

Billings County Zoning Meeting October 20, 2022

Members present: Karen Putnam, Dean Rodne, Connie Kasian, Anita Kessel, Steven Klym

Members Absent: Cathy Cerkoney, Todd Corneil

Others present: Zoning Director Stacey Swanson, Deputy Auditor Jonna Bertelsen, Deputy Tax Director Deanna Baranko, States Attorney Pat Weir, Henry Foster, Amy McCann, Ken Vein, Jen Murray with SWA, Jarrett Hillius with ND DWR, Anna Killian with SHSND.

The meeting was called to order by Chairman Dean Rodne at 1:00 pm.

Anita Kessel made the motion to approve the minutes from September 22, 2022 as presented. Steve Klym seconded. All voted aye. Motion carried.

Swanson handed out the list of zoning permits as of October 2022.

Stacey updated the board on the Medora Area Plan. The October 2, 2022 community meeting was well attended with over 50 people attending. A final draft will be received in December.

Ken Vein and Amy McCann were present to give library updates. The design development phase should be finished by the end of the month. The next application package for the building improvements, site plan, and historical review by Medora is being prepared for January's zoning meetings. TRMF donated 3.5 acres to the library for part of the parking area.

Jen Murray with Southwest Water Authority was present to answer questions and to update the board on future water projects in Billings County. 78 locations are waiting for water. North Fairfield hydraulic improvements are currently advertised for bids, when this is completed approximately 45 locations will be removed from the waiting list. The City of Medora currently receives 150 gal/min and the city has requested to receive 225 gal/min and a storage tank to handle future growth as identified in the Medora Area Plan. A new water tank would be in the ETZ and the City, County, and SWA should work together on a site location. Another regional water tower is planned in the area. TRPL's contract with Southwest Water is based on the design needs of the facility and with a water storage tank on site, existing connections will not be affected.

A zoning violation notice was sent to Henry Foster on October 12, 2022. Foster built a small 6'x8' storage shed on his property located on River Drive with out submitting a permit to the city or the county since it is located in the ETZ. When Stacey investigated, the structure was in violation of the Hillside/Ridgeline Ordinance since it was in an area with >25% slopes and it also appeared to be in the county's road right-of-way. After further review, the shed was not in the right-of-way, but was still within the setback requirements. Foster stated he has since taken the building down and has a couple of alternate sites selected, but he would like to place it where it was since it was the best place out of viewshed of neighbors. Stacey went over some of the areas he could place the shed to be in compliance with the setbacks. States Attorney Weir suggested that we impose a \$100 administrative fine and waive it since he was unaware that he needed to fill out an application for a shed. Steve Klym made the motion to impose a \$250.00 fine for administrative fees. Motion died for lack of a second. Anita Kessel made the motion to impose a \$100.00 fine and to waive the fee. Kasian Seconded. Putnam, Rodne, Kessel, and

Kasian voted aye. Klym voted nay. Motion Carried. The application for the shed will be sent to the City Zoning board and placed on the agenda for the November zoning meetings.

States Attorney Weir advised the board of another violation that took place in Sully Creek Subdivision. Levi Andrist built an outbuilding next to his home and according to the zoning rules, the outbuilding can not be taller than 15 feet (see ordinance 3.9 Residential Development) . This was overlooked on his application so it came to the conclusion that he would be penalized, but Andrist and the county share equal responsibility for this violation so there will be no fees imposed. Anita Kessel made the motion that after due consideration of all of the factors that the outbuilding of Levi Andrist is not in compliance with zoning and that the outbuilding is too high. Commission took up the penalty which would include a monetary fine or removal of the outbuilding but has chosen not to enforce a penalty reason being honest faith on both sides. Steve Klym seconded. All voted aye. Motion carried.

With there being no further business, Anita Kessel moved to adjourn at 2:39 P.M. Connie Kasian Seconded.



Dean Rodne, Chairman



Jonna Bertelsen, Secretary