NOTICE OF ZONING HEARING

The Billings County Planning & Zoning Commission will hold a public hearing on Thursday, September 22, 2016 at 1:00 PM in the meeting room of the Billings County Rural Fire District's Fire Hall in S. Fairfield (12823 20th St SW) to consider recommending to the Board of County Commissioners the approval or denial of the following items:

Charlie Creek Wind Farm, LLC; c/o Orion Renewable Energy Group, LLC: Conditional Use Permit and Wind Energy Facility Siting Permit for a 383 megawatt (MW) total rated nameplate capacity Wind Energy Facility consisting of up to 114 wind turbines. The project is located in the northeast portion of Billings County near Highway 85 in townships 143-98, 143-99, 144-98, and 144-99, beginning approximately three miles north of S. Fairfield and extending to the county line one mile south of Highway 200.

The proposed Charlie Creek Wind Farm will span across 28,667 acres more or less and 92 parcels are included in the project pending easements and agreements. All parcels are zoned Agriculture. The individual parcels are described in the table published in this issue of the Billings County Pioneer.

Associated structures and improvements include a 230 kilovolt (kV) above ground transmission line, underground electrical collection system, underground communication cables, access roads, project substation, up to 3 meteorological data towers, and an operations and maintenance building. Temporary uses and structures include laydown and storage areas, turn out areas off of public roads, a concrete batch plant, crane paths, and temporary meteorological data towers.

Five Variances have been requested by Charlie Creek Wind Farm, LLC:

Application for a Variance of section 6.11.5(b)(1) of the Billings County Zoning Ordinance to construct and operate a wind energy facility within the 2640' (one-half mile) setback requirement from an occupied commercial building. One proposed wind turbine is sited in the NW1/4 of section 15-144-98 approximately 2000' from 813 123rd Ave SW.

Application for a Variance of section 6.11.5(b)(1) of the Billings County Zoning Ordinance to construct and operate a wind energy facility within the 2640' (one-half mile) setback requirement from an occupied dwelling. One proposed wind turbine is sited in the NW1/4NW1/4 of section 26-143-99 approximately 2340' from 1608 128th Ave SW.

Application for a Variance of section 7.3.6 of the Billings County Zoning Ordinance to increase the length of time allowed for a conditional use permit application from 1 year to a maximum of 2 ½ years.

Application for a Variance of section 5.6 of the Billings County Zoning Ordinance Hillside and Ridgeline Overlay District requirements for all project components except for the operations and maintenance building.

Application for a Variance of section 6.11.6 of the Billings County Zoning Ordinance to reduce the minimum ground clearance requirement for the lowest point of a wind turbine blade from 75' to 72'.

Other Business:

The board will also address potential & pending zoning violations and recommend any action needed by the Zoning Director, State's Attorney, or Board of County Commissioners.

Applications are available for review during regular office hours at the Billings County Courthouse. If special accommodations are needed, please notify the auditor so that appropriate aids can be made available.

Dated at Medora this 2nd day September, 2016.

Stacey Swanson
Zoning Director

(September 8 & 15)

2016-25
Charlie Creek Wind Farm
Parcels included in Zoning Application

Parcel Number	Owner Name	Legal Description	Parcel Acreage
18 0000 00724 000	KADRMAS GLEN	LOTS 1,2, S1/2NE1/4 LESS 1.92 ARW 6-142-98	159.4
23 0000 01053 000	GREGORY TERRY & JOY	E1/2SW1/4, LOTS 3-4 18-143-98	148.36
23 0000 01054 000	GREGORY TERRY & JOY	SE1/4 18-143-98	160
23 0000 01055 000	ARMBRUST LEON & LAURA	NE1/4 19-143-98	160
23 0000 01056 000	ARMBRUST LEON & LAURA	FRACTIONAL W1/2 19-143-98	296.96
23 0000 01077 001	PAVLICEK CURTIS & PAVLICEK LOUIE	S1/2S1/2NW1/4 29-143-98	40
23 0000 01077 002	PAVLICEK CURTIS & PAVLICEK LOUIE	S1/2 29-143-98	320
23 0000 01081 000	KADRMAS GLEN & SUSAN	E1/2SW1/4, LOTS 3 & 4 30-143-98	149
23 0000 01083 000	FISHER KATHRYN	ALL OF FRACTIONAL 31-143-98	618.8
23 0000 01084 000	RIDL LARRY R.	N1/2 32-143-98	320
24 0000 01099 000	CHIMNEY BUTTE LAND CO. LLLP	ALL OF FRACT. LESS 8.27 ARW, LESS 134.67 AC TRACT & 7.37 AC PRIVATE EASMT, 4-143-99	489.85
24 0000 01106 000	CHIMNEY BUTTE LAND CO. LLLP	N1/2 LESS 4.91 ARW 9-143-99	320
24 0000 01107 000	KESSEL PATRICK & SHIRLEY FAMILY TRUST	S1/2 LESS 12.01 ARW 9-143-99	320
24 0000 01109 000	MARX PATRICK	SE1/4 LESS 2.51 ARW 10-143-99	160
24 0000 01115 000	HECKER RAYMOND	SW1/4 LESS 1.61 ARW 13-143-99	160
24 0000 01117 000	GREGORY TERRY & JOY	E1/2, SW1/4 LESS 5.72 ARW 14-143-99	480
24 0000 01118 000	MARX PATRICK	NW1/4 LESS 2.52 ARW 14-143-99	160
24 0000 01119 000	MARX PATRICK	NE1/4W1/2 LESS 1 ACRE IN NW1/4 LESS 9.43 ARW, LESS 40 ACRES IN SW/14, 15-143-99	439
24 0000 01119 001	MALKOWKSI KASEY & DARNYL	SE1/4 15-143-99	160
24 0000 01120 000	KESSEL PATRICK & SHIRLEY FAMILY TRUST	E1/2NE1/4 LESS 8.54 ARW 16-143-99	80
24 0000 01121 000	KESSEL ANITA FAYE RLT	W1/2NE1/4 LESS 1.27 ARW 16-143-99	80
24 0000 01122 000	MALKOWSKI ROGER & KATHLEEN	SW1/4 LESS 1.02 A. IN SW1/4 16-143-99	160
24 0000 01123 000	MUELLER CHISSEY A. & DOELZ EUNICE A.	SE1/4 LESS 7.66 ARW & .96 A. 16-143-99	160
24 0000 01124 000	KESSEL ANITA FAYE RLT	ALL LESS 7.08 ARW 17-143-99	640
24 0000 01130 000	KNUDTSON HAROLD	E1/2 LESS 8.01 ARW 21-143-99	314
24 0000 01131 000	MUELLER CHISSEY A. & DOELZ EUNICE A.	W1/2 LESS 1.02 A IN NW1/4 21-143-99	320
24 0000 01132 000	KNUDTSON HAROLD	NW1/4 LESS 22 ACRES & 3.96 ARW 22-143-99	138
24 0000 01133 000	MALKOWSKI KASEY & DARNYL	E1/2 LESS A 2 ACRE TRACT IN NESE 22-143-99	318
24 0000 01133 002	MALKOWSKI KASEY & DARNYL	SW1/4 LESS A 2.875 ACRE TRACT LESS 2.22 ARW 22-143-99	157.13
24 0000 01138 000	CHUPPE GREGORY ET AL	E1/2 24-143-99	320
24 0000 01139 000	CHUPPE GREGORY ET AL	W1/2 LESS 3.22 ARW 24-143-99	320
24 0000 01140 000	REDMOND PERRY & ALICIA	ALL 25-143-99	640
24 0000 01143 000	MALKOWSKI ROGER & QWAIN	SW1/4NW1/4, W1/2SW1/4 26-143-99	120
24 0000 01143 001	MALKOWSKI QWAIN	NW1/4NW1/4 26-143-99	40
24 0000 01144 000	MALKOWSKI KASEY & DARNYL	NE1/4 27-143-99	160
24 0000 01145 000	MALKOWSKI QWAIN	20 A. IN SW1/4SW1/4 LESS 2.51 ARW 27-143-99	20
24 0000 01146 000	MALKOWSKI KASEY & DARNYL	SE1/4 27-143-99	160
24 0000 01147 000	MALKOWSKI QWAIN	E1/2NE1/4, SE1/4 28-143-99	240
24 8929720	ND STATE LAND DEPT	ND05T1430N0990W	159.46
24 8929984	ND STATE LAND DEPT	ND05T1430N0990W	638.48
28 0000 01242 000	TACHENKO CODY J & JANELL	LOTS 1-4 LESS 2.62 ARW 5-144-98	201.06
28 0000 01243 000	TACHENKO CODY J & JANELL	S1/2N1/2, S1/2 LESS 2.63 ARW 5-144-98	477.37
28 0000 01246 000	TACHENKO CODY J & JANELL	SE1/4NW1/4, E1/2SW1/4, SE1/4, LOTS 6,7 LESS 3.11 ARW 6-144-98	347.28
28 0000 01247 000	TACHENKO TERRY D. & TERRI L.	NE1/4 LESS 1.62 ARW 7-144-98	160
28 0000 01248 000	TACHENKO CODY J & JANELL	SE1/4, E1/2W1/2, LOTS 1-4 LESS 1.49 ARW 7-144-98	454.96
28 0000 01249 000	TACHENKO TERRY D. & TERRI L.	ALL 8-144-98	640
28 0000 01250 000	TACHENKO TERRY D. & TERRI L.	N1/2 9-144-98	320
28 0000 01251 000	TACHENKO TERRY D. & TERRI L.	SW1/4 9-144-98	160
28 0000 01252 000	TACHENKO TERRY D. & TERRI L.	SE1/4 LESS 2 ACRES 9-144-98	158
28 0000 01264 000	TACHENKO CODY J & JANELL	NW1/4 LESS 8 ACRES LESS 8.48 ARW LESS 2.94 ARW 15-144-98	152
28 0000 01267 000	TACHENKO TERRY D. & TERRI L.	SW1/4 LESS .46 ARW LESS 2.18 ARW 15-144-98	160
28 0000 01270 000	TACHENKO TERRY D. & TERRI L.	NW1/4 16-144-98	160
28 0000 01271 000	TACHENKO TERRY D. & TERRI L.	ALL 17-144-98	640
28 0000 01272 000	TACHENKO CODY J & JANELL	ALL OF FRACTIONAL 18-144-98	615.44
28 0000 01273 000	TACHENKO TERRY D. & TERRI L.	ALL OF FRACTIONAL LESS 4.82 ARW 19-144-98	616.32
28 0000 01274 000	HURT FLOYD R & MURIEL E TRUST	E1/2 LESS 2.51 ARW 20-144-98	320
28 0000 01275 000	HURT FLOYD R & MURIEL E TRUST	ALL LESS 6.67 ARW, LESS 4.27 ARW 21-144-98	640
28 0000 01294 000	HURT FLOYD R & MURIEL E TRUST	NW1/4 LESS 2.51 ARW 28-144-98	160
28 0000 01297 000	KUNTS FLORIAN J & DEBORAH K	ALL OF FRACT. LESS 4.82 ARW 30-144-98	616.64
28 0000 01298 000	SIMNIONIW DIXIE	ALL OF FRACT. LESS 3.22 ARW 31-144-98	616.76
28 0000 01299 000	SIMNIONIW DIXIE	ALL 32-144-98	640
28 8942861	ND STATE LAND DEPT	ND05T1440N0980W	319.07
28 8942903	ND STATE LAND DEPT	ND05T1440N0980W	319.75
29 0000 01312 000	SCHNEIDER GREGORY	LOTS 1, 2, S1/2NE1/4, SE1/4 LESS 1.61 ARW 1-144-99	341.41
29 0000 01313 000	TACHENKO CODY J & JANELL	W1/2 FRACT. LESS 5.35 ARW 1-144-99	341.75
29 0000 01314 000	TACHENKO S & V FAMILY TRUST/LE	LOTS 1,2, S1/2NE1/4, SE1/4 LESS 26.90(HWY 85) LESS .51 ARW 2-144-99	342.12
29 0000 01324 000	TACHENKO S & V FAMILY TRUST/LE	ALL LESS 30.63 (HWY 85) LESS .52 ARW 11-144-99	640
29 0000 01325 000	TACHENKO CODY J & JANELL	NW1/4 LESS 1.61 ARW 12-144-99	160
29 0000 01326 000	TACHENKO CODY J & JANELL	ALL LESS .21 ARW 13-144-99	640
29 0000 01327 000	TACHENKO S & V FAMILY TRUST/LE	E1/2, NW1/4 LESS 7.60 ARW 14-144-99	480
29 0000 01327 001	HAAG JAMES & ROXANN	A 109.20 ACRE TRACT IN THE SW1/4 14-144-99	109.2
29 0000 01328 000	KLATT LEO & LORETTA	ALL LESS 23.86 ARW 15-144-99	640
29 0000 01331 000	KESSEL JOSEPH & JOANN	ALL LESS .06 ARW 21-144-99	640
29 0000 01331 001	KESSEL JOSEPH & JOANN	E1/2 LESS 2.5 HWY ARW 22-144-99	320
29 0000 01331 002	KESSEL JOSEPH & JOANN	W1/2 LESS 2.5 HIWAY ARW 22-144-99	320
29 0000 01332 000	HAAG JAMES & ROXANN	ALL 23-144-99	640
29 0000 01333 000	HAAG JAMES & ROXANN	SW1/4 24-144-99	160
29 0000 01333 001	KADRMAS ROQUE D & KAREN	SE1/4 24-144-99	160
29 0000 01333 002	KADRMAS ROQUE D & KAREN	S1/2NE1/4 24-144-99	80
29 0000 01333 003	HAAG JAMES & ROXANN	NW1/4 24-144-99	160
29 0000 01333 004	HAAG JAMES & ROXANN	N1/2NE1/4 24-144-99	80
29 0000 01334 001	KADRMAS ROQUE D & KAREN	NW1/4S1/2 LESS 1.61 ARW 25-144-99	480
29 0000 01336 000	HAAG JAMES & ROXANN	NE1/4 26-144-99	160
29 0000 01336 001	HAAG JAMES & ROXANN	A 11.68 ACRE TRACT IN THE NW1/4 26-144-99	11.68
29 0000 01336 002	KADRMAS ROQUE D & KAREN	NW1/4 LESS 11.68 ACRES 26-144-99	148.32
29 0000 01337 000	KADRMAS ROQUE D & KAREN	S1/2SW1/4 26-144-99	80
29 0000 01337 001	KADRMAS ROQUE D & KAREN	N1/2S1/2 26-144-99	160
29 0000 01344 000	CHIMNEY BUTTE LAND CO. LLLP	ALL LESS 7.18 ARW 33-144-99	640
29 0000 01345 000	O'BRIEN TIM & KAREN	NE1/4 34-144-99	160
29 0000 01346 000	CHIMNEY BUTTE LAND CO. LLLP	S1/2 LESS 1.79 ARW; LESS 6.84 ACRES TOWER SITE 34-144-99	313.16
29 0000 01347 000	KADRMAS ROQUE D & KAREN	ALL 35-144-99	640
29 8943784	ND STATE LAND DEPT	ND05T1440N0990W	478.84