

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

MARCH 21, 2023

TUESDAY 7:00 PM

**CARBON COUNTY PERSONAL SERVICE BUILDING
10 OAKES AVENUE SOUTH
RED LODGE, MT**

A. CALL TO ORDER

B. ROLL CALL

C. ELECTION OF OFFICERS

Chair, Vice-Chair, Executive Secretary

D. APPROVAL OF MINUTES OF PREVIOUS MEETING

December 15, 2022

E. PUBLIC HEARINGS

Hurtt Variance Request

Agri Organics Conditional Use Permit

F. REGULAR BUSINESS

Hurtt Variance – Recommendation to Commissioners

Agri Organics CUP – Recommendation to Commissioners

G. PETITIONS & COMMUNICATION FROM AUDIENCE

H. WRITTEN COMMUNICATIONS

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

J. STAFF REPORTS

K. ADJOURN

CARBON COUNTY PLANNING BOARD Minutes of Regular Board Meeting December 15, 2022

A. Meeting called to order 7:03 by Betsy Scanlin, Vice-Chairperson

B. *Roll Call:* Present: Board members Neil Bratton, Mike Hayes, Betsy Scanlin, Dean Webb, Ryan Braczich, and Chairman Gordon Hill (by phone, who deferred to Scanlin to moderate the meeting), Planning Director Forrest Mandeville, and audience listed on attached sign-in sheet.

C. *Minutes:* Approval of September 15, 2022 minutes moved by Bratton, seconded by Webb, approved unanimously. Notes of November 17, 2022 acknowledged but due to no quorum at that meeting, not acted upon.

D. *Public Hearings*

Elevated Signage Variance Request. Neither applicant, his agent, nor any objectors appeared. Moved by Hayes, seconded by Braczich, to approve application with proposed findings based on erection of sign prior to county regulations and financial hardship if required to remove or change. Passed unanimously.

Albin Subdivision. Applicant and surveyor present. Written and oral comment was received from agricultural neighbors Zane and Colleen Wood, who objected to subdivision on the basis of losing agricultural land to residential development. Were advised that the County Growth Policy concurs with this concern but its provisions are guidelines and not requirements. Bratton questioned shared septic system easements, which will be addressed by subsequent DEQ review. Bratton moved, Braczich seconded motion to approve with proposed findings. Passed unanimously, with moderator abstaining from vote.

7D Subdivision and Variance Request (hearing continued from 11/17/2022). Additional written comments from Kay Maxwell, Don Carroll and Mark Allen, residents of nearby residential subdivisions, were received supporting lighting restrictions. Theresa Whistler again spoke and provided written request to add to property covenants requiring shielded lighting to preserve Dark Skies. Scanlin and Mandeville pointed out that covenants relating to property are private, could be changed at any time by owners, and would not be enforced by the County. Lisa Woods commented that homeowners who face legal fees do not enforce private covenants. Applicant's attorney Ray Kuntz argued that there were no specific restrictions in the County zoning or development codes to require such lighting in a subdivision. Scanlin argued that the context of existing residential subdivisions previously approved by the County warranted response to concerns about unshielded outdoor lighting. Mark Allen stated that applicant made assurances to him that it wanted no issues regarding lighting and would be good neighbors. Regarding the variance request, Scanlin expressed concerns about the request to deviate from fire protection standards by utilizing an off-site well with half of the required capacity, for an additional 10 lots; Mandeville pointed

out that proposed findings including provision for subsequent review and approval of the Fire Prevention and Control Plan by the local Fire Department. Hill moved, Webb seconded motion to approve application for subdivision and variance request based on proposed findings; approved unanimously, with moderator abstaining from vote.

E. *Written communications:* referred to above.

F. *Committee Reports:* none.

G. *Staff Reports:* Mandeville noted that substantial unpermitted development appears to be occurring in the county, including commercial use, which the county is addressing. He also responded to Board concerns regarding family transfers that result in multiple generational lots without subdivision approval, stating that such could not occur within existing approved subdivisions, and that counties are denying such transfers based on evidence of attempts to evade subdivision approval.

H. *Miscellaneous:* Notices have been sent by the County to Board members whose terms are expiring at the end of the year, asking them to apply for renewal of appointment if desired. Position representing Fromberg remains open as well.

I. *Meeting adjourned* at 8:36 p.m.

Respectfully submitted by Betsy Scanlin for absent Secretary Clinton Giesick.

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

VARIANCE REQUEST – STAFF REPORT

Date: March 9, 2023

To: Carbon County Planning Board/Board of Adjustment Members

From: Forrest J. Mandeville, AICP – Contract Planner

RE: Hurtt - Variance Request from Setback Requirements

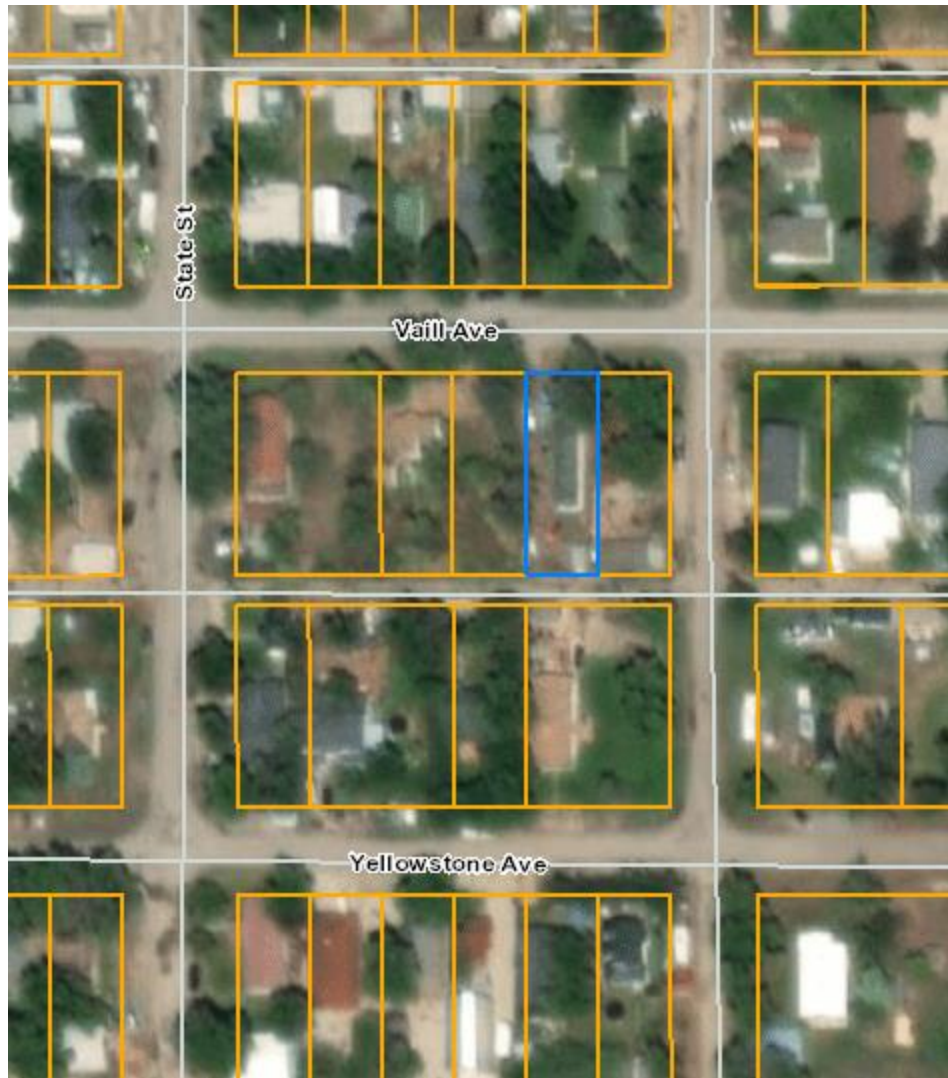
Recommendation: Approval

Recommended Motion: *Having reviewed and considered the variance request, staff report, public comment, and all of the information presented, I hereby move to recommend approval of the variance request from Chris Hurtt for a relaxation of setback requirements.*

Project/Application Summary:

Chris Hurtt, has submitted a variance request for relaxation of setback requirements for property in Belfry. The request will allow for the construction of a new garage. The proposed development is in Belfry, at 208 Vail Ave. The legal description is Lot 2 Block 18 of the Belfry First Addition, Section 15, T 8S, R 22E, Carbon County, MT.

The Carbon County Development Regulations allow an applicant to request a variance to allow for deviation from the literal interpretation of the requirements of the regulations. Variances may be granted if the request is determined to be not contrary to the public interest, and where, owing to special conditions, literal enforcement based on these regulations results in an unnecessary hardship, excluding financial hardships.



Subject Property (Blue) and Vicinity

Required Board Action:

Under the Development Regulations, the Planning Board, in its role as the Board of Adjustment, is tasked with holding a public hearing, evaluating the staff report, considering the requirements necessary to grant a variance, and recommending approval, approval with conditions, or denial of the variance request to the County Commissioners. The Board may recommend conditions related to the variance request. Any recommendation must be based on findings.

Development Regulations – Compliance Review/Findings Summary: (Section references are to the Carbon County Development Regulations unless otherwise noted)

Pursuant to Section V-C.3.c, the Board of Adjustment shall not recommend that a variance be granted unless:

1. Special conditions: There are special circumstances or conditions that are peculiar to the land or building for which the variance is sought that do not apply generally to land or buildings in County.

The is only 50 feet wide and 140 feet long, and 48-foot wide fence-to-fence. The small size of the lot makes it difficult to meet the County-standard setbacks. The lot is also development with a residential structure, adding to the design difficulty in meeting the setbacks on the small lot. The community of Belfry is generally developed on small lots with many structures predating the Development Regulations and setback requirements therein.

2. Not a result of the applicant: The special circumstances or conditions have not resulted from an act of the applicant or been established to circumvent these Regulations.

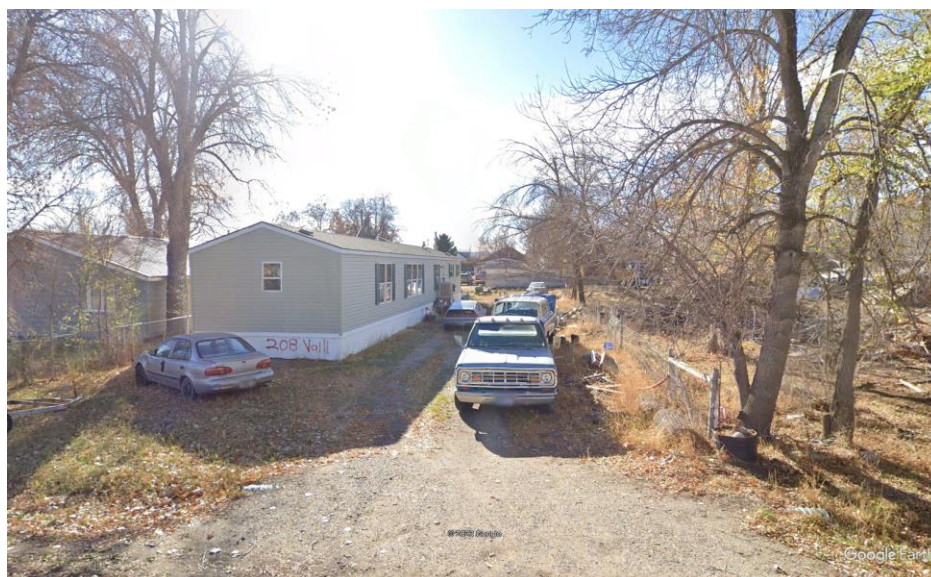
The owner indicates he purchased the property in 2015 (deed records indicate the property was purchased in 2007) with the understanding that there were no restrictions. The setback in the development regulations were not established until mid-2016.

3. Strict application unreasonable: Due to the special circumstances or conditions, the strict application of these Regulations would deprive the applicant of reasonable use of the land or building or create an undue hardship on the landowner.

Applying the 20-foot rear and 10-foot side setbacks would make it difficult, if not impossible, to add a garage to the property.

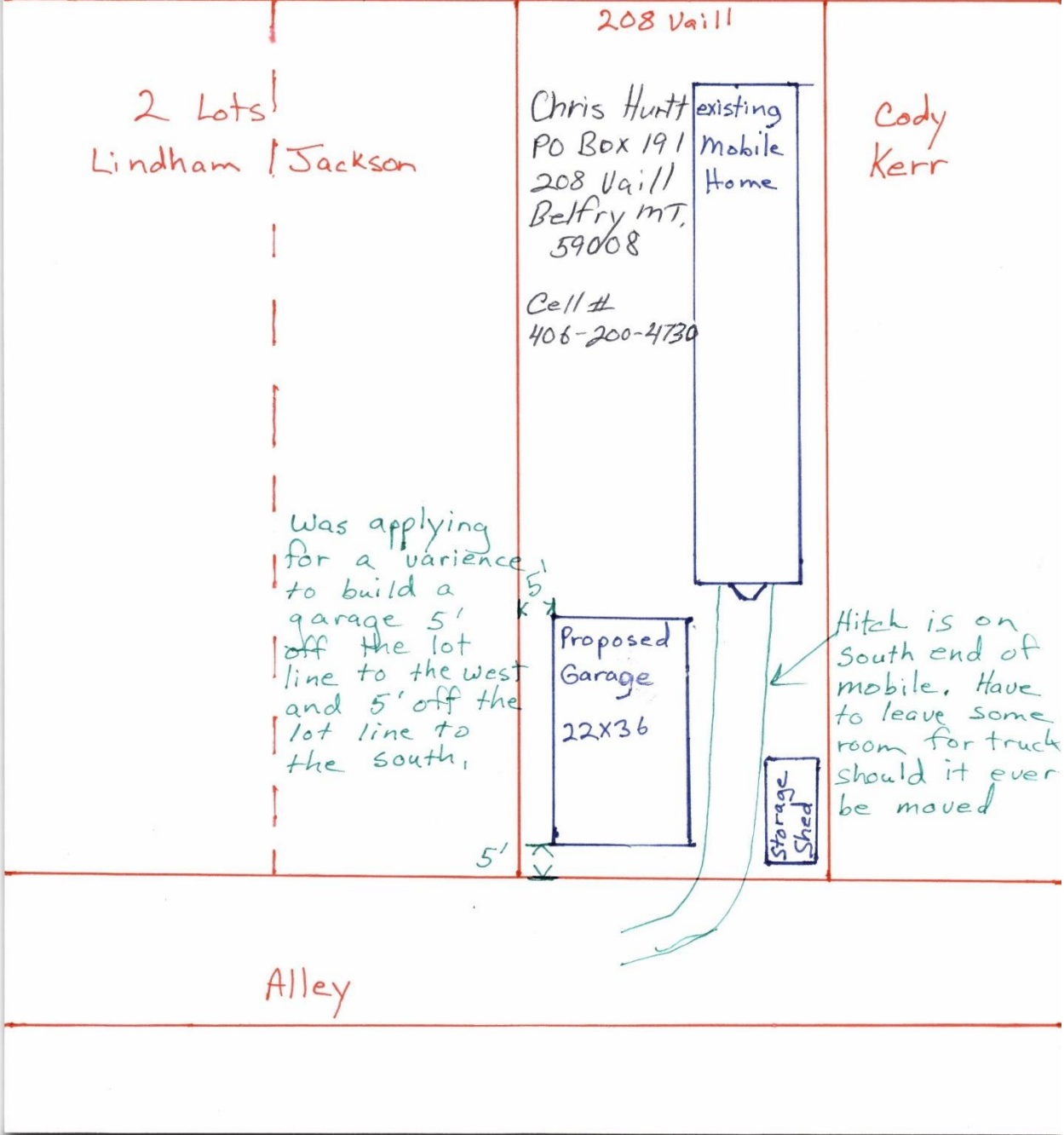
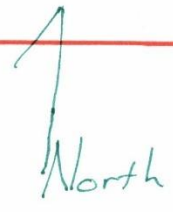
4. Necessary to provide reasonable use: Granting the variance is necessary to provide a reasonable use of the land or the building.

The property can be utilized without the granting of the variance, but the addition of a garage would allow for storage of items that may otherwise be stored outside.



Google Street View Image of Property

VAILL Street
In Belfry MT,



Proposed Site Plan

5. Minimum variance: the variance is the minimum variance necessary to allow a reasonable use of the land or building.

Granting the requested variance is the minimum necessary to allow the requested use.

6. Not injurious: Granting the variance will not be injurious to the neighborhood or detrimental to the public welfare.

Granting of the variance should not be injurious to the neighborhood as the residential use on the property have been in place for several years without known complaints. Adding a garage would likely be a benefit as it would allow for storage to be inside.

The property, like all of Belfry, is located within Sage Grouse Core Area according to the Sage Grouse Habitat Conservation Program (www.sagegrouse.mt.gov). The applicant should check with the Program prior to development.

7. Consistent with regulations: Granting the variance is consistent with the purposes and intent of these Regulations.

The purpose of requirements relating to sign height and density is typically to prevent crowding and/or to maintain views. The granting of this variance will not impede views or result in crowding of other properties.

Planning Staff Recommendation:

Planning Staff recommends approval of the Hurtt variance request, pursuant to the following conditions (Section references are to the Carbon County Development Regulations):

1. The variance approval shall be interpreted as the minimum needed – i.e. to allow 5-foot side and rear setbacks. Any other deviation will be in violation of the Development Regulations.
2. Any deviation from the site plan must be made known to the Planning Office to determine whether or not the deviation is in compliance with the approved development permit or if a new permit is needed
3. The owner shall check with the Montana Sage Grouse Habitat Conservation Program (www.sagegrouse.mt.gov) and adhere to any conditions required by the Program.
4. 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. (Section VII-A.4.c.vi.3.)
5. Any intensification of use shall be made known to the Carbon County Planning Department to determine whether an amended permit is required. (Section IV-A.2)
6. All other necessary permits must be obtained. (Section V-A.4.d.vii)

RETURN TO:

Chris Hurtt
P.O. Box 191
Belfry, MT 59008

State of Montana }
County of Carbon }

This instrument file #329128 was filed in my office this 15th day of Aug 20 07 at 12:09 o'clock P m

Linda M. Laavala
County Clerk / Recorder

by Maria Hugman, Aptly
Fee \$ 11.00 pl

329128

WARRANTY DEED

10-13848

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged on this 13th day of August, 2007, the undersigned, Rick Sperry, of 516 Custer Street, Spearfish, SD 57783-1120 hereby grant unto Chris Hurtt, of P.O. Box 191, Belfry, MT 59008, and to their heirs and assigns forever, the hereinafter described real estate situated in Carbon County, Montana, to wit:

Lot 2, Block 18, of First Addition to the City of Belfry, in Carbon County, Montana, according to the official plat on file in the office of the Clerk and Recorder of said County.

TO HAVE AND TO HOLD unto the Grantee and to their successors and assigns forever, subject, however, to-wit:

- (a) All reservations, restrictions and exceptions in recorded conveyances or other recorded documents pertaining to said real estate, or any part thereof;
- (b) All vested rights for easements and rights of way, all waivers or agreements given to or entered into with governmental entities, and zoning ordinances;
- (c) Taxes, charges and assessments of any type imposed upon said real estate for the 2007 and subsequent years;
- (d) All prior conveyances, leases or transfers of any interest in minerals, mineral rights, metals, stone, methane, oil, gas, coal and other hydrocarbons, or easement rights or other matters relating thereto whether expressed or implied.

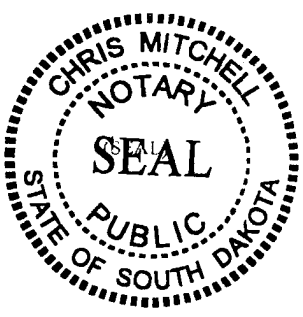
EXCEPT with reference to items referred to in Paragraphs (a) and (d) above, this Deed is given with the usual covenants expressed in Section 30-11-110, Montana Code Annotated.

IN WITNESS WHEREOF, the Grantors have executed this instrument the day and year first above written.

Rick Sperry
Rick Sperry

STATE OF South Dakota)
COUNTY OF Lawrence)

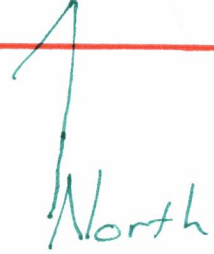
This instrument was acknowledged before me on the 13th day of August, 2007 by Rick Sperry.



[Signature]
Notary Name:
Notary Public for the State of SD
Residing at 131 W Hudson St Spearfish, SD
My Commission Expires: 12-28-2012

NOTARY PUBLIC

VAILL Street In Belfry MT.



2 Lots
Lindham Jackson

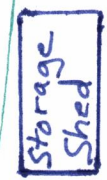
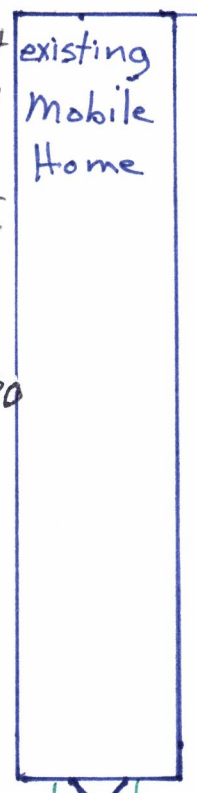
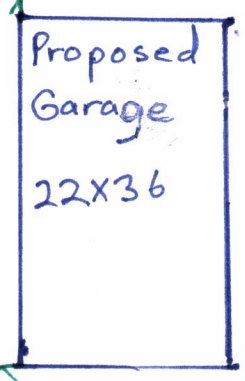
208 Vaill

Chris Hurtt existing
PO Box 191 Mobile Home
208 Vaill Home
Belfry MT,
59008

Cell #
406-200-4730

Cody
Kerr

Was applying
for a variance
to build a
garage 5'
off the lot
line to the west
and 5' off the
lot line to
the south,



Hitch is on
south end of
mobile. Have
to leave some
room for truck
should it ever
be moved

Alley



Development Permit Package

Carbon County Montana

Submitted On:

Mar 6, 2023, 10:51AM EST

Submitted By:

Forrest Mandeville

What permits are you applying for today?	Group 1 Development
PROPERTY OWNER	First Name: Chris Last Name: Hurtt
Business Name (If Applicable)	
Property Owner Mailing Address	Street Address: PO Box 191 City: Belfry State: MT Zip: 59008
Property Owner Email	hurtt.chris@gmail.com
Property Owner Primary Phone Number	406-200-4730
Property Owner Secondary Phone Number	
How would you like to receive your permits?	Physical copy (mail) Digital copy (email)
Do you own, rent, or lease the property?	Own
Are you applying on behalf of a client?	No
Certificate of Survey or Plat Number (include lot or tract number if applicable)	Lot 2 Block 18, First Addition to Belfry
Has a physical address been assigned to the property?	Yes
Physical address of property	208 Vail Ave, Belfry, MT 59008
Legal Description of property if known	
Access to Property	Existing
Current Property Use	Residential
Property Acreage	.161
Proposed Use / Development to Property	Shop or Garage
Is there surface water on the property?	No

Is the proposed development located in in the floodway or floodplain?	No
Is the proposed development located in Sage Grouse habitat?	Yes, but I have not yet consulted with the Montana Sage Grouse Conservation Program
Are there covenants and/or restrictions on the property that may prohibit the proposed development?	No
Are there any road, ditch, utility or other easements that exist on the property?	No
How will the property be accessed?	Vail Ave
Are there sanitary restrictions on the property that would prevent the proposed development?	No
How will you dispose of wastewater?	No wastewater will be discharged
What will be the potable water source for the property?	No potable water source present
List the proposed setbacks from property lines and open water sources (if applicable). The required setbacks from property lines are 30' from the front, 20' from the rear, and 10' from the sides?	5-feet from side and rear. Variance pending.
Property Site Plan Submission	Upload Now
Property Site Plan Upload	Hurt construction variance 001.jpg
Amount to be Paid (convenience fees are in addition to this total)	50
Signature Data	<p>First Name: Forrest</p> <p>Last Name: Mandeville</p> <p>Email Address: forrest@forrestmandevilleconsulting.com</p>

Forrest J. Mandeville

Signed at: March 6, 2023 10:51am America/New_York

Receipt

DPP-0000452

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

CONDITIONAL USE – STAFF REPORT

Date: March 9, 2023

To: Carbon County Planning Board

From: Forrest J. Mandeville, AICP (Contract Planner)

RE: **GROUP 3-01-2023 CONDITIONAL USE PERMIT- AGRI ORGANICS**

Recommendation: Approval with Conditions

Recommended motion: *Having reviewed and considered the application materials, project memorandum, public comment and all of the information presented, I hereby move to recommend conditional approval of the Agri Organics conditional use permit with the findings and conditions included in the project memorandum.*

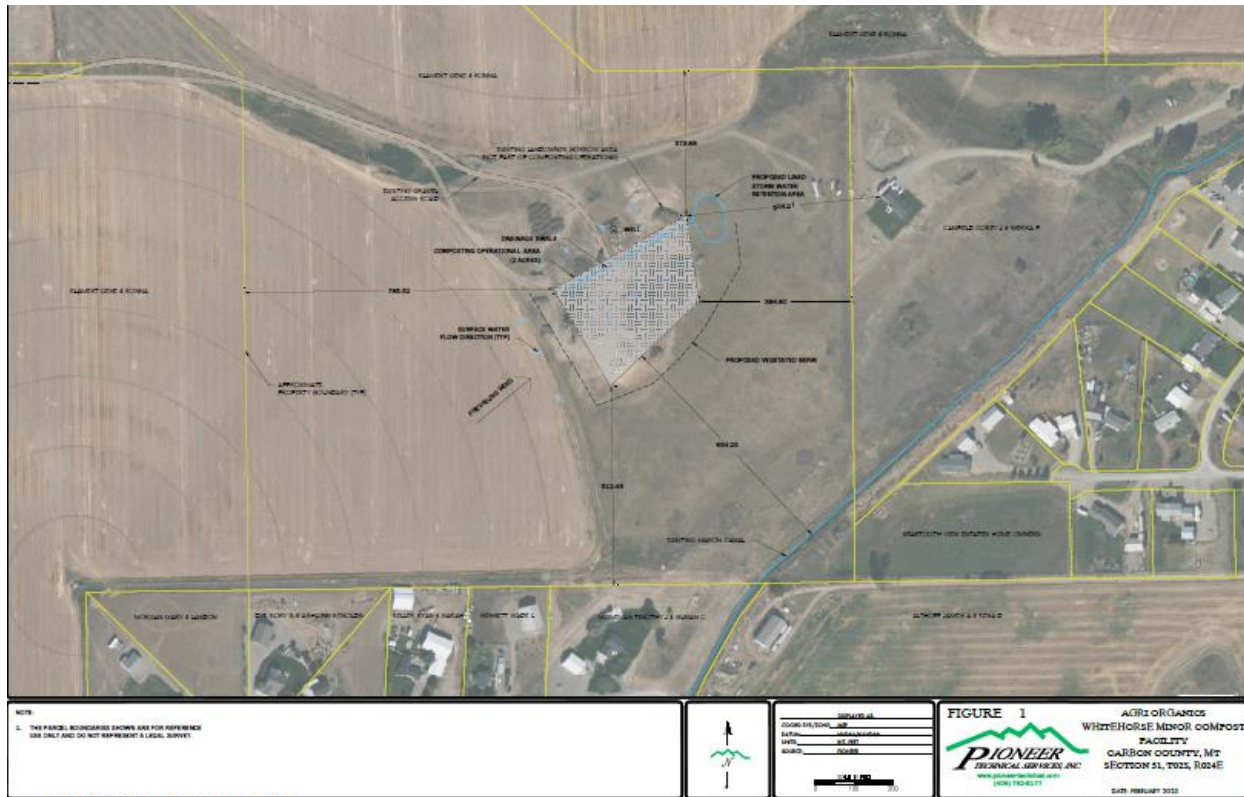
Summary:

J.B. Farley of Agri Organics has submitted a development permit application for a Conditional Use Permit (CUP) to operate a compost facility on property owned by Gene and Ronna Klamert, and legally described as Tract 3, COS 567 RB less Highway ROW, Section 31, T 2 S, R 24 E. This property is located approximately 4.5 miles south of Laurel, and is accessed from Whitehorse North Road, which intersects with Highway 212 and Whitehorse South Road.

The Carbon County Development Regulations require certain uses to be subject to a conditional use permit. This development meets the definition of an Industrial use, and is subject to a Conditional Use Permit (CUP). Industrial uses are defined as "Any use of land for the manufacture, fabrication, processing, reduction or destruction of any article, substance, commodity or any other treatment in such a manner as to change the form, character or appearance thereof, including warehouses, wholesale storage, storage elevators, and truck storage yards."

Required Zoning Commission Action:

Under the Development Regulations, the Planning Board, acting in its role as the Zoning Commission, is tasked with holding a public hearing, considering written and spoken testimony provided at the public hearing, considering the staff report and approval criteria, and recommending approval, approval with conditions, or denial the application within 60 days of receiving a complete application. The application was submitted online on February 7. A decision must be made by April 8, 2023.



Layout of Composting Location

Conditional Use Permit – Compliance Review Summary:

1. Regulations VIII-A-1a (Industrial Uses) – Summary of Intent: The purpose of the oil and gas development section of the Development Regulations is to establish regulations for the siting of industrial facilities. The goals of this section are to “Encourage the location of industrial facilities and activities in nonresidential areas” and to “Require industrial facilities and structures to be located, to the extent possible, in areas where adverse impacts on the County is minimal.”

2. Regulations V-B-3c (Conditional Use) – Planning Board Criteria for Approval: To protect public health and safety, the Planning Board may consider the following impacts of the proposed development in its recommendation to approve, conditionally approve, or deny a Conditional Use Permit.

a. Water Supply (and Sanitation)

The development must provide adequate water supply for the industrial operations and workers, along with adequate means of waste disposal. The water source must be able to provide adequate quantity and quality of water for the proposed use.

No new buildings requiring water and wastewater is proposed as a part of this project. The applicant indicates that the compost facility will meet Department of Environmental Quality (DEQ) requirements, which, if conditions are met and adhered to, should ensure no significant impacts to local water quantity or quality.

There is an existing well north of the composting facility that is currently used for livestock watering.

b. Floodplain

The development shall conform to the Carbon County Floodplain regulations. There shall be no development in the floodway. All development within the floodplain or Special Flood Hazard Area requires a floodplain permit.

There is no floodplain in the development area.

c. Site Design

The development must be properly graded and appropriate drainage facilities provided to remove surface run-off in a manner that will not adversely affect adjacent streams, lakes, reservoirs, or public roads.

Documents submitted as part of the application indicate the site will include a drainage swale and lined storm water retention area. DEQ review/approval should also ensure runoff is retained on site.

d. Setbacks

Any proposed structures may not be erected on property lines or within right-of-ways, and must adhere to minimum setback requirements. All structures for conditional uses shall be set back 10 feet from any side lot line, 20 feet from a rear lot line and 40 feet from the front lot line or street right-of-way.

The compost area is not located on any property lines or within any rights-of-way. Setback requirements are exceeded, as the compost area is 373.69 feet from the nearest property line, which is owned by the same property owner, and 394.6 feet from the nearest property line with a different property owner.

e. Easements

Easements or other legal rights-of-way shall be provided for utilities, this includes, but is not limited to, electric, telephone, and natural gas.

There are no additional utilities proposed to the site.

f. Utilities

The proposed development must be adequately served by public and/or private utilities. Written certification that capacity is available and that rights-of-way or easements have been provided may be required.

There are no utilities available or necessary to the site.

g. Access

Approved legal and physical access must be provided to the proposed development from either a County road or state highway.

Access is provided to the site by via Whitehorse North Road, which has access to Highway 212 and Whitehorse South Road. The application states there is an existing County road approach from Whitehorse North Road. Any additional impacts may require additional permitting.

The application indicates traffic volume will be 5-10 truck loads twice per month, but will vary depending on the time of year. There could be 2-3 truck loads per week during peak season, typically in warmer months.

Additional signage to direct trucks to the compost area and back to the highway could avoid unintended traffic issues on Whitehorse South Road and Clarks River Road.

h. Parking

Off street parking and loading areas must be provided that adequately serve the number of full-time employees and square feet of building.

Site maps provided with the CUP application indicate a sufficient turnaround will be provided on the site. There is plenty of area for any parking associated with the development.

i. Impact to Residential Areas

Proposed development should not be located within existing residential tracts. If development abuts residential use, screening or fencing at least eight feet in height is required. The installation of landscape buffers between potential incompatible land uses shall be considered as an alternative.

There are no residential uses on the site, but there are several residential areas in the vicinity. The Beartooth View Estates Subdivision is located to the east, while the Rocky Point Minor Subdivision and Country View Estates Subdivision are to the south. The site plan submitted with the application indicates a vegetated berm is proposed to shield residential properties from the visual impacts of the development. The application also indicates that operations will be suspended during extremely windy days.

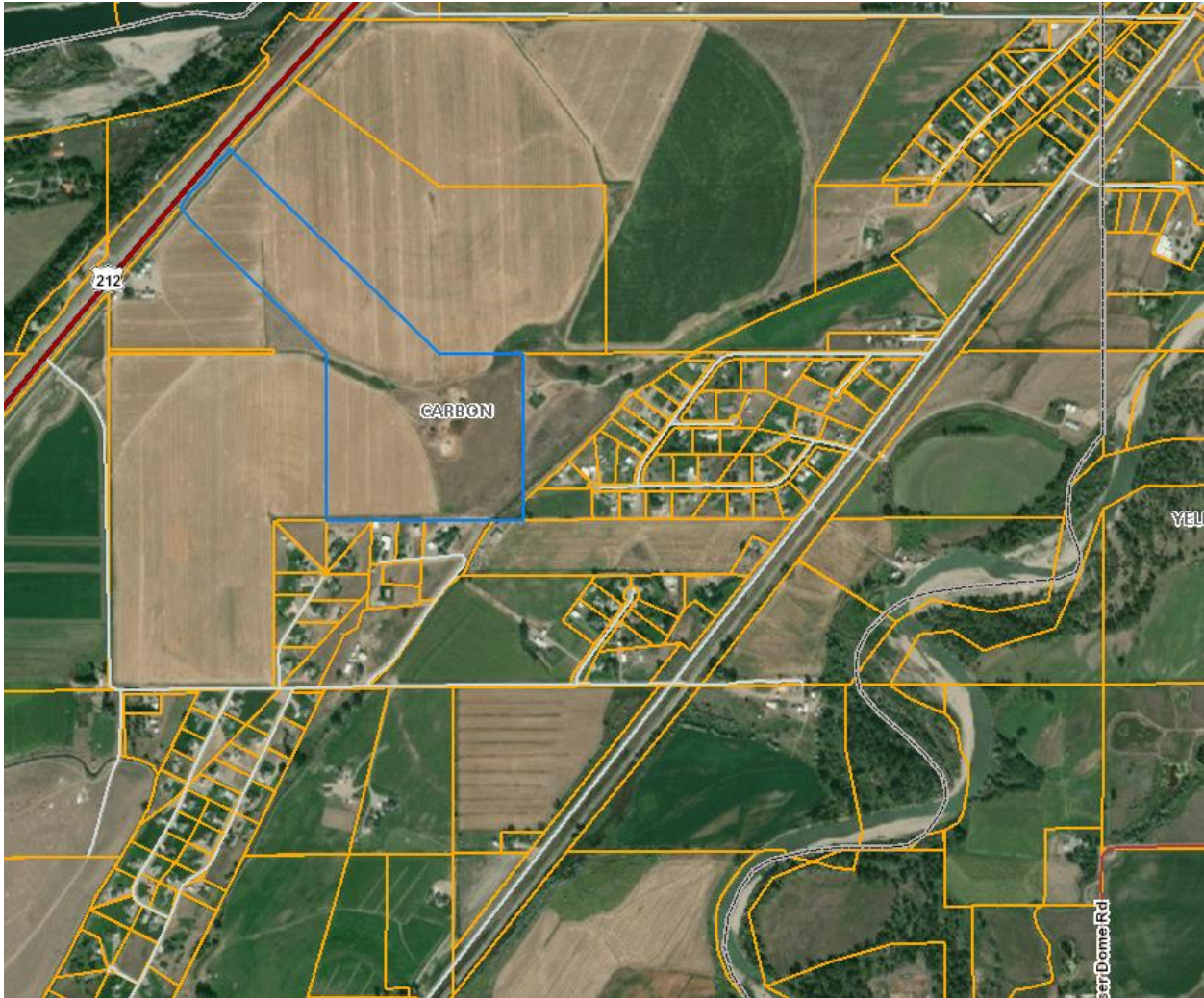
Comments from surrounding property owners indicate concerns with wind, smell, dogs and other animals being attracted to the site, and possible impacts on ground and surface water.

The implementation of a dust mitigation plan should help reduce conflicts with area residents regarding dust from the compost area.

The collection of baseline water testing will provide information to help determine whether or not groundwater has been impacted by the development. This data collection shall be done by the developer and provided to the Planning Office.

The Operating Time/Schedule document provided with the application indicates that hours of operation will be limited to 8:00 to 5:00, no more than three days a week, Monday through Friday, and will be closed on holidays.

All lighting should be downward facing and primarily for security. Lighting should not be directed towards surrounding properties.



Vicinity of Development (Blue) Showing area Subdivisions

j. Agricultural Interference

Development cannot interfere with agricultural operations through the contaminations of livestock, water supply, or irrigation facilities.

The Mason Canal is located to the southeast, approximately 634 feet away from the compost area. The subject property is currently in agricultural production and the operation of the

compost pile is not expected to significantly adversely impact agricultural production. Noxious weeds should be controlled pursuant to Carbon County Weed District policies and requirements.

k. Additional Requirements

All proposed conditional uses must meet identified approval criteria, regulations identified in the Conditional Use section, and any other conditions as supported by findings in order to mitigate impacts.

The site is not located in mapped Sage Grouse Habitat. The project should adhere to the submitted site plan, including access, location of composting areas, etc.

3. Additional Requirements Specific to Industrial Uses per Regulations VIII-A-1c

a. Setbacks:

Proposed structures may not be erected on property lines or within right-of-ways or easements. All structures for conditional uses shall be set back 10 feet from any side lot line, 20 feet from a rear lot line and 40 feet from the front lot line or right-of-way.

The regulatory setbacks are met.

b. Fencing:

Where an industrial use abuts a residential use a fence with visual screens or a landscaping buffer shall be provided.

There are residential uses in the vicinity and the applicant has proposed a vegetated berm.

c. Signage:

The tract or structure may not promote or contain off-premise sign advertising. Only services or products sold, manufactured, or stored on-site may be advertised by means of signage.

There are no known proposals to advertise off-site services or products. The development should adhere to this requirement.

4. Regulations V-B-3d (Conditional Use) – Planning Board Approved Conditions: The Planning Board may recommend modifications or conditions to approval of a development based on, but not limited to, the following:

a. Street and road capacity

b. Ingress and egress to adjoining streets and roads

c. Off-street parking

d. Fencing, screening, and landscaping

- e. Building bulk and location
- f. Usable open space
- g. Signs and lighting
- h. Noise, vibration, air pollution, and similar environmental influences
- i. Weed control

Planning Staff Recommended Conditions Of Approval:

Planning Staff recommends approval of the Baldwin Lynch Energy Conditional Use Permit subject to the following conditions:

1. Applicant shall secure proper approval from the Montana Department of Environmental Quality and maintain adherence with any conditions thereof.
2. Access shall be limited from Whitehorse North Road as indicated in the application. If required, a new approach permit shall be obtained from the County.
3. Developer shall install appropriate signage to direct truck traffic to Highway 212 to avoid increased traffic on Whitehorse South Road and Clarks River Road.
4. The vegetated berm, as shown on the site plan, shall be in place prior to operation.
5. Developer shall design and implement a dust mitigation plan to minimize dust blowing onto surrounding properties.
6. Developer shall, at their own expense, provide baseline water testing analysis to the Planning Office collected from a minimum of 4 samples within ¼ 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.
7. Hours of operation shall be limited to 8:00 am to 5:00 pm, no more than three days per week.
8. Any lighting on site shall be downward facing and primarily for security. In no case shall lighting be directed towards surrounding properties.
9. Noxious weeds shall be managed on-site pursuant to Carbon County Weed District policies and requirements.
10. There shall be no off-premise sign advertising. Only services or products sold, manufactured, or stored on-site may be advertised by signage.
11. Project is limited to the location shown on the site plan; any expansion or deviation may be subject to a new Development Permit.
12. 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.
13. Any intensification of use shall be made known to the Carbon County Planning Department to determine whether an amended permit is required.
14. Obtain all other necessary permits as required by other state or government agencies and adhere to any conditions required.



Development Permit Package

Submitted On:

Feb 7, 2023, 07:12PM EST

Carbon County Montana

What permits are you applying for today?	Conditional Use Permit
PROPERTY OWNER	First Name: Gene & Ronna Last Name: Klamert
Business Name (If Applicable)	
Property Owner Mailing Address	Street Address: 2100 44th St. W City: Billings State: MT Zip: 59106
Property Owner Email	jbfarleyco@gmail.com
Property Owner Primary Phone Number	406-671-5430
Type of Primary Phone	Cellular
Cellular provider for Primary Phone	Verizon
Property Owner Secondary Phone Number	
Type of Secondary Phone	Cellular
Cellular provider for Secondary Phone	Verizon
Preferred Contact Method	Email
How would you like to receive your permits?	Physical copy (mail) Digital copy (email)
Do you own, rent, or lease the property?	Own
Are you applying on behalf of a client?	Yes
Builder / Contractor Name	Agri Organics / J.B. Farley
Builder / Contractor Email	jbfarleyco@gmail.com
Builder / Contractor Phone Number	406-855-1347
Certificate of Survey or Plat Number (include lot or tract number if applicable)	TRACT 3 COS 567 RB LESS HWY ROW
Has a physical address been	

assigned to the property?	Yes
Physical address of property	4994 US HWY 310, Laurel, MT 59044
Legal Description of property if known	31 2S 24E
Access to Property	Existing
Current Property Use	Agricultural grazing and irrigated crop
Property Acreage	76.542
Proposed Use / Development to Property	Minor Compost Facility
What kind of conditional use are you applying for?	Industrial Use (Regulations VIII-A-1)
Describe in detail the proposed conditional use:	<p>Minor compost facility that receives feedstock from more than one source. The minor compost facility will meet the following Montana Department of Environmental Quality, Waste and Underground Tank Managment Bureau, Solid Waste Section requirements:</p> <ul style="list-style-type: none"> - Has two acres or less of active composting area. - Accepts less than 5,000 cubic yards of compost feedstock annually. - Produces less than 2,500 cubic yards of finished compost annually. - Does not accept sewage sludge, biosolids, or septage.
What type of business activities will be on the property?	<p>Minor composting activities will consist of delivery of feedstock and composting materials by truck; screening feedstock and composting materials with a front-end loader and screen plant; placing screened feedstock and composting materials into Static Aerated Piles (SAPs) with a front-end loader and conveyor belt; turning SAPs monthly with a front-end loader; and loading and transporting finished compost off-site by truck.</p> <p>Estimated traffic volume to the minor composting facility is approximately 5-10 trucks loads twice per month per year. Delivery and transport traffic will be limited to the existing gravel road running east from Whitehorse N Road to the facility. Delivery and transport traffic volumes will vary depending on the time of year, with the highest volume estimated to be 2-3 truck loads per week during the warmer months.</p>
Is there surface water on the property?	Yes
What type of surface water exists on property?	Irrigation ditch or canal
Is the property located in a floodplain?	No
Is the proposed development located in Sage Grouse habitat?	No

Are there covenants and/or restrictions on the property that may prohibit the proposed development?	No
Please list any covenants or restrictions that may be in conflict with the proposed development.	NA
Are there any road, ditch, utility or other easements that exist on the property?	Yes
Please describe the easements that exist on the property.	Ditch easement within the southeast corner of the property for the Mason Canal.
Describe existing and proposed water, sewer and wastewater facilities:	<p>An existing groundwater well (GMC ID: 274452) is located north of the minor composting facility. The well was drilled on August 1, 2013 to a depth of 37 feet. The well does not serve any building/structures and is not currently used for livestock watering. Semi-annual water testing will be conducted at this well.</p> <p>There are no existing or proposed sewer and/or wastewater facilities.</p>
Describe existing access to the property and how traffic related to the commercial and industrial activity will be directed through the site.	Traffic to the minor compost facility will turn southeast off Montana Highway 310 onto Whitehorse N Rd and travel approximately 0.09 miles and turn northeast onto an existing county road approach. From the existing county road approach, traffic will travel north on an existing gravel road approximately 0.07 miles, turn east, and travel east on an existing gravel road to the facility. Traffic leaving the facility will follow the same route.
For construction of new buildings or facilities related to this permit, please state how far they will be set back from each property line:	<p>Composting Operational Area:</p> <ul style="list-style-type: none"> - 374' from north property line - 395' from east property line - 512' from south property line - 796' from west property line - 504' from near residence - 634' from Mason Canal
Will the proposed activity interfere with agricultural operations by contaminating water sources or interfering with irrigation facilities?	No
Will our conditional use be fenced?	No
Are State or Federal permits needed to conduct this activity on the proposed property?	Yes, I'm waiting on obtaining them
What are the current uses	- Vacant agriculture land to the north, southeast, and west

adjacent to the proposed property?	- 1 residential home 500'+ east of the composting operational area - 6 residential homes 500'+ south of the composting operational area
Upload list of neighboring property owners (or complete individual property owners below)	AdjacentPropertyOwners.pdf
Neighboring Property Owner 1	
Neighboring Property Owner 1 Full Address	
Neighboring Property Owner 2	
Neighboring Property Owner 2 Full Address	
More Adjacent Property Owners?	No
Property Site Plan submission	Upload Now
Property Site Plan Upload	WhitehorseCompost-OVERVIEW.pdf
Time Schedule Submission	Upload Now
Time Schedule Upload	Whitehorse Schedule of Operations.pdf
Estimated number of trips per day	5-10 truck loads twice per month per year. Traffic volumes will vary depending on the time of year, with the highest traffic volume estimated to be 2-3 truck loads per week during the warmer months.
Amount to be Paid (convenience fees are in addition to this total)	850
Signature Data	<p>First Name: JB Last Name: Farley Email Address: jbfarleyco@gmail.com</p> <p style="text-align: center;"><i>James Brad Farley</i></p> <p>Signed at: February 7, 2023 7:11pm America/New_York</p>
Receipt	DPP-0000439

Whitehorse Minor Composting Facility

Operating Time/Schedule

Schedule of Operation: Hours of operation shall be limited to 8:00 am to 5:00 pm, no more than three days a week, Monday through Friday. The facility will be closed on holidays.

On-Site Equipment: Front-end load, screen plant, conveyor belt.

On-Site Feedstock and Composting Materials: Crop residue and fruit/vegetable processing waste, fish and meat processing waste, manure, straw, hay, wood, paper, yard waste, and other vegetation.

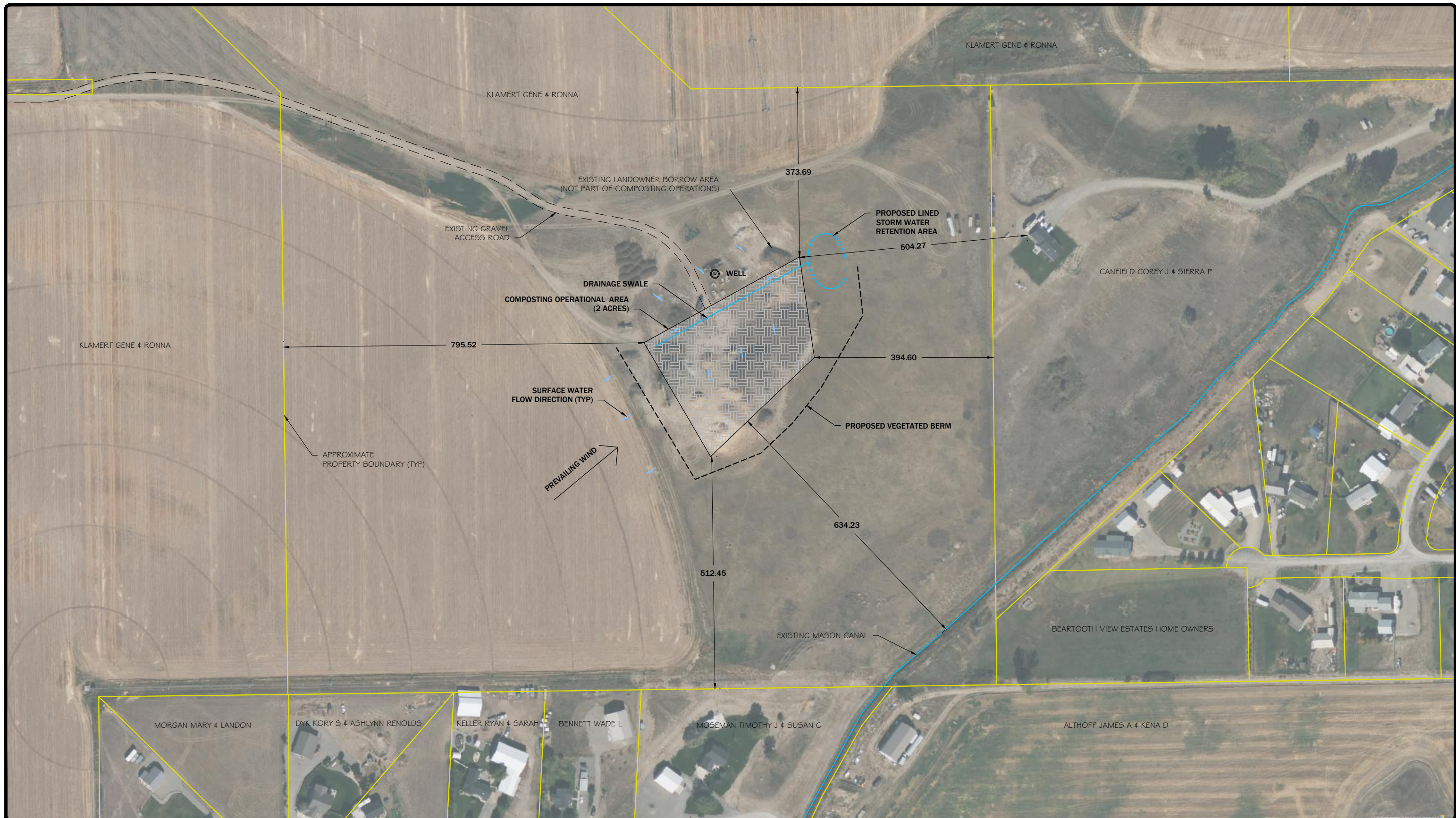
Maximum Operational Capacity: 3,500 cubic yards wood mulch and 1,500 cubic yards livestock manure to produce +/- 1,500 cubic yards finished soil amendment.

Traffic Volume: Traffic volume to the facility is estimated to be 5-10 truck loads twice per month per year. Traffic volumes will vary depending on the time of year, with the highest traffic volume estimated to be 2-3 truck loads per week during the warmer months when landscaper deliveries are more frequent.

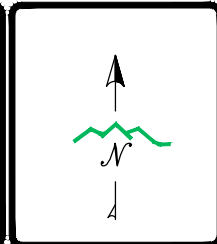
Turning/Mixing Static Aerated Piles (SAPs): Turn/mix SAPs monthly with front-end loader.

Controlling On-Site and Preventing Off-Site Nuisance Conditions: Operations will be suspended during conditions that cause odors, noise, and dust travel. Odors and windblown debris will be mitigated with the cover of fresh wood mulch. Berms will be constructed to provide a visual screen and create a windbreak.

Procedures for Operation during Wind Events, Heavy Rain, or Freezing Conditions: Operations (e.g., tuning piles, mixing, material loading/unloading) will be suspended during extremely windy days. Site drainage is designed to collect on-site runoff in a retention pond. Retained runoff will be applied to SAPs. Plow snow between SAPs and allow snow to melt on SAPs. Avoid turning/mixing piles during extreme low temperatures.



NOTE:
 1. THE PARCEL BOUNDARIES SHOWN ARE FOR REFERENCE
 USE ONLY AND DO NOT REPRESENT A LEGAL SURVEY.



DISPLAYED AS:	
COORD SYS/ZONE:	MSP
DATUM:	NAD83/NAVD88
UNITS:	INT. FEET
SOURCE:	PIONEER

SCALE IN FEET
 0 100 200

FIGURE 1

AGRI ORGANICS
 WHITEHORSE MINOR COMPOST
 FACILITY
 CARBON COUNTY, MT
 SECTION 31, T02S, R024E

PIONEER
 TECHNICAL SERVICES, INC.
www.pioneer-technical.com
 (406) 782-5177

DATE: FEBRUARY 2023