

Billings County Planning and Zoning Committee

March 20, 2012

1:00 P.M.

Members present: Connie Kasian, John Tczap, Don Heiser, Anita Kessel, Cathy Cerkoney, Paul Krush

Members absent: Jim Arthaud

Others present: Roy Krivoruchka, Joseph L. Kessel, Robert Kelsch, Kirt W. James, Steven Alderin, Ray & Vicki Karras, Kurt Kordon, Agnes Palanuk, Stan Johnson, Bill Palanuk, Wayne Koistinen, Roger Klym, Stephanie Klym, Margaret Krogh, Kristen Maul, Karlene Chruszch, Angie Chruszch, Brenda Schumacher, Dave Jurgens, Cody Eaton, Melanie Foster, Richard Volesky

Chairman Tczap called the meeting to order. Paul Krush moved to approve the minutes of March 1, 2012. Anita Kessel seconded. All voted aye.

Perry Tescher submitted an application for a conditional use permit to mine scoria in the S1/2S1/2 7-139-102. The property is zoned agricultural. Don Heiser moved to approve the permit. Paul Krush seconded. All voted aye.

Garrett & Kristin Morel requested a conditional use permit for the placement of a mobile home at 1303 126th Ave SW in the NW1/4NE1/4 12-143-99. The property is zoned agricultural and owned by Rodney & Margaret Krogh. Anita Kessel moved to approve the request. Paul Krush seconded. All voted aye.

Cody Eaton of Skyward Trend, LLC requested to re-zone 1.47 acres from residential to commercial (Club 85), and to re-zone 1.24 acres from agricultural to residential. The application also includes a conditional use permit to construct a mobile home park consisting of 10 single-wide mobile home sites to house employees. Both properties are in the SE1/4SE1/4 10-142-99. Anita Kessel moved to approve the rezoning of 1.47 acres from residential to commercial. Paul Krush seconded. All voted aye. Discussion relating to the rezoning of 1.24 acres and the conditional use permit followed. Topics discussed were access from Blacktail Road. Roy Krivoruchka will work with the owners to get an approach. Don Heiser moved to approve the re-zoning and conditional use permit contingent upon approval from SW District Health on the septic system, and from SW Water that there will be enough water to handle this additional service. Anita Kessel seconded. All voted aye.

Robert Kelsch of Clean Energy Fluids Corp applied to re-zone 40 acres in the S1/2NW1/4 8-142-99 from agricultural to industrial. The application also included a conditional use permit to construct an office/pump house, up to 30 water/fluid holding tanks, 2 fresh water tanks, and 2 skid housing units for employees. The site will also have a saltwater disposal well that will be permitted by the North Dakota Industrial Commission to process wastewater fluids, cutting and drilling muds, and saltwater from oil wells. The property is owned by Agnes Palanuk. Concerns expressed and addressed included road maintenance, wastewater products, noise, tank fires, liners, litter control and speed limits. Representatives from Clean Energy Fluids Corp. explained the operation. Cathy Cerkoney moved to approve the re-zoning from agricultural to industrial. Connie Kasian seconded. Don Heiser, Cathy Cerkoney, Connie Kasian, Paul Krush and John Tczap voted aye. Anita Kessel voted nay. Cathy Cerkoney moved to approve the conditional use permit. Don Heiser seconded. Don Heiser, Cathy Cerkoney, Connie Kasian, Paul Krush and John Tczap voted aye. Anita Kessel voted nay.

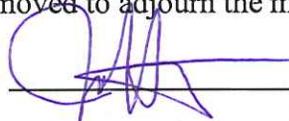
Myron Yourk of Yourk and Kenner Enterprises, LLC applied for a construction permit for an 80 unit hotel leased to Westwood Enterprises on a 2.80 acre tract in the NW1/4NW1/4 14-142-99. The property is zoned commercial. More information is needed on the sewer and water systems for the hotel. Anita Kessel moved to table this request pending proof of clear title to the property. Don Heiser seconded. All voted aye.

Myron Yourk of Yourk and Kenner Enterprises, LLC applied for a variance to allow an RV as temporary housing on a 1.80 acre parcel in the NW1/4NW1/4 14-142-99. Cathy Cerkoney moved to deny this request. Anita Kessel seconded. All voted aye.

Gerald Grosulak applied for a conditional use permit to place new mobile home site at 12858 29th St SW in the N1/2N1/2 34-141-99. Cathy Cerkoney moved to approve the permit conditional upon approval from the SW District Heath for the septic system. Anita Kessel seconded. All voted aye.

Under old business: An amendment to an application submitted by Tim & Myron Yourk requesting a variance for the 250' setback requirement along Highway 85, and an application for the construction of a convenience store with three above ground 12,000 gallon fuel tanks on a 1.80 acre parcel in NW1/4NW1/4 14-142-99. This request was tabled at the March meeting. Don Heiser moved to approve only the setback variance for three fuel tanks to be in line with the setbacks of the existing buildings and not less than 200' from the center of highway 85; and a 25'x50' addition attached to the South end of the existing café building. Paul Krush seconded. All voted aye.

With there being no further business, Anita Kessel moved to adjourn the meeting at 3:35 P.M. Cathy Cerkoney seconded. All voted aye.



John Tczap, Chairman



Stacey Swanson, Zoning Director