

Billings County Zoning Meeting April 21, 2016

Members present: Anita Kessel, Cathy Cerkoney, Joseph Kessel, Connie Kasian and John Tczap.

Members absent: Karen Putnam & Paul Krush

Others present: Tax & Zoning Director Stacey Swanson, Deputy Tax & Zoning Director Juliana Pemberton, Thomas Johnson, Winnie Chin, Dan Hedrington, Scott Lange, Albert Kessel, Laura Grzanic, Gary Webb, Stacey Kessel, Greg Kessel, Don Heiser, Bill Prentice, Andreina Pena-Isea, Carlos Garcia, Tom Williams, Mary Anderson, Wally Owen, Allan Richard, Rose Andreas, Leo Schneider, Margie Lindbo, Valerie Naylor, Tim Hendricks, Anthony Kessel, Jasmin Teigen, Jeff King, Pat Hedstup, Doug Ellison, Clarence Sitter, Terry Johnson, Mary Abrahamson, Donna Adams, Jeff Iverson, Jan Swenson, Loren Bock, Anita Adams, Eugenia Dietz, Kathleen Hanson, John Hanson, Lants Hurt, Fred Sorenson, Heidi Riddle, Wendy Ross, Linda Weiss, Tama Smith, Lester Iverson, Jason Kastrow, Bobbi Strait, Richard Brown, Scott Cymbaluk, Steven Klym, Mitch Gilseth, Karen O'Brien, Susan Boyce, John Boyce, Pat Rummel, Richard Volesky, Andrew Haffner.

The meeting was called to order by Chairman John Tczap at 1:00pm.

Anita Kessel moved to approve the minutes from the March 17, 2016 regular zoning meeting. Connie Kasian seconded. All voted aye.

Jeff & Rhonda King: Application for a Conditional Use Permit for Tract 3, Merrifield Creek Ranch Estates subdivision 27-139-100 (14625 Plumley Draw Rd). Requested is a change of use from a single family residence to a residence with lodging or a bed and breakfast inn. A Variance has also been requested to allow one rv as a seasonal lodging facility, subject to permitting by the health departments. Property is zoned agricultural. Director Swanson introduced the application. Jeff King was present and stated that it would be for one or two couples to stay. Fred Sorenson was present and owns the adjacent property and has no opposition to the permit. Anita moved to approve the application and variance conditional upon ND Health Department approval. Joe Kessel seconded. All voted aye.

Steven Klym: Application for a minor subdivision in the N1/2NE1/4 22-140-100 (3309 134th Ave SW). Tract will be approximately 2 acres. Request to rezone the proposed tract from agricultural to residential. A Variance has also been requested for the size of the lot. Property is currently owned by Steven Klym & Jonathan Klym. Current home is between the new parcel and the road. The two acre site would be large enough to place sewer and water. Steve was present to answer questions. Anita Kessel moved to approve the minor subdivision and the variance for the two acres. Cathy Cerkoney seconded. All voted aye. Anita Kessel moved to approve the zoning change from agricultural to residential. Joe Kessel seconded. All voted aye.

Scott & Angella Cymbaluk: Application for a minor subdivision in the SE1/4NE1/4 36-141-99 (2993 126th Ave SW). Tract is approximately 11 acres. Property is zoned agricultural and currently owned by Ronald Rodakowski, etal. Swanson presented an air photo. There will be no change in use. It is more than five acres so it may remain agricultural. Scott was present to answer questions. Connie Kasian moved to approve the application. Cathy Cerkoney seconded. All voted aye.

Meridian Energy Group, Inc: Application to rezone 717.06 acres in sections 1, 2, and 12 139-100 to Industrial. Current Zoning varies from Agricultural and Residential. Conditional Use Permit requested for the Davis Refinery, an approximately 55,000 barrel per day petroleum refinery. The proposed refinery and associated structures will be constructed in two phases, with the initial design capacity of 27,500 bpd capacity. Description of parcels included in the request:

1. 1 acre residence in the NE1/4 1-139-100 (3634 132nd ½ Ave SW), Residential zoning. Property is currently owned by Bonnie L. Heiser;
2. 61.30 acres in the NE1/4 1-139-100 (3636 132nd ½ Ave SW), Agricultural zoning. Property is currently owned by Bonnie L. Heiser;
3. 24.4 acre parcel in the NW1/4 1-139-100, Ag w/ 1 acre Residential spot zoning. Donald Heiser;
4. 176.2 acre parcel in the W1/2 1-139-100 (13261 37th St SW), Ag w/ 10 acres Residential spot zoning. Property is currently owned by Greg & Stacey Kessel;
5. SE1/4 S OF BNRR LESS RR ARW 2-139-100, 104.36 acres, Agricultural zoning. Property is currently owned by Greg Kessel;
6. N1/2SE1/4 N OF BNRR LESS RR ARW 2-139-100, 29.8 acres, Agricultural zoning. Property is currently owned by Greg Kessel;
7. N1/2 12-139-100, 320 acres, Agricultural zoning. Property is currently owned by Greg Kessel.

Tax and Zoning Director Swanson introduced the application. Don and Bonnie Heiser and Greg and Stacey Kessel own the properties. Swanson stated that Meridian would present the project and then other interested parties would have the opportunity to comment. Dan Hedrington from SEH Engineering presented the project, that it was to provide connectivity to rail and pipelines. Bill Prentice stated that they felt that Billings County was the best place for the project. Dan Hedrington presented a map of the project and stated that the southern portion of the property would be held for storage and possible future expansion. He also stated that Burlington Northern has been contacted and is in support of the project and that they have been in communication with State agencies regarding the Air and Water permitting process. The wastewater treatment plan would be a closed loop system and they are trying to mitigate any visual impact by using earth tone structures and NDSU is working on screening and blending ideas for the project. They are planning on using downcast lights anywhere possible. Scott Lang from SEH stated that environmental reviews have begun and the wildlife, wetlands and cultural studies have been sent to the agencies. Initial review didn't show any threatened species. They will be working with the Army Corp of Engineers on any wetlands mitigation. Discussion ensued regarding the sources of water that they will be using and that has not been finalized. They have discussed with Roughrider and MDU and stated that no issues are expected with power. They stated that 38th street has been built up and paved and they are planning on upgrading the roads to accommodate 105,500 weight. All access will be from the south. They are working with emergency services on a local plan, but they would have trained emergency management on staff.

John Tczap opened the floor to adjacent landowners. Swanson did a roll call of landowners that had been sent a letter of notification of the project. Karen O'Brien stated that she approved of the project. Heiser – not present. Doug Kessel - Karen O'Brien was present and stated that she was representing them also. Erickson – not present. Redmond – not present. Bill Reis – not present. John & Nancy Duletski – not present. Dave Jurgens – not present. Joseph Schmidt – not present. Loren Bock – stated that his only concern is dust control on 132nd. George Hoffman – not present. Allan Richard – stated that he approved if paved.

John Tczap then opened the floor to other county residents – Laura Grzanic questioned where the well would be located and whether it would affect her aquifer and whether dust would affect her animals. Dan Hedrington stated that it would be a completely separate aquifer and there would be dust control in place. Wendy Ross, Superintendent of Theodore Roosevelt National Park stated concern was the resource impacts on the National Park, the visitor experience and the Class 1 airspace. Dan Hedrington stated that the operation would meet the requirements. Pat Hedstrup questioned the telephone lines in the area and stated that since rail facility was built they have had many problems with the phone system. Dan stated that surveys

would show where the utilities are located. Mary Anderson questioned the noise impacts. The project would have to comply with the Billings County noise ordinance. Steve Klym was present and stated his family lives about 3-4 miles from project and is not concerned. Allan Richard stated that he was for the project and the jobs it would bring to the community. City of Medora Mayor Doug Ellison asked questions regarding the emissions. Dan stated that they would use air cooling and lower water consumption which will lessen the steam emission.

John Tczap then opened the floor to others present at the hearing - Belfield Mayor Leo Schneider stated he was 100% for the project. Valorie Naylor stated that she was very against the project. Jan Swenson from Badlands Conservation Alliance spoke out against the project. Gary Webb from CHS was present and stated that he was for the project.

The board recessed for a 10 minute break.

John Tczap called the meeting back to order at 2:40pm.

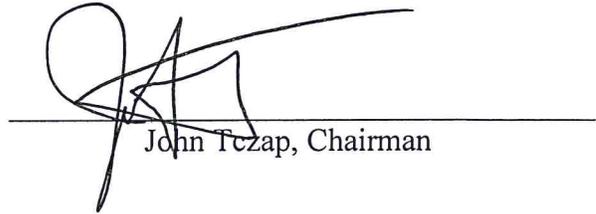
Greg Kessel stated that he is a board member with Meridian and had his concerns regarding the environment answered and felt comfortable with the project and the company and that he felt that Meridian is going above and beyond to address all concerns.

Tax & Zoning Director Stacey Swanson went over her staff report, which is available at the Billings County Auditor's office, and addressed all portions of the zoning ordinance that this application would fall under. Meridian stated that they would be able to comply with all concerns she stated in the Staff report. Swanson recommended approval of the project contingent upon all ordinances being complied with. John Tczap questioned whether they would need more time to make sure they could comply. Anita Kessel moved to rezone to industrial, contingent upon complying with permitting processes and each of Swanson's recommendations. Cathy Cerkoney seconded. All voted aye. Anita Kessel moved to approve the Davis Refinery Conditional Use permit. Connie Kasian seconded. All voted aye.

With there being no further business, John Tczap adjourned the meeting at 3:35P.M.



Marcja Lamb, Secretary



John Tczap, Chairman