

**CARBON COUNTY**  
**Planning Office**  
**P.O. Box 466, Red Lodge, MT 59068**  
**Main: (406) 446-1694**  
**Fax: (406) 446-2640**

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**PROJECT MEMORANDUM**

TO: Carbon County Board of County Commissioners  
FROM: Forrest J. Mandeville, AICP – Contract Planner  
DATE: September 16, 2022  
RE: Royal Banco Subdivision Preliminary Plat Application and Variance Request from Road Design Standards

REQUIRED COMMISSION ACTION: Review and decision to approve, conditionally approve, or deny the proposed preliminary plat and variance request.

RECOMMENDATION: **Approval with Conditions**

RECOMMENDED MOTION: *Having reviewed and considered the application materials, project memorandum, public comments, Planning Board recommendations, and all of the information presented, I hereby move to **approve** of the Royal Banco Subdivision and variance from road design standards, with the findings and conditions included in the project memorandum.*

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**Project/Application Summary:**

Red Lodge Surveying, on behalf of Royal Banco, Inc. (Margaret Capo), has submitted a preliminary plat application for a two-lot subsequent minor subdivision. The subdivision area is approximately 20.01 acres; proposed new lots will be approximately 9.98 and 10.03 acres in size. The subdivision is Lot 4 of a previously platted subdivision, Minor Subdivision Plat No. 1684. Therefore, this subdivision is a subsequent minor subdivision, which is reviewed as a major subdivision.

The subject property is located on the northeast corner of East Bench Road and Dell Road, both county roads, approximately ¾ miles east of the intersection East Bench Road and Two Mile Bridge Road. The property is legally described as Lot 4, Minor Subdivision Plat 1684, located in Section 14, Township 7 South, Range 20 East, P.M.M., Carbon County, Montana.

**Required County Commission Action:**

Under the adopted Carbon County Subdivision Regulations, following a public meeting, the Commission shall approve, conditionally approve, or deny the preliminary plat within 60 working days of a determination of sufficiency. The application was determined to be sufficient on July 12, 2022, so a decision must be reached by October 5, 2022.

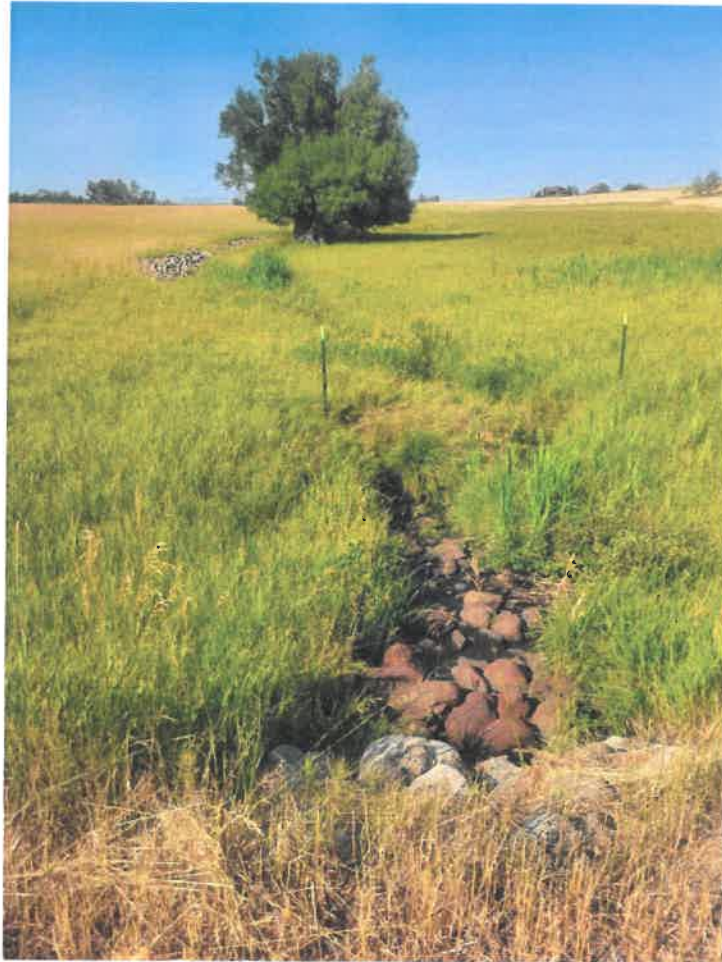
The basis for the Commissioners' decision is whether the proposed subdivision application, the preliminary plat, the Planning Board's comments and recommendation, and any additional information



b. Summary of Probable Impacts

Except where exempt by state law, all subdivisions must be reviewed for the specific, documentable, and clearly defined impact on agriculture, agricultural water user facilities, local services, the natural environment, wildlife, wildlife habitat, and public health and safety.

- Effect on agriculture: The site (approximately 20.01 acres) is not currently in agricultural production. About 25% of the site is classified as prime farmland if irrigated, though the property being in a subdivision and already developed makes it unlikely agriculture will operate here. Lands to the north, west, and ~~ease-east has-have~~ already been subdivided into similar large-lot residential tracts. Land to the south is largely agricultural. There should therefore be minimal adverse impact on agriculture as a result of this subdivision.
- Effect on agricultural water user facilities: The Sandquist ditch runs through the southeast portion of the property. There should be no interference with the ditch, as the property is developed. However, the ditch should be provided an easement on the final plat, and the following language should appear on the final plat: “Nothing herein nor any covenant shall diminish the unobstructed use and maintenance of the existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to land adjacent or to beyond the subdivision in quantities and in a manner that are consistent with historic and legal rights.” (Section V-A-18 of the Carbon County Subdivision Regulations)



### **Sandquist Ditch**

- Effect on local services: The Carbon County Sherriff's office will provide law enforcement services to the subdivision.

The Red Lodge Fire District provides fire protection in the area. Chief Tom Kuntz has indicated he does not have major concerns with the subdivision, including the variance for road width and cul-de-sac in the middle of the road. Chief Kuntz, does note, though, that if these design-allowances become widespread there could be associated impacts. The applicant submitted a Fire Control and Prevention Plan indicating recommendation and requirements relating to fire protection, which should be filed with the subdivision (Section V-A-21).

Deputy Disaster and Emergency Services Coordinator, Fire Warden, and GIS Coordinator Tom Kohley indicated he has no concerns with the proposed turnaround location.

Beartooth Electric Cooperative provides power in the area and reports the ability to serve the site. Utility easements should be shown on the final plat per section V-A-15.a., and the standard utility language should be placed on the final plat, per section V-A-15.h. of

the Subdivision Regulations: “The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric, power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of the lines and other facilities, in, over, under and across each area designated on this plat as “Utility Easement” to have and hold forever.”

- Effect on the natural environment: Existing septic/drainfield systems will continue to be utilized for each lot. Lot 4A will utilize a drainfield on Lot 4B via an easement. Both lots will utilize a shared ~~well~~-well located on Lot 4B, with an easement benefitting Lot 4A. Review and approval of new septic, well, solid waste, and stormwater drainage is required by the Montana Department of Environmental Quality (DEQ) and the Carbon County Sanitarian ~~for Lot 2~~. (See Sections III-B-11.c, V-A-11 through 14, and MCA 76-3-622).

The applicant submitted a Weed Inspection Report completed by Carbon County Weed District Coordinator Brian Ostwald, who indicated there were no weeds present as of September 22, 2021.

- Effect on wildlife: Wildlife does frequent the area. However, given the already developed nature of the site, no significant adverse impacts on wildlife is anticipated.
- Effect on wildlife habitat: No critical wildlife habitat has been identified on the property. The site has been identified as sage grouse general habitat by the Montana Sage Grouse Habitat Conservation Program. Compliance with the Program’s requirements is typically identified through DEQ review.
- Effect on public health and safety: The Carbon County Sheriff’s office provides law enforcement service in the area

The Red Lodge Fire District provides fire protection in the area. Chief Tom Kuntz has indicated he does not have major concerns with the subdivision, including the variance for road width and cul-de-sac in the middle of the road. Chief Kuntz, does note, though, that if these design allowances become widespread there could be associated impacts. The applicant submitted a Fire Control and Prevention Plan indicating recommendation and requirements relating to fire protection, which should be filed with the subdivision (Section V-A-21).

Deputy Disaster and Emergency Services Coordinator, Fire Warden, and GIS Coordinator Tom Kohley indicated he has no concerns with the proposed turnaround location.

DEQ and County Sanitarian approval of well and septic provisions is required.



**Looking across Property from Intersection of East Bench and Dell Roads**

*c. Whether the application and plat conform to the provisions of the following:*

- i. The Montana Subdivision and Platting Act: The Plat has been prepared and processed in accordance with the Montana Subdivision and Platting Act. The final plat should include a notation that each lot has legal and physical access (76-3-608(3)(d), MCA, and Section III-B-11.g.v of the Carbon County Subdivision Regulations).
- ii. The Carbon County Subdivision Regulations: The subdivision, once conditions have been met, conforms to the requirements of the adopted Subdivision Regulations.

The final plat must be substantially similar to the preliminary plat application, except as modified by conditions. If the final plat differs substantially from the preliminary plat, additional review may be required (Section III-C-5.b of the Carbon County Subdivision Regulations).

The Carbon County Subdivision Regulations, Section III-B-12 states that a preliminary plat approval is in force for two years. If a final plat is not filed within that timeframe, an extension must be granted or a new application submitted.

A condition requiring final plat preparation to be in conformance with the Subdivision Regulations will ensure compliance with County requirements, including state-mandated standards for final plats.

- iii. Applicable Zoning Regulations: Development is existing. A Development Permit would be required if a use is changed or intensified.
- iv. Other regulations in effect in the area of the proposed subdivision: There are existing private covenants on the property, originally filed with the East Bench Estates Minor Subdivision under Document Number 270501, and amended by Document Number 363058.

The County does not enforce these private covenants, but notice of their existence should be placed on the final plat.

- v. Whether DEQ has approved the proposed subdivision for proposed subdivision that will create parcels of less than twenty (20) acres: DEQ approval is required for the subdivision, as both lots are under 20 acres. (Sections III-B-11.C.ii and V-A-11, 12,13, and 14 of the Carbon County Subdivision Regulations).
- vi. Whether the subdivider has demonstrated that there is an adequate water source and at least one are for a septic system and a replacement drainfield for each lot for a proposed subdivision that will create one or more parcels containing twenty (20) acres or more: No proposed lots are over 20 acres.

*d. Variance Request:*

The variance request is to allow a relaxation in road design standards. Section V-A-10 of the Subdivision Regulations prohibit dead-end roads and a require a turnaround; Table 1 requires a minimum driving surface of 22-feet in width. The variance request proposes a cul-de-sac to be located roughly mid-way on the access, and a 17-foot wide driving surface.

Reasonable variances may be granted from the design and improvement standards of the Subdivision Regulations where it is found that strict compliances with the specific standard would result in undue hardship and strict compliance is not essential to the public health, safety, and welfare. Pursuant to Section VIII-B.c., a variance shall be based upon specific variance criteria, and may not have the effect of nullifying the purpose of these Regulations. Variances may not be approved without findings based upon the evidence presented in each specific case that:

- i. The granting of the variance will not be detrimental to the public health, safety, or general welfare or injurious to other adjoining properties. The minimum requirement for driving surface width and the requiring of a turnaround at the end of a road is directly related to findings that emergency services need to access the residences and have adequate means to turnaround. In this case, the driveway access is existing, as is development on both lots. Existing development complicates the construction of a cul-de-sac at the end of the driveway.

A conversation with Chief Kuntz in regard to this variance request indicated that he does not have concerns with this request, as long as it does not become a widespread development pattern. Variances are evaluated on a case-by-case basis.



**Existing Driveway**

- ii. Due to the physical surroundings, shape, or topographical conditions of the property involved, strict compliance with the regulations will impose an undue hardship on the owner. Undue hardship does not include personal or financial hardship, or any hardship that is self-imposed. The existing development makes it impractical, if not impossible, to construct a cul-de-sac at the end of the existing driveway. There is a shop and horse shed, as well as the house on Lot 4B, that may interfere with such development. The 17-foot wide driveway is also existing.

The existing development is not self-imposed. Royal Banco Inc. acquired the property in 2016. The homes were built in 2005 and 2015 according to the Montana Cadastral service.



- iii. The variance will not cause a substantial increase in public costs. If this variance is granted it should not substantially increase any public costs. The development has been in place for several years without concern.
- iv. The variance will not place the subdivision in nonconformance with any adopted zoning regulations. Carbon County has no zoning regulations with which this variance would not conform if granted. The Development Regulations would still be in force.

*e. Summary of Public Comments:*

The Carbon County Planning Board held a public hearing and considered this subdivision application during their meeting of September 15, 2022. Kate Stout of Red Lodge Surveying mentioned that DEQ review is expected to be fairly basic, as wells, septic, and homes are already in place with approved systems. Because of this, she wasn't sure if DEQ would look at the Sage Grouse habitat issue as much as they normally would. There was no other public comment.

The Planning Board was not too concerned about the Sage Grouse habitat consideration, as the lots are already developed, and felt the administrative infrastructure at the state was sufficient to ensure the issue was addressed to the extent necessary. Board discussion primarily centered around the variance, particularly the relaxation of road width. However, the Board ultimately felt the request was justified and did not change any findings or conditions.

*f. Planning Board Recommendation:*

At its meeting of September 15, following a public hearing, the Carbon County Planning Board's seven members present unanimously recommended approval of the Royal Banco Subdivision, pursuant to the following conditions (Section references are to the Carbon County Subdivision Regulations unless otherwise noted):

1. Filing of the final plat shall be subject to the review and approval by the Montana Department of Environmental Quality and Carbon County Sanitarian, as appropriate, for water, wastewater, solid waste, and stormwater drainage provisions. (Sections III-B-11.C.ii and V-A-11, 12,13, and 14; Effect on the Natural Environment; Effect on Public Health and Safety)
2. An easement shall be provided for the Sandquist Ditch of sufficient size to allow for the use, maintenance, and inspection of the ditch. (Section V-A-18; Effect on Agricultural Water Users Facilities)
3. The following statement shall appear on the final plat: "Nothing herein nor any covenant shall diminish the unobstructed use and maintenance of the existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to land adjacent or to beyond the subdivision in quantities and in a manner that are consistent with historic and legal rights." (Section V-A-18; Effect on Agricultural Water User Facilities)
4. The Fire Prevention and Control Plan shall be filed with the subdivision. (Section V-A-21; Effect on Local Services; Effect on Public Health and Safety)

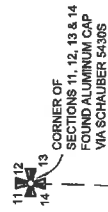
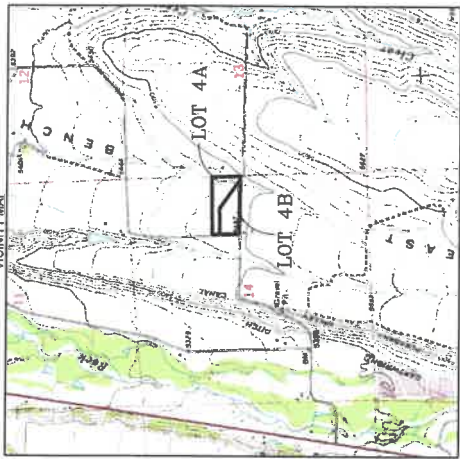
5. A notation shall be provided on the final plat that legal and physical access is provided per 76-3-608(3)(d), MCA. (Section III-B-11.g.v)
6. The final plat shall show the location of all existing and required utility easements. (Section V-A-15.a; Effect on Local Services)
7. The final plat must include the following statement: "The undersigned hereby grants unto each and every person, firm or corporation, whether public or private, providing or offering to provide telephone, telegraph, electric, power, gas, cable television, water or sewer service to the public, the right to the joint use of an easement for the construction, maintenance, repair and removal of the lines and other facilities, in, over, under and across each area designated on this plat as "Utility Easement" to have and hold forever." (Section V-A-15.h; Effect on Local Services)
8. Prior to final plat, the cul-de-sac as shown on the plat shall be constructed to the standards required in the Subdivision Regulations and the construction shall be certified by a registered professional engineer. (Section V-A-10.c. and Table 1)
9. The final plat shall contain a statement noting that the subdivision is subject to the Amended Declaration of Covenants for East Bench Estates Minor Subdivision filed under Document Number 363058 and subsequent amendments thereto. (Section V-A-21)
10. The final plat shall be in substantial compliance with the plans and documents submitted as part of the preliminary plat application. (Section III-C-5.b)
11. The final plat shall be submitted within two years of the date of preliminary plat approval, or an extension(s) to the approval period obtained. (Section III-B-12)
12. The final plat shall be prepared and reviewed in accordance with Section III-C of the Carbon County Subdivision Regulations and the Uniform Standards for Final Subdivision Plats (24.183.1107, ARM).

PRELIMINARY PLAT OF  
**ROYAL BANCO SUBDIVISION**  
 A SUBSEQUENT MINOR SUBDIVISION OF LOT 4 OF PLAT NO. 1684  
 LOCATED IN THE NE1/4 OF SECTION 14, T.7S., R.20E., P.M.M.,  
 CARBON COUNTY, MT

SURVEYED BY: RED LODGE SURVEYING LLC.  
 PO BOX 988, 608 S GRANT AVE  
 RED LODGE, MT 59068

SURVEYED IN: AUGUST 2021

LANDOWNER: ROYAL BANCO INC.

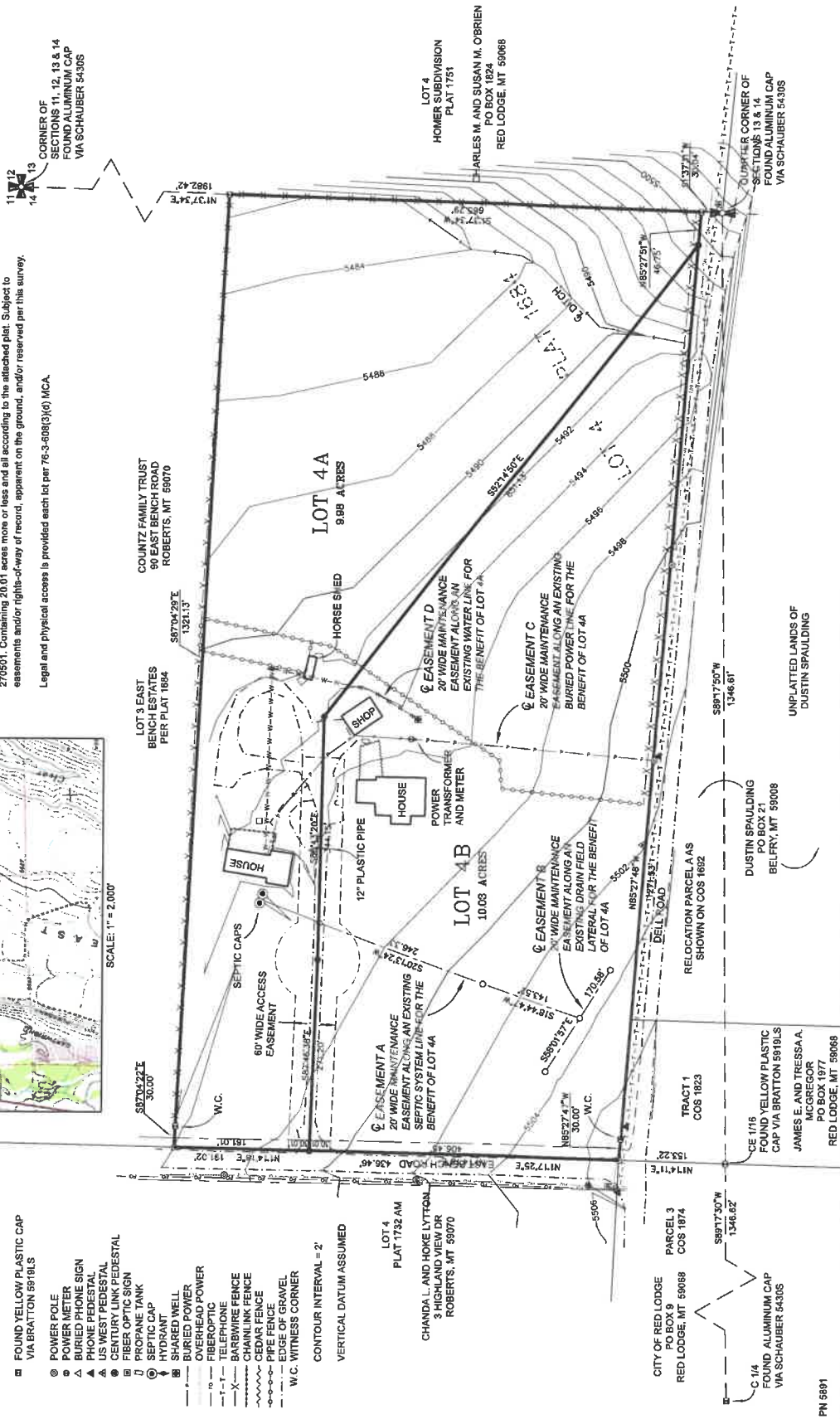


**CERTIFICATE OF DEDICATION AND LEGAL DESCRIPTION:**  
 I, the undersigned landowner, do hereby certify that I have caused to be surveyed, subdivided and platted into lots, as shown by the plat hereunto included, the perimeter boundary of which is described as follows:  
 Lot 4 of Plat No. 1684 lying in the NE1/4 of Section 14, T.7S. R.20E., P.M.M., Carbon County, Montana, on file in the office of the Clerk and Recorder of Carbon County under Document No. 270501. Containing 20.01 acres more or less and all according to the attached plat. Subject to easements and/or rights-of-way of record, apparent on the ground, and/or reserved per this survey.  
 Legal and physical access is provided each lot per 76-3-608(3)(d) MCA.



SCALE 1" = 100'  
 0 100 200

- LEGEND**
- SET NO. 5 REBAR WITH 1 1/4" YELLOW PLASTIC CAP VIA RED LODGE SURVEYING LLC AND UNDERSIGNED PLS
  - NO MONUMENT
  - FOUND YELLOW PLASTIC CAP VIA BRATTON 5918LS
  - ⊙ POWER POLE
  - ⊕ POWER METER
  - ▲ PHONE SIGN
  - ▲ PHONE PEDESTAL
  - ▲ US WEST PEDESTAL
  - ⊙ CENTURY LINK PEDESTAL
  - ⊙ FIBER OPTIC SIGN
  - ⊕ PROPANE TANK
  - ⊕ SEPTIC CAP
  - ⊕ HYDRANT
  - ⊕ SHARED WELL
  - ⊕ BURIED WELL
  - BURIED POWER
  - FIBERHEAD POWER
  - TELEPHONE
  - BARBIRE FENCE
  - CHAINLINK FENCE
  - CEDAR FENCE
  - PIPE FENCE
  - EDGE OF GRAVEL
  - W.C. WITNESS CORNER





**COUNTY OF CARBON ~ STATE OF MONTANA**  
**PLANNING OFFICE**

PO Box 466  
Red Lodge, MT 59068

Phone: 406.446.1694  
<https://www.co.carbon.mt.us>

**Forrest Mandeville Consulting**  
**Contractor**

August 19, 2022

Re: Group 2 Development Permit – Carbon County

Dear Neighboring Property Owner,

This letter is to inform you that the Carbon County Planning Office has approved the application for a Group 2 Development Permit (Commercial Use) submitted by William Vanderloos, of the Red Lodge Treatment Center, to operate a drug and alcohol inpatient treatment center.

The approval is subject to the following conditions:

- Obtain all other necessary permits as required by other state or government agencies and adhere to any conditions required.
- Property is not currently in compliance with Montana Department of Environmental Quality (DEQ) approval. Property must be brought in to compliance.
- Please note that the property is located within Sage Grouse General Habitat per the Montana Sage Grouse Habitat Conservation Program ([www.sagegrouse.mt.gov](http://www.sagegrouse.mt.gov)). Please check with the Program prior to development.
- Ingress and egress is limited to Highway 212, as shown on the site plan.
- Any development in the floodplain may be subject to a Floodplain Development Permit, and any requirements and conditions thereof shall be adhered to.
- Parking shall be provided on site. No off-street parking is permitted.
- Project is limited to the location shown on the site plan; any expansion or deviation may be subject to a new Development Permit.
- All new buildings must adhere to the site plan as closely as possible and new buildings must meet the setback requirements as outline in the Carbon County Development Regulations (30-feet from the front property line, 20-feet from the rear property line, and 10-feet from the side property line).
- If approved activity on site is inactive for two years this permit is deemed abandoned and a new permit must be obtained prior to activity resuming.
- Any intensification of use shall be made known to the Carbon County Planning Department to determine whether an amended permit is required.

The property is located on Highway 212 and Dreamcatcher Lane, approximately 4 miles north of Red Lodge. The property is legally described Lots 2 and 3, Wallis Acreage Tracts, Plat 474, and Tracts 21 and 22, Block 1, COS 1427 Am, Section 35, T 6S, R 20E, Carbon County, Montana.

Under the Development Regulations, Section V-A.5, this decision may be appealed to the Board of County Commissioners within 10 calendar days. Any appeal must be in writing.

Questions can be directed to Forrest Mandeville at 406-690-1933 or [forrest@forrestmandevilleconsulting.com](mailto:forrest@forrestmandevilleconsulting.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Ft. J. M.", with a long horizontal flourish extending to the right.

Forrest J. Mandeville, AICP  
Contractor  
Carbon County Planning Office

TO: Carbon County Planning Office, County Administrative Building 17 West 11<sup>th</sup> Street, PO Box 466, Red Lodge, MT 59068.

Per Carbon County letter dated July 18, 2022, it is our understanding there is a proposal to operate a drug and alcohol inpatient treatment center in our neighborhood on the property located on Highway 212 and Dreamcatcher Lane, approximately 4 miles North of Red Lodge. Although we are empathic to those that need drug and alcohol treatment, we are NOT in favor of this proposal and believe there are much better locations suitable for an inpatient treatment facility. Therefore, we are signing this petition to request that the Group 2 Development permit application submitted by Mr. William Vanderloos for a drug and alcohol inpatient treatment center be DENIED/DISAPPROVED.

NAME	ADDRESS	PHONE NUMBER	DATE
Stenora Bushnell	7486 US Hwy 212, RL	406 425 1429	8/13/2022
Dennis Russell	4549 US Hwy 212	446-1589	8/19/22
Don Frazier	853-2042	853-2042	8/15/22
Mary Frazier	1547 US Hwy 212	853-3122	8/15/22
Alexis Mason	7543 US Hwy 212	406 591 6555	8/15/22
Mark Jones	7541 US Hwy 212	925.984.4720	8/15/22
Bruce A Murray	18 446-3218 18 W Bench Rd	446-3218	8-15-22
Joseph Garcia	7 W bench Rd	406-426-8897	" "
Bruce K. Murray	18 W Bench Rd	406-446-3218	8-15-22
Delores S. Kishi	28 W Bench Rd Red Lodge	406-446-2830	PO Box 932
Jane W. Kishi	240 Bench Rd Red Lodge	406-446-2830	PO Box 932
Nancy Rehder	2471 US Hwy 212 Red Lodge	406-855-2163	590
Ky...	7449 US Hwy 212 Red Lodge, MT	406-451-6857	59068
Keri Wash	7401 Hwy 212 RL. MT	406-579-1377	8/15/22

TO: Carbon County Planning Office, County Administrative Building 17 West 11<sup>th</sup> Street, PO Box 466, Red Lodge, MT 59068.

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NAME	ADDRESS	PHONE NUMBER	DATE
Doris Oberlander	9 Moon Beam Ln. Red Lodge	801-842-8080	8/15/22
Cindy Mussli	7480 US Hwy 212 Red Lodge	406 426 4955	8/15/22
Rebecca Munnison	7480 US Hwy 212	(406) 557-2571	8/16/2022
Debra Aldred		406-855-9428	8/16/2022
Travis Wilkman	P.O. Box 1772 (Red Lodge, MT)	406-425-2604	8/16/22
Jane Korman	7524 US Hwy 212	952-807-7272	8/16/22
ELIZABETH STEEN	RED LODGE	406-426-0036	8/16/22
Darnell Hanenberg	Red Lodge	406-425-3865	8-16-22
Debbie E. Dehn		406 672-6784	8-16-22
Kenneth Freeman		517-896-4473	8/16/22
Margaret F. Molarty		406-426-0039	8/16/22
Treni Navman	PO BOX 1793 AL	406-671-4581	8/16/22

emailed 8/23/2022  
to Forrest

August 22, 2022

Forrest J. Mandeville  
Land Use Planning Consulting  
PO Box 337  
Columbus, MT 59019  
Forrest@ForrestMandevilleConsulting.com

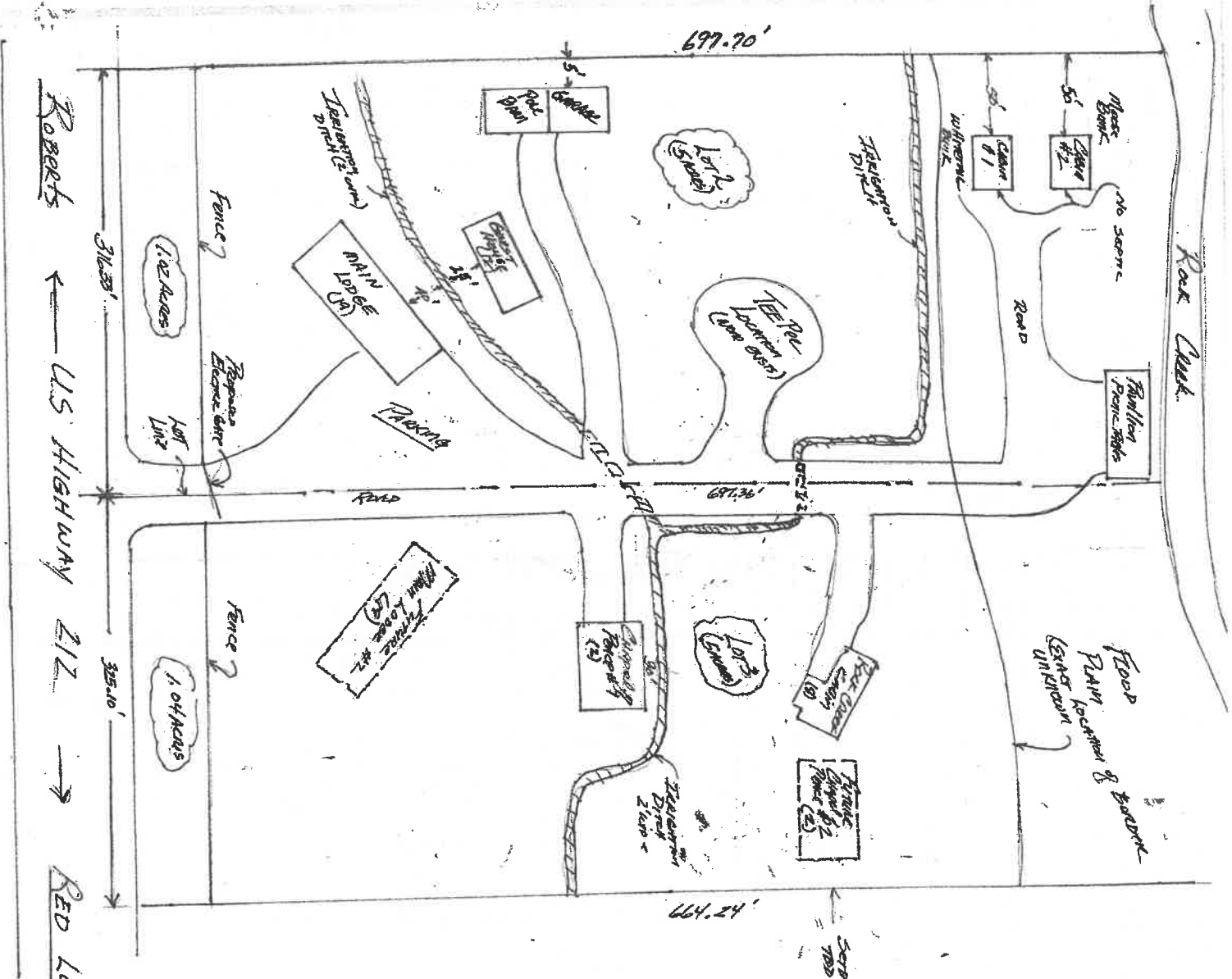
Forrest,

It is my understanding that an appeal board will meet on September 1<sup>st</sup> in reference to the proposal to operate a drug and alcohol inpatient treatment center (per County of Carbon letter dtd July 18, 2022)

I would like to set up an appointment to go before the board. Could you please email me a time and place - sayinghello50@gmail.com. Your assistance is greatly appreciated.

Sincerely,  
James and Stena Buskell  
7486 US Hwy 212  
(PO Box 1772)  
Red Lodge MT 59068  
406 425 1429





Red Lodge Treatment Center  
 7/14/22 by Bill Wadsworth

**NOTES**

- 1.) Drawing not to scale
- 2.) Address of property is 5 Dreamcatcher Lane, Roberts MT, Medicine Flower Lodge
- 3.) Legal Description is:
  - a. Lot 2-Wallis Acreage Tracts S35, T06S, R20E, COS474 & TR22, BLK 1, COS 1427AM
  - b. Lot 3-COS 474 & TR21, BLK 1, COS 1427AM
- 4.) Future structures shown in dotted lines (no immediate plans for these)
- 5.) Wells and Septic are existing.
- 6.) Any setback not shown is in excess of 100'

Roberts ← US Highway 212 → Red Lodge

August 7<sup>th</sup>, 2022

Dear Forrest J. Mandeville, Carbon County Planning Office,

We write this letter in response to a letter received from the County of Carbon – State of Montana, dated July 28, 2022 Re: Group 2 Development Permit – Carbon County. The letter informed us that William Vanderloos, of Red Lodge Treatment Center, wants to operate a drug and alcohol inpatient treatment center directly next to our home/property. We are in NO WAY in favor of this endeavor/proposal for the following reasons:

1. Family Safety: Having a treatment center next to our home puts our family at risk. Our elderly mother lives with us and must take prescription drugs for her ailments. It is not secret that the elderly are victims and easy targets of drug addicts. We also have grandchildren in the age group most vulnerable to be persuaded by drug pushers. Plus, in review of your building chart/proposal you are considering building a future main house next to the guest bedrooms of my home. With this being said, you are asking me to have my family under lockdown for their protection/safety. Per the study, Aid Montana, by the Montana Department of Justice in September of 2017 the following was stated: Clearly, Substance use is a major contributor to crime in Montana and a major driver in the work of law enforcement agencies in our state – 31% of rape offenses in Montana involve a perpetrator who is using alcohol or drugs/narcotics. These percentages are likely underestimates as the remaining 69% of cases include those where the use of substances is unknown.

2. Property: Per the Aid Study - "Sheriffs and administrators routinely estimated over 90% of the individuals held were charged with addictions-related offenses" Crime like theft, burglary, and criminal endangerment are all highly correlated with addiction. We own vehicles, tools, equipment, household belongings etc. If an addict wants to leave/escape your establishment (the treatment center) and needs transportation or money for drugs, our property is an easy target.

3. Security: Our property is in the law enforcement jurisdiction of the Carbon County Sheriff's Department. A department that is responsible for an area of 2062 square miles. We feel that the Carbon County Sheriff's Department does the best with what they have, however they have a large area to cover. Again, the safety of our family and the security of our property are in jeopardy.

4. Land Value: Our land value will drop drastically. So, what is being of ask of us is to decrease our financial security while putting our family and property (and neighbors) at risk.

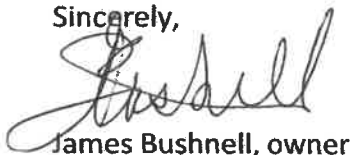
August 7<sup>th</sup>, 2022

Continued: Letter in Response to County of Carbon letter received July 28<sup>th</sup> Re: Group 2 Permit

We understand the importance of Treatment Centers especially with the drug epidemic happening across Montana per the Aid Montana Study. However, we also believe there are much more suitable facilities/areas to have a treatment center(s). For example, Cedarwood Villa, the old Red Lodge Hospital or an area with a large acreage. Cedarwood Villa and the old Red Lodge Hospital are already ready set up for private living for each resident with a cafeteria and is under a city police force covering a small area 24/7. A location with much larger acreage that puts a distance between the center and the residents/families of the community is also a much better choice. Distance helps lower the risk of putting families, property, and security in jeopardy.

We have lived firsthand the residue of drug addicts. Because of the addiction of a family member, we have had property stolen, been threatened by drug pushers, scammed, and lied to. The financial expense, the mental anguish, pain, hurt, fear of thinking someone was going die and the now anxiety and emotional stress of thinking you are going to put abusers/addicts right next door to our home is terrifying to say the least. And because we have lived through someone's addiction, we are empathic to addicts because not all addicts are bad people, however, they do become "good people that do bad things" due the cravings of a drug/alcohol. But, as mentioned earlier, there are much more suitable places to help them with their addiction(s) without putting others at risk. We are NOT in support of the application/proposal of Mr. Vanderloos and will be checking into our legal options if this proposal is approved.

Sincerely,



James Bushnell, owner

7486 US Hwy 212

Red Lodge, Montana



Stena M. Bushnell, owner

7486 US Hwy 212

Red Lodge, Montana

## Angela Newell

---

**From:** bill.vanderloos@gmail.com  
**Sent:** Monday, September 19, 2022 4:43 PM  
**To:** Angela Newell  
**Cc:** Forrest Mandeville; 'Peter Vanderloos'; 'kirk dehler'; 'Asher Gottesman'; 'Adam Zagha'; dar.vanderloos@gmail.com  
**Subject:** FW: Vanderloos Group 2 Development Permit - Red Lodge Treatment Center  
**Attachments:** Riprap Project Update.pdf; EXISTING SITE\_8-9-22 - WITH RIPRAP LIMITS.pdf  
**Importance:** High

Angela,

Please see our answers listed below. Just as a side note, I noticed in the Carbon County news that a Marijuana Dispensary was just approved by the Carbon Count Planning Group. Seems a little oxymoronic that this gets approved and our center to assist in addiction requires this procedure. What is wrong with this picture? At any rate, if you have any further questions, don't hesitate to contact me.

Thx

Bill Vanderloos

**From:** Angela Newell <[anewell@co.carbon.mt.us](mailto:anewell@co.carbon.mt.us)>  
**Sent:** Tuesday, September 13, 2022 7:12 PM  
**To:** [bill.vanderloos@gmail.com](mailto:bill.vanderloos@gmail.com)  
**Cc:** Forrest Mandeville <[Forrest@forrestmandevilleconsulting.com](mailto:Forrest@forrestmandevilleconsulting.com)>  
**Subject:** Fw: Vanderloos Group 2 Development Permit - Red Lodge Treatment Center

Mr. Vanderloos,

Please see below questions from the Commissioners related to the Group 2 Development Permit that arose at the Commissioners' meeting. I apologize for sending this so late in the day!

- 1. When were the existing buildings placed in the floodplain? Was a floodplain development permit obtained or required at the time?**

The cabins were on the property when the current owners purchased. Cabins are not considered permanent structures and have no plumbing. When Misty and Jamie(current owners) purchased they were told there was no floodplain development permit obtained or required.

- 2. Is there a plan to address safety around the creek and/or to protect the riparian area?**

See attached PDF files for response to this question.

- 3. What is the security plan? How will the developer/operator ensure residents cannot leave without authorization?**

This is a Voluntary treatment center where attendees are choosing to attend, to change their lives. Residents are free to leave anytime but departure must be authorized by staff and transportation pre-arranged. This is not a "jail" environment. People are in attendance because they have identified/expressed a problem and found the desire to change their lives.

#### 4. What are the requirements for personnel licensing?

Per State guidelines, residential treatment staff MUST be licensed for the position held. The majority of staff will be licensed. Residential techs, licensed clinicians, Doctors etc. Certain staff will not require a license such as a grounds keeper or chef, etc. All staff will have background checks and be completely vetted prior to be placed on staff.

#### 5. What is the anticipated staff to resident ratio?

Staff to resident ratio will be approximately 1 Staff member for every 3 clients.

#### 6. What progress has been made in addressing the DEQ non-compliance issue?

The Carbon County Sanitarian's office was using the wrong COSA. You need to show the county commissioners the letter they sent me admitting this – that I forwarded to you. If you need again let me know. See email trail below between Nancy Curtiss (Realtor for the seller) and Lori Kane, Carbon county planning group.

Owners have worked countless hours to address what now is considered the wrong COSA. At this point it is no longer required to do a rewrite on the COSA. Seller is now redirecting their focus.

The lodge currently has 7 bedrooms – but septic is permitted for 5. This issue is still being researched and will be resolved.

#### Email Trail with Lori Kane. Please read from below to above for full explanation:

**From:** Lori Kane <[lkane@co.carbon.mt.us](mailto:lkane@co.carbon.mt.us)>

**Sent:** Monday, September 12, 2022 3:26 PM

**To:** Nancy Curtiss <[nancy@curtissrealestate.com](mailto:nancy@curtissrealestate.com)>; Barbara Krizek <[bkrizek@co.carbon.mt.us](mailto:bkrizek@co.carbon.mt.us)>

**Cc:** Misty Roberts <[pjprop16@gmail.com](mailto:pjprop16@gmail.com)>

**Subject:** Re: Wallace Acreage Tracts

Thank you for stopping into the office to shed light on the Wallis Acreage vs. Wallis Minor subdivisions and the fact that they both are numbered 1, 2, & 3. I also received a phone call from Gene Blaylock, Pat Hoffman's son, who further explained some of the history/confusion that has gone along with the Wallis Acreage Tracts/Wallis Minor Subdivision - dating back to when the Hoffman's owned this property. With this new discovery of information provided by you and Mr. Blaylock, we are able to see that the COSA that I had sent over (E.S. # 5-95-S6-138) refers to lots 1, 2 & 3 in Wallis Minor Subdivision and not Wallis Acreage Tracts.

I did perform deed searches on lots 2 & 3 of the Wallis Acreage Tracts and I feel confident that the septic permits that I sent you are all for the systems on lot 2 & 3 of the original Wallis Acreage Tracts (Medicine Flower Lodge properties). Because the Medicine Flower properties are in the original Wallis Acreage Tracts which was created in 1969, and because lots 2 & 3 were created as 5 acre lots, they WILL NOT require a DEQ COSA rewrite. However, the only concern that may still need to be addressed is that the lodge was permitted for a 5- bedroom residential home with basement. If it is in fact 7 bedrooms, or if it is being used commercially, the current septic system may not be adequately sized. I would recommend consulting with Barbara Krizek, Carbon County Registered Sanitarian, for answers to questions relating to this.

I am putting a copy of this email chain into the file in hopes of avoiding future confusion with these properties.

Please let me know if you have further questions.

Thank you.

Lori Kane

Environmental Health Assistant  
Carbon County, Montana  
406 446-1694

**From:** Nancy Curtiss <[nancy@curtissrealestate.com](mailto:nancy@curtissrealestate.com)>  
**Date:** Friday, September 9, 2022 at 7:13 PM  
**To:** Lori Kane <[lkane@co.carbon.mt.us](mailto:lkane@co.carbon.mt.us)>, Barbara Krizek <[bkrizek@co.carbon.mt.us](mailto:bkrizek@co.carbon.mt.us)>  
**Cc:** Misty Roberts <[pjprop16@gmail.com](mailto:pjprop16@gmail.com)>  
**Subject:** FW: Wallace Acreage Tracts

In your email below you included Plat 474 AM which is the incorrect COSA for the Medicine Flower Lodge (5 & 10 Dream Catcher Ln) This is incorrect as it does not even show correct acreage of the parcels. In the drawing associated with this it shows lot 2 to be 2.6 acres and lot 3 to be 14.1 acres. You pulled the Wallis Minor Subdivision which was formed around 1994 and located north of the property. In the drawing associated with this it shows lot 2 to be 2.6 acres and lot 3 to be 14.1 acres

The correct subdivision is Wallis Acreage Tracts, attached you can see the legal descriptions on Cadastral and kindly review the plat. You will see this plat was done in 1969 way before the Wallis Minor Subdivision and shows the correct acreage that belongs to this property. They each have 6 acres. This is a costly mistake for the Sellers and needs to be corrected immediately.

Kindly get back to me so we can resolve.

**Nancy Curtiss**  
Managing Broker, Luxury Specialist



**CHRISTIE'S**  
INTERNATIONAL REAL ESTATE

**Mobile: 406-696-2434**

[Nancy@CurtissRealEstate.com](mailto:Nancy@CurtissRealEstate.com)

*Licensed in the state of Montana*

*RRE-BRO-LIC-53933*

**Offices located at:**

21 Broadway Ave N., Red Lodge, MT 59068

1321 Discovery Dr. Billings, MT 59102

[www.PureWestRealEstate.com](http://www.PureWestRealEstate.com)



**From:** Lori Kane <[lkane@co.carbon.mt.us](mailto:lkane@co.carbon.mt.us)>  
**Sent:** Thursday, May 5, 2022 5:12 PM  
**To:** [Nancy@curtissRealEstate.com](mailto:Nancy@curtissRealEstate.com)  
**Cc:** Barbara Krizek <[bkrizek@co.carbon.mt.us](mailto:bkrizek@co.carbon.mt.us)>  
**Subject:** Wallace Acreage Tracts

Hi Nancy,

Barbara Krizek, RS and I have been trying to sort out the Wallace Acreage Tracts septic situation. What we have found is that a COSA was issued in 1994 for Lots 1,2 and 3. The COSA (attached) stipulates that "each of these lots shall be used for one single-family dwelling". What we can determine from the permits that we have found and from our correspondence with you is that there is currently a 2-bedroom mobile with a septic system as well as the Medicine Flower Lodge (7 bedroom according to your email) located on Lot 2. We found septic permits for both the mobile and the lodge (permitted with a separate septic system for 5- bedroom plus basement).

If this is correct and both of these systems are still in use, this property is in violation of the COSA and the septic permit for the lodge should never have been issued. In order for both of these systems to be legal, a resubmittal to the Montana DEQ for a rewrite would be required. Also, if the lodge actually has 7 bedrooms, the existing system is not large enough as it was built for a 5 bedroom home with basement.

We will be back in the office on Monday if you have questions.

Thank you for your patience on this one!

Lori Kane

Carbon County Environmental Health

406 6-1694

#### **7. What is the anticipated daily traffic to be generated at full occupancy?**

The Daily traffic will be less than under the current usage. The clients will have no access to vehicles. The only people driving in will be staff members coming into work. There will also be 1 or 2 vans that we will shuttle clients for outings.

Thank You,

Angela Newell  
Administrative Officer

Carbon County  
PO Box 887  
Red Lodge, MT 59068  
406.446.1595 (office)  
406.445.7252 (direct)



September 14, 2022

Jamie Clemons  
PO Box 2313  
Red Lodge, MT 59068-2313  
Via Email: [northwestconsultingmt@gmail.com](mailto:northwestconsultingmt@gmail.com)

**RE: Wallis Acreage Tracts, Red Lodge, MT – Bank Protection/Upland Restoration**

Mr. Clemons,

You asked me for an update on the status of the bank protection/upland restoration project on your property for the Carbon County Commissioners. I hope the following information will help adequately address their inquiry.

We are currently working to prepare drawings identifying the approximate original bank location and post-event bank location to establish the impact of the recent flood on the river bank along with the required application.

Engineering Associates (EA) completed a site survey in late August in for the proposed bank protection project and the COSA for your Wallace Acreage Tract Properties. At that time, I called the floodplain administrator listed on Carbon County's website. I left her two messages and sent her two emails and have yet to hear back from her. My goal was to visit with her about the need for completing the joint application packet given the catastrophic nature of flooding in and near Red Lodge. This lack of response has slowed our efforts to address this issue.

At that same time, I contacted the Army Corps of Engineers and was told that they had not made any changes to the process and that the complete "Joint Application for Proposed Work in Montana's Streams, Wetlands, Floodplains & Other Water Bodies" Application is required. New Army Corps of Engineers (ACE) regulations were adopted in December of 2021 that limit fill to 0.03 acres below the ordinary high-water mark without compensatory mitigation. ACE is recommending the repairs be limited to that level under Nationwide Permit 45 - Repair of Uplands Damaged by Discrete Events to avoid delays due to DEQ. Attached is a drawing showing the proposed efforts. The timeline for completing this work is highly dependent on the level of red tape from the regulatory agencies. We should be able to complete our work on the application within several weeks.

If you have any questions regarding this letter, please contact me at 307-587-4911 extension 17.

Sincerely,  
**ENGINEERING ASSOCIATES**

Travis L. Conklin, PE  
Project Manager



DATE	REVISION	BY	DESCRIPTION	DRAWING NO.	DATE
07/27/2022	ISSUE FOR PERMITTING	JAMIE	EXISTING SITE PLAN	EA-2020-010	
				FIELD BOOK NO. 10	
				DRAWING NO. SITE	



**EA ENGINEERS & SURVEYORS INC.**  
**CODY, WYOMING**

**OWNER: JAMIE CLEMONS**

Product: **WALLS ACREAGE TRACTS UPLAND RESTORATION**  
 TITLE: **EXISTING SITE PLAN**

C1.0





2022 – 2023 AGREEMENT

Inmate Excess Medical Insurance and/or Claims Administration Management

The Montana Association of Counties (MACo) makes available, and acts as administrator for, programs operated by Correctional Risk Services, Inc. (CRS) that offers certain insurance for covered medical expenses for inmates that are a County responsibility, and as a separate option, offers claims administration for medical services provided to detention center/jail inmates,

Correctional Risk Services, Inc (CRS) will provide the Montana Association of Counties (MACo) and the County, inmate excess medical insurance for those county jail inmates that the County is directly responsible for payment of medical costs, subject to the terms and conditions of the Participation Agreement and the Statement of Inmate Benefits, and/or provide for claims administration management for all of its county jail inmates.

Effective dates of coverage: November 1, 2022 to October 31, 2023

Please check the box(es) next to the programs offered to designate which program(s) you are joining. Note: Inmate Excess Medical Insurance must be purchased to be eligible for optional coverages.

- Options for Inmate Excess Medical Insurance, Optional Coverage for treatment of Mental or Nervous Disorders, Substance Abuse, Pregnancy (Maternity), AIDS, ARC, or HIV, Security and Guarding, and Claims Administration Only.

Accepted: \_\_\_\_\_ County, Montana Date: \_\_\_\_\_

By: \_\_\_\_\_ Title: Presiding Officer, Board of County Commissioners

Examining Land Surveyor Fees

County	ELS Fee	COS Review Fee
Lake County	\$50+\$5/tract	\$75
Missoula County	\$200	\$140
Powell County	\$150	Actual Cost
Sanders County	\$200	\$100 or Actual Cost
Richland County	\$200	Actual Cost
Teton County	\$200	\$300+\$25 shipping for signatures
Valley County	\$200	\$175



# Development Permit Package

Carbon County Montana

Submitted On:  
August 3, 2022 5:30pm  
America/New\_York

<b>What permits are you applying for today?</b>	Group 2 Development
<b>Applicant (Property Owner) Full Name</b>	Gene Klamert
<b>Business Name (If Applicable)</b>	Agri Organics
<b>Applicant Mailing Address</b>	2100 & amp; 44th St. W Billings MT 59106
<b>Applicant (Property Owner) Email</b>	jbfarleyco@gmail.com
<b>Applicant (Property Owner) Primary Phone Number</b>	(406)671-5430
<b>Type of Primary Phone</b>	Land Line
<b>Applicant Secondary Phone Number</b>	
<b>How would you like to receive your permits?</b>	Digital copy (email)
<b>Do you own, rent, or lease the property?</b>	Own
<b>Are you applying on behalf of a client?</b>	Yes
<b>Builder / Contractor Name</b>	Mathew Pereida
<b>Builder / Contractor Email</b>	mfpereida@gmail.com
<b>Builder / Contractor Phone Number</b>	5308670356
<b>Certificate of Survey or Plat Number (include lot or tract number if applicable)</b>	31 2S 24E SE
<b>Has a physical address been assigned to the property?</b>	Yes
<b>Physical address of property</b>	4994 US HWY 310 Laurel, MT
<b>Legal Description of property if known</b>	
<b>Access to Property</b>	Existing
<b>Current Property Use</b>	pasture land
<b>Property Acreage</b>	2
<b>Proposed Use / Development to</b>	Compost

<b>Property</b>	
<b>Check Type of Development</b>	General Commercial or Multi-Family Use (including recreational use)
<b>Describe the type of proposed building construction or planned development.</b>	No proposed building construction. Development of compost static piles for soil amendment.
<b>What type of business activities will be on the property?</b>	None. Finished compost will be sold wholesale.
<b>Is there surface water on the property?</b>	No
<b>Is the property located in a floodplain?</b>	No
<b>Is the proposed development located in Sage Grouse habitat?</b>	No
<b>Are there covenants and/or restrictions on the property that may prohibit the proposed development?</b>	No
<b>Are there any road, ditch, utility or other easements that exist on the property?</b>	No
<b>Describe existing and proposed water, sewer and wastewater facilities:</b>	N/a
<b>Describe existing access to the property and how traffic related to the commercial and industrial activity will be directed through the site.</b>	Limited traffic will use gravel roads
<b>For construction of new buildings or facilities related to this permit, please state how far they will be set back from each property line:</b>	Compost piles will maintain a 200" distance from residential property lines.
<b>Will the proposed activity interfere with agricultural operations by contaminating water sources or interfering with irrigation facilities?</b>	No
<b>Are State or Federal Permits needed to conduct this activity on the proposed property?</b>	No, I have not yet applied for additional permits
<b>What are the current uses adjacent to the proposed property?</b>	Residential properties to the south and south east of proposed property
<b>Upload list of neighboring property owners (or complete</b>	<a href="https://seam.ly/1kM7REKo">https://seam.ly/1kM7REKo</a> JB-NeighborPropertyMap.docx

individual property owners below)

**Neighboring Property Owner 1**

**Neighboring Property Owner 1 Full Address**

**Neighboring Property Owner 2**

**Neighboring Property Owner 2 Full Address**

**Group 2 Property Site Plan submission**

Upload Now

**Property Site Plan Upload**

<https://seam.ly/ikxMCtef>

JB-LRG Map.jpg

**Please upload any additional files such as written easements, architectural plans, etc.**

<https://seam.ly/dQu9gwXq>

JB-Site and management plan .docx

**Anticipated Date of Septic Installation (Month/Year)**

**Amount to be Paid (convenience fees are in addition to this total)**

150

**Signature Data**

First Name: Mathew

Last Name: Pereida

Email Address: mfpereida@gmail.com



Signed at: August 3, 2022 5:29pm America/New\_York

**Receipt**

DPP-0000338

Map

Get an agent

Edit Facts

Share this home



Map data ©2022 Imagery ©2022, CNES / Airbus, Maxar Technologies, USDA/PPAC/GEO



2022

EXHIBIT B



# White Horse Compost

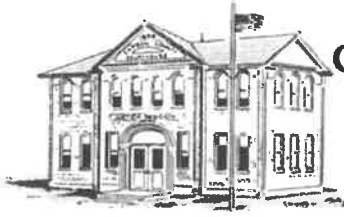
Agri Organics



**Legend**

- Compost area
- Proposed Area
- Water/grass collection
- Well

EXHIBIT C



COUNTY OF CARBON ~ STATE OF MONTANA  
PLANNING OFFICE

PO Box 466  
Red Lodge, MT 59068

Phone: 406.446.1694  
<https://www.co.carbon.mt.us>

**Forrest Mandeville Consulting  
Contractor**

September 7, 2022

Gene Klamert  
Agri Organics  
2100 44<sup>th</sup> St W  
Billings, MT 59106

Re: Group 2-20-2022 Commercial Development Permit

Dear Mr. Klamert:

The Group 2 Development Permit application submitted by Mathew Pereida for property legally described as Tract 3, COS 567 RB, less Highway ROW, Section 31, T 2S, R 24E, Carbon County, MT is hereby approved. You are permitted for the development of compost static piles for soil amendment, as outlined in your application and shown on your site plan. Any and all other necessary permits as required by other state or government agencies must be obtained prior to operation. Any deviation or intensification from such plan should be made known to the planning department. **Please note that the Development Regulations do require a new permit if such use is intensified from the information provided in the initial permit.**

Conditions of Permit:

1. Obtain all other necessary permits as required by other state or government agencies and adhere to any conditions required.
2. Licensing shall be acquired from DEQ and any conditions imposed by DEQ shall be adhered to at all times.
3. The management plan as outlined in the Site and Management Plan submitted with the Development Permit application shall be adhered to except as modified by DEQ and these conditions.
4. Ingress and egress shall be limited to Whitehorse North Road, as shown on the site plan. Developer shall install appropriate signage to direct truck traffic to Highway 212 to avoid increased traffic on Whitehorse South Road and Clarks River Road.
5. Project is limited to the location shown on the site plan; any expansion or deviation may be subject to a new Development Permit.
6. Compost piles must be kept a minimum of 200-feet from any property boundary.
7. Project shall be screened sufficiently to prevent debris from being blown onto surrounding properties.
8. Developer shall design and implement a dust mitigation plan to minimize dust blowing onto surrounding properties.
9. Developer shall, at their own expense, provide baseline water testing analysis to the Planning Office collected from a minimum of 4 samples within  $\frac{1}{4}$  mile of the proposed compost pile. The testing shall account for the

following: arsenic, barium, benzene, calcium carbonate, diesel range organics, ethane, ethene, ethyl benzene, gasoline range organics, iron, magnesium, manganese, methane, nitrogen, selenium, sodium, specific conductance, strontium, sulfate, toluene, total dissolved solids, total petroleum hydrocarbons, and xylene.

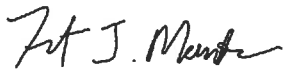
10. Hours of operation shall be limited to 8:00 am to 5:00 pm, no more than three days per week.
11. Any lighting on site shall be downward facing and primarily for security. In no case shall lighting be directed towards surrounding properties.
12. Noxious weeds shall be controlled on site per state law and County Weed District requirements.
13. If approved activity on site is inactive for two years this permit is deemed abandoned and a new permit must be obtained prior to activity resuming.
14. Any intensification of use shall be made known to the Carbon County Planning Department to determine whether an amended permit is required.

Any instance of noncompliance with these conditions may be grounds for revocation of this permit.

This decision is subject to appeal. Under the Development Regulations, Section V-A.5, this decision may be appealed to the Board of County Commissioners within 10 calendar days. Any appeal must be in writing.

If you have further questions please feel free to contact me at 406-690-1933 or [forrest@forrestmandevilleconsulting.com](mailto:forrest@forrestmandevilleconsulting.com)

Sincerely,



Forrest J. Mandeville, AICP  
Contractor  
Carbon County Planning Office

# Site Horse Compost

Organics



# Development Permit Checklist

<b>Organization:</b>	Agri Organics		
<b>Name of Developer:</b>	Gene Klamert		
<b>Type of Permit:</b>	Group 2 (Commercial)	<b>Date Received:</b>	8/3/2022
<b>Type of Use:</b>	General Commercial or Multi-Family		
<b>Legal Description:</b>	Tract 3, COS 567 RB, less Highway ROW, Section 31, T 2S, R 24E		

<b>Group 2 &amp; Conditional Use Permits</b>			
<input checked="" type="checkbox"/>	<b>Neighboring Property Owners Notified</b>	<b>Date Notified:</b>	8/4/2022
<b>Public Hearing Date:</b>	mm/dd/yyyy		
<input type="checkbox"/>	<b>Public Hearing Notification</b>	<b>Date Notified:</b>	mm/dd/yyyy

<b>Comments on Permit:</b>			
<p>Planning – Not located in mapped Sage Grouse habitat. No floodplain on the property.  Rural Addressing – No comments.  Sanitarian – No comments.</p>			

<b>Other Permits</b>			
<input type="checkbox"/>	<b>Road Approach</b>	<b>Date Approved:</b>	mm/dd/yyyy
<input type="checkbox"/>	<b>Rural Address</b>	<b>Date Approved:</b>	mm/dd/yyyy
<input type="checkbox"/>	<b>Sanitation</b>	<b>Date Approved:</b>	mm/dd/yyyy
<input type="checkbox"/>	<b>Floodplain</b>	<b>Date Approved:</b>	mm/dd/yyyy

<input checked="" type="checkbox"/>	<b>Permit Approved</b>	<b>Date Approved:</b>	9/7/2022
-------------------------------------	------------------------	-----------------------	----------

<b>Payment:</b>	<input type="checkbox"/> By Mail	<input checked="" type="checkbox"/> Online	<b>Amount:</b>	\$150 (Group 2)
<input checked="" type="checkbox"/>	<b>Payment Processed</b>	<b>Date Processed:</b>	8/3/2022	

a. **Schedule of Operation** (e.g. days and times the site is open, holidays, etc.): Monday-Friday 8:00 am - 5:00 pm (Primarily 1-3 days a week)

b. **Management of storm water run-off and run-on** onto the operation during peak discharge from a 25- year, 24-hour storm event (e.g. ponds, ditches, etc.) (Rainfall amounts available here: <http://www.wrcc.dri.edu/pcpnfreq/mt25y24.gif>):

During peak discharge from a 25-year, 24-hour storm event resulting in 2.7 inches of rainfall, a retention pond to the north end of the property is to be in place for storm run-off. Irrigation ditches and berms will also be in place to redirect water in a storm event. Standing water is to be pumped and dispersed on to static piles.

**Management of leachate** generated when precipitation comes in contact with composting materials or feedstock (e.g. berms, ponds, etc.):

Berms are to be in place to contain precipitation that may come into contact with composting materials or feedstock and will be collected in a retention pond. Bulking material in construction of compost pad are to absorb excess moisture. Standing water is to be pumped and dispersed on to static piles.

c. **Controlling on-site and preventing offsite nuisance conditions** (e.g. noise, dust, odors, vectors, and windblown debris):

Berms are to be created in position to create a windbreak and reduce odor. Operations will be halted during conditions that cause odors, noise, and dust to travel. Odors and windblown debris are to be mitigated with cover of fresh wood mulch.

d. **Prevention of water pollution** at and beyond site boundary (e.g. berms, ditches, etc.):

Ditches and grass filter strips running along property lines will be in place to prevent water pollution at and beyond site boundary.

e. **Access control** to prevent unauthorized site access illegal dumping (e.g. gates, fences, locks, etc.):

Locked entry gates and berms. Cameras are to be considered for future security measures.

f. **Description of personnel required and their responsibilities:** Screen plant and loader operator. Responsibilities: Screen, move, and load compost.

g. **Describe estimated traffic volume, plan for entrance and egress (provide map), and procedures for unloading trucks:**

Approximately 5-10 pickups or truck loads twice per month (+/- one day)

Delivery traffic will be limited to the southern entrance and exit of the property. Daily operators will be using both entrances. Delivery volume will vary depending on time of year. Highest delivery traffic is estimated to be 2-3 truck loads a week during warmer months where landscaper deliveries are more frequent. Trucks may dump in the southern loop between cement walls. Assistance using the front loader will also be made available.

- h. Describe procedures for operation during wind events, heavy rain, snow, or freezing conditions.** Wind; no turning of piles on extremely windy days. No mixing on extremely windy days. Heavy rain; site drainage designed to collect run-off in holding pond. Place straw wattle across entrance into compost area and in any other area that needs promotion of drainage before expected rains and the end of each day at closing. Snow; plow the areas between piles as needed. Allow snow on piles to melt into piles. Place straw wattles during melt. Freezing; avoid mixing during extreme low temperatures.
- i. Description of method to maintain moisture content:** In the instance of excess moisture content, saw dust will be used to absorb moisture. Add water with hose as needed. Move piles as needed after rain or snow events.
- j. Describe plan for frequency and temperature regime:** Testing frequency will be annually with a maximum production of 2500 cubic yards of finished product annually. The desired outcome of the compost recipe is to facilitate temperatures above 133°F for a minimum of 3 days to destroy pathogenic microbes. Additionally, temperatures above 145°F are to be reached to destroy weed seeds/plants. (ARM 17.50.1716, Table 3A, Table 4A)
- k. Describe plan for testing finished compost for weed seed and pathogen destruction, trace metals, compost stabilization, herbicide residuals, and applicable compost sampling and analysis requirements, as required by ARM 17.50.1716:** Samples of finished product are to be tested at an appropriate testing laboratory. (Quarterly through the United States Compost Council [USCC] and Seal of Testing Assurance [STA] program)
- l. Provide list of equipment available for use:** Front end loader, Trommel screen plant
- m. Description of windrow construction (if used) or a process flow diagram for in-vessel systems (if used):** Static Aeriated Pile (SAP) moved monthly with loader.
- n. Location of compost facility records:** Home and office of JB Farley: 2643 Rockwood St. Billings MT. 59101
- o. Maximum operational capacity:** 5500 cy wood mulch and 1500 cy livestock manure to produce +/- 1500 cy finished and/or mature manure.
- p. Description of the types/estimated quantities of feedstocks, finished compost on-site, and seed material or compost starter (if used):** Crop residue and fruit/vegetable-processing waste, fish and meat processing waste, manure, straw, hay, wood, paper, yard waste and other vegetation.
- q. Description of scales or other means to document the quantity of output of finished product:** Quantity determined by number of trucks and quantity of cubic yards per truck.
- r. Description of the finished product use:** Soil amendment.
- s. Method of aeration (e.g. turning the pile, forced air through pipes, etc.):** Move pile with

front end loader.

- t. Plan for the removal and disposal of solid waste and finished compost that cannot be used in the expected manner:** Solid waste of rocks, etc. are to be mixed with soil to create area perimeter berms. If necessary, disposal at City of Billings Landfill.
- u. Plan to correct or remediate delivery of unapproved feedstock, contamination of surface water or ground water, and occurrence of nuisance conditions:** No unapproved feedstock accepted. Surface water run-off to grass filler strip. Do not expect any nuisance conditions.
- v. Provide a list of the names and addresses of all contiguous/adjacent property owners (provide this information on a separate, attached sheet using Montana Cadastral (<http://svc.mt.gov/msl/mtcadastral>))**



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SEP 02 2022

BY: Clerk & Records Office MN 144  
Petition in opposition of Agri Organics development of compost static piles for soil amendment located on Tract 3, COS 567 RB Section 35, T 6S, R 20E, Carbon County, Montana. The following names and addresses represent the population of homes and property owners directly impacted by this proposed development.

Name:	Address:
1 David Leifert	8 Bus Ln. Laurel mt
2 <del>James Kipke</del>	10 Bus Ln Laurel mt
3 Denny Caldera	25 Bus Ln Laurel MT
4 Rand Hall	2 Dale Lane Laurel, MT
5 <del>Joe R. Stoll</del>	8 Dale Ln Laurel, MT
6 <del>James Sun</del>	12 Dale Ln Laurel, Mt
7 Anne Meadows	20 Dale Ln Laurel, MT
8 Bennett Pate	22 Dale Ln Laurel, MT
9 ZEK PORTER	22 DALE LN LAUREL, MT
10 Ashlyn Ayk	24 Dale Ln Laurel, MT
11 Kory Ayk	24 Dale Lane Laurel, MT
12 Ashley Hartse	4 dale lane Laurel mt
13 Peyton Whitehead	7 BUS Lane Laurel MT
14 <del>Nancy Whitehead</del>	1 Bus Lane Laurel MT
15 <del>Robert Whitehead</del>	1 BUS LANE LAUREL, MT.
16 Chris Aust	2 Henrys Pl Laurel MT
17 Lanita Barnhart	6 Henry's Pl Laurel, MT
18 Colleen & Dan Timmons	10 Beartooth Way Laurel, MT
19 Jerry & Sandy Mathew	14 Beartooth Way Laurel, MT
20 Arnie Mereness	26 Beartooth Way Laurel, MT
21 J. H. Sulthorn	28 Beartooth Way Laurel
22 Roger King	8 Victoria Ct Laurel
23 Laurel Bergerson	10 Victoria Ct Laurel
24 Levi Bequette	33 Beartooth Way Laurel
26 Richard Spry	35 Beartooth Way LAUREL

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BY: CLR/du RH 244

- 27 Bob & Julie Spencer 19 Beartooth Way Laurel, MT 59044  
28 Beverly Stewart 19 Beartooth Way Laurel, MT 59044  
29 Colt Spurr 19 Beartooth Way Laurel, MT 59044  
30 Craig Dierker 15 Beartooth Way Laurel, mt 59044  
31 April Jones 2 Rogers Pl Laurel MT 59044  
32 ~~Franklin~~ 44 Beartooth View Dr LAUREL MT 59044  
33 Kate Keller 44 Beartooth View Dr. Laurel, MT 59044  
34 Mikal Wigg 38 Beartooth view Dr Laurel mt 59044  
35 Carter Romell 43 Beartooth View Dr  
36 Dennis & Mary Hust 34 Beartooth L Way Dr 59044  
37 Robin Kirby 38 Beartooth View Drive Laurel, mt 59044  
38 Janet Stokes 33 Beartooth View Drive Laurel, MT 59044  
39 Fred Lynds 9 BEARTOOTH CT, LAUREL, MT 59044  
40 PAUL STUTTERHEIM 5 BEARTOOTH CRT. LAUREL, MT. 59044  
41 Lisa Stuttaheim 5 Beartooth Ct Laurel mt 59044  
42 Juan Mosema 30 Rocky Point Rd Laurel, MT 59044  
43 Tim Mosema 30 Rocky Point Rd Laurel MT 59044  
44 Jodie LeBeau 34 Rocky Point Rd. Laurel mt. 59044  
45 Steve Murphy 34 Rocky Point Rd. Laurel mt. 59044  
46 Sarah Keller 38 Rocky Point Rd. Laurel, MT 59044  
47 Ryan Keller 38 Rocky Point Rd, Laurel, MT 59044  
48 Stephanie Valentine 37 Rocky Point Rd. Laurel, MT 59044  
49 Ron E. Stricker 5 Riada Dr. Laurel, mt. 59044  
50 Ucky M. Stricker 5 Riada Dr Laurel, mt 59044  
51 Martin J. Tesdal 9 Riada Dr Laurel, MT 59044  
52 Jeffrey C. Myster 14 Riada Dr. Laurel, MT 59044  
53 Jeff Myster 14 Riada Dr Laurel MT 59044  
54 Barbara Stricker 5 Riada Dr Laurel, mt 59044  
55 Orla Kavanagh 13 Riada Dr. Laurel MT.

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SEP 02 2022  
BY: CLR office 3084 PAV

- 56 ~~Everett Westerman~~
- 57 Pally Westerman
- 58 Cindy L. Bepe
- 59 Ronde J. Bepe 18 Riada Dr. Laurel, MT.
- 60 James M. Staton 17 Riada Dr. Laurel
- 61 ~~Russell Laurel~~
- 62 Sierra Carfield 32 Beartooth View Drive, Laurel, MT
- 63 ~~Michael Q. Wilson~~ 3 Beartooth Ct, Laurel, MT
- 64 ~~John~~ 3 Beartooth Ct, Laurel MT
- 65 ~~Demi Just~~ 34 Beartooth View Dr
- 66 ~~Kristina Lopez~~ 33 Beartooth View Dr
- 67 ~~Shawna Rusk~~ 14 Bus Ln. Laurel, MT
- 68 ~~Angie Milby~~ 14 Bus Ln.
- 69 ~~Sam~~ 18 Bus Lane
- 70 ~~Kathy~~ 18 BUS Lane
- 71 ~~Jennie~~ 17 BUS Lane
- 72 ~~Tom Blandford~~ 17 Bus Lane
- 73 ~~Darin Foote~~ 22 Bus Lane
- 74 ~~Kimberly Foote~~ 22 Bus Lane Laurel, MT
- 75 ~~Tom Foote~~ 22 BUS Lane
- 76 ~~Colleen~~ 26 BUS Lane
- 77 ~~Tom~~ 36 Bus Lane Laurel, MT 59044
- 78 ~~Dan St~~ 40 Bus Lane Laurel 59044
- 79 ~~John~~ 40 BUS Lane
- 80 ~~John~~ 71 BUS Lane
- 81 ~~Trey Kanosko~~ 71 BUS Lane
- 82 ~~Alb Macorisk~~ 38 Quinn Way
- 83 ~~Mark King~~ 37 Quinn Way
- 84 ~~Barbara~~ 36 Quinn Way

RECEIVED  
SEP 02 2022  
BY: C/A office PRH 4/4

- |     |                   |              |
|-----|-------------------|--------------|
| 85  | Wayne Moonman     | 34 Quinn Way |
| 86  | KEVIN CARRINGTON  | 34 QUINN WAY |
| 87  | Colter Kline      | 25 Quinn Way |
| 88  | Jennifer Kline    | 25 Quinn Way |
| 89  | Roger Heimbigner  | 24 Quinn Way |
| 90  | Denise Heimbigner | 24 Quinn Way |
| 91  | June P. Gage      | 21 Quinn Way |
| 92  | Tamara L Gage     | 21 Quinn Way |
| 93  | Harry Reiter      | 19 Quinn Way |
| 94  | Jill M Folts      | 7 Quinn Way  |
| 95  | Shawn Komorek     | 7 Quinn Way  |
| 96  | Stacie Thompson   | 4 Quinn Way  |
| 97  | Jojo              | 4 Quinn Way  |
| 98  | Quinn Fox         | 6 Quinn Way  |
| 99  | Travis Fox        | 6 Quinn Way  |
| 100 | Donelle Dimple    | 20 BUS LN    |
| 101 | <del>WATSON</del> | 20 BUS LN    |
| 102 | Josh Wetherell    | 1 BUS Lane   |

## FW: proposed composting site on White Horse Bench North

Angela Newell <anewell@co.carbon.mt.us>

Tue 8/9/2022 2:41 PM

To: Forrest Mandeville <Forrest@forrestmandevilleconsulting.com>

 2 attachments (2 MB)

Scan\_20220807 (2).png; Scan\_20220807.png;

FYI

**From:** BVEPOA <bvepoa@gmail.com>

**Sent:** Sunday, August 7, 2022 4:37 PM

**To:** Commissioners <commissioners@co.carbon.mt.us>

**Subject:** proposed composting site on White Horse Bench North

Sent from [Mail](#) for Windows

Yesterday I received a letter with Carbon County heading signed by a Forrest Mandeville. The letter was sent to me as the treasurer for the Beartooth View Estates Property Owners Association . However, none of the other people in our neighborhood received a letter. Since this proposed site is directly above our sub division there are many concerns and everyone should have the right to ask questions and share their opinion. I did email Mr. Mandeville and state that this letter needs to go out to all residents not just one. It is not our responsibility to make copies and mail them out to everyone. That is the county or his responsibility. In light of the fact that residents were not notified I believe that the deadline for comments needs to be extended. I am attaching the letters and map I received.

Sincerely,

Lanita Barnhart

Treasurer, BVEPOA

September 12, 2022

Carbon County Planning Committee  
County Administrative Building  
County Commissioners  
17 West 11<sup>th</sup> Street  
P.O. Box 466  
Red Lodge, Montana 59068

RECEIVED

SEP 15 2022

CARBON COUNTY SANITARIAN

Bill Bullock – Commissioner – Term 2026  
Scott Blain – Commissioner – Term 2022  
Scott Miller – Commissioner – Term 2024  
Jason Stene – Term 2024  
Kevin Wilkerson – Term 2022  
James Spitzer, Jr. – Term 2021 (?)  
Greg Schlemmer – Term 2024  
Stacie Warehime – Term 2022  
Becky Frank – Term 2022  
Clinton Giesick – Term 2020 (?)  
Julie Jones – Term 2022  
Skip Bratton – Term 2021 (?)  
John Francis Term 2021 (?)  
Kim Ehrlich – Term 2022

Kyle Hoferer – Term 2022  
Levi Muhs – Term 2023  
Chad Spencer – Term 2021 (?)  
William Oley – Term 2023  
Dick Nolan – Term 2021 (?)  
Clint Person – Term 2022  
Ryan Brajcich – Term 2022  
Gordy Hill – Term 2022  
Dean Webb – Term 2021 (?)  
Elizabeth Scanlin – Term 2021 (?)

RE: Appeal Response Granting Group 2 Development Permit as to Mathew Pereida for property owned by Gene Klamert and Agri Organics, the Good Old Boys.

To all concerned:

I wrote a letter which asked questions concerning the application for the above referenced permit. The committee; however, did not respond to my questions before making the decision to grant the Group 2 Development.

- I. I object to the conditional approval as being ambiguous escape clauses which potentially will or are:
  - a. A reckless means to destroy rural neighborhoods,
  - b. Create a variety of health hazards of ALL who live in these neighborhoods,
  - c. Fire hazards,
  - d. Increase rodent population, other vermin, wild animals, and snakes,
  - e. The pungent fowl odor of manure and other odors,
  - f. Induce hazards for domesticated animals,

- g. Destroying our enjoyment of watching birds them,
- h. Destroy star filled sky,

II. Players Mathew Pereida, Agri Organics, and Gene Klamert part of the "Good Old Boys"

- a. Pereida – does anyone know anything about this guy?
- b. Agri Organics is a family owned and operated business that was founded in 1999 by JB Farley in Lockwood, MT. [www.agriorganicsmt.com](http://www.agriorganicsmt.com) has only a home page. [www.agriorganics.org](http://www.agriorganics.org) site 505 Lomond Lane Billings, Montana, 59101. States that their compost is USCC Certified; however, the USCC does not have an Agri Organics or JB Farley on their records as being certified.
- c. Gene Klamert: Records back to 1995 show Klamert's history in the agricultural and cattle industry. He has a multitude of business' and owns land all over the region. It has been stated and it appears that Klamert is very monetarily rich. He started receiving Federal Government subsidies in 1995 and as of 2020 has received a total of \$3,068,076 in federal subsidies. Ronna Klamert has received a total of \$2,191,835 in federal subsidies. As of April 27, 2020, Klamert received \$48,092 in Federal Government Covid Relief PPP SBA funds. This loan was forgiven. On July 25, 2022, the Grand Jury handed down a 4 Count Indictment to Klamert for Mail Fraud in conjunction with his cattle ranching practices with the U.S. Bureau of Land Management. He pleaded not guilty, and is facing up to 20 years in prison, he is awaiting trial date, and/or sentencing.

III. Rural Neighborhood.

- a. For six years I looked for a rural neighborhood before I purchased my home.
- b. There were criteria I was able to find in the home and property at my current address that I purchased in 2019.
- c. I did not choose my home so that later a landfill could be approved and reduce the value of my home which I paid a premium price for. See EXHIBIT A. This is an aerial view that did not include a landfill when I purchased my home in 2019. Similar to the Proposed Composting sight. You will see that there is no dumping going on.
- d. By 2020, approximately one year after I moved into the neighborhood, the landfill started to form. See EXHIBIT B. This was in or around the time that my neighbors built their rural home. Unfortunately for them, this newly built home is right next to the proposed landfill. Although it is proposed, the "players" started to selfishly begin dumping garbage next to them.
- e. This has already destroyed my neighbor's Beartooth Views and scenery. The aerial does not show how the dump is NOW, in 2022, approximately 200 feet from their back door, swimming pool and playground for their kids. This is what "you" granted.
- f. Today, there are piles of material. If I were a kid, I would invite other kids to ride their bikes to play on the hills or, dig in the piles. Kids are not aware of

the dangers. Did the CCPC and Commissioner's think about that? I doubt it since there are other motives involved. "You" granted the landfill.

- g. EXHIBIT C is the "proposed" aerial of the White Horse Compost sight. However, the aerial does not show my neighbor's home, so an old aerial was used, and if you were to have visited the sight this would have been noticeable. The aerial also does not show where the actual composting is right now. It is nothing like the artist's rendition of it. It has already expanded because they have been allowed to continue their business without any recourse. It doesn't indicate the actual road into the sight. It doesn't show where they are dumping. When you drive into the sight a new road has been established with an asphalt mix on the road. As you drive down the road tall stalks of corn shield the access until it opens up into a landfill area. On the sight is a humongous conveyor, a frontend loader, and dump truck. Evidence shows active signs of use. The pictures were not ready to be included by the time this letter was finished and had to be sent. Piles of dirt, rock, sand, and garbage that was transported from Billings, Yellowstone County Landfill to the sight in Carbon County.
- h. On or near May 3<sup>rd</sup>, 2021, Laurel (Yellowstone County) Fire Department had to respond to this landfill because one of the piles broke out in a fire. Flames were seen from my home and debris flew across our property which was still smoldering.
- i. Imagine a nice day in the country where it is quiet and serene. "You" walk out your door to breath the fresh air and find a horse leg or a cattle carcass lying in your yard. This has happened to our neighbors. "You" granted the not-so "good old boys" this. But, this isn't happening in your neighborhood so it is hard to imagine. In fact, "You" granted a permit to the players to break state laws. MT Code Annt. 2021, 81-9-301; and 81-9-311. This is a violation of disposing of animal remains that create a public nuisance and constitutes a hazard to public health.
- j. I would like to know how much the not-so "good old boys" have been fined for running this operation for approximately two years without a permit without Montana DEQ and DNRC knowing about it?
- k. I wonder how much money CCPC and CC has earned as a result of granting this permit with the not-so "good old boys." If the not-so "good old boys" are breaking laws, and they were able to get this permit, then there is also some shady business going on between the parties. They walk hand-in-hand. Of course, I could be wrong since I have no real proof.

#### IV. Permit Conditions

- a. #4 states that the ingress and egress shall be limited to Whitehorse North Road. The sight might not have been researched because the entrance to the sight is off Whitehorse South Road, not Whitehorse North Road. If in fact, the CCPC and CC want to open-up that road to the not-so "good old boys" then this



condition opens a whole new scenario to homeowners in the Whitehorse North Road.

- b. In #5 you openly admit that expanding is possible, which will create further destruction caused by the landfill. It does not say, "This project cannot be expanded."
- c. Allowing the landfill to be 200 feet from a person's home is ludicrous. This is guaranteed to create health and water issues. It is like saying, "In 100 feet turn your blinker on to indicate that you will be turning in 100 feet to go around a junk pile." This is right in the people's yard.
- d. #7 and #8 deal with the wind blowing. "You" suggest a screen to prevent... This is an admittance that hazardous materials and debris will be blowing on us. Also, minimize dust blowing onto surrounding properties is an open admittance that there will dust blowing on us. There are certain bacteria, fungi, and organisms in the dust. As indicated, the "good old boys" are only required to minimize this from happening. It will, in fact, happen no matter what they do and I am positive that the "bare minimum" will be done. This is telling all of use that our health is not important to the CCPA and CC.
- e. #9 is a really sad statement. This tells us that "you" do not have concerns for our wells that provide us drinking water. The fact that wells have to be tested due to the landfill means that the potential of contamination is already there. Let's say that it does test for any of those listed items, then what. What do we do now? If this is a concern now, then a "Cease and Desist" order should be issued immediately. This statement tells us that we were correct that our drinking and irrigating water is at risk and "You" approved this risk.
- f. #10, who is going to monitor this? Why the limit? Neighbors have witnessed work going on after 10:00 p.m. Have they been fined for this? In fact, it doesn't say anything about how they will get their hand slapped.
- g. #11 is very disturbing. This is a rural neighborhood. One of the reasons to live in a rural community is because lights are kept to a minimum, at least by most people. This gives an open invitation to light up our sky regardless of whether the lights are pointed down. There is no height or wattage restriction. This is a commercial business. I might as well be living at the Walmart parking lot.
- h. #14 as a commercial business, it is a well-known fact that to stay in business you have to grow. They are going to use that compost to grow and expand. When there was no gauge on how big it is now, why would anyone let CCPC know that it is intensifying. Let's go to the Indictment where in short it states: Beginning in or about April 2017, and continuing to about November 2020, Klamert and his Co-Defendant, devised and intended to devise a scheme to defraud and obtain money and property by avoiding the payment of monetary fees owed to the United States by materially false and fraudulent pretenses, representations, and promises. Part of the scheme required Klamert under the terms of his grazing permit, to report to BLM all cattle he intended to graze on BLM land prior to each grazing season. May 2018 through May 2020 the

defendants, made false reports and representations to the BLM regarding sales of cattle that grazed in Klamert's favor. Klamert and his co-defendant falsified bill of sales to BLM in order to not have to pay fees to BLM. This tells me that he has been devious for years, not just this one time.

By the time these conditions are met the damages will be done and if not, then eventually we will be living in a slum.

What happened to the "Code of the West?" This approval means something else and takes priority to human lives. I can only guess it is in the bank.

After much time investigating this proposed business, I have concluded that it would be a super-colossal mistake to allow this business to embark on this adventure at the expense of other's lives, while they are building their income in the proposed area. A man is unthinking and under researched who even thought that this was a good idea at the current location. ... The business dream does not have to be suppressed. There are many locations that are not surrounded by homes.

I looked for property in Silesia, Montana, just down the road. I learned that their water supply is tainted. Klamert owns property in Silesia.

Sincerely,



Janet D. Stokes

Cc/Governor Greg Gianforte;  
Matt Rosendale  
MDEQ  
MDNRC

8/30/22

RE: Group Z Development Permit submitted by Agri Organics  
for Section 35, T6S, R20E in Carbon County

This letter is to state our opposition to the proposed development permit. We do not want a compost site to affect our neighborhood adversely by causing air quality concerns, increased traffic, or property devaluation.

Since our neighborhood is downwind from the proposed site, we are concerned about smells or particulates drifting into our neighborhood. We also oppose increased traffic in our area that would decrease the quality of our roads. Our biggest concern is that the proposed compost site would decrease the value of our property/home.

We hope you take our neighborhood's quality into concern!

Thank you.

Return  
Address:

Mr. Timothy Chulyak  
52 Beartooth View  
Dr  
Lawel, MT 59144

**RECEIVED**

SEP - 6 2022

CARBON COUNTY SANITARIAN

Corey and Sierra Canfield  
32 Beartooth View Drive  
Laurel, MT 59044

August 16, 2022

Re: Opposition to Group 2 Development Permit – Carbon County

Dear Carbon County Planning Office,

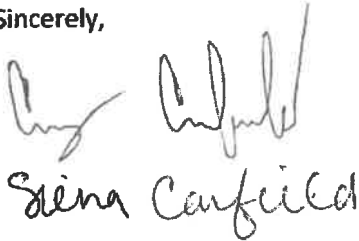
This letter is to oppose the group 2 Development Permit (Commercial Use) submitted by Agri Organics, property Tract 3, COS 567 RB, Section 35, T 6S, R 20E, Carbon County, Montana. Our property and household borders the whole eastern boarder of the proposed compost static piles for soil amendment, directly in the prevailing wind.

There are many reasons why we oppose the permit, three of them are addressed below. First off, our household is in very close proximity to the proposed compost static piles for soil amendment commercial use. We are raising our two young children, ages 2 & 4, and have health concerns in regards to compost piles and being in the prevail wind. Secondly, our property value will greatly be affected if there is a commercial operation of proposed compost static piles for soil amendment. This would have a major effect on our property value as our property borders the complete eastern boarder of the proposed area.

Finally, the odors which are emit from the static compost piles are quite odiferous. Especially when the new compost piles are being brought in, overturning the piles and the prevailing wind is in our direction, the odor is even more great. Our house's backyard faces the compost area and expanding the proposed area would greatly affect and disturb the beauty of the land, mountains and terrain. In addition, this proposed operation is located near multiple households, subdivisions and residents.

In conclusion, we oppose the Group 2 Development Permit (Commercial Use) submitted by Agri Organics. The proposed area is in very close proximity to our house raising concern for health, property value and the odors being emitted. If there are any additional questions, please feel free to contact us at 406-861-8866 or [sierra4nursing@gmail.com](mailto:sierra4nursing@gmail.com)

Sincerely,



Sierra Canfield

Corey and Sierra Canfield

**RECEIVED**

**AUG 22 2022**

**CARBON COUNTY SANITARIAN**

8/18/2022

Carbon County Planning Office,

I am writing in regards to the Agri Organics permit. The location of that Business would be up'wind from from Beartooth Subdivision where i live. I am concerned about a few things.

1. Air quality. I suffer with Asthma and Allergies.
2. Water contamination. I have a well with good water.
3. An increase in car/truck traffic from Laurel.
4. Noise pollution.

I am opposing letting this permit move forward.

Frederick Lyons

9 Beartooth court

**RECEIVED**

AUG 22 2022

CARBON COUNTY SANITARIAN

To Whom It May Concern,

I am writing to express our opposition to the commercial development of Agri Organics near our family home. We are afraid that if this compost area is built it will negatively affect our beautiful neighborhood and devalue our home that we have worked very hard to update and maintain. If the development is approved can you guarantee that the compost area will not affect our groundwater? We enjoy the quiet country roads since the new highway has been put in and worry that traffic and commercial trucks coming and going could reverse the progress made by that road. Furthermore, we worry that the air quality where our children play and spend their days will be compromised.

Please do not approve the development of Agri Organics.

The Myers Family  
14 Riada Drive  
Laurel, MT 59044

*Mr. and Mrs. James Ghe Myers*

**RECEIVED**

**AUG 22 2022**

**CARBON COUNTY SANITARIAN**

**August 17, 2022**

**Mr. Forrest J. Mandeville, AICP  
Carbon County Planning Office  
P.O. Box 466  
Red Lodge, MT 59068**

**Dear Mr. Mandeville:**

**Enclosed herewith please find a petition signed by a majority of property owners in and near Beartooth View Estates, Carbon County MT. This petition requests that your office deny the Group 2 Development Permit application submitted by Agri Organics for a compost operation near our homes.**

**In addition to the concerns listed on the petition many residents have also expressed concerns regarding the negative impact the project could potentially have on domestic wells and surface water in the area. Airborne dust is also a concern. Since Agri Organics has started operations on the site, many residents have complained of "feedlot odor". Expansion of the operation will only make the odor problem worse.**

**We request that you deny this permit application based on the fact that it will have a negative impact on residents of quite a large residential area near the project.**

**Finally the question should be: Would you want this operation near your home?  
Thank you in advance for your consideration.**

**Respectfully Submitted,**



**Terry L. Matthews  
14 Beartooth Way  
Laurel, MT 59044  
Phone 307-751-0939**

**Cc Commissioners  
Planning Board Members**

## PETITION

Reference the Group 2 Development Permit application by Agri Organics for a compost facility to be located on Tract 3. COS 567 RB Section 35, T 65, R 20E Carbon County, MT.

We, the undersigned, who reside near or in the Beartooth View Subdivision of Carbon County, Mt and in close proximity to the above referenced permit application site respectfully petition that the planning office and commissioners of Carbon County deny the above referenced permit application for the following reasons:

1. Negative impact on our property values.
2. Negative impact on our lifestyles due to odor and noise pollution.
3. Industrial facilities such as this should not be located near densely populated areas.

Signature

Address

Amy Matthews	14 Beartooth Way, Laurel
Colleen Timmons	10 Beartooth way Laurel
Brenda h. he Brun	17 Beartooth Way Laurel
Jessica h. Bruy	
Thomas Schuchor	9 Beartooth way Laurel
Millie Schuchor	11 Bear Tooth way
Larry Keller	
J. Schuchor	28 Bear Tooth way
Gene D. White	27 BEARTOOTH WAY
Erin Begnette	33 Beartooth way
Daryl Bergerson	10 Victoria Ct.



Signature

Address



Shumiah Hagan

8 Victoria Ct

91 Beartooth



46 Beartooth (view)

Michael

8 Rogers Place



11 ROGERS PLACE

Caton Powell

43 Beartooth View Dr

Sierra Canfield

32 Beartooth View Drive

Dennis & Mary Hust

34 Beartooth View Dr

Dora & PAUL JONES

2 ROGERS PL

Cliff Hust

2 Henry's PL



5 Henrys PL

15 Craig Greenlee

15 Dey Greenlee

15 Beartooth Way

Anna Meadows  
20 Dale Lane  
Laurel, MT 59044  
Aug 19, 2022

To whom it may concern,

I am writing this letter to voice my concern over the possible composting site located near South White Horse.

I would like to strongly discourage the creation of this site in this location. This site could create a horrible smell, that surrounding communities would have to deal with that we did not agree to when we moved in.

In addition, this site could possibly contaminate our groundwater. What assurances would we have that if the site was built, our water would still be safe to drink.

We have already witnessed the damage that big equipment traveling on our roads can do to the roads. We also have small children, pets, and families that walk, ride bikes, and play in our roads. The idea of big equipment coming through is very nerve-wracking as a parent.

Finally, it is also a concern that the creation of this site could have a negative impact on the value of our homes.

I strongly oppose the creation of this composting site.

Thank you for your time and consideration,

Anna Meadows



**RECEIVED**  
AUG 29 2022  
CARBON COUNTY SANITARIAN

# Don and April Jones

---

2 Rogers Place, Laurel MT 59044 | 406-647-8940 | dajjones99@aol.com

**August 21, 2022**

Carbon County -State of Montana

Planning Office

17 West 11<sup>th</sup> Street, PO BOX 466 Red Lodge, MT 59068

To Whom it may concern:

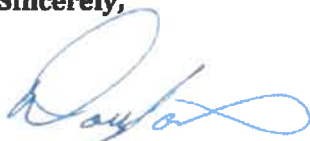
In reference to your letter dated August 4, 2022, to allow Agri Organics to implement a compost business on tract 3, COS567 RB, Section 35, T 6S, R 20E Carbon County.

As local home owner we are very concerned that no impact statements have been performed for ground water pollution, air pollution factors for safety of families and children with health problems and housing value impacts.

There are numerous neighborhoods within the vicinity of this proposal. What impact will there be on the quality of life for these communities? Many have well water as their source of usable water. The water tables in our area are very shallow and could be poisoned by contaminates due to soil runoff and seepage, I have seen the dumping of animal carcasses into compost piles to accelerate the decomposition process. This will allow for possibly sick or contagious animals to be utilized, not to omit road kill. The Yellowstone River is not that far from this area and could be affected by this business operation by contaminating the river and wildlife that depend on this water source for survival. The area of concern has changing winds all the time, on occasion we can smell the CENEX refinery fumes for several days making it near impossible to go outside to enjoy the day, that is not fair to the children and people with health problems.

Your office is in Red Lodge, MT, did anyone from your office physically check out this area to verify any safety issues as well as the possible impact on wildlife and the housing values in the area? Many of the families that live in this area moved here to enjoy our time outside and not worry about our health or safety and any financial impacts to where we live, please reconsider the passage of this proposal for the people in these communities.

Sincerely,



Don Jones

**RECEIVED**  
AUG 29 2022  
CARBON COUNTY SANITARIAN

Carbon Co. Planning Board

Aug. 10 - 2022

To whom ever :

We, the Beartooth View Estates Property owners, do and will, protest the and any further development of Agri-organics, located adjacent to and near our subdivision.

We are told that we don't get notification because only a corner of our park land is in the measurement requirements.

Due to the actions or inactions of Carbon Co. officials, we will continue to protest and vote against Agri Organics and the backing of Carbon Co. to Agri-Organics.

We live in Montana, the wind blows. Odors not confined to ones Britches, feedlots or outhouses. Debris not confined to ones Burn Barrels, Leaf Piles, Barron ground or Roadways.

What about those who have Hay Fever, asthma or other Health situations? Within or outside the measurement area.

Our questions are, odor Pollution, air quality, water quality. what will this do to our property values.

Why would such a facility be placed within an area of 5 Residential Subdivisions?

We have had a complaint with Carbon Co. officials for quite sometime. A County official gave a portion of our private property to an outsider for their personal use. Access - driveway.

A real estate agent hired a contractor to remove our bridge. We lost a bridge, Hyd. landscape Rock, Hyd. Red mix and Hyd. P-gravel to the contractor. All this to improve the value of property outside our subdivision. A County official told her, she had free access with the use of our property.

Our Property was Denied subdividing by Carbon County. The property was subsequently sold, as is no access - no easements. A few years later sold again. As is - no easements, thus action by the Real estate agent. A few year later Sold again claiming full access, using our private property.

When will Carbon County and the outside property owners ask for an easement or permission?

When and from whom do we receive compensation for our lost materials, Repair time and cost and access to our own property. Who was or still is The County official who gave away our property and the Rights to it, to an outsider?

This has led to others just cutting holes in the fences and cutting ~~across~~ across to make shorter access to outside properties.

Jerry L. Philhower



Pres. BVE POA  
Beartooth View Estates  
Property Owners Assn

---

**Tim and Susan Moseman**

30 Rocky Point Road  
Laurel, MT 59044  
(406)628-6291  
mosemansusan@gmail.com

August 26, 2022

**Carbon County Planning Office**

Forrest J. Mandeville, AICP  
PO Box 466  
Red Lodge, MT 59068

**RECEIVED**

SEP - 1 2022

**CARBON COUNTY SANITARIAN**

Dear Mr. Mandeville,

This letter is in response to your letter dated August 4, 2022 regarding the proposed Development Permit submitted by Agri Organics. Our property directly borders this land development. This business has been in operation for well over two years. We have watched, from our kitchen window, as truckloads of cow manure, unused or rotten cattle feed and dead cows have been dumped in this area. As you can imagine, this is not what anyone wants to see out their back door.

I will start with the most obvious of reasons. Smell and dust. I was born and raised on a hog farm and I can handle just about any amount of stink. I cannot even describe to you what this composting pit smells like. The winds, contrary to what the map shows, blow dust and the putrid smell of manure and rotting animal directly into my house. We have rarely had our windows open over the past few years. We no longer eat outside on our patio because of the smell and the flies that have come with it! The permit mentions that they will put up a berm of some sort to 'cut down' on smell and dust. I'm curious what this berm will be made of since acres and acres of tall corn haven't cut down on any of the dust or odor?

Secondly, we all worry about our property values. You cannot tell me that this won't have a negative effect on our home values. No one wants to move into an area that reeks most days and has visuals of bloated cow carcasses. I guess the only positive that might come from this, will be the reduction in our property taxes.

Thirdly, drinking water. Our entire area depends on our wells for drinking water. This decomposition pit sits higher than most other properties in the area. The runoff from this area will drain into our irrigation ditches which feed

---

directly into our aquifer. I am unaware of any safety measures that have been taken over the past few years to protect us from contaminated water supplies.

My last concern is the size of this development. I have watched these piles of compost move closer and closer to our house. The site map of the area shows they will have the capacity to move even closer to our residential areas.

As I am writing this letter, my dog is outside on the lawn chewing on a cow knuckle and hoof. Hmmm, wonder where he found that?

Sincerely,

Tim and Susan Moseman

Ryan & Sarah Keller  
38 Rocky Point Road  
Laurel, MT 59044

**RECEIVED**

SEP - 1 2022

August 25, 2022

**CARBON COUNTY SANITARIAN**

Re: Group 2 Development Permit - Agri Organics

Carbon County Planning Office  
17 west 11<sup>th</sup> Street  
PO Box 466  
Red Lodge, MT 59068

**To Whom It May Concern:**

This letter is in response to the recent application submitted by Agri Organics, requesting a Group 2 Development Permit (Commercial Use), for the intended use of compost static piles. As property owners whom directly border such development, this raises many serious concerns. Regardless of the above-mentioned application, such land owners have already been operating in a "commercial capacity" (for the intended use above), post August 2019. The majority of all aspects, addressed in the current application on file, have already posed many serious consequences for our surrounding neighborhood over the past several years.

Ground water/aquifer contamination has already been affected since the development of the aforementioned venture. Ourselves, including additional property owners (adjacent and surrounding), have experienced a significant increase in the level of nitrates in relation to our well water. This has been deemed dangerous and unsafe for everyday use according to EPA and state certified laboratories - testing that was paid for and hired out on our personal behalf. As a result, within the last couple of years we as homeowners have been forced to install water filtration systems in order to ensure that our daily water consumption is safe and nontoxic for our families. Studies show that if exposed to increased levels of nitrates over an extended period of time, individuals may be at a higher risk of developing colon cancer and other health related concerns. Since the development of these composting piles, not only are nitrates of concern, but increased bacteria and microorganisms as well. Speaking from personal experience, financial institutions will halt all funding and approval of mortgage applications until this issue is addressed, as it poses a major concern to young children and those more prone to illness.

Safety and the overall protection of our property, homes, and buildings is at risk. On May 3, 2020, such compost piles self-ignited and caught on fire due to high temperatures. Local fire crews were contacted and needed for containment and suppression. Furthermore, all fire



crews entered our private property, requesting access in order to contain the fire. The potential of damage to buildings and individuals surrounding the "commercial operation" is evident. In addition to fire threats and building damage, such permit does also not discuss the continuous use of deceased livestock being used in the composing process. On a frequent basis, decomposing animal parts are found on our properties, moreover posing a major health and safety concern. The constant elimination of animal body parts is less than ideal and should not be a burden to the community, nor should any family have to worry about their young child coming into contact with such parts. And with the continued use of dead livestock, so has been an increase in predatory animals, snakes, etc. It's an extreme burden to parents and families that must constantly worry about the safety of their children and what they may be exposed to.

The air quality and air particulate, in relation to smell and dust, has been significantly impacted. More days than not, the smell is very strong and unpleasant, making it almost impossible to enjoy any outdoor activities. As the current application states, the piles will be covered with wood chips in order to alleviate and mask the smell - this is already currently being practiced on their behalf and the current practice does not suffice. The addition of berms will do nothing to alleviate the smell, as we currently have a 10+ foot high cornfield, that serves as a buffer, and in turn does nothing to improve the odor. Additionally, the prevailing wind patterns shown on the proposed map are incorrect, specifically for the hot, summer months when the smell will have the greatest impact. As residents of this community for over 10+ years, the prevailing winds (during the summer season) primarily come out of the North and North/East direction. This can be confirmed at both local airports, Laurel and Billings.

Last, but not limited to, we as homeowners are very concerned with the long-term impact this will have on our homes and neighborhoods in terms of re-sale value. Additionally, the hours of operation are to be questioned. Since the development of said business, operations have continued well into the night, as well as the weekends. And furthermore, the constant use of county and neighborhood roads by both commercial trucking and traffic is an added expense and burden to county tax payers.

We ask that you please reject this permit in order to keep our homes and families safe, and to preserve the quality of life we strive for. Please stand behind your tax payers and support the majority. A commercial composting company has no business being in operation in a residential area, surrounded by over 100+ homes.

Respectfully,

Ryan Keller



Sarah Keller



Dennis L & Mary L Hust  
34 Beartooth View Drive  
Laurel, MT 59044

August 26, 2022

Mr. Forrest J. Mandeville, AICP  
Carbon County Planning Office  
P.O. Box 466  
Red Lodge, MT 59068

Dear Mr. Mandeville,

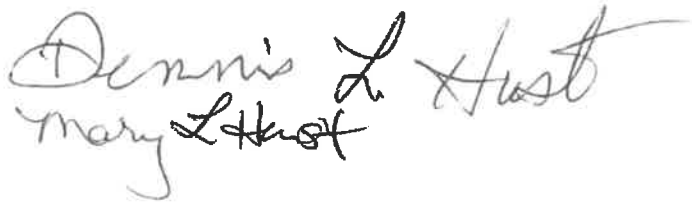
This missive requests your office to deny the Group 2 Development Permit application submitted by Agri Organics for a compost operation near our property.

Specific concerns include devaluation of property and re-sale value and ground water contamination. Most of importance is the air quality. As we are in the direct path of the prevailing winds, this air pollution would have a devastating effect on Major Health Issues.

I would surmise your response to the permit as a definite negative if you yourself was unable to breathe outdoors of your own home.

Thank you in advance for denying this permit.

Sincerely,

  
Dennis L. Hust  
Mary L. Hust

**RECEIVED**

SEP - 1 2022

CARBON COUNTY SANITARIAN

Carbon County Planning Office  
P.O. Box 466  
Red Lodge, MT 59068

RECEIVED

SEP - 1 2022

CARBON COUNTY SANITARIAN

I am writing to express my opposition to the proposed Group 2 Development Permit submitted by Agri Organics. My residence at 14 Bus Lane, Laurel, Montana 59044 is located approximately ½ mile from the proposed development site. The current Agri Organics site emits a strong and foul odor and on a north wind blankets our neighborhood in the stench of compost, which includes dead animals (cattle). The permit submitted by Agri Organics claims that the prevailing wind is from the W/SW, however, independent wind tracking websites such as [www.windfinder.com](http://www.windfinder.com) show the prevailing winds for our location to be from the North in May, June, and July, some of the hottest months of the entire year, when the odor from the compost site is at its worst. The permit also claims odor mitigation will be accomplished by "berms", which any amount of common sense will reveal to be completely ineffective at mitigating windborne odors. The proposed mitigation measures are wholly inadequate.

Additionally, our subdivision is serviced by a community water well less than ½ mile from the proposed site location. We have grave concerns about the future quality of our drinking water and aquifer. Furthermore, the site map submitted with the application, shows the proposed composting area to extend across the Mason Canal (irrigation ditch), which will allow runoff and refuse to enter Mason Canal unabated. The permit application estimates a maximum of 2.7" of rainfall in a 24-hour period. These amounts are underestimated and were recently exceeded during June of 2022. The mitigation plans proposed in the permit are inadequate to deal with these levels of precipitation and runoff, causing further concern for the water quality in these residential neighborhoods.


The permit also estimates, 5-10 pickups or truckloads twice per month. This is clearly an underestimation on the part of permit applicant, as the current permitted area is large enough to accommodate this volume of compost. Example, a standard pickup bed holds approximately 2 cubic yards of material. 10 trucks, twice a month, with 2 yards each, equates to 40 yards of material per month. The current site is approximately .50 acres in size. 40 yards of material, equates to approximately 1.5" spread over 40 yards. It appears the applicant is requesting a larger site to accommodate a significantly increased volume of compost, which will necessitate much more truck traffic by the applicant than what is included in the permit. Later in the permit application (paragraph J), the applicant states a "maximum production of 2500 yards". These production rates (2500 yards) will require truck traffic far in excess of what the applicant has estimated, and will negatively impact residents with road noise, dust, and the breakdown of road surfaces from excessive commercial truck traffic.

This permit will clearly have a negative impact on the home values of the surrounding neighborhoods. Decreased property values will negatively impact homeowners and property sales, as well as Carbon County tax revenues. Decreased values will negatively impact tax revenue for the County, and residents will be within their rights to request downward adjustments to their property taxes in the proposed permit application is approved.

Additionally, a review of the Carbon County cadastral indicates that the applicant Agri Organics (which is owned by Gene Klamert) owns multiple parcels not in proximity to residential neighborhoods. Mr. Klamert has many viable options for alternative site locations.

Lastly, given the items above, namely the applicant's misrepresentation of the predominate wind direction, our concern over the lack of effective mitigation measures for both windborne odor and wastewater runoff, the applicant's underestimation of truck traffic, the applicant's options for other site locations, which he already owns, and the negative impacts on home value, we vehemently oppose the issuance of this permit and request its denial.

Concerned Homeowner,



Jeremy Gillespie – 14 Bus Lane, Laurel, MT 59044

Carbon County Planning Office  
Red Lodge, Mt 59068

8/30/2022

To Planning Officials:

I am writing this letter of protest in regards to the proposed Group 2 Development proposed White Horse Compost.

- 1- We do not need a source of ground water contamination!
- 2- A cause for devaluing the property in our area!
- 3- Desecration of the air quality in the sounding area!
- 4- The increase in vehicle traffic on both the highway and South White Horse! (the road has been repaired after the truck traffic from the construction of replacement of 212)
- 5- The traffic is now back to an acceptable level and my family would like to keep it what level.

Thank You,

Mr. & Mrs. Lon Bekel & Family  
18 Riada Dr.  
Laurel, Mt 59057



**RECEIVED**

SEP - 1 2022

CARBON COUNTY SANITARIAN

Stephanie Valentine  
37 Rocky Point Road  
Laurel, MT 59044  
stefvalentine77@gmail.com

RECEIVED

SEP - 1 2022

CARBON COUNTY SANITARIAN

August 29, 2022

Carbon County Planning Office  
County Administrative Building  
PO BOX 466  
Red Lodge, MT 59068

Re: Group 2 Development Permit – Carbon County

Dear Mr. Mandeville,

I am writing in response to the proposed Group 2 Development Permit (Commercial Use) submitted by Agri Organics. Thank you for the opportunity to submit comments on the proposal. Although I typically support the concept of composting as an environmentally sound practice, I am opposed to this commercial scale operation in a residential area. I have many concerns and questions. The location of the proposed operation is adjacent to a large residential area and would impact not only the residential properties that are immediately adjacent to the proposed operation but also the nearby neighborhoods. The impacts that I am primarily concerned with are water quality, water quantity, air quality, dust and odor, the content of the materials to be composted, and the extent of the commercial operations. Please consider the following question and concerns as you review this permit application.

Regarding potential impacts to water quality, the proposed operation would likely directly impact the wells and drinking water that nearby residents depend on. It is not clear how the drainage swale and grass/water retention area located in the northern portion of the property would mitigate runoff toward the residential wells to the south and southeast. What measures would be in place to ensure water quality is not negatively impacted by contaminants leaching into the aquifer? How much water would this operation require, and is there adequate water to support this operation without impacting the adjacent residential wells? Have potential impacts to the ground water quality and water supply been considered and how would they be mitigated? Strict and ongoing water testing protocols should be in place for this type of operation.

My next concern is with air quality, dust, and odor. As a nearby resident for the past 16 years, I have experienced increasing strong odors over the last couple of years from the existing operation. The prevailing wind indicated on the proposal map is not accurate during all times of the year. I have learned that composting operations emit bioaerosols that can lead to respiratory symptoms, and volatile organic compounds (VOCs) that can cause symptoms of nausea. Will the proposed commercial operation continue to expand and exacerbate these issues? Would adequate dust and odor abatement measures be required?

I understand that typical composting operations use plant waste, however composting of animal waste and the remains of dead livestock comes with added foul odors and has the potential to attract dogs and predators. Over the last couple of years, we have experienced numerous, foul-smelling bones and pieces

of animal hides being left in our yards by animals. What controls are in place for the types of materials that are allowed to be composted? Would there be measures to contain the waste, so it is not an attractant?

How far will the commercial operation expand within the proposal area? The permit application indicates that compost piles will maintain a 200-inch distance from residential property lines. I do not believe that this is an adequate buffer, and this could impact adjacent property values, scenic qualities, and quality of life.

I feel strongly that this is not the appropriate location for this type of commercial operation, given the existing, known, and likely impacts to private lands and residents. The current proposal lacks important details about the operation, mitigation measures and monitoring protocols.

Thank you for your review and consideration of my concerns and questions. I would like to request that a public meeting be held to discuss this matter further.

Respectfully,



Stephanie Valentine

August 8, 2022

To: Carbon County Planning Office  
96 Forest Mandeville

This letter is in regards to the proposal of a compost static piles close to our subdivision - We don't feel like it would be good for the area. We would deal with more insects, maybe even bears, and the smell at times. The wind blows here a lot and the dust from the operation could be a problem.

It would devalue our property for resale. We know if a compost pile set-up was here 20 years ago we wouldn't have settled here.

The noise would be another thing that would be annoying -

It could really effect over 40 water wells that are depended for human consumption and also more wells that are for yards + gardens.

None of the 40 homes want a compost pile in our back doon

Mr. Gene Klement owns a lot of property in Montana he could chose a better location for his compost piles that wouldn't effect so many homeowners

Thank you and please consider our say in the proposal of no compost piles close to Beartooth View Estates

10 Beartooth way

Dan + Colleen Timmons

August 8, 2022

RE: Group 2 Development Permit – Carbon County

Dear Carbon County Planning Office,

This letter is pertaining to notification that was sent to Beartooth View Estates Property Owner's Association, which we are members, living at 8 Victoria Ct. The letter notified the association that a Group 2 Development Permit was submitted by Agri Organics to compost static piles for soil that will be located just southwest of our property.

My husband and I are concerned about this compost being so close to our property and the subdivision. According to the map that was provided it shows prevailing winds going across the fields behind us. But after living here for four years, I can confirm that the winds typically come from the southwest off the field above, down across our property and through the rest of the subdivision. This proposed composting may affect the quality of life, because of the odor that would constantly be drifting our way. This could also negatively impact the resale value of our property. We would not have considered this property if the proposed composting was already in place when we purchased in 2018.

In addition, water is provided by a well on our property, along with most of the others in the area. A compost pile that, no matter how well cared for, will leach contaminants and bacteria into the soil. This would mean investing in high-cost treatments to clean the water that is available for our house. This would affect the quality of ground water and again affect the resale value of our property.

We are concerned that this will not only negatively impact our home and the rest of our subdivision, but the entire community downwind along Clarks River Road. The odor of compost, the increase in activity and noise near our property, and the possibility of ground water contamination are the main reasons that we are requesting that this permit be denied.

Sincerely,



Roger and Renee King

8 Victoria Court

Laurel, Montana 59044



8/8/22

Carbon County Planning Committee  
PO Box 466  
Red Lodge, MT. 59068

Lanita Barnhart  
Treasurer, Beartooth View Estates Property Owner's Association  
6 Henry's Place  
Laurel, MT. 59044

I recently received notice about a proposed static pile composting business for Agri Organics. The proposal is for a Group 2 Development Permit (commercial) on land currently owned by the Klamerts near North White Horse Bench.

I know that composting can be an environmentally sound practice. My concern is that this composting site is so close to several homes. What guarantee do we have that this will be done properly and not become a problem for homeowners?

Will they be able to guarantee that the smell will not become offensive?

Will our ground water be protected from waste? All homes in this area rely on wells for all water needs.

Will they be able to control the insects (especially flies), rodents and other animals that are attracted to the waste that is being composted?

What exactly are they planning to compost? A static pile could consist of anything. We need to know more specifics.

I would like to be supportive of a business that is attempting to be environmentally friendly. However, there currently are too many unanswered questions to support this project at this time.

The other item I would like to address is why you would only contact residents within 100 feet of this proposed site. This type of business (especially the potential for foul odor) would certainly reach farther than 100 feet. Hardly seems like an adequate distance. That is a resolution that needs to be looked at and addressed.

Sincerely,  
Lanita C Barnhart  
Treasurer, BVEPOA



TO WHOME IT MAY CONCERN

RE: FORREST MANDEVILLE CONSULTING

GROUP 2 DEVELOPMENT PERMIT – CARBON COUNTY

RECEIVED  
AUG 22 2022  
Carbon County  
Supt. of Schools

I STEVEN RUSSELL OF 14 WHITEHORSE SOUTH ROAD AM AN ADJACENT PROPERTY OWNER THAT WILL APOSE THIS DEVELOPMENT...

SENCE THE NEW 212 HAS BEEN DONE WHITEHOSE ROAD HAS BECAME A UNMANED ROAD TO UN NEEDED TRAFFIC ALREADY PEOPLE USE AS A CUT ACROSS AT VERY HIGH SPEED THAT IS A DANGER TO THE LOCALS FAMILYS AND ANIMALS. SO, THE POTENTIAL OF THE EXTRA HEAVY TRAFFIC AND WEAR AND TEAR ON THE ROADS THAT ALREADY NEED ATTENTION IS NOT WANTED OR NEEDED IN OUR RESIDENTIAL NEIGHBORHOOD...

WITH THE AMOUNT OF WIND THAT THE AREA GETS IT HAS THE POSSIBILITY TO BRING IN UNWANTED ODERS THAT IS ALSO UN NEEDED


I ALSO PAY FOR WATER RIGHTS THAT ARE NEEDED AND USED AND WITH THE POSSIBILITY OF GROUND CONTAMINATION IS ALSO NOT WANTED OR NEEDED

PLEASE CONSIDER THE IMPACT THAT THIS DEVELOPMENT MAY CAUSE ON OUR COMMUNITY AND DO NOT APPROVE THE PERMIT

SINCERELY

CARBON COUNTY TAX PAYER

STEVEN RUSSELL

  
8-17-2022

RECEIVED

AUG 22 2022

CARBON COUNTY SANITARIAN

8/16/2022

TO CARBON COUNTY PLANNING OFFICE  
MR FOREST MANDEVILLE

FROM THOMAS & MILLIE SCHOMACHER  
9 BEAR TOOTH WAY  
LAUREL MT 59044

MR MANDEVILLE

THANK YOU FOR SENDING ME THE INFORMATION ON THE WHITE HORSE COMPOST. I LIVE IN THE BEAR TOOTH SUBDIVISION MY CONCERNS ARE THE WATER TABLE IS ONLY ABOUT 12 FT AT MY LOCATION I KNOW THERE IS A ELEVATION DIFFERENCE BUT BEST PLANS CAN GO AWRY THEN WHO FIXES MY WELL IF IT CAN EVEN BE FIXED? WHO SUPPLYS US WITH WATER? AND THE DEVALUATION OF OUR PROPERTY BECAUSE OF GROUND WATER CONTAMINATION AT RESALE.

ITS ONLY BEEN THE LAST COUPLE YEARS THAT WE HAVE BEEN ABLE TO ENJOY OUR BACK YARD BECAUSE OF THE NEW HWYWAY BYPASS NOW WE COULD LOSE THAT WITH THE LOSS OF AIR QUALITY WITH THE SMELL & THE DUST IN THE AIR. I HAVE LIVED IN STERLING COLORADO A MILE OR MORE FROM A FEED LOT YOU NEVER KNEW WHEN YOU WERE TREADED TO THAT SMELL

RECEIVED

AUG 22 2022

CARBON COUNTY SANITARIAN

RECEIVED

AUG 22 2022

Carbon County  
Supl. of Schools

I MOVED IN WITH THE OLD HWYWAY  
I DID NOT MOVE INTO A FEEDLOT  
SMELL AREA

I UNDERSTAND THE ~~THE~~ MAN WANTS TO  
USE HIS LAND THE MOST EFFICIENT WAY  
BUT I NOTICED ON THE PERMIT THAT THE  
PROPERTY ADDRESS IS DIFFERENT THAN THE  
MAILING ADDRESS WHICH IS A BILLING  
ADDRESS DOES THAT MEAN THAT THE OWNER  
DOES NOT HAVE TO LIVE WITH THE SMELLY  
DUST, AND THE WATER CONTAMINATION JUST  
HIS NEIGHBORS?

THESE ARE MY CONCERNS AND THANK  
YOU FOR TAKING THEM UNDER CONSIDERATION

Thomas F. Schumaker

Mildred Schumaker

August 30, 2022

RECEIVED

SEP - 6 2022

Forrest J. Mandeville, AICP  
Carbon County Planning Office  
PO Box 466  
Red Lodge, MT 59068

CARBON COUNTY SANITARIAN

Subject: Public Comment on Agri Organics

Mr. Mandeville,

I would like to express my concern against the rezoning of Tract 3, COS 567 RB Section 35, T 6S, R 20E, in Carbon County, MT. I am aware that I am outside of the limits of Resolution 2021-11 as far as notification, but the current operation has become a nuisance with the odor and animal body parts that have ended up on Dale Ln.

I feel that the following items have not been considered or fully addressed in the permitting:

1. Schedule of Operations – The current operation does not follow Monday – Friday hours addressed in the permitting. The screening plant, loader, trucks, and conveyors have run all days of the week and into the night. Currently, the operation has been quiet and downsized since this notification went out. What guarantee does the neighboring community have that these hours will be enforced?
2. Part b-d – Based upon the most recent google earth image (see attached), Agri Organics has made no attempt to control any environmental impacts to “non-commercial” operation. Who will enforce and monitor this commercial operation?
3. Part c – The prevailing winds shown in the permit seems to only be accurate during the winter months. The current operation is surrounded by a corn field that is currently about 10' tall which does little to mitigate the odor and air contamination during windy days. How will a berm be effective in reducing this issue?
4. Operation during wind events – The permit does not address action that is taken to control the dust other than “no turning of the piles on extremely windy days”, but on these windy days the dust cloud that leaves the piles drifts into the neighborhoods adjacent to the site. What recourse will there be during a commercial operation other than to notify DEQ every time the wind blows?
5. Part p and u- The permit does not address the hauling in of dead cows and horses presumably from their feedlot operations. Animal parts have been found around the residences of Dale Ln and have had to be disposed of by the residence. What will be done to eliminate this condition by a commercial operation? The current operation does not protect the surface and ground water from an animal burial. There is potential for additional predator presence because of easy access to animal carcasses which is also a safety concern for the children and pets of the neighborhood.
6. Fire Hazard – The permit does not address a fire protection plan. On May 3, 2020, a severe enough fire erupted from the current operation that the fire department had to respond. Response to the fire was delayed because of an unidentified access to the site. The fire department tried to respond to the incident by coming up Rocky Point Rd, which does not access the site. How will the county respond during the dry season to protect the homes especially if the field is not planted with wheat?

7. Development Permit Package – It states that the compost piles will be set back 200” (assuming that is a typo) from residential property lines. Based upon the permit google image and the current image (see attached), the commercial operation will move approximately 200’ closer to the residents on Rocky Point Rd. The drainage swale, retention pond, and well shown in the permit plans are not being implemented or protected in the current operation.

In conclusion, I feel that the above-mentioned items should warrant another review of this application or a public hearing on the matter. Within a half mile radius of the current operation, there is approximately 40 residential owners that will be affected by a commercial operation. If I remember correctly, the zoning change request was denied for the Nelcon / Jeff Yager Commercial Gravel pit about a mile away for some of the same concerns that I have mentioned. As a homeowner, I want to be able enjoy a Sunday BBQ or see the appreciation of my property value, but this will not be possible with the increase in odor or noise pollution from a commercial operation.

James Stevenson



Homeowner – 12 Dale Lane  
406-749-2166

# White Horse Compost

Agri Organics

## Legend

- Compost area
- Proposed Area
- Water/grass collection area
- Well







## Landfill above Beartooth View Drive

Janet Stokes <jhill.stokes@gmail.com>

Wed 8/31/2022 8:29 AM

To: Forrest Mandeville <Forrest@forrestmandevilleconsulting.com>

Cc: svandell@co.carbon.mt.us <svandell@co.carbon.mt.us>; bkrizek@co.carbon.mt.us <bkrizek@co.carbon.mt.us>

 1 attachments (17 MB)

IMG\_2958.MOV;

To whom it concerns:

I toured the sight of the proposed composting sight. See video. I learned that this has been operating since 2020. First off, It did not start as an operation for composting, nor is the operation that is going on currently a composting sight. This is a dumping ground for all sorts of waste including animal carcasses. There is more; however, I am just going to cut-to-the-chase. A cease and desist order should be served immediately!

Sent from my iPhone

August 31, 2022

Janet D. Stokes  
33 Beartooth View Drive  
Carbon County  
Laurel, MT 59044  
406-252-0190

Carbon County Planning Office  
County Administrative Building  
17 West 11th Street  
PO Box 466  
Red Lodge, MT. 59068

RE: Landfill above Beartooth View Drive

To whom concerned:

Last night I viewed the proposed static pile composting site from my neighbor's property line shown in the attached picture. Proposed is misleading. Purportedly this has been going since 2020 and has possibly already affected our wells.

When I visited the site, I was astonished. And, right outside the door of home. This explains the foul odor that we have outside.

I believe that this composting site, aka land fill, is not tested or STA Certified. It is a health issue to humans and has become a refuge for wildlife predators.

As far as I know, there is a process for rendering animal carcasses. Dumping the pile is a health hazard. Purportedly, there are semi loads delivering waste on a regular basis sometimes into the night.

This business has been operating under the radar and with total disregard for human health. If not already done so, please visit: <https://certificationsuscc.org/Certification/CCOM-CCP-Direct> and ask JB Farley and Agri Organics as STA Certified. I do not know the name that they would be listed as.

I am requesting an immediate "cease and desist" order on the owner/s of this business.

In sincerity,

  
Janet D. Stokes



August 16, 2022

Janet D. Stokes  
33 Beartooth View Drive  
Carbon County  
Laurel, MT 59044  
406-252-0190

Carbon County Planning Office  
County Administrative Building  
17 West 11<sup>th</sup> Street  
P.O. Box 466  
Red Lodge, MT 59068

To all whom it may concern:

Composting, what a great idea. Farmers can cut their expenses of purchasing conventional synthetic chemical fertilizers. The land will get replenished. Laborers will be needed to load and deliver. Crops may flourish because of natural nutrients. The process gets rid of a lot of waste materials. Sounds like a great idea and business proposal.

But wait...what affects does it have on the environment, wildlife, and to families and homes in the area? Not just 100 feet from the area, because the potential of having an effect in the area is greater than 100 feet.

Although I could have requested a copy of the application, I would much rather come at it from an unknown investigative point of view. The information that I received is rather vague. So, I am laying out some questions that may or may not be redundant.

**QUESTIONS:**

1. What kind of composting?
  - a. Does one way or the other create more or less of a problem to the environment?
  - b. Does one way or the other create more or less of a problem to wildlife?
  - c. Does one way or the other create more or less of a problem to families and homes in the area?
  - d. Does it matter if any of the ways of composting create more or less problems?
2. Who is going to use the compost?
  - a. Is it exclusive?
  - b. Or is it inclusive?
3. Is this a commercial business where consumers can go and purchase the compost, or is just for the commercial business use?
  - a. Retail?
  - b. Wholesale?

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**CARBON COUNTY SANITARIAN**

4. Will it create more money for Carbon County?
  - a. If so, how much money?
  - b. Is anyone at the Carbon County Planning Office family or friends with Agri Organics?
5. Will it create more traffic?
  - a. Wear and tear on the roads which will cost more to repair in our taxes?
  - b. Wear and tear that we have to endure until the roads are repaired?
  - c. More interference and hazards while driving?
6. Will it create more
  - a. Consumer vehicle traffic?
  - b. Heavy equipment traffic?
  - c. Heavy truck traffic?
7. Will it create more noise?
  - a. Consumer vehicle noise?
  - b. Heavy equipment noise?
  - c. Heavy truck noise?
8. Is the compost going to be on a distribution schedule away from the sight?
9. Will the ingredients to the compost sight be distributed from another area?
10. The map does not indicate the land mass that will be required. What is the land mass in acreage?
  - a. For the compost area?
  - b. For the proposed area?
  - c. Water/grass area?
  - d. Drainage Swale?
  - e. Access Road?
  - f. Well?
  - g. Grass/water Retention areas?
11. Will the operation expand further in later years?
12. Where is the water source coming from?
  - a. Mason Canal which runs through the proposed area?
  - b. The well in the projected area?
13. How will the water usage affect our well water capacity?
  - a. The water table or aquafer?
  - b. Will it contaminate our drinking water?
  - c. Wildlife, domestic animals?
  - d. Do our wells have the potential of drying up due to overuse of well water?
14. How much of this compost area seeps into the ground and into the water table?
15. Once the Compost Area has turned into usable compost, will they pile it in stacks in the Proposed Area?
16. What is a grass/water retention area? 2<sup>nd</sup> grass/water retention area?
  - a. Are they going to pile pre-compost ingredients there?
17. What is a Drainage Swale?
  - a. Where does the water run from?

- b. Where does the water run in and out from?
  - c. Is it a "Dead Sea?"
  - d. Will it be stagnant?
  - e. Will it seep into the ground?
18. Who will be accessing the Access Road?
  19. What are the hours of operation?
  20. Will there be outdoor lights?
  21. Will there be electrical power used which will light up our night sky and ruin our out of town neighborhood?
  22. What reparations for toxic land and water have been guaranteed to the State of Montana, Carbon County, and the land owners?
  23. Are the business owners prepared for potential lawsuits for the contamination henceforth?
  24. What type of reclamation process has been instituted?

As stated in the first paragraph, I think there are some pros to a composting business; however, after investigating the ramifications of this endeavor, this colossal proposed sight will have a profound negative effect. This proposed sight affects a large number of people and their homes. More so, than the benefits it proposes to the Commercial Business. There is no financial gain for homeowners. These cons are listed below.

### CONS:

1. Land mass consumes more than homes in the area which means the homes will be inundated by the toxic gases produced by the plant.
2. Water usage and quality is greatly compromised.
3. The imminent odor
  - a. Odor is a fact, and it will not matter whether there is wind or not.
  - b. Methane Gas and Carbon Dioxide will create an exorbitant odor making it disgustingly hard to live by.
  - c. The odor along with the ingredients will attract bugs, pests, pathogens, rodents which will be passed onto the home owners.
  - d. Our home values will decrease. As home owners, we have invested more than just our mortgage into our property and to have that quashed by a business who may not care about us is despicable. Many of us are trying to improve our property.
4. Bacteria
5. Heavy equipment
6. Noise
7. Methane Gas
8. Rodents, bugs, pests, pathogens.
9. Eye sore. It is unattractive to an otherwise beautiful scenery.

- a. Our home values will decrease by living next to a landfill. As home owners, we have invested more than just our mortgage into our property and to have that quashed by a business who may not care about us is despicable. Many of us are trying to improve our property.
10. Produces more heat in the area and surrounding area.
11. Those who have health issues such as asthma or allergies will experience a higher than normal discomfort.
12. Wind blowing dust from the compost pile and proposed area into the neighborhood.
13. It has the potential of creating a catastrophic financial burden on the homeowners. Not just 100 feet away, but throughout the Clark's Fork valley.
14. The potential harm to the many eagles, hawks, cranes, pelicans, owls, geese and many small species of birds and wildlife is a highly major concern.
15. Possible light pollution.

After much time investigating this proposed business, I have concluded that it would be a super-colossal mistake to allow this business to embark on this adventure at the expense of other's lives while they are building their income in the proposed area. A man is unthinking and under researched who even thought that this was a good idea at the current location. I spent a couple hours researching and concluded it was a bad idea. The business dream does not have to be suppressed. There are many locations that are not surrounded by homes. If it is ease of access to our county roads that they like about this location, then they have not researched the other possibilities. Road access is not the only way to their dream.

As an example of what can happen, look at the homes by the Sugar Beet Factory in Billings. If you drive by the homes in that area, you will notice an orange tint on the siding of the homes. This is caused by the Sugar Beet Factory. Also, I know many people who get sick each year as a result of the beet processing.

It is my hope that the Carbon County Planning Committee think about how they would like it if this project moved into their neighborhood and extinguish Agri Organics proposal to expand their business in our neighborhood.

In all Sincerity,

  
Janet D. Stokes

Carbon County Planning Office

Dear Sirs,

I am addressing this letter to you today to express my concerns with the application from Agri Organics for a group 2 development for composting.

We are extremely concerned about the reduced value of our properties that we have worked so hard on and invested so much money.

We are all on wells and are afraid of contamination. Our air quality is at risk with sour smells and air particulate. And our access roads will take a beating from the continuous truck traffic. It's a real task for the county right now to maintain our roads. They do a great job and do not need any more issues from these people who are just trying to make a buck at our expense.

I really do not think any of you would like this operation in your backyard.

Please decline this application.

Thank you

Darryl Whitcanack and Patti Miller

13 Riada Dr.

Laurel Mt.



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**AUG 29 2022**

**CARBON COUNTY SANITARIAN**



## RE: Group 2 Development Permit - Carbon County Agri Organics

Tracy Whitehead <Tracy.Whitehead@imail.org>

Mon 8/22/2022 12:41 PM

To: Forrest Mandeville <Forrest@forrestmandevilleconsulting.com>

Cc: dtjw92@msn.com <dtjw92@msn.com>

Thank you Forrest, I will be submitting a petition to stop this development , as touchy as our wells are along the bench and the amount of water that feeds our wells from the irrigation ditch below and above this is not safe and any digging in the area effects the supply of our water, some wells have gone dry due to gravel harvesting previously in the area. The homes in our subdivisions have high values and this would surely deplete our ability to sell. Our subdivision was ready to take legal action against Yarger when he wanted to put in an asphalt plant and we will be ready to take legal action against Agri Organics for the same reasons, quality of life and to protect our natural living area and water sources. You will be receiving a signed petition and an additional letter with sources in the next week. Thank you for providing me this information.

### Tracy Whitehead

Montana Regional Contracts Program Manager

BS Paralegal, MHI

1233 North 30th Street | Billings, MT 59101

Ph: 406-237-3067

Email: [Tracy.Whitehead@imail.org](mailto:Tracy.Whitehead@imail.org)



**From:** Forrest Mandeville <Forrest@forrestmandevilleconsulting.com>

**Sent:** Monday, August 22, 2022 12:02 PM

**To:** Tracy Whitehead <Tracy.Whitehead@imail.org>

**Cc:** dtjw92@msn.com

**Subject:** Re: Group 2 Development Permit - Carbon County Agri Organics

External Sender: Be aware! Read with care!

Tracy,

Per your request, additional application information for the Agri-Organics proposal is attached. We have received other area comments. Per the Carbon County Development Regulations, comments will be received for a 30-day period before a decision is issued.

Please let me know if you have any questions.

Thank you,

Forrest J. Mandeville, AICP

Owner/Planner

Forrest Mandeville Consulting

PO Box 337

Columbus, MT 59019

[Forrest@ForrestMandevilleConsulting.com](mailto:Forrest@ForrestMandevilleConsulting.com)

Phone: (406) 690-1933

[www.ForrestMandevilleConsulting.com](http://www.ForrestMandevilleConsulting.com)

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**From:** Tracy Whitehead <[Tracy.Whitehead@imail.org](mailto:Tracy.Whitehead@imail.org)>  
**Sent:** Monday, August 22, 2022 10:52 AM  
**To:** Forrest Mandeville <[Forrest@forrestmandevilleconsulting.com](mailto:Forrest@forrestmandevilleconsulting.com)>  
**Cc:** [dtjw92@msn.com](mailto:dtjw92@msn.com) <[dtjw92@msn.com](mailto:dtjw92@msn.com)>  
**Subject:** Group 2 Development Permit - Carbon County Agri Organics

Good morning Forrest, I have received the letter regarding the proposal from Agri Organics to develop a compost static piles for soil amendment. I would like to have a copy of the application and any other additional information you may have. I am also curious if you have had much response from the area, or if I need to start a petition to ensure this proposal goes no further.

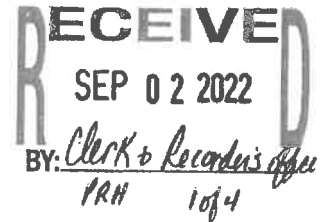
Thank you,

**Tracy Whitehead**  
Montana Regional Contracts Program Manager  
BS Paralegal, MHI  
1233 North 30th Street | Billings, MT 59101  
Ph: 406-237-3067  
Email: [Tracy.Whitehead@imail.org](mailto:Tracy.Whitehead@imail.org)



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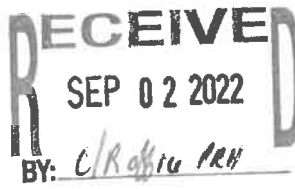
August 29, 2022

Carbon County Planning Office  
PO Box 466  
Red Lodge, MT 59068

To Whom it May Concern,

Please accept this letter in response to the letter dated August 4, 2022. We live at 1 Bus Lane, Laurel Montana, and have for the last 15 years adjacent to the proposed property where Agri Organics is requesting to open a commercial compost business at 4994 US HWY 310, Laurel, MT. We live in this area because it provides a peaceful clean environment for enjoyment. For many, a home is one of the largest investments they obtain. The values of the homes in this area are on the upper end of the market between \$600k and a million and a stinky compost business would significantly reduce the resale value of our properties. Any result of reduced value in my property will be the responsibility of the impact and I will seek to be made whole from that source. I refuse to allow something to reduce the value of my investment. Agri Organics has already been producing compost and selling the product without proper permits and approval. The neighborhood animals have been retrieving animal processing debris and bringing it home. We are unequivocally opposed to the approval of this request and will seek to take legal action against the owner developer and the county in the form of a class action lawsuit if necessary. There have already been wells affected by the seepage of this compost business. This has been tested by a certified lab in the Billings area. This is not a commercially zoned area, it is a residential area, and we would like to keep it that way!

There are several reasons that this request for a commercially operated compost business should be denied. This is very close proximity to many residential areas and housing subdivisions. In this area there are independent

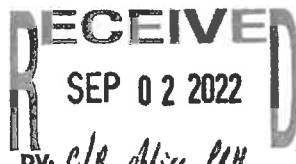


and community wells. Studies have proven that manganese, heavy metals, ammonia, and arsenic have leached into groundwater near compost facilities. These leached agents appear in the drinking water that humans consume at elevated levels beyond what is allowed by the EPA for safe drinking water. (CBS New York, February 16, 2016, *Contaminated Groundwater Found Near Long Island Mulch, Compost Sites*)

These unsafe levels of contaminants have proven to be the results of increased diagnosis of Parkinson's disease and neurological problems, Alzheimer's and Legionnaires disease in area residents who consumed the contaminated water. The Flint Michigan water health crisis was a result of high levels of lead leached into the water supply, a human made public health crisis resulting in criminal charges to those individuals who were involved. (Michael Ray, 2022, July 18, *Flint Water Crisis*, Britannica, [www.britannica.com](http://www.britannica.com))

There is also a childcare business directly below where Agri Organics proposes to erect a commercial composting business. The requirements of the state is that the water and air quality be tested annually. If there are unhealthy components found, there is a very small window of time in which a correction must be made in order to maintain a child-care license. Due to the high probability of negative effects in the water and air quality caused by a compost business this could result in a negative impact on an essential business. A childcare business is essential for parents who work and have young children needing care. Not to mention the realization that if these issues are found in tested samples and not fixed – a business license to operate that business can be suspended. This has the potential of creating a trickle-down effect, starting with the parents, and the care giver resulting in a financial impact.

Composting diverts waste from landfills – we all know what a landfill smells like and the kind of rodents they attract – this proposal is asking permission to put a landfill in our backyards. There are many environmental impacts that accompany commercial composters – obnoxious odor causes decreased enjoyment of life, decreased financial value in properties and the



inability of resale causing large financial losses. Other environmental impacts are climate and air quality. A number of emissions resulting in the form of gases such as greenhouse gases, and others that include volatile organic compounds (VOCs). Sulfur-containing VOCs cause unpleasant odors and is problematic for enjoyment of life and impact human health. The emissions discharged from composting vary due to what activators are used for composting.

Composting has the ability to spontaneously combust resulting in a “Biological Fire” - a chemical fire with smoking embers and flames. A Biological Fire is a result of failing to control the internal pile temperature. The housing areas in close proximity of this proposed commercial compost business do not have a fire hydrant system but rather a cistern fire reservoir system supplying water for the number of homes in the area, which does not include a “Biological Fire” plan. This is an additional hazard to our properties and could cause increased insurance costs for each homeowner. This proposal indicates the desired temperature is above 133 degrees Fahrenheit as well as temperatures above 145 degrees Fahrenheit. The biology of the composting process can bring temperatures up to 131 degrees Fahrenheit to assure pathogen kill but will continue to rise to a range between 158 degrees Fahrenheit and 176 degrees Fahrenheit, a range where chemical oxidation develops and unless this temperature is reduced quickly – a compost fire is very likely. There is no proposed fire prevention plan noted in this proposal. In fact, there has already been a fire in this same location due to increased temperatures causing the pile to smolder and combust. When the fire department arrived, they had no way to access the property to put the fire out.

This proposal indicates there will be a discharge of water and reuse of water from holding pools. The DEQ and Montana Pollutant Discharge Elimination System (MPDES) requires permits to regulate wastewater. This proposal has indicated it will use animal waste, which is a potential raw sewage issue. (Hills, Karen, October 20, 2020, *Compost Emissions – More than just a Matter of Smell*, Washington State University (WSU))

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BY: C/R office PRH 4064

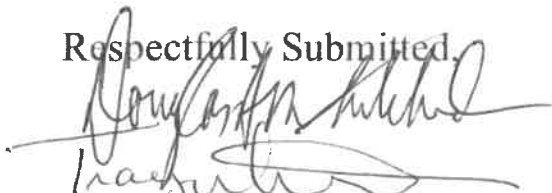
Carbon County Planning Office  
Page 4

Berms created to create a windbreak and reduce odor – they realize that there will be a constant odor and they propose to build gravel berms and cover with fresh wood mulch – this within a 17-foot distance of property lines (as noted on application 200”) of the Agri Organics compost development. This will cause significant reduction of property values creating a hardship for some who will be unable to sell for a fair market value, the creation of air pollution reducing the quality of life, and noise. There have not been any linings placed under these piles as indicated on this application. There are not any berms high enough to stop the stench that a pile of waste will produce. Additionally, the cadastral location of this property indicates that this is located on Section 35, there is not a Section 35 in Carbon County indicating that this description is not accurate.

Please consider the value of our investments and the quality of life we have sought and deny the request for a compost business by Agri Organics for commercial benefit. Our subdivisions are prepared to file a class action lawsuit to hold Agri Organics responsible for reduced value in our properties, sacrifice of enjoyment of life, lack of air quality, and risk of contamination of our water supplies. If our planning office and our county commissioners fail to enforce the will of the people directly affected financially, environmentally, and health, we will have no choice but to name them as part of this suit for lack of due diligence as elected officials and protection of public wellbeing and safety.

Finally, I would like to request a public hearing for public comment.

Respectfully Submitted,



Doug and Tracy Whitehead

1 Bus Lane, Laurel MT 59044

(406)351-9097

August 8, 2022

To: Carbon County Planning Office  
90 Forest Mandeville

This letter is in regards to the proposal of a compost static piles close to our subdivision - We don't feel like it would be good for the area. We would deal with more insects, maybe even bears, and the smell at times. The wind blows here a lot and the dust from the operation could be a problem.

It would devalue our property for resale. We know if a compost pile set-up was here 20 years ago we wouldn't have settled here.

The noise would be another thing that would be annoying -

It could really effect over 40 water wells that are depended for human consumption and also more wells that are for yards & gardens.

None of the 40 homes want a compost pile in our back doon

Mr. Gene Klement owns alot of property in Montana he could chose a better location for his compost piles that wouldn't effect so many homeowners

Thank you and please consider our say in the proposal of no compost piles close to Beartooth View Estates

10 Beartooth way

Dan + Colleen Timmons

August 8, 2022

RE: Group 2 Development Permit – Carbon County

Dear Carbon County Planning Office,

This letter is pertaining to notification that was sent to Beartooth View Estates Property Owner's Association, which we are members, living at 8 Victoria Ct. The letter notified the association that a Group 2 Development Permit was submitted by Agri Organics to compost static piles for soil that will be located just southwest of our property.

My husband and I are concerned about this compost being so close to our property and the subdivision. According to the map that was provided it shows prevailing winds going across the fields behind us. But after living here for four years, I can confirm that the winds typically come from the southwest off the field above, down across our property and through the rest of the subdivision. This proposed composting may affect the quality of life, because of the odor that would constantly be drifting our way. This could also negatively impact the resale value of our property. We would not have considered this property if the proposed composting was already in place when we purchased in 2018.

In addition, water is provided by a well on our property, along with most of the others in the area. A compost pile that, no matter how well cared for, will leach contaminants and bacteria into the soil. This would mean investing in high-cost treatments to clean the water that is available for our house. This would affect the quality of ground water and again affect the resale value of our property.

We are concerned that this will not only negatively impact our home and the rest of our subdivision, but the entire community downwind along Clarks River Road. The odor of compost, the increase in activity and noise near our property, and the possibility of ground water contamination are the main reasons that we are requesting that this permit be denied.

Sincerely,



Roger and Renee King

8 Victoria Court

Laurel, Montana 59044



8/8/22

Carbon County Planning Committee  
PO Box 466  
Red Lodge, MT. 59068

Lanita Barnhart  
Treasurer, Beartooth View Estates Property Owner's Association  
6 Henry's Place  
Laurel, MT. 59044

I recently received notice about a proposed static pile composting business for Agri Organics. The proposal is for a Group 2 Development Permit (commercial) on land currently owned by the Klamerts near North White Horse Bench.

I know that composting can be an environmentally sound practice. My concern is that this composting site is so close to several homes. What guarantee do we have that this will be done properly and not become a problem for homeowners?

Will they be able to guarantee that the smell will not become offensive?

Will our ground water be protected from waste? All homes in this area rely on wells for all water needs.

Will they be able to control the insects (especially flies), rodents and other animals that are attracted to the waste that is being composted?

What exactly are they planning to compost? A static pile could consist of anything. We need to know more specifics.

I would like to be supportive of a business that is attempting to be environmentally friendly. However, there currently are too many unanswered questions to support this project at this time.

The other item I would like to address is why you would only contact residents within 100 feet of this proposed site. This type of business (especially the potential for foul odor) would certainly reach farther than 100 feet. Hardly seems like an adequate distance. That is a resolution that needs to be looked at and addressed.

Sincerely,  
Lanita C Barnhart  
Treasurer, BVEPOA

