

Billings County Planning and Zoning Committee

May 13, 2010

2:00 P.M.

Members present: Joe LaDuke, Anita Kessel, John Tczap, Connie Kasian, Jim Arthaud, Paul Krush, Cathy Cerkoney

Others present: Jeff Iverson, Marcus J. Hall, Terry A. Fleck, Alan & Lyn Bjornson, Sheila Marie, Jeremy Wood, Rachelle Weiler, Heidi Uecker, Teresa Roberts, Gene Buresh, Ken Abrahamson, Mary Griffin, Todd Corneil, John Boyce, Susan Boyce, Sue Finneman, Emanuel Culman, Richard Volesky, Teddy Finneman, Ted Tescher, Donovan O'Brien

Cathy Cerkoney moved to approve the minutes of the January 14, 2010 meeting. Paul Krush seconded. All voted aye.

Chairman LaDuke excused himself as chairman and a voting member of the committee for the first segment of the meeting concerning his own zoning request.

Joe LaDuke requested approval for a minor subdivision of 40.99 acres that in sections 32 and 33 139-102. He is purchasing this tract from the owners of the Merrifield Creek project. Joe LaDuke noted that the roads in the Merrifield Subdivision will be widened, and it will be done by the end of summer. Anita Kessel moved to approve the request. Connie Kasian seconded. All voted aye.

Chairman LaDuke resumed chairing the meeting.

Von and Noreen Johnson submitted an application to build a 50' x 60' shop addition on to an existing machine shed in NW1/4 35-141-99. With there being no objections from the crowd, Anita Kessel moved to approve the application. Paul Krush seconded. All voted aye.

Al and Lyn Bjornson submitted a new construction permit to build a cabin and barn in SE1/4 5-239-102. Lynn Arthaud questioned whether a fire truck could get access. John Tczap moved to approve the permit subject to Fire Chief Tim Solberg inspecting the site for fire suppression access. Jim Arthaud seconded.

Joe Schmidt and Heidi Uecker requested a variance to keep the lot they purchased in SESE 36-140-100 zoned agricultural so he can keep horses on the 7 acre tract. Cathy Cerkoney moved to approve a conditional use permit for as long as they owned the property and keep the manure cleaned up so it doesn't cause an odor problem. Upon sale of the property to new owners, the conditional use permit becomes void. Connie Kasian seconded. All voted aye. They also requested a special use permit to move in a pre-constructed horse barn. Anita Kessel moved to approve the special use permit. Paul Krush seconded. All voted aye.

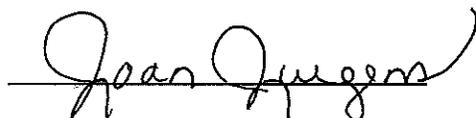
The board reviewed the temporary use permit granted to John Wurzer on March 11, 2010. The 60 day permit expires May 13, 2010. Mr. Wurzer was notified of this meeting, but was not in attendance. Lynn

looked at the site two days before the meeting and at that point the horses were still in the area. The board instructed a letter be sent to Mr. Wurzer.

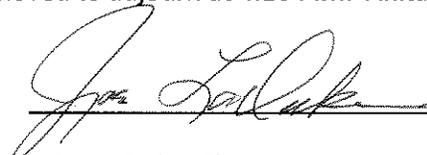
Gary Peterson submitted an application to construct a pole barn in the SE1/4 34-140-102. The board tabled this matter until Mr. Peterson can attend a zoning meeting. The board requested some research be done to determine whether a variance was previously granted.

Joe and Sue Finneman met with the board concerning their proposed Maltese Village subdivision plat consisting of 74.47 acres in section 28-139-102. Sue gave a short PowerPoint presentation. Ted Tescher spoke in opposition of the development because he feels it will be too much strain on the road department, ambulance and fire department, as well as increased traffic across his property, and trash being left on adjacent properties. John Hild spoke as an adjacent landowner, and his concerns were that in order to access the National Grasslands, potential residents would have to cross private property, traffic flow, and garbage removal. Lynn explained that the Billings County Fire Chief, 3rd district road foreman and SW Water personnel were working with the developers to address these issues, and all were present at the meeting to answer questions. A representative with SW Water stated that in her opinion, there appears to be adequate water pressure to supply all the subdivision. Whether the water will be there in the future is uncertain, and because this is a first come, first serve system, they can't guarantee service. Teresa Roberts expressed concern with dust. County Commissioner Jim Arthaud stated that the roads in the subdivision will need to be built to county specifications before the subdivision can be approved, and the county would maintain the roads and provide dust control. Marcus Hall, Burleigh County Engineer and landowner in the area, discussed some problems they have seen with subdivisions in Burleigh County and he feels that the subdivision is too dense. John and Susan Boyce concurred with Mr. Hall, that the tracts were too congested. Lynn noted that in 2007 the board adopted a resolution that a minimum buildable lot is 5 acres. Jim Arthaud noted that the issues raised were concerns shared by the county and are being addressed. Chairman LaDuke stated that the board would take all the concerns expressed today into consideration. John Tczap moved to table the matter and hold a special meeting on June 15, 2010.

With there being no further business, Connie Kasian moved to adjourn at 4:20 P.M. Anita Kessel seconded. All voted aye.



Joan Jurgens, Secretary



Joe LaDuke, Chairman