

**Billings County Zoning Meeting
January 19, 2023**

Members present: Present via Zoom Anita Kessel. In person Dean Rodne, Rodney (Rudy) Syminow, Todd Corneil, Karen Putnam

Members Absent: Cathy Cerkoney, Connie Kasian

Others present: Via Zoom Meeting: Weed Supervisor Katie Dillman and Jodee Egly, States Attorney Pat Weir, Ezra Ballinger with Braun Intertec, and Joe Devore with KLJ. In person: Tax Director Stacey Swanson, Ryan Christenson JE Dunn Construction, Zach Mathern JLG Architects, Amy McCann TRPL, Ken Vein TRPL, Jenn Jackson JLG Architects, Mary Abrahamson, deputy auditor/secretary Jonna Bertelsen.

Chairman Dean Rodne called the meeting to order at 1:02 pm.

Rudy Syminow made the motion to approve the minutes from December 15, 2022 as presented. Karen Putnam seconded. All voted aye. Motion carried.

The agenda was approved as presented.

Chairman Rodne reminded everyone present to follow meeting protocols and approach the podium to speak and to address yourself for the minutes. A recording of the meeting began at 1:10 pm.

2023-01 Theodore Roosevelt Presidential Library Foundation (TRPL), this application has two components:

1. Application and final site plan review for the Theodore Roosevelt Presidential Library and supporting structures and infrastructure for the project. This project is located on a 90.21 acre tract and a 3.56 acre tract in the SE1/4 of section 21 & the NE1/4 of section 28-140-102. Some of the project's improvements extend onto adjacent property owned by the Theodore Roosevelt Medora Foundation. The property is located on top of the amphitheater hill outside of Medora (3410 Chateau Rd) and is zoned Recreational.
2. Request for a two-year permit instead of a one-year expiration date as defined in section 7.7.1c of the zoning ordinance.

Ken Vein and Amy McCann with TRPL opened by thanking the board for all their help and consideration and to Stacey Swanson and Pat Weir for having a great working relationship with the library. JLG is here representing one of the 50 different firms that are a part of this project. JE Dunn is also present, they are the contractor for the project and Braun Intertec and KLJ are present online. JLG will present the jurisdictional process, project design updates and the zoning presentation along with the current project schedule.

Jenn Jackson and Zach Mathern with JLG Architects presented updates. The project has completed 100% of the design development phase. The zoning board of the City of Medora reviewed and approved the design elements and materials at their meeting on Tuesday, January 17, 2023 for the historic integrity review requirements of the city. Future applications include signage to the city of Medora and multiple bid packages for building permits to the county.

Parking at the amphitheater will remain the same and a new shared parking area will be built. A roundabout will be used near the library to aid the flow of traffic. The library will utilize parking during the day and the musical will at night, and there will be minimal overflow. The site plan contains three major parking lots: the main lot has 538 stalls that include 10 bus or RV stalls, the shared parking has 229 stalls, and the drop off loop parking has 73 stalls. All together the lots contain 840 stalls, about twice as much as available now. Questions arose on overflow traffic; plans to implement a transit and shuttle system in Medora are being studied as part of the NDDOT transportation plan for the city.

JLG presented potential future phases of the project and shared a phasing site plan that includes ground mounted photovoltaic (PV) panels, parking shade canopies with PV panels, and three pavilions along the boardwalk (a sky circle, an adventure trail and picnic platforms, and an overlook pavilion). These elements of the project are still in development and are not a part of this application. States Attorney Weir reminded the board and TRPL, that the county is not bound to approve future applications and the lighting and solar panels will be reviewed for compliance with the ordinances.

Water management and erosion control methods during construction and post construction were discussed. TRPL will use structured drainage, mesic prairie basins (rain gardens) and stabilized vegetation. The control systems will look like the prairie and collect rain water from the parking lots.

The utility plan showed the wastewater system, southwest water, electrical power, and fiber optic/telecom lines. Utilities will be installed underground and the site will have a backup generator.

Lighting concepts were shown. TRPL will design lighting to meet dark sky and public safety standards. Light shielding, color temperature, and lighting intensity and brightness are being studied. An application for lighting will be filed at a later date.

Exterior and interior visuals of the design were shared. The west building contains the museum exhibit space, lobby, café, and bookstore. The east side houses the auditorium and classrooms with TRPL offices on the second floor. The building materials include a vegetated roof, glass windows, wood cladding, and wood windscreens. The wood will be allowed to weather over time to varying shades of gray.

The project schedule shows at least three bid packages that will align with building permits submitted to the county. Site construction is planned for later this spring. Excavated land will be reused on other locations of the site. Weed Supervisor Katie Dillman asked if all the material that will be brought in would be certified weed free. Ryan Christenson from JE Dunn said yes. Dillman would like to inspect the site for weeds in the active growing seasons of spring/early summer. The weed control plan submitted with the application is under review by Dillman and the Billings County Weed Control Board.

No updates were available from TRPL on the NDDOT transportation plan for an emergency access route to the site.

Swanson went through the application with the zoning board. Recreational District requirements were amended in 2021 by the Planning and Zoning Commission and Board of County Commissioners in anticipation of the development surrounding the Theodore Roosevelt Presidential Library. Libraries and museums were added to the list of Permitted Uses. The location for the library is consistent with the recreational zoning district and existing land uses surrounding Medora. In addition to the zoning ordinance recommendations, the facility will be inspected for building code compliance, permits to be filed at a later date. The following ordinances were reviewed with the board for compliance, conditions, and recommendations:

5.3.1(h) Accessory buildings or structures to any permitted use: The parking shade canopies and associated photovoltaic panels are considered accessory structures to the TRPL building. The pavilions along the boardwalk are also considered accessory structures. The design and location of these uses are not finalized at this time. The recommendation is to add a condition to approve the concept of the parking canopies, PV panels, and boardwalk pavilions only, but don't grant final approval until the board revisits later when plans for these features are finalized. Clarification was asked about the boardwalk – the recommendation is for the pavilions only.

5.3.4 Adequate off-street parking for employees and customers: A traffic analysis was prepared by KLJ. Peak season usage for events occurring 10-20 times per year may need an additional 360 parking spaces. Parking is already limited within the City of Medora. The Traffic Impact Analysis report indicated options for overflow parking at the Chateau Interpretive Center and the Medora Campground and the use of six shuttle buses, but there is no formal plan in place yet. The recommendation is traffic management plans will be coordinated with Billings County and the City of Medora.

5.3.4c Off-street parking lighting: Dark sky lighting fixtures are intended to be installed. However, more information is needed on the layout of the fixtures in the parking areas and other areas of the site. Lighting within the parking lots and other areas of the site are still in concept phase and not finalized. The recommendation is to add a condition to approve the concept of the lighting only, but don't grant final approval until the board revisits later when lighting plans are finalized.

6.15.1 Supplemental Design Standards (2) Sewer Service: Due to the size of the project, the sewer and wastewater system will be regulated by the ND Department of Environmental Quality and not the Southwest District Health Unit. The recommendation is that the County will be informed when the wastewater/sewer management plan has been approved by the NDDEQ.

6.15.1 Supplemental Design Standards (5) Access & Traffic Management Plan: The recommendation is TRPL will coordinate with the USFS, TRMF, NDDOT, the City of Medora, and Billings County for an emergency access route. Another recommendation is TRPL will coordinate with BNSF for crossing improvements related to the emergency access route.

6.15.1 Supplemental Design Standards (6) Dust Control Plan: Due to the amount of dirt work and windiness on top of the butte, dust control will be an issue during construction. The recommendation is the applicant will coordinate with TRMF, Billings County and the City of Medora for dust control methods especially during the grading and construction phases of the project.

6.15.1 Supplemental Design Standards (7) Weed Control Plan: A weed control plan is in development. The applicant and engineers are aware of controlling noxious and invasive weeds. Recommendation is to coordinate with the County Weed Board Office especially during the grading and construction phases of the project and reclamation of the site post construction.

6.15.2(1) Stormwater Management Standards: Stormwater management is regulated by the ND Department of Environmental Quality. The zoning recommendation is the County will be informed when the stormwater management plan has been approved by the NDDEQ.

5.6.6 Application for Land Use Permits on Hillside and Ridgeline Land: An erosion control plan has not been specifically included as part of the application. Soil stability recommendations have been included in the geotechnical report. The zoning recommendation is the applicant will coordinate with TRMF and

Billings County for erosion control methods especially during the grading and construction phases of the project.

Swanson outlined the efforts TRPL has participated in to mitigate the impacts to the rural community of Medora, including a memorandum of understanding with Billings County, a development agreement between the County, City, and TRPL, the Billings County Commission resolution 2022-14 TRPL concerning the property tax status, and development of the Medora Area Plan.

After discussion and clarification of the presented conditions and recommendations, the following recommendations will be provided to the County Commission:

1. To approve the concept of the parking canopies, photovoltaic panels, and boardwalk pavilions only, but don't grant final approval until the board revisits later when plans for these features are finalized.
2. Traffic management plans will be coordinated with Billings County and the City of Medora.
3. To approve the concept of the outdoor lighting only, but don't grant final approval until the board revisits later when lighting plans are finalized.
4. The County will be informed when the wastewater/sewer management and stormwater plans have been approved by the NDDEQ.
5. TRPL will continue to coordinate with the USFS, BNSF, TRMF, NDDOT, the City of Medora, and Billings County for an emergency access route to the site.
6. TRPL will coordinate with TRMF, Billings County, and the City of Medora for dust control, weed control, and erosion control especially during the grading and construction phases of the project.
7. To grant the extension for a 2-year permit due to the size and scope of the project.

With there being no further questions, Rodne asked if there was a motion on the table. Todd Corneil made the motion to accept the above recommendations and approve application 2023-1. Rudy Syminow seconded. Rodne asked for a roll call vote: Karen yes, Todd yes, Rudy yes, Anita yes, and Dean yes. Motion carried.

Karen Putnam made the motion to grant the extension of from a one-year permit to a two-year permit due to the extent of the project. Todd Corneil seconded. Rodne asked for a roll call vote. Karen yes, Todd yes, Rudy yes, Anita yes, and Dean yes. Motion carried.

Swanson gave a brief update on the status of the Medora Area Plan.

With there being no further business, Anita Kessel moved to adjourn at 3:33 P.M. Karen Putnam seconded.


Jonna Bertelsen, Secretary


Dean Rodne, Chairman