our tourism and agricultural economies, not to mention our cherished outdoors that make this such a special place to live.

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[http://petitions.moveon.org/sign/no-fracking-the-beartooth?source=s.fwd&r\\_by=2353300](http://petitions.moveon.org/sign/no-fracking-the-beartooth?source=s.fwd&r_by=2353300)

Thanks!

~~Deb Rennie~~

Attachments:  (1KB)

# Started July 9 2013

Facebook page: No Fracking the Beartooth Front

Cover Photo: The threat of fracking lowers home prices by 24%

Recent: 2015, 2014, 2013

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Facebook page: No Fracking the Beartooth Front

9,423 likes

Invite your friends to like this Page

ABOUT

- Learn why fossil fuels development is a threat to the priceless Beartooth Front, along the northern edge of Yellowstone National Park, and what you can do!
- ASP for No Fracking the Beartooth Front's website
- Suggest Edits

PHOTOS

VIDEOS

COVER PHOTO: Energy independence in the age of natural gas exports

Energy independence in the age of natural gas exports

Natural gas producers keep telling the public and policy makers that US natural gas production is set to grow continuously for decades, and that additional natural gas export terminals are necessary. But that story isn't holding up, Cobb writes.

BY THE CHRISTIAN SCIENCE MONITOR

Like · Comment · Share · 44 · 12 · 13

**No Fracking the Beartooth Front v8 Northern Plains Resource Council**

December 10, 2013

Today is the last day to sign the petition to say NO to fracking the Beartooth Front! We will be delivering the petition tomorrow after the rally (see previous post). Please sign it if you haven't, and consider joining us tomorrow!

**ADD YOUR NAME**

Sign the petition: No fracking the Beartooth Front

I just signed a petition to John Mark, Energy Corporation of America: We call upon Energy Corporation of America to discontinue any plans for fracking in the Beartooth Mountains and Bighorn...

Like · Comment · Share · 23 · 4 · 12

**No Fracking the Beartooth Front v8 Northern Plains Resource Council**

December 10, 2013

JOIN US FOR A RALLY TO PROTECT THE BEARTOOTH FRONT!  
\*\*Wednesday at 12:30 at the Billings Courthouse Lawn\*\* Say NO to FRACKING! (Bring a sign if you want or we'll have a few extra). We will then deliver our petition to the Energy Corporation of America office. Make your voice heard!

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Facebook browser interface for 'No Fracking the Beartooth Front' page. The page has 9,423 likes. The main post is a photo shared by Earthjustice on August 13, 2013, with the text: "VIOLATION Oil and gas industry takes away freedom of speech". Below the photo is a link shared on August 7, 2013, titled "Tell the EPA to stop blocking fracking investigations - Environmental Action".

Facebook browser interface for 'No Fracking the Beartooth Front' page. The main post is a video titled "Commissioners action in denying Silvertip Zone clearly illegal (video)" shared on January 18. Below it is another post from January 18 titled "Here's a great opportunity to learn more about fracking..." with a link to a "Backyard" documentary screening at the Pollard Hotel in Red Lodge. The page also features a "LIKED BY THIS PAGE" section with links to "Dear President Obama Film", "Pennsylvanians Against Fracking", and "Montana Environmental Info...".

fb No Fracking the Beartooth ... x

https://www.facebook.com/NoFrackingTheBeartoothFront

**No Fracking the Beartooth Front**

PHOTOS

VIDEOS

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Dear President Obama Film Like

**No Fracking the Beartooth Front** at Red Lodge, MT  
August 19, 2014

Future generations will curse us if we don't move to break our unnecessary addiction to fossil fuels ASAP. The reasons why continue to accumulate. #Fracking #Responsibility #Addiction #Alternatives  
http://www.motherjones.com/.../inquiring-minds-anthony-ingraf...

**Why the scientific case against fracking keeps getting stronger**  
Anthony Ingraffea argues that fugitive methane emissions turn natural gas from a climate benefit into yet another strike against fossil fuels.  
MOTHERJONES.COM

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**No Fracking the Beartooth Front** in Red Lodge, Montana  
August 19, 2014

Here's an update on the Carbon County Commissioners meeting, which has just started in Red Lodge, Montana. An overflowing crowd of concerned citizens!

Recent: 2015, 2014, 2013

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**No Fracking the Beartooth Front**

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**No Fracking the Beartooth Front** in Belfry, Montana  
January 15, 2014

BREAKING! In a disappointing but not totally unexpected (given their "good ol' boy" nature) decision, the Carbon County Commissioners chose not to take the moral, ethical, democratic and legal path. Rather, they chose to ignore the majority of those constituents concerned and listen to a minority, some of whom stand to make money off the Commissioners' decision. Just as we're forcing change in the industry lapdog Montana Board of Oil and Gas Conservation, we won't let industry influence threaten our property rights and what's fair, or let our air, water and quality of life be threatened. It's too bad the Commissioners turned away from the responsible decision. Now they choose to waste taxpayer time and money. Stay tuned.  
#UndemocraticDecision #Irresponsible #GoodOl'BoyNetworkWillChange #Fracking #ConflictOfInterest #StayedTuned  
http://preserve.thebeartoothfront.com/.../unbelievable-carbon.../

**Unbelievable. Carbon County Commissioners defy will of majority to deny Silvertip Zone.**  
In a stunning reversal that ignored the will of the majority for the opinion of a small minority, the Carbon County Commissioners today withdrew their motion to...  
PRESERVE.THEBEARTOOTHFRONT.COM

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**No Fracking the Beartooth Front**  
January 15, 2014

Recent: 2015, 2014, 2013

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**No Fracking the Beartooth Front**  
January 17, 11:34 AM · 🌐

Shameful. The Carbon County (Montana) Commissioners apparently don't care if this happens to their constituents. The "good ol' boy" system isn't good for the Beartooth Front. We suspect its time is limited...

#Fracking #ElectedOfficialsIgnoringConstituents #BewareLeaseTerms #OilCompaniesWillGiveYouRunAround  
<http://preservethebeartoothfront.com/> /a-personal-story-ke...



**A personal story: Kelly, Shrewsbury Township, Pennsylvania**

This personal story is one of a series on Preserve the Beartooth Front chronicling the impact of the oil and gas boom on the lives of people all over North America...

[PRESERVETHEBEARTOOTHFRONT.COM](http://PRESERVETHEBEARTOOTHFRONT.COM)

Like Comment Share 28 1 15

**No Fracking the Beartooth Front in Belfry, Montana**  
January 15 · 🌐

BREAKING! The "good ol' boys" (our elected officials -- for now) along the Beartooth Front may not care about this sort of thing, but we do. "Brine" is a nice term -- what we're really talking about is highly toxic "produced" water. Who wants to see that in any of our waterways? Rock Creek? The Rosebud? The Clark's Fork? Bear Creek? The Stillwater?

#Fracking #SpillsAreCommon #VeryFewInspectors

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- 2015
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