

Planning & Zoning Meeting - 2/28/12 5pm, Commissioners Room

Members Present: Dale Patten, Deidre Berquist, Kris Pacheco, Justin Voll, Les Haugen, Carol Norgard, Kris Mrachek, Darrel Flagen, Paul Wisness, Rod Landblom, Gene Buresh, Lisa Pall.

Nomination for Chair: Motion by Dale for Carol Norgard (declined), Paul moved for Dale, second by Darrel. Motion passed.

Nomination for Vice Chair: Motion by Paul for Carol, second by Dale. Motion passed.

Interim motion for Secretary: by Dale for Deidre Berquist. Accepted.

Dale briefly touched on the meeting requirements, etc.

Around the table introductions.

Dale gave some updates on the "headhunter" process with finding candidates for the P&Z positions; phone interviews have been conducted and a candidate is being looked at from ID. Also, the City & County are exploring the option of having a joint P&Z venture with Curt Moen as the head of the joint department with a minimum of 4 employees, up to 6 total. If this is not an avenue to be taken, the County department would need at least 3 employees. This is in process, still in the discussion stages, but Dale wanted everyone to be aware of what is being considered and get everyone's thoughts. Housing space is an issue, office space also.

Darrel brought up about building inspector issues, he has been approached by other organized township officers about what can be done for inspecting buildings.

There are 15 organized townships in the County; 9 have enacted their own zoning ordinances and the other 6 have indicated that they will go with the County's ordinance. There have been several townships that have indicated that they will turn over their zoning to the County when our ordinance is finished.

Rod did an introductory presentation. See attached.

Key points noted by Rod: Need a capable & willing individual to head the P&Z department, meetings need to be determined how often, this board is the recommending board to the County Commissioners not the deciding boards, enforcement is a large part of a successful ordinance.

Paul was clarifying the township power; it can trump County but still has to abide to the State regulations.

Les brought up about sewer regulations and wanted to clarify that those issues are up to the State not the zoning boards, which is true.

Dale brought up that these are considered public meetings and notice shall be posted of the meetings in the future. He also mentioned that the Commission should meet twice a month.

Kris wanted to know what the status is of the formal zoning ordinance and what to tell inquiring individuals, answer was the 6 month time frame still applies.

Dale brought up that County adopted the State Building Code by resolution at the last meeting. Also Dale noted that when the State was asked about a joint powers agreement and we still are unanswered as of now.

Les wanted to know how the development of the land classes will be done, Rod answered that we as the commission will decide how and where the land development areas will be.

Gene went over the Zoning Ordinance Contents. See attached.

Points brought up by Gene: enforcement is huge, the main thing will be that this is a learning curve for the County's residents and a work in progress since we don't have any zoning currently, keep in mind the public meeting process in regards to the hearings and timeframes for notices for the public to comment.

Rod noted that once a township relinquishes their zoning power, they can't get it back.

Paul questioned that if a single person objects to a zoning issue, it does indeed have to be held up for a decision by the board. 30 day time frame to appeal on issues if the County Commission determines that it is credible.

Darrel noted that he is concerned about people that have moved in and are now here long enough for residency and therefore can object to issues.

Rod mentioned that we are all in new territory and will face new challenges every day with this zoning venture as we encounter issues that haven't come up before.

Gene brought up that these are not legal opinions; once the comprehensive plan and zoning ordinance are developed, our State's Attorney will need to review it for accuracy before it goes in place.

Paul mentioned about taping the meetings in addition to the minutes, not required unless it is considered an executive session.

Gene noted that one of the biggest issues will be grandfathering issues.

Carol questioned what constitutes grandfathered, and Gene answered that anything existing at the time of the ordinance being adopted is automatically grandfathered in.

Lisa wondered if we have a moratorium on mancamps, we do not currently.

Les questioned if an individual wants to develop a mancamp while being surrounded by ag land and if the use will change and if it will be allowed; if there are no

Kris brought up about if anyone would like to see how the City of Watford City handles the P&Z requests, please attend the regular meetings that are the last Mondays of the month at 6pm at City Hall.

Lisa questioned if a permit is required for an oil well within city limits or the ETA, not currently an issue.

Paul brought up that he found an old land use planning ordinance from his grandfather in 1941, Deidre has it available for anyone who wishes to read through it.

Dale brought up the next meeting dates, Tuesday March 13th at 5:30pm and Tuesday March 27th at 5:30pm. Gene will have meeting documentation that will be distributed to members by Deidre a week prior to the meetings.

Deidre Berquist, Secretary

Dale Patten, Chairman

**Planning and Zoning Meeting
March 13, 2012**

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on March 13, 2012. Present: Daryl Flagen, Kris Mrachek, Carol Norgard, Les Haugen, Dale Patten, Deidre Berquist, Kris Pacheco, Justin Voll, and Dana Wold. Representing Roosevelt-Custer Regional Council was Gene Buresh and Lisa Call. Chairman Patten called the meeting to order at 5:30 pm.

As stated in the state century code the recorder of these meetings will be the County Auditor or someone appointed by the Auditor.

The following correction was made to the February 28, 2012 minutes. Les questioned if an individual wants to develop a mancamp while being surrounded by ag land and if the use will change and if it will be allowed; if there are no objections. Voll moved and Flagen seconded approving the minutes of the February 28, 2012 minutes as corrected. All voted aye, motion carried.

Chairman Patten gave a brief staffing update. Telephone interviews were held with three individuals and one has been selected for an additional in person interview to be done on Friday, March 16, 2012.

Patten reported on discussion with States Attorney Johnson regarding a moratorium on mancamps. A moratorium cannot be done until a plan is in place.

Buresh requested clarification regarding the identification of this group in the zoning ordinance. It was decided to call it the Planning and Zoning Commission.

Buresh also stressed the importance of creating a documented inventory of what is out there in order to determine what will be grandfathered in once the zoning ordinance is approved. This could possibly one of the first responsibilities of the planner along with determining the responsibilities of the inspector.

At this time the City of Watford City has not discussed the option of a joint planning department with the County any further; the County will continue its process to hire a planner and inspector all the while keeping the city informed of the process.

Buresh began outlining the definitions in the Draft Zoning Ordinance. The following were identified for further discussion.

- Commercial feedlot: is 300 animal units sufficient in determining a commercial feedlot or should this possibly 1,000 animal units?
- Farm: does 40 acres qualify as a farm, or should this be 80 acres as used for assessing purposes?

Fences and hunting lodges will need to be added to the definitions in the ordinance. Definitions can be added as the process continues.

Organized townships with implemented zoning that want to adopt the county zoning ordinances would have a few options: 1) They could reverse their motion to enact zoning thus placing the county zoning back in effect, 2) They can relinquish their zoning rights to the county (cannot get them back), 3) They can request through a joint powers agreement that the county enforce the township zoning ordinances (unlikely to be granted).

The ordinance would go into effect 30 days after the first publication of notice of adoption. If there is an objection, it is placed on hold for further review. Objections need to be in writing and specifically identify what is legally wrong with the ordinance.

As discussed on page 15 is eighteen consecutive months the appropriate time frame for a nonconforming use to be discontinued to be no longer grandfathered in, this will also need to be reviewed. Other items identified for further discussion were determination of what a subdivision is, addressing the number of highway approaches, and the setback of shelterbelts and buildings.

Buresh would like to address districts and pre-existing non-commercial uses at the next meeting.

The next scheduled meeting is Tuesday, March 27th and the April meetings were set for April 12th and April 24th all beginning at 5:30 pm in the County Commission Room at the McKenzie County Courthouse.

The meeting adjourned at 7:10 pm

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND, on March 27, 2012. Board members present: Dale Patten, Les Haugen, Kris Mrachek, Carol Norgard, Daryl Flagen, and Paul Wisness. Also present: Gene Buresh, RCRDC, and Brad Rogers, Moreland Property Group, Richmond, Virginia. Chairman Patten called the meeting to order at 5:38 p.m.

Due to the County Auditor and staff attending meetings in Williston, Carol Norgard was appointed to take minutes for this meeting.

Minutes of the March 13, 2012 meeting were reviewed and two grammatical situations were changed. A motion was made by Mrachek to approve the minutes as amended and seconded by Wisness. All voted aye. Motion carried.

Chairman Patten reported that Deidre Berquist has resigned as Tax Director and also as a board member of the Planning and Zoning Commission. The County Commissioners will appoint a replacement at the April Board Meeting.

Chairman Patten reported that Walter Hadley, Kellogg, Idaho, has accepted the position of County Planner and will begin employment on May 1.

A discussion was held regarding the option of a joint planning department with Watford City. The consensus was that it would be best not to consider that option.

Brad Rogers, Moreland Property Group, Richmond, Virginia, attended the meeting as he was in Watford City looking for potential property locations.

Gene Buresh presented the information regarding Districts.

Agricultural Districts:

- 3.4.3 1) Regarding single family non-farm residential. How many acres in a lot needs to be determined.
- 3.4.3 2) Public and Parochial schools was deleted.
- 3.4.3 6) Hazardous waste sites will be discussed at a later meeting.
- 3.4.3 8) Railroad tracks and spurs needs to be determined.
- 3.4.3 13) P & Z can permit gathering lines for oil and gas. Needs to be determined.
- 3.4.3 17) Excavation of sand, gravel, scoria and clay. The dollar value of the

cubic yards requiring a permit for general use needs to be determined. Conditions can be attached to a permit for scoria and gravel pits as to bonding and dust control, etc. Whether a bond value or if the County Commissioners will determine the amount of the bond will be discussed at a later date. Further discussion is needed regarding the setbacks for adjacent property and existing residence.

3.4.3 18) Workforce housing will be discussed in a later meeting.

Recreational Districts:

3.5.2 8) Move communication and power transmission lines and other public utility lines to Conditionally Permitted Uses.

3.5.3 1) RV parks will need signage and lot numbers indicated for emergency response.

Residential District:

3.6.3 1) Residential units will be classified as R-1 for single family units and R-2 for medium and high density.

Boarding and rooming houses will be left out of the ordinance.

3.6.4 1) The minimum lots size will be determined at a later discussion.

3.6.5 1) The minimum front and side yards will be determined at a later date.

Mobile Home District:

3.7.3 f) The allocation for open space and recreational can be a percentage of the park area or cash can be paid in lieu of. Gene will add this.

Gene will add that lot numbers and signage will be needed for emergency response.

3.7.3 i) Gene will clarify the wording of this to indicate that the mobile home park will have responsibility for road construction, maintenance, and snow removal.

3.7.3 Items 2 through 6 were deleted.

Meeting adjourned at 7:30pm.

Secretary

Chairman

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND, on April 12, 2012. Board members present: Dale Patten, Les Haugen, Kris Mrachek, Carol Norgard, Daryl Flagen, Kris Pacheco, Rick Lawlar, and Paul Wisness. Also present: Gene Buresh and Lisa Call, RCRDC, and County Auditor Linda Svihovec. Chairman Patten called the meeting to order at 5:30 p.m.

A motion was made by Flagen and seconded by Haugen to approve the minutes from the March 27, 2012 meeting. Upon roll call all members voted aye. Motion carried.

Chairman Patten welcomed new member Rick Lawlar who was appointed by the County Commissioners to replace Deidre Berquist.

Term limits for the five at large members were discussed and the following recommendation will be forwarded to the county commissioners for approval:

Two 2 year terms: Carol Norgard and Paul Wisness

Three 4 year terms: Kris Mrachek, Les Haugen, and Daryl Flagen.

Meeting dates were discussed and it was decided to cancel the meeting scheduled for April 24 due to schedule conflicts. Regular meeting dates will be scheduled going forward for the 2nd and 4th Tuesdays of each month at 5:00 p.m. May meeting dates are May 8 and May 22.

Patten shared comments from County Planner, Walter Hadley, regarding the Draft Zoning Ordinance.

The following sections of the Draft Zoning Ordinance were reviewed and discussed, and items that were in question or needed further discussion were flagged:

- 3.8 Commercial District
- 3.9 Industrial District
- 3.10 Planned Unit Developments
- 3.11 Flood Plain Overlay District
- 4.1 Sewage Disposal
- 4.2 Off Street Parking
- 4.3 Area Requirements
- 4.4 Signs and Advertising

Gene Buresh stated that those items that were changed or identified for further discussion will be highlighted and presented in an updated Draft Zoning Ordinance once the entire document has been reviewed.

Meeting adjourned at 7:00pm.

Secretary

Chairman

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND, on May 8, 2012. Board members present: Dale Patten, Les Haugen, Carol Norgard, Kris Pacheco, and Rick Lawlar. Also present: Gene Buresh and Lisa Call, RCRDC; County Auditor Linda Svihovec, and County Planner Walter Hadley. Chairman Patten called the meeting to order at 5:00 p.m.

Chairman Patten introduced McKenzie County Planner Walter Hadley to those present.

A motion was made by Norgard and seconded by Pacheco to approve the minutes from the April 12, 2012 meeting. Upon roll call all members voted aye. Motion carried.

Haugen requested clarification on the term lengths of elected officials serving on the board. Patten clarified that per NDCC 11-33-04: "The term of an ex officio (elected city council and county commission members) is coterminous with the member's term in the underlying office."

Buresh discussed the time frame for completing the zoning ordinance review process stating that a comprehensive plan must be in place before enacting valid zoning ordinances. Buresh explained the public hearing process and publication requirements.

The following sections of the Draft Zoning Ordinance were reviewed and discussed, and items that were in question or needed further discussion were flagged:

- 4.5 Commercial Feed Lots
- 4.6 Sanitary Landfills and Solid Waste Sites
- 4.7 Recycling Facilities
- 4.8 Fences
- 4.9 Home Occupations
- 4.10 Adult Entertainment Centers
- 4.11 Wind Energy Facility
- 4.12 Temporary Crew Housing (Workforce Temporary Housing)

Discussion on Temporary Crew Housing was started and then tabled until the May 22 meeting. More detailed information will be available for that meeting.

Buresh and Call left the meeting at approximately 7:00 p.m. and the meeting continued with County Planner Hadley conducting discussion on the following agenda items:

- Township Zoning and contacts: Hadley recommended inviting township officers to the public meeting to give them an opportunity to be involved in the process of developing county zoning ordinances
- Building Inspection: Hadley felt that a building inspector could be utilized immediately to enforce the State Building Code which was adopted by the county

commissioners on February 1, 2012. Watford City may be willing to temporarily contract their building inspector until the county hires their own.

- Support Staff: The commission supported Hadley's request to hire a secretary. Hadley will make the request for approval to hire a building inspector and secretary at the June 4, 2012 commission meeting.
- Office Location: Options for available office space were discussed and it was decided that the former County Superintendent's office, along with the office Hadley presently occupies, would be requested for the Planning Department.
- Sample Agency Review Check List, Manufactured Homes Ordinance and Engineering Review Ordinance were presented by Hadley and discussed by the commission.
- The other agenda items were tabled until the May 22, 2012 meeting.

Meeting adjourned at 8:45 p.m.

Secretary

Chairman

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on May 22, 2012. Board members present: Dale Patten, Daryl Flagen, Rick Lawlar, Justin Voll, Les Haugen, Carol Norgard, Paul Wisness, Kris Pacheco, and Kris Mrachek. Also present: Gene Buresh, RCRDC; McKenzie County Planner Walter Hadley, Deputy Auditor Dana Wold; and interested parties were Keith Winter, Roger Chinn and Chris Kreger. Chairman Patten called the meeting to order at 5:00 PM.

The minutes of the May 8, 2012 meeting were approved as presented.

Chris Kreger, with the Indian Hills Disposal invited the Commission to a tour of their facility on July 10, 2012 beginning at 3:00 PM prior to their regular meeting.

Keith Winter, McKenzie County Grazing Association President invited the Commission to the Grazing Association Annual Membership Meeting on June 8, 2012. The Grazing Association is currently working on a proposal addressing the areas within the association boundaries.

Discussion was held on the proposed Watford City bypass, comments are due June 8, 2012.

Gene presented a draft model zoning ordinance for review.

The following sections of the Draft Zoning Ordinance were reviewed and discussed. Items that were in question or needing further discussion were flagged:

- 4.12 Temporary Crew Housing (Workforce Temporary Housing)
- 5.1 – 5.24 Subdivision Regulations (5.1 – 5.24)
- 6.1 – 6.10 Administration

Gene stressed the importance of having a comprehensive plan in place prior to the zoning ordinances. Gene will provide a new copy of the reviewed ordinance with areas to be readdressed highlighted for the June 12th meeting. Gene left the meeting at approximately 7:15 PM.

David Johnson, Pat Zavoral, and Brent Lansberg presented their partnerships proposal for a special waste landfill (Ideal Oilfield Disposal, LLC.) located in T150N R99W. Patten reminded the partnership that they will need to apply for permits once the zoning

ordinance is adopted, their presentation this evening was for informational purposes only.

Walter plans to meet with the Township Officers Association and other interest groups to get more individuals involved with this process.

Walter has visited with Forsgren Associates, Inc. in Watford City discussing building inspection services. Forsgren Associates, Inc. will prepare a proposal for the County Commissioners to review at the June 4, 2012 meeting.

Walter also presented an Agency Checklist which he feels is a communication tool to be used, and he also recommended that an engineering review ordinance and a development agreement be adopted. An example of a fee schedule was handed out for review.

Items identified for future discussion were:

- Engineering contract
- Legal counsel (which is outside the scope of the State's Attorney)

The meeting adjourned at 8:19 PM

Secretary

Chairman

**Planning and Zoning Commission Minutes
June 12, 2012**

The McKenzie County Planning and Zoning Commission met at the McKenzie County Rural Water Building in Watford City, ND, on June 12, 2012. Board members present: Les Haugen, Carol Norgard, Kris Pacheco, Daryl Flagen, Paul Wisness, and Kris Mrachek. Also present: Gene Buresh and Ashley Martin, RCRDC; Brent Crowther, Forsgren; County Planner Walter Hadley, County Tax Director Courtney Lovaas, and County Commissioner Roger Chinn. Norgard called the meeting to order at 5:00 p.m.

The minutes of the May 22, 2012 meeting were approved as presented.

Buresh discussed the need for a public input meeting for the comprehensive plan. Discussion was held on whether to hold a number of meetings in different areas of the county. County Planner Hadley suggested holding one meeting for a longer period of time. A decision was made to finalize the public input meeting date at the June 26, 2012 meeting.

A motion was made by Flagen and seconded by Pacheco to change the definition of a farm from at least eighty (80) acres to at least forty (40) acres. All voting aye, motion carried.

The following sections of the Draft Zoning Ordinance were reviewed and discussed, and items that were in question or needed further discussion were flagged:

2.6 Nonconforming Use

A decision was made to change twelve (12) consecutive calendar months to six (6) consecutive calendar months.

2.11 Highway Access

3.4.2 Permitted Uses

3.4.3 Conditionally Permitted Uses

A motion was made by Mrachek and seconded by Pacheco to remove the wording "or for uses requiring less than 100,000 cubic yards of excavation" from section 15-F. A conditional use permit will be required for all pits. Voting aye: Norgard, Pacheco, Flagen, Mrachek. Voting nay: Haugen, Wisness. Motion carried.

3.6.2 Residential, Low Density District

Buresh and Martin left the meeting at approximately 6:30 p.m.

County Planner Hadley introduced Brent Crowther with Forsgren to discuss building inspections. Crowther stressed the importance of an inspection department and briefly spoke on the experience that Forsgren can bring to the county. A motion was made by Flagen and seconded by Wisness to proceed with building inspections and support the county in contracting with Forsgren. All voting aye, motion carried.

Other agenda items were tabled until the June 26, 2012 meeting.

Meeting adjourned at 6:50 p.m.

Secretary

Chairman

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on June 26, 2012. Board members present: Les Haugen, Carol Norgard, Kris Pacheco, Daryl Flagen, Paul Wisness, Rick Lawlar, Dale Patten and Kris Mrachek. Also Present: Gene Buresh, RCRDC; County Planner Hadley, Deputy Auditor Wold, and interested parties were Roger Chinn, Ron Anderson, Clarence Kemp along with two members of his staff from Forsgren Associates; and Matt Beard, TDH Engineers.

Chairman Patten called the meeting to order at 5:00 p.m.

Carol Norgard moved and Kris Mrachek seconded approving the June 12, 2012 minutes as presented. All voting aye, motion carried.

It was agreed to advertise the Comprehensive Plan Public Meeting to be held July 17, 2012 in the McKenzie County Farmer and the Round-up. There will be two meetings held that day with the first meeting from 12:30 p.m. till 2:00 p.m. and the second meeting from 5:30 p.m. till 7:00 p.m. both being held in the McKenzie County Courthouse Meeting Room.

Rick Lawlar moved and Daryl Flagen seconded supporting the retainer for legal services prepared by Johnson & Sundeen Law Office. All voting aye, motion carried. This proposal will be presented to the County Commissioners at the July 3rd Meeting.

Clarence Kemp, Forsgren Associates, Inc. outlined the building permit process and temporary housing fees. Building fees will be presented to the McKenzie County Commissioners on July 3rd.

Kris Pacheco left the meeting at 5:50 p.m. The committee reviewed the following portions of Draft 2 of the McKenzie County Zoning Ordinance. Items that were in question were finalized in the following sections:

The July 10th meeting will resume with discussion on the Industrial District 3.9.

Daryl Flagen left the meeting at 7:15 p.m. and the meeting adjourned at 7:30 p.m.

Secretary

Chairman

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on July 10, 2012. Board members present: Dale Patten, Les Haugen, Carol Norgard, Kris Mracheck, Kris Pacheco, and Doug Bolken. Also present were County Planner Walter Hadley, County Commissioner Roger Chinn, and Steve Schaefell, Bill Wehrli, and Geo LaRoache from McKenzie Building Center.

Chairman Patten called the meeting to order at 5:10. June 26th minutes were read and approved as presented.

The public input meeting for the Comprehensive Plan has been scheduled for July 17th and members were encouraged to attend.

Planner Hadley updated the Commission on the zoning department. Building permits were issued as of July 9, 2012 and have been well received. Planner Hadley met with representatives from the McKenzie County townships to discuss township zoning. Township boards were encouraged to make a decision to continue with their own zoning or become a part of the County zoning, Hadley encouraged them all to utilize the zoning districts the county is establishing. The County is providing Building Inspection service to the entire county at this time.

Rick Lawlar entered the meeting at 5:25.

Commission agreed to retain Ari Johnson, Attorney, to represent the Planning and Zoning Commission.

Representatives from McKenzie Building Center left the meeting at 6:40. The commission reviewed and concurred with the following portions of Draft 2 of the McKenzie County Zoning Ordinances:

- 3.9 Industrial Districts
- 3.10 Planned Unit Developments
- 3.11 Floodplain Overlay District
- 4.1 Sewage Disposal
- 4.2 Off-Street Parking

The July 27, 2012 meeting will resume with discussion on Area Requirements in section 4.3.

The meeting was adjourned at 7:30.

Secretary

Chairman

Planning and Zoning Commission Minutes

July 24, 2012

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on July 24th, 2012. Board members present: Dale Patten, Les Haugen, Carol Norgard, Paul Wisness, Rick Lawler, Doug Bolken, Gene Buresh, and Darrel Flagen. Also present were County Planner Walter Hadley, County Commissioner Roger Chinn, and McKenzie County Building Inspector Shiloh Crawford.

Chairman Patten called the meeting to order at 5:05. July 10th minutes were read. Doug Bolken voted to accept the minutes and Darrel seconded. Members voted and approved.

Gene Buresh introduced the Comprehension Plan Meeting Review and key points from that meeting.

1. Most people feel they are doing well financially.
2. Need for controlled growth.
3. Issues that need to be addressed: Social/Health/Law Enforcement and EMT Services

Also discussed was housing issues involving concerns over infrastructure and quality of life in the county. Walter suggested getting the zoning in place so there are some guidelines but leaving the book open as a mean to add/change as needed to be able to start with zoning procedures in areas that need assistance. Other discussions included the Subdivision parcel size. It was agreed that one acre is the minimum state requirement for septic so the county would stay within those means.

Walter Hadley updated the members on current data on existing projects and building permits that have been established. Board members discussed the potential money to come and impact of this new development.

Hadley then introduced the Subdivision Ordinance copies. Hadley suggested skimming through the packets and pick out key points. He also encouraged members look at what has worked or what has not and try to make the plan come together fairly soon. Plans to advertise to bring comments to Planner Walter Hadley were also discussed.

The commission reviewed and concurred with the following portions of Draft 2 of the McKenzie County Zoning Ordinances:

- 4.3 Area Requirements
- 4.4 Signs and Advertising
- 4.5 Commercial Feed lots
- 4.6 Sanitary Landfills and Solid Waste Sites

The August 14th, 2012 meeting will resume with 4.7 McKenzie County Zoning Ordinances.

The meeting was adjourned at 7:13.

Secretary

Chairman

Planning and Zoning Commission Minutes

August 14th, 2012

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on August 14th, 2012. Board members present: Paul Wisness, Dale Patten, Kris Mrachek, Les Haugen, Rick Lawler, Carol Norgard. Also present were County Planner Walter Hadley, Gene Buresh from Custer Regional Council and McKenzie County Building Inspector Shiloh Crawford.

Chairman Patten called the meeting to order at 5:05pm. July 24th minutes were read. Mrs. Carol Norgard voted to accept the minutes and Mr. Paul Wisness seconded. Members voted and approved.

Zoning ordinances draft were discussed. Walter asked to have a Draft 3 and the Comprehensive Plan completed and available for the public in late August or early September.

Mr. Hadley updated the members on current data on existing projects and building permits that have been established. Walter estimated \$34,000 in collected fees and that should increase substantially over the next few months. He also discussed the subdivision developments. Grandfathered status in the building department needs substantial improvement. Dale concurred that we need to allow these that are approved to get zoned correctly or completed.

Board members discussed Cities zoning boundaries and understanding county boundaries while trying to be cooperative of city ordinances. Walter suggested that as growth progresses we are seeing more quality products. Hadley suggested considering 85 south as light industrial/commercial to increase land value and indirectly move hap hazard temporary housing out.

Building permits were questioned in the sense of permitting certain individuals. Shiloh from the Building Department explained the value of permits and value and safety of structures. The members discussed the differences between the building permits and zoning but understanding that the two entities would always work together.

Members looked over the Dunn County Comprehensive Plan and Gene discussed the current conflicts they are having with rural preservation and development. Buresh explained that their zoning board approved industrial in agriculture in that county and recapped McKenzie County Members that if areas are not listed as an allowed or conditional use the permits will not be allowed in the particular zone.

The commission reviewed and concurred with the following portions of Draft 2 of the McKenzie County Zoning Ordinances:

4.7 Recycling Facilities

4.8 Fences

4.9 Home Occupations

4.10 Adult Entertainment Centers

4.11 Wind Energy Facilities

4.12 Temporary Crew Housing - Carol voted to remove "RV" and add "Modular Structures" and Kris seconded. Members voted and approved.

5.5 Permits, procedures, and fees - Members agreed to pull this section out and allow the commissioners to set policy on building permits exemptions and fees.

Rick Lawler left the meeting at 7:10pm

The commission continued to review and concur with the following portions of Draft 2 of the McKenzie County Zoning Ordinances:

5.7 Temporary Use Permit

5.8 Amendments

Scoria pits and usage were discussed and Les suggested having a few of the scoria pit operators come in and discuss the usage and ordinances. Patten agreed and discussion was going to be brought over to a scoria pit operators meeting.

The August 14th, 2012 meeting will resume with Draft 3 of the McKenzie County Zoning Ordinances and Comprehensive Plan and Map review.

The meeting was adjourned at 7:53pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

September 11, 2012

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on September 11th, 2012. Board members present: Kris Pacheco, Dale Patten, Kris Mrachek, Les Haugen, Rick Lawler, Carol Norgard & Doug Bolken. Also present were County Planner Walter Hadley and Commissioners: Richard Cayko, Ronald Anderson, and Roger Chinn.

Chairman Patten called the meeting to order at 5:10pm. August 28th minutes were read. Mr. Rick Lawler voted to accept the minutes and Mrs. Carol Norgard seconded. Members voted and approved.

Mr. Dale Patten gave an update on the commissioners meeting. Dale discussed the ½ mile vs. mile away from residences for solid waste disposals and the commissioners recommended a ½ mile adoption.

Patten also talked about meeting with city and planners on the city's current and future ETA. City is currently 1 mile but is going to be extending their boundaries to 3 miles to help with future progress. Dale suggested that the company that is doing research for the county has offered their services to extend out into the county.

Patten reviewed the bypass plan as well. Commissioners have agreed to back up the Alternate Route D plan.

Mr. Walter Hadley led the discussion on the comprehensive plan. Mr. Gene Buresh was not available with the 4th draft so discussion on particular areas in the previous drafts were discussed.

- Mr. Les Haugen questioned the regulation on individual owner lands and the ability to regulate and tell people what they can and can't do.
- Mr. Patten insured that we can't make everyone happy but the board is in to place to help regulate.
- Mr. Doug Bolken explained how the board can't have everything written. He explained that to list every kind of use is impossible and the general picture is what the board is trying to accomplish.
- Mr. Patten suggested that rewrites will happen and the board will have to determine those changes based on the economic progress of the county.
- Mr. Bolken discussed the city's master plan and the need to change it over time based on the community and the needs of the community.

Mr. Bolken then discussed the city's zoning. He explained that they initially zoned everything agriculture and then further zone changes based upon requests. He also said that they publicized their initial map and there was uproar from the community on zoning issues.

Mr. Hadley then reviewed the comprehensive map that he has prepared. He explained that the board has to have some way to direct people. Mr. Patten expressed that there will be high impact and low impact areas and the need to establish intent. Board members discussed the map and expressed concern over specific areas that Mr. Hadley had classified. Mr. Hadley then reminded

members that this is why they need to do their own maps in a way so that discussion can begin and the comprehensive map can be finalized in order for the ordinances to take effect.

Mr. Haugen stated that he does not feel right about stepping on property rights of individual land owners. Board members understood his claim but issue was discussed as the purpose of the zoning board is to regulate.

Mr. Hadley led the board members on discussions of the current commercial areas and the need to zone them appropriately and establishing further areas for commercial “hot spots”. Other discussions included:

- Signs/Large Billboards: the need to regulate and also questioning the new bypass and local businesses wanting to advertise outside of previous set limits in the draft.
- Salt Water Disposals: If putting a home on salt water wells they will need to be permitted.
- Subdivision ordinances: Mr. Hadley updated the group on the subdivisions that are in the works and the few that have been recently approved.

Meeting was adjourned at 7:25pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

September 25, 2012

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on September 25th, 2012. Board members present: Kris Pacheco, Daryl Flagen, Dale Patten, Kris Mrachek, Les Haugen, Paul Wisness, Carol Norgard & Doug Bolken. Also present were County Planner Walter Hadley and Commissioners Richard Cayko and Ronald Anderson along with Ashley Martin.

Chairman Patten called the meeting to order at 5:06pm. September 11th minutes were read. Mrs. Carol Norgard voted to accept the minutes and Mr. Daryl Flagen seconded. Members voted and approved.

Financial statement was reviewed. Daryl Flagen moved to approve the financial statement and Mr. Doug Bolken seconded.

State's Attorney Ari Johnson addressed the board and issues pertaining to releasing the zoning ordinances for public comment. Mr. Johnson hasn't had time yet to review the plan but hopes over in the next day or so and has said he will contact Walter he is done with the review.

Mr. Rick Lawler arrived at the meeting at 5:14pm.

The board also asked Ari to review the comprehensive plan by October 11th and then the board will take his comments in for review at the next meeting on October 9th that has been moved to October 11th due to the NDACo Conference.

Mr. Gene Buresh confirmed that the comprehensive plan needs to be adopted first before the zoning ordinances can be adopted by the board.

The board discussed the Governing Housing Initiative. Mr. Buresh stated that he hadn't put the housing in the comprehensive plan. Mr. Hadley stated that he would like it to be in the plan for issues that may arise as our county develops.

Mr. Flagen addressed that Hwy 58 was not listed for traffic in the background report. He expressed that it may be the 3rd busiest highway in the county. He also stated that most of the land available along Hwy 58 is now commercial instead of Agricultural.

The board discussed the vision of the county. Resources and historical values were on top of the list. The board further addressed the comprehensive plan and discussed any concerns they had at this time.

Draft 5 of the Zoning Ordinances were reviewed and changes made upon discussion.

Mr. Hadley presented the Airport regulations and zoning areas. They will need to be incorporated into the plan for the future.

Mr. Hadley addressed the bonding issue. Hadley visited with Jodi Renbargen about bonding and there are challenges for contractors to get bonded. Reasons being debt, risk, etc.

Meeting was adjourned at 7:35pm with no further discussion.

Secretary

Chairman

Planning and Zoning Commission Notes

October 11th, 2012

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on October 11th, 2012. Board members present: Dale Patten, Les Haugen, Carol Norgard, Paul Wisness. Also present were County Planner Walter Hadley, Gene Buresh and Ari Johnson.

Chairman Patten addressed that, due to lack of quorum, board members present would still discuss zoning ordinances. Minutes were reviewed but no vote until the following meeting.

County Attorney Ari Johnson presented his comments on the ordinances and comprehensive plan. Mr. Johnson expressed his concern with issues that are hard to enforce. Johnson's memorandum of changes only is intended to enforce the policy issues. Johnson also stated that he would like to see some ruling process for appeals and hearings. Ari Suggested:

- Mr. Walter Hadley would send out violation notices
- Ask for hearing from the zoning board
- Ask for commissioners approval

Board members present conveyed that they were okay with that order of enforcement regarding zoning issues.

Next, Mr. Johnson addressed concerns over the comprehensive plan and as it looks today. Johnson stated that as of right now the comprehensive plan needs to be updated to be futuristic and include the long term goals of the county rather than just state what is going on at this moment in McKenzie County.

Lastly, Mr. Johnson said he felt the zoning code as written with minor changes will be enforceable and is well written for the position the board is in at this time.

Mr. Hadley introduced Morgan Chase Development. The gentleman introduced a project plan they are working on completing and getting in the process for reviews. The project consisted of a 2400 bed lodging facility on 180 acres just northeast of Watford City. They would like to request a zoning design with that would allow that type of use in the new plan. This establishment could be turned into other businesses and workforce in the future.

Hadley addressed the members that this is what kind of projects he has had come into his office and has asked the board to consider these type of developments when working on zoning areas. He reflected that these projects that are in their final phases and are of substantial quality are just closing in and areas they are planning should be zoned to be respectful to the projects.

Mr. Dale Patten directed Mr. Buresh and Mr. Hadley to finish the review with Johnson and bring comments to next scheduled meeting. Mr. Buresh and Ari will finalize the changes and separate policy items that Gene and Walter will follow up with commissioners.

Discussion concluded at 7:10pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

October 23rd, 2011

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on October 23rd, 2012. Board members present: Daryl Flagen, Dale Patten, Kris Mrachek, Carol Norgard, and Rick Lawler. Also present were County Planner Walter Hadley and Gene Buresh

Chairman Patten called the meeting to order at 5:00pm. September 25th minutes were read. Mrs. Carol Norgard voted to accept the minutes and Mr. Kris Mrachek seconded. Members voted and approved.

Board members present discussed current man camps and lodging facilities as well as future plans. Mr. Daryl Flagen questioned the availability of sewer and water. Mr. Patten addressed that the county is asking for funding to help with anticipated growth and stated that we need to have the infrastructure in place in order to bring more people in.

Board members reviewed the Zoning Ordinances and addressed the changes that Ari suggested:

- No change in Wind Energy and FEMA Floodplain
 - Provided from Century Code
- Definitions
 - Ari suggested a few items that weren't defined in the ordinances
 - Mr. Buresh suggested not defining due to the fact that vocabulary would be longer than ordinances
- Truck parking- That is an issue in Dunn County
 - Gene would like to assume the board wants to put it in either allowed in Industrial and Commercial and conditional use in Agriculture
 - Gene will revise to get Truck Parking included
- Mr. Hadley asked the board to look over the allowed uses again at the end of this to make sure the board is meeting the goals of the community
- Sanitary Landfills: ½ mile from any residence
- 4.6.7: Normal Household Quantities
 - No way to define it.
- 4.6.11:
 - Leave it in "should be encouraged"
 - Enforcing it is difficult
 - Take out mandatory
- 4.6.12
 - Accepted in the municipal land fill.
 - Take out point 2
- 4.6.15: Health Department
 - 2) And 4) Came from State Health Department.
 - Leave it as is
 - Take out "by definition"
 - Accept the changes of 58.
- Mr. Buresh will work to fix numbering issues

- 4.6.16:
 - 3) b) Will change to 24 hours after storm
- 4.7
 - Take out Recycling Facilities
- 4.9.1
 - d) Use conditional use permit
- 4.9.2
 - Change to “Farm Home Occupations”
- 4.10
 - 1) Leave it in to reinforce
 - 7) Change will be made (If they are on duty then yes)
- 4.11.2
 - 2) Change parcel to lot
 - Sentences came from Public Service Commission
- 4.11.3
 - Leave as Sitting Permit
- 4.12.1
 - Mr. Buresh explained that definitions came out of statues for what you can and can’t tax
 - Closed are favored so keeping that way
 - Mr. Buresh will move definitions to front part as well
- 4.12.5
 - Leave camp rules to owner/operators.
- 4.12.8: Should be consolidated (Strike 4.12.6)
 - Annual Review Process of camps
- Public Hearing: Maybe not to have a hearing all the time.
 - Mr. Buresh will combine all hearings into one section
 - Subdivision, Comprehensive Plans, Conditional Use
- 5.2
 - McKenzie County Planning Commission (All wording will be changed to say the same)
- 5.5
 - Mr. Buresh will work to re-draft this section
- 5.6
 - Mr. Buresh will add “Reviewable for Compliance”
- 5.8.1
 - “Planning Commission”
 - Petition vs. Application
 - Mr. Buresh will take out “County Commission”
- 5.8.3
 - Mr. Buresh felt no concerns with the change
- Enforcement: By going after the person reporting could be going back on someone that is trying to maybe do the right thing
 - Mr. Hadley will keep an enforcement list
 - Doesn’t not feel the board will keep this as a formal revolving list to look at

- Mr. Patten suggested that the board will need to pick violations right away
 - Can't look at petty things but overtime the board can bring down the enforcement strategies
- Zoning Districts:
 - Ag District: Truck parking: CUP
 - 7) "Farm Home Occupations"
 - Will add horse events to allowed uses (need to provide all off street parking)
- 3.8.5
 - 6) Mr. Lawler doesn't believe this is adequate room. Should be less.
 - Mr. Hadley stated that the board will need to be put the right residential zone next to the location
 - Mr. Patten suggested staring this point and see what public comments arrive. The board will need to try to give the residential owners a little benefit
- Mr. Buersh reviewed the Comprehensive Plan: TR Expressway: County is in support.
 - Mr. Patten stated this will provide 4 lanes and passing lanes
- Mr. Buersh will make changes to timeline for next meeting
 - The board will schedule for public hearing
 - Next meeting we will submit to Website (Nov. 13th)
 - Mr. Hadley Suggested:
 - Public Meeting Early December
 - Adopt plan in January

Mr. Patten addressed the state housing study. He feels they underestimated McKenzie County's estimated growth. They missed Watford's example of 1,500 to 10,000. Additional jobs are new and the study did not take these factors.

Mr. Patten has asked Mr. Hadley to work with Kurt on map around City. Mr. Hadley said the engineer firm is working on map. Mr. Hadley believes that the board needs to agree what to color agriculture and everything else should be clear. Dale suggested having a few individuals sit down and work with Walter and develop a map plan. Mr. Flagen addressed that when the agriculture and recreational lands are established there is less to the map for the board to define. Dale suggested Daryl, Carol, Doug, and Paul to meet with Mr. Hadley to establish areas in the county. Walter has agreed to do another map and take out all the townships to have them do their own. Walter believes the board should zone their own townships to help them be involved as well. The joined meeting maps will need to be done before the 13th.

Meeting was adjourned at 7:05pm with no further discussion.

Secretary

Chairman

Planning and Zoning Commission Minutes

November 13, 2012

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on November 13, 2012. Board members present: Daryl Flagen, Dale Patten, Kris Mrachek, Rick Lawler, Les Haugen, Doug Bolken, and Kris Pacheco. Paul Wisness and Carol Norgard were absent. Also present were County Planner Walter Hadley, Gene Buresh, and Ari Johnson.

Chairman Patten called the meeting to order at 5:00pm. October 23rd minutes were read. Mr. Rick Lawler voted to accept the minutes and Mr. Kris Mrachek seconded. Members voted and approved.

Larry Sorenson addressed the board about some concerns he has close to his homestead with a future man camp development that is in the planning stages. Mr. Les Haugen asked if the board can put a moratorium on man camps. Mr. Patten stated that as part of the legal system McKenzie County cannot establish a moratorium until zoning ordinances are in place. Mr. Walter Hadley stated that the building department is working with all projects to make sure they are getting all required approvals before issuing building permits. He also stated that at this time the board can listen to concerns but the board can't say no to developments until they have established zoning standards.

Mr. Patten asked Mr. Gene Buresh to review the ordinances and the changes that he has made with the assistance of Mr. Ari Johnson. Mr. Buresh had stated that he has changed some of the requests but left items that are covered in other ND policies. Mr. Johnson stated that in his review he was very thorough. Ari believes enforcement is the big issue with any zoning ordinance.

Mr. Patten asked the board to review the deadlines for the Comprehensive Plan, Zoning Ordinances, and Maps. Patten suggested that the next meeting (November 27th) the board will need to have everything ready to be processed for public review.

Mr. Walter Hadley updated the board on the statuses of the townships. He expressed that most of them are interested mostly in the way the county has the ordinances are written. Walter will be providing them with their own maps when zoning ordinances are released so the townships can designate their own zoning with our designations with the counties plan.

Mr. Kris Mrachek asked if it would be a possibility to provide land use scenarios online along with the ordinances to maybe help individuals out that are trying to understand the ordinances as written. Mr. Johnson advised to not give definite answers just because every situation is different in its own way but the board can provide guidance through scenarios.

The board agreed to work on the comprehensive plan and finalize so it would be ready to submit at next meeting. Mr. Buresh stated that he has made some changes to the comprehensive plan. Mr. Johnson would like to see the plan more based on long-term rather than on the emergency situation as it is now. Mr. Johnson suggested reading and trying to write what the board can agree the county should look like in the years to come.

The entire comprehensive plan was reviewed by the board members and changes made which will be available on the next draft for the November 27th meeting. The board reinforced the future of the county and preserving the agriculture lands as a larger goal.

Meeting was adjourned at 7:30pm with no further discussion.

Secretary

Chairman

Planning and Zoning Commission Minutes

November 27, 2012

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on November 27th, 2012. Board members present: Daryl Flagen, Dale Patten, Kris Mrachek, Rick Lawler, Les Haugen, Doug Bolken, and Paul Wisness. Kris Pacheco and Carol Norgard were absent. Also present were County Planner Walter Hadley, Gene Buresh, and Ari Johnson.

Chairman Patten called the meeting to order at 5:00pm. November 13th minutes were read. Mr. Daryl Flagen voted to accept the minutes and Mr. Kris Mrachek seconded. Members voted and approved.

Mr. Patten asked the board to consider the Comprehensive plan for adoption. Mr. Walter Hadley addressed that he is working with the organized townships to clarify their decisions asking them to write their joint power agreements if that is what the individual organized townships choose to do. Mr. Patten reminded the board that this will not be the finalized plan but the board does need to get it out for public comment to keep the process moving. Mr. Hadley agreed due to the fact that this document is highly requested by the organized townships before they make their final decisions.

Mr. Ari Johnson expressed that he felt that the new wording that has been applied to the Comprehensive Plan as well as the Zoning Ordinances is suitable to publish for public review.

Mr. Daryl Flagen moved to publish the Comprehensive Plan and Zoning Ordinances as amended for public review. Mr. Doug Bolken seconded the motion. All members voted "aye" and motion carried.

Mr. Walter Hadley will work with Mr. Gene Buresh to get the public notice out for review by utilizing the area newspapers and county website. The board questioned where comments should go and Mr. Dale Patten suggested that Mr. Hadley will be the public contact for comments and he can bring those comments to the public hearing. The public hearing dates were discussed and the board agreed to have the public hearing the first part of January which would allow the adoption of County Zoning later January mid-February.

Mr. Dale Patten asked for a progress update on both the Comprehensive Map as well as the Zoning Map. Mr. Walter Hadley stated that a few of the members have met with him and that he has meetings planed for others to meet with him to get final maps drawn up. Mr. Doug Bolken explained that he reviewed the maps with Mr. Hadley and feels that the maps can be easily completed. Mr. Bolken reminded a previous meeting comment that the maps may change in the future.

Mr. Hadley discussed the Subdivision ordinances and he will be working with Mr. Ari Johnson. Mr. Doug Bolken encouraged Mr. Hadley to look at the City's Development Agreement for assistance. Mr. Hadley has forwarded that information to Mr. Johnson to review.

Meeting was adjourned at 6:50pm with no further discussion.

Secretary

Chairman

Planning and Zoning Commission Minutes

December 11, 2012

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on December 11th, 2012. Board members present: Daryl Flagen, Dale Patten, Kris Mrachek, Rick Lawler, Doug Bolken, Carol Norgard, and Paul Wisness. Also present were County Planner Walter Hadley, Gene Buresh, and Ari Johnson.

Ms. Kalsey Wenger asked for a motion to elect a new board chairman. Mr. Daryl Flagen moved to nominate Mr. Dale Patten. Mr. Paul Wisness seconded. No other nominations. Ms. Wenger asked for a vote. All members voted Aye to re-elect Mr. Dale Patten as Planning and Zoning Commission Chair.

Chairman Patten called the meeting to order at 5:00pm. November 27th minutes were read. Mr. Paul Wisness voted to accept the minutes and Mr. Daryl Flagen seconded. Members voted and approved.

Mr. Walter Hadley asked the members to relook at the Allowable Uses under each district again. Mr. Hadley stated that he felt these were going to be the most looked over pieces of the document and the board should make sure they feel confident in the listed uses.

Mr. Ari Johnson expressed that he felt that there is some small confusion with the Commercial Truck Parking vs. Truck Parking in the wordage. Board members reviewed different weight classifications. A 10,000 GVW was debated as to classification on parking. Mr. Flagen asked if the signage would be different based on site. Mr. Johnson suggested eliminating "for a fee" in order to make this area enforceable and to just define what a Commercial Truck is to resolve any issues. Mr. Patten suggested the board go with a 26,000lb GVW to split the difference in truck sizes for parking/storage purposes.

Mr. Hadley stated the projected effective date of March 1st. Mr. Dale Patten reviewed that the County Commission would have to vote on the Comprehensive Plan, Zoning Ordinances, Comprehensive Map, and Zoning Map after final approval from the Planning and Zoning Commission. After the Commissioners vote, zoning will go in effect 30 days after the first publication.

The board heard from a representative from Tervita, a solid waste disposal company, with their concerns over the design standards for waste treatment facilities that are written in the counties ordinances. Tervita representatives suggested that the North Dakota has very strict solid waste requirements and would suggest eliminating the design standards that are included in the counties documents. Mr. Ari Johnson also suggested the board would leave the design standards up to the state level. The board agreed to remove the design standards for the Solid Waste Disposal Facilities within the counties zoning ordinances.

Mr. Hadley shared that the proposal with AE2S has been approved to do the finalized mapping for the county. Walter had met with Mr. Kurt Moen from the City Planning Office to review the city meeting the county lines and Kurt expressed that he liked the county's vision. Walter also stated that he has met with township supervisors multiple times and feels that they know the process for finalized adoption as well.

Mr. Dale Patten expressed concerns with the zoning south of the Watford City area to protect what is there for single family residences. Mr. Ari Johnson reviewed that the board should not zone by what is there right now but to work on zoning to meet what the county's needs. Mr. Hadley agreed to work with AE2S to get all maps drawn up for the public hearing.

Meeting was adjourned at 6:50pm with no further discussion.

Secretary

Chairman

Planning and Zoning Commission Minutes

January 22nd, 2013

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on January 22nd, 2013. Board members present: Daryl Flagen, Dale Patten, Kris Mrachek, Rick Lawler, Doug Bolken, Carol Norgard, Rick Lawler, Kris Pacheco and Paul Wisness. Also present were County Planner Walter Hadley, Gene Buresh, and Ari Johnson.

Chairman Patten called the meeting to order at 5:00pm. Mr. Patten explained the procedures for the adoption of the plans, ordinances, and maps. Mr. Patten opened up the floor for comments but asked that all discussion be held at the boards level and to not open up the discussion to the public for comments.

Mr. Roger Chinn commented that he will submit the list of typos and misplaced items to the board for their review. Also asked the board to better define “farmer” which allow a retired famer as well.

- Pg. 7 : Would like clarity in the Livestock Auction Yard definition.
- Pg. 9 : Would like the setback definition to be removed.
- Pg. 13 : 2.2- Would like the county to delete the three sub points.
 - Mr. Ari Johnson replied that it does not hinder the ordinance by including them.
- Pg. 13 : 2.3- Would like retired farmers to be included in the exceptions.
- Pg. 15 : 2.12- Does not like how this writing pushes all development to county roads.
- Pg. 15 : 2.14- Would like to know if lagoons are going to be considered for individual developments.
- Pg. 17 : 3.4.2- Instead of “farm related business” suggests using “farm based business”
 - Board agreed and will change and change definition.
- Pg. 18 : Would like 10 and 11 removed as they are handled at the state level. If they are left would like (C) given back to the engineers office instead of the County Planner.
- Pg. 19 : Asked why subdivisions are allowed only allowed one acre lots.
 - Mr. Walter Hadley stated that one acre lots are the smallest sewer will allow.
- Pg. 20: Would like both “gathering line” and “transmission line” defined.
- Pg. 20: Would like “coal mining” to be removed.
- Pg. 21: Would like the “subsurface mineral exploration” to be removed.
- Pg. 22: Would like the county to not be exempted from Excavation and Mining of Sand, Gravel, Rock, Stone, Scoria, and Clay.
- Pg. 24: Would like Agriculture to be added in as an allowed use under Recreational District.
- Pg. 33: Would like to see 3.8.3 (1) removed.
 - Board approved.
- Pg. 35: Why include the FEMA Floodplain when there is none at this time.
- Mr. Dale Patten stated that they are working on getting one and if the building is then they will be required through the banks to carry 100 year flood insurance.

- Pg. 43: Would like the Sewer Systems to be addressed elsewhere and to leave monitor at the district level.
 - The board agreed and will amend the document to fit the current standards that are in place.
- Pg. 46: Would like to know why signs be 20 square feet in allowed uses but 40 square feet in conditional uses.
- Pg. 50: Did not agree with acquiring permits for all solid waste transported within the county.
- Pg. 51: Would like commercial and industrial including of wording of 4.6.8 (4).
- Pg. 54: Would like 4.7 (3) removed.
- Pg. 59: Would like the setbacks of wind turbines to be changed to 2000 feet.
- Pg. 60: Would also like to see wind turbines have reclamation bonds of 150 percent as well.
- Pg. 62: Would like the Temporary Housing Requirements to be decided on by case.
- Pg. 67: Would like to know how variances will be granted when it states under (e) that the board shall not grant variances.
- Pg. 70: Would like the wording changed in 5.10.

Mr. Walter Hadley addressed that variances as being issued on an as needed basis for density and dimensional guidelines only. Property owners would have to present evidence to make a variance request. Mr. Ari Johnson stated that variances are not necessarily difficult to get if criteria are met but should be unusual in the county.

Mr. Leroy Lillibridge requested that the zoning at his property conform to the use he has already established as a commercial use. The board asked Leroy to submit a written request for them to change his land to commercial which would conform to the Comprehensive Plan the county has worked on establishing.

Mr. Don Davidson stated that his yard is on a section line and would like to know how the board would review him. Mr. Dale Patten stated that the board has deleted section lines but the board will continue to work on the matter.

Mr. Gary Levang questioned why the board had decided to set any setbacks. Mr. Dale Patten addressed that these were established for safety and road maintenance. Mr. Gene Buresh presented the board with surrounding county road setbacks that have already been established.

Mr. Ron Whiting questioned what the time line for voting on the ordinances was. Mr. Dale Patten responded that the adoption dates will be internally voted on.

Mr. Michael Derby requested that off premise signs be included in industrial districts.

Ms. Jane Witheridge requested that setbacks of solid waste disposals be changed from one mile to half mile.

Mr. John Poukish and Jim Huskey from the Misty Creek Subdivision addressed concerns they had regarding to their subdivision. Mr. Walter Hadley replied by answering them that since the subdivision is already platted then it would be a non-conforming single family subdivision.

Mr. Gene Transtrom addressed again that he would like the setbacks removed. Mr. Dale Patten stated that it is hard to take them out but we will be working on the current setbacks to help fulfill the needs of the county.

Mr. Louis Nelson asked that his land down by the Little Missouri River be changed to agricultural instead of recreational. Mr. Ari Johnson stated the board will need to add agricultural uses to allowed uses in the recreational districts and that would fix the issue. The board agreed that there is no problem in changing that.

Mr. Roger Thompson would like to know what the penalty is for not following the zoning ordinances. Mr. Walter Hadley that any zoning infraction would be investigated to understand the significance of it and followed up upon.

Mr. Larry Sorenson questioned if the quarter line setback is an option.

Mr. Milt Madison questioned what the process if you have a building in the planning process right now what the process will be. Mr. Walter Hadley stated that the Planning Commission is looking at a one to two month adoption process right now and this will be closing in.

The board agreed to take a break at 8:30pm and reconvened at 8:50PM.

January 8th minutes were read. Mr. Doug Bolken voted to accept the minutes and Mr. Daryl Flagen seconded. Members voted and approved.

Commission Chairman Ron Anderson requested the board reconsider the adoption date of zoning to allow time for the board to review the ordinances and changes requested. The board agreed to have two more meetings on the 4th of February and the 12th of February to allow for further review.

1. Grandfathered status for existing projects (plan vs significant improvement).

Mr. Dale Patten stated that Mr. Walter Hadley the planning director will need a standard to address non-conforming uses. Mr. Walter Hadley stated that he feels comfortable using existence to honor the developments. The big issue he believes is the people that have all approvals to start building and have not done anything. They will not be considered existing uses if nothing has been established. Therefore they will need to get some work done and establish use before zoning is in place. Mr. Ari Johnson backed Hadley by stating that non-conforming use says they have to be using the land. Mr. Hadley stated that the building permits will be a helping hand.

2. Non-conforming uses after adoption of zoning regulations.

Mr. Walter Hadley stated the issue for the county is the expansion of current developments. Mr. Doug Bolken would like the developments to at least have room to change. Mr. Les Haugen requested that board consider adding all commercial and industrial uses to agricultural districts. Mr. Hadley suggested the board needs to stay in the same view and what zoning is intended for. He stated that south on Hwy 85 is the county's melting pot and whatever the county picks to zone that area is going to be wrong. He also stated the board needs to look at what they can do protect those and by adding uses the board will be taking away from the protection side of zoning.

3. Mining operations/control of off-site negative effects on neighbors during CUP.

Mr. Dale Patten believes the board needs to leave it where it addressed. He expressed that the road issues are the main concerns and we are only requiring a conditional use permit if the pit is operated a screening or a crushing plant. Mr. Les Haugen requested they be left out. Mr. Dale Patten then suggested that if it should be thrown out the board can let the commissioners decide.

4. Waste disposal sites, siting, distance to adjacent homes, and road impacts.

Mr. Doug Bolken stated that he believes that vote from the board was correct on the setback. Mr. Kris Mrachek addressed that if the solid waste sites want to be closer then they will have to get approval from those that are close by. Ms. Jane Witheridge from Tervita stated that a one mile radius is almost impossible to get approval from all of those residences. Mr. Dale Patten stated that there will be a process and the new sites will have to adjust to fit the standards.

5. Subdivisions within the Agricultural zone, how do we preserve the country feel on 1 ac.

Mr. Walter Hadley addressed the comment that Tim Nelson from the Alexander township brought him regarding subdivisions. Mr. Dale Patten agrees with the one acre lots and Mr. Ari Johnson stated that farm family residences under definition now have to be on five acres.

6. Agricultural split (40) acres and exemptions for all private/Ag uses, not commercial.

Mr. Walter Hadley believes the last discussions would resolve this conflict.

7. Allowable/conditional uses within the Agricultural zone, expand list to include?

Mr. les Haugen would like all commercial and industrial uses allowed in agricultural districts. Mr. Walter Hadley expressed that if the business is a similar use to the ones we already have listed then it may become an allowed use and our uses will always expand but to open the doors will hinder the agricultural lands. Mr. Ari Johnson stated that if the board says yes to one thing in commercial and industrial then the board will have to say yes to them all and that is not the intended use of land. Mr. Roger Chinn stated that he feels the board is hindering agriculture people by not allowing them to do commercial and industrial projects on their lands. Ms. Kalsey Wenger addressed that she believes that the board would be hindering the agricultural people by allowing commercial and industrial due to the fact that it would be pushing grazing lands away which are already limited in the county. Mr. Dale Patten agreed that commercial and industrial uses on agricultural districts would make it an open land and that is not the intent off the committee.

Mr. Les Haugen made a motion to add commercial and industrial to agricultural uses under conditionally allowed uses. Mr. Paul Wisness seconded. Rick Lawler, Les Haugen, and Paul Wisness voted aye. Dale Patten, Doug Bolken, Carol Norgard, Kris Mrachek, and Daryl Flagen voted Nay. Motion defeated.

Mr. Les Haugen questioned if they can add things to the list that is on their now. Mr. Doug Bolken replied with yes and the document will always be changing to adapt to what is needed.

8. Highway 85, south of Watford zoning, up zone to promote redevelopment.

Mr. Walter Hadley expressed that there has been a lot of pressure to get that area rezoned. Mr. Doug Bolken requested that Mr. Hadley discuss with Mr. Curt Moen to get something to better fit the needs of that area.

9. Work force housing/mancamps, regulate their initial improvement/exit strategy.

The board agreed that they are conditionally allowed uses. Ms. Carol Norgard likes the idea of a moratorium to see what is coming down the line in the county.

10. Roads, Schools, Emergency Services, and infrastructure needs because of development.

The board agreed that they will have to continue to work with the area needs help the community with needs if available.

11. Coordinate/ promote continued use of USFS lands for the economic benefit to county.
(comp plan)

Mr. Paul Wisness submitted new document material to add to the comprehensive plan. Mr. Daryl Flagen moved to add the new wording to the comprehensive plan. Ms. Carol Norgard seconded. All members voted and approved.

12. Define reasonable setbacks for structures/trees-along roadways with the possibility of corner visibility triangles for traffic safety.

Mr. Les Haugen made a motion to reconsider the setbacks that were previously set. Mr. Paul Wisness seconded. All members voted and approved.

Mr. Rick Lawler stated that he went out and did some investigating and was surprised by what is there but does not feel the county is far off with their decision. Mr. Doug Bolken stated that the traveling is always the issue with things allowed now to be right up against the road. Ms. Kalsey Wenger stated that as the state is looking to expand highway 85 into a four lane they are looking at new developments to be setback to allow for construction.

Mr. Rick Lawler made a motion to leave the setbacks from state highways to 250 feet. Mr. Doug Bolken seconded. All members voted and approved.

Mr. Les Haugen made a motion to change the setbacks for county roads at 75 feet for trees and structures. Mr. Daryl Flagen seconded. Doug Bolken, Paul Wisness, Daryl Flagen, Les Haugen, and Dale voted aye. Rick Lawler, Kris Mrachek, and Carol Norgard voted nay. Motion carried.

Meeting was adjourned at 10:10pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

January 8th, 2012

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on January 8th, 2012. Board members present: Daryl Flagen, Dale Patten, Kris Mrachek, Rick Lawler, Doug Bolken, Carol Norgard, Rick Lawler, Kris Pacheco and Paul Wisness. Also present were County Planner Walter Hadley, Gene Buresh, and Ari Johnson.

Chairman Patten called the meeting to order at 5:00pm. December 11th minutes were read. Mr. Paul Wisness voted to accept the minutes and Mr. Daryl Flagen seconded. Members voted and approved.

Mr. Gene Transtrom voiced concerns with the 150 foot setbacks for trees and structures that are currently in the zoning ordinance and how they would affect the residences around him as well. Johnson Corner representatives voiced concerns with the commercial zoning they believe they have around their area. The board reassured them that zoning was agriculture right now but would have the ability to change to commercial in the future.

Mr. Dale Patten requested the board meeting continue and to come back to the concerns. Mr. Gene Buresh addressed the typo errors that were mentioned at the public hearing. Mr. Buresh felt confident in his staff that does review this document along with the board that has continually reviewed the document. Mr. Buresh stated the document will be continuously be revised if grammatical errors are found.

Mr. Gene Buresh addressed one of the comments at the public hearing regarded the 150 foot setbacks. Mr. Buresh updated the board on surrounding counties setbacks to reassure the board that the newly established setbacks are right along the lines of others. Mr. Daryl Flagen agreed. Mr. Les Haugen would like some kind of wording in the documents to protect the current landowners. Mr. Ari Johnson felt that there was no problem at keeping the setbacks the way they are. Mr. Dale Patten addressed the concerns of eliminating encroachment problems and all issues that have been presented are solvable with a variance. Mr. Patten also stated that it is the shelterbelts that will be the opposing problem. Mr. Paul Wisness agreed that someone may get hurt at our intersections with the setbacks getting reduced. Mr. Wisness argued that there are already very dangerous intersections out there and the ordinance would protect from more. Mr. Doug Bolken spoke on behalf of the city's system at looking at setback and variance requests. Mr. Bolken stated that variances are granted if the structure is in line with what the area already has. Mr. Walter Hadley suggested having a corner setback to allow safer turns. Mr. Les Haugen suggested changing the setback to 75ft.

Mr. Kris Mrachek made a motion to keep the setbacks of structures and trees at 150ft from county roads. Mrs. Carol Norgard seconded the motion. Called for discussion. Mr. Les Haugen and Mr. Daryl Flagen opposed. Motion carried.

Ms. Carol Norgard made a motion to leave the setbacks of structures and trees from state highways at 250ft as well. Mr. Paul Wisness seconded. Called for discussion. Mr. Les Haugen opposed. Motion carried.

Mr. Gene Buresh found a duplicate 3.6 in the zoning ordinances that he will correct. Mr. Doug Bolken moved to move 3.8.2(9) into a conditional use and maintain under 3.8.2(7) and remove the coal section out. Mr. Daryl Flagen seconded. Called for discussion. All aye and motion carried.

Mr. Gene Buresh reviewed a comment on the limitation of single family farm. Mr. Ari Johnson requested the board define farm family to resolve the dilemma. Johnson agreed to have a definition present at next meeting.

MR. Gene Buresh removed farm home occupation of 3.4.2 to resolve conflict. Discussion was held on farm definition as well as the farm related occupations that are allowable uses.

Mr. Gene Buresh presented the board with the new solid waste requirements. He stated they have been changed to allow the state control of the construction details of the projects. The board also discussed solid waste setbacks that were previously stated. Mr. Doug Bolken made a motion to have Solid Waste Treatment Facilities have a 1 (one) mile setback from any single family residence. Mr. Paul Wisness seconded. Discussion was held. All members voted aye. Motion carried.

Mr. Doug Bolken moved to accept the shorter version to the Solid Waste requirements that Mr. Buresh presented earlier. Mrs. Carol Norgard seconded. All members voted aye. Motion carried.

Mr. Walter Hadley stated that the map around the city was worked on with Mr. Kurt Moen and they will continue to work on this before the 22nd. Mr. Les Haugen suggested leaving all areas zoned agricultural. Mr. Ari Johnson suggested making sure that the conditional uses are broad enough to accept things but still leave things a little open for development. Mr. Doug Bolken reminded the board that with conditional uses permits the board as well as the county will have ways to control the future developments. Mr. Les Haugen feels that the board will then be picking on certain individuals and that if land is leased than that use of lease agreement should be grandfathered. Mr. Doug Bolken suggested keeping the zoning and adoption of current developments to be consistent and to not create ambiguity. Mr. Gene Buresh reminded the board that scoria pits as well as water depots are under the agricultural district as a conditionally allowed uses.

Mr. Paul Wisness stated that he felt the scoria pits 300 feet from an adjacent property is a little much and feel that could be changed to 150 feet. Mr. Wisness moved to change the setback of scoria pits from adjacent properties from 300 feet to 150 feet. Mr. Rick Lawler seconded. All members voted aye. Motion carried.

All written comments were reviewed:

Brent & Stacy Arnegard: The board agreed that the setbacks and other issues involving man camps that were made noted would be established as part of the conditional use permits in allowable districts.

Ken Edmunds: The board reviewed the zoning suggestion and the current use is industrial which does follow the possibility of development in the suggested area.

Richard Satter: The board will review all mapping zone changes at the January 22nd meeting.

Steven Nelson: The board reviewed the dilemma of having a previous feedlot with a development going in nearby in which they would both be grandfathered. The board has zoned the area agriculture but will have no jurisdiction over previous developments.

Tyson Raley: The board reviewed his zone as agricultural which allows under conditionally allowed uses 4.3: Truck parking and truck garages and all associated structures to service the same.

Brett Narloch: The board will review all mapping zone changes at the January 22nd meeting.

Wayne Krieger: The board agreed that the development is in a n industrial zoned area. Industrial Districts allow 3.8.2 All uses permitted in the Commercial District except residential. Commercial District allowed uses 3.7.2 Hotels and Motels.

Chris Kreger: The board reviewed and all issues were resolved by using the shortened version of Solid Waste Treatment Facility requirements to allow the state to enforce design standards.

Johnson Corners: The board agreed that the land will stay agriculture zoned and if future zone changes are requested in the area the board would use the McKenzie County Comprehensive Map for development direction.

Vawrita Best: The board agreed to define both agri-business as well as agri-tourism. The board did not feel okay with the 40 or 160 minimum for a residential home on agriculture land nor the 51% agriculture income which would require the board to look at proofs of income which is not what the board is intending. The board has up zoned the area of County Road 37 to encourage the upgrade of development in that area.

Greg Tank: The board will not enforce current lots at Tobacco gardens regarding the 120 feet setback from lakes and rivers but new residential development can request a variance.

Tim Dwyer: The board will review all mapping zone changes at the January 22nd meeting.

Dara & Kevin Langerud: The board reviewed the comments and feel that they have provided an ordinance that is detailed enough and enforceable.

Mike Durham & Karen Holte: The board agreed that all comments should be directed towards the Watford City, ND planning board as the development is within the city jurisdiction. The board also agreed that the garbage will have to be addressed elsewhere as it is not enforceable through zoning.

Michael Derby: The board will address the comment at the January 22nd meeting along with the public hearing comments.

Grand Bakken Lodge: The board will review all mapping zone changes at the January 22nd meeting.

Meeting was adjourned at 9:04pm with no further discussion.

Secretary

Chairman

Planning and Zoning Commission Notes

February 4th, 2013

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on February 4th, 2013. Board members present: Dale Patten, Rick Lawler, Doug Bolken, and Les Haugen. Also present were County Planner Walter Hadley, Gene Buresh and Ari Johnson.

Chairman Patten addressed that, due to lack of quorum, board members present would still discuss zoning ordinances. Minutes were reviewed but no vote until the following meeting.

Mr. Gene Buresh reviewed the changes made to the McKenzie County Zoning Ordinance after the last meeting. Mr. Buresh worked with Mr. Ari Johnson on controversial topics within the definitions and the ordinances. The board agreed to review all changes at the February 12th meeting and vote to approve based on their discussion.

Mr. Gene Buresh presented the new McKenzie County Comprehensive Plan with the written comments from Mr. Paul Wisness added as part of the grazing association review. The board present agreed that the changes were acceptable.

Public hearing transcript was read and commented:

Mike Derby: The board agreed to add off-premise signs are allowable in Industrial and Commercial Districts and shall be limited to 378 square feet in size.

Steve Nelson: The board reviewed the dilemma of having a previous feedlot with a development going in nearby in which they would both be grandfathered. The board has zoned the area agriculture but will have no jurisdiction over previous developments.

Roger Chinn: The setbacks have been previously reviewed and the board felt like the changes already made are acceptable. Grammatical errors that Mr. Chinn also mentioned are already being addressed.

Brad McHugh: Mr. Hadley expressed that he has been continuing to work with individuals to help them determine if the use has been established and explaining to developers what the process is for being able to define if they will be non-conforming or not.

Laura Anderson: In the situation provided her residence would be a non-conforming use. However, if new single family home is sited on less than 40 acres and not within a subdivision in an agricultural district it would require a conditional use permit.

Tim Nelson: The board allows subdivisions with minimum one acre lots and if a single family home was sited on less than 40 acres it would require a conditional use permit.

Doug Gullickson: The board agreed previously to remove "rock, sand, gravel excavation, crushing, and handling" from an allowed use and leave in as a conditional use under the industrial districts.

Bill Jorgenson: The board agreed that the current lease agreement at the time of zoning adoption on scoria/gravel pits would be the defining factor of the uses that are conforming and those that are not.

Gary Levang: The board agreed that documents they have worked on are to protect rights for property owners.

Jeff Kummer: The board agreed to continue to work with the city's and township's to make zoning a little more clear for those that are trying to define land uses.

Craig Sorenson: The area that was zoned recreational in the Twin Valley township will be changed as to allow the township to continue with their ordinances already established if desired.

Justin Hoff: The land that has already been developed would be considered a non-conforming use however, the land that is not developed would not be establishing the use and therefore would need to adhere to the zoning ordinances.

Nicole Johnsrud: The board was designed to allow for many different inputs and the board will continue to work on projects to make sure that the county is represented from all angles. The process would start with Walter, then if necessary would go to the planning commission for concurrence.

Gene Transtrom: All public hearing comments have been addressed at previous meeting before transcript was reviewed.

Kalsey Wenger: The board has adjusted the ordinance for a one mile setback for any solid waste treatment facility from any single family residential home.

Larry Sorenson: The board agreed that feedlots are a conditionally allowed use in agricultural districts but would require all state approvals before permitting through the county for approval.

Kit James: The board agreed to continue to work on the solid waste treatment facilities along with regulations to ensure that the facilities are not hindering the current development that does exist.

Curt Sorenson: The board agreed that septic issues would be left to the Upper Missouri District Health Unit as well as the State Department of Health. Further concerns should be submitted to allow for the appropriate entities to inspect.

Donny Nelson: Mr. Walter Hadley will continue to work with subdivision to ensure that they are meeting the requirements of the county as well as the board. The townships will be notified of all subdivisions prior to being scheduled for any hearing.

Overall the board agreed the public hearing was beneficial to the adoption of zoning and the comments given have been reviewed and the board will continue to work on the documents to create a well-defined document and they emphasized that the document shall be amended as necessary.

Ms. Jane Witheridge reviewed her comments for the Solid Waste Treatment Facilities in the current ordinances. The board will work with the comments and include some changes to be reviewed at the next meeting and voted upon.

Mr. Walter Hadley addressed that he is still working on the maps with the city and Lucas from AE2S and hopes to have new maps prepared for the February 12th meeting.

Discussion concluded at 7:15pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

February 12th, 2013

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on February 12th, 2013. Board members present: Daryl Flagen, Dale Patten, Kris Mrachek, Rick Lawler, Doug Bolken, Carol Norgard, Rick Lawler, Kris Pacheco, Les Haugen and Paul Wisness. Also present were County Planner Walter Hadley, Gene Buresh, and Ari Johnson.

Chairman Patten called the meeting to order at 5:00pm. January 22nd minutes were read. Mr. Doug Bolken voted to accept the minutes and Mr. Daryl Flagen seconded. Members voted and approved. February 4th notes were read and concurred with no additional discussion.

Mr. Dale Patten addressed the board and visitors that this meeting is intended to finalize the document. Mr. Patten expressed that he would like to review the changes discussed at the February 4th meeting with Mr. Gene Buresh and with the board before moving on to other areas.

Mr. Gene Buresh referred the board to the newest Draft Ordinance #12 for the new changes. All changes discussed on February 4th as well as adjacent changes were outlined and passed on to the board for final review.

Mr. Daryl Flagen moved “utility poles shall have a setback of 75 feet from county roads” under 2.11 (5). Mr. Les Haugen seconded. No further discussion. All members voted aye and approved.

Mr. Doug Bolken made a motion to change wording of 2.12 to read “No lot shall contain more than one principal single family residential building, and no dwelling unit shall be built on a lot which does not abut a dedicated public or granted easement road.” Ms. Carol Norgard seconded. All members voted aye and approved.

Mr. Les Haugen made a motion to add under Agricultural Districts allowed uses “All uses in agriculture that have been in operation and will be in the future family operation”. Mr. Paul Wisness seconded. Mr. Kris Mrachek expressed that the language needs to be cleaned up. Mr. Doug Bolken questioned the process and what deny this type of operation if it is already a non-conforming use. Mr. Mrachek addressed that this is a revolving document and the board can address the problems if they arise. Les Haugen and Paul Wisness voted aye. Dale Patten, Doug Bolken, Carol Norgard, Kris Mrachek, Kris Pacheco, Rick Lawler and Daryl Flagen voted Nay. Motion defeated.

Mr. Doug Bolken expressed that he would like all storage of oil rigs and equipment moved to conditional use permits. Mr. Dale Patten reviewed the wording and felt the current wording was applicable.

Mr. Kris Mrachek made a motion to change wording of 3.4.2 (12) to read “Storage of oil drilling rigs and related equipment for a period not to exceed one (1) year. An extension beyond one year

requires a Conditional Use Permit.” Mr. Rick Lawler seconded. All members voted aye and approved.

Mr. Kris Mrachek made a motion to add “Exterior non-agricultural storage” under 3.4.3 Conditionally Allowed Uses. Ms. Carol Norgard seconded. All members voted aye and approved.

Mr. Kris Mrachek made a motion to add “Signs providing directions for allowed uses shall not be larger than forty (40) square feet in area” to 4.4.1. Mr. Doug Bolken seconded. All members voted aye and approved.

Mr. Doug Bolken made a motion to change wording of 3.4.3 (12) from “These provisions shall not apply to excavation of coal for private non-commercial uses. The applicant shall meet the following requirements:” to “These provisions shall not apply to private, non-commercial mining of subsurface minerals. The applicant shall provide the following upon request:” Ms. Carol Norgard seconded. All members voted aye and approved.

Mr. Rick Lawler made a motion to move 3.4.3 (12) Oil and Gas Gathering Systems to an allowed use under 3.4.2. Ms. Carol Norgard seconded. All members voted aye and approved.

Ms. Kris Pacheco made a motion to add Energy Conversion Facility and Oil and Gas Gathering System to the definitions as presented by Oneok. Mr. Rick Lawler seconded. All members voted aye and approved.

Mr. Kris Mrachek made a motion to add “exterior non-agricultural storage” under 3.4.3. Ms. Kris Pacheco seconded. All members voted aye and approved.

The board agreed to change 2.10 from “Highway Access” to “County Road Access”.

The board agreed to add “Commercial garages and storage” to 3.7.3.

Ms. Carol Norgard made a motion to add “outdoor/indoor retail sales” to 3.7.3. Rick Lawler seconded. All members voted aye and approved.

The board agreed to remove “except residential” from 3.8.2 (9).

The board agreed to change 4.3 (2) to “Agricultural District lots shall be a minimum of five (5) acres for non-farm homes and one (1) acre for single family dwelling units, including modular and manufactured homes, in residential subdivisions This does not apply to previously platted subdivisions.”

Mr. Les Haugen made a motion to removes 5.7 (4) “The following uses....” along with all sub-points. Mr. Rick Lawler seconded. All members voted aye and approved.

The board agreed to change 5.1 to “McKenzie County Commission” as well as 5.1.1 to “McKenzie County Commission”.

Mr. Paul Wisness made a motion to add “concrete and asphalt plants” as well as “energy conversion facilities” under 3.4.3. Ms. Rick Lawler seconded. All members voted aye and approved.

Mr. Doug Bolken made a motion to change 4.6.5 (2) to “Solid waste materials shall not be stored on public or private property for more than forty-five (45) days without approval of the County.” Mr. Daryl Flagen seconded. All members voted aye and approved.

Mr. Rick Lawler made a motion to add “within the county” to 4.6.7 (3) to state “(3) No person shall place hazardous waste or dispose of hazardous waste within the County without approval of the County”. Ms. Kris Pacheco seconded. All members voted aye and approved.

Ms. Carol Norgard moved to strike 4.6.13 (3) “No person shall place industrial waste in a solid waste landfill or dispose of industrial waste without approval of the County”. Rick Lawler seconded. All members voted aye and approved.

The board agreed to add “upon request” to 3.8.3 (8) to state “Electric power plants, coal gasification plants, coal liquification plants, oil refineries and petrochemical plants. The applicant shall provide upon request the following:”

Mr. Doug Bolken made a motion to zone (T)150-(R)98-(S)10 as an agricultural district. Mr. Kris Mrachek seconded. Discussion was held. Mr. Doug Bolken withdrew the motion. Mr. Kris Mrachek withdrew the second.

Mr. Rick Lawler presented verbal comments for both Mr. Thorax Sax and Mr. Richard Satter lands to be in Agricultural District zones rather than Residential as previously planned. Mr. Rick Lawler moved to change Mr. Thorax Sax’s and Mr. Richard Satter’s land from Residential Districts on McKenzie County Comprehensive Map and Zoning Map to Agricultural Districts. Mr. Les Haugen Seconded. Ms. Kris Pacheco amended the motion to change all land surrounding City of Watford with the County’s jurisdiction that was previously Residential Districts be changed to Agricultural Districts on the McKenzie County Zoning Map only. This motion includes land in (T)150-(R)98-(S)10 : (T)150-(R)98-(S)14 : (T)150-(R)98-(S)13 : (T)150-(R)98-(S)24 : (T)150-(R)98-(S)23 : (T)150-(R)98-(S)25 : (T)150-(R)98-(S)26 : (T)150-(R)98-(S)26 : (T)150-(R)98-(S)9 : (T)150-(R)98-(S)8 : (T)150-(R)98-(S)5 : (T)150-(R)98-(S)6 : (T)150-(R)99-(S)1 : (T)150-(R)99-(S)2 : (T)150-(R)99-(S)3 : (T)150-(R)99-(S)4 : (T)150-(R)99-(S)11 : (T)150-(R)99-(S)10 : (T)150-(R)99-(S)9 : (T)150-(R)99-(S)28 : (T)150-(R)99-(S)33 : (T)149-(R)99-(S)4 : (T)149-(R)99-(S)3 : (T)149-(R)99-(S)2 : (T)149-(R)99-(S)11 : (T)149-(R)99-(S)14 : (T)149-(R)99-(S)23 : (T)149-(R)99-(S)26 : (T)149-(R)98-(S)5 : (T)149-(R)98-(S)8 : (T)149-(R)98-(S)17. Mr. Doug Bolken seconded. Les Haugen, Rick Lawler, Kris Pacheco, Daryl Flagen and Doug Bolken voted aye. Dale Patten, Carol Norgard, Kris Mrachek, Paul Wisness voted Nay. Motion to accept the amendment approved. Les Haugen, Kris Mrachek, Rick Lawler, Kris Pacheco, Daryl Flagen and Doug Bolken voted aye. Dale Patten, Carol Norgard and Paul Wisness voted Nay. Motion carried as amended.

Mr. Doug Bolken made a motion to accept the McKenzie County Comprehensive Map around the City of Watford as previously designed for (T)150-(R)99 : (T)150-(R)98 : (T)149-(R)99 : (T)149-(R)98. Mr. Rick Lawler seconded. All members voted aye and approved.

Mr. Doug Bolken made a motion to change (T)151-(R)101-(S)19 : (T)151-(R)101-(S)20 : (T)151-(R)101-(S)29 : (T)151-(R)101-(S)30 to Commercial Districts in the McKenzie County Comprehensive Plan only. Mr. Daryl Flagen seconded. All members voted aye and approved.

The board agreed to leave Leroy Lillibridge change of zoning for Lone Star Steer Trailers alone until the use of the property changed. The board agreed that for now the building as well as use would be an existing non-conforming use.

Mr. Kris Mrachek made a motion to change (T)151-(R)101-(S)8 : (T)151-(R)101-(S)17 to Agricultural Districts. Ms. Kris Pacheco seconded. All members voted aye and approved.

Mr. Rick Lawler made a motion to accept the McKenzie County Comprehensive Plan as well as the McKenzie County Comprehensive Map as amended. Ms. Kris Pacheco seconded. Doug Bolken, Paul Wisness, Daryl Flagen, Carol Norgard, Kris Pacheco, Rick Lawler, Les Haugen, Kris Mrachek and Dale Patten voted aye. No members voted nay. Motion carried.

Mr. Doug Bolken made a motion to accept the McKenzie County Zoning Ordinances as well as the McKenzie County Zoning Map as amended. Mr. Rick Lawler seconded. Doug Bolken, Paul Wisness, Daryl Falgen, Carol Norgard, Dale Patten, Kris Mrachek and Rick Lawler voted aye. Les Haugen voted nay. Motion Carried.

The Comprehensive Plan and Map along with the Zoning Ordinance and Map will be forwarded to the McKenzie County Commission for their consideration and adoption at their February 20th, 2013 meeting.

Meeting was adjourned at 10:10pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

March 12th, 2013

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on March 12th, 2013. Board members present: Daryl Flagen, Dale Patten, Kris Mrachek, Rick Lawler, Doug Bolken, Carol Norgard, Kris Pacheco, Les Haugen and Paul Wisness. Also present were County Planner Walter Hadley, Gene Buresh, and Ari Johnson.

Chairman Patten called the meeting to order at 5:00pm. February 12th minutes were read. Mr. Doug Bolken voted to accept the minutes and Mrs. Carol Norgard seconded. Members voted and approved.

Mr. Dale Patten opened the floor for the public hearing on the McKenzie County Comprehensive Plan as well as the McKenzie County Comprehensive Map. No public comments were presented. Mr. Dale Patten closed the public hearing for the McKenzie County Comprehensive Plan as well as the McKenzie County Comprehensive Map.

Mr. Dale Patten opened the floor for the public hearing on the McKenzie County Zoning Ordinances as well as the McKenzie County Zoning Map. No public comments were presented. Mr. Dale Patten closed the public hearing for the McKenzie County Zoning Ordinances as well as the McKenzie County Zoning Map.

Mr. Walter Hadley delivered the status of working with the townships on zoning. He also addressed that a develop agreement is under way and will be available at the March 26th meeting for the board to review and amend if needed.

Mr. Walter Hadley discussed the need for the county to establish a fire marshal to help with the development growth and fire issues that are currently not enforced.

Mr. Dale Patten reviewed the timeline for zoning along with the hearings and publish dates. He expressed that the effective date of zoning for McKenzie County is currently April 26th.

Mr. Daryl Flagen made a motion to notify the Board of County Commissioners that the McKenzie County Planning Commission has held a public hearing and recommend the adoption for the McKenzie County Comprehensive Plan as well as the McKenzie County Comprehensive Map. Mr. Paul Wisness seconded. Doug Bolken, Paul Wisness, Daryl Flagen, Carol Norgard, Kris Pacheco, Rick Lawler, Les Haugen, Kris Mrachek and Dale Patten voted aye. No members voted nay. Motion carried.

Mr. Rick Lawler made a motion to notify the Board of County Commissioners that the McKenzie County Planning Commission has held a public hearing and recommend the adoption for the McKenzie County Zoning Ordinances as well as the McKenzie County Zoning Map. Mrs. Carol Norgard seconded. Doug Bolken, Paul Wisness, Daryl Flagen, Carol Norgard, Dale Patten, Kris Mrachek and Rick Lawler voted aye. Les Haugen voted nay. Motion Carried.

Meeting was adjourned at 6:00pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

April 9th , 2013

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on April 9th, 2013. Board members present: Dale Patten, Kris Mrachek, Rick Lawler, Carol Norgard, and Paul Wisness. Also present were County Planner Walter Hadley and Ari Johnson.

Chairman Patten called the meeting to order at 5:00pm. March 12th minutes were read. Mr. Kris Mrachek moved to accept the minutes and Mr. Rick Lawler seconded. Members voted and approved.

Mr. Dale Patten discussed the projected regular meeting dates. Mr. Ari Johnson said he has other conflicts with the scheduled meetings on the current meet dates. The board requested possibly changing to the third Tuesday of the month with only one regular meeting of the month. The schedule will be finalized at the April 23rd scheduled meeting.

Mr. Walter Hadley delivered a fee schedule for review. The board agreed the fees were acceptable. Mrs. Carol Norgard moved to accept the fee schedule as is. Mr. Paul Wisness seconded. Members voted and approved.

Mr. Walter Hadley delivered the current applications designed for zone changes, amendments, conditional use permits, variances, and map changes. Mr. Paul Wisness moved to accept the applications presented. Mrs. Carol Norgard seconded. Members voted and approved.

Mr. Walter Hadley presented a few proposed subdivision regulations. Mr. Hadley asked the board to review the documents and give any guidance if available from the board. All responses, he requested, should be emailed to him or delivered at next meeting in order to make proper changes to documents. The Mountrail Subdivision ordinance will be reviewed at next scheduled meeting.

Mr. Walter Hadley addressed the development agreement that has been designed to help the county. Mr. Hadley suggested that this document will allow the planning commission avenues to be flexible and possibly help to set guidelines to agree on perimeters. Mr. Hadley also presented the engineering review ordinance which would allow the county to use rotating engineers to design and work with developments. Mr. Ari Johnson gave a quick review after presentation by Mr. Hadley and said that both documents make sense and would be proper if implemented into the county structure. The commission will forward to board after the next meeting for adoption.

Mr. Dale Patten reminded the board that the date of adoption for zoning is April 26th, 2013, which is also the last day to file a subdivision under current process.

Mr. Walter Hadley delivered the checklist that has been developed to help developers to get organized and to make sure that they are meeting requirements. The developers would essentially get the checklist to ensure they are talking to all proper individuals.

Mr. Cameron Wahlstrom from Charbon Township attended and asked for further guidance from the board in order to move forward on their zoning decisions within their township. All recommendations from the board will be taken back to the township for their review and will get presented to the board of commissioners.

Meeting was adjourned at 6:30pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

April 23rd, 2013

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on April 23rd, 2013. Board members present: Dale Patten, Kris Mrachek, Rick Lawler, Carol Norgard, Daryl Flagen, Kris Pacheco, Les Haugen and Paul Wisness. Also present was County Planner Walter Hadley.

Chairman Patten called the meeting to order at 5:00pm. April 9th minutes were read. Mr. Daryl Flagen moved to accept the minutes and Mr. Kris Pacheco seconded. Members voted and approved.

Mr. Dale Patten discussed the projected regular meeting dates. The board unanimously agreed to only have one meeting a month and move the McKenzie County Planning Commission to the second Monday of each month. Mr. Walter Hadley will set up deadlines for submittals for meeting dates.

Mr. Walter Hadley presented a few proposed subdivision regulations. Mr. Hadley asked the board to review the documents and give any guidance if available from the board. The board will schedule a public hearing along with the adoption dates at the next meeting.

The board agreed to hold the first public hearing date schedule for May 28th at 5pm for the subdivision ordinance. This is also the same date for the regularly scheduled meeting.

Mr. Daryl Flagen regrettably moved to accept Mr. Dale Patten resignation effective May 1st, 2013. Mr. Paul Wisness seconded. Members voted and approved.

Meeting was adjourned at 6:30pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

May 14th, 2013

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on May 14th, 2013. Board members present: Kris Mrachek, Carol Norgard, Daryl Flagen, Kris Pacheco, Paul Wisness and Doug Bolken. Also present was County Planner Walter Hadley.

Vice Chairman Mrs. Carol Norgard called the meeting to order at 5:00pm. Mrs. Kalsey Wenger called for nomination from the floor for the new chairman. Ms. Kris Pacheco nominated Mr. Kris Mrachek and Mr. Doug Bolken seconded. Mr. Daryl Flagen moved to cease nominations. Ms. Kris Pacheco seconded. Doug Bolken, Carol Norgard, Daryl Flagen, Kris Pacheco, and Paul Wisness voted aye. No members voted nay. Motion Carried. Mr. Kris Mrachek accepted position of chairman.

April 23rd minutes were read. Mr. Doug Bolken moved to accept the minutes and Mrs. Carol Norgard seconded. Members voted and approved.

The board discussed the final decisions of the commissioners. All members approved of the commissioners final decision.

Ms. Karoline Rockovoy presented the board with a project to house a fuel tank on their current commercial use property that is zoned agricultural for their workers only. Mrs. Carol Norgard made a motion that 3.4.3 (20) would include this type of structure and a conditional use permit application would have to be applied for. Mr. Paul Wisness seconded. Members voted and approved.

Mr. Brad McHugh presented the design for the Elk Ridge Subdivision. No decisions were made regarding zoning or building permits.

Mr. Walter Hadley presented the proposed subdivision regulations. Mr. Hadley asked the board to review the documents and give any guidance if available from the board. The board scheduled the public hearing for adoption on May 28th. Mr. Hadley also expressed that they have four (4) other public hearings on the other conditional use permits and a variance request.

Meeting was adjourned at 6:50pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

May 28th , 2013

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on May 28th , 2013. Board members present: Kris Mrachek, Carol Norgard, Daryl Flagen, Doug Norby, Paul Wisness, Les Haugen and Rick Lawler. Also present was County Planner Walter Hadley.

Mr. Kris Mrachek called the meeting to order at 5:00pm. May 14th minutes were read. Mrs. Carol Norgard moved to accept the minutes and Mr. Doug Bolken seconded. Members voted and approved.

Representatives from Indigo Sign Works presented the board with their project to erect a sign at the recent and still under construction Wild Bison Travel Center which is located at the corner of Hwy 68 and Hwy 85. Representatives were asking for clarification on the Zoning Ordinance in regards to sign allowable area and lighting specifications. Mr. Ari Johnson addressed the board with options to proceed. The board agreed that the Wild Bison Travel Center would be able to do a sign that fit within the Zoning Ordinance. The board will review the ordinance for possible word changes and the Wild Bison Travel Center will have the option to request any Zoning modifications they see fit in a proper zoning application. Mr. Daryl Flagen moved to start the amending process on Zoning Ordinance 4.4 (1 & 3). Mr. Doug Norby seconded. Members voted and approved.

Mr. Kris Mrachek opened the floor for the public hearing on the McKenzie County Subdivision Resolution. No public comments. Chairman Mrachek closed the public hearing. Mr. Daryl Flagen moved to accept the Subdivision Resolution and Mr. Rick Lawler seconded. Members voted and approved.

Jim Robinson, Jane Witheridge and Brett Williamson presented the for a conditional use permit to use land zoned agricultural to establish a waste management facility, and a variance to locate the facility closer than one (1) mile to the nearest single family residence. The proposed project is located on a 171.55 acre, more or less, tract of land described as N1/2 of Section 1, Township 150 North, Range 96 West. Mr. Kris Mrachek opened the floor for the public hearing. Ms. Kathy Skarda raised questions of the design standards in which Tervita representatives answered the specific design element questions and the closing issues if the site were to close within a few years. Mr. Dean Brown addressed Tervita with specific requests regarding Coal Mines under the site. Mr. Paul Wisness questioned the risk on cattle if they were to enter the site. Chairman Mrachek closed the public hearing.

The board agreed to take a five minute recess at 7:00pm and reconvened at 7:05pm.

Mr. Paul Wisness moved to deny the Variance request by Tervita. Mr. Les Haugen seconded. Les Haugen and Paul Wisness voted aye. Carol Norgard, Daryl Flagen, Kris Mrachek, Rick Lawler and Doug Norby voted nay. Motion failed.

Mr. Doug Norby moved to accept the Variance application for Tervita. Mr. Daryl Flagen seconded. Carol Norgard, Daryl Flagen, Kris Mrachek, Rick Lawler and Doug Norby voted aye. Les Haugen and Paul Wisness voted nay. Motion passed.

Mr. Daryl Flagen moved to accept the Condition Use Permit application for Tervita. Ms. Carol Norgard seconded. Carol Norgard, Daryl Flagen, Kris Mrachek, Rick Lawler and Doug Norby voted aye. Les Haugen and Paul Wisness voted nay. Motion passed.

Mr. Steve Syrcle from Tri-State Engineers presented the Conditional Use permit for Watford Ridge to for a conditional use permit to use land zoned agricultural to establish a waste management facility, and a variance to locate the facility closer than one (1) mile to the nearest single family residence. The proposed

project is located on a 171.55 acre, more or less, tract of land described as N1/2 of Section 1, Township 150 North, Range 96 West. Mr. Kris Mrachek opened the floor for the public hearing. No public comments. Chairman Mrachek closed the public hearing. Mr. Paul Wisness requested that the condition to supply dust control to be changed to as needed. Mr. Kris Mrachek also agreed to take out the specific months and just leave as as requested for dust control. Mr. Rick Lawler moved to approve the Conditional Use Permit for Watford Ridge as amended. Mr. Paul Wisness seconded. All members voted and approved. Motion carried.

Mr. Dave Reeder presented for Construct, Inc. for a Conditional Use Permit to use land zoned industrial to establish a temporary workforce housing facility. The proposed project is located on a 5.13 acre, more or less, tract of land described as Lot #3 (BDR Star Subdivision) in the SE1/4 of Section 1, Township 149 North, Range 99 West. Mr. Kris Mrachek opened the floor for the public hearing. No public comments. Chairman Mrachek closed the public hearing. Mr. Les Haugen moved to approve the Conditional Use Permit for Construct, Inc. Mr. Daryl Flagen seconded. All members voted and approved. Motion Carried.

Mr. Kris Mrachek opened the floor for the public hearing regarding the Conditional Use Permit for Tamarac Investments to use land zoned agricultural to establish a private workforce employee residence and commercial shop. The proposed project is located on a 10.3 acre, more or less, tract of land described as NE1/4 of NW1/4 of Section 13, Township 145 North, Range 99 West. No public comments. Chairman Mrachek closed the public hearing. Ms. Carol Norgard moved to table the Conditional Use Permit until representatives would be available to answer questions from the board. Mr. Doug Norby seconded. All members voted and approved.

Ms. Kalsey Wenger read the resignation letter Mr. Daryl Flagen. Ms. Carol Norgard also announced her last meeting date as May 28th. The board regretfully accepted both resignations.

Meeting was adjourned at 8:35pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

June 10th, 2013

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on June 10th, 2013. Board members present: Kris Mrachek, Doug Norby, Paul Wisness, Rick Lawler, Jeremy Olson and Doug Bolken. Also present was County Planner Walter Hadley and County Attorney Ari Johnson.

Mr. Kris Mrachek called the meeting to order at 5:10pm. May 28th minutes were read. Mr. Jeremy Olson moved to accept the minutes and Mr. Paul Wisness seconded. Members voted and approved.

Pat Ellingson from Tamarac Investments, which was tabled from the hearing on May 28, 2013, presented the plans for the conditional use permit by Grassy Butte. Mr. Walter Hadley presented the staff report and conditions recommended. Mr. Rick Lawler addressed the noxious weeds and the need of keeping them sprayed in that area, which they acknowledged they would spray there weeds. Ms. Kris Pacheco moved to accept Tamarac Investments conditional use permit with conditions. Mr. Rick Lawler seconded. All members voted and approved. Motion carried.

Mr. Hadley addressed Board of County Commission's letter to the North Dakota Department of Transportation regarding the dangerous intersections within McKenzie County. Mr. Hadley, after discussion with the board, agreed to write letter to the State from the Planning Commission also addressing the board's concerns with dangerous intersections on a number of State highways within our county.

Mr. Hadley addressed Dale Patten's letter requesting enforcement on a specific development regarding waste disposal and licensing. Mr. Hadley, after discussion with the board, agreed to write letter to the State from the commission addressing the commission's concerns with waste disposal and licensing on the specified location.

Mr. Kris Mrachek opened up the commission to discuss the sign ordinance. Mr. Doug Norby moved to change 4.4.2 (3) to "No flashing or scrolling lights or messages are allowed." Mr. Kris Pacheco seconded. All members voted and approved. Motion carried.

Mr. Doug Norby made a motion to have Mr. Hadley write a letter to the State Department of Transportation regarding removal of signs within the State Highway Right of Way. Mr. Doug Bolken seconded. All members voted and approved. Motion carried.

Mr. Jeremy Olson moved to add under 4.4.2 "This ordinance does not supersede and other applicable law or regulation including but not limited to state and federal highway department regulations." Mr. Doug Bolken seconded. All members voted and approved. Motion carried.

Meeting was adjourned at 6:55pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

July 8th, 2013

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on July 8th, 2013. Board members present: Kris Mrachek, Doug Norby, Doug Bolken, Rick Lawler, Jeremy Olson, Les Haugen and Kris Pacheco. Also present was County Planner Walter Hadley and county attorney Ari Johnson was not present.

Mr. Kris Mrachek called the meeting to order at 5:00pm. The June 10th minutes were read. Mr. Doug Norby moved to accept the minutes and Mr. Jeremy Olson seconded with noted correction. Members voted and approved.

Mr. Doug Norby asked the planning office to ensure that taxes are paid on all properties before the approvals from the Planning Commission. Mr. Walter Hadley will forward to tax director as part of the review process.

The supervisor from Xtreme Drilling presented the Conditional Use Permit. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit for Xtreme Drilling and Coil Services. No public comments. Chairman Mrachek closed the public hearing. Mr. Jeremy Olson moved to accept the Conditional Use Permit with the conditions set forth by the planning office and Mr. Doug Norby seconded. Members voted and approved.

Mr. Brad Ceynar presented the Conditional Use Permit for Busy Bees Hot Oil Service. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit for Busy Bees Hot Oil Services. No public comments. Chairman Mrachek closed the public hearing. Mr. Doug Norby moved to accept the Conditional Use Permit with the conditions set forth by the planning office and Mr. Jeremy Olson seconded. Members voted and approved.

Mr. Kris Mrachek opened the floor for the public hearing on the Variance for Camp Creek Development. Alexander township representatives expressed concern that this use was not requested through them first. There were also three written comments requesting denial of the variance. Chairman Mrachek closed the public hearing. Mr. Doug Norby moved to table the Variance until Camp Creek Development presents to the township prior to their consideration and Mr. Doug Bolken seconded. All members voted and approved to township (Alex).

Mr. Brady Auchee presented the Conditional Use Permit for Core Construction Group. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit for Core Construction Group. Ms. Kalsey Wenger expressed concerns over the access to the site and current wash outs. Mr. Jim Rashi suggested having the fire district writing a letter to not service emergency services if the access is not adequate. Mr. Auchee presented that the road issues are not part of the road he is in charge of to maintain and actually falls under the other adjacent landowners. Chairman Mrachek closed the public hearing. Mr. Les Haugen moved to accept the Conditional Use Permit with the conditions set forth by the planning office and Mr. Jeremy Olson seconded. Jeremy Olson, Rick Lawler, Les Haugen, Kris Mrachek voted nay. Doug Norby, Doug Bolken, and Kris Pacheco voted aye. Motion failed. Ms. Kris Pacheco moved to accept the Conditional Use Permit with the conditions set forth by the planning office and to (include a one year review of the skid units) existing by the Planning Commission. Mr. Doug Norby seconded. Rick Lawler and Les Haugen voted nay. Doug Bolken, Jeremy Olson, Doug Norby, and Kris Pacheco voted aye. Motion carried.

Mr. Gary Lundberg presented the Conditional Use Permit for His property located in the Sunrise Estates Subdivision. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit. No public comments. The board expressed concerns for all the shops and to only approve them as they have potential buyers and specific uses. Chairman Mrachek closed the public hearing. Mr. Jeremy Olson moved to accept the Conditional Use Permit For only one lot proposed by Gary Lundberg with the conditions set forth by the planning office and Mr. Doug Bolken seconded. All members voted and approved.

Mrs. Brenda Berquist presented the Conditional Use Permit for McKenzie Electric. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit. No public comments. Chairman Mrachek closed the public hearing. Mr. Rick Lawler moved to accept the Conditional Use Permit with the conditions set forth by the planning office and Ms. Kris Pacheco seconded. Members voted and approved.

Mr. Scott Brewer presented the Conditional Use Permit for Watford Place. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit. No public comments. Chairman Mrachek closed the public hearing. Mr. Doug Norby moved to accept the Conditional Use Permit with the conditions set forth by the planning office along with taxes to be paid for and Mr. Jeremy Olson seconded. Members voted and approved.

Mr. Steve Syrcle presented the Comprehensive Plan Change and the Zone Change for South 30 Meadows. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit. No public comments. The board expressed concern over the size of the lots. Chairman Mrachek closed the public hearing. Mr. Doug Bolken moved to accept the Comprehensive Plan Change from Industrial to Residential and Mr. Doug Norby seconded. Members voted and approved. The zone change application was tabled to the August 12th meeting. A CUP/variance for work force housing will be in the agenda at some time (2 units now, 1 as exit strategy).

Mr. Kurt Michelson presented the Subdivision request for Dixon Subdivision. Mr. Kris Mrachek opened the floor for the public hearing on the Subdivision. No public comments. Chairman Mrachek closed the public hearing. Mr. Doug Norby moved to accept the Subdivision and Mr. Les Haugen seconded. Members voted and approved.

Mr. Jim Rashi presented the Conditional Use Permit for Great American Lodge. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit. No public comments. Chairman Mrachek closed the public hearing. Mr. Doug Norby moved to accept the Conditional Use Permit with the conditions set forth by the planning office as well as add a condition to and provide fencing around property and Ms. Kris Pacheco seconded. Members voted and approved.

Mr. Kris Mrachek opened the floor for the public hearing on the McKenzie County Zoning Ordinance to change 4.4.2 (3) to “No flashing or scrolling lights or messages are allowed” and to add under 4.4.2 “This ordinance does not supersede any other applicable law or regulation including but not limited to state and federal highway department regulations.”. No public comments. Chairman Mrachek closed the public hearing. Mr. Jeremy Olson moved to approve the changes and send to the County Commission for final adoption and Mr. Doug Bolken seconded. Members voted and approved.

Mr. John Poukish presented the Comprehensive Plan Change and the Zone Change for Misty Creek Subdivision. Mr. Kris Mrachek opened the floor for the public hearing. No public comments. The board expressed concern over the size of the lots and the one roadway access for the property. Chairman Mrachek closed the public hearing. Mr. Doug Bolken moved to table Misty Creek until written comment on the one access from Emergency Services was available and Ms. Kris Pacheco seconded. Mr. Doug Bolken withdrew the motion. Mr. Doug Bolken moved to accept the Comprehensive Plan Change from Industrial to Residential and Ms. Kris Pacheco seconded.

Members voted and approved. Mr. Doug Norby moved to accept Misty Creek Phase I for zone change (zone change to R-3 on 7 lots only) but no further construction until a response from Emergency Services is obtained and Mr. Doug Bolken Seconded. (7 lots total) Remaining lots (14) tabled until comment from Fire.

Meeting was adjourned at 8:45pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

August 12th, 2013

The McKenzie County Planning and Zoning Commission met at the McKenzie County Courthouse in Watford City, ND on August 12th, 2013. Board members present: Kris Mrachek, Doug Norby, Doug Bolken, Rick Lawler, Jeremy Olson, Les Haugen, Paul Wisness and Barbara Bauman. Members not present: Kris Pacheco. Also present were County Planning Director Walter Hadley, County Asst. Planner Jill Edson, Administrative Asst. Toni McGovern and County Attorney Ari Johnson.

Chairman Kris Mrachek called the meeting to order at 5:00pm. The July 8th minutes were read. Motion by Jeremy Olson, second by Rick Lawler to approve the minutes as presented. Voice vote: All yeas. Motion Passed.

Chairman Kris Mrachek addressed the topic of project signage and code enforcement with regards to addressing and 911/ Emergency Services. The requirement is all applicants are required to have a 4x8 board clearly posted with address, project name, and description. This is to show work has been approved and so emergency services can easily find the location. With all the work and projects under way Walter Hadley has proposed a new position for code enforcement under the budget for the 2014 fiscal year. This position will be shared with the Sheriff's office; the person filling this proposed position would enforce any code violations and all projects that are called in to question. Walter Hadley has already proposed this in his budget to the Board of Commissioners.

Unfinished Business:

1. South 30 Meadows, Zone Change to R-1, NE1/4 of the NW1/4, Section 12, T149N R99W

Mr. Steve Syrcle of South 30Meadows project with Mr. John Thomas presented a requested Zone Change to R-1, single family and Plat Approval for the subdivision with amendments; that was tabled from the July 8th, 2013 meeting. Mr. Syrcle said he had taken the directive and advice of the board and their concerns. In doing so he decreased the number of proposed units from 22 to 11 and 8 of the units are over 1200 square feet. He will be presenting the Conditional Use Permit and asking for a Variance request on the lot sizes next month. Jeremy Olson said the applicant had addressed all the areas that they were asked to cover. Mr. Kris Mrachek opened the floor for the public hearing on the zone change and plat approval for the subdivision for South 30Meadows. No public comments. Chairman Mrachek closed the public hearing.

Motion by Doug Bolken to recommend to the County Commission approval of the zone change to R-1 and approve the plat for a subdivision, Second by Les Haugen. Voice vote: All yeas. Motion approved.

2. Misty Creek, Zone Change to R-3 with Comprehensive Plan Amendment, W1/2 of the NW1/4, Section 12, T149N R99W

Mr. John Polkish with Misty Creek presented a request for a Comprehensive Plan Change to Residential and a Zone Change to R-3, multi-family. Mr. Polkish followed the recommendation of the board to meet with emergency services and reduce the density of the plat. The previous request had been for 108 units and has been decreased to 72 units to meet concerns raised on fire safety. Mr. Polkish informed the board that he met Delta standards that allowed 106 units safely so this revised request for 72 units was well below that threshold. Mr. Polkish requested a Zone Change so Phase II and III of the Misty Creek subdivision could be completed since they have complied with the requests and gone beyond. Mr. Jeremy Olson stated they have done what the board had asked and done it in good faith. Mr. Kris Mrachek opened the floor for the public hearing on the Comprehensive Plan Change and Zone Change for Misty Creek. No public comments. Chairman Mrachek closed the public hearing.

Motion by Jeremy Olson to recommend to the County Commission approval of the Comprehensive Plan Change to Residential and a Zone Change to R-3, multi-family, second by Paul Wisness. Voice vote: All yeas. Motion approved.

3. Camp Creek, CUP/Variance, SW1/4, Section 12, T150N R101W

Jack Dwyer presented a Variance Permit for signage and proximity for Camp Creek Development. Jack Dwyer stated that they no longer seek a variance of signage but they still were seeking a variance for the proximity of the signage to 15 feet within the property; additionally proposing LED sign with no scrolling. Mr. Doug Norby stated that the standard 150 feet from the center and with the highway changing to two lanes this would change and he would not be in favor of this variance. Mr. Doug Bolken asked for clarification of the footage of the requested variance. Mr. Jack Dwyer stated with the acquisition changes his signage would be 130 feet from the center of the road, so the variance asked for is 20 feet. Doug Bolken asked if there was a variance application. Jill Edson said there is for 2 signs larger than 90 feet, the narrative includes asset back as well. They were asking 100 feet, but now they are asking 20 feet. Mr. Doug Bolken asked you wish to ask for 20 feet? Mr. Jack Dwyer said Yes, within our property for visibility. Mr. Doug Bolken said he'd rather keep it that way since the board had already gone through many weeks to cut the original 250 feet down to 150 feet. Mr. Kris Mrachek opened the floor for the public hearing on for the Variance Permit for signage proximity for Camp Creek Development. Mr. Tim Nelson from Alex township stated he opposed the variance. Chairman Mrachek closed the public hearing.

Motion by Jeremy Olson moved to recommend to the County Commission denial of the Variance application Permit for signage proximity setback, second by Les Hagen. Voice vote: All yeas. Motion passed.

Public Hearings:

1. Martin Construction, CUP for a Scoria Pit, NE1/4, Section 23, T150N R95W

Mr. Monty Martin with Martin Construction presented a Conditional Use Permit for a Scoria Pit, located in the NE1/4, Section 23, T150 N R95 W, approximately 6.5 miles east of Johnson's corner. Mr. Doug Norby asked that a condition be made that all trucks cover their trailers during transport from the site, and asked how far it was to the main road. Mr. Martin said .25 mile. Mr. Doug Bolken asked Mr. Martin if he could cover the dust control on this road. Mr. Les Hagen added that it's the land owner's responsibility since it was not a public road. Walter Hadley said the board could add the tarp condition, as well as a tracking condition that material is fresh 50 yards down the road. Mr. Kris Mrachek opened the floor for the public hearing for the Conditional Use Permit. No public comments. Chairman Mrachek closed the public hearing.

Motion by Doug Bolken to recommend to the County Commission approval of the Conditional Use Permit with the conditions set forth in the staff report:

1. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond based on engineers estimate to reclaim the site the county as the beneficiary. The amount shall be 150% of the estimate.
4. All property taxes shall be paid current

With the Planning Commission adding:

5. Trailers shall be covered while in transport.
6. Tracking 50 yards from where they intersect with the main road.
7. The applicant shall maintain dust control for one quarter mile in each direction on the main road.

Second by Jeremy Olson. Voice vote: All yeas. Motion Passed.

2. Indian Hills, CUP for additional housing units, N1/2 of the SE1/4, Section 19, T149N R98W

Rich Wilder with Indian Hills Lodging presented a request for a Conditional Use Permit. Mr. Wilder stated the housing project began they had four buildings on the property with high density housing prior to zoning rules being changed we then filed for a Conditional Use Permit adding three additional buildings five miles south of Watford City on 85 the road east of indoor RV park. County Road 37 is the access road. Jeremy Olson asked how the road was maintained. Mr. Wilder responded that there are five responsible parties to maintain the road. Paul Wisness asked if there was weed control. Mr. Wilder replied that there currently was only dirt and scoria with just a little grass growing in the leach field. Mr. Doug Bolken asked if this was work force housing and then Mr. Doug Norby asked how many people would these buildings house. Mr. Wilder responded a total of eighty-six; the first building houses twenty, three buildings will house eighteen each, and the fifth building is built to meet ADA requirements and will house twelve. Paul Wisness asked if the road had always been maintained well. Mr. Wilder stated originally, who owned it had requested six access roads; Mr. Wilder has owned the land since last April. Doug Bolken asked if Emergency Services had approved this. Mr. Wilder they already had approved it and seem to be good stewards. Walter Hadley stated that the project was already in the works and had gotten this far without a permit. Mr. Hadley said the intent is to make this a better project; referencing a letter from Dale Patten, it wasn't a subdivision it was an IT tract split. There was not sewer, approach, you can sell the land as a tract for a subdivision but that doesn't make it allowable. Dale Patten's concerns are for the damage to 85, damage to the road is to be helped by the applicant. Rich Wilder asked if this was for 37 or 85, Walter Hadley there was a need to make road maintenance equal. Doug Bolken asked if Mr. Hadley was referring to a quarter mile in both directions so a half mile in total. Mr. Hadley said yes it could be added as a condition along with weed control, and the applicant mark the site with the physical address. Paul Wisness asked what septic system they would use. Mr. Wilder said one that was approved by the state. Paul Wisness asked if the existing septic could handle the new building. Mr. Wilder said he would like to tie it into item number 10 on the agenda, Birdun Investment; Package Waste Water Treatment Plan. Walter Hadley added this was because the land was sold as an IT tract. Paul Wisness asked what if item number 10 was not approved. Walter Hadley said then they would have to be smaller. Doug Bolken asked where the 4'x8x' sign would be and what it would say. Walter Hadley said this be a temporary sign and with the address and project name. Rich Wilder said that he did have a sign but inquired as to whether or not it could be a dual sign with ATI since it was their land that the sign would have to be posted on. Kris Mrachek stated the sign was to show that a legitimate project was going on, not to advertise. Doug Bolken asked for clarification as where the sign would be, Mr. Wilder stated where he doubted you could see it. Mr. Mrachek stated again it's not to advertise. Doug Bolken said he was concerned for emergency services. Mr. Wilder said he had an address sign. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit and addition of 3 houses. Louis Bonneville, owner of the indoor RV park stated when you drive the should have its own name as it goes in three directions with three different addresses. The road should be named something else so emergency services could find it. Doug Bolken said that it was a mess that was inherited and it could be named XYZ Road, it was a private road. Jeff Port from Adele's Oasis in the same area said the land in question is owned by Craig Bernard and that's where Health Services would need the sign posted. Doug Bolken asked if posting these signs would violate the ordinances just put in place. Walter Hadley answered that a list of addresses posted would not violate the ordinance and asked Ari Johnson if he had concerns. Jill Edson added that the signs were not advertising signs but only for emergency services. Ari Johnson said he did not believe ordinances would need to be changed. Dale Patton submitted a letter to the commission stating both 125th and 37th had about this project especially in concerns for dust control. Mr. Patton had concerns of density due to poor uncontrolled development. Mr. Patton would like for the board to consider adding weed and garbage control to the Conditional Use Permit. Mr. Patton would like to see weed control permits and fees for failure to do so should be effective in addition to a garbage control condition being appropriate. Mr. Jeremy Olson asked if anything would preclude the board from this condition. Walter Hadley answered No, but it could only be a condition of the site, not the road. A lengthy discussion was had on weed control and garbage control.

Motion by Doug Bolken to recommend to the County Commission approval of the Conditional Use Permit for Indian Hills Lodging with the conditions set forth in the staff report:

1. The applicant shall obtain building permits for the proposed structures within the proposed development.
2. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscape plan to be approved and placed in the file as part of this request.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culver system to convey a 25 year event.
4. The applicant shall post the addresses clearly on site and on proposed structures.
5. The applicant shall provide a minimum of one off street parking space for each individual unit proposed on site.
6. The applicant shall provide adequate storage onsite to provide fire protection in the opinion of the fire department for the proposed project.
7. The applicant shall provide adequate separation from the adjacent units to meet state standards and fire regulations, along with adequate emergency services vehicle access and turn around areas.

With the Planning Commission adding:

8. The applicant shall maintain weeds on the property and contact the County Weed Control Officer.
9. The applicant shall put up a 4' fence around the property for garbage control.
10. The applicant shall maintain dust control for one quarter mile in each direction on the main road from their approach.

Second by Rick Lawler. Voice vote: All yeas. Motion Passed.

3. Paul Moore, CUP, Cellular Communications Tower, Se1/4, Section 1, T149N R99W

Mr. Paul Moore presented a request for a Conditional Use Permit for a cellular tower. The tower would be 300 feet tall with a 20 foot shelter. Walter Hadley stated that a cell tower is something the county needs and condition number three that if the building should fail it will only affect their property. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit. No public comments.

Motion by Doug Norby to recommend to the County Commission approval of the Conditional Use Permit with the conditions set forth in the staff report:

1. The applicant shall mark the site with visible address/project identification (4'x8') from the road.
2. The applicant shall adhere to all State, laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall show, as part of the building permit, that if tower failure occurs, that it will only impact their property.
4. The applicant shall be allowed to install all additional whip/dish antennas on the structure it can support without any further zoning approval.
5. The applicant shall either paint or construct the tower out of material that blends in the environment (earth tone) colors and install and maintain any required FCC/FAA lighting for aircraft security.
6. All property taxes shall be paid current.

With the Planning Commission adding:

7. The applicant shall maintain weeds on the property and contacting the County Weed Control Officer.

Second by Doug Bolken. Voice vote: All yeas. Motion passed.

4. Winrich Properties, CUP for a single family house on less than 5 acres, SW1/4 of the SW1/4, Section 16, T149N R99W

Brian Wieman presented a Conditional Use Permit for Winrich Properties to put a single family residence on 1.78 acre lot. Les Haugen asked if this was where there already was housing in place. Walter Hadley said Yes it had been created with IT tract, but it was in an agriculture zone. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit. No public comments.

Motion by Jeremy Olson to recommend to the County Commission approval of the Conditional Use Permit with the conditions set forth in the staff report:

1. The applicant shall obtain a building permit for proposed structure.
2. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culver system to convey a 25 year event.
3. The applicant shall post address clearly on site during and after construction.

Second by Rick Lawler. Voice vote: All yeas. Motion passed.

5. Knife River, CUP for a gravel mining operation, E1/2 of the NE1/4, Section 13, T151N R104W

Mr. Chris Kautze from Knife River presented a request for a Conditional Use Permit to have a gravel mining operation. The board discussed adding provisions of tracking, dust control, weed control and setting the mining procedure at a minimum of 75 feet from the access road. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit. Mr. Larry Jones stated the tracking of this road really needs to be taken care of by three separate companies; and didn't really pertain to this gravel operation but needs to be addressed.

Motion by Jeremy Olson to recommend to the County Commission approval of the Conditional Use Permit with the conditions set forth in the staff report:

1. The applicant shall mark the site with visible address/project identification (4'x8') from the road.
2. The applicant shall adhere to all State, laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond based on engineers estimate to reclaim the site the county as the beneficiary. The amount shall be 150% of the estimate.
4. The applicant shall provide written evidence of reclamation agreement with the surface owner.
5. The applicant shall provide evidence of written agreement between the applicant and adjacent property owner that excavation or processing shall not take place within five hundred (500) feet of an existing residence unless otherwise agreed, or unless area is uninhabited.
6. The applicant shall provide adequate weed control
7. All property taxes shall be paid current.
8. All loads must be covered with a tarp
9. Tracking 50 yards from where they intersect with the main road.

Second by Paul Wisness. Voice vote: All yeas. Motion Passed.

6. CMG Oil and Gas, CUP for Scoria Pit, SW1/4 of the NE1/4, Section 5, T150N R96W

Mr. Larry Signalness presented the Conditional Use Permit for CMG. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit. No public comments. There was discussion by the board on dust control. Chairman Mrachek closed the public hearing.

Motion by Rick Lawler to recommend to the County Commission approval of the Conditional Use Permit with the conditions set forth in the staff report:

1. The applicant shall mark the site with visible address/project identification (4'x8'sign) from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The amount shall be 150% of the estimate.
4. The applicant shall provide written evidence of reclamation agreement with the surface owner
5. The applicant shall provide written agreement between the applicant and adjacent property owner that excavation or processing shall not take place within five hundred (500) feet of an existing residence unless otherwise agreed, or unless area is uninhabited.
6. The applicant shall provide adequate dust control as needed, ¼ mile in each direction on 113th, in conjunction with the County's road maintenance program.
7. The applicant shall provide adequate weed control
8. All property taxes shall be paid current
9. Tracking 50 yards from where they intersect with the main road

Second by Doug Norby. Voice vote: All yeas. Motion Passed.

7. Nate Brockbank, CUP for oilfield lease shop and employee housing, SE1/4 of the NE1/4, Section 25, T150N R100W

Mr. George Bennett presented the Conditional Use Permit for Nate Brockbank. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit. No public comments. There was concern expressed about this type of mixed use and that housing should be separate from commercial uses. This area of Arnegard Township is where the township board allocated this type of use. It was discussed by the applicant that they plan to have their employees stay here permanently, but the current housing market is not affordable to their employees. The neighboring properties have mixed uses similar to what is being proposed. Chairman Mrachek closed the public hearing.

Motion by Doug Bolken to recommend to the County Commission approval of the Conditional Use Permit with the conditions set forth in the staff report:

1. The applicant shall post the addresses clearly on site (4'x8' sign) and on the proposed structures
2. The applicant shall maintain enough spacing between units for emergency vehicle to be able to access and maneuver around the units in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culver system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control
8. The applicant shall fence the lot to maintain control of garbage
9. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The amount shall be 150% of the estimate

Second by Jeremy Olson. Voice vote: All yeas. Motion Passed. (Jeremy Olson suggested that we place temporary housing on next month's agenda for discussion.)

8. Synergy Service, CUP, Crew Lodging Facility, NW1/4, Section 33, T145N R98W

Synergy Services presented the Conditional Use Permit for workforce housing. Mr. Kris Mrachek opened the floor for the public hearing on the conditional use permit. This would be for a corporate, long term lease crew lodge. They would have their own water source and their waste water treatment would be as part of the Sweet Crude Travel Center. They are skid type units. No public comments. Chairman Mrachek closed the public hearing.

Motion by Doug Norby to recommend to the County Commission approval of the Conditional Use Permit with the conditions set forth in the staff report:

1. The applicant shall obtain building permits for the proposed structures within the development
2. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the addresses clearly on site (4'x8' sign) and on the proposed structures
5. The applicant shall provide a minimum of one off street parking space for each individual unit proposed on site
6. The applicant shall provide adequate water storage on site to provide fire protection in the opinion of the fire department for the proposed project
7. The applicant shall provide adequate separation from the adjacent units to meet state standards and fire regulations, along with adequate emergency service vehicle access and turnaround areas.
8. All property taxes shall be paid current and crew housing permit fee shall be paid
9. The conditional use permit will be reviewed annually for conformance with the conditions of approval. If conditions are not adhered to, the permit can be placed on the Planning Commission agenda for possible revocation.
10. The applicant shall provide adequate weed control
11. The applicant shall submit a surety bond in an amount equal to 150% of an engineer's estimate to clean up the housing units planned for the site with McKenzie County listed as the beneficiary

Second by Doug Bolken. Voice vote: All yeas. Motion Passed.

9. Center Point Energy, CUP for Bulk Storage, SW1/4 of the SW1/4, Section 29, T149N R98W

Mr. David Parker presented the Conditional Use Permit for Center Point Energy. Mr. Kris Mrachek opened the floor for the public hearing on the Conditional Use Permit. The applicant has received approval from Bureau of Land Management, after a 30 days comment period. The facility will be manned 24 hours a day with two men on site at all times. There will be a 2.5 million gallon detention pond, all water will be tested before release. The site will be fenced. There will be 20,000 bpd through the system which will eliminate 250 trucks per day. There is one residence within 3,000 feet of the site and the other is 1,000 feet from the site. A resident at the meeting expressed concerns about bonding and felt that all facilities should be treated the same. No other public comments. Chairman Mrachek closed the public hearing.

Motion by Les Haugen to recommend approval of the Conditional Use Permit with the conditions set forth by the staff report:

1. The applicant shall obtain a building permit for the proposed structures within the proposed development and the existing office trailers that exist on the site onsite at this time as well
2. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan (trees) to be approved by the Planning Department and placed in the file as part of this conditional approval.

3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design storm water and culvert system to convey a 25 year event.
4. The applicant shall post the address clearly on site and provide a project sign (4'x8') on site to identify the project.
5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation
6. The applicant shall adhere to all agreement items listed in their application in regard to the County Engineers approval. All county road work and routing including dust control shall be coordinated by the County Engineers office.
7. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility.
8. The applicant shall share all final approvals, and continuing approvals/reviewed with the County/State/Federal agencies as they are obtained or altered, along with any violations as it relates to this conditional use approval for the CUP file.
9. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the traveling public. The applicant shall participate with the county or lead a private effort to provide dust control on and off site for the neighboring property owners.
10. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
11. The applicant shall remain current with all property taxes.
12. The applicant shall provide onsite parking/staging for a minimum of 10 semi-trucks on site
13. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the use is not planned to be utilized any further.
14. The applicant shall maintain adequate weed control and contact the County Weed Control Officer.

Second by Doug Bolken. Voice vote: All yeas. Motion Passed.

10. Birdun Investment, CUP, Package Waste Water Treatment Plant, NE1/4, Section 19, T149N R98W

Mr. Kevin Scheel presented the Conditional Use Permit for Birdun Investment. Mr. Kris Mrachek opened the floor for the public hearing on the conditional use permit for a package plant waste water treatment facility. The plant would accommodate the developments on 125th Ave. They have obtained all state approvals, as well as a discharge permit. They have easements to run effluent to the creek for discharge. They have obtained access approval. The solids would be taken to an approved landfill or to Williston for processing. No public comments. The applicant was asked to address a letter submitted which expressed concerns about odor. The package/mechanical treatment plant is enclosed and the effluent that goes to the 90 day storage pond (requirement of the state) is treated so there is minimal odor. The board feels that this is needed in the 125th area. Chairman Mrachek closed the public hearing.

Motion by Jeremy Olson to recommend approval of the conditional use permit with the conditions set forth by the staff report:

1. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road
2. The applicant shall adhere to all State laws, regulations and conditions for the operation of the proposed facility
3. The applicant shall contribute and work with the County on dust mitigation, for ¼ mile in each direction on 125th Ave, should it become a problem
4. The applicant shall post a surety bond in an amount equal to 150% of an engineer's estimate to reclaim the site with McKenzie County as the beneficiary
5. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request
6. The applicant shall obtain a building permit for any proposed structures or signs for the project.
7. The applicant shall maintain adequate weed control

Second by Doug Bolken. Voice vote: All yeas. Motion carried.

11. Bakken Western Service, CUP & Variance for a Solid Waste Facility within 1 mile of a residence, SW1/4 of the SW1/4, Section 5, T151N R95W

Mr. Jay Simmonds presented the Conditional Use Permit and Variance applications for Bakken Western Services. Mr. Kris Mrachek opened the floor for the public hearing on the conditional use permit for a drill cutting treatment plant and a variance application to construct the plant within one mile of a residence. There will also be treatment of drilling muds and soils at the facility. There would be minimal particles emitted from the stack. They have a mobile air quality permit from the EPA. It was stated by the applicant that the drill cuttings are not hazardous waste by definition. The facility is not a waste disposal pit. There will be a small amount of truck traffic, limited to approximately 15-20 trucks per day, as they can only process a certain amount per hour. They will employ 14-15 people and the facility will be monitored 24 hours per day. Their operating permit issued by the state is good for 5 years. There were no public comments. Chairman Kris Mrachek closed the public hearing.

Motion by Rick Lawler to recommend to the County Commission approval of the conditional use permit and variance with conditions set forth in staff report:

1. The applicants shall obtain a building permit for the proposed structures within the proposed development
2. The applicants shall submit for approval an updated exterior plan that incorporates security lighting and a landscaping plan (trees) to be approved by the Planning Department and placed in the file as part of this conditional approval
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event
4. The applicant shall post the addresses clearly on site and on the proposed structures. Additionally, the applicant shall construct a project sign identifying the site and address with a 4'x8' temporary construction sign.
5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to, the permit can be placed on the Planning Commission agenda for revocation.
6. The applicant shall finalize the approach permit process for existing approaches, provide adequate truck staging areas for the planned traffic in and out of the site and provide either monetary support to the county or gain approval to provide dust control on the county roads their delivery trucks use to access the site.
7. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility
8. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State as they are obtained or altered, along with any violations and as it relates to this conditional use approval

9. The applicant shall continually control dust and tracking onsite and from site during construction and operation on site to not track or create a nuisance to the neighboring property owners and the traveling public, identify a plan of travel and maintain dust control in front of nearby residents house
10. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways
11. The applicant shall obtain a bond equaling 150% of an engineer's estimate to reclaim the site if it is abandoned, with McKenzie County listed as the beneficiary
12. The applicant shall maintain adequate weed control and contact the County Weed Control Officer
13. The applicant shall ensure that taxes are paid in full

Second by Jeremy Olson. Voice vote: 5 yeas and 3 nays. Motion passed.

12. Northwood Investment, Comprehensive Plan Amendment to Residential and Zone Change to R-2, Lots 17-34, 49-53, 57-71 Longview Subdivision, Section 16, T149N R99W

Mr. Peter Proffit and Mr. Derek Kyser presented the Comprehensive Plan Text Amendment and Zone Change for Northwood Investment. Mr. Kris Mrachek opened the floor for public hearing on the text amendment to Residential and zone change to R-2 for Longview Subdivision. The subdivision was established prior to County zoning being put in place. The original intention was to have some multi-family. The subdivision is surrounded by State property to the North and East. The west portion of the subdivision will remain 1 acre lots, with some single family homes already being constructed. They are proposing approximately 228 multi-family units, which would be 2000 sq. ft. duplexes. There were no public comments. Chairman Kris Mrachek closed the public hearing.

Motion by Doug Norby to recommend to the County Commission approval of the text amendment to residential and the zone change to R-2, Second by Doug Bolken. Voice vote: All yeas. Motion passed.

13. Legion Terminals, Comprehensive Plan Amendment and Zone Change to Industrial with CUP for Bulk Storage, NE1/4 of the NE1/4, Section 19, T150N R95W

Mr. Chris Ambrose presented the comprehensive plan amendment, zone change and conditional use permit for Legion Terminals. Chairman Kris Mrachek opened the floor for public hearing on the applications for change to Industrial with Bulk Storage. Mr. Ambrose addressed each of the staff comments as well as concerns that Grail Township had with the project. The proposal is to construct a crude oil storage facility to serve oil and gas production facilities and gathering systems in the vicinity. The facility will be comprised of eight 250,000-barrel capacity above ground storage tanks, a 6-bay tanker truck loading/unloading facility for crude oil, pumping units, and Lease Automatic Custody Transfer units for transfer of crude oil to pipeline transportation facilities. The project will provide 15-20 jobs. The applicant has talked with NDDOT, who felt that there was no need for a turn lane at the project site. This location is in the area of several industrial facilities. The location is the most effective for their facility as there are six current or planned crude oil pipelines and several gathering systems in the immediate area. They provide an area for stacking of up to 50 trucks to get them off the road, as requested by Grail Township. They have also removed the plan for a Salt Water Disposal Well as part of the proposal, to address concerns by Grail Township. Rose Meder, a neighbor, expressed concerns about increased traffic, noise and that there is too much industrial in that area. Dave Veeder, a neighboring land owner, provided easement for the applicant and feels that we need to improve our transportation to get trucks off the road and is in favor of the project. Troy, from Grail Township, expressed concerns about the volume of crude being stored on the site. Two members of the Grail Township board were present at the meeting and stated that the applicant has addressed all of their concerns, however, the township does not agree with the location of the approach, despite being approved by NDDOT. The township also did not approve the landscaping/grading plan. They are concerned about the volume of crude being stored onsite and the possibility of an accident. The township initially denied the project and, after a second meeting with the applicant where they addressed the townships concerns, but took no action to reverse their original decision. A vote of the township residents in attendance indicated that a majority approved the project. The applicant stated that they have a containment berm and have overdesigned the system to exceed all requirements. Incident occurrences have been low. They will have a fully trained staff on site. The tanks have very low vapor

and a foam system that would suffocate any fire that may start. The tanks will be built in phases over time, as the customer base is built up. There was a lengthy discussion among the planning commission members about the concerns from the neighbors, as well as the township and the fact that the township is not in favor of the project. There being no other public comments, Chairman Mrachek closed the public hearing.

Motion by Rick Lawler to recommend to the County Commission approval of the Comprehensive Plan Amendment to Industrial, the zone change to Industrial and the Conditional Use Permit for bulk storage subject to the conditions set forth by the staff report:

1. The applicant shall obtain a building permit for the proposed structures within the proposed development.
2. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan (trees) to be approved by the Planning Department and placed in the file as part of this conditional approval.
3. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the address clearly on site and provide a project sign (4'x8') on site to identify the project.
5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to, the permit can be placed on the Planning Commission agenda for revocation.
6. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility.
7. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
8. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the traveling public along Hwy 73.
9. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
10. The applicant shall remain current with all county taxes.
11. The applicant shall provide onsite parking/staging for a minimum of 10 semi-trucks on site.
12. The applicant shall submit a bond equaling 150% of an engineers estimate to remediate/reclaim the site when the use is not planned to be utilized any further.
13. Grail Township approval.

With the addition of:

1. The applicant shall maintain adequate weed control
2. The applicant shall plant trees as a buffer for the neighbor to the Southwest
3. The applicant shall fence the site
4. The applicant shall coordinate their planned fire truck with the Keene Fire Department

Second by Paul Wisness. Voice vote: 6 yeas, 2 nays. Motion Passed.

14. Northwood Development, Comprehensive Plan/Zone Change to Commercial, N1/2, Section 21, T150N R101W

Northwood Development is requesting a zone change to commercial for the Northwood Business Park. Chairman Kris Mrachek opened the floor for public hearing. This is for 65 acres on the south side of Hwy 85. The parcel has already been subdivided into 5 acre parcels. The township has approved the zone change/comprehensive plan amendment. There were no public comments.

Motion by Les Haugen to recommend to the County Commission approval of the Zone change/Comprehensive Plan Amendment to Commercial. Second by Doug Bolken. Voice vote: All yeas. Motion Passed.

There being no further business, meeting was adjourned at 11:00pm. Motion by Doug Bolken, second by Jeremy Olson.

Secretary

Chairman

Planning and Zoning Commission Minutes September 9, 2013

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:00pm by Chairman Kris Mrachek.

Members Present: Kris Mrachek, Doug Nordby, Doug Bolken, Rick Lawler, Jeremy Olson, Paul Wisness, Barbara Bauman.

Absent: Les Haugen

Staff Present: Planning Director, Walter Hadley; Asst. Planner, Jill Edson; Administrative Assistant, Toni McGovern; County Attorney Ari Johnson.

Others: See sign in sheet

Minutes of August 12, 2013 were presented. **MOTION by Wisness, Second by Bauman to approve minutes as presented. Voice vote: All yeas. Motion Passed.**

Temporary Housing Discussion:

Walter Hadley brought up discussion on the possibility of a moratorium and that it should be on skid type units and RV's Parks. On applications for new workforce housing, there needs to be an exit strategy that allow the units to be purchased at affordable prices. Doug Nordby feels that we don't need to have businesses and residential mixed as it doesn't look neat or organized and that we need to have a time limit, a yearly renewal for example. Kris Mrachek agreed with Doug Nordby and further questioned the number of facilities that are in the County and the vacancy rates. Doug Bolken stated that we need to have a plan to phase these facilities out. Jeremy Olson feels that time restrictions could affect financing. Barb Bauman stated that phasing out the facilities may work for people that work in or near Watford City to find other housing, but what about the people that work outside the City? Paul Wisness feels that there needs to be an end to the housing. Doug Nordby stated that we need to make an example out of those that are not going through the proper process that the ordinance needs to have teeth in it to impose fines. County Attorney Ari Johnson stated that it's important for the elected officials to have a discussion on zoning violations and setting a law that has a range of violations that a judge could impose. You can go with a criminal penalty or a civil fine to mediate the violation. Kris Mrachek stated that he would like to see the CUP revoked if the bond lapses. Doug Nordby stated that anything that was grandfathered in needs to have conditions also applied to what is existing. Walter Hadley suggested that the planning department review the workforce housing in one year, place them on a consent agenda for either renewal or phasing out of the facility.

Unfinished Business: None

Public Hearings

1. South 30 Meadows, CUP/Variance, NE1/4 of the NW1/4, Section 12 T149N R99W

Steve Syrcle presented the conditional use permit application for workforce housing with a variance for lot sizes. The subdivision contains 11 lots and the applicant is proposing 22 units of workforce housing and to obtain a variance on 4 of the lots to be created at a size of less than 12,750 square feet. The applicant has no objections to the conditions set forth in the staff report and would do the landscaping in the spring. Kris Mrachek stated that the bond should be on the entire project and not just the second units. It was stated that only the second units will be removed and the remaining units will eventually be sold. Walter Hadley stated that the zoning was changed from Agriculture to R-1 at last month's meeting and they are bonding to remove the second unit leaving one house on one lot. Mr. Syrcle stated that they have two exit strategies either remove one of the units or remove both units and build a stick frame house. A resident stated that it's difficult to get financing so the investor/developer won't walk away from the development because their equity is at risk and feels the bond needs to be fair.

MOTION by Nordby, second by Bolken to recommend to the County Commission approval of the conditional use permit and variance with the conditions set forth in the staff report:

1. The applicant shall post a bond in the amount of 150% of an engineer's estimate for the removal of all units and capping of all utilities.
2. The applicant shall provide a landscaping/lighting plan for the site to be approved by the planning department prior to obtaining any occupancy permits.
3. The applicant shall provide a weed control plan to the County weed control office and obtain approval for any actions that need to be taken to gain compliance.
4. The applicant shall construct a temporary 4'x8' sign designating the project onsite for emergency services and shall post all road and structure signs in a visible manner as the development progresses.
5. The applicant/homeowners association will be responsible for the maintenance of the roadway within the 30 Meadows addition.
6. The applicant shall provide fencing on the boundary of the project to catch debris from blowing to other properties along with providing dumpster enclosures if community pickup is desired.
7. The applicant shall remove all second units at the same time to promote a smooth transition from workforce housing to single family residential use in the future.

Voice vote: All yeas. Motion Passed.

2. Great American Lodge, CUP for Workforce Housing Expansion with a Variance, SE1/4, Section 17, T150N R99W

Jim Rasche of Spec Ops LLC and Eric Kirby of Epic Engineering presented the request for expansion of an existing workforce housing facility with a variance on the square footage of a sign. The proposed project will be constructed in two phases with phase 2 consisting of 204 beds with 12 staff beds and phase three being 900 beds with 60 staff beds. They are hoping to start construction in the spring of 2014. They are willing to comply with all of the conditions listed in the staff report. There are currently no residents in the facility and they are working on obtaining contracts. Each unit will have 6 rooms. They are also requesting a variance of 192 square feet on the size of sign, requesting a 12'x24' sign as they feel that a larger sign is safer for drivers trying to find the location. Kris Mrachek asked if there was an exit strategy and Mr. Rasche stated that they would remove the units and restore the land back to its natural state. The other option would be to turn it into a permanent subdivision. Jeremy Olson stated that he would not be in favor of the variance on the sign as the purpose of the sign ordinance was so that large signs would not be a distraction. Doug Nordby asked that if the applicant is requesting another 900 beds in phase three and a moratorium on workforce housing is put in place, how would that affect the applicant's request and it was stated that it would not. At this point, the applicant requested tabling of phase three of the project. Steve Stenehjem questioned the location of this facility.

MOTION by Bolken, second by Pacheco to recommend to the County Commission approval of Phase 2 of the project with conditions set forth in the staff report:

1. The applicant shall obtain building permits for the proposed structures within the proposed development.
2. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the addresses clearly on site and on the proposed structures.
5. The applicant shall provide a minimum of one off street parking space for each individual unit proposed on site
6. The applicant shall provide adequate water storage on site to provide fire protection in the opinion of the fire department for the proposed project.

7. The applicant shall provide adequate separation from the adjacent units to meet state standards and fire regulations, along with adequate emergency service vehicle access and turnaround areas.
8. The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer.
9. The applicant shall fence the site for garbage control
10. All property taxes must be paid current
11. The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to restore the property to its natural state.
12. The applicant shall provide a security plan, house rules and regulations, fire and emergency evacuation plan, as well as a closure plan for when the workforce housing is no longer needed.
13. The conditional use permit will be reviewed annually to ensure compliance with the conditions listed.

Voice vote: All yeas. Motion Passed

MOTION by Nordby, second by Bauman to recommend to the County Commission denial of the variance on the square footage of the sign.

Voice vote: 7 yeas, 1 nay. Motion Passed.

3. Amber Hills, CUP for Workforce Housing Expansion, N1/2 of the NW1/4, Section 26, T150N R99W
 Dan Salzer of Wenck Associates, Brett Olson and Dan of Hegg Co. presented the request for expansion of the existing housing from 68 beds to 220 beds. Their goal is to build permanent housing but they need the temporary housing for the workers. They have no objections to the conditions in the staff report but did question the fence around the entire site and requested that they be allowed to fence around the trash receptacles or enclose them completely and increase the number of receptacles for the convenience of the residents. Doug Nordby stated that they have had complaints about other rural workforce housing facilities trash blowing onto other properties. Jeremy Olson asked the applicant how many of the current 68 beds are filled and it was stated that all of them are filled. They have one year contracts with corporations. There was discussion on whether the existing facility should meet the guidelines and it was stated by Ari Johnson that, if that was added as a condition, it would set the standard at a certain level. There were no public comments.

MOTION by Olson, second by Wisness to recommend to the County Commission approval of the conditional use permit for workforce expansion with the conditions set forth in the staff report:

1. The applicant shall obtain building permits for the proposed structures within the proposed development.
2. The applicant shall submit for approval and updated exterior plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of the request.
3. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the addresses clearly on site and on the proposed structures
5. The applicant shall provide a minimum of one off street parking space for each individual unit proposed on site
6. The applicant shall provide adequate water storage onsite to provide fire protection in the opinion of the fire department for the proposed project.
7. The applicant shall provide adequate separation from adjacent units to meet state standards and fire regulations, with adequate emergency service vehicle access and turnaround areas.
8. The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer
9. The applicant shall fence the site for garbage control
10. All property taxes must be paid current

With the addition of:

1. The existing 68 bed facility must meet all conditions

Voice vote: All yeas. Motion Passed

4. Jonas Crump, CUP for Workforce Housing Expansion, NE1/4 of the SE1/4, Section 12, T149N R99W

Applicant was not present.

MOTION by Olson, second by Pacheco to move this item to the end of the agenda.

Voice vote: All yeas. Motion Passed.

5. Von Broderick, CUP for Workforce Housing, S1/2 of the SW1/4, Section 31, T50N R99W (Crescent Ridge Sub)

The applicant was present and requested that the item be tabled.

MOTION by Bolken, second by Nordby to table this item.

Voice vote: All yeas. Motion Passed.

6. Von Broderick, CUP for Workforce Housing, N1/2 of the NW1/4, Section 31, T150N R99W(Saddle Ridge Sub)
Mr. Broderick presented the request for temporary housing and is requesting to have 3 units on 2.5 acres. He has no objections to all of the conditions stated in the staff report and would eventually like to leave two units on the 2.5 acre lots and split the property, due to the cost to put in infrastructure and then to have to return the property to agriculture is not financially feasible. Jill Edson stated that Saddle Ridge has been approved but not recorded and that the staff report recommends approval for the 8 lots in Block 1 only, as that is what the site plan shows. Kris Pacheco asked the applicant if he was requesting workforce housing on the 8 lots only and he stated yes. Walter Hadley stated the recommendation would be for approval of the 8 lots only with 2 acres and the bond would be for those lots only and that a final site plan should be submitted with more details. Kris Pacheco asked the applicant what type of units he was proposing and he stated that he had not picked the model of unit but they would all be identical.

MOTION by Pacheco, second by Bauman to table this item until such time as we have the type of units and a site plan.

Voice vote: All yeas. Motion Passed.

7. Von Broderick, CUP for Commercial Truck Shops and Storage Facilities, SE1/4, Section 36, T150N R100W

Mr. Broderick presented his request for a conditional use permit for various commercial uses. Jeremy Olson stated that Mr. Broderick has not been to Arnegard Township and received their approval or comments on this project. He had presented the project informally but had not filed a formal application.

MOTION by Olson, second by Nordby to table this item and send applicant to Arnegard Township for their comment.

Voice vote: All yeas. Motion Passed.

8. Ensign, CUP for Maintenance Shop and Workforce Housing, N1/2 of the SE1/4, Section 19, T149N R98W
Lowell Cutshaw presented the application requesting 65'x80' vehicle maintenance shop with three 25 bed dormitories. This project started approximately 1 year ago and they have obtained a building permit for the shop only. They have an approach permit. The beds would be for their employees only. They intend to have a 6' high fence around the property and have had engineering done for soil erosion and drainage. The housing units would be skid mounted. When the housing is no longer needed, the units would be removed and the land used to expand the commercial use.

Mr. Cutshaw questioned what the bond was for and Walter Hadley responded it would be for removing the structures and capping off the utilities. Resident Steve Stenehjem stated that he felt yearly review on workforce housing is very important. No other public comments.

MOTION by Bolken, second by Pacheco to recommend to the County Commission approval with conditions set forth in the staff report:

1. The applicant shall post the addresses clearly on site with a 4'x8' sign and on the proposed structures
2. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather
3. The applicant shall obtain a building permit for the proposed structures within the proposed development
4. The applicant shall not deposit any snow or water onto neighboring properties and shall dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event
5. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request
6. All property taxes shall be paid current
7. The applicant shall maintain adequate weed control
8. The applicant shall fence the site for garbage control
9. The applicant shall post a bond based on an engineer's estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.

With the addition of:

1. The conditional use permit will be reviewed in one year.

Voice vote: All yeas. Motion Passed.

9. JJR, CUP for maintenance shop with workforce housing, SE1/4 of the SE1/4, Section 25, T150N R100W
Jeff Brines presented the request for a 50'x120' steel building with 3-4 mobile homes for the mechanics. He stated that the yearly review would be a deterrent for him to invest in the workforce housing, which was a convenience for the mechanics. His primary objective was the shop. The township did approve the request. At this time, Mr. Brines removed the workforce housing portion of the request and is requesting approval on the shop only. There were no public comments.

MOTION by Lawler, second by Nordby to recommend to the County Commission approval of the maintenance shop with the conditions set forth in the staff report:

1. The applicant shall post the address clearly on site with a 4'x8' sign and on the proposed structure
2. The applicant shall obtain a building permit for the proposed structure
3. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event
4. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request
5. All property taxes shall be paid current
6. The applicant shall maintain adequate weed control

Voice vote: All yeas. Motion Passed.

10. Bloom Enterprises, CUP for maintenance shop with workforce housing, SE1/4, Section 25, T150N R100W
Peter Proffitt of Mohave Engineering and Ryan Bloom presented the request for a shop with workforce housing consisting of up to 20 trailers that would have permanent foundations. Bloom Enterprises are currently building infrastructure for the County, working for McKenzie Electric. They have 20 acres near the landfill and have been through Arnegard Township for their approval. They are offering incentives to their employees to relocate here in permanent houses or apartments. Jeremy Olson asked who would be staying in the units and Mr. Bloom stated that it wouldn't be families, that they have a rotation of linemen and skilled tradesmen. When asked by Doug Bolken what he felt the time frame would be for the workforce housing, Mr. Bloom stated that he didn't know as they didn't feel they would be able to get all of the employees to relocate on a permanent basis. They do not object to any of the conditions stated in the staff report. They currently have 7 units ready with the rest depending on the rate of growth of their employees. They will need the housing until the housing prices become more affordable for their employees. They will continue to pursue permanent housing. There were no public comments.

MOTION by Olson second by Bolken to recommend to the County Commission approval of the request with the conditions in the staff report:

1. The applicant shall post the addresses clearly on site with a 4'x8' sign and on the proposed structures
2. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather
3. The applicant shall obtain a building permit for the proposed structures within the proposed development
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request
6. All property taxes shall be paid current
7. The applicant shall maintain adequate weed control
8. The applicant shall fence the site for garbage control
9. The applicant shall post a bond based on an engineer's estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate

With the addition of:

1. The conditional use permit shall be reviewed in a year to ensure compliance
2. The error in the zoning designation in the staff report shall be corrected from Commercial to Agricultural

Voice vote: All yeas. Motion Passed.

11. Randall Hagen, CUP for single family house on less than 5 acres, Lots 24A and 25A, SW1/4, Section 16, T149N R99W
Applicant was not present.

MOTION by Olson, second by Bauman to move this item to the end of the agenda.

Voice vote: All yeas. Motion Passed.

12. Cascade Bakken – Minor Subdivision, SE1/4, Section 1, T149N R99W

Peter Eberle and Paul Moore presented the request for a minor subdivision to split off a lot of 4.87 acres. The intention of the property is to construct two restaurants. Jill Edson stated that there were a couple of conditions listed in the staff report as the plat appears leave a landlocked parcel after the 4.87 acres have been split. Trent with Bakken Residence Suites stated that, once the bypass is constructed, they may have an additional approach but he's unsure of the location. Doug Bolken asked if there was a way to run a simple lot split, such as this one, through administratively, and Walter Hadley responded that we would have to amend the ordinance to do so. There were no public comments.

MOTION by Lawler, second by Olson to recommend to the County Commission approval of the minor subdivision.

Voice vote: All yeas. Motion Passed.

13. Glen & Linda Fink, Comprehensive Plan Amendment/Zone Change/CUP, Lots 2, 3, 4 Sunrise Estates, Section 12, T149N R99W

Mr. and Mrs. Fink presented their request for a comprehensive plan amendment with zone change to commercial and a conditional use permit to expand an existing RV Park and to bring the current one into compliance with the zoning regulations. Mr. and Mrs. Fink stated that they purchased the Sunrise RV Park in January and of the 20 spots, 19 are full and they are requesting 20 more spots. Doug Bolken asked how long the park had been there and it was stated that it had been there for a year prior to the Fink's purchasing it. The Fink's stated that they are licensed through the State. Kris Pacheco asked how they manage the septic and they stated they have approval through Upper Missouri Health District but will have to gain approval for the additional through the State. Walter Hadley stated that, if approval is given, it needs to be an RV Park in the future and there is an opportunity to upgrade to more permanent housing and we need add condition #10, approval from State Food and Lodging. Doug Nordby stated that he would like to see a site plan of where the new units would be placed and the spacing. Kris Pacheco stated that we need to be done with RV Parks. Doug Bolken stated that, if what's there meets State guidelines, he doesn't feel that is enough. He would like to have the State standards for RV Parks at the next meeting and would like to see a set of standards for all RV Parks. Walter Hadley stated that they should be treated on a case by case basis. Ari Johnson stated that if the standards were part of the ordinance, they would be enforceable and having the requirements would reduce violations.

Carl and Renee Thorgramson stated that they are opposed to the expansion and that they don't like to look of RV Parks, and expressed concerns about the spacing and location of propane tanks. They also feel that, because of the temporary nature of these units, the people don't take care of their lots. Tom Gould stated that he is concerned about more traffic, there is only one way in and out and he doesn't want more traffic. Another landowner expressed concerns about the appearance of RV Parks.

MOTION by Olson, second by Bauman to table this item for a site plan and more information.

Voice vote: All yeas. Motion Passed.

14. Elk Ridge – Comprehensive Plan Amendment/Zone Change, S1/2 of the S1/2 of the NE1/4, Section 1, T152N R102W

Brad McHugh of White Dog Development Group presented the request for comprehensive plan amendment and zone change to Industrial-Commercial and Residential. The property is 150 acres and they would like 100 acres for industrial/commercial uses and the other 50 acres for Single Family Residential. The project has been going on for some time and they received original approval from Tri-township. The development will be in three phases with the first two phases being the commercial/industrial and the third phase would be residential. Doug Bolken requested clarification on the industrial and Walter stated that commercial is included in the industrial district according to our ordinance. Mr. McHugh stated that there would be no temporary housing except during the construction process. They have installed 144th Street NW and built up off 41st Street. They will maintain the road until such time as the county takes the road over. There were no public comments.

MOTION by Wisness, second by Olson to recommend to the County Commission approval of the Comprehensive Plan Amendment to Industrial, Commercial and Residential.

Voice Vote: All yeas. Motion Passed.

MOTION by Wisness, second by Olson to recommend to the County Commission approval of the Zone Change from Agriculture to Industrial, Commercial, Residential.

Voice vote: All yeas. Motion Passed.

15. Clearbrook, LLC, Comprehensive Plan Amendment/Zone Change, NW1/4 of the NW1/4, Section 29, T150N R99W

Peter Proffitt of Mohave Engineering and Steven Ball, owner presented the request for comprehensive plan amendment and zone change to commercial. If the request is approved, they will then move forward with a subdivision application for 2 acre lots. The applicant intends to construct shops for commercial uses. Jeremy Olson recused himself from the discussion as his relatives sold the property. Walter stated that 31st St will have to be improved for the commercial development. The applicant stated that there is an oil rig ¼ mile to the east of this property and it is about a mile from the highway where there is existing commercial/industrial uses. The surrounding properties are mostly agriculture uses. There were no public comments.

MOTION by Nordby, second by Lawler to recommend to the County Commission approval of the Comprehensive Plan amendment to commercial.

Voice vote: All yeas. Motion Passed.

MOTION by Nordby, second by Lawler to recommend to the County Commission approval of the Zone Change from Agriculture to Commercial.

Voice vote: All yeas. Motion Passed.

16. Targa Badlands, LLC, Comprehensive Plan Amendment/Zone Change/CUP, SW1/4 of the SE1/4, Section 11, T149N R99W

Travis Tucker and Chip Nelson of Targa Badlands presented the request. This is to establish a truck unloading facility with bulk storage tanks. They have no objection to the conditions in the staff report, but had questions about the annual review as this will be a permanent facility. They are also concerned about the bonding as the use is permanent not temporary. Doug Nordby questioned what their plans for the road were – it needs to be built up to withstand truck traffic and they need to have some form of dust control. Mr. Nelson stated that there would be about 40 trucks per day and asked if they should go to the County Engineer for recommendations on the road? Doug Nordby stated that they need to submit a plan of where the trucks will be traveling from. Walter stated that we need to see a road improvement plan approved by the county

engineer with a routing plan. It was asked how big the staging area would be and it was answered for 4 trucks. Doug Nordby stated that he would like to a staging area that is large enough to accommodate more trucks, 4 is not big enough. Ari Johnson suggested that the applicant obtain an engineering report that justifies staging for 4 trucks to be adequate. Mike Kreech questioned the location of the approaches and would like 22nd Street to be paved. He is also concerned about trucks trying to drive uphill in the winter. Don Steinberg stated that he has concerns about dust and safety.

MOTION by Wisness, second by Olson to recommend to the County Commission denial of the request due to dust concerns, noise, road not being built to withstand the traffic and the staging area not being large enough.

Voice Vote: 2 yeas, 6 nays. Motion defeated.

MOTION by Pacheco, second by Lawler to table this item for routing plan, dust control plan and road improvement plan to be approved by county engineer and larger staging area.

Voice Vote: All yeas. Motion Passed.

17. nStar Properties, LLC, CUP for a Private Fuel Center, SW1/4, Section 8, T149N R98W

Rick Behning presented the request for a private fuel center with truck parking. The fuel would be used for generators/rigs. They anticipate approximately 20 trucks per day and the facility will operate 24 hours per day. They have no objections to the conditions in the staff report. Doug Nordby questioned why that site was chosen, what is the plan of travel, how are they going to handle dust control and road maintenance? Mr. Behning stated that nStar has an easement to use the private road for access. They own the property and their employees live in the townhouses on the adjacent property. They feel that it would more convenient for their employees to gas up their rigs at this site and get on the road. Doug Bolken stated he has concerns about residential to the south of this location. Mr. Behning asked where they should apply dust control. Walter Hadley recommended dust control on 124T Street and 22nd, 1/8 – ¼ miles on each side. He also recommended earth tone paint scheme and some type of landscape screening by the townhomes and tanks. Mr. Behning stated they anticipate fencing the site in with a 6' chain link fence. Paul Wisness asked if they had contacted the fire district and it was stated that they had and are working on a written plan. There were no public comments.

MOTION by Olson, second by Nordby to table this item for more information including emergency response plan, dust control plan and routing plan.

Voice vote: All yeas. Motion passed.

18. Oneok, Comprehensive Plan Amendment, Zone Change, CUP, N1/2 and SE1/4, Section 35, T151N R98W

Danette Welsh, Dick Vanderbush, and Russ Clark from Oneok presented the request for comprehensive plan amendment and zone change to industrial with a conditional use permit for the purpose of expanding an existing natural gas plant. The plant captures natural gas and they will be able to process 300 million cubic feet of gas per day when all three plants are complete. The conditional use permit is for an electrical substation to be on the site. The applicant did question if the conditions listed in the staff report were to be applied to the entire 160 acre parcel or just the portion that the CUP would be for, which is a 2.8 acre parcel within the site. Doug Bolken asked if the conditions were needed on the zone change area or just for the 2.8 acres. Dick Vanderbush spoke and stated that he disagreed with the bond, and stated there will only be 10 trucks per day and there is only one residence in the area. Walter Hadley stated that, until a few days ago, we did not know where the location for the 2.8 acres within the site was going to be. The conditions set forth in the staff report are very similar to all of the others that have been done. Mr. Vanderbush questioned fencing the entire 160 acre site. They have appropriate drainage. Doug Nordby asked what the life expectancy of the plant and Mr. Vanderbush answered 50 years. When Doug Nordby asked why not try to make the plant look nicer if it's going to be there for that amount of time and Mr. Vanderbush answered that they try to remove flammables

from the area. He went on to say that a majority of the liquids will be removed by pipeline. He also stated that they are 1 mile off Hwy 1806 and feel that they will be unduly burdened with dust control. Kris Mrachek expressed concerns about the road being able to withstand the truck traffic and maintenance of the road. Ari Johnson spoke on the bond issue and stated that it is not a requirement by the ordinance and the Planning Commission can be flexible on this. The applicant could submit some other form of financial assurance that funds are available to reclaim the property. John from McKenzie Electric stated that the conditional use permit is for their substation but Oneok wanted to retain ownership of the property so that is why they are applying for it. There were no public comments.

MOTION by Nordby, second by Bauman to recommend to the County Commission approval of the comprehensive plan amendment and zone change to industrial and conditional use permit with the conditions set forth in the staff report:

1. The applicant shall obtain a building permit for the proposed structures within the proposed development and the existing office trailers that exist onsite at this time as well
2. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan (trees) to be approved by the Planning Department and placed in the file as part of this conditional approval
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event. It is highly suggested that onsite storm water storage is provided so county drainage swales are not inundated with onsite water runoff during a storm that exceeds a 25 year event.
4. The applicant shall post the address clearly on site and provide a project sign (4'x8') on site to identify the project at their entrance and along the south west corner of the property.
5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to, the permit can be placed on the Planning Commission agenda for revocation.
6. The applicant shall adhere to all agreement items listed in their application in regard to the County Engineer's approval for access/approach
7. The applicant shall adhere to all Federal and State laws, regulations and conditions for the operation of the proposed facility
8. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
9. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the traveling public. The applicant shall participate with the county or lead a private effort to provide dust control on and off site for the neighboring property owners from their site to Highway 1806.
10. All lighting shall be downward facing and shall not glare on adjacent property owners on the public travel ways
11. The applicant shall remain current with all county taxes
12. The applicant shall submit a weed control plan and have it approved by the County weed control office.
13. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the use is not planned to be utilized any further. **Changed to "bond or other form of financial surety to be approved by the County Commission"**
14. The applicant is only approved for the direct operation of three gas plant facilities and their required accessory structures to operate the same, any new uses planned onsite would need to gain zoning approval prior to the work commencing onsite.
15. An approved emergency plan should be submitted and updated with the county for this facility annually so that emergency responders understand what does exist onsite and the risks that would face them during response to an incident.

Voice vote: All yeas. Motion Passed.

19. Cameron Arnegard, Comprehensive Plan Amendment, Zone Change, CUP, NW1/4, Section 22, T150N R100W
Cameron Arnegard was present for the comprehensive plan amendment and zone change request for commercial and Kurt Hogue was present for the conditional use permit for a truck wash facility. Mr. Hogue stated that he had no objection to the conditions set forth in the staff report. Mr. Arnegard will work with the township on the zone change request. Mr. Hogue stated that the truck wash facility will be a 225' long tunnel type automated truck wash with a de-mudding system. The facility will require only approximately 400 gallons of water and 80% of the water will be recycled. Walter Hadley stated that the CUP is allowed in the agriculture zoning and the staff recommendation on the zone change would be denial based on the denial from Arnegard Township. Paul Wisness expressed concerns about chemicals being washed off of trucks. Mr. Hogue stated that they have three reclaim systems that spin out the solids which will go to a dump site. The chemicals are so diluted that they are undetectable. Jeremy Olson stated that the township board was not concerned with the use; their concern is with the location as there is a sour gas well nearby. He further stated that a previous application submitted by Mr. Arnegard was requested to be placed elsewhere, which it was. This new application is deemed inappropriate due to concerns with the location of the gas well and traffic concerns. It was stated that Mr. Arnegard would be willing to do a traffic study for the zone change. Resident Carol Manwill stated that she drives through that area every day and see no traffic issues in the area. David with First International Bank represented the neighboring property owners trust, as well as the tenant farmer and expressed concerned about runoff as his client's property is down slope from the location of the proposed truck wash.

MOTION by Pacheco, second by Bauman to recommend to the County Commission denial of the comprehensive plan amendment, zone change and conditional use permit due to the township denial and concerns.

Voice vote: All yeas. Motion passed.

- Item #4 revisited Jonas Crump, CUP for workforce housing expansion, NE1/4 of the SE1/4, Section 12, T149N R99W

Todd Arlene represented Mr. Crump and presented the request for workforce housing expansion to add 48 manufactured homes. They currently have apartment type units. The new units would be for families who would own the unit. The employees would transition from the apartments to the mobile homes which would be 2-3 bedrooms. The existing units would remain and be used for new employees or those without families. There were no public comments.

MOTION by Bolken, second by Olson to recommend to the County Commission approval of the conditional use permit with the conditions set forth in the staff report:

1. The applicant shall obtain building permits for the proposed structures within the proposed development
2. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request. **Updated to include "showing location of new units"**
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the addresses clearly on site and on the proposed structures
5. The applicant shall provide a minimum of one off street parking space for each individual unit proposed on site
6. The applicant shall provide adequate water storage onsite to provide fire protection in the opinion of the fire department for the proposed project
7. The applicant shall provide adequate separation from the adjacent units to meet state standards and fire regulations, along with adequate emergency service vehicle access and turnaround areas.
8. The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer
9. The applicant shall fence the site for garbage control
10. All property taxes and any other fees must be paid current

11. The conditional use permit will be reviewed annually to ensure continued compliance with the listed conditions.

With the addition of:

1. The existing high density housing will also be reviewed on an annual basis to ensure compliance with the conditions
2. The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to restore the property to its natural state

Voice vote: All yeas. Motion Passed.

Item # 11 revisited Randall Hagen, CUP for Single Family Residence on less than 5 acres, SW1/4, Section 16, T149N R99W

The applicant was still not present; however Walter Hadley requested that it be decided on anyway, as the applicant is requesting to construct a single family home on less than 5 acres. The applicant has two lots, each being 1.33 acres and would like to have a single family residence on each lot.

MOTION by Lawler, second by Olson to recommend to the County Commission approval of the conditional use permit with the conditions set forth in the staff report:

1. The applicant shall obtain a building permit for the proposed structures
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. The applicant shall post addresses on a 4'x8' sign on site during construction
4. The applicant shall maintain adequate weed control

Voice vote: All yeas. Motion Passed.

There being no further business to discuss, meeting adjourned at 10:40 pm.

Secretary

Chairman

**Planning and Zoning Commission Minutes
October 14, 2013**

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:00pm by Acting Chairman Doug Nordby.

Members Present: Doug Nordby, Doug Bolken, Barbara Bauman, Les Haugen, Kris Pacheco, Rick Lawler (5:50pm), Kris Mrachek (6:15pm)

Absent: Paul Wisness, Jeremy Olson

Staff Present: Planning Director, Walter Hadley; Asst. Planner, Jill Edson; Administrative Assistant, Toni McGovern; County Attorney Ari Johnson.

Others: See sign in sheet

Minutes of September 9, 2013 were presented. **MOTION by Pacheco, SECOND by Bolken to approve minutes as presented. Voice vote: All yeas. Motion Passed.**

Discussion:

Gun Ranges – Walter stated that there is nothing in the zoning ordinance that addresses these types of facilities. The agriculture zone allows for hunting lodges and similar uses and he feels that gun ranges should be allowed as a conditional use in the agriculture district. A change in the ordinance would not be needed, but there would be an understanding that these facilities would be included. There was a consensus of the planning members present were in agreement that gun ranges will be a conditional use in the agriculture district.

Enforcement on Water Line CUP's – Walter stated that, currently, a conditional use permit is required for these and some companies are having difficulty in presenting an alignment for the CUP, as they do not know ahead of time which property owners will or will not give them an easement. An e-mail submitted from the County Commission Chairman, Ron Anderson, posed the option of making fresh water lines an allowed use. Is this something that planning commission wants to pursue? Ari stated with enforcement there are two routes that can be taken, the civil route, resulting in an injunction versus the criminal route, resulting in jail time. Fresh water lines could either be an allowed use or as a conditional use for the general layout of the line, not as specific. Doug Bolken asked about the length of the lines and it was answered that the length varies. Doug Nordby stated that he is in favor of leaving them as a conditional use to be able to ensure that companies who install the water lines fill in after the pipeline is completed, also so that we know the size of the line. Ari stated that another option would be to make the pipeline an allowed use, but the service facilities a conditional use. The logistics of enforcement are a challenge right now. Walter stated that even after the fact, if water lines have already been installed, the company still needs to pay for road crossing permits. Kris Pacheco feels that, with the current lack of compliance, this should not be an allowed use. Ari stated that violators can be charged a penalty even if the ordinance is changed. Doug Nordby feels that guidelines should be created and written out by the next meeting. Walter informed the Commission that this item will be discussed because of a formal application to amend our zoning ordinance to allow fresh water pipelines and depots in the agriculture zone.

Unfinished Business:

1. Von Broderick, CUP for Workforce Housing, S1/2 of the SW1/4, Section 31, T50N R99W (Crescent Ridge Sub):
Tabled at the request of the applicant.
2. Von Broderick, CUP for Workforce Housing, N1/2 of the NW1/4, Section 31, T150N R99W(Saddle Ridge Sub):
Skip Gasic was present. The applicant is requesting workforce housing. The location is near the landfill. Walter stated that the planning department did not receive the applicant's presentation until about 2 hours before the meeting and he has not had a chance to review it completely. While they do have the type of unit included in the submittal, they have not addressed exit strategy, landscaping and lighting. Walter stated that an approval of the conditional use permit goes with the land and not the applicant and that we need the missing information in order to make an informed decision. The applicant stated that they will post a bond and are proposing no more than 24 beds per lot.
Doug Nordby stated that he feels this needs to be tabled until the needed information is received.

**MOTION BY Bolken, SECOND BY Bauman to table this item to the next meeting. Voice Vote: All yeas.
Motion Passed.**

3. Von Broderick, CUP for Commercial Truck Shops and Storage Facilities, SE1/4, Section 36, T150N R100W:
Tabled at the request of the applicant.
4. Glen & Linda Fink, Comprehensive Plan Amendment/Zone Change/CUP, Lots 2, 3, 4 Sunrise Estates, Section 12, T149N R99W:
Tabled at the request of the applicant's representative.
5. Targa Badlands, LLC, Comprehensive Plan Amendment/Zone Change/CUP, SW1/4 of the SE1/4, Section 11, T149N R99W:
The applicant was not present. Edson stated that the applicant had obtained copies of the information they submitted and stated that they were going to work out a road maintenance and dust control agreement with Hess.

**MOTION BY Pacheco, SECOND by Bauman to table this item to the next meeting. Voice Vote: All yeas.
Motion Passed.**

6. nStar Properties, LLC, CUP for a Private Fuel Center, SW1/4, Section 8, T149N R98W:
Scott Romney was present at the meeting. Edson reminded the commissioners that the item was tabled to allow the applicant time to submit a truck routing plan, emergency response plan and dust control plan. The applicant has submitted all of the items requested. The emergency response plan has been approved by the fire chief, and the dust control plan and truck routing plan have been approved by the McKenzie County Engineer. The applicant stated they have no opposition to the conditions set forth in the staff report. Doug Nordby asked who would use the fuel center and the applicant stated just their company. There were no public comments.

MOTION by Bolken, SECOND by Pacheco to recommend to the County Commission approval of the conditional use permit for a private fuel center with the conditions set forth in the staff report:

1. **The applicant shall post the addresses clearly on site (4'x8' sign) and on the proposed structures.**
2. **The applicant shall maintain enough spacing between the structures for emergency vehicles to be able to access and maneuver around the units in all types of weather, with an ingress and egress for vehicles that are not the same.**

3. The applicant shall obtain a building permit for any proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request. *On file*
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.
8. The applicant shall fence the site for garbage control
9. The applicant shall post a bond based on an engineer's estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the engineer's estimate.
10. The applicant shall maintain an adequate amount of water onsite for fire suppression, as deemed appropriate by the Fire Department.

Voice vote: All yeas. Motion Passed.

Public Hearings

1. Steve Dailey, CUP/, NW1/4 of the SE1/4, Section 11 T150N R95W

Milo Hicks presented the conditional use permit application for a scoria mining operation. The bond will be posted by the company mining the scoria, not by Mr. Dailey who is the property owner. Kris Pacheco questioned whether dust control of ¼ mile would be adequate. Mr. Hicks stated that they are on an oilfield road. Kris Pacheco asked how many trucks are planned and it was answered that approximately 100 trucks per week. There are no homes in the area, only oil pads. Les Haugen asked if there was a road maintenance agreement between the applicant and the oil companies and it was answered not yet. Les Haugen stated that one of the conditions will be to tarp all loads. There were no public comments.

MOTION by Pacheco, SECOND by Haugen to recommend to the County Commission approval of the conditional use permit and variance with the conditions set forth in the staff report with any commission additions:

1. The applicant shall post a bond in the amount of 150% of an engineer's estimate for site reclamation.
2. The applicant shall construct a temporary 4'x8' sign designating the project onsite for emergency services and shall post all road and structure signs in a visible manner as the development progresses.
3. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
4. All property taxes shall be paid current
5. The applicant shall maintain adequate weed control
6. The applicant shall maintain adequate dust control for ¼ mile in each direction on the main road
7. Trailers shall be covered during transport

Voice vote: All yeas. Motion Passed.

2. Lemoine Hartel, CUP, E1/2 of the NE1/4 of the NE ¼ of the NW1/4, Section 23, T150N R98W

Mr. Hartel presented the request for expansion of an existing water depot operation. He received a copy of the letter of opposition and stated that there is misinformation in the letter. Mr. Hartel owns the property adjacent to the water depot. They would use the existing site, existing road and existing approaches. There is only one depot. They currently use water for dust control. Walter commented that there are tanks staged and asked if they will be lined up with the others and it was answered that they are only temporary and are used for storage in the summer for Power Fuels. Doug Nordby would like to see a condition added being to paint the tanks earth tone colors. There were no public comments.

MOTION by Bolken, SECOND by Lawler to recommend to the County Commission approval of the project with conditions set forth in the staff report with any commission additions:

1. **The applicant shall post the addresses clearly on site with a 4' x 8' sign.**
2. **The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer.**
3. **The applicant shall maintain dust control**
4. **All property taxes must be paid current**
5. **The applicant shall adhere to all State laws, regulations and conditions for the operation of the facility.**

With the addition of:

6. **The applicant shall paint the tanks an earth tone color.**

Voice vote: All yeas. Motion Passed

3. Aries (Bakken) Residence Suites, CUP for Workforce Housing Expansion, part of the SE1/4, Section 1, T149N R99W:

Peter Eberle presented the request for expansion of the existing housing from 130 beds to 184 beds. There is the potential for the housing becoming permanent. They are proposing 18 buildings with each having 3 bedrooms. The conditional use permit would be for a 10 acre portion of the property only. Mr. Eberle requested clarification on condition #9, the fencing requirement and whether that was for the garbage area only or for the entire site. He also questioned condition #12, which is the bonding requirement as they own the land and are not leasing it. He requested that the conditional use permit be granted for 3 years as he has concerns about making this type of investment and the county having the ability to withdraw the permit at any time. It was stated by the planning commission that the conditional use permit does not have a set expiration on it and is only reviewed every year. Mr. Eberle stated that, with regards to condition #14, the traffic circulation plan, the opposition comes from the neighbor. Doug Bolken asked if the grandfathered portion could be made to be in compliance and it was stated that the conditional use permit will be for the entire site. Doug Nordby stated that, regarding the fencing condition, the planning commission doesn't want to start making exceptions and that this is a condition placed on everyone, as well as the bonding condition. There were no public comments.

MOTION by Lawler, SECOND by Bauman to recommend to the County Commission approval of the conditional use permit for workforce expansion with the conditions set forth in the staff report with any commission additions:

1. **The applicant shall obtain building permits for the proposed structures within the proposed development.**
2. **The applicant shall submit for approval an updated exterior plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of the request.**
3. **The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**

4. The applicant shall post the addresses clearly on site and on the proposed structures with a 4'x8' sign
5. The applicant shall provide a minimum of one off street parking space for each individual unit proposed on site
6. The applicant shall provide adequate water storage onsite to provide fire protection in the opinion of the fire department for the proposed project.
7. The applicant shall provide adequate separation from adjacent units to meet state standards and fire regulations, with adequate emergency service vehicle access and turnaround areas.
8. The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer
9. The applicant shall fence the site for garbage control
10. All property taxes must be paid current
11. The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to restore the site to its natural state
12. The applicant shall provide a security plan, house rules and regulations, fire and emergency evacuation plan, as well as a closure plan for when the workforce housing is no longer needed.
13. The conditional use permit will be reviewed annually to ensure continued compliance with the conditions listed
14. A coordinated traffic circulation plan between the two facility owners needs to be agreed upon and submitted to the Planning Office for approval.

The applicant asked for verification on condition 14 as to whether it could be removed from the conditions. Walter stated that, as long as the applicant makes a coordinated effort with the neighbor to work out the traffic issue that would be beneficial and should stay in the CUP.

Voice vote: All yeas. Motion Passed

4. J&A Services, CUP for Workforce Housing Expansion, property located in the NW1/4, Section 19, T149N R98W
 Peter Proffitt of Mohave Engineering represented the applicant and presented the application for expansion of the current workforce housing by adding six manufactured home units to the four that currently exist on the property. He stated that they have no objections to the conditions in the staff report, but did question fencing of the entire 60 acre and requested that the fencing be of just the garbage containment areas. Walter stated that this project started prior to zoning and we are now trying to make them conform to our standards, do we make them remove the differing units, as they currently have skid units and RV's and manufactured homes. Doug Bolken stated that now is the time to bring them into compliance, it's a matter of time frame. Mr. Proffitt stated that, while there are differing units, they are all grouped together. In response to a letter received from a neighbor, Mr. Proffitt stated that there have been violations in the past that the owner is working with the Health Department to resolve. Their sewer plan has been approved and the site is served by rural water. They have been operating for 3 years and have had no problems with water. The skid unit crew housing permit fees have been paid. Doug Nordby would like to see more uniformity. Kris Pacheco stated that, given the history of non-compliance, why would we allow them to expand? Walter recommended adding conditions including all fees must be paid current, a restoration bond equaling 150% of an engineer's estimate be submitted, and all units must be uniform within the first year after approval and they must submit their plan showing this. Doug Bolken asked if this is not approved, then what is currently there remains the same and the planning commission has no say while approving the application requires the entire site to be in compliance and Walter stated yes. Mr. Proffitt stated that the mobile homes are all the same with each having 2 bedrooms. The RV's are a starting point for the employees, who then move into mobile homes. They do have some families in the mobile homes. Walter stated that another option would be to replace RV's with mobile homes. There were no public comments other than the letter of concern submitted by Dale Patten which the Commission addressed.

MOTION by Pacheco, second by Bolken to recommend to the County Commission approval of the conditional use permit for workforce housing expansion with the conditions set forth in the staff report:

1. The applicant shall obtain building permits for the proposed structures within the development
2. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved by the Planning Department and added to the file.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the addresses clearly on the proposed structures
5. The applicant shall provide a minimum of one off street parking space for each individual unit proposed onsite.
6. The applicant shall provide adequate water storage onsite to provide fire protection in the opinion of the fire department for the project
7. The applicant shall provide adequate separation from the adjacent units to meet state standards and fire regulations, along with adequate emergency vehicle access turnaround
8. The applicant shall fence the property to maintain control of garbage
9. The applicant shall maintain adequate weed control on the property in a manner approved by the McKenzie County Weed Control Officer.

With the addition of:

10. All fees must be paid current.
11. The applicant shall post a bond equaling 150% of an engineer's estimate to reclaim the property to its natural state
12. All units must be uniform within one year

Voice vote: All yeas. Motion Passed.

5. OFT Pumps, CUP for Maintenance Shop and Workforce Housing, Lot 20D2 in the SE1/4 of the NW1/4, Section 25, T150N R100W

Levi Fernell presented the application requesting a maintenance shop with two employee trailer homes. At this point, they would like to have one mobile home for employees and, as they grow, add the second mobile home and a shop. Kris Pacheco asked if one mobile home would be allowed in the agriculture zone and Walter answered that the conditional use permit would be for the second unit and the commercial shop. The applicant asked if they could do one mobile home and the shop at this time and then come back with another proposal in the future. There were no public comments.

MOTION by Lawler, second by Haugen to recommend to the County Commission approval of the shop with one mobile home with conditions set forth in the staff report with any commission additions:

1. The applicant shall post the addresses clearly on site with a 4'x8' sign and on the proposed structures
2. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather
3. The applicant shall obtain a building permit for the proposed structures within the proposed development
4. The applicant shall not deposit any snow or water onto neighboring properties and shall dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event
5. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request
6. All property taxes shall be paid current
7. The applicant shall maintain adequate weed control

8. **The applicant shall fence the site for garbage control**
9. **The applicant shall post a bond based on an engineer's estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.**
10. **The conditional use permit will be reviewed in one year.**

Voice vote: All yeas. Motion Passed

6. Premier, LLC, CUP for shop with workforce housing, property located in the SW1/4, Section 8, T149N R98W
Trae Buchert presented the request for a maintenance shop with 2 mobile homes for employees. The property is two separate parcels which total 5 acres, with the shop being on one parcel and the housing being on the other parcel. The houses will be modular units. The applicant questioned the fence and bonding requirements and whether that was specific to the housing and not the shop. They have submitted an updated site plan that includes landscaping plan. A neighboring property owner, Harold Swerson, was present and voiced his concerns and opposition due to the fact that he has lived in the area for 30 years and over the past several months, he has become surrounded by commercial shops, oilfield shops and an RV Park which are decreasing the value of his property. He stated that there now is only one side of his property that is not being used for commercial purposes. Kris Pacheco asked if the planning commission could add a condition that limits the number of vehicles parked on the property and Ari answered that they could. The applicant stated that they currently have 7 trucks that will be parked at the site. Doug Bolken asked if the ordinance has a standard for number of vehicles allowed for a commercial business in an agriculture zone with a conditional use permit. Walter added that there is nothing in the ordinance, but the commission can add that as a condition. Doug Bolken stated that the commission wants to try and separate housing from commercial shops. Kris Pacheco added that they also want to protect the neighboring property owners. Kris Mracheck asked the applicant if they could find housing anywhere else. Mr. Buchert answered that this is more convenient. The employees drive a lot during their work day and to add another 30 miles for them to get to and from home may put them over the limit of hours of driving allowed by the NDDOT.

MOTION by Lawler, SECOND by Haugen to recommend to the County Commission approval of the maintenance shop and employee housing with the conditions set forth in the staff report and any additions by the Planning Commission:

1. **The applicant shall post the address clearly on site with a 4'x8' sign and on the proposed structure**
2. **The applicant shall obtain a building permit for the proposed structure**
3. **The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event**
4. **The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request. *On file.***
5. **All property taxes shall be paid current**
6. **The applicant shall maintain adequate weed control**
7. **The applicant shall fence the site for garbage control**
8. **The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather and conditions**
9. **The applicant shall post a bond based on an engineer's estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.**
10. **The conditional use permit will be reviewed annually to ensure continued compliance with the listed conditions.**

With the addition of:

11. **No more than 10 trucks on site on one lot and 2 houses on the second lot.**

Kris Pacheco questioned why this applicant is being allowed two housing units when the previous applicants have been allowed only one house.

MOTION BY Pacheco, SECOND BY Mracheck to amend the motion to allow only one housing unit and to maintain dust control for ¼ mile in each direction.

Voice vote on amendment: All yeas. Motion Passed

Voice vote on original motion: 5 yeas, 1 nay. Motion Passed.

7. Harvey Prickett, CUP for maintenance shop, NE1/4, Section 19, T149N R98W
Applicant was not present at the meeting.

MOTION by Mrachek, SECOND by Pacheco to table this item to the next meeting.

Voice vote: All yeas. Motion Passed.

8. Williamson Properties, LLC, CUP for a shop with employee housing, property located in the SE1/4, Section 25, T150N R100W:

Peter Proffitt of Mohave Engineering presented the application for a shop with eight 6-bedroom modular housing units. The property is already zoned commercial, so the conditional use permit would be needed for the employee housing only. Mr. Proffitt questioned the requirement of fencing for garbage – right now the site is all housing and they would like to add a shop. Walter stated that the township has acknowledged this area for commercial use and recommended approval with the condition that the RV's be removed, apply for rural water and hook up to it as soon as it becomes available, the application be reviewed annually, and the units be used for employees of their company only. They want to replace the RV's with mobile homes and would need a year to phase out the RV's. There were no public comments.

MOTION by Lawler, SECOND by Bauman to recommend to the county commission approval of the conditional use permit for employee housing with the conditions set forth in the staff report and any additions by the planning commission.

1. The applicant shall post the addresses clearly on the site with a 4'x8' sign and on the structures
 2. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather and conditions
 3. The applicant shall obtain a building permit for the proposed structures within the proposed development
 4. The applicant shall not deposit snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
 5. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request
 6. All property taxes must be paid current
 7. The applicant shall maintain adequate weed control
 8. The applicant shall fence the site for garbage control
 9. The applicant shall post a bond based on an engineer's estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate
 10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions
- With the addition of:
11. All RV's are to be removed by July 1, 2014.

Voice vote: All yeas. Motion Passed

9. Oneok – CUP for a Transmission Line, property located in Sections 35 and 36, T148N R105W
James Akingbola and Rachel Tenison, from Oneok, presented the request for a conditional use permit for a natural gas liquids transmission line. This pipeline will connect to an existing gas plant and pipeline. There was discussion among the planning commission members as to whether this should actually go through the conditional use permit process and it was stated that gathering lines are an allowed use as opposed to transmission lines, which are allowed by our ordinance as a conditional use. Ms. Tenison stated that there is a weed control plan already written.

MOTION by Lawler, SECOND by Bauman to recommend to the County Commission approval of the conditional use permit for a transmission line with the conditions set forth in the staff report.

1. The applicant will reseed with native grasses and provide weed control through a plan approved by the County Weed Control Officer.
2. The applicant shall maintain adequate ingress/egress for emergency vehicles in all types of weather and repair any sinking portions of fill material
3. The applicant shall have a fire watch on site, as well as fire extinguishers and swatters, in case of a grass fire, if welding activities occur during dry season during construction, as requested by the fire department.

Voice vote: All yeas. Motion Passed.

10. Nuverra, CUP for a Special Waste Landfill, S1/2 of the SW1/4 and the NW1/4 of the SW1/4, Section 19, T150N R99W:

David Johnson represented Nuverra and presented the application for Special Waste Landfill. Nuverra was formerly known as Power Fuels. Nuverra has purchased the Ideal Landfill and would like to expand it as well as establish a waste treatment reuse facility where they would separate solids from liquids. There is 120 acres at this location. The entrance would be the same one used for the existing landfill. The life of the landfill is approximately 20-25 years. This facility will handle the waste from 50 rigs. The traffic will be about 30 trucks per day; the site will be open 24-7. The storm water system is designed to convey a 100 year event. Doug Nordby asked about adding a condition that of paving from the site to the highway, as well as reporting overweight vehicles. Mr. Johnson stated that they have no problem with the pavement but would like the reporting of overweight vehicles to be applied to Tervita and Indian Hills facilities also. Kris Mrachek asked if the applicant had room for expansion and it was answered only if they purchased more land. There were no public comments.

MOTION by Pacheco, SECOND by Bolken to recommend to the County Commission approval of the Conditional Use Permit for Special Waste Landfill and Waste Treatment Reuse Facility with the conditions set forth in the staff report and additions from the Planning Commission:

1. The applicant shall obtain a building permit for the proposed structures within the development.
2. The applicant shall maintain adequate ingress/egress for emergency vehicles in all types of weather and conditions.
3. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved by the Planning Department and placed in the file as part of this conditional approval.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall post the addresses clearly on site on the proposed structure. Additionally, the applicant shall construct a project sign identifying the site and address with a 4'x8' temporary sign during construction.

6. The applicant shall finalize the approach permit process for existing approaches; provide adequate truck staging areas for the planned traffic in and out of the site.
7. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility
8. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State as they are obtained or altered, along with any violations and as it relates to this conditional use.
9. The applicant shall continually control dust and tracking onsite during construction and operation on site to no track or create a nuisance to the neighboring property owners and traveling public. Dust control shall be ¼ mile in each direction on the main road.
10. All lighting onsite shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
11. All property taxes shall be paid in full.

With the addition of:

12. Paving from the site to state highway 85.

Voice Vote: All yeas. Motion Passed.

11. Nuverra, CUP for a Salt Water Treatment and Storage for Recycling Facility, NW1/4, Section 21, T150N R96W
 Dave Johnson represented the applicant and presented the conditional use permit for a salt water treatment and storage facility. They will be storing water and run it through Halliburton's treatment system for reuse in fracking. Their biggest issue is traffic and they have talked with Walt Peterson from DOT who has approved their traffic plan. Their second issue is water storage, which will be discharged into a pond that is held onsite. Ari questioned what the traffic impact on Highway 23 would be. Mr. Johnson answered that they have not done a traffic impact study yet but there is the potential to double the traffic that is currently there. Doug Nordby pointed out that the DOT will be working on Highway 23 next year and asked if there will be a turn lane into the facility. Mr. Johnson stated that a turn lane is possible and they are studying the traffic pattern. Kris Mrachek expressed concerns about tracking onto the highway and Walter stated that there could be a knock off lane, 300 feet of gravel so, as the trucks are leaving the facility, it prevents tracking.

MOTION by Haugen, SECOND by Mrachek to recommend to the County Commission approval of the Conditional Use Permit for Salt Water Treatment and Storage for Recycling Facility with the conditions set forth by the staff report:

1. The applicant shall obtain a building permit for the proposed structures within the development
2. The applicant shall maintain adequate ingress/egress for emergency vehicles in all types of weather
3. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved by the Planning Department and placed in the file as part of this conditional approval
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event
5. The applicant shall post the address clearly on site and on the proposed structure. Additionally, the applicant shall construct a project sign identifying the site and address with a 4'x8' temporary sign during construction
6. The applicant shall adhere to all State and Federal laws, regulations, and conditions for the operation of the proposed facility
7. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State as they are obtained or altered, along with any violations and as it relates to this conditional use approval
8. The applicant shall continually control dust and tracking onsite during construction and operation on site to not track or create a nuisance to the neighboring property owners or the traveling public. Dust control shall be for ¼ mile in each direction on the main road

9. All lighting onsite shall be downward facing and shall not glare on adjacent property owners or the public travel ways
10. All property taxes shall be paid in full

Voice vote: All yeas. Motion Passed.

12. Coltown Properties, LLC, Zone Change to R-3 with CUP, NW1/4 of the NW1/4, Section 12, T150N R99W
This item was tabled as their plans do not meet the requirements for a mobile home park as set forth in the zoning ordinance.

13. Tesoro, Comprehensive Plan Amendment, Zone Change, CUP, NW1/4 of the NE1/4, Section 18, T151N R95W
James Sanford represented Tesoro and presented the request for comprehensive plan amendment, zone change and conditional use permit. The site is 12 acres located approximately 2.7 mile east of Hwy 23 and is across from their existing site. The project consists of construction of tanks and pumps. The applicant has no objections to the conditions in the staff report. Kris Pacheco asked about the number of vehicles that would be at this facility and Mr. Sanford stated that there would be no truck traffic only passenger vehicles once or twice a day for maintenance activities. This facility holds oil moving through pipelines.

MOTION by Bolken, SECOND by Pacheco to recommend to the County Commission approval of the comprehensive plan amendment, zone change and conditional use permit with the conditions set forth in the staff report and any additions by the Planning Commission:

1. The applicant shall obtain building permits for the proposed structures within the proposed development
2. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the addresses clearly on site and on the proposed structures
5. The applicant shall adhere to any and all Federal and State laws, regulations and conditions for the operation of the proposed facility
6. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use for the CUP file
7. The applicant shall continually provide adequate dust control during construction and operation on site so as to not create a nuisance to the neighboring property owners and the traveling public.
8. The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer
9. All lighting shall be downward facing and shall not glare on adjacent property owners or the public travel ways
10. All property taxes must be paid current
11. The applicant shall fence the site
12. The applicant shall submit a bond equaling 150% of an engineer's estimate to reclaim the site when the use is not planned to be utilized any further.

With the addition of:

13. The applicant shall paint the tanks an earth tone color.

Voice vote: All yeas. Motion Passed.

14. JGP Development – Zone Change to R-1, R-2, Commercial, Recreational, W1/2 of Section 15 and the E1/2 of Section 16, Township 153N Range 101W:

Jon Havrilesko was present at the meeting and is requesting a zone change. This project was started prior to zoning being adopted and they now are becoming compliant with zoning. It was asked if there is an oil well on the site and it was stated that there is and that the traffic from the well has an easement to use Cheyenne Drive as a public road and the trucks will not go through the subdivision. Doug Nordby asked about the number of family units and it was stated approximately 1,000 total and that the school district estimates .25 children per unit. Doug Nordby asked when the roads will be paved and it was answered next summer they will begin the phasing of the project with the roads and 100 units to test the market. Once the first phase is filled, they will move on to the next phase and plan to be complete within 5 years. They will donate land for the schools to build a place for kids to wait for the school bus. There will be onsite septic. They have rural water. Doug Bolken asked if RV's or skid units are allowed in R-1 or R-2 and Walter answered they are not allowed and that single family homes, apartments and duplexes are allowed. Mr. Havrilesko stated that they do not want a mobile home park. All of the roads will be paved. They will have dumpsters for the multi-family units and will be garbage pick-up for the single family area. The project has been approved by Tri-township. They have a geo technical report to address the terrain. One letter was received from the Game and Fish Department stating concerns about previous issues with residential areas being located next to Wildlife Management Areas, as this one is, including mowing, dumping of garbage and construction of outbuildings on state managed land. As well as the fact that hunting is allowed on Wildlife Management Lands which brings up the concerns of firearms discharging near residential areas. There were no public comments.

MOTION by Bauman, SECOND by Lawler to recommend to the County Commission approval of the Zone Change to R-1, R-2, Recreation and Commercial, as per proposed map and legal description and based on the township approval.

Voice Vote: All yeas. Motion Passed.

15. RPJB – Zone Change to Commercial/CUP/Major Subdivision, Lot 11, Section 6, Township 152N Range 101W:

Lee Waldrup represented RPJB and presented the request for zone change, conditional use permit and major subdivision. They are proposing commercial shops. The request for apartments has been removed from their request. Lot 3 in the subdivision will be a car wash. They are planning to construct buildings and will lease them out. There were no public comments.

MOTION by Bolken, Second by Lawler to recommend to the County Commission approval of the Zone Change to Commercial, Conditional Use Permit and Major Subdivision with the conditions set forth in the staff report and any additions from the Planning Commission:

- 1. The applicant shall obtain a building permit for all of the proposed structures within the proposed development.**
- 2. The applicant shall submit for approval an updated site plan that incorporates security lighting and a landscaping plan (trees) to be approved by the Planning Department and placed in the file as part of this conditional approval**
- 3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event. It is highly suggested that onsite storm water storage is provided so county drainage swales and not inundated with onsite water runoff during a storm that exceeds a 25 year event.**
- 4. The applicant shall post the address clearly onsite and provide a project sign (4'x8') on site to identify the project at their entrance along with clearly posted addresses on each of the proposed structures.**
- 5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to, the permit can be placed on the Planning Commission agenda for possible revocation**

6. The applicant shall adhere to all agreement items listed in their application in regard to the County Engineers/NDDOT approval for access/approach
7. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed commercial park
8. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and a I relates to this conditional use approval for the CUP file
9. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners or the traveling public. The applicant shall participate with the county or lead a private effort to provide dust/tracking control on and off site for the neighboring property owners from their site to State Highway 85.
10. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
11. The applicant shall remain current with all county taxes
12. The applicant shall submit a weed control plan and have it approved by the County Weed Control office
13. The applicant shall display signage onsite to not create a nuisance to the traveling public along Highway 85 and meet the intent of the McKenzie County Zoning Ordinance
14. The applicant shall provide a site securing debris fence to better control the spread of any debris from the site to neighboring properties
15. The applicant shall complete the Comprehensive Plan/Text Amendment and pay the fee that was overlooked at the time of application
16. The applicant shall obtain a comment from the township on the request for the cell phone tower and apply for a separate conditional use permit prior to moving forward on site.

Excepting from the conditional use permit the requested cell tower, as it is not approved at this time.

With the addition of:

17. **Block finish/stamped concrete facade finishes shall be required on all buildings**

Voice vote: All yeas. Motion Passed.

Doug Bolken brought up the subject of adding a second meeting each month, due to the volume of applications the board is hearing. There was also discussion of limiting the number of items on the agenda. Kris Pacheco would like to not allow any more RV Parks in the County. Walter stated that something could be put together to take to the Board of Commissioners and will be put on the next agenda. Kris Mracheck feels that we are getting to the point of not needing shops with housing on the same property. Kris Pacheco suggested a 3 month moratorium on workforce housing so we can get caught up. Ari stated that if it is stated that items can't be placed on the agenda for a certain time period at the direction of the Planning Commission, the safest way to approach it is to place it on the agenda for discussion but to be specific as to the section number of the ordinance. Walter stated that his concern over a blanket moratorium is that we currently have a lot of substandard housing that would not be brought up to code and the pricing would be increased. He agrees that a moratorium would be a good idea for skid units and RV's. Edson stated that a moratorium encourages illegal workforce housing that can be a dangerous living situation, without conditions being placed on the housing through the building codes and zoning ordinance. Ari stated with conditions, the planning commission can make it easier for competition to get the type of workforce housing the commission wants to see and the make the grandfathered housing less appealing.

There being no further business to discuss, meeting adjourned at 9:00pm.

The next regular meeting will be on November 18, 2013 at 5:00 pm.

Secretary

Chairman

**Planning and Zoning Commission Minutes
November 18, 2013**

Due to the absence of Chairman Kris Mrachek, **MOTION by Lawler, SECOND by Bolken to appoint Doug Nordby as Acting Chairman.** Voice vote: All yeas. Motion Passed.

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:00pm by Acting Chairman Doug Nordby.

Members Present: Doug Nordby, Doug Bolken, Les Haugen, Kris Pacheco, Rick Lawler, Paul Wisness, Jeremy Olson
Absent: Kris Mrachek, Barb Bauman

Staff Present: Planning Director, Walter Hadley; Asst. Planner, Jill Edson; Administrative Assistant, Toni McGovern;
County Attorney Ari Johnson; Code Enforcement Officer, Leann LaRose.

Others: See sign in sheet

Minutes of October 14, 2013 were presented. **MOTION by Olson, SECOND by Haugen to approve minutes as presented. Voice vote: All yeas. Motion Passed.**

Unfinished Business:

1. Harvey Prickett, CUP for a Shop, S1/2 of the NE1/4, Section 19, T49N R98W:

Mr. Prickett of Wave Architects was present and stated they are applying for a conditional use permit to construct an 80x100 shop on 125th Avenue, south of Watford City. They already have an existing 100x100 shop on the 5 acres and the new building would be to the east 350 feet. The new building would be used for storage. The applicant stated they have no objections to the conditions in the staff report. There were no public comments. Doug Bolken questioned adding dust control in front of their property. Pacheco questioned fencing requirements for commercial shops and it was stated that was a requirement more for workforce housing and not commercial shops. There was discussion on the applicant obtaining a trash dumpster and enclosing that as opposed to fencing the entire site.

MOTION by Lawler, SECOND by Bolken to recommend to the County Commission approval of the conditional use permit for a commercial shop with the conditions set forth in the staff report and any additions by the Planning Commission:

- a. The applicant shall post the address clearly on site with a 4'x8' sign and on the proposed structure.
- b. The applicant shall obtain a building permit for the proposed structure
- c. The applicant shall not deposit any snow or water onto neighboring properties and shall dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- d. The applicant shall submit for approval an updated site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request.
- e. All property taxes shall be paid current.
- f. The applicant shall maintain adequate weed control

With the addition of:

- g. The applicant shall maintain dust control in front of their site
- h. The applicant shall obtain a commercially serviced trash dumpster and enclose the dumpster

Voice vote: All yeas. Motion Passed.

2. Von Broderick, CUP for Workforce Housing, N1/2 of the NW1/4, Section 31, T150N R99W(Saddle Ridge Sub):
Applicant was not present, item moved to the end of the agenda.

3. Glen & Linda Fink, Comprehensive Plan Amendment/Zone Change/CUP, Lots 2, 3, 4 Sunrise Estates, Section 12, T149N R99W:

Peter Proffitt of Mohave Engineering was present and represented the applicants, who were also present at the meeting. They have submitted an updated site plan that incorporates fencing, lighting and landscaping, as requested by the planning commission. They have submitted water and sewer plans to the State, but have not yet received final approval. The applicant sent letter to the neighboring property owners offering to walk through the property with the neighbors and address any concerns that were brought up by the neighbors at a previous meeting. There were no public comments. The Finks want the park to be a short term park and not a man camp. They currently have 20 spaces, of which 14 are filled. They are trying to transition to a short term facility so, when an RV leaves, they are not filling the spot. There are two onsite managers. Doug Bolken asked if we can add the condition of an onsite manager to all future RV Park requests. Walter Hadley suggested a time limit be set on occupancy, possibly 120 days, in order to distinguish them from man camps. Kris Pacheco expressed concerns about increased traffic. Doug Bolken asked if there was only one entrance/exit from the property and it was stated yes. Doug Nordby recommended a one year renewal. Mrs. Fink stated that they have 4 tenants that have been there since they bought the RV Park in January of this year and they don't want to have to make them move, as they are good tenants. The onsite managers have been there the entire time are well. It was stated that any limitation would apply to new lease agreements not to those that are currently in the Park and the managers are considered employees.

MOTION by Wisness, SECOND by Lawler to recommend to the County Commission approval of the Comprehensive Plan and Zone Change to Commercial with Conditional Use permit for expansion of an existing RV Park with the conditions set forth in the staff report and any additions by the Planning Commission:

- a. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting to be approved and placed in the file as part of the request.
- b. The applicant shall not deposit any snow or water onto the neighboring properties and shall dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- c. The applicant shall post the address clearly onsite. In addition, an updated site plan of the layout of the park with the lot numbers indicated shall be provided to the 911 emergency manager to make it easier for emergency personnel to locate individual units.
- d. The applicant shall provide a minimum of one off street parking space for each individual unit proposed on site.
- e. The applicant shall provide adequate separation from the adjacent units to meet state standards and fire regulations, along with adequate emergency vehicle access and turnaround areas.
- f. The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer
- g. All property taxes must be paid current
- h. The applicant shall provide proof of compliance with the requirements of the North Dakota State Health Department and North Dakota Laboratories Department

With the addition of:

- i. Approval by North Dakota State Food and Lodging
- j. No onsite additions to the RV's (porches, etc.)
- k. Conditional Use Permit to be renewed in one year

Voice vote: All yeas. Motion Passed.

Public Hearings

1. Robert Harms -Text Amendment – Amend Sections 3.4.2, 3.7.2, 3.8.2 of Zoning Ordinance

Mr. Harms presented his request for a text amendment to amend the zoning ordinance to make fresh water pipelines an allowed use in the agriculture, commercial and industrial zoning districts and water depots an allowed use in the commercial and industrial zoning districts. His feeling is that there are already similar uses to water depots in the commercial and industrial zones that would generate similar traffic. Pipelines are slowed down by having to apply for a conditional use permit and they have a minimal impact on the land. Doug Bolken stated that he supports keeping pipelines as a conditional use as the zoning ordinance is new and they would like to become more familiar with the procedure. Doug Nordby agrees that pipelines should stay a conditional use so the planning commission has a say and cited concerns about the companies that place the pipelines following through on reseeding and mediating sinking issues. Walter Hadley stated that pipeline companies have struggled with filling out the conditional use application, as they don't always know where the exact route until the land owners approve, but the process requires a formal site plan. Doug Bolken stated that the applicants could provide a proposed layout of the pipeline location and then submit an as built to the planning office. Walter Hadley stated that water depots should remain a conditional use due to the intensity of the use. There were no public comments in opposition to the request. John Petrik of JMAC, representing West Dakota Water spoke in favor of pipelines being an allowed use. Doug Nordby asked Mr. Petrik if they have already installed a water line in McKenzie County and he stated yes. Mr. Nordby further asked him if he was aware that McKenzie County has zoning and it was answered that they have become aware of it. Steve Mortenson, Chairman of the Independent Water Users asked the board to give him a distinction between agriculture, commercial and industrial water uses in a pipeline and expressed concerns about a pipeline being denied. Jeremy Olson responded by stating that he can't think of any reasons why a pipeline request would be denied. Ari stated that, from a legal standpoint, to require a conditional use permit would ensure that water companies are in good standing with the State Water Commission.

MOTION by Bolken, SECOND by Olson to recommend to the County Commission denial of the Text Amendment to Amend Sections 3.4.2, 3.7.2 and 3.8.2 of the zoning ordinance.

Voice vote: All yeas. Motion Passed.

2. SBG, CUP, Water Pipeline, Sections 12 and 13, T151N R102W and Sections 17 and 18, T151N R101W

Jordan Grasser and Grant Slick with Advanced Engineering presented the request for SBG. They stated this project started in April but the pipeline route kept changing. In early October all contracts were signed with property owners. They wanted to be completely up front and stated that the construction of the pipeline has already begun. All road crossing permits have been obtained. This water line will remove between 30-60 trucks per day. Doug Nordby stated that he would like to see them come back before the planning commission if the use changes from salt water. Doug Bolken expressed concerns about settling of land within the next year being mediated and reseeding being added as conditions. There were no public comments.

MOTION by Olson, SECOND by Pacheco to recommend to the County Commission approval of the conditional use permit with conditions as set forth by the staff report:

- a. Re-seeding plan**
- b. All crossing permits through the engineers office**
- c. A final, as built plan for emergency response providers**

Voice vote: All yeas. Motion Passed.

3. Shawn Holdaway, CUP to add a second house on a parcel, part of the SW1/4, Section 8, T149N R98W:
Mr. Holdaway presented his request for conditional use permit to add a second home on the property for his employees. He currently resides on the property and owns two water trucks. He needs a place that his drivers can stay. He began the project in March of 2013 and has sewer approved for up to 10 people. He would like to add a garage in the future. He will be parking his trucks on the property. There were no public comments. Pacheco stated that the planning commission set 5 acres as the minimum and feels it needs to stay at 5 acres and not less. Mr. Holdaway responded that he began this project prior to zoning being enacted.

MOTION by Pacheco, SECOND by Bolken to deny the request.

ROLL CALL VOTE:

Ayes: Pacheco, Bolken

Nays: Wisness, Lawler, Olson, Haugen, Nordby

Motion Failed

MOTION by Lawler, SECOND by Olson to recommend to the County Commission approval of the conditional use permit request with the conditions set forth in the staff report and any additions by the Planning Commission:

- a. The applicant shall obtain a building permit for the proposed structure
- b. The applicant shall not deposit any snow or water onto neighboring properties and shall dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- c. The applicant shall post the address clearly onsite during and after construction.

With the addition of:

- d. The applicant shall submit a bond in an amount equivalent to 150% of an engineer's estimate to remove the second home.

ROLL CALL VOTE:

Ayes: Wisness, Lawler, Olson, Haugen, Nordby

Nays: Bolken, Pacheco

Motion Passed.

4. Ron Heiser, CUP for a Single Family House on less than 5 acres, property located in the S1/2 of the NE1/4, Section 26, T146N R99W
Mr. Heiser presented his request to have a single family house on 1.85 acres on Lot 4 of Walker's 1st Addition. He stated that water and sewer were in prior to zoning being required. Electrical is in place to the pole. This house would be used as a rental. Kris Pacheco feels that the planning commission needs to re-evaluate the 5 acre minimum for a single family house in the agriculture district. There were no public comments.

MOTION by Olson, SECOND by Haugen to recommend to the County Commission approval of the conditional use permit for a single family home on less than 5 acres with the conditions set for in the staff report:

- a. The applicant shall obtain a building permit for the proposed structure
- b. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event
- c. The applicant shall post the address clearly on site during and after construction

Voice Vote: 6 yeas, 1 nay. Motion Passed.

5. Marcus Shoenfelder, CUP for Single Family House on less than 5 acres, SW1/4, Section 16, T149N R99W
Peter Proffitt presented the application requesting a single family home on 1.01 acres. Water and sewer are in place. This located next to Longview Subdivision and everything in the area is IT tracts, not platted subdivisions. There were no public comments.

MOTION by Lawler, second by Wisness to recommend to the County Commission approval of the conditional use permit for a single family house on less than 5 acres with the conditions set forth in the staff report

- a. The applicant shall obtain a building permit for the proposed structure
- b. The applicant shall not deposit any snow or water onto neighboring properties and shall dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- c. The applicant shall post the address clearly onsite during and after construction.

Voice vote: All yeas. Motion Passed

6. Bakken Aggregates, CUP for a scoria pit, property located in the SE1/4 of the NE1/4, Section 15, T150N R95W
The applicant presented the request for a scoria pit. Doug Nordby would like to see an added condition of all loads being tarped. There were no public comments.

MOTION by Haugen, SECOND by Lawler to recommend to the County Commission approval of the scoria pit with the conditions set forth in the staff report and any additions by the Planning Commission:

- a. The applicant shall post the address clearly on site with a 4'x8' sign and on the proposed structure
- b. All property taxes shall be paid current
- c. The applicant shall maintain adequate weed control
- d. The applicant shall post a bond based on an engineer's estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
- e. The applicant shall adhere to all State laws, regulations and conditions for the operation of the proposed facility.
- f. The applicant shall maintain adequate dust control and tracking for 50 yards (drop off zone) from Highway 73 so as not to be a nuisance to the public traveling on the highway,

With the addition of:

- g. All loads must be tarped.

Voice vote: All yeas. Motion Passed.

7. McKenzie Electric, CUP for an electrical substation, SE1/4, Section 7, T151N R101W
Applicant was not present. There was discussion on whether the planning commission could go ahead and act on the application with the applicant not present. Ari stated that the planning commission can approve or deny when no one is present.

MOTION by Olson, SECOND by Lawler to move this item to the end of the agenda.

Voice vote: All yeas. Motion Passed.

8. The Edmunds Group, LLC, CUP for a shop/office with employee housing, property located in the SE1/4, Section 1, T149N R99W:

Mr. Edmunds presented the application for a shop/office with an apartment above the office for employees. The property is already zoned industrial, so the conditional use permit would be needed for the employee housing only. Jeremy Olson questioned if the apartment would be for continued occupancy. Mr. Edmunds stated that it would be 4 bedrooms with 2 bathrooms and for continuous housing as opposed to RV's or manufactured homes. When no longer needed, it could be converted to additional office space. Mr. Edmunds questioned condition #4, which refers to storm water and culvert systems, as the subdivision (BDR Star) has already been approved as designed. It was stated that the drainage designs for the subdivision should be adequate.

MOTION by Lawler, SECOND by Wisness to recommend to the county commission approval of the conditional use permit for employee housing with the conditions set forth in the staff report:

1. The applicant shall post the addresses clearly on the site with a 4'x8' sign and on the structures
2. The applicant shall maintain adequate ingress and egress for emergency vehicles to be able to access and maneuver around in all types of weather and conditions
3. The applicant shall obtain a building permit for the proposed structures within the proposed development
4. The applicant shall not deposit snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request
6. All property taxes must be paid current
7. The applicant shall maintain adequate weed control
8. The applicant shall fence the site for garbage control
9. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions

Voice vote: All yeas. Motion Passed

9. Black Pine Group – Minor Subdivision, property located in the SW1/4, Section 32, T152N R104W

Kolten Knatterud, from Territorial Landworks, presented the request for a minor subdivision to split a 5 acre parcel into two 2.5 acre parcels. There is currently a commercial shop on the property and the applicant would like to split the property to allow them to sell off one of the lots in the future. There were no public comments.

MOTION by Olson, SECOND by Bolken to recommend to the County Commission approval of the minor subdivision.

Voice vote: All yeas. Motion Passed.

10. Waste Water Ecology, Zone Change and CUP for a Waste Water Treatment Facility, N1/2 of the SW1/4, Section 22, T150N R101W:

Brian King of Ulteig Engineering represented the applicant and presented the application zone change to industrial and conditional use permit for a Waste Water Treatment Facility. The facility would serve the commercial properties in the area, including Patriot Fuels, Tumbleweed Inn and the treated water would be sold for use in fracking. There is also a need for hauled in waste water for treatment. The applicant has a site agreement with Tumbleweed to alleviate eco concerns. This is consistent with what is in the area. Edson stated that originally the Alex Township board approved this request at their meeting in October, but the morning of the meeting, Mr. Nelson, Chairman of the township stated that the conditions set forth by the township board in their approval had not been met and they were recommending denial. The applicant, Tyler

Radbourne, was unable to make the meeting, but did have a meeting the next day with some township board members to discuss concerns. Mr. Jay Lewis, of the Alex township board, was present at the meeting and stated that they were recommending denial, with the major concern of the township being odor. One of the conditions set by the township was a third party commenting on the odor. Doug Bolken questioned if the commission could approve contingent on township approval. Jeremy Olson stated that the item could be tabled. Paul Wisness questioned if the commission could go along with the township agreement. Walter Hadley stated that a condition could be added that the township approval must be submitted before this would be brought to the County Commission, or the item could be tabled. Mr. King stated that, if this is put off another month, the facility won't be able to be started until spring. If there are any complaints of odor, the plant would be shut down within 48 hours. Kit James, a neighbor, spoke in opposition of the project stating that he doesn't want a 17 acre lagoon and that Game and Fish need to be considered. He stated that Peter Nyguard wrote a letter in opposition stating a traffic congestion issue. Lance Jackson, national representative stated that this is not raw sewage, it is treated to a standard of 10 out of 10 and the liquid that comes out is clear and odorless. This is lagoon is not typical, it holds highly treated effluent. John Scaria of Triangle Petroleum spoke in opposition but stated that, if this is approved, he would like to see the same conditions apply if the property is ever transferred to another owner. Walter Hadley stated that the conditions run with the land, not the owner, and a new owner would have to abide by the conditions set forth. Jamie, a neighboring property owner, spoke in opposition citing concerns about this being a new system. Lance Powell stated that this is a two part request and the zone change could still be approved.

MOTION by Olson, SECOND by Pacheco to send this back to the township to work with the applicant.

Voice Vote: All yeas. Motion Passed.

11. Long X Commercial Park, Major Subdivision, NE1/4, Section 36, T150N R99W

Peter Proffitt of Mohave Engineering presented the request for a major subdivision consisting of 12 lots ranging in size from 2.07 acres to 5.09 acres. The property is already zoned industrial. There is an existing approach. There is a minimum lot size of 2 acres in the industrial district, which all of the lots meet.

MOTION by Pacheco, SECOND by Olson to recommend to the County Commission approval of the Major Subdivision request for Long X Commercial Park.

Voice vote: All yeas. Motion Passed.

12. Iron Horse Business Park, Major Subdivision, NW1/4 of the NE1/4, Section 29, T150N R99W

Peter Proffitt of Mohave Engineering represented Clearbrook LLC and presented the request for a major subdivision consisting of eight lots ranging in size from 1.80 acres to 1.95 acres. There is an easement in place and the approach permit has been approved. Jeremy Olson recused himself from this vote.

MOTION by Lawler, SECOND by Wisness to recommend to the County Commission approval of the request for major subdivision for Iron Horse Business Park.

Voice vote: All yeas. Motion Passed.

13. Coltown Properties, Zone Change, Major Subdivision, NW1/4 of the NW1/4, Section 12, T150N R99W

Peter Proffitt represented Coltown Properties and presented the request for zone change and major subdivision consisting of nine lots, with one lot being 28.90 acres and the remaining 8 lots ranging in size from 1.16 acres to 1.65 acres. Walter Hadley stated that this area was designated as Residential on the Comprehensive Plan Map and to keep in mind that R-3 zoning allows multi-family but no man camps. Kris Pacheco asked how water and sewer will be addressed and it was answered that each lot would have individual well and septic. Kris Pacheco expressed concerns about what is planned for each lot if the multi-family zoning were to be approved and would like to see a better site plan. There was also discussion about

what was planned on the 28.9 acre lot and Mr. Proffitt stated that the intent is to request a conditional use permit for a future mobile home park. Kris Pacheco expressed concerns about having a mobile home park and multi-family housing next to property that could have future single family dwellings on it. There were no public comments.

MOTION by Wisness, SECOND by Haugen to recommend to the County Commission approval of the zone change to R-3 for lots 2 through 9, with lot 1 to be left agriculture and major subdivision

Voice vote: 5 yeas, 2 nays. Motion Passed.

14. Lakeview Estates – Major Subdivision, Sections 3 and 4, Township 150N Range 100W:

Applicant was not present at the meeting. The staff recommends that the applicant go back to the township and address the concerns of the township board. Shannon Faller spoke in opposition citing concerns with emergency personnel response, conditions of the roads, water and sewer concerns and feels that this is not an ideal location for 26 new homes. Lynn Hovde, of Arnegard Township board stated that one thing that has been overlooked is the 15 ton weight per axle restriction on the road, which is 2.5-3 miles in length.

MOTION by Bolken, SECOND by Pacheco to recommend to the County Commission denial of the Major Subdivision request.

Voice Vote: All yeas. Motion Passed.

15. Arrow Midstream – Text Amendment and Zone Change to Industrial/CUP, NE1/4 and the N1/2 of the NW1/4, Section 19, Township 150N Range 95W:

Wayne Yeager represented Arrow Midstream and presented the request for text amendment and zone change to industrial with a conditional use permit for storage tanks. They are proposing to expand the existing facility. They will construct a 9,000 square foot office building as a more permanent solution to the temporary buildings that are currently onsite. The intent is to decrease truck traffic, which are currently 20 trucks per day. They have adequate parking for the building and already have enough parking for trucks. There were no public comments.

MOTION by Lawler, Second by Pacheco to recommend to the County Commission approval of the Text Amendment and Zone Change to Industrial with Conditional Use Permit for storage tanks with the conditions set forth in the staff report:

1. **The applicant shall obtain a building permit for all of the proposed structures within the proposed development.**
2. **The applicant shall submit for approval an updated site plan that incorporates security lighting and a landscaping plan (trees) to be approved by the Planning Department and placed in the file as part of this conditional approval**
3. **The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event. It is highly suggested that onsite storm water storage is provided so county drainage swales and not inundated with onsite water runoff during a storm that exceeds a 25 year event.**
4. **The applicant shall post the address clearly onsite and provide a project sign (4'x8') on site to identify the project.**
5. **The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to, the permit can be placed on the Planning Commission agenda for possible revocation**

6. The applicant shall be required to notify the county if any information or plans change for the use of this site.
7. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed commercial park
8. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and a I relates to this conditional use approval for the CUP file
9. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners or the traveling public. The applicant shall participate with the county or lead a private effort to provide dust/tracking control on and off site for the neighboring property owners from their site to State Highway 73.
10. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
11. The applicant shall remain current with all county taxes.
12. The applicant shall provide onsite parking/staging for a minimum of 10 semi-trucks on site
13. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the use is not planned to be utilized any further (excluding office building).

Voice vote: All yeas. Motion Passed.

16. Von Broderick, CUP – Workforce Housing, N1/2 of the NW1/4, Section 31, T150 N R99W

Mr. Broderick was present submitted a packet of information that addressed the questions the planning commission had previously, such as number and type of units. The exit strategy is to turn the units into single family houses. There will be a fence around the perimeter, as well as the trash dumpster. The site plan shows they have added security lighting, 3 lights per lot, and landscaping. Mr. Broderick will own the facility. There will not be an onsite manager as of yet. There were no public comments.

MOTION by Wisness, SECOND by Pacheco to recommend to the County Commission approval of the conditional use permit subject to the conditions as set forth in the staff report:

1. The applicant shall obtain building permits for the proposed structures, as well as the sign, for the proposed development
2. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request.
3. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the addresses clearly on site and on the proposed structures.
5. The applicant shall provide a minimum of one off street parking space for each individual unit proposed on site
6. The applicant shall provide adequate water storage onsite to provide for fire protection in the opinion of the fire department for the proposed project.
7. The applicant shall provide adequate separation from the adjacent units to meet state standards and fire regulations, along with adequate emergency service vehicle access and turnaround areas.
8. The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer.
9. The applicant shall fence the site for garbage control
10. All property taxes must be paid current and an annual planning fee in an amount to be determined by the County Commission.
11. The applicant shall provide a security plan, house rules and regulations, fire and emergency evacuation plan, as well as a closure plan for when the workforce housing in no longer needed.
12. The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to reclaim the property to its natural state.

13. The applicant shall provide an occupancy list to the county 911 emergency coordinator to be maintained on a current basis.
14. The plat of Saddle Ridge Subdivision needs to be recorded prior to any building permits being applied for.
15. The conditional use permit will be reviewed annually to ensure compliance with the conditions listed.

Voice vote: All yeas. Motion Passed.

17. McKenzie Electric, CUP – Electrical Substation, property located in the SE1/4, Section 17, T151N R101W:
The application is for an electrical substation to meet the growing demand for electrical service in the county. The applicant was not present. There were no public comments.

MOTION by Lawler, SECOND by Olson to recommend to the County Commission approval of the conditional use permit subject to the conditions set forth in the staff report:

1. The applicant will provide weed control through a plan approved by the County Weed Control Officer.
2. The applicant shall maintain adequate ingress/egress for emergency vehicles in all types of weather and conditions
3. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road
4. The applicant shall obtain a building permit for any proposed structures in the project.

Voice vote: All yeas. Motion Passed.

Kris Pacheco questioned how long the other three items under unfinished business, Targa Badlands for a Zone Change/Text Amendment to Industrial; Von Broderick for two CUP applications, would be allowed to stay on the agenda when there have been no updates.

MOTION by Olson, SECOND by Pacheco to recommend to the County Commission denial of Targa Badlands application for Text Amendment and Zone Change to Industrial.

Voice vote: All yeas. Motion Passed.

MOTION by Bolken, SECOND by Olson to recommend to the County Commission denial of both of Von Broderick's CUP applications for workforce housing in Crescent Ridge Subdivision and for commercial type businesses in Skyline Ridge Subdivision.

Voice vote: All yeas. Motion Passed.

There being no further business to discuss, meeting adjourned at 8:15pm.

The next regular meeting will be on December 9, 2013 at 5:00 pm.

Secretary

Chairman

**Planning and Zoning Commission Minutes
January 6, 2014**

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:00pm by Chairman Kris Mrachek.

Members Present: Kris Mrachek, Les Haugen, Barb Bauman, Rick Lawler, Paul Wisness, Jeremy Olson, Doug Nordby

Absent: Doug Bolken, Kris Pacheco

Staff Present: Planning Director, Walter Hadley; Asst. Planner, Jill Edson; Administrative Assistant, Toni McGovern.

Others: See sign in sheet

Minutes of November 18, 2013 were presented. **MOTION by Olson, SECOND by Wisness to approve minutes as presented. Voice vote: All yeas. Motion Passed.**

Unfinished Business:

1. Waste Water Ecology Group, Zone Change /CUP for a Package Waste Water Treatment Plant and Truck Wash facility, N1/2 of the SW1/4, Section 22, T150N R101W:

Brian King of Ulteig Engineering was present and stated that the zone change is requested for the NE ¼ which is currently commercial and they would like it change to industrial. The conditional use permit is for the N1/2 of the SW1/4 and would be for a holding pond for the treated effluent from the Waste Water Treatment Facility. This section has high growth in the area including mancamps, a hotel and a truck facility. The Waste Water Treatment Facility would treat the entire section and would process 145,000 gallons per day. The odor is treated by a 10/10 standard which is the strictest standard by the State. Also, the owner has a 48 hour cease and desist order written into the land agreement that the facility will be shut down in the event of a complaint until the complaint is resolved. There will be trees around the perimeter. Treated water will be piped to the holding pond. Trucks will use 141st to access the holding pond.

Mrachek asked if there will be maintenance done on 141st and it was answered that road maintenance is part of the lease agreement. There are parking spaces for up to 20 trucks. Mr. King stated that they estimate 5 trucks per day at the loading station and approximately 18 trucks per day at the filling station.

This was sent back to Alex Township for the applicant to work with the township to resolve concerns about the waste water treatment plant causing odor. Edson did talk to Tim Nelson, Chairman of Alex Township on December 6th, and he stated that the township did approve the application at their December 5th meeting.

MOTION by Olson, SECOND by Bauman to recommend to the County Commission approval of the Zone Change to Industrial with conditional use permit for a package waste water treatment plant and holding pond with the conditions set forth in the staff report and any additions by the Planning Commission:

- a. The applicant shall post the address clearly on site with a 4'x8' sign and on the proposed structure.
- b. The applicant shall obtain a building permit for the proposed structure
- c. The applicant shall adhere to all State laws, regulations and conditions for the operation of the proposed facility.
- d. The applicant shall submit for approval an updated site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request.
- e. The applicant shall contribute and work with the County on dust mitigation, should it become a problem.
- f. The applicant shall post a surety bond in an amount equal to 150% of an engineer's estimate to reclaim the site with McKenzie County as the beneficiary.

With the addition of:

- g. Road Maintenance on 141st

Voice vote: All yeas. Motion Passed.

Public Hearings

1. **SBG, CUP, Water Pipeline, Sections 13, 22, 23, 24 and 27, T150N R100W:**

Jordan Grasser of AE2S represented the applicant and presented the application for salt water pipeline. He submitted a new map showing where the pipeline layout has been rerouted. All of the easements, except two have been secured and those two have given verbal agreement. Brian of the City of Arnegard Council requested a copy of the map showing the reroute. Wisness asked how the planning commission can approve the pipeline when all of the easements are not in place. Walter Hadley stated that the planning commission would be approving the concept of what the applicant is doing, with a final map of the layout to be submitted once all easements are in place. Kris Mrachek asked why the planning commission is even hearing these requests and it was answered that at the last meeting, which he was unable to attend, the commission members present voted to leave water pipelines as a conditional use in the agriculture district. Mrachek feels that water pipelines need to be discussed at a special meeting. Greg Sorenson asked if there are provisions in place to monitor the pipeline. Mr. Grasser replied that there is a monitoring system on both ends of the pipeline. The pumps can be shut down within minutes if there is a leak. The pumps do not run continuously. Jim Warnake asked if there is an alarm system in place. Brian with the City of Arnegard asked if the installer and the operator are the same and it was answered that the installer is a contractor and the operator is a separate company. He also asked the depth of the pipeline and it was answered 7 feet. He then stated that the City of Arnegard was not notified of this application and it was stated that planning staff just received the map of the reroute, part of which is in the City of Arnegard's ETJ, at this meeting and were not aware of the portion going through the City's jurisdiction prior.

MOTION by Wisness, SECOND by Bauman to table this item pending Arnegard City Councils recommendation and to give the applicant time to secure the last two easements.

Voice vote: All yeas. Motion Passed.

2. **Select Energy, CUP, Water Pipeline, property located in T153N R101W, T152N R102W, T152N R101W, T151N R102W, T151N R101W, T150N R102W and T150N R101W (Iverson Project):**

Bill Goodrick presented the request for freshwater pipeline which will be 5 miles long and 24 inch in diameter. All easements have been secured. There were no public comments.

MOTION by Lawler, SECOND by Olson to recommend to the County Commission approval of the conditional use permit request with the conditions set forth in the staff report:

- a. **Submit a re-seeding plan**
- b. **All crossing permits must be approved through the County Engineer's Office**
- c. **A final "as built" site plan must be submitted to the Planning Office to be placed in the file.**

Voice Vote: All yeas. Motion Passed.

3. Select Energy, CUP, Water Pipeline, property located within portions of T154N R97W, T154N R96W, T154N R95W, T154N R94W, T153N R97W, T153N R96W, T153N R95W, T153N R94W, T153N R93W, T152N R98W, T152N R97W, T152N R96W, T152N R95W, T152N R94W, T151N R98W, T151N R97W, T151N R96W, T151N R95W, T151N R94W, T150N R97W, T150N R96W, T150N R95W, T150N R94W, T149N R97W, T149N R96W, T149N R95W, T149N R94W (Charleson Project):

Bill Goodrick presented the request for a freshwater pipeline, 20 miles in length and 24" in diameter which will be used for fracking purposes. There were no public comments.

MOTION by Olson, SECOND by Bauman to recommend to the County Commission approval of the conditional use permit for a water pipeline with the conditions set for in the staff report:

- a. **The applicant shall submit a re-seeding plan**
- b. **All crossing permits must be approved through the County Engineer's office**
- c. **A final "as built" site plan needs to be submitted to the Planning Office to be placed in the file.**

Voice Vote: All yeas. Motion Passed.

4. Whiting Oil & Gas, CUP, Water Pipeline, property located within portions of Section 12 and 13, T151N R102W and Sections 7 and 8, T151N R101W:

Jordan Grasser of AE2S presented the request for freshwater pipeline. This is potable water and the source is WAWS. The construction has already been done on this pipeline as it is in the same trench as a saltwater line and they did not want to disturb the ground twice, so it was placed at the same time as the saltwater line. It was installed in November. There were no public comments.

MOTION by Olson, SECOND by Wisness to recommend to the County Commission approval of the conditional use permit for a water pipeline with the conditions set forth in the staff report

- a. **The applicant shall submit a re-seeding plan**
- b. **All crossing permits must be approved through the County Engineer's office.**
- c. **A final "as built" site plan needs to be submitted to the Planning Office to be placed in the file.**

Voice vote: All yeas. Motion Passed

5. Basin Electric Power Cooperative, CUP, Electrical Transmission Line, property located in portions of, T145N R98W, T146 R98W, T147N R98W, T147N R99W, T148N R98W, T148N R99W, T149N R98W, T149N R99W, T150N R99W, T151N R99W, T151N R100W, T151N R101W:

Chris Miller of Basin Electric Power Cooperative presented the request for electric transmission line that will be monopole structures. They have an environmental impact statement. The project is needed to produce power. They are a wholesale supplier, a cooperative. One letter was received in opposition of the project. Per the North Dakota Service Commission, for property within 500 feet, the cooperative needs to get a waiver from the property owner. They give fair market value to the property owner for the easement or they get a private appraisal. They can use eminent domain, if necessary. Olson questioned what the planning commission is approving and Hadley stated the layout of the line. Basin Electric builds to the National Electric Safety Code. All waivers have been acquired. Sherry Lervick stated that she has not given Basin Electric permission to cross her property and feels it will harm her pastures. There are no easy access ways. She feels that Basin Electric has not worked with them and that better communication is needed. She does feel that this is a needed project. Les Slagle has several conflicts with the route. He has concerns with an area that is north of Arnegard where there are several well sites and would like to see the transmission line rerouted in that area. The lines also cross land that has scoria on it. Mr. Miller stated that Basin Electric has a mineral agreement with property owners and will pay those property owners what the market value of the scoria is. Mr. Miller went on to say that the main purpose is to provide service. Basin Electric is a cooperative and is non-profit. Nevin Gall stated that there is a need for power and suggested a utility corridor.

MOTION by Olson, SECOND by Haugen to table this item for no longer than 60 days to work with the land owners to come to a resolution on the route:

Voice vote: All yeas. Motion Passed.

6. McKenzie Electric, CUP for an electrical substation, NW1/4 of the NW1/4, Section 27, T150N R98W(Coyote Charlie Project):

Applicant was not present.

MOTION by Olson, SECOND by Lawler to move item to the end of the agenda.

Voice vote: All yeas. Motion Passed.

7. McKenzie Electric, CUP for an electrical substation, property located in the SW1/4 of the SW1/4, Section 4, T149N R95W (Grail project):

Applicant not present

MOTION by Olson, SECOND by Lawler to move item to the end of the agenda.

Voice vote: All yeas. Motion Passed.

8. McKenzie Electric, CUP for an electrical substation, property located in the SW1/4 of the SW1/4, Section 18, T150N R95W

Applicant not present.

MOTION by Olson, SECOND by Lawler to move item to the end of the agenda.

Voice vote: All yeas. Motion Passed.

9. J. Koski Co., CUP for a Scoria Mining Operation, property in portions of Sections 2 and 3, T150N R95W:
Marty McCusky presented the request for a scoria pit. Grail Township did approve the request. Haugen stated that he did not see a condition of tarps on all loads and would like to see that added.

MOTION by Haugen, SECOND by Lawler to recommend to the County Commission approval of the conditional use permit for a scoria mining operation with the conditions set forth in the staff report and any added conditions from the Planning Commission:

- a. **The applicant shall mark the site with an address/project identification (4'x8' sign) that is visible from the road**
- b. **The applicant shall adhere to all State laws, regulations and conditions for the operation of the proposed facility**
- c. **The applicant shall post a bond based on an engineer's estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate**
- d. **All property taxes shall be paid current**
- e. **The applicant shall maintain adequate weed control**
- f. **The applicant shall maintain adequate dust control and tracking for 50 yards from the site with a drop off zone so as not to be a nuisance to the public traveling on the main road**

With the addition of:

- g. **All loads must be tarped.**

Voice Vote: All yeas. Motion Passed.

10. Thomas Bateman, CUP to add a second home on the property, W1/2 of the SW1/4 of the SE1/4 and the S1/2 of the SE1/4 of the SW1/4 of the SE1/4, Section 26, T151N R98W

James Bateman presented the request for a second home on the property. They have a trucking company and would like to add a second house for the employees, which consists of cousins, brothers, etc. The septic has been approved. They would like to add one mobile home, which would be temporary.

MOTION by Lawler, SECOND by Wisness to recommend to the County Commission approval of the conditional use permit for a second house on the property with the conditions set forth in the staff report:

- a. The applicant shall obtain a building permit for the proposed structure
- b. The applicant shall not deposit any snow or water onto neighboring properties and shall dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event
- c. The applicant shall post the address clearly on site during and after construction
- d. The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to remove the second house from the property
- e. The applicant shall maintain adequate weed control

Voice vote: All yeas. Motion Passed.

11. Kurt Michelsen, CUP for Workforce Housing, SE1/4, Section 19, T149N R98W(Lots 1-5 Dixon Subdivision):

Kurt Michelsen presented his request for workforce housing consisting of 3 manufactured units per lot in Dixon Subdivision to be used in conjunction with commercial shops that will be constructed on the lots. Doug Nordby stated that the planning commission is trying to separate residential from commercial and are trying to get away from the mixed uses. Jeremy Olson asked if the housing could be placed on one of the lots and the other 4 lots have the commercial shops. Nordby also suggested having the housing in the commercial shops. Hadley stated that the applicant would not need to obtain a reclamation bond if the housing was in the shops. Hadley asked Mr. Michelsen if he has sold all of the lots. The applicant stated not all of the lots are sold and that to be able to advertise that workforce housing is available on the lots will be more advantageous. There is currently a building on lot 3 and there are two more to be constructed this spring. Nordby stated that he would be in favor of one manufactured house per lot or to have the housing inside the shop. Edson stated that the workforce housing was applied for at the same time as the subdivision but there was no mention of the workforce housing in the minutes as to whether it was approved, denied, or even discussed which is why Mr. Michelsen is applying for it at this time. There were no public comments.

MOTION by Nordby, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for workforce housing – one housing unit, not to exceed 10 bedrooms, for Lots 1, 2 and 3 with the conditions set forth in the staff report. The other two lots would have to have the housing inside the shop.

- a. The applicant shall post the address clearly on site with a 4'x8' project sign and on the proposed structures, so that the addresses are visible to emergency personnel day or night
- b. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather (15' State requirement)
- c. The applicant shall obtain a building permit for all of the proposed structures within the development
- d. The applicant shall not deposit any snow or water onto neighboring properties and shall dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- e. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request
- f. All property taxes shall be paid current
- g. The applicant shall maintain adequate weed control
- h. The applicant shall fence the sites for garbage control

- i. The applicant shall post a bond based on an engineer's estimate to reclaim the sites with the county as the beneficiary. The bond amount shall be 150% of the estimate
- j. The conditional use permit shall be reviewed annually to ensure compliance with the listed conditions
- k. The applicant shall store an adequate water supply along with pump equipment and supplies to provide 1000 gallons per minute for two hours, as requested by the Fire Department

Voice vote: All yeas. Motion Passed.

12. Hall Real Estate Group, CUP for a maintenance shop, SW1/4, Section 8, T149N R98W

David Hall presented the request to have a commercial maintenance shop with an apartment inside the shop consisting of three bedrooms for him and his crew. There were no public comments.

MOTION by Olson, SECOND by Nordby to recommend to the County Commission approval of the conditional use permit for a maintenance shop with an apartment in the shop with the conditions set forth in the staff report:

- a. The applicant shall post the addresses clearly on site with a 4'x8' sign and on the proposed structure
- b. The applicant shall obtain a building permit for the proposed structure within the development
- c. The applicant shall not deposit any snow or water onto neighboring properties and shall dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event
- d. The applicant shall submit for approval an updated site plan that incorporates security lighting, and a landscaping plan to be approved and placed in the file as part of this request
- e. All property taxes shall be paid current
- f. The applicant shall maintain adequate weed control

Voice vote: All yeas. Motion Passed.

13. Raven Drilling, CUP for a warehouse/storage building, NE1/4 of the SW1/4, Section 26, Township 150N Range 97W:

Applicant was not present.

Moved to the end of the agenda.

14. ND Indoor RV Park – Text Amendment and Zone Change to Industrial, N1/2 of the SE1/4 and the S1/2 of the NE1/4, Section 19, Township 149N Range 98W:

Louie Bonneville presented his request for zone change to industrial. His Indoor RV Park was established prior to zoning being adopted and they are requesting the zone change to become compliant with the zoning ordinance. Hadley stated that this is to legitimize what they have so that they may expand the facility. Nordby expressed concerns that there is no green space for children to play in; there is not enough room to be able to drive between the trailers; the driveway is washed out and too narrow. He would like to see these items addressed before he is comfortable voting on the zone change. Mr. Bonneville stated that he tried to get two driveways but was denied and that the State approved his driveway. He further stated that the facility has been approved by the State. Lawler feels that Mr. Bonneville needs to address the issues and then come back. There were no public comments.

MOTION by Nordby, Second by Haugen to recommend to the County Commission denial of the Text Amendment and Zone Change to Industrial.

Voice vote: All yeas. Motion Passed.

Mr. Bonneville questioned the reason for the denial. Nordby stated that he does not feel that living areas should be in the industrial zone. He also stated that there is no play area for kids and the access roads are bad.

He then questioned the request to change the zoning to industrial. Hadley responded that all commercial uses are allowed in the industrial district so it's a better fit.

15. Michael Houser, Text Amendment and Zone Change to Agriculture, SW1/4 of the SW1/4, Section 23, T150 N R98W

Michael Houser presented his request for zone change from commercial to agriculture so that he can construct a house on the property, which is located on 122nd St. The property is currently designated commercial. The property to the east is zoned agriculture. He has three parcels that total 47 acres. There were no public comments.

MOTION by Olson, SECOND by Nordby to recommend to the County Commission approval of the text amendment and zone change to agriculture.

Voice vote: All yeas. Motion Passed.

16. Watford City Lodging – Lincoln Park – Zone Change to Commercial with CUP, Govt. Lot 3, Section 6, T152N R101W

Steve Syrcle of Tri- State Consulting represented the applicant and presented the request for zone change to commercial to establish a travel center with truck parking, and a conditional use permit to expand the RV Park for the existing 40 spots to 50 spots, which was approved by Tri township. The project was started to zoning being adopted and was zoned commercial by the Township. When the township turned over zoning to McKenzie County, they rezoned everything back to agriculture. The new owner purchased the property recently and was unaware that the RV Park was not licensed, which has since been taken care of with the State. Duncan Cameron stated that he is in favor of the travel center and that it is needed to provide amenities to the RV Park residents. Olson asked Mr. Cameron about the living conditions in the RV Park and he stated that they are good – there is a playground for the kids and a shower house. Nordby asked if the area for trucks would be hard surfaced and Steve Syrcle replied that it would be. Nordby then asked if they have a permit for water and Steve replied that they do not, that this is the first step in getting the permit. Raymond Holder, a resident of the RV Park stated it is a good place to live and affordable.

MOTION by Nordby, SECOND by Lawler to recommend to the County Commission approval of the zone change to commercial with conditional use permit with the stipulation that the area to be used for trucks be hard surfaced.

Voice vote: All yeas. Motion Passed.

17. McKenzie Electric, CUP, Electrical Substation (Coyote Charlie), NW1/4 of the NW1/4, Section 27, T150N R98W
The applicant was not present. The application is for an electrical substation.

MOTION by Lawler, SECOND by Nordby to recommend to the County Commission approval of the conditional use permit, with the conditions set forth in the staff report:

- a. The applicant will provide weed control through a plan approved by the County Weed Control Officer.
- b. The applicant shall maintain adequate ingress/egress for emergency vehicles in all types of weather and conditions.
- c. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road.
- d. The applicant shall obtain a building permit for any proposed structures in the project.

Voice vote: All yeas. Motion Passed.

18. McKenzie Electric, CUP, Electrical Substation (Grail), SW1/4 of the SW1/4, Section 4, T149N R95W
The applicant was not present. The application is for an electrical substation.

MOTION by Lawler, SECOND by Nordby to recommend to the County Commission approval of the conditional use permit with the conditions set for by the staff report:

- a. The applicant will provide weed control through a plan approved by the County Weed Control Officer.
- b. The applicant shall maintain adequate ingress/egress for emergency vehicles in all types of weather and conditions.
- c. The applicant shall mark the site with visible address/project sign (4'x8') from the road.
- d. The applicant shall obtain a building permit for any proposed structures in the project.

Voice vote: All yeas. Motion Passed.

19. McKenzie Electric, CUP, Electrical Substation (Veeder), SW1/4 of the SW1/4, Section 18, T150N R95W
The applicant was not present. The application is for an electrical substation.

MOTION by Lawler, SECOND by Nordby to recommend to the County Commission approval of the conditional use permit with the conditions set forth in the staff report:

- a. The applicant will provide weed control through a plan approved by the County Weed Control Officer.
- b. The applicant shall maintain adequate ingress/egress for emergency vehicles in all types of weather and conditions
- c. The applicant shall mark the site with visible address/project sign (4'x8') from the road.
- d. The applicant shall obtain a building permit for any proposed structures in the project.

20. Raven Drilling, CUP, Storage Shop, NE1/4 of the SW1/4, Section 26, T150N R97W
The applicant was not present. The request is to construct a storage shop that will be used to store equipment already at the site. This is near a scoria pit and there will be no increase in traffic.

MOTION by Nordby, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for a storage shop with the conditions set forth in the staff report:

- a. The applicant shall post the address clearly on site (4'x8' sign) and on the proposed structure
- b. The applicant shall obtain a building permit for the proposed structure
- c. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culver system to convey a 25 year event.
- d. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request.
- e. All property taxes shall be paid current
- f. The applicant shall maintain adequate weed control.

There being no further business to discuss, meeting adjourned at 8:15 pm with a motion by Lawler and second by Bauman.

The next regular meeting will be on January 13, 2014 at 5:00 pm.

Secretary

Chairman

**Planning and Zoning Commission Minutes
January 13, 2014**

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:00pm by Chairman Mracheck.

Members Present: Doug Nordby, Kris Mrachek, Barb Bauman, Paul Wisness, Jeremy Olson, Doug Bolken, Kris Pacheco

Absent: Les Haugen, Rick Lawler

Staff Present: Planning Director, Walter Hadley; Asst. Planner, Jill Edson; Administrative Assistant, Toni McGovern; Attorney Ari Johnson.

Others: See sign in sheet

Minutes of January 6, 2014 were presented. **MOTION by Nordby, SECOND by Olson to approve minutes as presented. Voice vote: All yeas. Motion Passed.**

Unfinished Business:

None.

Discussion:

A brief discussion was held on amending the ordinance to include a final as built site plan as a requirement on water lines. Bolken questioned why these are on agendas. Nordby stated that for doing property tax assessment and would like to know where they are located. Bolken stated that these should be going through the engineering department. Nordby stated that the requirement for CUP also includes water depots and feels that it should not change. Nordby stated that they would finish the line and then bring in the final layout of the pipeline. Ari stated that it is more important to have the as built plan after the fact. Mracheck stated that we should have them bond the pipelines as a requirement. Olson stated that would be part of the agreement with the landowner. Bolken stated the only time we should get involved is if it's an agreement with a landowner through a section line.

MOTION by Olson, SECOND by Pacheco to place this discussion on the special meeting to be held in February.
VOICE VOTE: All yeas. Motion Passed.

MOTION by Olson, SECOND by Bolken to set a special meeting to discuss various items for February 12, 2014 at 6:00pm.

VOICE VOTE: All yeas. Motion Passed.

Public Hearings

1. West Dakota Water, CUP, Water Pipeline, Sections 19 and 30, T152N R100W and Sections 19, 20, 21, 22, 23, 24, 25, 26 and 27, T152N R101W:

Drew Pocus presented the request for a conditional use permit for a water line that is located within tri-township. It is a permanent freshwater pipeline for Industrial use. They will also allow taps for farmers for water for cattle, etc. All but one easement have been signed. Nordby stated that if, in the future, there will be any depots, he would like to see a conditional use permit applied for. Olson stated that he had concerns about abutments being located within right of ways. There were no public comments.

MOTION by Nordby, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for a water pipeline with conditions as set forth by the staff report:

- a. Re-seeding plan
- b. All crossing permits through the engineers office
- c. A final, as built plan for emergency response providers

Voice vote: All yeas. Motion Passed.

2. Jim & Katie Ketcher, Variance, Accessory Structure Setback, property located in Lot 1 and the North 15 feet of Lot 2, replace of Dakota Meadows Subdivision, Section 5, T149N R98W(2339 124th Q Ave):

Ben Reese presented the request for a variance on side yard setback. The garage was constructed on the property line, which they moved the lot line to allow a 10 foot side yard setback and then noticed in the zoning ordinance that the side yard setback for accessory structures is 25 feet. To move the lot line any more would make the adjoining lot less than 1 acre. The house was built last fall. The planning commissioners questioned the setback being more than for the primary structure. Ari stated that the thought process on the accessory setback was probably for shops to be farther from the lot line and didn't take into consideration garages. There were no public comments.

MOTION by Pacheco, SECOND by Olson to recommend to the County Commission approval of the variance of 12.5 feet.

Voice Vote: All yeas. Motion Passed.

3. Jason Koloditch/Patricia Hughes, CUP, Single Family House on less than 5 acres, property located in the SW1/4, Section 16, T149N R99W (2105 129th U Avenue NW):

The applicant was not present. This is a request to build a house on one acre and is in the Cherry Brook Subdivision where there have been several similar requests that have been approved. There were no public comments.

MOTION by Olson, SECOND by Bauman to recommend to the County Commission approval of the conditional use permit for a single family house on 1 acre, with the conditions set for in the staff report:

- a. The applicant shall obtain a building permit for all structures
- b. The applicant shall post the address on a 4'x8' sign on site that is clearly visible during construction
- c. The applicant shall maintain adequate weed control.
- d. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.

Voice Vote: All yeas. Motion Passed.

4. Richard Demers, CUP, Workforce Housing, property located within the N1/2 of the NW1/4, Section 31, T150N R99W (Lot 1 Saddle Ridge Subdivision):

Richard Demers presented his request for workforce housing. He is requesting 12 units on Lot 1 of Saddle Ridge Subdivision. He has had a lot of interest expressed for 2 bedroom houses and veteran's housing, as well as low cost housing for fire and police personnel. He will have people sign a 2 year lease. He has a 5 year plan to remove the temporary housing and his goal is to use this housing as transitional and the residents would eventually move to permanent houses. This is not a man camp but would be more for families. Olson asked what the proximity to water and sewer is. Mr. Demers stated that septic is already in and a well would be installed this month. Pacheco asked what the difference is between this and a mobile home park. Hadley

stated that a mobile home park would require a zone change. Temporary housing is temporary and requires a bond for reclamation of the property. Mr. Demers stated that his plan is to remove the temporary housing and build two permanent houses. Pacheco questioned the Sheriff's comments about a no firearms policy being in place and asked if this was a typical response. Edson stated that this is not a typical response on workforce housing applications. Ari stated that, if no firearms policy is enforced, it would hamper offering housing for law enforcement. Trent Midman, who manages Bakken Residence Suites, stated that while it's easy to set rules, it's difficult to enforce them. Bolken stated that we need to have a review process on all workforce housing.

MOTION by Pacheco, SECOND by Nordby to recommend to the County Commission approval of the conditional use permit for workforce housing for Lot 1 of Saddle Ridge Subdivision with the conditions set forth in the staff report

- a. The applicant shall obtain building permits for all proposed structures in the proposed development
- b. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request.
- c. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- d. The applicant shall post the addresses clearly onsite and on the proposed structures.
- e. The applicant shall provide a minimum of one off street parking space for each individual unit proposed on site.
- f. The applicant shall provide adequate water storage onsite to provide fire protection in the opinion of the fire department for the proposed project.
- g. The applicant shall provide adequate separation from the adjacent units to meet state standards and fire regulations, along with adequate emergency service vehicle access and turnaround areas
- h. The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer.
- i. The applicant shall fence the site for garbage control
- j. All property taxes must be paid current and an annual planning fee in an amount to be determined by the County Commission.
- k. The applicant shall provide a security plan, house rules and regulations, fire and emergency evacuation plan, as well as a closure plan for when the workforce housing is no longer needed.
- l. The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to reclaim the property to its natural state.
- m. The applicant shall provide an occupancy list to the County 911 emergency coordinator to be maintained on a current basis.
- n. The conditional use permit will be reviewed annually to ensure compliance with the conditions listed.
- o. The applicant shall obtain all approvals from State Department of Food and Lodging and provide a copy to the Planning Department.

Voice Vote: All yeas. Motion Passed.

5. Triangle Petroleum, CUP, Workforce Housing, property located in the S1/2 of the SW1/4 of the SW1/4, Section 36, T150N R101W:

Tom Parnell presented the request for workforce housing for Triangle Petroleum's employees. They would like to relocate 7 single wide houses and add another 13 units. The existing 7 units are grandfathered. Alex Township approved. The applicant questioned the fire department's requirement of sprinklers for the units. Lance Powell, Alexander Fire Chief was present at the meeting and stated that he feels that the location of the proposed housing is not a good location as it is too far for the fire department with regards to response time. It is 12 miles from town and their department has a lack of equipment, personnel and water. Olson asked what the applicant would need to do for the fire department to feel comfortable with the proposed project. Powell responded that the applicant owns property that is closer to town and he would rather see the housing on that property. Mr. Parnell stated that they are trying to separate the housing from the commercial property. Bolken asked what the spacing between the trailers would be and Mr. Parnell responded they would be spaced to County requirements. Powell stated the fire department is pushing for sprinklers in the units due to the issues listed. Bolken asked if they had a holding tank for fire suppression would that help and Powell stated it would help but that the road going to their property is very narrow. Bolken asked if the applicant built up the road would that help as well and Powell replied that he still had concerns about the distance to the site. There is also a concern about the fact that there is a gas plant ½ mile from the proposed site. Olson stated that he does not feel that this makes sense.

MOTION by Bolken, SECOND by Pacheco to recommend to the County Commission denial of the conditional use permit for workforce housing.

VOICE VOTE: All yeas. Motion Passed.

6. Great American Lodge, CUP, Workforce Housing Expansion, SE1/4, Section 17, T150N R99W(Phase 3):

Jim Rasche of Spec Ops and Eric Kirby of Kirby Engineering presented the request for workforce housing expansion. They are requesting 240 additional beds. Phases 1 and 2 have been approved and this would be Phase 3. The units will have sprinklers and fire walls. They have a holding pond for fire suppression on site. They will enter the facility off 130th Avenue one way and the access onto Highway 85 by Burned and Turned will be an exit only. Nordby asked if they have had any issues with water or sewer and Mr. Rasche stated there have been no issues. They have a FAST system for waste water treatment and are currently being served by wells but will tap in to Rural Water once they receive approval. Nordby asked if there are families there and Rasche stated no that it is workforce housing only.

MOTION by Bolken, SECOND by Wisness to recommend to the County Commission approval of conditional use permit for workforce housing expansion with the conditions set forth in the staff report:

- a. The applicant shall obtain a building permit for any proposed structures in the project
- b. The applicant shall provide an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request
- c. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- d. The applicant shall post the addresses clearly on site and on the proposed structures and provide a map of the complex with unit numbers listed, per the Sheriff Department's request.
- e. The applicant shall provide a minimum of one off street parking space for each individual unit proposed on site.
- f. The applicant shall provide adequate water storage onsite to provide for fire protection in the opinion of the fire department for the proposed project
- g. The applicant shall provide adequate separation from the adjacent units to meet state standards and fire regulations, along with adequate emergency service vehicle access and turnaround areas
- h. The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer

- i. The applicant shall fence the site for garbage control
- j. All property taxes shall be paid current
- k. The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to reclaim the property to its natural state
- l. The applicant shall provide a security plan, house rules and regulations, fire and emergency evacuation plan, as well as a closure plan for when the workforce housing is no longer needed.
- m. The conditional use permit will be reviewed annually to ensure compliance with the conditions listed

VOICE VOTE: 6 yeas, 1 nay. Motion Passed.

7. Basin Electric, CUP for an electrical generation station expansion, property located in the SW1/4, Section 23, T150N R101W (Lonesome Creek):

Chris Miller presented the request for expansion of an electrical generation station. Basin Electric is a wholesale electrical supplier. Phase one was rezoned to Commercial through Alexander Township they now need phase two to build a combustion generating station (peaking plant) which fire only during peak times. Zoning is in place. It will take approximately 9 months to construct and is next to a pipeline. There will be approximately 260 trucks during the construction phase, but once construction is complete, there will be one truck every three months. There were no public comments.

MOTION by Wisness, SECOND by Nordby to recommend to the County Commission approval of the conditional use permit for an electrical generation station expansion with the conditions set forth in the staff report:

- a. The applicant shall provide weed control through a plan approved by the County Weed Control Officer
- b. The applicant shall maintain adequate ingress/egress for emergency vehicles in all types of weather and conditions
- c. The applicant shall mark the site with address/project identification (4'x8' sign) that is visible from the road
- d. The applicant shall obtain a building permit for any proposed structures in the project

Voice vote: All yeas. Motion Passed.

8. Mark Nuell, Zone Change to Commercial, SW1/4 of the SW1/4, Section 14, T150N R96W

Lynn Nuell presented the request for zone change to commercial to establish a truck plaza and commercial warehouse with 8 bays that would be rented out for commercial businesses. They have talked with the NDDOT about approaches. Kathy Skarta expressed concerns about the traffic and this adding to the congestion, as well as concerns about garbage and weed control. Wisness asked if there would be gas pumps and it was answered that there would be. Hadley pointed out that this area is designated as commercial on the comprehensive plan map. Leroy Lullabridge stated that he is not opposed to the zone change. Bolken asked if conditions can be placed on the property under commercial and it was stated that we can highly encourage the applicant to fence the property, provide adequate lighting and landscaping when he obtains a building permit.

MOTION by Wisness, SECOND by Bauman to recommend to the County Commission approval of the zone change to commercial

Voice vote: All yeas. Motion Passed.

9. Tim Dwyer Farm Trust, Zone Change to Residential in the NE1/4 of the NE1/4, Section 31, T151N R101W and to Commercial in the E1/2 of Section 30, T151N R101W:

Jon Lowry of Lowry Engineering presented the request for a zone change to residential in section 31 and commercial in section 30. Mr. Check questioned where the bypass goes through and will it affect the property? Lowry stated that it clips the SE corner of Section 31. This zone change is consistent with the Comprehensive Plan. There were no public comments.

MOTION by Pacheco, SECOND by Bolken to recommend to the County Commission approval of the zone change to residential in Section 31 and commercial in section 30

Voice vote: All yeas. Motion Passed.

10. Hillview Subdivision, Text Amendment-Zone Change to Commercial/Residential-Major Subdivision, NW1/4, Section 17, T150N R101W

Jack Dwyer presented the request for Text Amendment and Zone Change to Residential/Commercial and Major Subdivision for a 64 acre parcel. The land fronting Highway 85 will be commercial and there will be 33 residential lots that will all be in excess of 1 acre. Alex Township did approve. There will be two accesses. They have received positive feedback from the School Board. Hadley asked if they were planning to hook up to rural water. Dwyer responded that there is an existing rural water line that fronts about 75% of the lots but that rural water won't put the approval in writing until they pay for the hookups. Hadley pointed out that condition #5 states that there will be no access off of Highway 85 and Mr. Dwyer responded that they have no intention of any access off the highway. An adjacent property owner, Jim Jacobson, stated that, while he is not opposed to the development, he wanted his concerns on record that there is a large seep area that could impact Lots 5-12, 14, 15, and 16 of Block 2 and he is concerned about where the seep water, which is mostly saline, will run to once construction starts. Jon Lowry of Lowry Engineering stated that they are aware of the area and the area will be left undeveloped because of the issue. Mr. Dwyer stated that, in Mr. Lowry's professional opinion, the seep area won't affect construction as there is enough suitable buildable area and drain field area on the lots. Lance Powell, Alexander Fire Chief expressed concerns about the cul de sac radius and also stated that rural water will not let the fire department hook up to their water lines. Nordby asked if there was any area set aside for park area. Dwyer stated that, to the North there is park area and 40 acres of green space. Nordby stated that he would like to see the applicant work with the Planning Director on fire suppression concerns either by having a holding tank or a well or by having written approval from rural water that the fire department can use fire hydrants. There were no public comments.

MOTION by Nordby, SECOND by Bolken to recommend to the County Commission approval of the major subdivision for a maintenance shop with the conditions set forth in the staff report:

- a. The applicant shall adhere to all approvals gained through this process and comply with the existing zoning for the newly created subdivision for future land use.
- b. The applicant shall obtain building permit approvals for all structures planned for this site.
- c. The applicant shall provide a copy of the recorded CC&Rs with a full copy of the plat to the planning department when this item is finalized. The applicant shall also assume all the maintenance for all the interior roads and drainage improvements proposed within the proposed subdivision.
- d. The applicant shall amend the proposed plat to conform with the requirements set forth by the Fire Chief prior to recordation.
- e. As part of the initial discussion of the commercial lot configuration the plan was to include an easement to prohibit access to Highway 85, which should be included on the plat prior to recordation.

- f. The applicant shall provide adequate off street parking for the commercial and residential lots and limit on street parking for emergency vehicle access since the proposed roads are not wide enough to support on street parking.
- g. The applicant is to work with the Planning Director to resolve the fire suppression concerns either by a holding tank or well on site, or by obtaining written approval from rural water that the fire department can use the proposed fire hydrants.

Voice vote: All yeas. Motion Passed.

11. Lakeview Estates – Major Subdivision – Sent back from County Commission to consider final township comments – Tabled due to no new information from township as of 1-10-14:

Lynn Hovde, Chairman of Arnegard Township, was present and stated that the township board failed to reverse their denial on this application – due to no motion being made to reserve their previous decision. Steve Syrcle of Tri-State Consulting stated the he was not able to properly present the request at the last meeting and would like to be able to do so at this time. Hadley stated that there was already testimony at the previous meeting in November. Bolken and Mrachek both stated that there is no information included in the commissioner’s packets and they do not feel comfortable hearing this proposal without information in front of them, so they feel it should remain tabled.

MOTION by Nordby, SECOND by Bolken to table this item to the February 10th meeting.

Voice vote: All yeas. Motion Passed.

There being no further business to discuss, meeting adjourned at 7:30pm with a motion by Olson and second by Bauman.

The next regular meeting will be on February 10, 2014 at 5:00 pm.

Secretary

Chairman

**Planning and Zoning Commission Minutes
February 10, 2014**

Meeting was held at the Watford City Civic Center in Watford City, ND and called to order at 6:30pm by Chairman Mracheck.

Members Present: Doug Nordby, Kris Mrachek, Barb Bauman, Jeremy Olson, Kris Pacheco, Rick Lawler

Absent: Les Haugen, Paul Wisness, Doug Bolken

Staff Present: Planning Director, Walter Hadley; Asst. Planner, Jill Edson; Administrative Assistant, Marcie McClure; Attorney Ari Johnson.

Others: See sign in sheet

Minutes of January 3, 2014 were presented. **MOTION by Olson, SECOND by Nordby to approve minutes as presented. Voice vote: All yeas. Motion Passed.**

Unfinished Business:

1. Lakeview Estates, Major Subdivision, located in Sections 3 and 4, Township 150N Range 100W:
This was sent back from the Board of County Commission to address the Township's concerns. Steve Syrcle and the applicant, Kenny Hartog, as well as surveyor Charles Camp presented the request for a 26 lot subdivision. The project was started in July, 2013 with the township. It is located 3-1/2 miles off of Highway 85. It has received approval for individual wells and septic fields. Each lot is one acre. They have designed their drainage plan. Richard Johnson, questioned how close this is located to the fur farm and it was answered that it is about ½ mile away. The township had previously acknowledged a buffer around a fur farm of 2,500 feet and this is located about 3,000 feet away. Kirk Olson, an Arnegard Township board member stated that the township originally approved the request, but rescinded their approval as new items of concerns were brought to their attention, including drainage, water quality, road conditions, no green space provided, high pressure natural gas line runs through the proposed development. Shannon Faller, a neighbor, spoke in opposition to the project stating safety concerns including emergency services response times, weight limitations on the road and the condition of the road and feels that this is not the right location for the project. Nordby asked Kirk Olson for the three top reasons they rescinded their approval and Mr. Olson stated it was due to public comment, road condition, gas line proximity and water quality. Steve Syrcle stated that they are working with Oneok on the gas line. Nordby stated that the gas line is his major concern and feels that they need approval from Oneok as well as maintain adequate right of way. He feels that this question needs to be answered before a decision can be made. Charles Camp, the surveyor, stated that they have received the standard agreement from Oneok. Steve Syrcle stated that they could have sisterns for fire suppression and feels that the tax base increase from 26 houses would generate the money to maintain the road.

MOTION by Nordby, SECOND by Lawler to recommend to the County Commission approval of the subdivision request subject to the conditions listed in the staff report:

- a. **The applicant shall submit an approved plan for dust control, storm water design and county road improvements for access from the County Engineer's office prior to recording the plat.**
- b. **The applicant shall provide a home owners association set of CC&R's for the subdivision taking responsibility for all interior road maintenance, storm water systems, and dust control on ¼ mile of county road prior to recording the plat.**
- c. **The applicant shall provide an adequate revision of the plat that indicates the agreed upon (with Oneok) location of homes within the development and the existing Oneok gas line prior to recording the plat.**
- d. **The applicant shall develop an adequate storm water system that will be the responsibility of the HOA to maintain within the subdivision and make any improvements to the existing county system that the County Engineers office deems necessary for this type of development.**

Voice Vote: 2 yeas, 3 nays, 1 abstain. Motion Failed.

No other motion was made.

2. Basin Electric Power Cooperative, CUP, Electric Transmission Line, located in Township 145N Range 98W; Township 146N Range 98W; Township 147N Range 98W; Township 147N Range 99W; Township 148N Range 98W; Township 148N Range 99W; Township 149N Range 98W; Township 149N Range 99W; Township 150N Range 99W; Township 151N Range 99W; Township 151N Range 100W; Township 151N Range 101W; Township 152N Range 101W; Township 152N Range 102W; Township 153N Range 101W:

This was tabled from the January 6th meeting for the applicant to work with property owners on securing easements. The applicant was not present, however one of the property owners, Sherry Lervick, stated that Basin Electric has been keeping in contact with them and they are continuing to work on an easement agreement. The Commission was in receipt of the applicant's letter and stated they should be able to act in March of 2014.

MOTION by Olson, SECOND by Pacheco to table this item to the March meeting.

Voice vote: All yeas. Motion Passed.

3. SBG Energy, CUP, Water Line, located in Sections 13, 22, 23, 24, and 27, Township 150N Range 100W:

The applicant requests that this item continue to be tabled as they are still working with the City of Arnegard on the portion that runs through their extra territorial jurisdiction.

Public Hearings

1. SBG Energy, CUP, Water Pipeline, Section 35, T150N R100W; Sections 2, 3, 11, 12, 13, 14, and 36, T149N R100W; Sections 4, 5, 7, 8, 16, 17, 18, 20, 29, 31, 32, 33, 34, 35 and 36, T149N R99W; and Sections 3, 4, and 5, T 148N R99W:

Jordan Grasser of AE2S presented the conditional use permit request for a salt water pipeline. The location is Southwest of Watford City. All of the right of way easements on the North side of the system are in place. The original application is for the entire 23 mile line, but they have submitted a new application for the south portion only to be on the March agenda, as all of the easements are not in place at this time for that portion of the line. At this time, they are requesting approval for the north portion of the line only, which lies north of 22nd street. Richard Johnson questioned if this is for a change in zoning. When it was stated that this is a conditional use permit only, he stated he had no objection to the pipeline.

MOTION by Lawler, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for the north portion of the water pipeline, north of 22nd Street, with conditions as set forth by the staff report:

- a. Re-seeding plan
- b. All crossing permits through the engineers office
- c. A final, as built plan for emergency response providers

Voice vote: All yeas. Motion Passed.

2. John Throckmorton, CUP, Communications Tower, property located in the SW1/4 of the NW1/4, Section 31, T149N R102W:
Applicant was not present.

**MOTION by Olson, SECOND by Lawler to move this item to the end of the agenda.
Voice Vote: All yeas. Motion Passed.**

3. John Throckmorton, CUP, Communications Tower, property located in the SE1/4 of the NE1/4, Section 22, T148N R99W:
Applicant was not present.

**MOTION by Olson, SECOND by Lawler to move this item to the end of the agenda.
Voice Vote: All yeas. Motion Passed.**

4. Harold Rolfsrud, CUP, Water Depot, property located within the NE1/4, Section 19, T151N R96W:
Applicant was not present.

MOTION by Olson, SECOND by Bauman to move this item to the end of the agenda.

Voice Vote: All yeas. Motion Passed.

5. Red Rock Petroleum, CUP, Workforce Housing, property located in the SE1/4 of the NW1/4, Section 7, T149N R98W:

Erik Kirby presented the request for workforce housing for Red Rock's employees. Mr. Kirby stated that the applicant has reviewed the staff report and has no issues with the recommended conditions. They are requesting to add six manufactured houses to the existing units. Lawler asked for the number of employees in each of the units and it was stated that only one employee would reside in each of the units. Pacheco verified that there are 15 existing units and Mr. Kirby answered that there are 15 units that have been there for awhile. The existing drain field has been approved and they have state permits for the new drain field. Olson asked if the applicant would agree to remove the existing RV's and Mr. Kirby stated that they would agree to that and asked if the applicant could have until September 1st to remove the RV's.

MOTION by Lawler, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for workforce housing, with the conditions set forth in the staff report and any added conditions set by the Planning Commission:

- a. **The applicant shall obtain building permits for the proposed structures**
- b. **The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and paced in the file as part of this request.**
- c. **The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- d. **The applicant shall post the addresses clearly on the proposed structures**
- e. **The applicant shall provide a minimum of one off street parking space for each individual unit proposed.**
- f. **The applicant shall provide adequate water storage onsite to provide fire protection in the opinion of the fire department for the proposed project.**
- g. **The applicant shall provide adequate separation for the adjacent units to meet state standards and fire regulations, along with adequate emergency service vehicle access and turnaround areas.**

- h. The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer.
- i. The applicant shall fence the site for garbage control
- j. All property taxes must be paid current
- k. The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to reclaim the property to its natural state
- l. The conditional use permit will be reviewed annually to ensure compliance with the conditions listed.

VOICE VOTE: All yeas. Motion Passed.

6. Arnegard Waste Water Treatment, Minor Subdivision, SW1/4 of the NW1/4, Section 25, T150N R100W:
Daren Walker of Epic Engineering presented the request for a minor subdivision to divide the parcel into a 15 acre parcel and a 5 acre parcel with the 5 acres to be sold. Sherry Lervick, Judge for Arnegard City, stated that there is a state requirement that they keep the entire acreage to eventually enlarge the lagoon and there may also be legal issues involved with the Waste Water Treatment Facility.

MOTION by Olson, SECOND by Lawler to table this item and send to the City of Arnegard and Arnegard Township to research the legal issues.

VOICE VOTE: All yeas. Motion Passed.

7. Summer Meadow Subdivision, Comprehensive Plan Amendment/Zone Change to Industrial with a Major Subdivision, property located in the SE1/4 of the SW1/4, Section 7, T152N R101W:
Patrick McGarry of R&R Professional Services and the developer, Terry Walker, presented the request for comprehensive plan amendment and zone change to industrial with a major subdivision. They feel that there are a great deal of requests for industrial uses in this area as it is closer to Williston. There are 101 acres total and there will eventually be residential but that will be a request submitted in the future. There will be CC&R's for the subdivision, each lot is between 4.5 – 6 acres and there will be a development agreement. They will not build along the front of the property as there is a gas line there. They have met with the DOT for approval for a right turn in and right turn out for when Highway 85 becomes a 4 lane in the future. They have no concerns with the conditions listed in the staff report. Nordby stated that he would like to see an access road. Mr. McGarry stated that there are two gas lines that run parallel. There will be parking between them and then green space. There is a deeded access and they have verbal approval from DOT. Tri township has approved the development.

MOTION by Nordby, SECOND by Olson to recommend to the County Commission approval of the comprehensive plan amendment and zone change to industrial with a major subdivision with the conditions set forth in the staff report:

- a. The applicant shall adhere to all approvals gained through this process and comply with the existing zoning for the newly created subdivision for future land use
- b. The applicant shall obtain a building permit for all proposed structures
- c. The applicant shall provide a copy of the recorded CC&R's with a full copy of the plat to the planning department when this item is finalized. The applicant shall also assume all the maintenance for all the interior roads and drainage improvements proposed within the subdivision
- d. The applicant shall amend the plat to conform with the requirement set forth by the Fire Chief prior to being recorded.
- e. As part of the initial discussion of the proposed development it was indicated that the applicant would like the county to assume the maintenance responsibility for the newly extended section line road. The applicant shall work with the county engineer's office and obtain approval outside this approval from the Board of Commissioners for the acceptance/maintenance of the new section line road.

- f. The applicant shall provide adequate off street parking for the commercial and industrial uses and limit on street parking for emergency vehicle access since the proposed roads are not wide enough to support on street parking
- g. The applicant shall amend the proposed roadway to the west to better provide access to the proposed Block 2 lots, provide adequate size turnarounds of 100' radi on all turnarounds including a temporary one on the proposed extension of the section line road.

Voice vote: All yeas. Motion Passed.

8. John Throckmorton, CUP, Communications Tower, SW1/4 of the NW1/4, Section 31, Township 149N Range 102 West:
The applicant was not present.

MOTION by Lawler, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for a communications tower with the conditions set forth in the staff report:

- a. The applicant shall mark the site with address/project identification (4'x8' sign) that is visible from the road.
- b. The applicant shall adhere to state laws, regulations and conditions for the operation of the proposed facility
- c. The applicant shall show, as part of the building permit, that if tower failure occurs, that it only impact their property
- d. The applicant shall be allowed to install additional whip/dish antennas without further zoning approval
- e. All property taxes shall be paid current
- f. The applicant shall either paint or construct the tower out of material that blends in the environment (earth tone) and install and maintain any required FCC/FAA lighting for aircraft security.

Voice Vote: All yeas. Motion Passed.

9. John Throckmorton, CUP, Communications Tower, SE1/4 of the NE1/4, Section 22, Township 148 N Range 99W:
The applicant was not present.

MOTION by Lawler, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for a communications tower with the conditions set forth in the staff report:

- a. The applicant shall mark the site with address/project identification (4'x8' sign) that is visible from the road.
- b. The applicant shall adhere to state laws, regulations, and conditions for the operation of the proposed facility
- c. The applicant shall show, as part of the building permit, that if tower failure occurs, it will impact only their property
- d. The applicant shall be allowed to install additional whip/dish antennas on the structure without further zoning approval
- e. All property taxes shall be paid current
- f. The applicant shall either paint or construct the tower out of material that blends with the environment (earth tones) and install and maintain any required FC/FAA lighting for aircraft security.

Voice vote: All yeas. Motion Passed.

10. Harold Rolfsrud, CUP, Water Depot, NE ¼, Section 19, Township 151N Range 96W:

The applicant was not present. A neighbor, Steve Nelson, stated that he had no objection to the depot.

MOTION by Olson, SECOND by Lawler to recommend to the County Commission approval of the conditional use permit for a water depot with the conditions set forth in the staff report and any conditions added by the Planning Commission:

- a. **The applicant shall mark the site with address/project identification (4'x8' sign) that is visible from the road.**
- b. **The applicant shall adhere to all state laws, regulations and conditions for the operation of the proposed facility.**
- c. **All property taxes shall be paid current**
- d. **The applicant shall maintain adequate weed control**
- e. **The application shall maintain adequate dust control for ¼ mile in each direction on the main road.**

With the added condition:

- f. **The applicant provide adequate off road parking**

Voice vote: All yeas. Motion Passed.

There being no further business to discuss, meeting adjourned at 8:40pm with a motion by Olson and second by Nordby.

The next regular meeting will be on March 10, 2014 at 5:00 pm.

Secretary

Chairman

**Planning and Zoning Commission Minutes
March 10, 2014**

Meeting was held at the Watford City Civic Center in Watford City, ND and called to order at 5:00 pm by Chairman Mracheck.

Members Present: Doug Nordby, Kris Mrachek, Doug Bolken, Jeremy Olson, Kris Pacheco, Rick Lawler, Paul Wisness, Les Haugen

Absent: Barb Bauman

Staff Present: Planning Director, Walter Hadley; Asst. Planner, Jill Edson; Administrative Assistant, Jennifer Woodbury-Shelden; Attorney Ari Johnson, Code Enforcement Officer Leann LaRose.

Others: See sign in sheet

Minutes of February 10 and February 12, 2014 were presented. Olson had a correction on the February 12, 2014 minutes to correct page 2 under Temporary Housing to correct the removal of temporary housing units by 12-31-16. Mrachek and Lawlar also had correction of the spelling of their last names. **MOTION by Nordby, SECOND by Olson to approve minutes as corrected. Voice vote: All yeas. Motion Passed.**

Communications:

Leann LaRose, Code Enforcement Officer, presented an update on zoning violations and enforcement activity. There are 109 violations, 43 have been closed, 4 are currently being prosecuted and 17 resulted in Conditional Use permits being submitted. She explained the procedures implemented.

Unfinished Business:

1. Basin Electric Power Cooperative, CUP, Electric Transmission Line, located in Township 145N Range 98W; Township 146N Range 98W; Township 147N Range 98W; Township 147N Range 99W; Township 148N Range 98W; Township 148N Range 99W; Township 149N Range 98W; Township 149N Range 99W; Township 150N Range 99W; Township 151N Range 99W; Township 151N Range 100W; Township 151N Range 101W; Township 152N Range 101W; Township 152N Range 102W; Township 153N Range 101W:

This was tabled from the February 10th meeting for the applicant to work with property owners on securing easements. The applicant was not present, however sent an e-mail requesting the item be tabled until the April meeting as the easement acquisition is taking longer than they anticipated.

MOTION by Olson, SECOND by Lawlar to table this item to the April meeting.

Voice vote: All yeas. Motion Passed.

2. Arnegard WWTP, Minor Subdivision, SW1/4 of the NW1/4, Section 25, T150N R100W:

The applicant was not present. Olson stated that the applicant appeared at the Arnegard Township meeting, all concerns have been addressed and Arnegard Township approved the subdivision.

MOTION by Lawlar, SECOND by Olson to approve the minor subdivision.

Voice Vote: All yeas. Motion Passed.

3. SBG Energy, CUP, Water Line, located in Sections 13, 22, 23, 24, and 27, Township 150N Range 100W:

The applicant requests that this item continue to be tabled as they are still working with the City of Arnegard on the portion that runs through their extra territorial jurisdiction.

MOTION by Olson, SECOND by Haugen to table this item to the April meeting.

Voice vote: All yeas. Motion Passed.

Public Hearings

1. SBG Energy, CUP, Water Pipeline, Section 35, T149N R100W; Sections 17, 20, 29, 31, 32, 33, 34, 35 and 36, T149N R99W; and Sections 3, 4, and 5, T 148N R99W:

Jordan Grasser of AE2S presented the conditional use permit request for a salt water pipeline. The North portion of the pipeline was approved at the February meeting. This South portion is 13 miles in length and the easements are now all in place. Olson has concerns about above ground valves within the right of way. Gene Transtrom requests that the decision be delayed as he has concerns about traffic. He is not opposed to the pipeline but is concerned about damage to the road and dust issues. The applicant will not be using the road to construct it will be on the west side of the road. They have a 50' permanent right of way and a 100' construction right of way. The applicant stated they would be willing to either not use the road or, if they have to use the road, they will work with Mr. Transtrom to use it.

MOTION by Bolken, SECOND by Wisness to recommend to the County Commission approval of the conditional use permit for the south portion of the water pipeline subject to the conditions set forth in the staff report:

- a. **Re-seeding plan**
- b. **All crossing permits through the engineers office**
- c. **A final, as built plan for emergency response providers**

Voice vote: All yeas. Motion Passed.

2. John Throckmorton, CUP, Communications Tower, property located in the NW1/4 of the SE1/4, Section 34, T151N R103W:

Applicant was not present. The township did approve. There were no public comments.

MOTION by Olson, SECOND by Lawlar to recommend to the County Commission approval of the conditional use permit for a communications tower, subject to the conditions set forth in the staff report:

- a. **The applicant shall mark the site with address/project identification (4'x8' sign) the is visible from the road.**
- b. **The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.**
- c. **The applicant shall show, as part of the building permit, that if tower failure occurs, that it will only impact their property.**
- d. **The applicant shall be allowed to install all additional whip/dish antennas on structure that it can support without further zoning approval.**
- e. **The applicant shall either paint or construct the tower out of material that blends in the environment (earth tone) colors and install and maintain any required FCC/FAA lighting for aircraft security.**
- f. **All property taxes shall be paid current.**

Voice Vote: All yeas. Motion Passed.

3. Thoral Sax, CUP, Water Depot, property located in the SE1/4 of the SE1/4, Section 2, T150N R98W:
Applicant was present. The water will come from a pond. The road is a private road and all truck staging will be on the property not the road. There were no public comments.

MOTION by Lawlar, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for water depot, subject to the conditions set forth in the staff report:

- a. The applicant shall mark the site with address/project identification (4'x8' sign) that is visible from the road.
- b. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
- c. All property taxes shall be paid current.
- d. The applicant shall maintain adequate weed control.
- e. The applicant shall maintain adequate dust control for ¼ mile in each direction on the main road.

Voice Vote: All yeas. Motion Passed.

4. Target Logistics, CUP, Workforce Housing Expansion, property located in the E1/2 of the NE1/4, Section 11, T150N R99W:

Greg Houck of Target Logistics presented the request for expansion of their current workforce housing facility, which was opened in October of 2012. They are fully contracted at the current facility and need more beds. They have a 50,000 gallon holding tank for fire suppression and the new units are sprinklered. The septic tanks are on the Southwest corner of the property and are large enough for the additional units. Hadley stated that the condition of lighting, landscaping and fencing needs to be added. Lawlar stated that he drives by the facility frequently and they have done a good job, the facility is well maintained.

MOTION by Nordby, SECOND by Haugen to recommend to the County Commission approval of the conditional use permit for workforce housing, with the conditions set forth in the staff report and any added conditions set by the Planning Commission:

- a. The applicant shall obtain building permits for the proposed structures
- b. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- c. The applicant shall post the addresses clearly on the proposed structures
- d. The applicant shall provide adequate water storage onsite to provide fire protection in the opinion of the fire department for the proposed project.
- e. The applicant shall provide adequate separation for the adjacent units to meet state standards and fire regulations, along with adequate emergency service vehicle access and turnaround areas.
- f. The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer.
- g. All property taxes must be paid current
- h. The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to reclaim the property to its natural state
- i. The conditional use permit will be reviewed annually to ensure compliance with the conditions listed.

With the added condition of:

- j. **The applicant shall submit a site plan showing landscaping and lighting of the site.**

VOICE VOTE: All yeas. Motion Passed.

5. Delta Constructors, CUP, Workforce Housing, NW1/4, Section 1, T146N R99W:

The applicant was not present.

MOTION by Olson, SECOND by Nordby to move this item to the end of the agenda.

VOICE VOTE: All yeas. Motion Passed.

6. A.L.L. Truck, Inc., CUP, property located in the NE1/4 of the SE1/4, Section 11, T150N R99W:

The applicant is requesting to construct a shop, 6-plex, house and spots for 6 RV's. Pacheco asked what is on the other lots. Bolken expressed concerns about all of the buildings on 3 acres. Wisness questioned what kind of shop and the applicant stated it would be for maintenance of their trucks. Mrachek asked if a sunset time can be set for the RV's. Hadley stated that only 3 RV's can be approved on site, any more would be an RV Park. Bolken asked how the apartments are being built and it was answered that they are modular pre-built that will be on a foundation. There were no public comments.

MOTION by Olson, SECOND by Pacheco to recommend to the County Commission approval of the conditional use permit for a shop, 6-plex, house and 3 RV's to be re-evaluated 12-31-16 with the conditions set forth in the staff report:

- a. **The applicant shall post the addresses clearly on site and the proposed structures**
- b. **The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather.**
- c. **The applicant shall obtain a building permit for the proposed structures within the development.**
- d. **The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- e. **The applicant shall submit for approval an updated exterior site plan that incorporates security lighting, fencing and landscaping to be approved and placed in the file as part of this request.**
- f. **All property taxes shall be paid current.**
- g. **The applicant shall maintain adequate weed control**
- h. **The applicant shall fence the site for garbage control**
- i. **The applicant shall post a bond based on engineer's estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.**

Voice vote: All yeas. Motion Passed.

7. Apollo Resources, CUP, Waste Separation and Disposal Operation, SE1/4 of the NW1/4, Section 2, Township 148N Range 102 West:

Dave Noack, with Apollo Resources gave a short presentation describing the request for a solid waste reinjection facility. Slurry injection has been around since 2003. State approval was granted March 10, 2014. They will tap into the salt water disposal line for disposal. Every truck load is monitored and they report to the State on a daily basis. There are 8-10 rigs in this area and their facility would reduce truck traffic on highway 68 by the waste being trucked to their facility instead of going to Williston or Montana facilities. The pressure is monitored by the State. There are items on the site that are not relative to this project and will be removed by the property owner. Nordby questioned if a condition could be added that all weight records be open and accessible to the County to ensure that trucks are not overweight. The applicant stated that they only have the capacity for 12-13 trucks per day. Nordby asked what the life expectancy and the number of rigs they would work with. The applicant stated that they will service the 8-10 rigs in the area only, and the life expectancy could be indefinitely.

Public comments: Les Haugen, planning commission member, stepped away from the commission table to speak as a nearby resident. He stated that he is opposed to this project and stated that his concerns include the waste being hazardous and contaminating the water source; the radioactivity of the material being a health hazard. Mr. Haugen talked to Kevin Connor of the State who said that there is one other facility of this type, so they are new. He questioned if the facility is licensed by the State Health Department of Industrial Commission only. He also had concerns about traffic on County Road 18. Lane Haugen, another nearby resident, questioned what happens when the corrosive material wears through the well casing and contaminates the ground. The applicant stated that they continually monitor, maintain and upgrade the well. This is not different than what is already being injected into the well.

Board comments: Wisness stated that it is difficult to hold an oil company to an agreement, as they sell frequently. He has several water wells that are no longer useable due to the salt water. The applicant stated that they are willing to and any safeguards needed. Bolken questioned whether this would be classified as a landfill and be held to the same standards. Ari Johnson stated that our ordinance has its own standards. Whether this is a disposal depends on how it fits the ordinance definitions. Bolken feels that the commission cannot make a determination until they know where it fits in the definitions. Haugen stated that he feels it falls under waste management facility. Olson would like Ari to look into this and report back to the commission. Cody Nesker questioned the monitoring and is concerned about runoff. Milt Madison, the property owner, addressed the concerns raised and stated that the site is fully contained on site. There is a cement pad for unloading so any spills are caught on the cement and run into tanks. They did an initial test of all of the water wells from the residences within a mile of the site and they have the results to be able to use as a base. The closest water vein is 1300 feet deep and their disposal well is 5700 feet deep. The gauges are checked four time per day to monitor pressure. They have worked with the County on dust control and they pay for 2 miles east of Highway 68. Tim Dwyer stated his concern about runoff onto his field, is opposed to the project, but did question is a bond could be put in place. Jenna Hatter stated her concerns about contamination.

MOTION by Bolken, SECOND by Olson to table this item to have Ari look into this and define where it falls into the zoning ordinance.

Voice Vote: All yeas. Motion Passed.

9. Newalta, CUP, Oil & Gas Treating Facility, NW1/4 of the NW1/4, Section 14, Township 150 N Range 96W: Dennis Hugh, Environmental Health and Safety Coordinator, Bruce Ringstrand Director of Engineering Services, and Laura Erickson of Newalta presented their request for an Oil and Gas Treating facility. Their facility will separate the oil and water from the solids. They have read the staff report and agree to all of the conditions. They will be leasing 2 acres on an existing salt water disposal site. All runoff is captured. The snow melt and water are run through their system so the site is completely contained. Ari Johnson stated the road west of Highway 23 is on a section line that is public but is a dead end. There is no place for oil truck traffic to turn around. The applicant stated that they will have signs indicating which direction the trucks are to go to access their site. The applicant stated that they would be willing to fence in the trash container. With regard to the landscaping, the southeast corner of the property is a 15 foot cut, which will capture debris. The facility will be run 24-7 and manned at all times. They can stage up to 10 trucks on site and don't expect more than 10 trucks per day. The salt water disposal well currently has between 50-100 trucks per day. Nordby questioned the traffic plan turning onto Highway 23 and asked if there will be a turning land South to North as there is a hill at that point. Ari stated that this portion of Highway 23 is being modified by the NDDOT. The applicant stated that they had not considered this but feel it would not be a significant impact. Bolken expressed concerns about traffic congestions at the County road intersection. Wisness stated that he has seen trucks stage at the County Road intersection. The applicant stated there they are a tenant on the property and are limited to what they can control, but will work with the property owner. Mrachek asked what type of waste would be processed. The applicant stated it would be oilfield waste that would be separated into solids and liquids. The liquids are filtered and would go to a salt water disposal well and the solids would go to a landfill. The solids are held in a bin then picked up and taken to a landfill. Wisness asked what the life expectancy of the barrier and the applicant stated approximately 60 years. The applicant stated that this is a mobile facility. They support the operators so they follow them and could move the site within 3-5 years to another location. Hadley stated that, regarding condition 6, the applicant would need to work with both the County Road Department and the NDDOT. There was a public comment that construction had already started at the site. The applicant stated that they received approval from the North Dakota Industrial Commission, started construction and didn't realize that they needed a conditional use permit as well. A phone call was received from Kathy Skatrtta in opposition due to dust and traffic concerns. There were no other public comments.

MOTION by Olson, SECOND by Nordby to recommend to the County Commission approval of the conditional use permit for an oil and gas treatment facility with the conditions set forth in the staff report:

- a. The applicant shall obtain a building permit for the proposed structures within the proposed development.
- b. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting, fencing and a landscaping plan to be approved by the Planning Department and placed in the file as part of this conditional approval
- c. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- d. The applicant shall post the address clearly on site and on the proposed structures
- e. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to, the permit can be placed on the Planning Commission agenda for revocation
- f. The applicant shall obtain and provide final approvals to the planning department for the following agencies prior to this application being taken to the board of commissioners: County Engineer approach permit, provide an acceptable plan to address the concern raised on the congested truck traffic at that intersection/and on site staging of trucks on an amended site plan
- g. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility.
- h. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State as they are obtained or altered, along with any violations as it relates to this conditional use approval.

- i. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the traveling public. A drop off zone shall be required 300 feet in length from the intersection of the county road of clean gravel so the material will not be tracked onto the county road. The applicant shall be responsible for dust control along county road through their property to the state highway.
- j. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
- k. Fencing plan shall secure the site and provide security and catch any debris from blowing onto any adjacent properties.
- l. All site structures shall be a uniform earth tone color
- m. All property taxes shall be paid current.

Voice vote: All yeas. Motion Passed.

10. R360, Zone Change and Text Amendment to Industrial/CUP/Variance, Waste Management Facility, NW ¼, Section 26, Township 150N Range 101W:

Jim Dunbar of R360 presented their request to establish a waste management facility. There will be a receiving area as well as a processing plant. He addressed several issues including dust control, which there will be no more dust than what is already being created. The project will add approximately 1 truck per hour. They have committed to a dust mitigation program. With regards to impact on the neighbors, there is a financial assurance in place, the facility will be built to State standards and monitoring systems will be installed. Nordby commented that two other facilities similar to this one have paved the roads. The applicant stated that they would be willing to work with other facilities in the area to pave the road. Hadley stated that the staff review is based on the township comments and recommendations and that a CUP can be applied for in the agriculture district for this use. Bolken stated that when the comprehensive plan was done, the intention was to have this area as agriculture. The applicant stated that the project was started in 2012 before zoning was established. When the project was presented to township, they did not deny at that time, so application was made to the state. Bolken asked if there were structures on the site before zoning. The applicant stated there were monitoring wells in place but the use was not in place. Public comment: Tim Nelson, Alex Township supervisor stated that in 2012, the township had no provisions in their ordinance for landfills of any type. Olson asked Mr. Nelson what was conveyed to the applicant. Mr. Nelson stated that there was nothing in the ordinance to address their project so they couldn't vote on it. Lance Powell, the land owner, stated that north of the property is an electrical plant, southeast is a gas plant and east is a salt water disposal well and there are several oil wells in the area, so this use fits with other uses in the area. The solids would stay on site and the liquids would be removed. Haugen stated that he has concerns about the house being within one mile, as well as water contamination concerns. There are too many unknowns about safety. Mrs. Stacey, a neighbor, expressed concerns about her water well as well as a Spring near her house and possible contamination. She is opposed to the project. She is also concerned about truck traffic, staging of trucks, dust and odor. Jay Lewis, Alex Township supervisor, clarified the timeline by stating that no application was ever applied for at the township level, the project was presented to the board for future consideration. Kid James states that his house is just over a mile from the project site and he has concerns about contamination of the Spring that is a water source. He is opposed to the project. Wisness asked the applicant about the number of trucks and it was stated there would be about 20-25 per day. The applicant stated they are working on dust mitigation, water and truck staging on their property. Bolken stated that, if the township is taken out of the equation, the concerns from the neighbors, as well as the township residents that attended a public meeting on the project, he would be inclined to deny the application.

MOTION by Bolken, SECOND by Olson to recommend to the County Commission denial of the zone change, text amendment, conditional use permit and variance for a waste management facility.

11. Delta Constructors, CUP, Workforce Housing, NW1/4, Section 1, T146N R99W:

The applicant was still not present. Edson stated that the applicant's intention is to replace the existing RV's and skid units with manufactured homes. Pacheco would like approval to be contingent on removing existing units (1 for 1) with a sunset time of 12-31-16 to be added as a condition. There were no public comments.

There being no further business to discuss, meeting adjourned at 8:40pm with a motion by Olson and second by Nordby.

The next regular meeting will be on April 14, 2014 at 5:00 pm.

Secretary

Chairman

Planning and Zoning Commission Minutes
April 14, 2014

Meeting was held at the Watford City Civic Center in Watford City, ND and called to order at 5:00 pm by Chairman Mrachek.

Members Present: Doug Nordby, Kris Mrachek, Barb Bauman, Jeremy Olson, Kris Pacheco, Rick Lawler, Paul Wisness, Les Haugen

Absent: Doug Bolken

Staff Present: Planning Director, Walter Hadley; Asst. Planner, Jill Edson; Administrative Assistant, Lindsey Perusich; Code Enforcement Officer Jennifer Woodbury-Shelden

Others: See sign in sheet

Minutes of March 10, 2014 were presented. **MOTION by Wisness, SECOND by Olson to approve minutes as corrected. Voice vote: All yeas. Motion Passed.**

Communications:

Jeremy Olson, represented the Arnegard Township Board and presented an update on the Arnegard Township Comprehensive Plan. He stated that the township rezoned everything back to agriculture when they entered into the joint powers agreement with the county. They have since discussed and passed an updated comprehensive plan that they are requesting be incorporated into the county comprehensive plan map. Hadley stated that this needs to go through public hearing to adopt the plan and amend the county's comprehensive plan.

Unfinished Business:

1. Arnegard WWTP, Minor Subdivision, SW1/4 of the NW1/4, Section 25, T150N R100W:

The applicant was not present.

MOTION by Olson, SECOND by Nordby to move this item to the end of the agenda.

Voice vote: All yeas. Motion Passed.

2. Basin Electric Power Cooperative, CUP, Electric Transmission Line, located in Township 145N Range 98W; Township 146N Range 98W; Township 147N Range 98W; Township 147N Range 99W; Township 148N Range 98W; Township 148N Range 99W; Township 149N Range 98W; Township 149N Range 99W; Township 150N Range 99W; Township 151N Range 99W; Township 151N Range 100W; Township 151N Range 101W; Township 152N Range 101W; Township 152N Range 102W; Township 153N Range 101W:

This was tabled from the February 10th meeting for the applicant to work with property owners on securing easements. The applicant was not present, however called requesting the item be tabled until the May meeting as there has been a change in the route and they are finalizing easement acquisition with some new property owners. Sherry Lervick, a property owner, stated that they are still working on the route.

MOTION by Olson, SECOND by Haugen to table this item to the May meeting.

Voice vote: All yeas. Motion Passed.

2. Apollo Resources, CUP, Waste Separation and Disposal Operation, SE1/4 of the NW1/4, Section 2, T148N R102W:

Robert Harms and Shawn of Apollo presented the request. Mr. Harms presented a petition signed by property owners within one mile of the proposed facility that are in favor of the proposed facility. Harms stated that there is question as to whether this type of facility falls under the jurisdiction of the county but the applicant wants to be compliant with county as well as state regulations. Hadley stated the county attorney, Ari Johnson, rendered an opinion that this type of facility does fall within the county's jurisdiction. Haugen questioned the addresses on the petition as to whether the signatures are from people that actually live in the area and it was stated that some of the people reside in RV's but do live in the area. Shawn explained the process which consists of taking the drilling mud, cuttings and water and process, grind, slurry and re-inject into the Dakota Sands formation which is approximately 6,000 feet below the surface. This is done using through an existing salt water disposal well and the slurry is injected along with the salt water. This will reduce the number of trucks on the road as well as the amount of waste being deposited into landfills. Nordby questioned how old the salt water disposal well is and it was answered it is just over 2 years old. Nordby also asked what verification there is that the casing is solid. He also expressed concerns about runoff containment. The applicant answered that they are adding a 100'x120' slab that is 3' cement barrier in the building and 10-15' outside of the building there will be another berm creating complete containment. The site would be monitored by the NDIC and there will be testing done prior to the facility beginning operation to ensure that the well and casing are solid. Ryan Madison of Madison Disposal stated that the injection is done through 2-7/8' tubing that the pressure is monitored by gauges that are checked on a daily basis. Haugen questioned if chemicals are used and the applicant stated they occasionally use an environmentally friendly additive to suspend the slurry. Haugen expressed concerns about radioactive materials building up to a point that they become harmful. The applicant stated that there are no aquifers within a half mile of the site. Pacheco asked how the site is chosen and the applicant stated that it is geologically – they need 600' of sand formation, a location that is not near any water sources and preferably where there is an existing salt water disposal well. Haugen passed out a letter submitted by Tim Dwyer expressing his concerns about runoff. Bob Cross provided a petition signed by 63 people that own property within 15 miles of the proposed project who oppose the project and want the area to remain agricultural. Haugen stated that the area is a very agriculture minded community and they want it to stay that way. He also expressed concerns about water contamination and runoff and asked that, if the project were approved, would the property owner, Milt Madison and Apollo Resources be willing to sign a liability agreement in the event damage occurs. The applicant stated that they are already bonded with the State. Haugen also asked the board if they had any concerns with him voting on the project.

MOTION by Olson, SECOND by Wisness to allow Les Haugen to vote on the application.

Voice vote: All yeas.

Ryan Madison stated that there are three ways to eliminate cuttings are to bury them, truck them to another disposal site or by injection into the ground. It was stated by a Tim from Madison Disposal that drinking water is 200'-300' below the surface and injection wells are 6,000 below the surface. Currently, cuttings are trucked to Montana to be disposed of. Robert Harms stated that the proposed facility will help to manage disposal of waste, reduce truck traffic. There are four barriers that protect the aquifer. Brian with Wise Trucking stated that the amount of trucks on the road would be reduced with more of these facilities spread through the county and there would also be less distance that the trucks would have to travel. Olson stated that he would rather have the waste injected back into the ground as opposed to on the surface.

MOTION by Olson, SECOND by Bauman to recommend to the County Commission approval of the conditional use permit for NDIC Treating Facility subject to the conditions set forth in the staff report, with the application to not go to the Board of County Commission until all items requested in the staff report have been submitted to the Planning Director.

Roll Call Vote:

**Pacheco - Aye Bauman – Aye Wisness – Nay Haugen – Nay Nordby – Aye
Lawler – Nay Olson – Aye Mrachek – Nay Bolken – Absent**

Tie Vote. Recommendation of denial would go to the County Commission meeting.

Public Hearings:

Ordinance Amendments:

1. Section 3.4.3 (11) – Electric Transmission Facilities requiring a CUP; Section 3.4.2 (19) – Water, Gas, Oil, Coal Slurry and Electric Transmission Lines as an allowed use in the Agriculture Zone:

This change in the ordinance was discussed at the February 12th workshop. There were no public comments.

MOTION by Olson, SECOND by Pacheco to recommend to the County Commission approval of this amendment to the ordinance.

Voice vote: All yeas. Motion Passed.

2. Section 4.4.2 adding subsection (7) requiring a 15 second delay between messages on a billboard:

This change was also discussed at the February 12th workshop. There were no public comments.

MOTION by Pacheco, SECOND by Olson to recommend to the County Commission approval of this amendment to the ordinance.

Voice vote: All yeas. Motion Passed.

3. Section 3.4.3 adding subsection (27) to add child daycare facilities as a conditional use in the Agriculture Zone:

This change was discussed at the February 12th workshop. There were no public comments.

MOTION by Lawler, SECOND by Nordby to recommend to the County Commission approval of this amendment to the ordinance.

Voice vote: All yeas. Motion Passed.

4. Section 3.4.2 removing subsection (15) Single Family Dwelling units, including modular and manufactured homes, in residential subdivisions located on lots of not less than one (1) acre as an allowed use in the Agriculture district.

This change was discussed at the February 12th workshop. There were no public comments. Hadley would like to delay taking this item to the County Commission as there are a couple of subdivisions that are in the process and should be completed before this takes effect. Mrachek stated that there should be a definite cutoff date on these applications. It was determined that May 2nd; the deadline for the June meeting would be the cutoff date. Any subdivision applications submitted after that date would have to conform to the 5 acre minimum in the agriculture district or rezone to residential for 1 acre lots.

MOTION by Olson, SECOND by Nordby to recommend to the County Commission approval of this amendment to the ordinance.

Voice vote: All yeas.

5. Section 3.6.2.1 adding subsection (9) Single Family Dwelling Units, including modular and manufactured homes, in a residential district, in a residential subdivision located on lots of no less than one (1) acre as an allowed use in the residential district:

This was briefly discussed and it was determined that this amendment is not needed and no action needs to be taken on it.

Applications:

1. McKenzie County, CUP, Landfill Expansion, NE1/4 except the S1/2 of the S1/2, Section 36, T150N R100W; Arnegard Township approved the request. Lawler stated that there is a definite need for the expansion. There were no public comments.

MOTION by Nordby, SECOND by Lawler to recommend to the County Commission approval of the conditional use permit for the expansion of the landfill subject to the conditions set forth in the staff report:

- a. Obtain a building permit for any proposed structures within the proposed development
- b. Submit for approval an updated exterior site plan that incorporates security lighting, fencing, and a landscaping plan (trees) to be approved by the Planning Department and placed in the file as part of this conditional approval.
- c. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- d. The applicant shall post the addresses clearly on site and on the proposed structures
- e. The conditional use permit will be reviewed annually for conformance with the conditions of approval; if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.
- f. The applicant shall be required to have all structures and storage painted an earth tone color to better blend into the surroundings
- g. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility
- h. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State as they are obtained or altered, along with any violations and as it relates to this conditional use approval.
- i. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the traveling public

- j. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.

Voice vote: All yeas. Motion Passed.

- 2. McKenzie County, CUP, Bulk Fuel Tank, Lots 9, 10, 11, 12, Section 36, T151N R104W:
Sioux township did approve. The request is for one 15,000 gallon above ground tank which will hold 13,000 gallons of diesel and 2,000 gallons of gasoline for County vehicles. There were no public comments.

MOTION by Nordby, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for a bulk fuel tank, subject to the conditions set forth in the staff report:

- a. The applicant shall mark the site with address/project identification (4'x8' sign) that is visible from the road.
- b. The applicant shall maintain adequate weed control.
- c. All lighting shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
- d. Maintain enough spacing between structures for emergency vehicles to be able to access and maneuver around the structures in all types of weather.

Voice Vote: All yeas. Motion Passed.

- 3. Crushed Rock Sales, CUP, Gravel Pit, property located in the NE1/4 of the SE1/4, Section 17, T152N R97W:
Mike Sackett presented the request. There were no public comments.

MOTION by Lawlar, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for water depot, subject to the conditions set forth in the staff report and any conditions added by the Planning Commission:

- a. The applicant shall mark the site with address/project identification (4'x8' sign) that is visible from the road.
- b. The applicant shall post a bond based on an engineer's estimate to reclaim the site with the county as the beneficiary. The amount shall be 150% of the estimate.
- c. All property taxes shall be paid current.
- d. The applicant shall maintain adequate weed control.
- e. The applicant shall provide written evidence of reclamation agreement with the surface owner.
- f. The applicant shall provide evidence of written agreement between the applicant and adjacent property owners that excavation or processing shall not take place within five hundred (500) feet of an existing residence unless otherwise agreed, or unless area is uninhabited.

With the addition of:

- g. Tarp all loads
- h. Knock off zone of 300'

There was discussion regarding loads being tarped between the audience members and the planning commission. It was determined if there are reports of loads leaving gravel or scoria pits without tarps, the operator of the mining facility will be brought back before the planning commission for possible revocation of their CUP.

Voice Vote: All yeas. Motion Passed.

4. JMAC, CUP, Scoria Pit, W1/2 of the NW1/4, Section 7, T151N R97W:
Dean Gill of JMAC presented the request. The scoria pit is existing, but they have leased land adjacent to the pit and would like to expand it. There were no public comments.

MOTION by Nordby, SECOND by Haugen to recommend to the County Commission approval of the conditional use permit for expansion of a scoria pit, subject to the conditions set forth in the staff report and any additional comments from the Planning Commission:

- a. The applicant shall mark the site with address/project identification with a sign (4'x8') that is visible from the road.
- b. The applicant shall adhere to all State laws, regulations and conditions for the operation of the proposed facility.
- c. The applicant shall post a bond based on an engineer's estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the engineer's estimate.
- d. All property taxes shall be paid current
- e. Maintain adequate weed control as approved by the McKenzie County Weed Control Officer.

With the addition of:

- f. Maintain adequate dust control for ¼ mile in each direction
- g. Tarp all loads
- h. Knock off zone of 300'

Voice vote: All yeas. Motion Passed.

5. John Paystrup, CUP, Truck Parking, property located in the NE1/4 of the NW1/4, Section 18, T150N R100W:
The applicant was not present.

MOTION by Olson, SECOND by Haugen to move this item to the end of the agenda.

Voice Vote: All yeas. Motion Passed.

4. Delmer Rink, CUP, Workforce Housing Expansion, SE1/4 of the NE1/4 of the SW1/4, Section 26, T150N R96W:
Mr. Rink presented the request for expansion by adding six manufactured houses to the 10 that are currently on site and 10 RV spots. Due to the consensus of the Planning commission at their February 12th workshop that they no longer wanted RV's to be used as temporary housing, they would be willing to allow the applicant to replace the requested RV's with more manufactured houses. The applicant agrees to this change and stated that they currently move their employees from RV's that are on the site into manufactured houses as they become available. The housing is for their employees only. The planning commission, at their February 12th workshop also set a date of 12-31-15 for review of all workforce housing permits. There were no public comments.

MOTION by Olson, SECOND by Lawler to recommend to the County Commission approval of the conditional use permit for workforce housing expansion subject to the conditions set forth in the staff report, with any additions as determined by the planning commission:

- a. The applicant shall obtain building permits for the proposed structures within the development

- b. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- c. The applicant shall post the addresses clearly on the proposed structures
- d. The applicant shall adequate water storage onsite to provide fire protection in the opinion of the fire department
- e. The applicant shall provide adequate separation from the adjacent units to meet state standards and fire regulations, along with adequate emergency service vehicle access and turnaround areas.
- f. The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer.
- g. All property taxes must be paid.
- h. The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to restore the property to its natural state with the county as beneficiary.
- i. The conditional use permit will be reviewed annually to ensure compliance with the conditions listed.

With the addition of:

- j. Submit an updated site plan that incorporates a landscaping plan
- k. RV's are to be removed as manufactured houses are added
- l. The conditional use permit will be reviewed 12-31-15 for renewal

Voice Vote: All yeas. Motion Passed.

5. JN Properties, CUP, workforce housing expansion, property located in the N1/2 of the SE1/4, Section 2, T150N R100W:

John & Nicki Haivala are requesting to expand their existing facility by adding 14 manufactured houses to the seven that are on the site and add four RV's to those already on site. The applicants stated that they thought that, by submitting this application, they were rezoning their property to commercial. When they purchased the property, it was zoned rural commercial by Arnegard Township, but then rezoned back to agriculture when the township entered into a joint powers agreement with the county. The applicant stated they were not notified of the change in zoning. They plan to remove the RV's with more permanent housing. They currently have single wide and double wide units. Mrachek stated they would have to be legitimized in the zoning of the property. Hadley stated that the standards would be different for a Mobile Home Park or zoning for Residential houses. Olson stated that the property was zoned rural commercial by the township. The township went through the county zoning district regulations and found that their rural commercial definitions matched the county's agriculture definitions, so they rezoned back to agriculture. The rezoning was published in the paper three times. Hadley stated that there was a conditional use permit for their property approved by the township in 2012 and the county would honor that approval and that the applicant should work with the township. The site plan submitted to the township with the conditional use permit indicated one shop, five manufactured homes and four RV's. There were no public comments. The applicant requested that this application be withdrawn so they can decide how they want to proceed.

No action taken.

7. McKenzie Investments, Minor Subdivision and CUP, Shop with Workforce Housing, SE1/4 of the NE1/4, Section 25, Township 150N Range 100 West:

Keith Senkins presented the request for a minor subdivision of a 10 acre parcel into two 5 acre parcels with a conditional use permit to allow construction of two metal shops with 5 manufactured houses on one of the 5 acre parcels. The housing would be for their employees only. Arnegard Township did approve. There were no public comments.

MOTION by Pacheco, SECOND by Nordby to recommend to the County Commission approval of the minor subdivision creating two 5 acre parcels and the conditional use permit for two metal shops with five manufactured houses subject to the conditions set forth in the staff report with any additional conditions as determined by the planning commission:

- a. The applicant shall post the addresses clearly on site and on the proposed structures.
 - b. The applicant shall maintain adequate weed control
 - c. The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to restore the property to its natural state with the county as beneficiary.
 - d. Maintain enough spacing between structures for emergency vehicles to be able to access and maneuver around the structures in all types of weather
 - e. Submit an updated site plan that incorporates fencing, lighting and landscaping to be approved and included in the file as part of this request.
 - f. Obtain building permits for all proposed structures
 - g. The applicant shall not deposit any snow or water onto neighboring properties and shall dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
 - h. There shall be adequate water storage onsite to provide fire protection in the opinion of the fire department for the proposed project
 - i. The conditional use permit will be reviewed annually to ensure compliance with the conditions listed.
- With the addition of:
- j. The application will be reviewed 12-31-15 for renewal.

Voice Vote: All yeas. Motion Passed.

9. Mohave Engineering, CUP, Shop with workforce housing, SW1/4, Section 8, Township 149 N Range 98W:
Peter Proffitt of Mohave Engineering presented the request for a conditional use permit for a metal building to be used for oilfield storage along with two manufactured houses each containing 4 bedrooms for employee housing. This parcel is located in the Rolling Hills Village Subdivision and it fits with the area as there are three lots in the subdivision that have the same type of uses and there is an oil well across the street. A neighbor, Hal Swearson, voiced his opposition as he is being surrounded by commercial uses. One of the businesses, Premier, LLC was granted a CUP but has violated the CUP. There was discussion about the procedure when a CUP is violated. It was determined that the Code Enforcement Officer, Jennifer Woodbury, would visit the site to document any violations.

MOTION by Lawler, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for a metal shop with two manufactured houses subject to the conditions set forth in the staff report:

- a. The applicant shall obtain a building permit for the proposed structures within the proposed development.
- b. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting, fencing and a landscaping plan to be approved by the Planning Department and placed in the file as part of this conditional approval
- c. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- d. The applicant shall post the address clearly on site and on the proposed structures
- e. The conditional use permit will be reviewed annually for conformance with the conditions of approval.

- f. **The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather**
- g. **All property taxes shall be paid current.**
- h. **The applicant shall maintain adequate weed control.**
- i. **The applicant shall fence the site for garbage control.**
- j. **The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to reclaim the property with the county listed as beneficiary.**

Voice vote: 7 yeas, 1 nay. Motion Passed.

10. Bakken Workforce Housing, CUP, Workforce housing, SE ¼, Section 19, Township 149N Range 98W:
 Eric Kirby of Ames Engineering and Colleen Cole, applicant, presented the request to establish workforce housing consisting of 97 manufactured homes on a 10 acre parcel. Ms. Cole stated that she has done market research that indicates there is a large demand for workforce housing for families. The proposal is for units that are 12'x38' on lots that are 29'x56'. Nordby expressed concerns about the units being very close together, parking on the street, concerns about emergency vehicle access, there is no green space and there should be off street parking for 2 vehicles. The applicant stated that there is 12' between buildings. All units will be sprinkled. Pacheco asked if there is a formula for parking spaces. Hadley stated that it is one space per bedroom for workforce housing. Olson stated that this is not what the planning commission envisioned for family housing. Mrachek asked what the exit plan is and the applicant stated that she would rezone to a mobile home park. Leann Larose stated that there is more than enough workforce housing. Those facilities currently established have a 60-70% occupancy. Based on research she has done, in September of 2012 there were 9 major facilities, in September of 2013, that number increased to 54 facilities. She requested that no more temporary housing application be approved until the county gets caught up. Olson feels that this is not appropriate for workforce housing. Haugen feels that there needs to be a fix on the workforce housing. Nordby stated that the lots are too small and the plan needs to be redesigned to create larger lots that could be sold for single family residential lots.

MOTION by Nordby, SECOND by Haugen to recommend to the County Commission denial of the conditional use permit for workforce housing based on the current design.

11. Great American Lodge (east), CUP, Workforce Housing, N1/2 of the NE1/4, Section 21, T150N R97W:
 Jim Rasche presented the request for workforce housing. He is downsizing the request from 800 beds to 750 beds. The location is between Watford City and Johnson's corners. All units are IBC certified. They are removing the truck shop from the original plans. They always fence their sites and security will be in place. They plan to build in two phases, with half being constructed this year and the other half being constructed next year, as need indicates. A neighboring property owner feels that this is too large of a project. Nordby expressed concerns about traffic entering and exiting this facility and questioned what the proposal for traffic safety. The applicant stated that they would put deceleration lanes in. Nordby stated that he would like to see NDDOT involved before this gets approved. Eric Kirby stated that they could do a traffic study. Kathy Skarda expressed concerns about traffic congestion as the area is already heavily traveled. Wisness expressed concerns about the strain on emergency services. The applicant stated that they will be willing to reduce the number of beds to 300-400.

MOTION by Wisness, SECOND by Haugen to recommend to the County Commission denial of the conditional use permit for workforce housing.

Voice vote: All yeas. Motion Passed.

12. Coltown Properties, Zone Change to R-3 with CUP for a Mobile Home Park, Lot 1 Missouri Heights Subdivision, Section 12, T150N R99W:

Peter Proffit presented the request for zone change and CUP. They have gone through the State process for licensing. The remainder of this parcel was previously rezoned and a subdivision has been recorded. A neighbor, Doug Voll, stated that he is opposed to the project due to concerns about the density, lack of infrastructure, concerns about added traffic on the road, trash concerns, and strain on emergency services. The lot sizes meet the county standards; the roads will be paved with curb and gutter. Hadley stated that this fits with the comprehensive plan. Lawler expressed concerns that it is a busy road.

MOTION by Pacheco, SECOND by Bauman to recommend to the County Commission approval of the zone change to R-3 with conditional use permit subject to the conditions set forth in the staff report and any other conditions added by the planning commission:

- a. The applicant shall keep all public roadways free of obstruction and provide maintenance for all roads proposed within the subdivision
- b. The applicant shall provide a temporary 4x8 sign identifying the project on site.
- c. The applicant shall obtain any state approval necessary for this type of development and provide final copies of approvals to the county for the file.
- d. The applicant shall be required to adhere to the zoning ordinance for the proposed development of a manufactured home park on lot 1 of the Missouri Heights subdivision.
- e. All proposed roadways within the proposed subdivision shall be constructed and verified by owners engineer to meet the minimum county standards (24' travel ways, 21' long parking aisles, adequate emergency turnarounds)
- f. The applicant will need to coordinate adequate water and sewer systems to support the intended R-3 development to include fire protection, if that can't be achieved, the proposed density will not be allowed onsite.
- g. The applicant shall buffer proposed higher uses within the subdivision by use of berms and tree planting to minimize the effect on the existing single family residential structures in the area. A plan should be submitted and approved by the Planning Department prior to construction commencing onsite. The revised plan has been submitted and the applicant shall amend as noted by staff for additional landscaping.
- h. The applicant shall provide dust control for ¼ mile in each direction from the corner of county road 14th street NW and 30th avenue NW in front of the existing residences and theirs in lots 2-9 of the remainder of the Missouri Heights Subdivision.
- i. The applicant shall pay the additional zone change fee of \$500 to cover the cost of the review of this application. The first fee paid covered the initial application.
- j. The applicant shall be required to show what type of playground/recreational improvements are going to be placed on site and where. The common area shown is the backup septic area, if that area is ever needed for septic disposal, the park would need to be incorporated in the existing drain field area or somewhere else on site to meet the minimum 3.5 acres of open space for the site.
- k. The applicant shall be encouraged to provide one off street parking space per bedroom for each of the proposed lots. The model indicates that a 3 bedroom is what is envisioned. The lots proposed do not show a width, the minimum width is 50' based on the mobile home park standards.
- l. The applicant shall maintain all improvements including roadways within the development and all improvements including landscaping, fencing, and lighting at their expense.
- m. The applicant shall post addresses clearly on all structures within the park
- n. The applicant shall present an improvement schedule for the park improvements and plan to have the site completed prior to obtaining permits to set the proposed manufactured homes.

With the addition of:

- o. The applicant shall maintain adequate weed control during the construction of the park

Voice vote: All yeas. Motion Passed.

13. Caliber Midstream, Zone Change, Comprehensive Plan Amendment, CUP, W1/2 of the NW1/4, Section 19, T152N R101W:

Jeff Skarre and Daniel Seaver presented the request for zone change/comprehensive plan amendment to industrial with conditional use permit for bulk storage. The site is 17 acres and is proposed to have four 20,143 barrel oil tanks, one 4,028 barrel water tank, one 3,948 barrel separator tank and a 1,250 square foot office. This is located north of Alexander, just south of the existing Enbridge Tank Farm. The property is surrounded by existing tank battery facilities. This site will remove trucks from the road. Tri Township did approve. This is the first no emissions tank battery in North Dakota. They have started grading the site and there is a temporary structure on the site to house equipment which will be removed in June. Nordby feels that applicant's should pay some type of fine to the zoning office when construction is started prior to zoning approval, in addition to building permit fines. Hadley will check with the zoning attorney on this.

MOTION by Nordby, SECOND by Olson to recommend to the County Commission approval of the zone change and text amendment to industrial with the conditional use permit subject to the conditions set forth in the staff report:

- a. The applicant shall obtain a building permit for the proposed structures within the development
- b. The applicant shall submit an updated site plan that incorporates security lighting and a landscaping plan (trees) to be approved by the Planning Director and placed in the file as part of this conditional approval.
- c. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- d. The applicant shall post the address clearly onsite and provide a project sign (4'x8').
- e. The conditional use permit will be reviewed annually to ensure compliance with the conditions. If conditions are not adhered to, the permit can be placed on the planning commission agenda for possible revocation.
- f. The applicant shall paint all site improvements in an earth tone to better blend with the surroundings
- g. The applicant shall adhere to all Federal and State laws, regulations and conditions for the operation of the proposed facility.
- h. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations as it relates to the conditional use approval for the file.
- i. The applicant shall continually control dust and tracking during construction and operation on site and along the county road to Highway 85 to not track or create a nuisance to the neighboring property owners and the traveling public.
- j. All lighting onsite shall be downward facing and shall not glare on adjacent property owners or the public travel ways
- k. The applicant shall remain current with all property taxes.
- l. The applicant shall provide onsite parking/staging for a minimum of 24 semi-trucks.
- m. The applicant shall submit a bond in an amount that is 150% of an engineer's estimate to reclaim the site when the use is not planned to be utilized any further
- n. The applicant shall finalize the existing approach permit from the County Engineer's Office prior to any work being started on site.

14. Arnegard WWTP, Minor Subdivision, SW1/4 of the NW1/4, Section 25, T150N R10W:

This is for a minor subdivision.

MOTION by Olson, SECOND by Nordby to recommend to the County Commission approval of the minor subdivision.

Voice Vote: All yeas. Motion Passed.

15. John Paystrup, CUP, Truck Parking, NE1/4 of the NW1/4, Section 18, T150N R100W:
The applicant was still not present. The township did approve. Olson stated that the applicant only wants permission to park his own trucks, up to 6.

MOTION by Olson, SECOND by Pacheco to recommend to the County Commission approval of the conditional use permit for truck parking subject to the conditions set forth in the staff report:

- a. The applicant shall post the address clearly onsite
- b. The applicant shall maintain adequate weed control
- c. Maintain adequate dust control for ¼ mile in each direction on the main road.
- d. Maintain enough spacing between structures for emergency vehicles to be able to access and maneuver around the structures in all types of weather.

Voice vote: All yeas. Motion Passed.

There being no further business to discuss, meeting adjourned at 10:00pm.

The next regular meeting will be on May 12, 2014 at 5:00 pm.

Secretary

Chairman

**Planning and Zoning Commission Minutes
May 12, 2014**

Meeting was held at the Watford City Civic Center in Watford City, ND and called to order at 5:00 pm by Chairman Mrachek.

Members Present: Doug Nordby, Kris Mrachek, Barb Bauman, Jeremy Olson, Rick Lawler, Paul Wisness, Les Haugen, Doug Bolken

Absent: Kris Pacheco

Staff Present: Planning Director, Walter Hadley; Asst. Planner, Jill Edson; Administrative Assistant, Lindsey Perusich; Code Enforcement Officer Jennifer Woodbury-Shelden, Attorney Ari Johnson

Others: See sign in sheet

Minutes of April 14, 2014 were presented. Haugen questioned the wording on Unfinished item #3, Apollo Resources petition that was submitted and requested that the wording be changed from "property owners" to "property owners and/or occupants". **MOTION by Olson, SECOND by Nordby to approve minutes as corrected. Voice vote: All yeas. Motion Passed.**

Discussion:

Hadley stated that realtors Brian Husky and Jeff Reiter were scheduled to discuss their unique perspective on where workforce housing is at in the County and that he wanted someone that is not self-serving to talk about the need for workforce housing. The realtors did not attend the meeting, so this item will be on a future agenda. Bolken stated that we need to reduce workforce housing and move ahead with permanent housing. Nordby stated that we need to know how many beds we have out there. Hadley stated that there are more housing facilities that were in place before zoning than after zoning, so it's difficult to know the total number of beds.

Unfinished Business:

1. SBG, CUP, Arnegard Water Line, Sections 13, 22, 23, 24, and 27, T150N R100W:
This application was tabled from the January meeting as the applicant needed to obtain approval from the City of Arnegard due to a portion of the water line runs through the City's jurisdiction. The applicant e-mailed a request to table the item once again as they are still working on obtaining easements.

MOTION by Olson, SECOND by Haugen to table this item to the June agenda.

Voice vote: All yeas. Motion Passed.

2. Basin Electric Power Cooperative, CUP, Electric Transmission Line, located in Township 145N Range 98W; Township 146N Range 98W; Township 147N Range 98W; Township 147N Range 99W; Township 148N Range 98W; Township 148N Range 99W; Township 149N Range 98W; Township 149N Range 99W; Township 150N Range 99W; Township 151N Range 99W; Township 151N Range 100W; Township 151N Range 101W; Township 152N Range 101W; Township 152N Range 102W; Township 153N Range 101W:

This was tabled from the February 10th meeting for the applicant to work with property owners on securing easements. Chris Miller was present and stated that they have 5 additional easements that have been acquired with another 15 that are outstanding, three of which they have begun condemnation proceedings on. They will be unable to begin construction until all of the easements are in place. The PSC approved their request on April 23, 2014. They are still working on the environmental impact statement. They are hoping to begin construction in August of 2014. The Conditional Use Permit is an acknowledgement that the project complies with the ordinance. There were no public comments. Olson questioned why the planning commission is getting in the middle of the easement process. Ari Johnson

stated that the planning commission could approve the request based on the route that has been submitted and if the route changes, they would have to submit the new layout. Miller stated that the CUP includes two lay down yards as well.

MOTION by Nordby, SECOND by Wisness to recommend approval to the County Commission, subject to the conditions set forth in the staff report:

1. All crossing permits must be approved through the engineer's office.
2. A final "as built" site plan must be submitted to the Planning Office to be placed in the file.

Voice vote: 7 yeas, 1 nay. Motion Passed.

Public Hearings:

Ordinance Amendments:

1. Section 3.4.3 – adding subsection (28) to add portable food vendors as a conditional use in the agriculture district:

This change in the ordinance was discussed at the February 12th workshop. There were no public comments.

MOTION by Olson, SECOND by Bolken to recommend to the County Commission approval of this amendment to the ordinance.

Voice vote: All yeas. Motion Passed.

2. Section 3.6.2.4 adding subsection (3) requiring a green space plan be submitted with any proposed development in the Residential district:

This change was discussed at the February 12th workshop. There were no public comments.

MOTION by Bolken, SECOND by Bauman to recommend to the County Commission approval of this amendment to the ordinance.

Voice vote: All yeas. Motion Passed.

3. Section 3.6.3.3 adding subsection (3) requiring a green space plan be submitted with any proposed development in the R-2 district:

This change was discussed at the February 12th workshop. There were no public comments.

MOTION by Olson, SECOND by Haugen to recommend to the County Commission approval of this amendment to the ordinance.

Voice vote: All yeas. Motion Passed.

4. Section 3.6.4.3 adding subsection (4) requiring a green space plan be submitted with any proposed development within the R-3 district:

This change was discussed at the February 12th workshop. There were no public comments.

MOTION by Bolken, SECOND by Olson to recommend to the County Commission approval of this amendment to the ordinance.

Voice vote: All yeas. Motion Passed.

5. Section 3.8.5 adding subsection (7) requiring design standards of fencing, lighting, and landscaping in the Industrial district:

This change was discussed at the February 12th workshop. There were no public comments.

MOTION by Olson, SECOND by Bauman to recommend to the County Commission approval of this amendment to the ordinance.

Voice vote: All yeas. Motion Passed.

6. Section 3.7.6 requiring design standards of fencing, lighting and landscaping in the Commercial district:

This change was discussed at the February 12th workshop. There were no public comments.

MOTION by Bolken, SECOND by Olson to recommend to the County Commission approval of this amendment to the ordinance.

Voice vote: All yeas. Motion Passed.

Applications:

Wisness requested that item #19, AE2S for Advanced Reclamation and Disposal be moved to the beginning of the agenda, as there are several residents that are in attendance and he does not want them to have to wait through the entire meeting. **MOTION by Olson, SECOND by Wisness to move item #19 to the beginning of the agenda.**

Voice vote: All yeas. Motion Passed.

1. AE2S – Advanced Reclamation and Disposal, CUP/Variance, Waste disposal within one mile of a residence, N1/2 of the NW1/4, Section 33, T151N R98W:

Patrick Jensen presented the request. They are proposing to take away some of the traffic going from west to east for waste management. On site disposal is currently happening. There are currently 72 rigs in McKenzie County, each in production for 28-30 days, which creates a lot of waste. The facility location needs to be away from water or archeological sites and needs to be accessible. The road will cut back on traffic and does not go past any houses going into or out of the site. Nordby stated there is not a lot of support from the planning commission or board of county commissioners to have one of these facilities located within one mile of residences. Mrachek stated that there needs to be enough room for expansion, as they do not want several of these facilities throughout the county. Wisness stated that this is a highly traveled road and more trucks on it would not be beneficial. Darla Miller, representing the applicant stated that these sites are very low maintenance and they welcome annual reviews to ensure compliance and alleviate concerns of the surrounding property owners/residents. Bolken suggested that the applicant purchase the residences within one mile of the proposed location and pave the two miles of road to the facility. Public Comments: Kathy Skarta expressed concerns about traffic; Valerie Hummers feels that the

City of Watford may extend their boundaries even further in the future and that could cause a problem; Polly Washburn expressed concerns about road conditions, dust, the possibility of spills on her land, contamination and questioned if an environmental impact study had been done for the facility; Heather Oakland expressed concerns about drainage into Cherry Creek and feels that there should not be any type of variance which would allow these types of facilities to be within one mile of residences. Mr. Rolfson, the property owner, stated that these facilities are needed and they are no more intrusive than an oil well or salt water disposal well; Sandy Wisness has property half a mile away and has concerns about homes near the facility, that the water table is very high in the area, the Tobacco Gardens aquifer is in the area and the facilities collection ponds are going to be in the lowest part of the land, leaks would go downhill to Tobacco Garden Creek, also concerned about traffic and decrease in land values; Don Forland lives ¼ of a mile from the site, has the same concerns as the others and is opposed; Brittney Sveit expressed concerns about kids living in the area, the quality of life, traffic and feels it is not the right area for this facility. The applicant stated that they have tried to talk with all of the residents in the area. The disposal is already happening but is not regulated, this facility will be highly regulated by the State. There is no liquid waste. There is a process in place that is set up by the state and they must follow the rules. Miles Thorland, representative of the applicant, stated that the site has 3 feet of clay and then a liner as protection from leaking and this site will reduce the amount of traffic traveling to other sites. Ken Sanford expressed concerns about dust and traffic. Olson stated that these facilities are not allowed without a variance and that the planning commission needs to achieve some type of balance between the needs of development and the safety of the residents. Bolken feels this is not an appropriate location for this facility.

MOTION by Haugen, SECOND by Bolken to recommend to the County Commission denial of this request.

Voice vote: All yeas. Motion Passed.

2. Shawn Holdaway, CUP, Shop, portion of the SW1/4, Section 8, T149N R98W;
Steve Casedick represented the applicant and is requesting approval to construct a shop to park trucks. This shop would be in addition to 2 manufactured houses that are on the property. There was a condition that needs to be added that they must meet a 25' setback requirement on the shop, which the applicant stated there would be no problem meeting that requirement. The roads are private. There have been two CUP's already approved for the two manufactured houses on the property. Bolken asked what the shop would be used for and the applicant stated that it would be to park and do maintenance on their vehicles. Bolken expressed concerns about mixed use of commercial and residential. There were no public comments.

MOTION by Olson, SECOND by Bauman to recommend to the County Commission approval of the conditional use permit for the shop subject to the conditions set forth in the staff report:

- a. Obtain a building permit for the proposed structure
- b. Submit for approval an updated exterior site plan that incorporates security lighting, fencing, and a landscaping plan (trees) to be approved by the Planning Department and placed in the file as part of this conditional approval.
- c. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- d. The applicant shall post the addresses clearly on site and on the proposed structures
- e. The applicant shall maintain adequate separation from the adjacent units for emergency vehicle access
- f. The applicant shall maintain adequate weed control
- g. All property taxes shall be paid current.

h. Shop must meet 25' setback

Roll Call Vote: Bauman – Yea, Bolken – Nay, Haugen – Nay, Lawler – Yea, Olson – Yea, Nordby – Yea, Wisness – Yea, Mrachek - Nay

Motion Passed.

3. Pinky's Aggregates, CUP, Scoria Pit, N1/2 of the SE1/4 and the NE1/4 of the SW1/4, Section 31, T151N R96W:

Jeff Martinson presented the request. Blue Butte township did approve. This is a new scoria pit. They will be using Highway 23 as access to the site. They have tarps for all loads. There were no public comments.

MOTION by Lawler, SECOND by Nordby to recommend to the County Commission approval of the conditional use permit for a scoria pit, subject to the conditions set forth in the staff report and any added by the planning commission:

- a. The applicant shall mark the site with address/project identification (4'x8' sign) that is visible from the road.
- b. All property taxes shall be paid current.
- c. The applicant shall adhere to all State laws, regulations and conditions for the operation of the proposed facility.
- d. The applicant shall post a bond based on an engineer's estimate to reclaim the site with the county listed as the beneficiary. The amount shall be 150% of the estimate.
- e. Maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
With the added conditions:
- f. The applicant will have a 300 foot knock off zone
- g. The applicant shall tarp all loads
- h. Maintain dust control for ¼ mile in each direction on 113 Avenue

Voice Vote: All yeas. Motion Passed.

4. Verizon Wireless, CUP, Communications Tower, property located in the W1/2 of the SE1/4, Section 11, T148N R101W:

John Rowe of Buell Consulting presented the request for a 330' tall cellular tower with a 12'x30' equipment building on a 100'x100' site. The tower is constructed of galvanized steel. The tower is designed for 33% fall zone, the setback is 110' from the tower location. There were no public comments.

MOTION by Wisness, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for a communications tower, subject to the conditions set forth in the staff report:

- a. The applicant shall mark the site with address/project identification (4'x8' sign) that is visible from the road.
- b. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility
- c. All property taxes shall be paid current.
- d. The applicant shall maintain adequate weed control.
- e. The applicant shall show, as part of the building permit, that if tower failure occurs, it will only impact their property.
- f. The applicant shall be allowed to install all additional whip/dish antennas on the structure that it can support without further zoning approval.

g. The applicant shall either paint or construct the tower out of material that blends in the environment (earth tone) colors and install and maintain any required FCC/FAA lighting for aircraft security.

Voice Vote: All yeas. Motion Passed

5. Steve Nelson, CUP/Variance, Water Depot, E1/2 of the SE1/4 of the SE1/4, Section 19, T151N R96W:
Mr. Nelson is requesting a conditional use permit for a water depot. The State Water Commission issued a water permit. The variance request is for 30' on the setback requirement of 75' from the center of the road. The existing fence line is 45' from the center of the road, the 30' will be used for truck staging to keep them off the road. The water will come from Demick Lake. There were no comments.

MOTION by Lawler, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for a water depot, subject to the conditions set forth in the staff report and any added conditions from the planning commission:

- a. The applicant shall mark the site with address/project identification with a sign (4'x8') that is visible from the road.
- b. The applicant shall adhere to all State laws, regulations and conditions for the operation of the proposed facility.
- c. The applicant shall maintain adequate dust control for ¼ mile in each direction on the main road.
- d. All property taxes shall be paid current
- e. Maintain adequate weed control as approved by the McKenzie County Weed Control Officer.

With the added condition:

- f. Submit an updated site plan that incorporates lighting and landscaping.

Voice vote: All yeas. Motion Passed.

6. Jason Marmon, CUP, Water Depot, property located in the NE1/4, Section 9, T147N R98W:
Mr. Marmon presented the request for a water depot. The State Water Commission has issued a permit. The water will be drawn from the river. The State has approved the dredge going back into the river. He is working with Sinclair on dust control on the road. There were no public comments.

MOTION by Nordby, SECOND by Lawler to recommend approval to the County Commission subject to the conditions set forth in the staff report and any added conditions by the planning commission:

- a. The applicant shall mark the site with address/project identification sign (4'x8') that is visible from the road.
- b. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
- c. All property taxes shall be paid current.
- d. The applicant shall maintain adequate weed control
- e. The applicant shall maintain adequate dust control for ¼ mile in each direction on the main road.

With the added condition:

- f. Submit an updated site plan that incorporates landscaping and lighting.

Voice Vote: All yeas. Motion Passed.

7. Sax Sisters, CUP, Water Depot, NE1/4, Section 3, T150N R98W:
Deb Rolfsrud requested approval for a water depot. The State Water Commission has issued a permit. There were no public comments.

MOTION by Wisness, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for a water depot subject to the conditions set forth in the staff report and any added conditions by the planning commission:

- a. The applicant shall mark the site with address/project identification sign (4'x8') that is visible from the road.
- b. The applicant shall provide adequate weed control per the specifications of the McKenzie County Weed Control Officer.
- c. All property taxes must be paid.
- d. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
- e. The applicant is to maintain adequate dust control the scoria road to Highway 1806.

With the added condition:

- f. Submit an updated site plan that incorporates lighting and landscaping

Voice Vote: All yeas. Motion Passed.

8. D&D Rolfsrud LLP, CUP, Water Depot, property located in the NE1/4 of the NE1/4, Section 7, T152N R97W:
Deb Rolfsrud requested approval for a water depot. The State Water Commission has issued a permit. The water will come from Tobacco Garden Creek. There were no public comments.

MOTION by Wisness, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for a water depot subject to the conditions set forth in the staff report and any added conditions by the planning commission:

- a. The applicant shall mark the site with project/address sign (4'x8') sign that is visible from the road.
- b. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
- c. All property taxes shall be paid current
- d. The applicant shall maintain adequate weed control
- e. The applicant shall maintain dust control on the road from the depot site to Highway 43

With the added condition:

- f. Submit an updated site plan that incorporates lighting and landscaping.

Voice vote: All yeas. Motion Passed.

9. D&D Rolfsrud, LLC, CUP, Water Depot, NE1/4 of the SE1/4, Section 7, Township 152N Range 97 West:
Deb Rolfsrud requested approval for a water depot. The State Water Commission has issued a permit. The water will come from Clear Creek. There were no public comments.

MOTION by Wisness, SECOND by Olson to recommend to the County Commission approval of the water depot, subject to the conditions set forth in the staff report and any added conditions by the planning commission:

- a. The applicant shall mark the site with address/project identification sign (4'x8') that can be seen from the road.
- b. The applicant shall maintain adequate weed control
- c. All property taxes shall be paid current.
- d. The applicant shall adhere to all State laws, regulation and conditions for the operation of the proposed facility.
- e. The applicant shall maintain dust control on the road from the depot site to Highway 43

With the added condition:

- f. The applicant shall submit an updated site plan that incorporates lighting and landscaping.

Voice Vote: All yeas. Motion Passed.

10. Jonathan Leavitt, CUP, Shop, SW1/4, Section 8, Township 149 N Range 98W:

Jonathan Leavitt is requesting approval for a 40'x104' shop for storage of a semi-truck with a 3 bedroom house to be at the south end of the shop for the applicant's personal use. Mr. Leavitt stated that the shop would be for his personal use to park his work truck in. He hauls crude oil and has only one truck. There was discussion on whether this CUP was actually needed and Mr. Leavitt decided to follow through with the application in the event that he ever wanted to add more vehicles. There were no public comments.

MOTION by Olson, SECOND by Wisness to recommend to the County Commission approval of the conditional use permit for a shop with 3 bedroom house, subject to the conditions set forth in the staff report:

- a. The applicant shall obtain a building permit for the proposed structure.
- b. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting, fencing and a landscaping plan to be approved by the Planning Department and placed in the file as part of this conditional approval
- c. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- d. The applicant shall post the address clearly on site and on the proposed structure
- e. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather
- g. All property taxes shall be paid current.
- h. The applicant shall maintain adequate weed control.

Voice vote: 7 yeas, 1 nay. Motion Passed.

11. Conoco Phillips, CUP, Shop, SW ¼ of the SW1/4, Section 24, Township 150N Range 96W:

Dan Flack of Conoco Phillips requested approval for a shop for equipment storage. This would be located next to a logistics area on another parcel which they also own. Ari Johnson questioned the strange layout of the parcel. Mr. Flack stated that the two parcels total 10 acres. Olson stated that there should be a condition attached as to where the shop can be located. Ari stated that the planning commission needs to consider the layout of what they are approving. There were no public comments.

MOTION by Olson, SECOND by Nordby to recommend to the County Commission approval of the conditional use permit for a shop to be located on the NE portion of the parcel as submitted in the site plan, subject to the conditions set forth in the staff report:

- a. The applicant shall obtain a building permit for the proposed structure
- b. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
- c. The applicant shall post the address clearly onsite
- d. The applicant shall maintain adequate weed control
- e. All property taxes shall be paid current
- f. Applicant shall submit an updated site plan that incorporates lighting, fencing and landscaping to be approved by the Planning Director and added to the file as part of this request.

12. Slash to Slash Ranch Co., CUP, Workforce Housing, SW1/4 of the SE1/4, Section 28, T148N R101W:
 John Santo with True Oil was present and requested approval for five manufactured homes to be constructed in two phases with phase 1 consisting of two units. The units would be located on their own ranch property. Olson asked what their long term plan is and it was stated that they would like to keep the units there as it is difficult to get employees due to the housing issues. Olson asked if the employees stay there full time or do they rotate? Santo stated both. Haugen asked if there was already housing in the area and it was answered that there were a couple of skid units there already. Bolken stated he has concerns about 5 manufactured houses on less than 1 acre. Santo stated that the septic will be applied for at the same time as the building permits. Water is currently being hauled in. Hadley stated that a condition should be added that they need to obtain state water and septic approvals or have water hauled in and sewer hauled out as well as a landscaping plan needs to be submitted. There were no public comments.

MOTION by Lawler, SECOND by Wisness to recommend to the County Commission approval of the conditional use permit for workforce housing, subject to the conditions set forth in the staff report and any conditions added by the Planning Commission:

- a. The applicant shall obtain building permits for the proposed structures
 - b. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
 - c. The applicant shall post the addresses clearly on the proposed structures.
 - d. The applicant shall provide adequate water storage onsite to provide fire protection in the opinion of the fire department for the proposed project.
 - e. The applicant shall provide adequate separation from the adjacent units to meet state standards and fire regulations, along with adequate emergency service vehicle access and turnaround areas.
 - f. The applicant shall provide adequate weed control.
 - g. All property taxes must be paid current
 - h. The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to restore the property to its natural state.
 - i. The conditional use permit will be reviewed annually to ensure compliance with the conditions listed.
 - j. The conditional use permit will expire 12-31-15 and will need to be renewed at that time.
- With the added conditions:
- k. The applicant shall obtain water and septic approvals from the State or have water hauled in and sewer hauled out.
 - l. The applicant shall submit an updated site plan that incorporates landscaping.

Voice vote: All yeas. Motion Passed

13. Mohammed Neamah, CUP, Workforce Housing, NE1/4 of the SE1/4, Section 11, T150N R99W:
Mohammed Neamah of Direct Electric is requesting approval for four manufactured houses on a 2 acre lot. Their company is growing and they need housing for the employees. The septic has been approved for the units. There were no public comments.

MOTION by Olson, SECOND by Bolken to recommend to the County Commission approval of the conditional use permit for workforce housing, subject to the conditions as set forth in the staff report and any added conditions by the Planning Commission:

- a. The applicant shall obtain building permits for the proposed structures
 - b. The applicant shall post the addresses clearly on the proposed structures.
 - c. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
 - d. The applicant shall provide adequate water storage onsite to provide fire protection in the opinion of the fire department for the proposed project
 - e. The applicant shall provide adequate separation from the adjacent units to meet state standards and fire regulations, along with adequate emergency service access and turnaround areas.
 - f. The applicant shall provide adequate weed control
 - g. All property taxes shall be paid current
 - h. The applicant shall post a bond in an amount equivalent to 150% of an engineer's estimate to restore the property to its natural state.
 - i. The conditional use permit will be reviewed annually to ensure compliance with the conditions listed.
 - j. The conditional use permit will expire 12-31-15 and will need to be renewed at that time.
- With the added conditions:
- k. The applicant shall have water and septic approvals prior to applying for the building permits
 - l. The applicant shall submit an updated site plan that incorporates landscaping and lighting.

Voice vote: All yeas. Motion Passed.

14. Caliber Midstream, CUP/Subdivision, NW1/4, Section 19, T150N R100W:
Shannon Marinko with Circle-H Engineering represented Caliber Midstream and requested approval for a minor subdivision to split an 11.35 acre parcel into a 6.64 acre and 4.71 acre parcel. In addition the applicant is requesting approval for a conditional use permit to construct a commercial shop on each of the lots. There will be no workforce housing. He did question condition #14 that all site improvements be complete by 11-1-14 and requested clarification. Hadley stated that all site improvements, excluding structures, need to be complete by that date. Olson stated that this area is designated commercial in the Arnegard Township Comprehensive Plan and that the proposed uses fit the area.

MOTION by Nordby, SECOND by Olson to recommend to the County Commission approval of the minor subdivision and the conditional use permit subject to the conditions set forth in the staff report:

- a. The applicant shall obtain a building permit for the proposed structures within the development
- b. The applicant shall submit an updated site plan that incorporates security lighting and a landscaping plan (trees) to be approved by the Planning Director and placed in the file as part of this conditional approval.
- c. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.

- d. The applicant shall post the address clearly onsite and provide a project sign (4'x8').
- e. The conditional use permit will be reviewed annually to ensure compliance with the conditions. If conditions are not adhered to, the permit can be placed on the planning commission agenda for possible revocation.
- f. The applicant shall paint all site improvements in an earth tone to better blend with the surroundings
- g. The applicant shall adhere to all Federal and State laws, regulations and conditions for the operation of the proposed facility.
- h. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations as it relates to the conditional use approval for the file.
- i. The applicant shall continually control dust and tracking during construction and operation on site and along the county road for a distance of not less than ¼ mile in each direction from the two proposed shops to not track or create a nuisance to the neighboring property owners and the traveling public.
- j. All lighting onsite shall be downward facing and shall not glare on adjacent property owners or the public travel ways
- k. The applicant shall remain current with all property taxes.
- l. The applicant shall provide onsite parking/staging for a number of semi-trucks and adequate emergency vehicle turnaround on each site.
- m. The applicant shall create a drop off zone on their own property 300' in length to ensure that tracking is limited on the public right of way
- n. The applicant shall finalize the existing approach permit from the County Engineer's Office prior to any work being started on site.
- o. The applicant shall construct the proposed site improvements by November 1, 2014 or prior to any certificate of occupancy being issued for either of the sites.

Voice vote: All yeas. Motion Passed.

15. Tesoro High Plain, CUP, Facility Expansion, NE1/4, Section 19, T150N R95:

This item was tabled due to the reclamation bond not being received on a previously approved CUP, however, James Sanford of Tesoro along with Kent Reiersen of Crowley Fleck Law Firm were present and requested to be heard. Hadley stated that he tabled the item as they are not in compliance with a previous CUP approval and the board did not want to receive new applications when there was non-compliance on previous ones. Reiersen stated that they do not feel that there is a non-compliance issue with the previous CUP and are requesting that the application not be tabled, as to delay the application would cost Tesoro \$200,000-\$300,000. Hadley stated they've been allowed to proceed with grading. Site rebar tied and was started without approval. The bond on the previous CUP was just received this date (5-12-14). Jennifer Sheldon stated that the bond had not even been issued prior to the application deadline. Reiersen stated that the previous CUP for Tesoro's project in Keene was issued 10-24-13 with conditions listed. There was no deadline or time line stating when the conditions had to be met. The current CUP request is for a project near Johnson's Corner. The application was submitted in January but additional information was needed to be obtained, which delayed the application getting on the agenda. The Keene project is not complete, nor is it in operation so they are not out of compliance. They have responded to all of the conditions. The current application is to add two additional pumps and housing for a pipeline that is already in existence. This is not a new project but an expansion of an existing project. There is no policy or regulations in the ordinance nor were there any deadlines stated in the prior CUP. Hadley stated that the planning department does a 6 month review. Sanford stated that they responded to the letter sent 4-25-14 in a timely manner. Olson stated the October CUP was granted with conditions and feels this is one of the few ways the Planning Commission can hold applicants accountable for the conditions on previous CUP's. Nordby asked if tonight's project had already been started and Sanford answered yes. Nordby expressed concerns that the project was started prior to the CUP being heard or approved. Sanford stated they started the dirt work 60 days ago with the approval of the planning director. Bolken

asked if they are now in compliance with their previous CUP and does that allow them to do what work has been done. Hadley stated no and that the applicant was told they could do grading and rebar work at their own risk. Haugen asked if the 6 month review letter stated a deadline that the conditions need to be met by and Hadley answered no that it is a 6 month review. Mrachek questioned whether the bonds should be in place prior to construction being started. Sanford requested that the CUP application be heard tonight and not tabled. Hadley stated that this is a policy and they are not in compliance and it is too late to move forward.

MOTION by Nordby, SECOND by Olson to leave this item as tabled to the June agenda.

Voice vote: All yeas. Motion Passed.

16. McKenzie Electric, Zone Change/Comprehensive Plan Amendment, NW1/4 of the SW1/4, Section 10, T150N R98W:

John Skurupey of McKenzie Electric was present and requested zone change and comprehensive plan amendment to industrial. They are working with Sorenson's to improve the road and widen the approach. It was asked if there will be turn lanes put in and Mr. Skurupey stated that decision would be up to the DOT.

MOTION by Wisness, SECOND by Lawler to recommend to the County Commission approval of the zone change and comprehensive plan amendment to industrial.

Voice vote: All yeas. Motion Passed.

17. John Meadows, Minor Subdivision, Idaho Country subdivision:

This item was tabled.

18. Watford City Lodging, Minor Subdivision, 4 acres subdivision:

This item was tabled.

There was discussion regarding having reclamation bonds in place prior to the start of construction on site. There was concurrence by the planning commission that the policy would be to have these bonds in place prior to the start of construction.

19. Burning Run LLC, CUP, Package Waste Water Treatment Plant, NW1/4, Section 33, T145N Range 98W:

The applicant was not present. Edson stated that this application is for a package waste water treatment plant. This will supplement the treatment plant that is on the Sweet Crude Travel Center site. This facility will take approximately 40,000 gallons of hauled waste from nearby oil well sites and crew camps. The applicant anticipates their facility will receive approximately 10 trucks per day. There was a letter received from the Sweet Crude Travel Center in favor of this facility also stating that they have the infrastructure to support the facility.

MOTION by Nordby, SECOND by Olson to recommend to the County Commission approval of the conditional use permit for a package waste water treatment facility subject to the conditions set forth in the staff report and any added conditions by the planning commission:

- a. **The applicant shall mark the site with address/project identification (4'x8' sign) that is visible from the road.**
- b. **The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.**
- c. **The applicant shall post a surety bond in an amount equal to 150% of an engineer's estimate to reclaim the site with McKenzie County as the beneficiary.**

- d. The applicant shall submit for approval an updated site plan that incorporates security lighting and a landscaping plan to be placed in the file as part of this request.
- e. The applicant shall obtain a building permit for any proposed structures or signs for the project
- f. The applicant shall maintain adequate weed control

With the addition of:

- g. The applicant shall maintain adequate dust control
- h. The applicant shall add turning lanes if the DOT requires it

Voice vote: All yeas. Motion Passed.

20. TIG Energy Park LLC, Zone Change to Industrial/Major Subdivision/CUP, SE1/4, Section 3, T150N R98W:
This item was tabled.

21. Louis Bonneville, Zone Change and Text Amendment to Industrial, N1/2 of the SE1/4; S1/2 of the NE1/4 and the W1/2 of the NE1/4, Section 19, T149N R98W:

Jacob Marberger of Neff, Eiken and Neff law firm was present with Louis Bonneville and Ed Lyons on behalf of the 18 applicants. Bolken gave a brief history about the area stating that all of the development in the area was done prior to zoning being established. The Planning Commission did not see this area as industrial in the comprehensive plan. If the uses were to change or expand, the property owners would need a CUP so conditions can be placed on them. Marberger stated that directly to the east of these properties is a large parcel that is zone industrial. A petition containing signatures of people that approve of the zone change was submitted by Mr. Bonneville. Jennifer Shelden, Ordinance Enforcement Officer, passed around photos of current violations in the area, including Blue Sky Lodge, which added 24 houses without a CUP. Ed Lyons of Blue Sky Lodge stated that he set the houses but did not hook them up. Once the previous enforcement officer talked to him, no more work was done. Bolken stated that the old approaches were to be removed when the new ones were installed and this has not been done and questioned if all of the approaches have been approved by the engineering department. Bolken also stated that, if the planning commission moves forward with the zone change, the applicants need to legitimize what they have now. Nordby stated that all of the businesses in that area need to be brought up to code if they want the planning commission to approve the zone change to legitimize their businesses, including roads, approaches and all crew camp facilities must meet all conditions that are placed on other facilities, as well as dust control on the roads. Nordby also questioned why residential would be allowed in industrial zoning. Jeff Port, a property owner in the area, stated his facility was there prior to zoning and the blanket agriculture zone does not allow those already in existence to do what they want to do. Carol Fried owns the property to the east of this area and stated that she is neutral on the applicant's zone change request but did state that 90% of her property was zoned industrial without her knowledge but she uses it for agriculture and would like the property changed back to Agriculture zoning. Bolken stated he would like to see everything come into compliance, but some of the businesses would not be able to meet the setback requirements. Hadley stated that we can't put conditions on zone changes and there is no provision in the zoning ordinance for conditional zoning and recommended that the applicants organize a legitimate organization and agree to the area becoming compliant. Marberger asked if an association is formed and all of the businesses are brought into compliance, would that be considered good enough to approve the zone change request. Bolken stated that they could not make that promise at this time. Anthony Duncan of Biobridge, built a package waste water treatment plant in the area and the applicants can tie into their system for sewer treatment. They are paying for municipal waste treatment to be compliant. Hadley stated that if the applicants want to work with himself, Jennifer the enforcement officer and Ari the Zoning attorney, he suggests this item be tabled while the various issues are addressed.

MOTION by Olson, SECOND by Bolken to table this item to the June meeting.

Voice vote: All yeas. Motion Passed.

There being no further business to discuss, meeting adjourned at 9:45pm.

The next regular meeting will be on June 9, 2014 at 5:00 pm.

Secretary

Chairman

Planning and Zoning Commission Minutes
June 9, 2014

Meeting was held at the Watford City Civic Center in Watford City, ND and called to order at 5:05 pm by Chairman Mrachek.

Members Present: Doug Nordby, Kris Mrachek, Barb Bauman, Kris Pacheco, Rick Lawler, Paul Wisness, Les Haugen, Doug Bolken

Absent: Jeremy Olson

Staff Present: Asst. Planner, Jill Edson; Permit Coordinator, Lindsey Perusich; Code Enforcement Officer Jennifer Woodbury-Shelden, Attorney Ari Johnson

Others: See sign in sheet

Minutes of May 12, 2014 were presented. **COMMENTS:** **MOTION by Bolken, SECOND by Lawler to approve minutes as corrected. Voice vote: All yeas. Motion Passed.**

Discussion:

Bolken asked to change zoning from industrial to agricultural for sections 20,21,28,29 of township 149, Range 98. Bolken stated he felt it was an overlook on the board's part. He proposed to keep section 30 by the gas plant industrial. The four land owners in the area should be able to pick whether they want agricultural or industrial because it was the board's mistake. Bolken asks that this issue be on the July 2014 agenda. The land owners will be notified individually. **COMMENTS: Motion: Bolken Second: Lawler to present this topic at the next meeting. Voice Vote: All yeas. Motion: Passed.**

Unfinished Business:

1. SBG – CUP – Arnegard Water Line, located within Sections 13, 22, 23, 24, and 27 Township 150 North, Range 100 West.

Findings of Fact:

1. The applicant's request is approximately 5 miles in length and seems to have the concurrence of property owners in the area for the 2-4 inch industrial water line.
2. All requirements for public notification have been satisfied.
3. Staff has not received any comments on this request. Arnegard Township did approve with suggested conditions being that there be no above ground structures in the road or section line right of way; obtain all necessary easements with landowners; and the applicant must be in good standing with the state water and industrial commission.
4. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.

5. State Water, Sewer, or agency approvals are not necessary for this type of request.
6. The applicant's request includes non-potable water lines for industrial purposes.
7. All local, state, and federal guidelines shall be adhered to for this type of development.
8. The applicant shall submit a plan to the Planning Department with the following information to be approved prior to the start of the project: Re-seeding plan, all crossing permits through the engineers office.

The Planning and Zoning Commission should consider recommending approval of the portion of the proposal that would allow this non-potable water line in the Agricultural zone, with the following conditions:

1. Submit a re-seeding plan
2. All crossing permits must be approved through the engineer's office.
3. A final "as built" site plan needs to be submitted to the Planning Office to be placed in the file.

Tabled per Applicant, not ready to present to the board.

2. Tesoro High Plain – CUP – Facility Expansion, portion the NE 1/4 of Section 19, Township 150 North, Range 95 West for the expansion of their existing operation.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to expand their existing facility with a number of uses and has obtained Grail Township approval. The applicant will need to submit a revised site plan to the Planning Department for approval with proposed tree planting for the site, the applicant already has existing fencing and lighting addressed. The county would ask that only directional lighting be used on site to not disturb travelers along HWY 73.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone calls on the proposal.
5. Staff has not received any comments from any adjoining property owners citing.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land

uses.

b. Enhance and diversify McKenzie County's economy

c. Encourage the wise and proper use or development of the county's natural resources

7. The applicant has obtained all the appropriate agency approvals for this type of development.
8. Building permits are required for any proposed or existing structures onsite. Adequate parking should be included onsite along with emergency vehicle turn around.

Recommended Conditions:

1. The applicants shall obtain a building permit for all the proposed structures within the proposed development.
2. The applicants shall submit for approval to the Planning Director an updated exterior site plan that incorporates downward facing security lighting, landscaping plan (trees), and complete site fencing to be completed on an approved improvement schedule.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the address clearly on site and provide a project sign (4' by 8') on site to identify the project.
5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.
6. The applicant shall be required to notify the county if any information or plans change for the use of the site.
7. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility.
8. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
9. The applicant shall continually control dust and tracking during construction and

operation on site to not track or create a nuisance to the neighboring property owners and the travelling public along HWY 73.

10. All improvements on site shall be painted an earth tone uniform color.
11. The applicant shall remain current with all county taxes.
12. The applicant shall provide onsite parking for working vehicles on site.
13. The applicant shall submit a bond equaling 150% of an engineers' estimate to remediate/reclaim the site when the use is not planned to be utilized any further. (excluding office building)

James Sanford- Brought handout for visual aid. Apologized for starting work without the board's approval. After last month's meeting Tesoro decided to stop work and secure the site until they received the board's approval. Three buildings and piping will be the expansion of the site. These pipes will be separated to flow North to Stampede and South to Mandan. Wanted to state that he has seen the terms and conditions of the CUP, and Tesoro is willing to abide by said terms and conditions. Tesoro will also update the Zoning Department once a month on the upkeep and execution of the conditions.

Nordby- Stated he appreciated the apology and liked how well the handout was put together.

Motion by: Nordby Second by: Bolken

Voice Vote: All yeas. Motion: Passed

3. John Meadows – Minor (4 lot) Subdivision – Idaho Country Sub, a 6.34 acre parcel within the NW ¼ of the SE ¼ Section 19, Township 149 North, Range 98 West. The applicant is proposing to develop a 4 lot single family residential subdivision ranging between 1 and 2 acres.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant is applying for a subdivision application that was in the process in April and is eligible to move forward based on its application prior to the minimum lot sizes being changed to 5 acres in the agricultural zone.

3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. Staff has not received any written comments on this request.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Provide and maintain an adequate transportation system within McKenzie County.
7. State Water, Sewer approvals are necessary and have been obtained for this type of request prior to it commencing on the site.
8. The reviewing agencies have all approved the proposed development as presented with the exception of the final acknowledgement from the county weed control board on compliance with their weed control plan.
9. Emergency services has indicated that all structures should be clearly addressed and visible from the roadway. The road needs to be a minimum of a 24" wide travel way with a minimum of 6" of gravel on top of an engineered sub base. The applicant will need to create an emergency vehicle turnaround and provide an adequate dedicated right of way for the access to the proposed lots prior to the plat being recorded. The applicant should meet the minimum county specs for all road construction on site. The county will not accept the proposed roadway into its system, any maintenance shall be provided by the homeowners association which would include grading, dust control and snow removal.
- 10 The applicants' request is for only single family residential and accessory structures. The existing debris and rv's will need to be cleaned up and removed from the site prior to building permits being issued for new home construction.

Staff recommends approval of the subdivision with the **following conditions of approval.**

1. The applicant shall provide maintenance to the access road which includes snow plowing, resurfacing, and dust control through the subdivision.
2. The applicant shall provide a emergency vehicle turnaround in lot 4 to allow for bus/emergency vehicle turnaround.

3. The applicant shall build the interior road in the subdivision to meet county road specifications which include: 24' top, 6" of gravel, adequate drainage ditches, culverts to handle a 25 year event and create a homeowners association to maintain the system.
4. The applicant shall obtain a building permit for all proposed structures on any or all 4 lots created in this subdivision.
5. The applicant will have all debris and rv's removed from the site prior to obtaining any building permits for any of the newly created lots.
6. The applicant shall provide adequate right of way and improvement for a 24-foot travel way with adequate shoulders to convey a 25 year event with culvers per county specifications. The applicant shall verify that county road specifications have been met to the county engineers' office. The existing 40-foot easement to the site would also need to meet minimum county road standards for road surface, maintenance, and adequate drainage. The applicant shall also provide an adequate emergency vehicle turn around in lot number 4 for emergency services and bus turnaround.
7. The applicant shall create a homeowners association to assume the maintenance of all roadways and ditches in the proposed subdivision.
8. The applicant shall provide final approval from the weed control board prior to recordation of the plat.

Edson- Explanation of what was being proposed.

No questions from the audience.

No questions from the board.

Motion by: Bolken Second by: Bauman

Voice Vote: All yeas. Motion: Passed

4. TIG Energy Park – Zone Change to Industrial, Major (10 lot) Sub, commonly known as a part of the SE ¼, of Section 3, Township 150 North, Range 98 West. The site is proposed to Industrially allowed uses if approved.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.

2. The applicant wants to subdivide and zone the property for industrial uses. The area has had a few industrial zone change requests for Mckenzie Electric, and Oneok. The area is also what appears to be a transition area along 1806 in city from industrial to residential/agricultural. The proposal seems to be an orderly outward expansion of the previous applications.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
6. Building permits are required for any proposed structures onsite. Adequate parking should be included on each site for all industrial development so that vehicles are not staged or parked along the county roads.
7. The applicant has submitted a master plan that designates the Commercial, and Residential areas for this request.
8. The applicant has obtained all approvals necessary for this type of development but will need to verify with Rural Water if they desire their service. The applicant can utilize well water based on the availability of water to existing wells in the area.
9. The applicant is proposing the first phase of the development that includes 10 lots, additional lots are desired but will need to go through the subdivision process separately. All proposed lots are over the minimum 2 acre lot size of the industrial zone.
10. The applicant does not show temporary emergency vehicle turnarounds on the proposed roadways that would need to be included in the plan, and all roads within the proposed development would be maintained by the developer, and all roads would need to meet the minimum county road requirements for this type of development with a 32 foot top and adequate drainage and culverts.

Staff recommends approval of the Comprehensive Plan/Zone Change and Subdivision phase

1 Approval as presented with the following conditions:

- 1 The applicant shall adhere to all approvals gained through this process and comply with

the existing zoning for the newly created subdivision for future land use.

2. The applicant shall obtain all building permit approvals for all structures planned for the site.
3. The applicant provides a copy of the recorded CC&Rs with a full copy of the plat to the planning department when this item is finalized. The applicant shall also assume all the maintenance for all the interior roads and drainage improvements proposed within the proposed subdivision. Additionally, the applicant shall upgrade the remainder of the access road from the site to 1806 to county road standards to handle the proposed traffic to and from the site.
4. The applicant shall amend the proposed plat to conform with the requirements set forth by the Fire Chief prior to recordation.
5. The applicant shall update the approach permit from the state dot and include any additions they need to make to the increased industrial traffic. The existing approach was not envisioned to handle that type of traffic.
6. The applicant shall provide adequate off street parking for the industrial lots and limit on street parking for emergency vehicle access since the proposed roads are not wide enough to support on street parking.
7. The applicant shall provide temporary emergency vehicle turnarounds at the end of each of the proposed roadways that are maintained and can be utilized all year.
8. All roads within the subdivision need to be dedicated to the public, built to county road standards (32') top with appropriate drainage and approved by the county engineer's office.
9. All development on each lot shall submit a site plan that includes directional lighting, fencing, landscaping, and a uniform earth tone color scheme for structures on each site.
10. All road improvements to the easement from site to 1806 needs to be completed at the same time the interior roads are completed, and prior to construction beginning on site.

Edson- Explanation of what would be presented.

Dave Patience- Senior Planner. One building is proposed. Owners are responsible for roads and will make turnabouts at the end of roadways.

Nordby- What is the plan for the lots?

Patience- We have easements, we will build the road to come off of HWY 1806.

Nordby also had concerns about storm water and dust.

Patience- We will create a maintenance association.

Discussion amongst board.

Weisness had questions about securing water.

Patience- Stated that they would have well water. They have a high water table in their area.

Motion by: Nordby Second by: Weisness, to approve with added condition of dust control to HWY 1806 from subdivision.

Voice Vote: All yeas. Motion: Passed.

5. Watford City Lodging, LLC – Minor (4 lot) Subdivision- 4 acres Sub,
Tabled per Applicant

6. Louis Bonneville – Zone change/Text Amendment to Industrial
Tabled Per Applicant.

Although tabled, Louie Bonneville came in to give the commissioners an update. He stated that he was working with Zoning Enforcement to get things moving.

Nordby- Wants everyone to meet standards if it is going to be a blanket zone change approval. Stated that he was worried the width of the roads were too small and there were no turnabouts for emergency services. They need landscaping, proper lighting, garbage control, and visible house numbers from the roads. Road barriers are needed because roads were not designed properly; it is very steep and unsafe. There are not enough culverts for storm water, they need scoria or gravel not just a path with bladed off top soil. Everything needs to be painted, presentable, and orderly. The State is limiting RV parks so that would need to be figured out as well. Would be willing to come out and look at things that need to be done to meet these standards.

Ordinance Amendments:

Public Hearings:

1. Mohave Engineering – Major Subdivision – Falcon’s Nest, property commonly known as the proposed Falcon’s Nest Subdivision, described as the S ½ of the SW ¼, Section 2, Township 150 North, Range 100 West. The applicant’s proposal is within the Arnegard Township.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.
2. The applicants request lies within the Arnegard Township and consists of 53 lots. The applicant is the last subdivision that was applied for under the old agricultural standards that allowed single family subdivisions down to an acre. All future subdivision proposals in the agricultural zone will need to be 5 acres per lot.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. Staff has not received any written comments on this request. Planning Staff assumes that service can be provided and no concerns on the proposed site by other agencies have been obtained.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Provide and maintain an adequate transportation system within McKenzie County.
 - c. Promote an adequate housing supply for the existing and future residents of McKenzie County.
7. State Water, Sewer approvals are in place and the applicant has obtained all the other approvals necessary for this type of development. Any changes to this plan will need to be represented to the Planning Commission for concurrence.
8. The applicant's request seems to have met the intent of the county subdivision regulations. The Arnegard Township has approved the request with a number of conditions relating to construction time (no construction between April 1st-June 1st), a 30 acre buffer zone, rural water hook up (rural water is not taking applications in that area), only single family homes, a buffer zone of trees, existing drainage shall not be altered, development shall commence on site on the fur farm side last, construction traffic shall go from east to west, dust abatement for ¼ mile eastward, keep communication open with Mr Schultz, the fur farm owners. These items will be summarized in a condition of approval below.

Conditions of approval:

1. The applicant shall not allow any construction on site from April 1st to June 1st during

the construction of infrastructure or units on site.

2. The plat will need to be amended to show the 30 acre buffer area including plantings to soften the impact to adjacent land uses. The plat and plan will need to be approved by the planning department prior to the recordation of the plat.
3. The applicant is encouraged to hook up to rural water after the development is approved but the rural water office is not accepting applications at this time.
4. Adequate emergency vehicle turnarounds (at each corner of interior drives), fire water supply, and roads built to county road standards will be required and verified by the county engineers office. (24' wide top with 5' shoulders min.) New alignment will need to be approved and a copy of the plat provided to the county planning department after recordation.
5. All roads within the proposed subdivision shall be maintained by the homeowners association. Additionally, the 30 acre buffer and plantings would need to be maintained by the homeowners association as well. Dust control and snow removal will also need to be provided.

Edson- Explanation of proposal.

Motion by: Second by:

Voice Vote:

2. Mohave Engineering – CUP – Shop with Workforce Housing, located on Lot 3 of the ALN Park Subdivision in the SW1/4, Section 8, Township 149 North, Range 98 West.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently agriculture on the McKenzie County Zoning Map.
2. The applicant wants to construct an oilfield storage shop and 2 employee trailer homes, each containing 4 bedrooms on the approximately 8 acre site.

3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. McKenzie County Ambulance approved but requested that units be well marked with visible identification from the road and that emergency vehicles must be able to have access during all types of weather and conditions. McKenzie Fire Department approved with the same conditions as the Ambulance with the addition of good separation between housing units, ingress and egress for fire apparatus, smoke and carbon monoxide detection systems in the living quarters, adequate room for two or more fire trucks to turn around and operate, good snow removal for winter operations. All other agencies approved the project.
 - a. Appropriate Comprehensive Plan Goals:
 - a. a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County

Recommended Conditions:

1. The applicant shall post the addresses clearly on site (4'x8' sign) and on the proposed structures.
2. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request.

6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.
8. The applicant shall fence the site for garbage control.
9. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
10. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions.

Motion by: Second by:

Voice Vote:

3. Mohave Engineering – CUP – Shop with Workforce Housing, located on Lot 6 of the ALN Park Subdivision in the SW1/4, Section 8, Township 149 North, Range 98 West.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently agriculture on the McKenzie County Zoning Map.
2. The applicant wants to construct a workshop/office in the existing building shell and 2 employee trailer homes on the approximately 2 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. McKenzie County Ambulance approved but requested that units be well marked with visible identification from the road and that emergency vehicles must be able to have access during all types of weather and conditions. McKenzie Fire Department approved with the same conditions as the Ambulance with the addition of good separation between housing units, ingress and egress for fire apparatus, smoke and carbon monoxide detection systems in the living quarters, adequate room for two or more fire trucks to turn around and operate, good snow removal for winter operations. All other agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of

McKenzie County

Recommended Conditions:

1. The applicant shall post the addresses clearly on site (4'x8' sign) and on the proposed

- structures.
2. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather.
 3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
 5. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request.
 6. All property taxes shall be paid current.
 7. The applicant shall maintain adequate weed control.
 8. The applicant shall fence the site for garbage control.
 9. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
 10. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions.

Motion by: Second by:

Voice Vote:

4. Steve Kukla – CUP – House on less than 5 acres, property located in Section 9, Township 146 North, Range 98 West. The parcel is an approximately 4.00 acre site and is proposed to have a single family residence.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicant wants to construct a single family residence on the approximately 4.00 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has received comments from two adjacent property owners, both in favor of the request. Planning Staff assumes that based on comments service can be provided for the proposed site by other agencies based.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Promote an adequate housing supply for the existing and future residents of McKenzie County.

Recommended Conditions:

1. The applicant shall obtain a building permit for the proposed structure.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. The applicant shall post address clearly on site during and after construction.

Motion by: Second by:

Voice Vote:

5. Alexander 1st Responders – CUP – Communications Tower, a portion of the SE1/4 of the SE1/4 of Section 30, Township 151N Range 101W and the NE1/4 of the NE1/4 of Section 31, Township 151North, Range 101 West. The parcel is proposed to have a 180' tall cellular communications tower. The construction of the Highway 85 bypass around Alexander requires them to move their current tower to another location.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicant wants to relocate a 180' tall cellular communications tower to the site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. Planning Staff assumes that based on comments service can be provided for the proposed site by other agencies based on the no comment from all other providers.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Plan, develop, provide and maintain adequate and efficient public facilities and services.

Recommended Conditions:

1. The applicant shall mark the site with visible address/project identification (4'x8') from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall show, as part of the building permit, that if tower failure occurs, that it will only impact their property.
4. The applicant shall be allowed to install all additional whip/dish antennas on structure that it can support without further zoning/building approval.
5. The applicant shall either paint or construct the tower out of material that blends in the environment (earth tone) colors and install and maintain any required FCC/FAA lighting for aircraft security.
6. All property taxes shall be paid current.

Motion by: Second by:

Voice Vote:

6. McKenzie Electric – CUP – Sather Dam Substation, 5 acre site in a portion of the SW ¼ of the SW ¼ of Section 32, Township 149 North, Range 102.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct 2 substations on a 5 and 4.6 acre parcels respectfully.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on either of the proposals.
5. The applicant is surrounded by agriculturally zoned and developed property.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
7. State Water, Sewer, and Food and Lodging approvals are not necessary and other approvals have been obtained for this type of development.

Recommended Conditions:

1. The applicants shall obtain a building permit for the proposed structures within the proposed development.
2. The applicants shall submit for approval an updated exterior site plan that incorporates earth tone structures and fence screening slats prior to the start of work onsite.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the addresses clearly on site and on the proposed structures.
5. The conditional use permit will be reviewed annually for conformance with the

conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for possible revocation.

Motion by: Second by:

Voice Vote:

8. McKenzie Electric – CUP – North Indian Hill Substation, a 4.6 acre site known as SW 1/4 of the NW ¼ of Section 34, Township 153, Range 101 West.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct 2 substations on a 5 and 4.6 acre parcels respectfully.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on either of the proposals.
5. The applicant is surrounded by agriculturally zoned and developed property.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
7. State Water, Sewer, and Food and Lodging approvals are not necessary and other approvals have been obtained for this type of development.

Recommended Conditions:

1. The applicants shall obtain a building permit for the proposed structures within the proposed development.
2. The applicants shall submit for approval an updated exterior site plan that incorporates earth tone structures and fence screening slats prior to the start of work onsite.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.

4. The applicant shall post the addresses clearly on site and on the proposed structures.
5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for possible revocation.

Motion by: Second by:

Voice Vote:

9. Northwest Water Transfer – CUP – Water Depot, commonly known as a portion of the SE1/4 of the SE1/4, Section 23, Township 151 North, Range 103 West to establish a water depot.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicant wants to establish a water depot on the site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. McKenzie County Ambulance approved but requested that the site be well marked with visible identification from the road and emergency vehicles must be able to access the site in all types of weather and conditions. The State Water Commission has issued a permit. All other agencies approved the request.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Encourage the wise and proper use or development of the county's natural resources.

Recommended Conditions:

1. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. All property taxes shall be paid current.
4. The applicant shall maintain adequate weed control
5. Dust control for ¼ mile
6. Paint or construct all facilities in an earth tone to better blend in with the environment
7. Submit an updated site plan that incorporates lighting and landscaping.

Motion by: Second by:

Voice Vote:

10. Stephanie White– CUP – Child Daycare Facility, commonly known as a portion of the SE1/4 and

the SW1/4, Section 19, Township 151 North, Range 98 West , within the Watford Landing development to establish a child day care facility out of her home for up to 19 children.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicant is requesting approval for a child daycare facility for up to 19 children on the site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff received comments from the owners of the development, Watford Landing LLC, who are in favor of the facility. The fire department and ambulance requested that the applicant have good, highly visible addressing on the residence. All other agencies approved the request with no concerns.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.

Recommended Conditions:

1. The applicant shall mark the residence with highly visible address as requested by emergency personnel.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. All property taxes shall be paid current.
4. The applicant shall maintain adequate weed control
5. The application shall be reviewed annually
6. The applicant shall be limited to the requested site as indicated and for no more than 19 children on site.

Motion by: Second by:

Voice Vote:

11. Watford City 100 – Variance – Setback Requirements, commonly known as a 10 acre parcel, more or less, described as a portion of SW ¼ of Section 29, Township 150 North, Range 99 West on Lot 7 of the Starlight subdivision. The applicant is proposing to construct a home 14 feet from the side property line on Lot 7 due to lot size constraints that exist for that lots buildable area.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County

Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.

2. The applicant wants to gain approval to construct 1 modular housing unit on lot 7 of Starlight subdivision 14 feet from the side property line.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. Staff has not received any comments on the proposed variance from any adjoining property owners. The properties on either side of the proposed variance are owned by the developer.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Promote an adequate housing supply for the existing and future residents of McKenzie County.
7. State Water, Sewer approvals are necessary for this type of development.
8. The applicants' proposal is unique and should be considered on the merits of an individual request for a specific site with limitations that meets the intent of granting a variance request.

Recommended Conditions:

1. The applicant shall obtain a building permit for the proposed structures within the proposed development.
2. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.
3. The applicant shall post the addresses clearly on site and on all proposed structures.
4. The applicant shall not proceed with any additional work outside of this scope without first obtaining an additional approval.
5. The applicant shall site the home next to the proposed variance location to be at least 25 feet plus from that property line to keep the integrity of the rural subdivision intact.

Motion by: Second by:

Voice Vote:

12. Jeremy & Krista Heen – CUP –Office Building, located in the SW1/4 of the SW1/4, Section 13, Township 153 North, Range 101 West. The parcel is proposed to construct an office building.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently agriculture on the McKenzie County Zoning Map.
2. The applicant wants to construct an office building.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. McKenzie County Ambulance approved but requested that the building be well marked with visible identification from the road and that emergency vehicles must be able to have access during all types of weather and conditions. Williston Rural Fire Department approved. All other agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.

Recommended Conditions:

1. The applicant shall post the addresses clearly on the proposed structures.
2. The applicant shall maintain enough spacing between structures for emergency vehicles to be able to access and maneuver around the units in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.
8. The applicant shall fence the site for garbage control.

Motion by: Second by:

Voice Vote:

13. Rod McFarlane – CUP – Shop, property located in the SE1/4 of the NE1/4 of the SE1/4, Section

11, Township 150 North, Range 99West. The parcel is an approximately 2 acre site and is proposed to construct a shop.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently agriculture on the McKenzie County Zoning Map.
2. The applicant wants to construct a shop.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. McKenzie County Ambulance approved but requested that structure be well marked with visible identification from the road and that emergency vehicles must be able to have access during all types of weather and conditions. McKenzie Fire Department approved with the same conditions as the Ambulance with the addition of a street address indicating 21st Ave NW at the approach; vegetation kept down around the building at least 40' in case of a wildfire. All other agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.

Recommended Conditions:

1. The applicant shall post the addresses clearly on site (4'x8' sign) and on the proposed structure.
2. The applicant shall obtain a building permit for the proposed structures within the proposed development.
3. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request.
5. All property taxes shall be paid current.
6. The applicant shall maintain adequate weed control.
7. The applicant shall fence the site for garbage control.

Motion by: Second by:

Voice Vote:

14. Smart Lease USA –Zone Change to Res/Comm; Text Amendment to Comm, located in Section 17, Township 151 North, Range 101 West. The parcel is currently zoned agriculture and is proposed to change the zoning to Commercial/Residential with a Comprehensive Plan Amendment to Commercial along Highway 85 and County Road 17 to create a buffer between

the highway and the residential portion of the development.

Findings of Fact:

1. The applicant's property is currently designated Residential on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to change the comprehensive plan and existing zoning to allow them to develop commercial uses along Highway 85 and County Road 17 as well as residential uses. A subdivision application will be submitted in the future.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from adjacent property owners.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
7. The overall project is planned to be a mix of residential and commercial uses.
8. Building permits are required for any proposed structures onsite. Adequate parking should be included onsite for all commercial uses so that vehicles are not staged or parked along the county roads.
9. The applicant has submitted a master plan that designates the Commercial, and Residential areas for this request.

Motion by: Second by:

Voice Vote:

There being no further business to discuss, meeting adjourned at 9:45pm.

The next regular meeting will be on June 9, 2014 at 5:00 pm.

Secretary

Chairman

Planning and Zoning Commission Minutes

July 14, 2014

Meeting was held at the Watford City Civic Center in Watford City, ND and called to order at 5:00 pm by Jeremy Olsen.

Members Present: Doug Nordby, Kris Mrachek, Barb Bauman, Jeremy Olson, Rick Lawler, Aaron Gravos, Doug Bolken

Absent: Paul Wisness, Les Haugen

Staff Present: Planning Director, Walter Hadley; Asst. Planner/ Code enforcement officer, Jennifer Shelden; Attorney, Ari Johnson

Others: See sign in sheet

Minutes of June 9, 2014 were presented. MOTION by Olson, SECOND by Nordby to approve minutes Voice vote: All yeas. Motion Passed.

Unfinished Business:

Louie Bonneville- 18 individual property owners are requesting a Comprehensive Plan/Zone Change request for their property commonly described as a portion of North $\frac{1}{2}$ of the SE $\frac{1}{4}$; S $\frac{1}{2}$ of the NE $\frac{1}{4}$; and the West $\frac{1}{2}$ of the NE $\frac{1}{4}$, of Section 19, Township 149 North, Range 98 West. The applicant is proposing to change the Comprehensive Plan designation to Industrial and the Zoning designation to Industrial from Agricultural.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant has applied on behalf of all of the property owners in that area. The area was predominately sold and developed prior to zoning as an irregular tract land division, it is referred to as a subdivision but it was never intended to be or would have qualified for a subdivision approval based on parcel configuration, services, and access. Since that time all new proposals have been limited by those factors after zoning was adopted. The area was helped by a private party gaining county approval to place a sewer package plant in the area so that sewer service can more adequately be handled. A number of the existing projects in the area are grandfathered and will not be allowed to expand without this zone change being approved.**

3. **All requirements for public notification have been satisfied.**
4. **Staff has not received any phone comments on the proposal.**
5. **Staff has not received any written comments on this request.**
6. **Appropriate Comprehensive Plan Goals:**
 - a. **Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. **Provide and maintain an adequate transportation system within McKenzie County.**
7. **State Water, Sewer approvals are not necessary for this type of request (Comp. Plan/Zone Change).**
8. **The applicant applied on his behalf only in December of 2013, which was denied by the Planning Commission and the Board. He still had interest in applying for the changes and it was suggested by staff that if the property owners applied they may have better success.**
9. **The area in question was left with a designation of Agricultural on the Comprehensive Plan and Agricultural zoning because the commission and board wanted to review the area as new development occurred and change zoning on an individual basis.**
10. **The area is off the highway 85 area and is surrounded by a mix use of pre-zoning development that did not warrant the commission or board to place industrial zoning in that area at the time of zoning adoption in 2013. The property is bordered by industrial on one boundary area and agricultural on the other three boundaries.**
11. **A number of the existing uses in the area are non-conforming with the agricultural zone and will not be allowed to expand without the granting of a zone change.**

Staff Analysis:

The applicants are requesting a Comprehensive Plan/Zone Change request to legitimize a number of uses already existing in the area. The Planning Commission and Board of Commissioners have made it clear on prior applications throughout the county that a formal long range plan is desired before they will entertain a zone change for higher use. This particular region of the county was developed by an irregular tract land division that has created a number of access, sewer, and neighbor issues for the existing residents in the area for the past few years.

The Planning and Zoning Commission/Board of Commissioners should consider the merits of approving/denying the proposed Comprehensive Plan/Zone Change requests. Of course, all uses within the desired zoning classification would be allowed on any of the lots proposed or existing within the newly zoned area.

Staff recommends the Planning Commission/Board of Commissioners weigh the benefits of approving the request for the 125 area and base their decision on their long range plan for the area, does the commission desire the area to redevelop at a higher level eventually or stay designated Agricultural and remaining non-conforming until the grandfathered uses are removed or their use stops. Staff recommends that the Commission/Board determine if they want to promote industrial growth for that area at this time. Some of the established uses will not revert back to Agricultural uses but may change to an acceptable use with a conditional use permit within that designation. Staff would encourage a decision be made that will not set a precedent for all upcoming zone changes in that region that are not the desired direction of future growth. It will also allow staff to direct requests in that fashion.

Louie Had nothing new to present, but asked if he could meet with Mr. Bolken sometime soon to go over what needed to be done with the property.

Mr. Lawler had concerns about dozing dirt onto adjacent land owners property. Bolken asked if everyone is still on-board with the project. Mr. Hadley suggested they would have to maintain the area and enforce a HOA so that there would be someone responsible for the property.

Colleen Cole, one of the property owners, wrote a resolution with bylaws. She stated that there would be a board of directors and gave the option of one of the commissioners being on the board. The bylaw would be sold with the land if the land is sold down the road the new owners would be responsible for following the rules.

Mr. Hadley stated that all landowners would have to sign with 100% concurrence. He then stated that the land was sold as irregular tracts of land and not in a subdivision.

Motion to table: Doug Nordby, Second: Doug Bolken

Discussion:

Rezoning sections 20, 21, 28, and 29 of township 149N Range 98W- Carol Freed had concerns about not receiving a letter when the land was rezoned. She was answered with notifications were posted and mailed. She asked if there is a process in place so that this doesn't happen again, and was told that hearings are done and the notices were posted for two weeks prior to the planning and zoning board meetings.

Mr. Bolken stated that that is our procedure.

Motion to change Industrial area back to Agricultural with exception of the gas plant: Bolken Second: Olsen Voice Vote: All Ayes

Dixon Subdivision- Kurt Mickelson spoke on behalf of the Dixon subdivision. He stated that 5 commercial buildings were approved in May 2013. He was then told that housing within these buildings was no longer allowed and reapplied for the additional workforce housing on January 2014.

Mr. Hadley stated that from one approval to the next the commissioners changes gears from approving housing within the shops to outside the shops. Mr. Mickelson already had his plans submitted for housing within the shops therefore he should have the entitlement to build the housing within the shops.

Carol stated that she would like him to replace fencing due to dirt being piled too high and destroying her fence. She also asked that the lots be fenced individually.

All have consensus to approve.

Black Diamond- John for Black Diamond Construction is requesting a Conditional Use Permit for the property commonly known as a portion of the East ½ of the Southeast ¼ Section 10, Township 150N, Range 96W. The Parcel is proposed to have a scoria mining operation.

Findings of Fact:

- 1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct a scoria mining operation on site.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone call or written comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. All agencies have approved the project and the McKenzie County Ambulance requests that the site be well marked with signage that is visible from the road. The Keene Fire Department requests highly visible and maintained signage, good ingress and egress, sufficient area for fire apparatus to turn around and operate and good snow removal for winter operations.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**

- c. **Encourage the wise and proper use or development of the county's natural resources.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to develop a scoria mining operation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.**
- 2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.**
- 3. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The amount shall be 150% of the estimate.**
- 4. All property taxes shall be paid current.**
- 5. Maintain adequate weed control as approved by the McKenzie County Weed Control Officer.**
- 6. Have a 300' knock off zone on site.**
- 7. Tarp all loads exiting the scoria pit.**

There were no comments from the audience.

Motion to approve: Lawler Second: Olsen Voice Vote: All Ayes

Buffalo Hills Subdivision- Bill Bernards is requesting a Zone Change to R-1 single family for their property commonly known as a portion the N½ , SE ¼, of Section 22, Township 150 North, Range 98 West. The agriculturally zoned parcel

is a 80 acre site with a previously platted subdivision and second addition on it.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant has a subdivision and an approved second addition and would like to obtain a single family residential designation for preservation of the community and density and dimensional requirements that better fit the development that was in existence prior to zoning being adopted by the county.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy**
 - c. Encourage the wise and proper use or development of the county's natural resources**
- 7. The applicants proposal is a reasonable proposal that will better coincide with the development and the future inclusion within the City of Watford ETA.**
- 8. The applicants site is 95% developed at this point and will be completed this construction season.**
- 9. The applicants' request is in conformance with the McKenzie County Comprehensive Plan Map for future development.**

Staff Analysis:

The applicant is requesting a Zone change to R-1 single family residential for their 80 single family one acre subdivision. The applicant should be encouraged to provide some on site landscaping (trees) for the enjoyment of the residents and soften the impact to the surrounding property owners along the roadways to meet the intent of our open space requirements that are in place at this time.

The Planning and Zoning Commission should consider recommending approval of the proposed zone Change application to allow the applicant to develop the site as presented and within the R-1 single family residential district. The proposed Zone change request is a planned general outward expansion of the existing residentially developed area, and is in conformance with the newly adopted Comprehensive Plan Map for residential development in that area of the county.

Staff recommends approval of the Zone Change request as presented at this time.

Mr. Hadley pointed out that they want to apply for single family residential zoning, and that they had setback issues due to drainage.

No audience comments.

Motion to approve: Bolken Second: Nordby Voice Vote: All Ayes

Crow Fly High- John Schmitz for Crow Fly High, LLC is requesting a Conditional Use Permit for the property commonly known as lot 6 of Fjelstad Farm located in Section 6, Township 152N, Range 101West, to establish a water depot.

Findings of Fact:

- 1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.**
- 2. The applicant wants to establish a water depot on the site.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. McKenzie County Ambulance approved but requested that the site be well marked with visible identification from the road and emergency vehicles must be able to access the site in all types of weather and conditions. The State Water Commission has issued a permit. All other agencies approved the request.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**
 - c. Encourage the wise and proper use or development of the county's natural resources**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to establish a water depot. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners based on the public review process through the State Department approval process.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road.**
- 2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.**
- 3. All property taxes shall be paid current.**
- 4. The applicant shall maintain adequate weed control**
- 5. Have a 300' knock off zone, onsite.**

No comments from the audience.

Motion to approve: Lawler

Duane Lobbestael- Mohave Engineering for Duane Lobbestael is requesting a Conditional Use Permit for the property located in the N1/2 of the SE1/4, Section 2, Township 150, Range 100 IT# 2486. The parcel is an approximately 5 acre site and is proposed to construct 2 commercial shops with 2 manufactured homes for employee housing, each containing 4 bedrooms.

Findings of Fact:

- 1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently agriculture on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct 2 shops and 2 employee manufactured**

homes, each containing 4 bedrooms on the approximately 5 acre site.

- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County**
- 7. The applicant has received approval from Arnegard Township.**
- 8. Housing will be for employees only.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 5 acre site to develop 2 shops with 2 employee housing manufactured homes, each containing 4 bedrooms. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the addresses clearly on site (4'x8' sign) and on the proposed structures.**
- 2. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather.**

- 3. The applicant shall obtain a building permit for the proposed structures within the proposed development.**
- 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing, security lighting, and a landscaping plan to be approved and placed in the file as part of this request, prior to obtaining any building permits.**
- 6. All property taxes shall be paid current.**
- 7. The applicant shall maintain adequate weed control.**
- 8. The applicant shall maintain adequate garbage control.**
- 9. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.**
- 10. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions, and will be approved through Dec. 31, 2015, after that time the project shall be reviewed to determine whether a continued approval shall be granted for this site.**

Olsen stated that the arnegard approval has an expiration date.

No public comment.

Motion to approve: Olsen Second: Nordby

Eighty-Eight Oil- Ken for Eighty-Eight Oil, LLC is requesting a Comprehensive Plan Change/Zone Change and Conditional Use Permit for property located in NE1/4 Section 36, Township 149 North, Range 99 West. The parcel is currently zoned Agricultural and is proposed to change to zoning to Industrial with a Comprehensive Plan Amendment to Industrial. The Conditional Use Permit would be to allow this project to provide a bulk storage site at which oil can be loaded and unloaded by tanker trucks and transported to a nearby production facility.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to change the comprehensive plan and existing zoning to allow them to develop a bulk storage facility with conditional use permit approval.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from adjacent property owners.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy**
 - c. Encourage the wise and proper use or development of the county's natural resources**
- 7. The overall project is planned to be an Industrial use.**
- 8. Building permits are required for any proposed structures onsite. Adequate parking should be included onsite for all Industrial uses so that vehicles are not staged or parked along the county roads.**
- 9. The applicant has submitted a master plan that designates the Industrial area for this request.**
- 10. If approved, the applicant will need to bring in a revised site plan incorporating fencing, security lighting and landscaping. The applicant should also supply a plan for dust and garbage control, as part of their conditional use permit, for the specified zone.**

Staff Analysis:

The applicant is requesting a Comprehensive Plan/ Zone change to Industrial and a Conditional Use Permit for a bulk storage facility. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan/ Zone Change and Conditional Use Permit applications to allow the applicants to develop the future bulk storage facility. The proposed Comprehensive Plan/ Zone change and Conditional Use Permit requests

are deemed compatible through the adoption of the McKenzie County Zoning Ordinance and Comprehensive Plan.

Bolken asks what Hadley recommends.

Hadley needs final site plan that incorporates fencing, lighting, and landscaping.

Motion to approve: Lawler Second: Olsen Voice Vote: All Ayes

Elkan Water Depot- Kyle Hartel is requesting a Conditional Use Permit for the property commonly known as the E ½ NE ¼ NW ¼ and the E ½ SE ¼ NE ¼ of Section 23, Township 150N, Range 98W, to add to his currently approved water depot.

Findings of Fact:

- 1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.**
- 2. The applicant wants to add acreage to his existing water depot.**
- 3. All requirements for public notification have been satisfied, although one of the notices we mailed to an adjacent landowner (on a label provided by the applicant) was undeliverable. (Kenyon CE Schafer)**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. McKenzie County Ambulance approved but requested that the site be well marked with visible identification from the road and emergency vehicles must be able to access the site in all types of weather and conditions. The County road department commented that they would allow the applicant to trench across 121st Ave N.W., however they do not want to be responsible for any damages of property, or road maintenance at or near this location. The State Water Commission has issued a permit. All other agencies approved the request.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**
 - c. Encourage the wise and proper use or development of the county's natural resources**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to expand their current water depot. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of

adjacent property owners based on the public review process through the State Department approval process.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road.**
- 2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.**
- 3. All property taxes shall be paid current.**
- 4. The applicant shall maintain adequate weed control**
- 5. The applicant will maintain and fix any damages to 121st Ave. N.W. and provide for adequate dust control for ¼ mile in each direction of the intersection.**
- 6. The applicant shall adhere to all previously approved conditions of approval for this site.**

Lawler wonders if this will increase the staging area.

Hartle replies yes, this will add three acres to the staging area.

No public comment.

Motion to approve: Nordby Second: Olsen Voice Vote: All Ayes

Estvold Southern, LLC- Jeff Snow for Estvold Southern, LLC. Is requesting a Conditional Use Permit for the property commonly known as a portion of the NE ¼ together with the N ½ of the SE ¼ and with the NE ¼ of the SW ¼ of Section 22, Township 150N, Range 95W. The Parcel is proposed to have a scoria mining operation.

Findings of Fact:

- 7. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.**
- 8. The applicant wants to construct a scoria mining operation on site.**
- 9. All requirements for public notification have been satisfied.**
- 10. Staff has not received any phone call or written comments on the proposal.**
- 11. Staff has not received any comments from any adjacent property owners.
All agencies have approved the project and the McKenzie County Ambulance requests that the site be well marked with signage that is visible from the road. Grail Township approved the project. The Keene Fire Department requests highly visible and maintained signage, good ingress and egress, sufficient area for fire apparatus to turn around and operate and good snow removal for winter operations.**
- 12. Appropriate Comprehensive Plan Goals:**
 - d. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - e. Enhance and diversify McKenzie County's economy.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to develop a scoria mining operation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 8. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.**
- 9. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.**
- 10. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The amount shall be 150% of the estimate.**
- 11. All property taxes shall be paid current.**
- 12. Maintain adequate weed control as approved by the McKenzie County Weed Control Officer.**
- 13. Have a 300' knock off zone on site.**
- 14. Tarp all loads exiting the scoria pit.**

No public comments.

Motion to approve: Lawler Second: Olsen Voice Vote: All Ayes

ONEOK- Dannette Welsh for ONEOK is requesting a Comprehensive Plan Change/Zone Change for property located in NE1/4 Section 36, Township 150 North, Range 101 West. The parcel is currently zoned Agricultural and is proposed to change zoning to Industrial with a Comprehensive Plan Amendment to Industrial. This project is to construct a gas processing plant.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to change the comprehensive plan and existing zoning to allow them to develop a gas plant without a conditional use permit.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from adjacent property owners.**

- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy**
 - c. Encourage the wise and proper use or development of the county's natural resources**
- 7. The overall project is planned to be Industrial to accommodate a gas processing plant.**
- 8. Building permits are required for any proposed structures onsite. Adequate parking should be included onsite for all Industrial uses so that vehicles are not staged or parked along the county roads.**
- 9. The applicant has submitted a master plan that designates the Industrial area for this request.**
- 10. If approved, the applicant will have to bring in a new plan incorporating fencing, security lighting, and landscaping to be approved by the planning staff. The applicant should also consider having a plan for dust and garbage control in their designated zone prior to issuance of a building permit.**
- 11. The proposed zone change will be within 2 miles of another proposed Residential zone change for Lakota Hills Subdivision.**
- 12. The applicant has agreed to take care of dust control and road maintenance within ¼ mile of their approach in either direction.**

Staff Analysis:

The applicant is requesting a Comprehensive Plan & Zone change to Industrial for a future gas processing plant to be located on site. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan, and Zone Change applications to allow the applicants to develop a future gas processing plant. This proposal is deemed compatible through the adoption of the McKenzie County Zoning Ordinance and Comprehensive Plan, and the general pattern of gas plants being sited where needed, not within existing designated industrial areas.

Peter, an engineer for ONEOK, stated that he notified all landowners within one mile, and they are

currently working on their road approach.

Olsen has concerns about the weight limit on the road, but peter states that they are working with the

township and county for road improvements.

No comments from the audience.

Motion to approve: Lawler Second: Bauman Voice Vote: All Ayes

Lakota Hills- Wayne Crow from KLJ for Lakota Hills is requesting a Comprehensive Plan Change/Zone Change for their property commonly known as the proposed Lakota Hills Subdivision and a portion of the NW ¼ Section 19, Township 150 North, Range 100 West. The proposed subdivision will be a single family residential development with each lot being approximately 1/3 acre on the 72 acre site within the Arnegard Township.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to obtain an R-1 zoning designation for the 72 acre site, and then go back to the township and county with the formal residential subdivision request.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has received a letter from the Arnegard Township in favor of the requested amendment, they also listed in their approval letter that no variance would be granted, rural water would need to be provided, only single family homes, fence construction on the south and east sides of the proposal, adequate drainage plan and control, and the applicant will need to present to the township and the county his final plans for a subdivision.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy**
 - c. Encourage the wise and proper use or development of the county's natural resources**
- 7. Building permits are required for any proposed structures onsite. Adequate off street parking should be included onsite for all development so that**

vehicles are not staged or parked along the county/subdivision roadways.

Staff Analysis:

The applicant is requesting a Comprehensive Plan & Zone changes to R-1 single family Residential for their proposed subdivision to develop a 1/3 acre plus single family development on their 72 acre site. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The Arnegard Township has granted approval for the proposal along with the other agencies that are required to review and approve this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan, and Zone Change applications to allow the applicants to develop a subdivision plan with appropriate approvals necessary to present to the Arnegard Township and County. The proposed Comprehensive Plan, and Zone change requests are a planned general outward expansion of the existing Residentially acknowledged development area in that portion of the Arnegard Township. The applicant will need to obtain all approvals and represent to the township and county but the request would seem to be compatible through the adoption of this amendment with the McKenzie County Zoning Ordinance and Comprehensive Plan and Arnegard Township approvals.

Staff recommends approval of the Comprehensive Plan/Zone Changes as presented and approved by the Arnegard Township.

Wayne Crow spoke on behalf of Jonny Allen for Lakota Hills. He stated that there would be 128 R1 lots and 21 acres dedicated to drainfield. A turn lane was requested off of 85 by the board. Bolken had concerns about an industrial area being so close on their west side. Hadley stated that that area was moving toward residential.

No comments from the public.

Motion to approve: Olsen Second: Nordby Voice Vote: All Ayes

Robert Ward- Mohave Engineering for Robert Ward is requesting a Conditional Use Permit for the property located in the N1/2 of the SE1/4, Section 2, Township 150 North, Range 100 West IT# 2250. The parcel is an approximately 5 acre site and is proposed to construct a commercial workshop for storage and maintenance and place a manufactured home on the property for employee housing.

Findings of Fact:

- 1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently agriculture on the**

McKenzie County Zoning Map.

- 2. The applicant wants to construct a workshop and place a manufactured home on the approximately 5 acre site.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County**
- 7. The applicant has obtained approval from Arnegard Township for this project.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 5 acre site to develop a workshop with an employee housing manufactured home. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the addresses clearly on site (4'x8' sign) and on the proposed structures.**

- 2. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather.**
- 3. The applicant shall obtain a building permit for the proposed structures within the proposed development.**
- 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing, security lighting, and a landscaping plan to be approved and placed in the file as part of this request.**
- 6. All property taxes shall be paid current.**
- 7. The applicant shall maintain adequate weed control.**
- 8. The applicant shall maintain adequate garbage control.**
- 9. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.**
- 10. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions, and will be reviewed after December 31, 2015 to decide if a continued use of employee is necessary.**

Olsen stated that the housing is not something that the board sees as long term, nut they understand that there is a need for housing now.

Dan Perry from Eisman Homes was in the audience and wanted to know where Mr. Ward was building.

No additional audience comments.

Motion to approve: Olsen Second: Bolken Voice Vote: All Ayes

Stonegate- Dan Richmond for stone gate/ Wolverine is requesting a Variance Permit for his property commonly known as the SE1/4 of the NE1/4 of Section 12, Township 149, Range 99 .The parcel is approximately 35 acre site and is proposed to have two signs 90 feet closer to the highway than the zoning ordinance requires.

Findings of Fact:

- 1. The applicant's property is currently designated Industrial on the McKenzie County Comprehensive Plan and is Currently Industrial on the McKenzie County Zoning Map.**
- 2. The applicant wants to place two signs within 60 ft. from the center line of Highway 85 South of Watford City.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy**
 - c. Encourage the wise and proper use or development of the county's natural resources**
- 7. The applicant erected these signs without a building permit.**
- 8. Variances by definition are reasonable relief of density and dimension of standards because of topographic limitations. This site has some limitations, but staff is not sure if this is a reasonable request if sign did not already exist on site.**

Staff Analysis:

The applicant is requesting a Variance application Permit approval for their 35 acre site to place two signs within 60 feet from Highway 85 South of Watford City. The requested Variance Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners, but should be evaluated on its merit, potential impact to neighboring properties, and if it sets a precedent for future applications.

The Planning and Zoning Commission should determine if this request is a reasonable proposal, to allow the applicants to place signs within 60 feet of Highway 85 S, and why. The proposed Variance request is in an area of planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance. If the Planning Commission approves this request, the following conditions should apply:

Recommended Conditions of Approval:

- 1. Compliance with all other approvals given on the site.**
- 2. A Building Permit shall be obtained for the proposed signage.**
- 3. The applicant's signs placed in the State Right of Way shall be removed prior to the State removing them and prior to obtaining a building permit approval.**

Motion to move to the end of the meeting: Olsen Second: Bolken Voice Vote: All Ayes

Once everyone else had gone through, the board was concerned about taxes being paid.

Motion to Deny: Nordby Second: Olsen Voice Vote: All Ayes

Elkridge- Eric Ditter with White Dog Development is requesting a Comprehensive Plan Change/Zone Change for their property commonly known as the Elk Ridge Subdivision and a portion of Section 1, Township 152 North, Range 102 West. The parcel is a mix use of Industrial, Commercial, and Residential uses within the Tri Township.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural/Industrial on the McKenzie County Comprehensive Plan and is Currently Agricultural/Industrial on the McKenzie County Zoning Map.**
- 2. The applicant wants to legitimize and amend the existing development that was approved prior to the adoption of county zoning and the joint powers agreement with the Tri Township for the County to administer its zoning on their behalf.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has received a letter from the Tri Township in favor of the requested**

amendments, with the stipulation that the shops are not approved for living quarters within them.

- 6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy**
 - c. Encourage the wise and proper use or development of the county's natural resources****
- 7. The overall project consists of a unique mix of commercial/industrial/residential/ & open space areas within the existing subdivision boundaries.**
- 8. Building permits are required for any proposed structures onsite. Adequate parking should be included onsite for all commercial and industrial development so that vehicles are not staged or parked along the county roads.**
- 9. The applicant has submitted a master plan that designates the Industrial, Commercial, and Residential areas for this request.**
- 10. The applicant is proposing to create a number of additional lots within a replat of the existing approved subdivision.**
- 11. The applicant also has indicated that they want to continue with the previous approval that allows them to continue to develop industrial shops with an office and residential units within the footprint which is consistent with the initial approval granted by the township and the county at the initial stages of the project. (CUP blanket approval for shops) The applicant's project was consistent with previous approvals and would like to keep the continuity within the development as it develops further. The density proposed is an increase but is allowed within the zoning designations proposed. All minimum lot sizes for each zone proposed shall be adhered to, 2 acres for industrial and one acre for residential for the existing and proposed lots within the development. The proposed recreational designation is one that reinforces the establishment of parks within the development for the use of all residents and property owners into perpetuity.**

Staff Analysis:

The applicant is requesting a Comprehensive Plan & Zone changes to Industrial, Commercial and Residential for their subdivision to develop a mixed use development onsite. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The TRI Township has granted approval for the proposal along

with the other agencies that are required to review and approve this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan, and Zone Change and Conditional Use applications to allow the applicants to develop the existing as TRI Townships Township's a concerns have been addressed to their satisfaction. The proposed Comprehensive Plan, and Zone change and Conditional Use requests are a planned general outward expansion of the existing Commercial/Industrial/Residentially developed area along Highway 85 North in an area designated and deemed compatible through the adoption of the McKenzie County Zoning Ordinance and Comprehensive Plan and Tri Township approvals.

Staff recommends approval of the Comprehensive Plan/Zone Changes and Conditional use permit as presented and approved by the TRI Township. All previously approved conditions of approval for the subdivision and prior approvals shall be adhered to along with the following conditions of approval:

Recommended conditions of approval:

- 1. The applicant shall construct all roadways within the development to county road standards and provide a culvert system which will tie into the existing county system with a capacity of a 25 year event. All roads shall have a minimum 24' top with a 6' shoulder.**
- 2. The applicant shall be responsible for all road maintenance and snow plowing for all roads planned within the proposed replat of the existing subdivision. The applicant shall provide emergency vehicle turnarounds as needed throughout the development.**
- 3. The applicant shall provide an overall landscape plan for the entire site including the residential park and either individual site plans for each commercial/industrial sites that include fencing, landscaping, and lighting which is required for all development at this time.**
- 4. The applicant shall obtain building permits for all structures planned to be built on site.**
- 5. The applicant shall only construct commercial/industrial structures on site with combined office, work area, and residential portions of the site as a contiguous structure under one roof. No detached structures of this type will be allowed per township approval and the developers overall plan for the site.**
- 6. The applicant shall provide the county planning office with a final plat after recordation for the file that represents the amendments as approved by the township and county.**
- 7. The applicant may be required by the county engineers office to improve the existing county roads used to access the site, if those improvements are required they must be completed one year from the date of recordation of the final plat.**

8. Any changes to the proposed plat and uses must first gain approval from the township, then the county prior to proposing any changes on site.

9. All lots within the proposed subdivision need to meet the minimum lot size requirements for the industrial zone (2acres) and residential (1acre) to be considered buildable lots. All roadways within the subdivision need to be dedicated to the public and all common areas dedicated for us for all residents/owners of the development. All improvements shown on the submitted/approved plan will be required to be maintained as part of this approval, including replacement of all dead plant material or damaged improvements.

10. All newly created lots within this development will have to adhere to all previously approved conditions of approval.

Dan Perry had concerns about adding more facilities to water supply. Susan Perry had concerns about the road approaches and wanted to know how many lots had been sold.

Mindy Black wondered if this subdivision would affect stone meadows.

Motion to approve: Bolken Second: Olsen

Targa Badlands- Patrick Johnston Targa Badlands, LLC is requesting a Text Amendment and Zone Change to Industrial for the property commonly known as a portion of the NW1/4 of the SW1/4, of the NW ¼ Section 24, Township 150 North, Range 96 West (Johnsons corner). The site has an existing terminal and bulk storage facility that pre-dated zoning standards, the applicant wants to legitimize the existing facility and add an office and additional bulk storage on site.

Findings of Fact:

- 1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.**
- 2. The applicant wants to legitimize and gain approval to establish and enlarge an existing terminal/bulk storage facility with an office on site.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received comments from any adjacent property owners. The applicant has obtained all the required approvals necessary for this type of development.**
- 6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with****

adjacent land uses.

b. Encourage the wise and proper use or development of the county's natural resources.

c. Enhance and diversify McKenzie County's economy.

- 7. The applicant is proposing to legitimize the site and allow further expansion and be compliant with the North Dakota standards and practices.**
- 8. Building permits are required for any proposed or existing structures onsite. Adequate parking should be included onsite for at least 6 semi trucks.**
- 9. The applicant will need to provide a landscape/lighting/fencing plan for the site and gain planning department approval prior to any building permits being issued on site.**

Staff Analysis:

The applicant is requesting a Comprehensive Plan/ Zone Change to Industrial and the requested Conditional Use Permit for bulk storage and an office does not seem to adversely affect property values, or the general public health, safety or welfare of adjacent property owners. The applicant shall be required to provide some onsite security lighting/fencing/landscaping for the safety of their employees and the traveling public, while preserving the natural character of the area for neighboring property owners. The applicant should also adhere to their site plan and provide a staging area for a minimum of 6 trucks coming to the facility so they are not backed up on the public road, causing a hazard.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan, Zone Change and Conditional Use requests to allow the applicant to develop the existing site. All uses within the desired zoning classification would be allowed on the property if this request was approved.

Staff recommends approval of the Comprehensive Plan/Zone Change requests, and the Conditional Use Permit application as presented at this time with the following conditions of approval:

Recommended Conditions:

- 1. The applicant shall obtain a building permit for the proposed structures within the proposed development.**
- 2. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting/fencing/landscaping to be approved by the Planning Department and placed in the file as part of this conditional approval.**
- 3. The applicant shall not deposit any snow or water onto the neighboring**

properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.

- 4. The applicant shall post clearly on site and provide a project sign (4'x8') on site to identify the project.**
- 5. The conditional use permit will be reviewed annually for conformance with the conditions of approval. If conditions are not adhered to, the permit can be placed on the Planning Commission agenda for possible revocation.**
- 6. The applicant shall adhere to any and all Federal and State laws, regulations and conditions for the operation of the proposed facility.**
- 7. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use for the CUP file.**
- 8. The applicant shall continually control dust during construction and operation on site to create a nuisance to the neighboring property owners and the traveling public.**
- 9. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.**
- 10. The applicant shall provide adequate weed control as per their plan approved by the McKenzie County Weed Control Officer.**
- 11. The applicant shall remain current with all county taxes.**
- 12. The applicant shall provide onsite parking/staging area as depicted in the site plan for a minimum of 6 trucks that are not loading/unloading.**
- 13. The applicant shall submit a bond equaling 150% of an engineer's estimate to reclaim the site when the use is not planned to be utilized any further.**

It was stated that the land was originally purchased from Saddle Butte and they wanted to place bulk storage tanks, a pipeline, and truck lanes on the property.

No comments from the audience.

Motion to approve: Bolken Second: Nordby Voice Vote: All Ayes

Meeting Adjourned

Planning and Zoning Commission Minutes

August 11, 2014

Meeting was held at the Watford City Civic Center in Watford City, ND and called to order at 5:00 pm by Jeremy Olsen.

Members Present: Doug Nordby, Barb Bauman, Jeremy Olson, Rick Lawler, Aaron Gravos, Doug Bolken, Les Haugen, Kris Mrachek (arrived late and assumed chairman position.

Absent: Paul Wisness

Staff Present: Planning Director, Walter Hadley; Assistant Planner/ Current Planning, Lindsey Perusich; Planning Attorney, Ari Johnson

Others: See sign in sheet

Minutes of July 14, 2014 were presented. MOTION by Bolken, SECOND by Bauman to APPROVE minutes Voice vote: All yeas. Motion Passed.

Unfinished Business:

Louie Bonneville- 18 individual property owners are requesting a Comprehensive Plan/Zone Change request for their property commonly described as a portion of North $\frac{1}{2}$ of the SE $\frac{1}{4}$; S $\frac{1}{2}$ of the NE $\frac{1}{4}$; and the West $\frac{1}{2}$ of the NE $\frac{1}{4}$, of Section 19, Township 149 North, Range 98 West. The applicant is proposing to change the Comprehensive Plan designation to Industrial and the Zoning designation to Industrial from Agricultural.

Mr. Bonneville called the planning office and indicated that he had a family emergency that he needed to attend to. Colleen Cole spoke on behalf of Louis Bonneville, she presented the first draft of the proposed CC&R. She asked the board to keep the project tabled until next meeting so that she would have new information for them.

Motion to TABLE: Lawler Second: Haugen Voice Vote: all yeas

Discussion: New Highway Corridor

Commissioner Bolken asks if there can be a highway corridor overlay established, certain city standards enforced within the county along Highway 85 and Highway 23, because he wants to keep the entrances to the city as appealing as possible.

Planner Hadley says yes, they just need to choose a realistic area in regards to topography and standards to make a subtle transition work.

Jason Wallace has concerns about closing on an Industrial subdivision if this is going to happen.

Bolken responded that this will be a process and if you are finished with your development by then it will be grandfathered in.

Discussion: Process for a CUP out of Compliance

Commissioner Olson wondered what the process is for a CUP out of compliance.

Hadley responded that after a year they are reviewed and if they have not started they are out of compliance. The code Enforcement Officer will send out a notification letter, and if there is no response or if they are not in compliance, they will then be put on the agenda to have their CUP considered for revocation if the board sees fit.

Public Hearings:

Bypass Proposed 100' Setback- from the right away of the bypass. It is intended to preserve room for a frontage road if necessary for future development.

Commissioner Nordby stated that this will prevent land locked property off of the bypass.

Commissioner Olson wants this so that the county can plan for future development near the bypass.

Commissioner Haugen has concerns for the landowners, and their use of the land.

Planner Hadley replied that this only affects the people developing, landowners that are farming on this land can still do so. This will only preclude structures that need building permits. For developers they can still use this land as a drain field, parking lot, or an open space for their landscaping plan.

Jarvis Sorenson asked if this meant he would be just giving that land away.

Hadley replied saying that the developers would have to buy the land, that it would not just be given away for the road.

Jason Wallace stated that the board should have special standards for the people who have to build that close because of all of the rolling hills making less building space.

Hadley replied that we do, it is a variance, and it can be applied for by anyone with that type of problem.

Odin Heim asked if this plan would have an easement.

Hadley replied that it was only a setback not an easement. We only want to preserve the space for a future road.

Commissioner Bolken stated that the existing 150' setback from the center line that is now in place would be too dangerous for this bypass because there are multiple lanes and they would be building too close to the road.

Odin Heim asked if the county could just buy the land and build the road so that there wouldn't be confusion.

Commissioner Lawler responded by stating the county isn't trying to hurt anyone; they are just trying to adapt to the population growth and make it easier for everyone.

Motion to APPROVE as presented: Nordby Second: Gravos Voice Vote: 1 Nay, 7 Yeas

Rezoning Trotter Property in Grassy Butte- a parcel of land located in the NW ¼ of the SW ¼ of Section 12, Township 145N, Range 99W, currently designated and zoned Commercial to R-1 residential and residential on the Comprehensive Plan map. This is believed to be an oversight by the planning commission when the zoning ordinance was adopted in 2013 and the entire area will be revisited within the coming months.

Hadley and the board agreed that they want to legitimize the existing town site and make it mixed zoning, on a case by case basis, because that is the current use.

No audience comments.

Motion to APPROVE: Olson Second: Bolken Voice Vote: All Ayes

Buell Consulting- John Rowe for Buell Consulting in partner with Verizon Wireless is requesting a Conditional Use Permit for the property located in the Lot 2 of the BDR Star Subdivision, SW1/4 of the SE1/4, Section 1, Township 149 North, Range 99 West 5th PM. The parcel is an approximately 5 acre site and is proposed to construct a radio and telephone transmission and receiving tower facility.

Findings of Fact:

- 1. The applicant's property is currently designated as Industrial on the McKenzie County Comprehensive Plan and is currently industrial on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct a radio and telephone transmission and receiving tower facility on the approximately 5 acre site.**
- 3. All requirements for public notification have been satisfied.**

- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 5 acre site to develop a radio and telephone transmission and receiving tower facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the address and street name clearly on site (4'x8' sign).**
- 2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.**
- 3. The applicant shall obtain a building permit for the proposed structures within the proposed development.**
- 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.**

6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.
8. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
9. **(New)** condition added by the County Commission per the request of emergency services to allow space for a dish to be installed on the tower for emergency services.

Mr. Rowe stated for the board that the tower would be in the BDR subdivision and the owner is BRD, LLC.

Commissioner Olson wanted the added condition that there be a dish for Emergency Services to use.

Motion to APPROVE with added condition: Lawler Second: Bauman Voice vote: All Ayes

Dakota Land- Michael Troyer is requesting a Conditional Use Permit for the property located in Section 32, Township 150 North, Range 98 West. The parcel is an approximately 2.8 acre site and is proposed to construct a 60' X 80' commercial garage on the property.

Findings of Fact:

1. The applicant's property is currently designated as Residential on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The land is currently zoned agricultural, but the commission should evaluate whether this is compatible with our long term plan for a residential zone.
3. The applicant wants to construct a commercial garage behind his home on the approximately 2.8 acre site.
4. All requirements for public notification have been satisfied.
5. Staff has not received any phone or written comments on the proposal.
6. Staff has not received any comments from any adjacent property owners. All agencies approved the project.

7. Appropriate Comprehensive Plan Goals:

- a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
- b. Enhance and diversify McKenzie County's economy.**
- c. Provide an adequate housing supply for the existing and future residents of McKenzie County.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 2.8 acre site to develop commercial garage. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should evaluate the proposed Conditional Use Permit to decide whether this proposal is compatible with the comprehensive plan. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone through the adoption of the McKenzie County zoning ordinance and comprehensive plan. If the commission feels this is an acceptable extension of the agricultural zone and the residentially designated long range plan for the area the following conditions should be required.

Recommended Conditions:

- 1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.**
- 2. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.**
- 3. The applicant shall obtain a building permit for the proposed structure within the proposed development.**
- 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 5. The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved and placed in the file as part of this request.**
- 6. All property taxes shall be paid current.**

7. **The applicant shall maintain adequate weed control.**
8. **The applicant shall maintain adequate garbage control.**
9. **The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.**
10. **(NEW) There is to be no outside commercial storage on the property.**

Commissioner Olson asked what type of business this was.

Mr. Trotter said he would only be using the shop for equipment storage.

Commissioner Bolken asked if they could limit him to storing inside the shop only.

Planner Hadley said yes we could add that as a condition so that the next owner of the property will have to do the same.

Motion to APPROVE with added condition: Olson Second: Lawler Voice Vote: All Ayes

Indian Hills Disposal- James Hammon and Jon McCreary are requesting a Conditional Use Permit for the property commonly known as the W ½ of Section 34, Township 153 N, Range 101 W. The parcel is an 89.7 acre existing waste disposal, salt water, workforce housing, and oil field treatment facilities on site.

Findings of Fact:

1. **The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.**
2. **The applicant wants to construct a waste disposal site within one mile of an existing home on their 89.7 acre site.**
3. **All requirements for public notification have been satisfied.**
4. **Staff has not received any phone or written comments from the public on this proposal.**
5. **The applicant has obtained all the approvals necessary for this type of development.**
6. **Appropriate Comprehensive Plan Goals:**

- a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
7. The applicant's site existed prior to zoning and wants to gain entitlement for their existing operation and make some site improvements.

Staff Analysis:

The applicant is requesting a Conditional Use application Permit for their 89.7 acre site to develop and gain concurrence for their existing waste disposal site. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners based on the response to the public outreach conducted by the applicant, the public review process through the State Department of Health approval process, and the Tri Township review/approval. The requested approval and improvement seems to meet the general intent of the McKenzie County Zoning ordinance and is an acceptable expansion and improvement of the existing facility. These assumptions are based on adherence to the concerns/approvals raised by the public/agencies and final approvals from all state agencies involved in this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicants to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance.

Staff recommends approval of the application as presented at this time with the following conditions of approval:

Recommended Conditions:

1. The applicants shall obtain a building permit for the proposed structures within the proposed development.
2. The applicants shall complete all landscaping improvements by May 1, 2015, and provide a mix of conifer and deciduous trees to provide some visual relief for the neighbors and passersby.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm

water and culvert system to convey a 25 year event. If there is too much run off from the site than additional onsite storm water storage may be required.

- 4. The applicant shall post the addresses clearly on site and on the proposed structures.**
- 5. The conditional use permit will be reviewed annually for conformance with the conditions of approval; if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.**
- 6. The applicant shall adhere to all listed agreement items listed in their application in regard to the County Engineers approval. All county road work and routing including dust control shall be coordinated by the County Engineers office.**
- 7. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility.**
- 8. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State as they are obtained or altered, along with any violations and as it relates to this conditional use approval.**
- 9. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public, specifically, on 42nd, 43rd and Hwy 85. Dust control shall be required from the applicant's entrances to the state highway on a regular basis. A drop off zone of clean gravel shall be installed 300' long at each exit (on site) to allow material to drop off on site instead of on a public roadway. These improvements shall be completed by October 1, 2014.**
- 10. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways. Effective and in place by September 1, 2014.**
- 11. The applicant shall obtain an approval from the McKenzie County EMS for a response plan by September 1, 2014.**
- 12. The applicant shall provide additional tree planting around the workforce housing on site and provide a bond equally 150% of an engineer's estimate to remove and replace the site to a grassy area at the time the housing is not desired to be used on site further. A plan shall be approved by October 1, 2014 and shall be implemented by May 1, 2015. The bond shall be in place by September 1, 2014.**
- 13. The applicant shall fence the site for security and garbage collection by November 1, 2014. The workforce housing area and office locations should all have secure garbage enclosures. Garbage shall be picked up on a regular basis.**

14. **(NEW)** The conditional use permit will be reviewed in annually to ensure compliance with the listed conditions, and will be reviewed after December 31, 2015 to decide if a continued use of employee housing is necessary.
15. **(NEW)** The applicant will pave within their development, also from the first approaches closest to Highway 85 to Highway 85. Upon opening any other approaches the applicant will pave from the new approach toward Highway 85 to meet existing pavement.

James Hammon stated that they are using the same land, not expanding, and just and just want to upgrade and expand on the existing site. Tri township gave their approval, but stated that they were not interested in the expansion of workforce housing, which is fine with the company.

Chairman Mrachek had concerns with the road conditions and asked to make it a condition that they pave within the site and from the first approaches on both 43rd street and 42nd street to Highway 85, and upon opening their other approach that they pave from there to existing pavement as well.

Commissioner Bolken suggests that they should also place the condition of reviewing the Workforce housing on site on December 31st, 2015.

John McCreary states that he would like that additional condition to not be approved because he will still need the housing at that time.

Commissioner Olson reiterates that the goal of the county is to have people living in residential areas, not co-mingling in commercial and industrial.

Planner Hadley tells the board that they are just trying to legitimize what they had before zoning. They are doing the best that they can with what they have to meet county standards. They even started their fencing plan before the meeting and will make more improvements in the future.

No audience comments

Motion to APPROVE with new conditions: Olson Second: Lawler Voice Vote: All Ayes

Jericho- Mohave Engineering for Jericho is requesting a Conditional Use Permit for the property located in the S1/2 of the NE1/4, Section 36, Township 150 North, Range 99 West IT# 2161. The parcel is a 21.57 acre site and is proposed to construct an addition to the current industrial workshop and place 10 manufactured homes on the property for employee housing.

Findings of Fact:

1. The applicant's property is currently designated as Industrial on the McKenzie County Comprehensive Plan and is currently Industrial on the

McKenzie County Zoning Map.

- 2. The applicant wants to construct an addition to a current industrial workshop and place 10 manufactured homes on the approximately 21.57 acre site. Ten acres will be used for housing leaving 11.57 acres for the current shop with the proposed addition.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County**
- 7. The applicant proposes to place housing in two stages. Since the current wastewater system will only host four manufactured homes, four manufactured homes will be placed on the property in the upcoming year with the remaining six installed after planned sewer and water services can be installed.**
- 8. The property lies in the proposed ETA of Watford City.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the 21.57 acre site to develop an addition to an existing industrial workshop with employee housing consisting of 10 manufactured homes. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Industrial zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Industrial zone

with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the address and street name clearly on site (4'x8' sign) and addresses on the proposed structures.**
- 2. Oscar Knudtson from the Watford City VFD has asked that the following conditions be incorporated if approved: The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver around the units in all types of weather, proper snow removal within the property and within ¼ mile of their approach, good ingress and egress, smoke and carbon monoxide detection systems be placed within each home and a turnout at the end of the roads. This will also need to be included on an updated site plan before building permits will be issued. Mr. Knudtson also requests that, if and when, the City of Watford extends its water mains further to the south, that a branch main and water hydrant with fire connection be installed within 50' of the dormitory.**
- 3. The applicant shall place housing units up to the 2012 Fire code standards.**
- 4. The applicant shall obtain a building permit for the proposed structures within the proposed development.**
- 5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 6. The applicant shall submit for approval an updated exterior site plan that incorporates fencing, security lighting, and a landscaping plan to be approved and placed in the file as part of this request. The applicant will also add security lighting by all gates and on all shops including the proposed addition, show the other six proposed homes, make the roads more clear, and show dimensions on the updated site plan.**
- 7. All property taxes shall be paid current.**
- 8. The applicant shall maintain adequate weed control.**
- 9. The applicant shall maintain adequate dust control within ¼ mile in each direction of their approach.**
- 10. The applicant shall maintain adequate garbage control and cleanliness of the property.**

- 11. The applicant shall post a bond based on engineers estimate to reclaim the proposed housing on site with the county as the beneficiary. The bond amount shall be 150% of an engineer's estimate.**
- 12. The conditional use permit will be reviewed in annually to ensure compliance with the listed conditions, and will be reviewed after December 31, 2015 to decide if a continued use of employee housing is necessary.**

Donna Crouse for Mohave Engineering stated that only four mobile homes were being applied for with this permit. There would be six more once city water was available.

Commissioner Bolken said they are trying to get rid of workforce housing in the city, and the city would not encourage this.

Jennifer Sorenson asked how many people this would house.

Ms. Crouse replies around twenty, there are four homes at five bedrooms a piece.

Commissioner Olson stated again that they are discouraging housing in the Industrial zone.

No audience comments

Motion to DENY: Olson Second: Bolken Voice Vote: All Ayes

McKenzie Electric- John Carns for McKenzie Electric Coop. is requesting a Conditional Use Permit for the property located in the NW1/4 of the NW1/4, Section 21, Township 148, Range 98. The parcel is an approximately 5 acre site and is proposed to construct an electrical substation to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

- 1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct an electrical substation on the approximately 5 acre site.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. All**

agencies approved the project.

- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 5 acre site to develop an electrical substation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the addresses clearly on site (4'x8' sign).**
- 2. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.**
- 3. The applicant shall obtain a building permit for any proposed structures within the proposed development.**
- 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 5. The applicant shall submit an exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.**
- 6. All property taxes shall be paid current.**

7. **The applicant shall maintain adequate weed control.**
8. **The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.**

Mr. Carns stated that this substation would be the same as all of the other substations that had been approved in the past.

No audience comments

Motion to APPROVE as presented: Olson Second: Lawler Voice Vote: All Ayes

Sondrol's Row- Rhonda Allen is requesting a Subdivision/Zone Change request for her property commonly known as the proposed Sondrol's Row Subdivision, described as a portion of the NW ¼ , Section 5, Township 149 N, Range 98 W.

Findings of Fact:

1. **The applicant's property is currently designated Residential on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.**
2. **The applicants request lies within the area that is designated to go to a residential use already and she has applied to a zone change to R-1 single family residential as part of this subdivision request.**
3. **All requirements for public notification have been satisfied.**
4. **Staff has not received any phone comments on the proposal.**
5. **Staff has not received any written comments on this request. Planning Staff assumes that service can be provided and no concerns on the proposed site by other agencies have been obtained.**
6. **Appropriate Comprehensive Plan Goals:**
 - a. **Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. **Provide and maintain an adequate transportation system within McKenzie County.**
 - c. **Promote an adequate housing supply for the existing and future residents of McKenzie County.**
7. **State Water, Sewer approvals are in place and the applicant has obtained all the other approvals necessary for this type of development. Any changes to this plan will need to be represented to the Planning Commission for**

concurrency.

Staff Analysis:

The applicant is requesting a subdivision approval for Sondrol's Row and has obtained the approvals necessary for this type of development.

The proposal is a single family residential subdivision that consists of 1 to 2.5 acre lots and will be geared to providing affordable residential homes either manufactured or modular. The proposal would seem to meet the intent of providing single family housing in close proximity to services and does not seem to have a negative impact on adjacent property values or use. The proposed use of single family lots would seem to be a low impact use that would seem to be compatible with the surrounding area.

Staff recommends that this item be approved as presented with the following conditions:

Conditions of approval:

- 1. The applicant shall dedicate all the roads shown in the subdivision to the public and improve to county roads specifications. (24' top and 2' shoulders), with appropriate slopes within the 66' right of way.**
- 2. The applicants green space plan only includes tree planting on some of the proposed lots. Staff would suggest a formal street tree planting plan and possibly a small public park/picnic area with easements for access on lot 9 for the communities use. The plat and plan will need to be approved by the planning department prior to the recordation of the plat.**
- 3. The applicant shall be required to adhere to the county policy of managing a 25 year event for all swale and culvert design. Additional capacity may be necessary along 125th and should be approved by the county engineers office prior to the start of construction.**
- 4. The applicant shall form a homeowner's association that will be tasked with maintaining the roadways, public park area, and the street trees shown as part of this approval.**
- 5. The applicants road approach from 2012 does provide access for all lots with the proposed roadway construction except lots 2, 3, and 4. Those lots would need to share a common access point and obtain an approach permit from 125th from the county engineers office at the center of lot 3 extending north/south to the other lots for access. Access for lots 1 & 5 shall not be from 125th either.**

Ms. Allen stated that this is a residential subdivision that will have a single family home on each lot. They will not rent the homes and there will be no workforce

housing in the subdivision.

Jarvis Sorenson had concerns about the traffic on 125th St. and the road conditions.

Commissioner Nordby said with the bypass coming through there will be more maintenance.

Motion to APPROVE as submitted: Olson Second: Bauman Voice Vote: All Ayes

ONEOK- James Akingbola for ONEOK is requesting a Conditional Use permit for their pipeline alignment commonly known as Section 30, Township 149, Range 99 West, and Sections 7, 17, 18, 20, 21, 25, 26, 27, and 28 in Township 149 N, Range 100 W in McKenzie County North Dakota.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct the 10.6 mile pipeline from the Targa Resources Plant to the Garden Creek Pipeline as shown on the display map.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. The applicant had notified adjacent property owners prior to this application via us mail.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy**
 - c. Encourage the wise and proper use or development of the county's natural resources.**
- 7. The applicant has obtained all appropriate approvals necessary for this type**

of development. The alignment seems to be well suited for this type of use and does not seem to negatively impact the neighboring property owners use of land.

Staff Analysis:

The applicant is requesting a Conditional Use application Permit for the construction of a 10.6 mile pipeline. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners based on the agency responses and the lack of public comment prior to the hearing. Staff recommendations are based on assumptions that the applicant will adhere to the concerns/approvals raised by the public/agencies and final approvals from all state agencies involved in this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicants to develop the proposed 10.6 mile pipeline for oil transport in the alignment shown on the display. The proposed Conditional Use request is a planned general outward expansion of the existing facilities and will allow transport of material via pipeline rather than truck and the use is deemed compatible through the adoption of the McKenzie County Zoning Ordinance and Comprehensive Plan.

Staff recommends approval of the Conditional Use permit as presented at this time with the following conditions of approval:

Recommended Conditions:

- 1. The applicants shall obtain a building permit for any of the proposed structures within the proposed development and the existing office trailers that exist onsite at this time as well.**
- 2. The applicants shall submit for approval an updated exterior site plan that incorporates security lighting and a landscaping plan (trees) to be approved by the Planning Department and placed in the file as part of this conditional approval.**
- 3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved**

engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event. It is highly suggested that onsite storm water storage is provided so county drainage swales are not inundated with onsite water runoff during a storm that exceeds a 25 year event.

- 4. The applicant shall post the address clearly onsite and provide a project sign (4' by 8') on both ends of the site to designate the beginning and ending point of the pipeline for emergency personal.**
- 5. The conditional use permit will be reviewed annually for conformance with the conditions of approval; if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.**
- 6. The applicant shall adhere to all listed agreement items listed in their application in regard to the County Engineers approval for access/approach/crossing permits.**
- 7. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility.**
- 8. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.**
- 9. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public.**
- 10. All lighting on site during construction shall be downward facing and shall not glare on adjacent property owners or the public travel ways.**
- 11. The applicant shall reseed the alignment with appropriate grass mixture to minimize erosion and level the pipeline easement area after installation of pipeline.**
- 12. The applicant shall submit a weed control plan and have it approved/reviewed by the County Weed Control office annually.**
- 13. An approved emergency plan should be submitted and updated with the county annually for this pipeline annually so that emergency responders**

understand what exist onsite and the risks that would face them during response to an incident.

- 14. The applicant will proceed with this project by gaining landowner easements only. The applicant will have to find an alternate route for the pipeline if the easements are unable to be obtained. The applicant will NOT condemn property in order to proceed with this project.**

Mr. Akingbola stated that the aim of this project is to reduce truck traffic by transferring the gas via pipeline.

Commissioner Olsen asks if all easements were attained.

Mr. Akingbola says they still need to get three.

Commissioner Bolken is concerned that they have the power to condemn land if the easements are not obtained. He asks if they can make a condition that they can put the pipeline through easements only, that the landowners will not have land condemned for this project.

Mr. Johnson says yes, they will have to come back in front of the board if they want to condemn any land.

Motion to APPROVE with added condition: Bolken Second: Haugen Voice Vote: All Ayes

Arrow Midstream- Jake Richardson for Arrow Midstream Holdings, LLC is requesting a Conditional Use Permit for the property located in the NW1/4 of Section 20, Township 150 North, Range 95 West. The parcel is approximately 25 acres, within three miles of Johnson's Corner, and is proposed to construct a Crude Oil Storage Tank.

Findings of Fact:

- 1. The applicant's property is currently designated as Industrial on the McKenzie County Comprehensive Plan and is currently Industrial on the McKenzie County Zoning Map.**
- 2. The applicant wants to expand their current operation with another Bulk Crude Oil Storage Tank.**

- 3. All requirements for public notification have been satisfied.**
- 4. Staff has received one comment, in support of the proposal, from the landowner.**
- 5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.**
- 7. The applicant has obtained approval from Grail Township.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 25 acre site to expand their current operation by adding a Bulk Crude Oil Storage Tank. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to expand the existing site within an Industrial zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.**
- 2. The applicant shall maintain enough spacing between units and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.**
- 3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.**
- 4. The applicant shall obtain a building permit for the proposed structures**

within the proposed development.

- 5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 6. The applicant shall submit for approval an updated exterior site plan that incorporates fencing, security lighting, and a landscaping plan to be approved and placed in the file as part of this request.**
- 7. All property taxes shall be paid current.**
- 8. The applicant shall maintain adequate weed control, which includes obtaining only certified weed free fill.**
- 9. The applicant shall maintain adequate garbage control.**
- 10. The applicant shall fence, light (for security purposes), and landscape the site according to the updated site plan on file.**
- 11. The applicant shall fence the site before construction.**
- 12. The applicant shall construct facility with fixtures to contain the leakage at valves.**
- 13. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.**
- 14. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions**

Mr. Richardson states that they want to put in a bulk storage on their existing site.

No audience comments

Motion to APPROVE: Lawler Second: Bolken Voice Vote: All Ayes

Discussion: Ability to create a subcommittee

Commissioner Bolken asks if the board would be able to have a subcommittee.

Attorney Johnson tells him he would have to research all of the rules for that.

Discussion: Introduction of a New Amendment

Johnson states that he wants to introduce a new amendment, for the next agenda, stating that people who don't legally exist should not be able to do business within the county.

Discussion: October Meeting will be Moved

Hadley states that the October meeting will have to be moved to the 27th because we have a shortage of board members and staff that can make the meeting on the 13th.

Discussion: Arnegard's Comprehensive Plan

Commissioner Olson states that Arnegard wants to amend the comprehensive plan with the comprehensive plan that would change Arnegard on the map. He would like this change to be proposed at the next meeting.

Meeting Adjourned.

Planning and Zoning Commission Minutes

September 8, 2014

Meeting was held at the Watford City Civic Center in Watford City, ND and called to order at 5:00 pm by Kris Mrachek.

Members Present: Doug Nordby, Barb Bauman, Jeremy Olson, Paul Wisness, Aaron Gravos, Doug Bolken, Kris Mrachek.

Absent: Rick Lawler, Les Haugen

Staff Present: Planning Director, Walter Hadley; Assistant Planner/ Code Enforcement Officer, Jennifer Shelden; Planning Attorney, Ari Johnson

Others: See sign in sheet

Minutes of August 11, 2014 were presented. MOTION by Bolken, SECOND by Olson to APPROVE minutes Voice vote: All yeas. Motion Passed.

DISCUSSION:

Bypass- Commissioner Bolken stated that the city wants an overlay of zoning guidelines going east and west, including tie-in roads, along both sides of the bypass. Some of the guidelines suggested are:

- 1. Businesses need hard surfacing from their approach through the parking lot.**
- 2. All storage will be in the back of the business.**
- 3. Dust control would be done on a regular basis.**
- 4. Hadley will bring a map in for discussion of boundaries by Commission during the October meeting.**

Motion to continue preparations for a hearing: Nordby, Second: Mrachek, Voice Vote: All Ayes

UNFINISHED BUSINESS:

Louie Bonneville Zone Change/ Text Amendment- Colleen Cole represented herself as one of 18 individual property owners who are requesting a Comprehensive Plan/Zone Change request for their property commonly described as a portion of North ½ of the SE ¼; S ½ of the NE ¼; and the West ½ of the NE ¼, of Section 19, Township 149 North, Range 98 West. The applicant is proposing to change the Comprehensive Plan designation to Industrial and the Zoning designation to Industrial from Agricultural.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant has applied on behalf of all of the property owners in that area. The area was predominately sold and developed prior to zoning as an irregular tract land division, it is referred to as a subdivision but it was never intended to be or would have qualified for a subdivision approval based on parcel configuration, services, and access. Since that time all new proposals have been limited by those factors after zoning was adopted. The area was helped by a private party gaining county approval to place a sewer package plant in the area so that sewer service can more adequately be handled. A number of the existing projects in the area are grandfathered and will not be allowed to expand without this zone change being approved.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone comments on the proposal.**
- 5. Staff has not received any written comments on this request.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Provide and maintain an adequate transportation system within McKenzie County.**
- 7. State Water, Sewer approvals are not necessary for this type of request (Comp. Plan/Zone Change).**
- 8. The applicant applied on his behalf only in December of 2013, which was denied by the Planning Commission and the Board. He still had interest in applying for the changes and it was suggested by staff that if the property owners applied they may have better success.**

- 9. The area in question was left with a designation of Agricultural on the Comprehensive Plan and Agricultural zoning because the commission and board wanted to review the area as new development occurred and change zoning on an individual basis.**
- 10. The area is off the highway 85 area and is surrounded by a mix use of pre-zoning development that did not warrant the commission or board to place industrial zoning in that area at the time of zoning adoption in 2013. The property is bordered by industrial on one boundary area and agricultural on the other three boundaries.**
- 11. A number of the existing uses in the area are non-conforming with the agricultural zone and will not be allowed to expand without the granting of a zone change.**

Staff Analysis:

The applicants are requesting a Comprehensive Plan/Zone Change request to legitimize a number of uses already existing in the area. The Planning Commission and Board of Commissioners have made it clear on prior applications throughout the county that a formal long range plan is desired before they will entertain a zone change for higher use. This particular region of the county was developed by an irregular tract land division that has created a number of access, sewer, and neighbor issues for the existing residents in the area for the past few years.

The Planning and Zoning Commission/Board of Commissioners should consider the merits of approving/denying the proposed Comprehensive Plan/Zone Change requests. Of course, all uses within the desired zoning classification would be allowed on any of the lots proposed or existing within the newly zoned area.

Staff recommends the Planning Commission/Board of Commissioners weigh the benefits of approving the request for the 125 area and base their decision on their long range plan for the area, does the commission desire the area to redevelop at a higher level eventually or stay designated Agricultural and remaining non-conforming until the grandfathered uses are removed or their use stops. Staff recommends that the Commission/Board determine if they want to promote industrial growth for that area at this time. Some of the established uses will not revert back to Agricultural uses but may change to an acceptable use with a conditional use permit within that designation. Staff would encourage a decision be made that will not set a precedent for all upcoming zone changes in that region that are not the desired direction of future growth. It will also allow staff to direct requests in that fashion.

Commissioner Nordby had concerns about unapproved culverts and roads, no septic or water approval, and things being done by an out of state engineer. (In McKenzie County engineers need to be licensed through the state of North Dakota.)

Commissioner Olsen recommended Ms. Cole apply for a single CUP for her land so that she can proceed with her plans.

Ms. Cole stated that there was still nothing new to present, as far as she knew, and that she would like to have this application tabled but that she would be withdrawing herself from the application.

No audience comments.

Motion to DENY: Bolken, Second: Olson, Voice Vote: All Ayes

Smart Lease Zone Change- There was no representative at the meeting. A motion was approved to move the application to the end of the meeting.

Motion: Bolken, Second: Olson.

At the end of the meeting Attorney Johnson had concerns about this the land owner and applicant still being in litigation. There was still no representative.

No audience comments.

Motion to TABLE: Bolken, Second: Olson, Voice Vote: All Ayes

PUBLIC HEARINGS:

Alan Nelson Conditional Use Permit- Donna Crouse for Alan Nelson is requesting a Conditional Use Permit for his property commonly known as a portion of SW ¼ of Section 8, Township 149 North, Range 98 West, on approximately 8 acres. The applicant is proposing to construct a 80 X 100 commercial shops with a 40 X 100 lean to.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently zoned Agricultural on the McKenzie County Zoning Map.**

- 2. The applicant wants to construct one 80 by 100 shop and 40 by 100 lean to on the lot and remove all existing workforce housing currently approved for the site.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. Planning Staff assumes that service can be provided for the proposed site by other agencies based on the no comment from all providers.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Promote an adequate housing supply for the existing and future residents of McKenzie County.**
- 7. State Water, Sewer approvals are necessary for this type of development.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for his 8 acre site to develop a Commercial Shop/paint shop. The requested Conditional Use Permit will not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners, but should be encouraged to provide a little more site landscaping than what was proposed for the enjoyment of the residents and soften the impact to the surrounding property owners. These assumptions are based on adherence to the concerns raised by the public/agencies and final approvals from all state agencies involved in this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance.

Staff recommends approval of the application as presented at this time with the following conditions of approval:

Recommended Conditions:

- 1. The applicant shall obtain a building permit for the proposed structures within the proposed development.**
- 2. The applicant shall submit for approval an updated exterior site plan that incorporates security lighting and an updated landscaping plan to be approved and placed in the file as part of this request. All site improvements shall be in place including landscaping by July 1, 2015.**
- 3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.**
- 4. The applicant shall post the addresses clearly on site and on all proposed structures.**
- 5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.**
- 6. The applicant shall provide dust control on site and for a distance of ¼ mile in either direction along 22 C Street NW.**
- 7. (NEW) This approval applies to lot three only.**
- 8. (NEW) No workforce housing will be allowed.**

Donna Crouse stated that Mr. Nelson was approved for a 60X100 shop but wants to amend the CUP to have an 80X100 shop with a 40X100 Lean-to. The shop would be used to paint and store pipe. The pipe would be stored under the lean-to.

No audience comments.

Motion to APPROVE with new conditions: Olson, Second: Bolken, Voice Vote: All Ayes.

Aries Residence Suites Conditional Use Permit- Peter Eberly for Aries Residence Suites is requesting a Conditional Use Permit for the property located in the N1/2 of the SE1/4 of Section 1, Township 149 North, Range 99 West. The parcel is an approximately 2.83 acre site and is proposed to have an amenities building on it.

Findings of Fact:

- 1. The applicant's property is currently designated as Industrial on the McKenzie County Comprehensive Plan and is currently Industrial on the McKenzie County Zoning Map.**
- 2. The applicant wants to move their amenities building from its original location to an adjacent parcel, also owned by them, that is 2.83 acres.**
- 3. The applicant is combining two parcels into one CUP. This will make the CUP cover 86.09 acres total.**
- 4. The applicant is in good standing with State Food & Lodging.**
- 5. All requirements for public notification have been satisfied.**
- 6. Staff has not received any phone or written comments on the proposal.**
- 7. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Promote an adequate housing supply for the existing and future residents of McKenzie County.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 2.83 acre site (86.09 acres total), to take the amenities building from the current CUP site and place it on the adjoining Grandfathered site, essentially combining the land into a single CUP. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to combine the properties into one CUP by changing the placement of the amenities building. The proposed Conditional Use request is a planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall obtain a building permit for the proposed structure.**
- 2. The applicant shall post the address and street name clearly on site (4'X8' sign), to be seen clearly from the road and on all structures.**
- 3. The applicant shall maintain roads within the parcels with enough spacing for emergency vehicles to access, maneuver, and turn around the units in all types of weather.**
- 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved**

- engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall follow/ implement the exterior site plan as proposed, including fencing, security lighting, and landscaping.
 6. The applicant shall post address clearly on site during and after construction.
 7. The applicant shall keep all taxes paid current.
 8. The applicant shall provide adequate garbage control within the property.
 9. The applicant shall provide adequate weed control.
 10. The applicant shall provide an exit strategy by November 1st, 2014, stating when they would be transitioning from workforce housing to something more permanent.
 11. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
 12. **(NEW)** The applicant must pave from Highway 85 in to make a driveway and parking lot for the restaurant.

Mr. Eberly stated that they would be combining two CUP's to add more buildings, add a restaurant, add 18 units for family housing, and relocate some of the buildings within the lot.

Nordby wants to make paving from Highway 85 in to make a drive way and approach a condition.

No audience comments.

Motion to APPROVE with new condition: Bolken, Second: Bauman, Voice Vote: All Ayes.

Arnegard Comprehensive Plan Change- Jeremy Olson stated in 2013 Arnegard decided to zone everything Agricultural. Since then, they realized that certain designations needed to be changed. Arnegard is not requesting a zone change, just putting some color on the comprehensive map. They used Arnegard's current zoning to formulate a comprehensive plan within JPA Jurisdiction. Arnegard wants to do this to help the county planning office turn people in the direction of the current land uses instead of having mixed zoning within the township.

No audience comments.

Motion to APPROVE: Wisness, Second: Gravos, Voice Vote: All Ayes

Bakken Spirit Subdivision Request- Jason Wallace is requesting a Subdivision request for his property commonly known as the proposed Bakken Spirit 8 lot Subdivision, described as the NW ¼, Section 22, Township 150 North, Range 99 West.

Findings of Fact:

- 1. The applicant's property is currently designated Industrial on the McKenzie County Comprehensive Plan and is currently zoned Industrial on the McKenzie County Zoning Map.**
- 2. The applicants request lies within the Industrial Zone and is within the boundaries of the newly expanded City of Watford ETA as of September 8, 2014. The applicant shall be held to higher standards for on site improvements for the industrial subdivision to better blend with the city requirements that will be administered for each building site within the proposed subdivision. The applicant will still need to finish this process but will be within the City ETA for all building and site improvement permits when this application is acted upon.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone comments on the proposal.**
- 5. Staff has not received any written comments on this request. Planning Staff assumes that service can be provided and no concerns on the proposed site by other agencies have been obtained.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Provide and maintain an adequate transportation system within McKenzie County.**
 - c. Promote an adequate housing supply for the existing and future residents of McKenzie County.**
- 7. State Water, Sewer approvals are in place and the applicant has obtained all the other approvals necessary for this type of development. Any changes to this plan will need to be represented to the Planning Commission for concurrence.**

- 8. The applicant's request seems to have met the intent of the county subdivision regulations. The applicant shall be required to put in curb, gutter, concrete approaches and pave the proposed roadway with a minimum of a 24' wide travel way according to our county profile specification and provide adequate shoulders per specification as well.**
- 9. The applicant should be encouraged to plant trees across from each lot just north of the proposed roadway along drainage portion of the lot to meet the intent of the county green space requirement. On site landscaping will be required by the city/county as development is proposed for each lot.**

Staff Analysis:

The applicant is requesting a subdivision approval for Bakken Spirit addition and has obtained the approvals necessary and will adhere to the conditions addressed by staff as outlined above.

The proposal is the last subdivision proposal that was allowed to move forward in this area through the county process based on an expanded ETA for the City of Watford. The proposal would seem to meet the intent of providing commercial/industrial lots in close proximity to services and does not seem to have a negative impact on adjacent property values or the City planned uses if done as advised by staff. The proposed use of commercial/industrial lots would seem to be a low impact use that would seem to be compatible with the surrounding area.

Staff recommends that this item be approved as presented with the following conditions:

Conditions of approval:

- 1. The applicant shall provide a street tree landscaping plan for the north side of the proposed roadway and incorporate those trees on site prior to any c/o being issued for structures in the subdivision.**
- 2. The applicant shall be required to pave the proposed roadway in its entirety prior to any c/o being issued for any structures on site. The roadway shall be a minimum of 24' of paved area with adequate shoulders and ditches that meet the intent of Mckenzie county specifications.**

3. **All roads within the proposed subdivision shall be maintained by the property owners association. Additionally, the street tree plantings would need to be maintained by the homeowners association as well. On site dust control and all snow removal will also need to be provided.**
4. **The applicant shall be required to obtain building permits from the City of Watford City for all structures planned in the subdivision and may be required to provide more improvements at that time.**
5. **The applicant shall finalize and record the approved subdivision plat prior to April 1, 2015 or the approval will be considered null and void and the applicant would need to obtain City subdivision approval.**

Jason Wallace stated that he had no problem with paving and putting concrete in the subdivision. He also said he would be doing the landscaping.

Planner Hadley stated that the conditions reflect the cities guidelines. Hadley had asked the city for the code but had not received it to date.

Commissioner Bolken stated that one of the guidelines is the developer will need to use certain building materials.

No audience comments.

Motion to APPROVE as written: Nordby, Second: Bolken, Voice Vote: All Ayes.

Buell Consulting for Verizon Wireless Conditional Use Permit-

John Rowe for Buell Consulting is requesting a Conditional Use Permit for the property located in the SW1/4 of Section 17, Township 150N, Range 99W. The parcel is an approximately 5 acre site and is proposed to construct a radio and telephone transmission and receiving tower facility.

Findings of Fact:

1. **The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.**
2. **The applicant wants to construct a radio and telephone transmission and receiving tower facility on the approximately 5 acre site.**
3. **All requirements for public notification have been satisfied.**
4. **Staff has not received any phone or written comments on the proposal.**
5. **Staff has not received any comments from any adjacent property owners. All agencies approved the project.**

6. Appropriate Comprehensive Plan Goals:

- a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
- b. Enhance and diversify McKenzie County's economy.**
- c. Provide an adequate housing supply for the existing and future residents of McKenzie County.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 5 acre site to develop a radio and telephone transmission and receiving tower facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the address and street name clearly on site (4'x8' sign).**
- 2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.**
- 3. The applicant shall obtain a building permit for the proposed structures within the proposed development.**
- 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.**
- 6. All property taxes shall be paid current.**
- 7. The applicant shall maintain adequate weed control.**
- 8. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.**
- 9. The applicant shall allow space for a dish to be used by emergency services.**

John Rowe presented a summary of his application.

No audience comments.

Motion to APPROVE: Olson, Second: Wisness, Voice Vote: All Ayes

Dark River Trucking Conditional Use Permit- Jeff Thiesen for Dark River Trucking is requesting a Conditional Use Permit for the property located in the W1/2 of the NW1/4 of Section 25, Township 149N, Range100W. The parcel is an approximately 1.3 acre site and has an existing 5 bedroom mobile home and 34' RV, which will both be hooked to sewer and water, and an area to park up to five trucks at any given time.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to legitimize their existing facility and gain approval to have entitlement to the property.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for three approximately 1.3 acre site to gain entitlement to their existing facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone

with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.**
- 2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.**
- 3. The applicant shall obtain a building permit for the proposed structure within the proposed development.**
- 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 5. The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved as part of this request.**
- 6. All property taxes shall be paid current.**
- 7. The applicant shall continually maintain adequate dust control within ¼ mile of either side of their approach.**
- 8. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.**
- 9. The applicant shall maintain adequate garbage control within the entire parcel.**
- 10. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions, and will be approved through Dec. 31, 2015, after that time the project shall be reviewed to determine whether a continued approval shall be granted for this site.**

Thiesen stated that the mobile home and RV need truck parking.

Hadley stated that there was a subdivision started prior to zoning.

Bolken had concerns about 133rd St. NW.

Nordby had concerns about the RV staying.

Olson stated that it would not be a stretch for them to maintain the road.

Wisness had concerns about the Emergency approvals based on the condition of the roads.

Wanda Adams brought pictures and stated that the trucks in question were destroying the road. She suggested that Dark River fixed the road and maintained it to county standards thereafter.

Beau Wright also had issues with the road but was also concerned about garbage being burned at the lot. He also stated that 1 acre would be a very small lot to park five semi-trucks and have housing.

Motion to TABLE until owner could be at a meeting to answer questions: Bolken, Second: Olsen, Voice Vote: All Ayes

Diamond Resources Conditional Use Permit- Randy Miller, Ryan Dahl, and Mike Higgins For Diamond Resources are requesting a Text Amendment, Zone Change, and Conditional Use Permit for the property located in the E1/2 of the NW1/4 and the NE1/4 of the SW1/4 of Section 30, Township 149N, Range 98W. The parcel is an approximately 35 acre site and is proposed to construct an Industrial natural gas capturing/processing facility with bulk storage.

Findings of Fact:

- 1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct an industrial gas plant with bulk storage on a 35 acre parcel.**
- 3. Building permits are required for any proposed or existing structures onsite. Adequate parking should be included onsite for at least 6 semi-trucks.**
- 4. All requirements for public notification have been satisfied.**
- 5. Staff has not received any phone or written comments on the proposal.**
- 6. Staff has not received any comments from any adjacent property owners. All agencies approved the project.**
- 7. This plant would be located adjacent to Highway 85 S.**
- 8. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.**

Staff Analysis:

The applicant is requesting a Text Amendment, Zone Change, and Conditional Use Permit for the approximately 35 acre site to develop an industrial gas plant with bulk storage. The requested Text Amendment, Zone Change, and Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Text Amendment, Zone Change, and Conditional Use Permit to allow the applicant to develop the Natural Gas Plant. The proposed Text Amendment, Zone Change, and Conditional Use request is a planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures, as well as highly visible name signage.**
- 2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.**
- 3. The applicant shall obtain a building permit for the proposed structure within the proposed development.**
- 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 5. The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved and placed in the file as part of this request.**
- 6. All property taxes shall be paid current.**
- 7. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.**
- 8. The applicant shall continually provide dust control for ¼ mile on each side of their approach.**
- 9. The applicant shall maintain adequate garbage control within the entire parcel.**
- 10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.**
- 11. The applicant shall submit a bond equaling 150% of an engineer's estimate to reclaim the site when the use is not planned to be utilized any further.**
- 12. The applicant shall provide onsite parking/staging area as depicted in the site plan for a minimum of 6 trucks that are not loading/unloading.**
- 13. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.**

- 14. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use for the CUP file.**
- 15. The applicant shall adhere to any and all Federal and State laws, regulations and conditions for the operation of the proposed facility.**

Mr. Dahl stated that this site would be a natural gas plant and production facility on 35 acres.

Commissioner Bolken asked how many vehicles would be going in and out of the property.

Dahl stated 100-150 a month.

Bolken asked if they would be willing to pave County Road 33 from highway 85 to the site to make a drive-way (about 500 feet).

Higgins stated that there would be no problem paving a driveway.

Bolken was concerned that it did not fit into the city's plans.

Hadley stated that implementing landscaping and paving would "help take the edge off of it".

Bolken had concerns about the noise and proximity of other pipelines and visibility.

Wisness asked if there was a Plan B.

Higgins stated that there really was no option B.

Keith Helmuth has concerns about the level of noise affecting his livestock. He also had concerns about the dust, drainage from the sediment pond, the water draining onto his property, and all of the traffic that would be involved with this project.

Motion to deny: Bolken, Second: Gravos, Voice Vote: Aye- 3, Nay-4

Motion failed.

Motion to TABLE: Olson, Second: Bauman, Voice Vote: All Ayes.

Gary Jacobs Conditional Use Permit- Scott Pope for Gary Jacobs is requesting a Conditional Use Permit for the property located in the SE1/2 of the NE1/4 of Section 2, Township 150N, Range 100W. The parcels are approximately 5.5 acres each and are proposed to construct three commercial shops on the three separate parcels, all zoned agricultural.

Findings of Fact:

- 1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct three commercial maintenance and storage buildings on three separate 5.5 acre agricultural sites.**
- 3. The applicant has approval from the Arnegard Township.**
- 4. All requirements for public notification have been satisfied.**
- 5. Staff has not received any phone or written comments on the proposal.**
- 6. Staff has not received any comments from any adjacent property owners. All agencies approved the project.**
- 7. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for three approximately 5.5 acre sites to develop a commercial maintenance and storage building on each. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.**
- 2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.**
- 3. The applicant shall obtain a building permit for the proposed structure within the proposed development.**
- 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 5. The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved as part of this request.**
- 6. The applicant will provide a well drillers report by November 1st, 2014.**
- 7. There will be no workforce housing or living quarters on the property.**
- 8. There will be only one building per 5 acre lot per the CUP application.**
- 9. All property taxes shall be paid current.**
- 10. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.**
- 11. The applicant shall maintain adequate garbage control within the entire parcel.**
- 12. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.**
- 13. (NEW) The applicant will provide adequate dust control regularly within ¼ mile of each side of their access.**

Pope stated that he is requesting three CUP's for three different lots in Arnegard for commercial shops.

Olson commented that this was a pretty easy the three lots are five acres each and there will be no housing allowed. They are engineered buildings so we know they will be up to code.

Hadley suggested they choose a new type of shrub because the ones shown in their picture will not grow here.

Bolken suggests dust control be a condition.

No audience comments.

Motion to APPROVE with the new condition: Bolken, Second: Gravos, Voice Vote: All Ayes.

Gary Levang –CUP for Scoria pit- Milo Holte with Badland's Aggregates, on behalf of Gary Levang is requesting a Conditional Use Permit for the property commonly known as a portion of the W ½ of Section 11, Township 150N, Range 95W. The Parcel is proposed to have a scoria mining operation on 22 acres of the land.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a scoria mining operation on site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone call or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies have approved the project and the McKenzie County Ambulance requests that the site be well marked with signage that is visible from the road. Grail Township approved the project. The Keene Fire Department requests highly visible and maintained signage, good ingress and egress, sufficient area for fire apparatus to turn around and operate and good snow removal for winter operations.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to develop a scoria mining operation. The requested Conditional Use Permit does not seem to

adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.**
- 2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.**
- 3. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The amount shall be 150% of the estimate.**
- 4. All property taxes shall be paid current.**
- 5. Maintain adequate weed control as approved by the McKenzie County Weed Control Officer.**
- 6. Have a 300' knock off zone on site.**
- 7. Tarp all loads exiting the scoria pit.**
- 8. Provide dust control for ¼ mile in each direction of the County Road and onsite.**

Holt stated that this would be a scoria pit.

No audience comments.

Motion to APPROVE: Bolken, Second: Wisness, Voice Vote: All Ayes

James Joyce Conditional Use Permit- James Joyce is requesting a Conditional Use Permit for the property located in the N1/2 of the SE1/4 and S1/2 of the NE1/4 of Section 2, Township 150 North, Range 100 West. The parcel is an approximately 5 acre site and is proposed to construct a commercial maintenance and storage building on the property.

Findings of Fact:

- 1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct a commercial maintenance and storage building on a five acre agricultural site**
- 3. The applicant has approval from the Arnegard Township.**
- 4. All requirements for public notification have been satisfied.**
- 5. Staff has not received any phone or written comments on the proposal.**
- 6. Staff has not received any comments from any adjacent property owners. All agencies approved the project.**
- 7. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 5 acre site to develop commercial maintenance and storage building. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.**
- 2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.**

3. **The applicant shall obtain a building permit for the proposed structure within the proposed development.**
4. **The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
5. **The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved and placed in the file as part of this request.**
6. **All property taxes shall be paid current.**
7. **The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.**
8. **The applicant shall maintain adequate garbage control within the entire parcel.**
9. **The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.**

No audience comments.

Motion to APPROVE: Bolken, Second: Wisness, Voice Vote: All Ayes

Jason Gillen Conditional Use Permit- Jason Gillen is requesting a Conditional Use Permit for the property located in the S W1/4 of Section 8, Township 149N, Range 98W. The parcel is approximately 2 acres and is proposed to have a 60'X100" Industrial Shop on it.

Findings of Fact:

1. **The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.**
2. **The applicant wants to construct an industrial shop on 2 acres of agricultural land.**
3. **The shell of the building is already complete.**
4. **All requirements for public notification have been satisfied.**
5. **Staff has not received any phone or written comments on the proposal.**
6. **Staff has not received any comments from any adjacent property owners. All agencies approved the project.**

7. **Appropriate Comprehensive Plan Goals:**
 - a. **Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. **Enhance and diversify McKenzie County's economy.**
 - c. **Provide an adequate housing supply for the existing and future residents of McKenzie County.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for an approximately 2.0 acre parcel to build an industrial shop. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. **The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.**
2. **The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.**
3. **The applicant shall obtain a building permit for the proposed structure within the proposed development.**
4. **The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
5. **The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved as part of this request.**
6. **There will be no workforce housing or living quarters on the property.**
7. **All property taxes shall be paid current.**
8. **The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.**
9. **The applicant shall maintain adequate garbage control within the entire parcel.**

- 10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.**

There was no representative at the meeting.

Motion to move application to the end of the meeting: Olson, Second: Mrachek

No audience comments.

Motion to APPROVE: Nordby, Second: Olson, Voice Vote: All Ayes

Zoning Ordinance Amendment 2.15- Ari Johnson for McKenzie County attended and explained the amendment.

No building, structure, or land shall be occupied unless the owners of record, legal owners not of record (non-residential), tenants (non-residential), occupants, and operators of the same are all one of the following:

- 1) A living natural person who is legally capable of owning, renting, occupying, or operating the subject building or structure, or land (as the case may be) and who has an address in the United States of America as shown in the office of the McKenzie County Recorder indexed to the subject land or as available to McKenzie County officials inquiring about the person's address at the location of the subject building, structure, or land.**
- 2) A general partnership, limited partnership, limited liability partnership, limited liability limited partnership, limited liability company, corporation, cooperative, joint venture, or other similar business entity that has and at all times maintains a registered agent in North Dakota on file with the North Dakota Secretary of State and remains in good standing with both the North Dakota Secretary of State and the applicable government body regulating the business entity in the jurisdiction where it was organized.**
- 3) A deceased natural person who, during his or her life lifetime, complies with subdivision (1) above and whose estate has either not yet been admitted to probate in North Dakota or is currently admitted to probate in North Dakota.**

- 4) An appropriate government entity authorized by North Dakota law to own, lease, occupy, or operate the subject building, structure, or land.**

- 5) One of the forgoing acting as a guardian, conservator, or trustee for one or more beneficiaries who are all one of the forgoing in an arrangement recognized by North Dakota law.**

No audience comments.

Motion to APPROVE: Olson, Second: Bolken, Voice Vote: All Ayes

Silver Creek Comprehensive Plan/Zone Change Request- Donna Crouse and Ken Dardis for Silver Creek Development is requesting a Comprehensive Plan/Zone Change request for their property commonly known as approximately a 10 acre parcel located in Section 19, Township 149 North, Range 98 West. The applicant is proposing to change the Comprehensive Plan designation to Residential and the Zoning designation to R-3 multi-family residential.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.**

- 2. The applicant wants to gain approval to construct multi-family dwellings on the site. The applicant has provided a proposed site plan showing the improvements to the site including landscaping and incorporation of all site improvements currently on site.**

- 3. All requirements for public notification have been satisfied.**

- 4. Staff has not received any phone comments on the proposal.**

5. **Staff has not received any written comments on this request. Planning Staff assumes that service can be provided for the proposed site by other agencies based on their comments.**
6. **Appropriate Comprehensive Plan Goals:**
 - a. **Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. **Provide and maintain an adequate transportation system within McKenzie County.**
7. **State Water, Sewer approvals are not necessary for this type of request (Comp. Plan/Zone Change).**
8. **The applicant did obtain the approvals necessary to obtain the building permits prior to zoning being enacted but did not get the project grandfathered in with their footings/foundations being in place prior to April 26th, 2013, except for building one on site now.**

Staff Analysis:

The applicant is requesting a Comprehensive Plan/Zone Change request to allow them to develop multi-family residential structures. The existing workforce housing project which was not grandfathered except building #1 was sold off to the current owner and the new owner decided they wanted to pursue the development of multi-family residential. The owner wishes to pursue developing multi-family residential in that area as an affordable housing option for the Watford area.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan/Zone Change requests. Of course, all uses within the desired zoning classification would be allowed on any of the lots on this site if this request was approved. The proposed use is a better neighbor to the existing residential uses, and a part of a better looking south entrance to the City of Watford.

Staff recommends approval of the Comprehensive Plan/Zone Change requests.

Bolken had concerns whether the septic system was new or old.

Dardis stated that the septic system is new.

Kendal Phillips asked if the rooms would be leased weekly or nightly.

Dardis answered that there would be a minimum 30 day lease. We would also have a garbage service.

Phillips had concerns about their website saying that the rooms could be rented nightly.

Dardis stated that that would be building one only because it was done before zoning. The rest of the buildings will meet zoning standards.

Motion to APPROVE: Wisness, Second: Gravos, Voice Vote: All Ayes

T&M Investments Conditional Use Permit- Rick Woolsey for T&M Investments is requesting a Conditional Use Permit for their property commonly known as a portion of NW ¼ of Section 19, Township 150 North, Range 100 West, on approximately 5 acres. The applicant is proposing to construct a 80 X 100 commercial shop with a 40 X 100 lean to.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct one 9600 square foot shop/office/storage building onsite.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. Planning Staff assumes that service can be provided for the proposed site by other agencies based on the no comment from all providers.**
- 6. Appropriate Comprehensive Plan Goals:**

- a. **Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. **Promote an adequate housing supply for the existing and future residents of McKenzie County.**
7. **State Water, Sewer approvals are necessary for this type of development.**
8. **The Arnegard Township has approved the request and asked that no on site workforce housing be allowed along with engineered building plans be shared with the township, only one building for that site, and that the applicant submit an updated landscaping, lighting, and trash collecting fence plan to the county for approval.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for their 5 acre site to develop a Commercial Shop/office/storage shop. The requested Conditional Use Permit will not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners, but should be encouraged to provide a little more site landscaping than what was proposed for the enjoyment of the residents and soften the impact to the surrounding property owners. These assumptions are based on adherence to the concerns raised by the public/agencies and final approvals from all state agencies involved in this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance. The applicant shall adhere to all requested items from the Arnegard Township as part of this request including no workforce housing allowed on site.

Staff recommends approval of the application as presented at this time with the following conditions of approval:

Recommended Conditions:

1. **The applicant shall obtain a building permit from the County for the proposed structures within the proposed development and submit plans to the township as requested.**
2. **The applicant shall submit for approval an updated exterior site plan that incorporates security lighting, fencing and an updated landscaping plan to be approved and placed in the file as part of this request. All site improvements shall be in place including landscaping by July 1, 2015.**
3. **The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.**
4. **The applicant shall post the addresses clearly on site and on all proposed structures.**
5. **The conditional use permit will be reviewed annually for conformance with the conditions of approval; if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.**
6. **The applicant shall provide dust control on site and for a distance of ¼ mile in either direction of their access road.**
7. **The applicant shall not allow any on site workforce housing per the Township approval.**

Olson stated that this was approved by Arnegard township.

No audience comments.

Motion to APPROVE: Nordby, Second: Bauman, Voice Vote: All Ayes

Matthew & Kayla Trotter Conditional Use Permit- Matthew & Kayla Trotter are requesting a Conditional Use Permit for the property located in Section 12, Township 145 North, Range 99 West. The parcel is an approximately 1.6 acre site and is proposed to have a third manufactured home placed on it.

Findings of Fact:

- 1. The applicant's property is currently designated as residential (R-1) on the McKenzie County Comprehensive Plan and is currently R-1 on the McKenzie County Zoning Map.**
- 1. 2. The applicant wants to put a manufactured home on the approximately 1.6 acre site, which already has 2 manufactured homes on it.**
- 2. All requirements for public notification have been satisfied.**
- 3. Staff has not received any phone or written comments on the proposal.**
- 4. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Promote an adequate housing supply for the existing and future residents of McKenzie County.**
- 5. The planning staff is reevaluating Grassy Butte and other areas with existing platted town sites on a case by case basis, to determine suitable zoning to allow reasonable use of land.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 1.6 acre site, which currently has 2 manufactured homes on it, and they are wanting to place a third manufactured home on it. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within a R-1 Residential zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing R-1 Residential zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall obtain a building permit for the proposed structure.**
- 2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 3. The applicant shall post address clearly on site during and after construction.**

No audience comments.

Motion to APPROVE: Olson, Second: Bolken, Voice Vote: All Ayes

The next meeting is on October 27, 2014 at 5:00pm at the Watford City Civic Center.

Adjourned.

Planning and Zoning Commission Minutes

October 27, 2014

Meeting was held at the Watford City Civic Center in Watford City, ND and called to order at 5:05 pm by Kris Mrachek.

Members Present: Doug Nordby, Barb Bauman, Paul Wisness, Aaron Gravos, Doug Bolken, Kris Mrachek, Rick Lawler, Les Haugen

Absent: Jeremy Olson

Staff Present: Planning Director, Walter Hadley; Assistant Planner/ Current Planning, Lindsey Perusich; Administrative Assistant, Deborah Maciejewski; Planning Attorney, Ari Johnson

Others: See sign in sheet

Minutes of August 11, 2014 and September 8, 2014 were presented. *MOTION by Nordby, SECOND by Bolken to APPROVE minutes Voice vote: All yeas. Motion Passed.*

UNFINISHED BUSINESS:

Smart Lease- Erik Peterson for Smart Lease is requesting a Comprehensive Plan Change/Zone Change for property located in Section 17, Township 151 North, Range 101 West. The parcel is currently zoned Agricultural and is proposed to change to zoning to Commercial and Residential. This project is on about 110 acres.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to change the comprehensive plan and existing zoning to allow them to develop a major subdivision.**
- 3. All requirements for public notification have been satisfied.**

4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from adjacent property owners.
6. **Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
7. The overall project is planned to be a mix of residential and commercial uses.
8. Building permits are required for any proposed structures onsite. Adequate parking should be included onsite for all commercial uses so that vehicles are not staged or parked along the county roads.
9. The applicant has submitted a master plan that designates the Commercial, and Residential areas for this request.

Staff Analysis:

The applicant is requesting a Comprehensive Plan & Zone changes to Commercial and Residential for a future subdivision to develop a mixed use development onsite. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan, and Zone Change applications to allow the applicants to develop the future subdivision. The proposed Comprehensive Plan, and Zone change requests are a planned general outward expansion of the existing Commercial/Residentially developed area along Highway 85 North and deemed **compatible through the adoption of the McKenzie County Zoning Ordinance and Comprehensive Plan.**

The applicant asked to be tabled until the next meeting because of litigation.

Motion to TABLE: Bolken, Second: Lawler Voice Vote: All Ayes

Dark River Trucking- Larry Harvison for Dark River Trucking is requesting a Conditional Use Permit for the property located in the W1/2 of the NW1/4 of Section 25, Township 149N, Range100W. The parcel is an approximately 1.3 acre

site and has an existing 5 bedroom mobile home and 34' RV, which will both be hooked to sewer and water, and an area to park up to five trucks at any given time.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to legitimize their existing facility and gain approval to have entitlement to the property.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for three approximately 1.3 acre site to gain entitlement to their existing facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.

2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.
3. The applicant shall obtain a building permit for the proposed structure within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall continually maintain adequate dust control within ¼ mile of either side of their approach.
8. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.
9. The applicant shall maintain adequate garbage control within the entire parcel.
10. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions, and will be approved through Dec. 31, 2015, after that time the project shall be reviewed to determine whether a continued approval shall be granted for this site.

The applicant Mr. Harvison stated that he is not the only one with trucks and that most of the road damage was done when the subdivision in that area was being constructed earlier this year.

Planner Hadley stated that without CC&R's in place for the subdivision there was really no standard for what each person should pay to fix the roads.

Commissioner Bolken asked if 133rd St. was a county road.

Commissioner Lawler stated that it was years ago but it was abandoned because of issues with the bridge.

Harvison stated that he put money into fixing 19th P St. As for the other concerns of the board, his RV is for occasional use not permanent living, we would need room for a maximum of five semi-trucks and our lot has ample room, and finally for the

septic we had it set up for the house and RV so that everyone would have working utilities.

Ms. Wanda Adams had concerns about the conditions 133rd St. and stated that all of the damage had been done in the last year. She had pictures for the board that showed tire tracks in the drainage ditch. She stated that people were having to drive down there because the road was so bad.

Mr. Beau Wright had concerns about Emergency Services being able to get down the road.

Adams was concerned about businesses being out there at all. She stated that she wanted the area around her house to stay rural.

Commissioner Lawler asked if there was a covenant for the subdivision.

Hadley stated that there is not and if someone applied for a Conditional Use Permit, and were approved, they would be legitimate.

Bolken stated that this would be nothing new in the Agricultural District.

Adams had concerns about the traffic and dust by her home.

Wright had concerns about the subdivision being used for workforce housing.

Chairman Mrachek asked Adams if she was opposed to all businesses or if the roads and garbage were just concerns.

Adams stated that she wanted no businesses at all.

Commissioner Haugen wants major fines for violations.

Attorney Johnson explained there is a process for fines when a case goes to court. McKenzie County does impose the maximum penalty for a zoning violation but it has to go through court first.

Bolken states that this is an issue with timing. He asked Harvison when he bought his land.

Harvison stated that he bought the land in August of 2013.

Bolken states that that was plenty of time after zoning came into place.

Motion to DENY: Bolken, Second: Haugen, Voice Vote: All Ayes.

Diamond Resources- Randy Miller For Diamond Resources is requesting a Text Amendment, Zone Change, and Conditional Use Permit for the property located in the E1/2 of the NW1/4 and the NE1/4 of the SW1/4 of Section 30,

Township 149N, Range 98W. The parcel is an approximately 35 acre site and is proposed to construct an Industrial natural gas capturing/processing facility with bulk storage.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an industrial gas plant with bulk storage on a 35 acre parcel.
3. Building permits are required for any proposed or existing structures onsite. Adequate parking should be included onsite for at least 6 semi-trucks.
4. All requirements for public notification have been satisfied.
5. Staff has not received any phone or written comments on the proposal.
6. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
7. This plant would be located adjacent to Highway 85 S.
8. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Text Amendment, Zone Change, and Conditional Use Permit for the approximately 35 acre site to develop an industrial gas plant with bulk storage. The requested Text Amendment, Zone Change, and Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Text Amendment, Zone Change, and Conditional Use Permit to allow the applicant to develop the Natural Gas Plant. The proposed Text Amendment, Zone Change, and Conditional Use request is a planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures, as well as highly visible name signage.

- 2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.**
- 3. The applicant shall obtain a building permit for the proposed structure within the proposed development.**
- 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 5. The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved and placed in the file as part of this request.**
- 6. All property taxes shall be paid current.**
- 7. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.**
- 8. The applicant shall continually provide dust control for ¼ mile on each side of their approach.**
- 9. The applicant shall maintain adequate garbage control within the entire parcel.**
- 10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.**
- 11. The applicant shall submit a bond equaling 150% of an engineer's estimate to reclaim the site when the use is not planned to be utilized any further.**
- 12. The applicant shall provide onsite parking/staging area as depicted in the site plan for a minimum of 6 trucks that are not loading/unloading.**
- 13. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.**
- 14. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use for the CUP file.**
- 15. The applicant shall adhere to any and all Federal and State laws, regulations and conditions for the operation of the proposed facility.**

Randy Miller asked that the application be tabled until the next meeting.

Motion to TABLE: Bolken, Second: Lawler, Voice Vote: All Ayes

DISCUSSION:

Planner Hadley stated that there is now a violation complaint form on our website for the public.

Zoning Overlay- Hadley gave three options to start out with. This is just a standard for how businesses should look (Paving, Architecture, Landscaping, Outside storage in the back of lots, etc.). This is not a set back and this will not inhibit development.

Commissioner Nordby stated that this is an opportunity to make the county look nice on main roads.

Johnson stated that this would be a consistent face for Watford and the County. This would make the bypass and major roadways presentable.

Hadley stated that he would like a consensus of where the board would like the overlays to be. If it is through an organized township we will work with them as well. We will discuss this further at the next meeting.

PUBLIC HEARINGS:

Youngquist Brothers- Tyler Rohrman for Youngquist Brothers is requesting a Conditional Use Permit for the property located in the W/2 of the NW/4 Section 19, Township 150 North, Range 100 West. The parcel is an approximately 30.1 acre site and is proposed to construct a 182' X 60' commercial shop and a separate Wash bay that will be 85'X30' that on the property.

Findings of Fact:

1. The applicant's property is currently designated as Commercial on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to legitimize the already existing shop and get approval to construct a wash bay on their 30.1 acre parcel.
3. All requirements for public notification have been satisfied.
4. Staff has received one written comment from an adjacent landowner with many concerns on the proposal and property which include:
 - i. Garbage control
 - ii. Landscaping

- iii. Building before having a permit
 - iv. Fencing
 - v. Promoting Industrial use in the Agricultural zone
5. Two homes were placed on the site without any building or zoning permits. Staff does not have any records for state approvals for water or septic.
 6. Youngquist brothers have state approval for storage of explosives on site but no zoning approval for this use.
 7. There is bulk fuel storage on site with no zoning or state approval.
 8. The State gave water and septic approval contingent on being notified when the infrastructure was in place. They have not been contacted again.
 9. The applicant shows two fire hydrants on their site plan, however one does not exist and it has come to staff's attention that the existing hydrant on the site was approved as a blowout valve for their water line in the state approval and not approved for fire suppression.
 10. The applicant has not received State approval for water tanks in the wash bay area. They also have not supplies engineered plans for placement and use or verified the source of the water.
 11. The building permit for the shop was a foundation only permit. Everything constructed other than footings, stem walls, and the slab are out of compliance. The building has been built and sheeted on the outside. While staff was driving through the property the shop doors were open and showed that at least one of the bays was sheet rocked and mudded and the other bays were being worked on. This violation will require a building permit with a double fee assessed.
 12. All agencies approved the initial proposal, but after hearing of the new information the application would need proper approvals.
 13. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 30.1 acre site to develop an industrial shop with a separate wash bay. The planning commission should take into consideration all of the newly found development challenges that have to come to light with the property.

The Planning and Zoning Commission should evaluate the proposed Conditional Use Permit to decide whether this proposal should be allowed with conditions to alleviate challenges and meet all County and State standards. The proposed Conditional Use request is a planned general outward expansion of the existing

Agriculture zone through the adoption of the McKenzie County zoning ordinance and comprehensive plan. If the commission feels this is an acceptable extension of the agricultural zone and the commercially designated long range plan for the area the following conditions should be required.

Recommended Conditions:

- 1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.**
- 2. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.**
- 3. The applicant shall install fire suppression hydrants or supply adequate water reserves on site for the fire department prior to obtaining any building permits.**
- 4. The applicant shall obtain road approach permits.**
- 5. The applicant shall obtain a building permit for all applicable structures within the proposed development. (All will have a double fee)**
- 6. The applicant shall obtain state water permits and submit a stamped engineered plan for wash bay, tanks, and shop before receiving any building permits.**
- 7. The applicant shall submit a complete conditional use permit application for all unapproved housing units on or before January 2, 2015.**
- 8. The applicant shall submit a complete Industrial zone change and text amendment application along with a complete conditional use permit for hazardous material storage on or before January 2, 2015.**
- 9. The applicant shall obtain State water and septic approvals for all structures necessary on site.**
- 10. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 11. The applicant shall post a reclamation bond for 150% of the engineers estimated amount.**
- 12. The applicant shall follow the amended exterior site plan that incorporates fencing, security lighting, and landscaping to be approved and placed in the file as part of this request.**

13. The applicant shall maintain adequate weed control, including obtaining and fill from a certified weed free source.
14. The applicant shall maintain adequate garbage control within the site.
15. The applicant will follow all state and local laws that apply to this site.
16. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Rohrman stated that he was applying for a shop and wash bay to maintenance and wash trucks and machinery.

Assistant Planner Perusich stated that the road approaches were not approved, the shop was built without a permit, the site plan showed two fire hydrants and only one existed but was a blow out valve for their water source and would not help in an emergency situation. They are out of compliance with the Arnegard Township, McKenzie County, and with the State. Two houses were built without zoning or building permits and Arnegard Township only approved 8 of their 23 homes before county zoning came into effect. They also have hazardous storage on site and need to change their zone to accommodate that.

Commissioner Nordby stated that this was a prime example of companies going through this process backwards and wanted Youngquist Brothers to be in compliance before this application would be heard.

No audience comments.

Motion to TABLE: Nordby, Second: Haugen, Voice Vote: All Ayes

Glen Skoglund and Steve Nelson- Milo Holte for Glen Skoglund is requesting a Conditional Use Permit for 10 acres of property commonly known as a Section 5, Township 151N, Range 98W. The Parcel is proposed to have a scoria mining operation.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a scoria mining operation on site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone call or written comments on the proposal.

5. Staff has not received any comments from any adjacent property owners. All agencies have approved the project and the McKenzie County Ambulance requests that the site be well marked with signage that is visible from the road. Grail Township approved the project. The Keene Fire Department requests highly visible and maintained signage, good ingress and egress, sufficient area for fire apparatus to turn around and operate and good snow removal for winter operations.
6. **Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to develop a scoria mining operation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The amount shall be 150% of the estimate.
4. All property taxes shall be paid current.
5. Maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
6. Have a 300' knock off zone on site.

7. Tarp all loads exiting the scoria pit.
8. Provide dust control for ¼ mile in each direction of County Road 36 from your access road (35th Street).

Milo Holte for Steve Nelson is requesting a Conditional Use Permit for 27 acres of property commonly known as a Section 17 & 18, Township 150N, Range 96W. The Parcel is proposed to have a scoria mining operation.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a scoria mining operation on site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone call or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies have approved the project and the McKenzie County Ambulance requests that the site be well marked with signage that is visible from the road. Grail Township approved the project. The Keene Fire Department requests highly visible and maintained signage, good ingress and egress, sufficient area for fire apparatus to turn around and operate and good snow removal for winter operations.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to develop a scoria mining operation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The amount shall be 150% of the estimate.
4. All property taxes shall be paid current.
5. Maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
6. Have a 300' knock off zone on site.
7. Tarp all loads exiting the scoria pit.

Holte wanted to emphasize that he is strict with tarping loads leaving his sites.

No audience comments.

Motion to Approve both Glen Skoglund and Steve Nelson Scoria Pits: Lawler, Second: Wisness, Voice Vote: All Ayes

Earth Water Bakken- Earth Water Bakken is requesting a Conditional Use Permit for the property commonly known as Section 32, Township 153N, Range 96West, to establish a water depot.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicant wants to establish a water depot on the site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. McKenzie County Ambulance approved but requested that the site be well marked with visible identification from the road and emergency vehicles must be able to access the site in all types of weather and conditions. The

State Water Commission has issued a permit. All other agencies approved the request.

6. **Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Encourage the wise and proper use or development of the county's natural resources

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to establish a water depot. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners based on the public review process through the State Department approval process.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. All property taxes shall be paid current.
4. The applicant shall maintain adequate weed control
5. All tanks shall be painted in Earth-toned colors
6. Applicant shall provide dust control for 1/4 mile in each direction of County Road 2.
7. Obtain a road approach permit that is applicable for the site, from the County Road Department prior to any use of the land as a water depot.
8. (NEW) If tanks are in use at any time the area shall be fenced with a 6' or higher chain link fence.

Commissioner Bolken wanted an added condition stating that if tanks were in use at any time they would need to be fenced.

No audience comments.

Motion to APPROVE with the added condition: Nordby, Second: Bolken, Voice Vote: All Ayes

Flickertail Fields- Mohave Engineering is requesting a Zone Change-and Subdivision approval for the Flickertail Fields addition. for their property commonly known as a portion of Section 17, Township 149 North, Range 98 West. The site is proposed to have a use of R-1 Single Family Residential uses.

Findings of Fact:

- 1. The applicant's property is currently designated residential on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to subdivide and zone the property for single family residential uses only.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy**
 - c. Encourage the wise and proper use or development of the county's natural resources**
- 6. Building permits are required for any proposed structures onsite. Adequate parking should be included onsite for all residential development (two off street per unit) so that vehicles are not staged or parked along the public roads.**
- 7. The applicant has submitted a master plan that designates only one ingress/egress for the proposed single family Residential area for this request. The proposed access off of 125 is adequate in size but there may be more concern if that egress/ingress is blocked, emergency vehicle access**

would be not accessible. Staff would encourage the applicant to come up with a better solution to allow emergency vehicle access on site, or just another full approach from the county to serve the proposed lots. The applicant would lose a lot but it would provide a safer environment and would be consistent with other developments of this size. EMS/Fire shared some emergency concerns that should be addressed within the plat for fire flow – (onsite storage) and access at the meeting.

8. The applicant has obtained all approvals necessary for this type of development but will need to verify with Rural Water if they desire their service. The applicant can utilize well water based on the availability of water to existing wells in the area.
9. The applicant will need to provide green-space within the development in a dedicated area or parcel. Possibly a green – space linear natural parkway that connects all parcels as part of the plat.
10. The applicant shall have full one acre lots to meet the intent of the upper Missouri health septic approval and allow the roadways to be dedicated to the public on the plat for future maintenance.

Staff Analysis:

The applicant is requesting a Zone change and Subdivision approval to R-1 single family Residential for their subdivision to develop a single family development onsite. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The applicant is proposing a use that is promoted within the McKenzie County Comprehensive Plan and would seem to be compatible with the addition of onsite water storage, a second ingress/egress, and a park or designated and dedicated green-space for the development. Additionally, all lots shall be a minimum of one full acre, not to the centerline of the proposed roadway to meet upper Missouri health standards and allow the roadways to be dedicated to the public for future **maintenance. These items can be conditionally approved by the board or the item can be tabled until these items are addressed to the satisfaction of the Planning Commission.**

The proposed Zone change and Subdivision requests are a planned general outward expansion of the existing Residential developed area along 125th Avenue and would seem to be compatible with the McKenzie County Zoning Ordinance and Comprehensive Plan with the above mentioned concerns being addressed via conditions.

Staff recommends approval of the Zone Change and Subdivision Approval as presented with the following recommended conditions of approval.

Recommended Conditions:

- 1. The applicant shall adhere to all approvals gained through this process and comply with the existing zoning for the newly created subdivision for future land use.**
- 2. The applicant shall obtain all building permit approvals for all structures planned for the site.**
- 3. The applicant shall provide a copy of the recorded CC&Rs with a full copy of the plat to the planning department when this item is finalized. The applicant shall also assume all the maintenance for all the interior roads and drainage improvements proposed within the proposed subdivision.**
- 4. The applicant shall amend the proposed plat to conform with the requirements set forth by the Fire Chief prior to recordation including onsite water storage and a second ingress/egress.**
- 5. The applicant shall amend the plat to include a full one acre lot size and dedicate the roadways to the public in the proposed subdivision.**
- 6. The applicant shall provide adequate off street parking (min two off street) for residential lots and limit on street parking for emergency vehicle/school bus access since the proposed roads are not wide enough to support on street parking.**
- 7. The applicant shall provide a dedicated public park area or common green-space throughout the proposed development to promote the preservation of green-space and provide some buffering for the project from interior lots and adjacent property owners enjoyment.**
- 8. The applicant applied for a plat approval for 85 single family lots of one acre in size. The applicant can amend this request to address the above concerns but will probably not be able to keep all 85 lots as advertised and address the concerns listed above. The Board may approve conditionally to all them to address and bring back to staff for approval if they so desire. The applicant will need to provide a copy of the new plat and the final CC&Rs prior to recordation of the plat to ensure all conditions have been met. As long as the general layout of the lots is similar the applicant can adjust the proposal based on the input from this hearing process. If the applicant desires to totally redesign the proposal then they would need to re-apply for a subdivision approval at that time. The applicant shall amend this proposal no later than July 1, 2015 and record no later than September 1, 2015 on this approval.**

Applicant representative Peter Profit stated that they were not able to add a second approach but widened the proposed approach for better traffic flow.

Planner Hadley stated that there were two complaints with concerns regarding garbage, dust control, traffic, dogs, reckless behavior, and too much development happening in the area. He then stated that having a fenced subdivision would help with most of the concerns or the area.

Commissioner Bolken asked if a frontage road could be put in so that there was a second entrance.

Hadley asked who owned the land south. Maybe the developer could put a second access on that land.

Commissioner Gravos had concerns about no open space within the subdivision. This can't just be a bunch of houses piled together, it needs to be a community.

Hadley asked Profit to bring back more ideas for the property including parks, approaches, and possible building in phases.

Hadley stated that the acre parcels cannot include easements or right of ways. The lots need to be strictly one acre and not include the roads.

No audience comments.

Motion to TABLE: Bolken, Second: Gravos, Voice Vote: All Ayes

Hess Bakken Investments II- Alan Mayo Hess Bakken Investments II is requesting a Conditional Use Permit for the property located in NE1/4 of the NW1/4 of the SE1/4 of Section 36, Township 150 North, Range 101 West. The property is proposed to construct a radio and telephone transmission and receiving tower facility.

Findings of Fact:

- 1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct a radio and telephone transmission and receiving tower facility on the approximately 8.5 acre site.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**

5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. **Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 8.5 acre site to develop a radio and telephone transmission and receiving tower facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. The applicant shall site the tower so that if it falls it will not impact neighboring properties.

7. The applicant shall maintain adequate weed control.
8. The applicant shall maintain adequate garbage control.
9. The applicant will leave room on the tower for Emergency Services to use.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Hess Bakken Investments II is requesting a Conditional Use Permit for the property located in NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 15, Township 149 North, Range 99 West. The property is proposed to construct a radio and telephone transmission and receiving tower facility.

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a radio and telephone transmission and receiving tower facility on the approximately 6 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 6 acre site to develop a radio and telephone transmission and receiving tower facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. The applicant shall site the tower so that if it falls it will not impact neighboring properties.
7. The applicant shall maintain adequate weed control.
8. The applicant shall maintain adequate garbage control.
9. The applicant will leave room on the tower for Emergency Services to use.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Alan Mayo stated that with all of the growth in the county it is much faster to put up radio towers than wait for fiber optic lines to reach them.

No audience comments.

**Motion to APPROVE both tower applications as presented: Bolken, Second:
Gravos Voice Votes: All Ayes**

Newfield- Newfield Explorations is requesting a Conditional Use Permit for their property commonly known as a portion of NE ¼ of Section 19, Township 150 North, Range 99 West, on an established site for the construction of an office facility. The applicants property is approximately 27 acres in size.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently zoned Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct one 2800 square foot office onsite.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. Planning Staff assumes that service can be provided for the proposed site by other agencies based on the comments from all providers.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Promote an adequate housing supply for the existing and future residents of McKenzie County.**
- 7. State Water, Sewer approvals are necessary for this type of development.**
- 8. The request is not located within an organized township.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for their 27 acre site to develop a Commercial office. The requested Conditional Use Permit will not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners, but should be encouraged to provide a little more site landscaping along the state highway than what was proposed for the enjoyment of the travelling public and soften the impact to the surrounding property owners. The applicants request has obtained all the necessary approvals for this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance.

Staff recommends approval of the application as presented at this time with the following conditions of approval:

Recommended Conditions:

1. The applicant shall obtain a building permit from the County for the proposed structure.
2. The applicant shall comply with the landscaping amendments shown on the amended site plan for trees to be placed along highway 85. All site improvements shall be in place including landscaping by August 1, 2015.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the addresses clearly on site and on all proposed structures.
5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.
6. The applicant shall provide dust control on county road 31 from their approach to the highway.
7. The applicant shall obtain approval prior to any other improvements going in on the site.
8. The applicant shall only have directional lighting on site to not produce a glare on the travelling public on highway 85.
9. (NEW) The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions, and will be reviewed after December 31, 2015 to decide if a continued use of employee housing is necessary.

Martin Ward with Newfield stated that there are four existing trailers on site.

Commissioner Nordby asked if they had a plan to remove the housing in the future.

Ward said he would have no problem doing that if there is housing available.

Nordby requested the sunset clause (12/31/2015) for workforce housing be in the conditions.

Motion to APPROVE with the added condition: Lawler, Second: Gravos, Voice Vote: All Ayes

Silloway Properties- Silloway Properties LLC is requesting a Conditional Use Permit for their property commonly known as two 5 acre parcels in a portion of S 1/2 of the NE 1/4 of Section 2, Township 150 North, Range 100 West, on approximately 5 acres each. The applicant is proposing to construct two 66 X 100 commercial shops with a lean to.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct one 66 by 100 shop and a lean to on each of the 5 acre lots.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. **Planning Staff assumes that service can be provided for the proposed site by other agencies based on the no comment from all providers.**
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Promote an adequate housing supply for the existing and future residents of McKenzie County.
7. State Water, Sewer approvals are necessary for this type of development.

8. The applicant did obtain approval for their request from Arnegard Township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for their two 5 acre sites to develop two Commercial shops, one on each 5 acre parcel. The requested Conditional Use Permit will not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners, but will be encouraged to provide a little more site landscaping as shown on the amended site plan from what was proposed for the enjoyment of the residents and soften the impact to the surrounding property owners. The Arnegard Township has approved the request with standard conditions of approval for this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance.

Staff recommends granting approval with the following conditions of approval:

Recommended Conditions:

1. The applicant shall obtain a building permit for the proposed structures within the proposed development.
2. The applicant shall amend their plan as indicated on the updated exterior site plan that incorporates security lighting and an updated landscaping plan to be approved and placed in the file as part of this request. All site improvements shall be in place including landscaping by July 1, 2015.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the addresses clearly on site and on all proposed structures.
5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.

6. The applicant shall provide dust control in front of each site to not promote a problem throughout the development. Each property owner will be responsible for their frontage and dust control, along with drainage maintenance, and snow removal.

There was no representative. The application was moved to the end of the meeting.

Motion to TABLE: Nordby, Second: Lawler, Voice Vote: All Ayes

Dakota Midstream- Dakota Midstream is requesting a Text Amendment, Zone Change, and Conditional Use Permit for the property located in Section 30, Township 149 North, Range 101 West. The parcel is approximately 10 acres and is proposed to construct a gas compressor station and crude tank farm.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. All requirements for public notification have been satisfied.
3. Staff has received one comment from an adjacent property owner with concerns about the air quality and dust control.
4. All agencies approved the project.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.
6. The applicant has received approval from Antelope Creek Township.

Staff Analysis:

The applicant is requesting a Text Amendment, Zone Change, and Conditional Use Permit for the approximately 10 acre site to build a gas compressor station and crude tank farm. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to construct a gas compressor station and crude tank farm within an Industrial zoning classification. The proposed Text Amendment, Zone Change, and Conditional Use requests are a planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.**
- 2. The applicant shall maintain enough spacing between units and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.**
- 3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.**
- 4. The applicant shall obtain a building permit for the proposed structures within the proposed development.**
- 5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 6. Trucks will not be parked alongside the road if the facility is full, there will need to be enough room in the facility for all trucks.**
- 7. The applicant shall submit for approval an updated exterior site plan that incorporates fencing, security lighting, and a landscaping plan to be approved and placed in the file as part of this request.**
- 8. The applicant shall follow all federal, state, and local laws pertaining to this project.**
- 9. All tanks and equipment shall be painted earth tone. For example: tan, gray, green, blue, brown.**
- 10. The applicant shall maintain adequate weed control, which includes obtaining only certified weed free fill.**
- 11. The applicant shall maintain adequate garbage control.**
- 12. The applicant shall fence, light (for security purposes), and landscape the site according to the site plan on file.**

13. The applicant shall fence the site before construction.
14. The applicant shall construct facility with fixtures to contain the leakage at valves.
15. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
16. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions.

JR Anderson for Dakota Midstream stated that everything was discussed with the Antelope Township and the fire department over and above the required approvals. There will be 10 tanks on site.

Hadley asked how many truck staging spaces were on site.

Anderson replied 5 easily with everything moving.

No audience comments.

Motion to APPROVE: Lawler, Second: Bauman, Voice Vote: All Ayes

Tesoro Costar and Keene 1 Sites- Tesoro Logistics is requesting a Text Amendment, Zone Change, and Conditional Use Permit for the property located in the W₁/₂ of the SW₁/₄ of Section 11, Township 151 North, Range 98 West. The parcel is approximately 8.5 acres and is proposed to be a pipeline inner-connect to an existing oil gathering line.

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. All requirements for public notification have been satisfied.
3. Staff has received two comments from adjacent property owners with concerns about the air quality and the traffic.
4. All agencies approved the project.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.

c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

6. The applicant is not in an organized township.

Staff Analysis:

The applicant is requesting a Text Amendment, Zone Change, and Conditional Use Permit for the approximately 8.5 acre site to build a gas plant with bulk storage. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to construct a gas plant, including bulk storage, within an Industrial zoning classification. The proposed Text Amendment, Zone Change, and Conditional Use requests are a planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.**
- 2. The applicant shall maintain enough spacing between units and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.**
- 3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.**
- 4. The applicant shall obtain a building permit for the proposed structures within the proposed development.**
- 5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 6. Trucks will not be parked alongside the road if the facility is full, there will need to be enough room in the facility for all trucks.**
- 7. The applicant shall submit for approval an updated exterior site plan that incorporates fencing, security lighting, and a landscaping plan to be approved and placed in the file as part of this request.**

8. The applicant shall follow all federal, state, and local laws pertaining to this project.
9. All tanks and equipment shall be painted earth tone. For example: tan, gray, green, blue, brown.
10. The applicant shall maintain adequate weed control, which includes obtaining only certified weed free fill.
11. The applicant shall maintain adequate garbage control.
12. The applicant shall fence, light (for security purposes), and landscape the site according to the site plan on file.
13. The applicant shall fence the site before construction.
14. The applicant shall provide dust control for site and within ¼ mile from approach on each side.
15. The applicant shall construct facility with fixtures to contain the leakage at valves.
16. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
17. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions.

Tesoro Logistics is requesting a Text Amendment, Zone Change, and Conditional Use Permit for the property located in the SW1/4 of the SE1/4 of Section 7, Township 151 North, Range 95 West. The parcel is approximately 3 acres and is proposed to construct a oil processing/ gathering plant with bulk storage.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. All requirements for public notification have been satisfied.
3. Staff has received one comment from an adjacent property owner with concerns about the size of the spill containment system.
4. All agencies approved the project.

5. **Appropriate Comprehensive Plan Goals:**
 - a. **Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. **Enhance and diversify McKenzie County's economy.**
 - c. **Provide an adequate housing supply for the existing and future residents of McKenzie County.**
6. **The applicant is not in an organized township.**

Staff Analysis:

The applicant is requesting a Text Amendment, Zone Change, and Conditional Use Permit for the approximately 3 acre site to build a gas plant with bulk storage. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to construct a gas plant, including bulk storage, within an Industrial zoning classification. The proposed Text Amendment, Zone Change, and Conditional Use requests are a planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. **The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.**
2. **The applicant shall maintain enough spacing between units and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.**
3. **The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.**
4. **The applicant shall obtain a building permit for the proposed structures within the proposed development.**
5. **The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
6. **Trucks will not be parked alongside the road if the facility is full, there will need to be enough room in the facility for all trucks.**

7. The applicant shall submit for approval an updated exterior site plan that incorporates fencing, security lighting, and a landscaping plan to be approved and placed in the file as part of this request.
8. The applicant shall follow all federal, state, and local laws pertaining to this project.
9. All tanks and equipment shall be painted earth tone. For example: tan, gray, green, blue, brown.
10. The applicant shall maintain adequate weed control, which includes obtaining only certified weed free fill.
11. The applicant shall maintain adequate garbage control.
12. The applicant shall fence, light (for security purposes), and landscape the site according to the site plan on file.
13. The applicant shall fence the site before construction.
14. The applicant shall construct facility with fixtures to contain the leakage at valves.
15. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
16. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions.

No audience comments.

Motion to APPROVE both sites: Lawler, Second: Gravos, Voice Vote: All Ayes

DISCUSSION:

Lynn Hovde from Arnegard Township asked if there could be a condition for developers to reserve space for fire stations.

Hovde stated that waste disposal sites and landfills are examples of light industrial. He would like an Industrial and Light Industrial zoning.

Hadley suggested that Hovde come up with a list of allowed and conditionally allowed uses for each and present to other townships for concurrence. If the other townships approve ask for the county to adopt with new zoning designated by townships in their jurisdiction.

Adjourned 8:25pm.

Planning and Zoning Commission Minutes

November 10, 2014

Meeting was held at the Watford City Civic Center in Watford City, ND and called to order at 5:05 pm by Kris Mrachek.

Members Present: Barb Bauman, Aaron Gravos, Doug Bolken, Kris Mrachek, Rick Lawler, Les Haugen, Jeremy Olson, Doug Nordby (Arrived Late)

Absent: Paul Wisness

Staff Present: Planning Director, Walter Hadley; Assistant Planner/ Current Planning, Lindsey Perusich; Assistant Planner/ Code Enforcement, Jennifer Shelden; Administrative Assistant, Deborah Maciejewski; Planning Attorney, Ari Johnson

Others: See sign in sheet

Minutes of October 27, 2014 were presented. *MOTION by Lawler, SECOND by Bolken to APPROVE minutes Voice vote: All yeas. Motion Passed.*

UNFINISHED BUSINESS:

Smart Lease- Erik Peterson for Smart Lease is requesting a Comprehensive Plan Change/Zone Change for property located in Section 17, Township 151 North, Range 101 West. The parcel is currently zoned Agricultural and is proposed to change to zoning to Commercial and Residential. This project is on about 110 acres.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to change the comprehensive plan and existing zoning to allow them to develop a major subdivision.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**

5. Staff has not received any comments from adjacent property owners.
6. **Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
7. The overall project is planned to be a mix of residential and commercial uses.
8. Building permits are required for any proposed structures onsite. Adequate parking should be included onsite for all commercial uses so that vehicles are not staged or parked along the county roads.
9. The applicant has submitted a master plan that designates the Commercial, and Residential areas for this request.

Staff Analysis:

The applicant is requesting a Comprehensive Plan & Zone changes to Commercial and Residential for a future subdivision to develop a mixed use development onsite. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan, and Zone Change applications to allow the applicants to develop the future subdivision. The proposed Comprehensive Plan, and Zone change requests are a planned general outward expansion of the existing Commercial/Residentially developed area along Highway 85 North and deemed compatible through the adoption of the McKenzie County Zoning Ordinance and Comprehensive Plan.

The applicant asked to be tabled until the next meeting because of litigation.

Commissioner Olson had concerns about how long this application had already been tabled by the Board.

Motion to DENY: Olson, Second: Lawler Voice Vote: All Ayes

Youngquist Brothers- Steven Ritter for Youngquist Brothers is requesting a Conditional Use Permit for the property located in the W/2 of the NW/4 Section 19,

Township 150 North, Range 100 West. The parcel is an approximately 30.1 acre site and is proposed to construct a 182' X 60' commercial shop and a separate Wash bay that will be 85'X30' that on the property.

Findings of Fact:

- 1. The applicant's property is currently designated as Commercial on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to legitimize the already existing shop and get approval to construct a wash bay on their 30.1 acre parcel.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has received one written comment from an adjacent landowner with many concerns on the proposal and property which include:**
 - i. Garbage control**
 - ii. Landscaping**
 - iii. Building before having a permit**
 - iv. Fencing**
 - v. Promoting Industrial use in the Agricultural zone**
- 5. Two homes were placed on the site without any building or zoning permits. Staff does not have any records for state approvals for water or septic.**
- 6. Youngquist brothers have state approval for storage of explosives on site but no zoning approval for this use.**
- 7. There is bulk fuel storage on site with no zoning or state approval.**
- 8. The State gave water and septic approval contingent on being notified when the infrastructure was in place. They have not been contacted again.**
- 9. The applicant shows two fire hydrants on their site plan, however one does not exist and it has come to staff's attention that the existing hydrant on the site was approved as a blowout valve for their water line in the state approval and not approved for fire suppression.**
- 10. The applicant has not received State approval for water tanks in the wash bay area. They also have not supplies engineered plans for placement and use or verified the source of the water.**
- 11. The building permit for the shop was a foundation only permit. Everything constructed other than footings, stem walls, and the slab are out of compliance. The building has been built and sheeted on the outside. While staff was driving through the property the shop doors were open and showed that at least one of the bays was sheet rocked and mudded and the other bays were being worked on. This violation will require a building permit with a double fee assessed.**
- 12. All agencies approved the initial proposal, but after hearing of the new information the application would need proper approvals.**
- 13. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with**

- adjacent land uses.
- b. Enhance and diversify McKenzie County's economy.**
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 30.1 acre site to develop an industrial shop with a separate wash bay. The planning commission should take into consideration all of the newly found development challenges that have to come to light with the property.

The Planning and Zoning Commission should evaluate the proposed Conditional Use Permit to decide whether this proposal should be allowed with conditions to alleviate challenges and meet all County and State standards. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone through the adoption of the McKenzie County zoning ordinance and comprehensive plan. If the commission feels this is an acceptable extension of the agricultural zone and the commercially designated long range plan for the area the following conditions should be required.

Recommended Conditions:

- 1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.**
- 2. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.**
- 3. The applicant shall install fire suppression hydrants or supply adequate water reserves on site for the fire department prior to obtaining any building permits.**
- 4. The applicant shall obtain road approach permits.**
- 5. The applicant shall obtain a building permit for all applicable structures within the proposed development. (All will have a double fee)**
- 6. The applicant shall obtain state water permits and submit a stamped engineered plan for wash bay, tanks, and shop before receiving any building permits.**
- 7. The applicant shall submit a complete conditional use permit application for all unapproved housing units on or before January 2, 2015.**

8. The applicant shall submit a complete Industrial zone change and text amendment application along with a complete conditional use permit for hazardous material storage on or before January 2, 2015.
9. The applicant shall obtain State water and septic approvals for all structures necessary on site.
10. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
11. The applicant shall post a reclamation bond for 150% of the engineers estimated amount.
12. The applicant shall follow the amended exterior site plan that incorporates fencing, security lighting, and landscaping to be approved and placed in the file as part of this request.
13. The applicant shall maintain adequate weed control, including obtaining and fill from a certified weed free source.
14. The applicant shall maintain adequate garbage control within the site.
15. The applicant will follow all state and local laws that apply to this site.
16. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Mr. Ritter stated that he wished to withdraw his application and will not be continuing with the wash bay construction. We hope to have a new site plan submitted for the December 5, 2014 deadline.

Assistant Planner Perusich stated the Youngquist Brothers plan to change zoning on part of their lot to help them become legitimized. They will also need a variance for the shop that was built without a permit, because it is too close to some of the housing. Part of the parcel will stay agricultural and the front half would be proposed to Industrial to accommodate bulk hazardous storage. ATF did grant approval for the dry hazardous materials but there is no State approval for the bulk fuel tank.

Planner Hadley stated a vote is not needed if the applicant withdraws the application.

Flickertail Fields- Mohave Engineering is requesting a Zone Change and Subdivision approval for the Flickertail Fields addition, for their property

commonly known as a portion of Section 17, Township 149 North, Range 98 West. The site is proposed to have a use of R-1 Single Family Residential uses.

Findings of Fact:

- 1. The applicant's property is currently designated residential on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to subdivide and zone the property for single family residential uses only.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy**
 - c. Encourage the wise and proper use or development of the county's natural resources**
- 6. Building permits are required for any proposed structures onsite. Adequate parking should be included onsite for all residential development (two off street per unit) so that vehicles are not staged or parked along the public roads.**
- 7. The applicant has submitted a master plan that designates only one ingress/egress for the proposed single family Residential area for this request. The proposed access off of 125 is adequate in size but there may be more concern if that egress/ingress is blocked, emergency vehicle access would be not accessible. Staff would encourage the applicant to come up with a better solution to allow emergency vehicle access on site, or just another full approach from the county to serve the proposed lots. The applicant would lose a lot but it would provide a safer environment and would be consistent with other developments of this size. EMS/Fire shared some emergency concerns that should be addressed within the plat for fire flow – (onsite storage) and access at the meeting.**
- 8. The applicant has obtained all approvals necessary for this type of development but will need to verify with Rural Water if they desire their service. The applicant can utilize well water based on the availability of water to existing wells in the area.**

9. **The applicant will need to provide green-space within the development in a dedicated area or parcel. Possibly a green – space linear natural parkway that connects all parcels as part of the plat.**
10. **The applicant shall have full one acre lots to meet the intent of the upper Missouri health septic approval and allow the roadways to be dedicated to the public on the plat for future maintenance.**

Staff Analysis:

The applicant is requesting a Zone change and Subdivision approval to R-1 single family Residential for their subdivision to develop a single family development onsite. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The applicant is proposing a use that is promoted within the McKenzie County Comprehensive Plan and would seem to be compatible with the addition of onsite water storage, a second ingress/egress, and a park or designated and dedicated green-space for the development. Additionally, all lots shall be a minimum of one full acre, not to the centerline of the proposed roadway to meet upper Missouri health standards and allow the roadways to be dedicated to the public for future maintenance. These items can be conditionally approved by the board or the item can be tabled until these items are addressed to the satisfaction of the Planning Commission.

The proposed Zone change and Subdivision requests are a planned general outward expansion of the existing Residential developed area along 125th Avenue and would seem to be compatible with the McKenzie County Zoning Ordinance and Comprehensive Plan with the above mentioned concerns being addressed via conditions.

Staff recommends approval of the Zone Change and Subdivision Approval as presented with the following recommended conditions of approval.

Recommended Conditions:

1. **The applicant shall adhere to all approvals gained through this process and comply with the existing zoning for the newly created subdivision for future land use.**
2. **The applicant shall obtain all building permit approvals for all structures planned for the site.**
3. **The applicant shall provide a copy of the recorded CC&Rs with a full copy of the plat to the planning department when this item is finalized. The**

applicant shall also assume all the maintenance for all the interior roads and drainage improvements proposed within the proposed subdivision.

- 4. The applicant shall amend the proposed plat to conform with the requirements set forth by the Fire Chief prior to recordation including onsite water storage.**
- 5. The applicant shall provide adequate off street parking (min two off street) for residential lots and limit on street parking for emergency vehicle/school bus access since the proposed roads are not wide enough to support on street parking.**
- 6. The applicant shall provide a dedicated public park area or common green-space throughout the proposed development to promote the preservation of green-space and provide some buffering for the project from interior lots and adjacent property owners enjoyment.**

Commissioner Olson stated that he had a conflict of interest and would abstain from voting.

Peter profit with Mohave Engineering stated the second egress discussed last meeting was not feasible, but individual fire hydrants and a central emergency water tank would be installed. The developer will maintain the roads until a HOA is established. A 1 acre lot located centrally within the subdivision would be used as a park with a playground.

Planner Hadley asked if a response was received from Upper Missouri District Health.

Mr. Profit stated that the legal description of each lot is one acre, and that meets the requirements for a septic approval.

Commissioner Bolken asked about the response from the Fire Department.

Mr. Profit stated that they recommended a central water storage tank within the park plan.

Commissioner Gravos asked where the storm water would be stored.

Mr. Profit responded that a drainage field would be developed.

Commissioner Nordby asked what type of housing units would be allowed.

Mr. Profit stated either stick built or modular homes, there will be no manufactured homes allowed.

Erica Booher asked that the board protect the consumers of the proposed subdivision and require adequate fire protection and enough open space to make it a community. The subdivision that I live in was put in before zoning and was done to the minimum. We have a lot of trouble with the accesses as well.

Planner Hadley stated that if a Phase II was applied for those problems would have to be fixed in order for the subdivision to be compliant.

Commissioner Nordby asked what types of homes were in the surrounding area.

Mr. Profit responded stick built homes.

Motion to APPROVE: Lawler, Second: Haugen, Voice Vote: All Ayes, Olson Abstained.

Silloway Properties- Silloway Properties LLC is requesting a Conditional Use Permit for their property commonly known as two 5 acre parcels in a portion of S 1/2 of the NE 1/4 of Section 2, Township 150 North, Range 100 West, on approximately 5 acres each. The applicant is proposing to construct two 66 X 100 commercial shops with a lean to.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct one 66 by 100 shop and a lean to on each of the 5 acre lots.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. Planning Staff assumes that service can be provided for the proposed site by other agencies based on the no comment from all providers.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Promote an adequate housing supply for the existing and future residents of McKenzie County.
7. State Water, Sewer approvals are necessary for this type of development.

- 8. The applicant did obtain approval for their request from Arnegard Township.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for their two 5 acre sites to develop two Commercial shops, one on each 5 acre parcel. The requested Conditional Use Permit will not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners, but will be encouraged to provide a little more site landscaping as shown on the amended site plan from what was proposed for the enjoyment of the residents and soften the impact to the surrounding property owners. The Arnegard Township has approved the request with standard conditions of approval for this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance.

Staff recommends granting approval with the following conditions of approval:

Recommended Conditions:

- 1. The applicant shall obtain a building permit for the proposed structures within the proposed development.**
- 2. The applicant shall amend their plan as indicated on the updated exterior site plan that incorporates security lighting and an updated landscaping plan to be approved and placed in the file as part of this request. All site improvements shall be in place including landscaping by July 1, 2015.**
- 3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.**
- 4. The applicant shall post the addresses clearly on site and on all proposed structures.**
- 5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.**

6. The applicant shall provide dust control in front of each site to not promote a problem throughout the development. Each property owner will be responsible for their frontage and dust control, along with drainage maintenance, and snow removal.

James Snyder stated that two 5 acre lots would be used to build two shops, one shop on each lot. No employee housing would be on site and each shop would be less than 5,000 sf.

Assistant Planner Perusich stated that Arnegard Township recommended approval.

Mr. Snyder stated that one shop would be for his personal use and the other shop would be for sale.

No audience comments.

Motion to APPROVE: Bolken, Second: Nordby, Voice Vote: All Ayes.

Diamond Resources (Site A)- Randy Miller For Diamond Resources is requesting a Text Amendment, Zone Change, and Conditional Use Permit for the property located in the E1/2 of the NW1/4 and the NE1/4 of the SW1/4 of Section 30, Township 149N, Range 98W. The parcel is an approximately 35 acre site and is proposed to construct an Industrial natural gas capturing/processing facility with bulk storage.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an industrial gas plant with bulk storage on a 35 acre parcel.
3. Building permits are required for any proposed or existing structures onsite. Adequate parking should be included onsite for at least 6 semi-trucks.
4. All requirements for public notification have been satisfied.
5. Staff has not received any phone or written comments on the proposal.
6. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
7. This plant would be located adjacent to Highway 85 S.
8. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with

adjacent land uses.

b. Enhance and diversify McKenzie County's economy.

c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Text Amendment, Zone Change, and Conditional Use Permit for the approximately 35 acre site to develop an industrial gas plant with bulk storage. The requested Text Amendment, Zone Change, and Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Text Amendment, Zone Change, and Conditional Use Permit to allow the applicant to develop the Natural Gas Plant. The proposed Text Amendment, Zone Change, and Conditional Use request is a planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures, as well as highly visible name signage.**
- 2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.**
- 3. The applicant shall obtain a building permit for the proposed structure within the proposed development.**
- 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 5. The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved and placed in the file as part of this request.**
- 6. All property taxes shall be paid current.**
- 7. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.**

8. The applicant shall continually provide dust control for 1/4 mile on each side of their approach.
9. The applicant shall maintain adequate garbage control within the entire parcel.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
11. The applicant shall submit a bond equaling 150% of an engineer's estimate to reclaim the site when the use is not planned to be utilized any further.
12. The applicant shall provide onsite parking/staging area as depicted in the site plan for a minimum of 6 trucks that are not loading/unloading.
13. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
14. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use for the CUP file.
15. The applicant shall adhere to any and all Federal and State laws, regulations and conditions for the operation of the proposed facility.

Diamond Resources (Site B)- Diamond Resources is requesting a Conditional Use permit/Comprehensive Plan Change/Zone Change for their property commonly known as a portion the SW 1/4 , SE 1/4, of Section 30, Township 149 North, Range 98 West. The parcel is a 37.67 acre site and is proposed to have a natural gas capturing/processing facility located within an existing agriculturally zoned district.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map. The applicants proposal includes a Text Amendment to Industrial and a Zone Change to Industrial for the proposed site.
2. The applicant wants to construct a natural gas capturing/processing facility and associated uses on their 37.67 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.

5. **Staff has not received any comments from any adjacent property owners. The applicant has obtained or is within the final stages of obtaining all the state and federal approvals necessary for this type of development.**
6. **Appropriate Comprehensive Plan Goals:**
 - a. **Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. **Enhance and diversify McKenzie County's economy**
 - c. **Encourage the wise and proper use or development of the county's natural resources**
7. **The proposed site is within an area that was designated as Agricultural on the Comprehensive Plan to provide a buffer between the Industrial development to the north and the Roosevelt Park entrance to the south.**
8. **Building permits are required for any proposed or existing structures onsite. Adequate parking should be included onsite for at least 24 semi trucks based on their approach permit estimate which appears to have been built into the proposed site plan.**
9. **The applicant will need to provide an updated schedule of improvements for the site (see amended site plan) prior to a building permit being issued on site. (Completed by 7/01/15)**
10. **The proposed facility will need to be painted in earth tone colors so it blends well with the surrounding areas and landscaping will need to be mature to provide a screen for neighboring property owners and the travelling public.**

Staff Analysis:

The applicant is requesting a Conditional Use application Permit, Comprehensive Plan change to Industrial, and a Zone change to Industrial for their 37.67 acre site to develop a natural gas capturing/processing facility on site. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners, but the commission should consider whether this proposed use is a compatible outward expansion of the small existing industrial zoning located directly east of the proposed facility.

The applicant should be required as shown on the amended site plan to provide more on site landscaping (trees) for the enjoyment of the residents and soften the

impact to the surrounding property owners, along with security lighting, fencing for the safety of their employees and the travelling public debris collection.

The applicant should also be required to provide a minimum of 24 semi truck parking/staging spaces for the trucks coming to the facility so they are not backed up on the county road and a hazard to the public.

The Planning and Zoning Commission should consider if this is the direction they would like to promote for the area, it may be acceptable if a substantial amount of mature landscaping is provided as part of the proposed Conditional Use Permit, Comprehensive Plan, and Zone Change applications to allow the applicant to develop the site as presented. The proposed Conditional Use, Comprehensive Plan, and Zone change requests are a planned general outward expansion of the existing Industrially developed area to the east with uses deemed compatible through the adoption of the McKenzie County Zoning Ordinance and Comprehensive Plan. The commission needs to determine whether the applicants property would be better suited to stay designated as agricultural or possibly residential to provide a better transition from the park to Watford City.

Staff would recommend that if the commission feels that this site could be developed without compromising the corridor along with other similar requests that would be soon to follow to the commission. The applicants request to change the Comprehensive Plan/Zone Change, and the Conditional Use Permit application as presented with the amended site plan and following conditions could be required if the commission feels it does represent the direction that McKenzie County wants to promote in this area. If approved the following conditions of approval should be required:

Recommended Conditions:

- 1. The applicants shall obtain a building permit for the proposed structures within the proposed development.**
- 2. The applicants shall submit for approval an updated exterior site plan that incorporates security lighting and fencing along with the amended site plan that indicates additional trees. The amended lighting/fencing plans shall be approved by the planning department and plan placed in the file as part of this conditional approval. The applicant shall follow the amended site plan for mature tree planting as shown on the amended site plan.**
- 3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.**

- 4. The applicant shall post the address clearly on site and provide a project sign (4' by 8') on site to identify the project.**
- 5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.**
- 6. The applicant shall paint all site improvements in an earth tone scheme to better blend in with the surroundings.**
- 7. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility.**
- 8. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.**
- 9. The applicant shall continually control dust and tracking during construction and operation on site by use of a 300' long gravel knock off zone on their site. The applicant shall also pave Spring Creek Road to HWY 85 to not create a nuisance to the neighboring property owners and the travelling public and provide relief to the tax payers from the burden of maintaining that roadway in its current condition for heavy truck traffic.**
- 10. All security lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.**
- 11. The applicant shall remain current with all county taxes.**
- 12. The applicant shall provide onsite parking/staging for a minimum of 24 semi trucks on site.**
- 13. The applicant shall submit a bond equaling 150% of an engineers estimate to remediate/reclaim the site when the use is not planned to be utilized any further.**
- 14. The applicant shall complete all required site and road improvements by July 1, 2015.**
- 15. The applicant shall finalize the existing approach permit from the County Engineers Office prior to any work being started on site for this expanded use.**

Randy Miller stated that Site A was tabled at the September Meeting. Printed digital models were presented with a landscaping plan to hide the proposed site from view of Highway 85, which had been a previous concern. He then stated that they had a second option (Site B) that is almost a mile off of the highway.

Commissioner Nordby stated that Site B would be much less visible from the highway and blends in with the surrounding businesses. Nordby also proposed that the road be paved to the site.

Mr. Miller stated that he was willing to pave the road and ask the surrounding businesses to help with the costs. The proposed pipeline that would be going through the sites in that area will also alleviate truck traffic.

Keith Helmuth stated that he had no objections to Site B, but would have objections about Site A.

Motion to APPROVE Site B and DENY Site A: Nordby, Second: Olson, Voice Vote: All Ayes.

DISCUSSION:

Highway Zoning Overlay- Commissioner Bolken stated that the city would like an overlay of zoning guidelines going east and west, including tie-in roads, along both sides of the bypass. Some of the guidelines include:

1. Businesses will need hard surfacing from thies approach through their parking lot.
2. All yard storage will be behind buildings, out of site from any main roads.
3. Higher standards for landscaping.
4. Higher standards for architecture.

Planner Hadley will bring in a map for discussion of boundaries during the December 16th Planning Commission and County Commissioners Workshop.

Workshop Date- December 16, 2014 at 5:30pm, in the Commissioners' Room, located at the McKenzie County Fairgrounds in the temporary Auditor's Office.

PUBLIC HEARINGS:

Zoning Ordinance Amendment- Zoning Ordinance Amendment 5.9.4 stating that McKenzie County shall be entitled to reimbursement of its actual legal expenses and may claim in addition its damages in any civil action brought to enforce this zoning ordinance. In addition no permits shall be issued if any civil action has commenced against that person or predecessors in interest relating to a violation of this ordinance and McKenzie County has not yet been reimbursed.

Reimbursement shall occur within thirty days after receiving a legal notice stating the expenses incurred.

No audience comments.

Motion to APPROVE: Olson, Second: Bauman, Voice Vote: All Ayes

Park Construction- Park Construction is requesting a conditional use permit for their property commonly described as a portion of NW ¼ and the NE ¼ of Section 26, Township 151 North, Range 99 West. The applicant is requesting a conditional use permit to allow existing empty manufactured home lots to be filled and to keep their current grandfathered RV and camper spots on the property.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant applied to allow growth of their previously grandfathered site to include mixed housing use, despite being advised by the planning department, on multiple occasions, that the zoning ordinance does not encourage mixed housing.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. Staff has not received any written comments on this request.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Provide and maintain an adequate transportation system within McKenzie County.
7. All agency approvals have been satisfied.

Staff Analysis:

The applicant is requesting a conditional use permit to legitimize mixed housing use, as well as allow for expansion. The Planning Commission and Board of Commissioners have made it clear on prior applications that they did not want to approve any mixed housing.

The Planning and Zoning Commission/Board of Commissioners should consider the merits of approving/denying the proposed conditional use permit request.

Staffs recommends the Planning Commission/Board of Commissioners approve the Conditional Use Permit Request for the manufactured homes, but deny the request for RV or Camper lots, as the mixed housing use is not compatible with the Zoning Ordinance, nor are they an allowed use or a conditionally allowed use in the Agricultural Zone.

Recommended Conditions:

- 1. The applicant shall obtain a building permit for the proposed structure(s).**
- 2. The applicant shall post the address and street name clearly on site (4'X8' sign), to be seen clearly from the road and on all structures.**
- 3. The applicant shall maintain roads within the parcels with enough spacing for emergency vehicles to access, maneuver, and turn around the units in all types of weather.**
- 4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 5. The applicant shall follow/ implement the exterior site plan as proposed, including fencing, security lighting, and landscaping.**
- 6. The applicant shall post address clearly on site during and after construction.**
- 7. The applicant shall keep all taxes paid current.**
- 8. The applicant shall provide adequate garbage control within the property.**
- 9. The applicant shall provide adequate weed control.**
- 10. The applicant shall provide an exit strategy by November 1st, 2015, stating when they would be transitioning from workforce housing to something more permanent.**
- 11. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.**

The applicant requested to be tabled until the January 12, 2015 agenda.

Motion to TABLE: Gravos, Second: Lawler, Voice Vote: All Ayes.

Wild Bison- Steve Abrams is requesting a Variance Permit for his property commonly known as a portion of Sections 17 & 20, Township 150, Range 101 West. The parcel has the existing Wild Bison Travel Center developed upon it.

Findings of Fact:

1. The applicant's property is currently designated Commercial on the McKenzie County Comprehensive Plan and is Currently zoned Commercial on the McKenzie County Zoning Map.
2. The applicant wants to place one new 122 square foot freestanding sign and 32 square feet of lettering signage on the existing canopy.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has received one comment from an adjacent property owner with concerns regarding this application violating the McKenzie County Zoning Ordinance and additional signage to a dangerous intersection.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
7. The applicant has an existing 96 square foot sign that meets the intent of our sign code.
8. Variances by definition are reasonable relief of density and dimension of standards because of topographic or other specific site limitations. This site has some limitations, but staff is not sure if this is a reasonable request.
9. The applicant could apply for a price sign only for the west side of the site that could be approved with a building permit only. The request could not have any advertising just the actual prices of product. The proposed canopy signage is reasonable because of the limited visibility for the site from all directions.
10. The planning department has allowed a price only sign in another location in the county based on the same type of situation for price visibility. That type of request would be consistent with office policy at this time. 96 square

feet of signage is currently allowed per each industrial/commercial lot within the county.

Staff Analysis:

The applicant is requesting a Variance application Permit approval for the construction of a second freestanding sign of 122 square feet in size, along with two canopy signs that combine for 32 additional square feet of signage. The requested Variance Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners, but should be evaluated on its merit, potential impact to neighboring properties, and if it sets a precedent for future applications.

The Planning and Zoning Commission should determine if this request is a reasonable proposal. It would seem that a request to allow the applicants to place additional 164 square feet of signage on the site may be excessive. The applicant could be allowed to place the two canopy signs on site without a variance request since they are wall mounted and less than 50 square feet, with the acknowledgement that they have used 32 square feet of that allotment and that no other wall type signage would be allowed beyond 18 square feet for the site.

The proposed Variance request is in an area of planned general outward expansion of the existing Commercial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance. Staff does not recommend approval for the additional 122 square foot freestanding sign but would entertain a price only sign in that location without any additional advertising as approved in a similar type location in the county already.

If the Planning Commission approves any portion of this request, the following conditions should apply:

Recommended Conditions of Approval:

- 1. Compliance with all other previous approvals given on the site.**
- 2. A Building Permit shall be obtained for the proposed signage.**
- 3. The applicant's sign main sign shall be adjusted to only change messages every 15 seconds to meet the intent of the sign code.**
- 4. The applicant shall pave the eastern portion of the lot that is used for parking all the way to the state highway to lessen the tracking and dust coming from the site.**

5. The applicant shall submit and gain planning department approval for landscaping plan to include trees, security lighting for the entire site, and fencing to control the garbage that may come from the site so it does not blow across roads or onto any neighboring properties.

The Wild Bison representative stated that the lit sign would help the safety of the intersection of HWY 68 and HWY 85 N.

Commissioner Olson had concerns about a flashing sign being a distraction.

Johnathan Gesh, the contractor for the Wild Bison stated that the sign would be static.

Chairman Mrachek asked why the variance was needed.

Assistant Planner Perusich stated that the Ordinance states that they can have only one sign on the site; the size of the sign is up to county standard. Two concerned neighbors have e-mailed in opposition because they are concerned about the safety of the corner.

Commissioner Haugen asked how far from the stop sign the proposed sign would be.

Mr. Gesh stated about 100 yards, it will be in the area of the main entrance, on the carwash side.

Commissioner Nordby had concerns about no lighting on the site or near the intersection.

Mr. Gesh stated that there is lighting being put onto the site and they are just working out the finishing touches.

Commissioner Nordby stated that the board would need to see a plan to make the intersection safer and have a drawn out lighting plan in place before they would consider approval.

Planner Hadley stated that the existing sign delays were less than 15 seconds and they needed to be changes to at least 15 seconds.

Mr. Gesh stated that the sign would be changes as soon as possible.

Motion to TABLE: Nordby, Second: Olson, Voice Vote: All Ayes.

Mark Gillette- Mark Gillette is requesting a Conditional Use Permit for his property commonly known as two 5 acre lots in the S 1/2 of the NW 1/4 Section 2, Township 150 North, Range 100 West, on approximately 10 acres. The applicant is proposing to construct a 2 commercial shops, one on each lot.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct one 50 by 100 shop on each of the 5 acre lots.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. Planning Staff assumes that service can be provided for the proposed site by other agencies based on the positive comments received from all providers.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
- 7. State Water, Sewer approvals are necessary for this type of development.**
- 8. The applicant has obtained Arnegard Township approval with the following recommended conditions: no living quarters on site, an engineered structure, one shop per 5 acre site, and a landscape, lighting, and fencing plan approved by the county.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for his two 5 acre sites to develop 2 Commercial 50 by 100 shops. The requested Conditional Use Permit will not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners, but should be encouraged to provide some additional landscaping, fencing, and lighting as shown on the amended site plan for the enjoyment of the residents and soften the impact to the surrounding property owners. These assumptions are based on adherence to the concerns raised by the public/agencies and final approvals from all state agencies involved in this type of development. The proposed use requires the applicant to do some site improvements and is consistent throughout the county.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of

the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance.

Staff recommends approval of the application as presented at this time with the following conditions of approval:

Recommended Conditions:

- 1. The applicant shall obtain a building permit for the proposed structures within the proposed development.**
- 2. The applicant shall follow the updated exterior site plan that incorporates security lighting and a landscaping plan to be approved and placed in the file as part of this request. The commission may require a full fence around the site if they do not approve the request to only fence in the dumpsters. All site improvements shall be in place by July 1, 2015.**
- 3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.**
- 4. The applicant shall post the addresses clearly on site and on all proposed structures.**
- 5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.**
- 6. The applicant shall provide dust control ¼ mile in each direction of their site to help abate the dust created from their development.**

Commissioner Olson stated that Arnegard Township approved this application.

Commissioner Haugen asked if a building was up already.

Donna Crouse with Mohave Engineering stated that they had received a “Shell Only” permit at the risk of the owner, and would finish the inside, to commercial specifications, upon approval.

No audience comments.

Motion to APPROVE: Olson, Second: Haugen, Voice Vote: All Ayes.

Hess Bakken Investments II- Hess Bakken Investments II is requesting a Conditional Use Permit for the property located in NW1/4 of the SE1/4 of Section

31, Township 151 North, Range 95 West. The property is proposed to construct a radio and telephone transmission and receiving tower facility.

Findings of Fact:

- 1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct a radio and telephone transmission and receiving tower facility on the approximately 6.31 acre site.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 6.31 acre site to develop a radio and telephone transmission and receiving tower facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall post the address and street name clearly on site (4'x8' sign).**

2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. The applicant shall site the tower so that if it falls it will not impact neighboring properties.
7. The applicant shall maintain adequate weed control.
8. The applicant shall maintain adequate garbage control.
9. The applicant will leave room on the tower for Emergency Services to use.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Alan Mayo stated that this is one of five private communication towers that are being put up in McKenzie County. These towers are to monitor and help control their business operations. They are solely for private use of Hess Bakken Investments II, with the exception of a space reserved for Emergency Services.

Mr. Mayo stated that there would be a 30X50 foot fence around the tower. The land owner agreed and will continue to hay around the fence.

No audience comments.

Motion to APPROVE: Lawler, Second: Bauman, Voice Vote: All Ayes.

Northwood Business Park- Mohave Engineering for Northwood Business Park is requesting a Comprehensive Plan Change/Zone Change for their property commonly known as the N1/2 of the N1/2 of Section 21, Township 150 North, Range 101 West. The proposed change of zone would allow for outside storage and other industrial uses restricted by commercial zoning.

Findings of Fact:

- 1. The applicant's property is currently designated Commercial on the McKenzie County Comprehensive Plan and is currently Commercial on the McKenzie County Zoning Map.**
- 2. The applicant wants to obtain an Industrial zoning designation for the 64 acre site.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy**
 - c. Encourage the wise and proper use or development of the county's natural resources**
- 6. Building permits are required for any proposed structures onsite. Adequate off street parking should be included onsite for all development so that vehicles are not staged or parked along the county/subdivision roadways.**
- 7. Alexander Township approved this request.**

Staff Analysis:

The applicant is requesting a Comprehensive Plan & Zone change to Industrial for their currently commercial subdivision, to allow uses that were restricted by commercial zoning, on their 64 acre site. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. All agencies that are required to review applications approve this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan and Zone Change applications, to allow the applicants to develop a subdivision plan, with appropriate approvals necessary to present to the County. The proposed Comprehensive Plan, and Zone change requests are a planned general outward expansion of the existing commercial development area. The applicant will need to obtain all approvals and represent to the county but the request would seem to be compatible through the adoption of

this amendment with the McKenzie County Zoning Ordinance and Comprehensive Plan.

Staff recommends approval of the Comprehensive Plan/Zone Changes as presented.

Peter Profit stated that the area is currently zoned commercial and is being proposed to be changed to industrial. The only thing the owners want is outside storage. They would put strict enough CC&Rs in place so that outside storage was the only benefit of the industrial zoning; they do not want a full blown industrial zone.

Motion to APPROVE with the CC&Rs restricting to commercial with outside storage: Olson, Second: Bolken, Voice Vote: All Ayes.

Commissioner Bolken asked about having a secondary Industrial Zone.

Commissioner Olson stated that the Arnegard township would like to have a light industrial zone, which would be commercial with a few extra allowed or conditionally allowed uses.

Planner Hadley asked that the Township have something written up to purpose by spring.

Stone Meadows- Larry Messer and Bret Wolz for Stone Meadows is requesting a Comprehensive Plan Change/Zone Change for their property commonly known as a portion of Section 6, Township 152 North, Range 101 West. The proposed change of zone would allow for housing to be set closer together.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to obtain a Residential (R-1) zoning designation for the 31 acre site.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**

5. Appropriate Comprehensive Plan Goals:

- a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy**
 - c. Encourage the wise and proper use or development of the county's natural resources**
- 6. Building permits are required for any proposed structures onsite. Adequate off street parking should be included onsite for all development so that vehicles are not staged or parked along the county/subdivision roadways.**
- 7. Tri Township approved this proposal.**

Staff Analysis:

The applicant is requesting a Comprehensive Plan & Zone change to Residential (R-1) for their currently agricultural subdivision, to allow uses that were restricted by agricultural zoning, on their 31 acre site. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. All agencies that are required to review applications approve this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan and Zone Change applications, to allow the applicants to develop a Residential (R-1) subdivision plan, with appropriate approvals necessary to present to the County. The proposed Comprehensive Plan, and Zone change requests are a planned general outward expansion of the existing development area. The request is compatible through the adoption of this amendment with the McKenzie County Zoning Ordinance and Comprehensive Plan.

Staff recommends approval of the Comprehensive Plan/Zone Changes as presented.

Chairman Mrachek asked what kind of homes were in the subdivision.

Mr. Wolz stated that they were all manufactured homes on piers.

Commissioner Haugen stated that Tri Township approved this application.

Susan Perry stated that there were trucks using their private roads.

Chairman Mrachek asked if a fence could be erected so that the trucks would have to use their approved approaches.

Mr. Wolz stated that the maintenance of the fence would fall onto the HOA.

Motion to APPROVE: Olson, Second: Gravos, Voice Vote: All Ayes.

Lucas Trotter- Lucas Trotter is requesting a Comprehensive Plan Change/Zone Change for his property commonly known as the NE1/4 of the NE1/4 of Section 14, Township 145 North, Range 99 West. The proposed change of zone would allow an addition of an office to an existing commercial shop restricted by Agricultural zoning.

Findings of Fact:

- 1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to obtain a commercial zoning designation for the 2.07 acre site.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy**
 - c. Encourage the wise and proper use or development of the county's natural resources**
- 6. Building permits are required for any proposed structures onsite. Adequate off street parking should be included onsite for all development so that vehicles are not staged or parked along the roadways.**

Staff Analysis:

The applicant is requesting a Comprehensive Plan & Zone change to commercial for his currently agricultural land, to allow uses that were restricted by

agricultural zoning, on his 2.07 acre site. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. All agencies that are required to review applications approve this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan and Zone Change applications, to allow the applicant to add an office to his existing shop, with appropriate approvals necessary to present to the County. The proposed Comprehensive Plan and Zone change requests are a planned general outward expansion of the area. The applicant will need to obtain all approvals and represent to the county but the request would seem to be compatible through the adoption of this amendment with the McKenzie County Zoning Ordinance and Comprehensive Plan.

Staff recommends approval of the Comprehensive Plan/Zone Changes as presented.

Assistant Planner Perusich stated that there was no one present to represent the application. Mr. Trotter has land that is zoned half agricultural and half commercial and wants to change his entire property to commercial so that he can put an office on his shop to run his business.

Motion to APPROVE: Nordby, Second: Olson, Voice Vote: All Ayes.

McKenzie Electric (Horse Creek Substation)- McKenzie Electric Coop. is requesting a Conditional Use Permit for the property located in the NW₁/₄ of the NW₁/₄, Section 22, Township 150, Range 104. The parcel is an approximately 6.2 acre site and is proposed to construct an electrical substation “Horse Creek Substation” to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

- 1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct an electrical substation on the approximately 6.2 acre site.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**

5. **Staff has not received any comments from any adjacent property owners. All agencies approved the project.**
6. **Appropriate Comprehensive Plan Goals:**
 - a. **Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. **Enhance and diversify McKenzie County's economy.**
 - c. **Provide an adequate housing supply for the existing and future residents of McKenzie County.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 6.2 acre site to develop an electrical substation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. **The applicant shall post the addresses clearly on site (4'x8' sign).**
2. **The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.**
3. **The applicant shall obtain a building permit for any proposed structures within the proposed development.**
4. **The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
5. **All equipment shall be earth tone in color.**
6. **The applicant shall submit an exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.**
7. **The applicant shall maintain adequate garbage control within the site.**

8. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
9. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Combined Motion Below

McKenzie Electric (Lonesome Creek Substation)- McKenzie Electric Coop. is requesting a Conditional Use Permit for the property located in the SW1/4 of the NE1/4, Section 36, Township 150, Range 101. The parcel is an approximately 2.6 acre site and is proposed to construct an electrical substation “Lonesome Creek Substation” to serve growing industrial loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Industrial on the McKenzie County Comprehensive Plan and is currently Industrial on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical substation on the approximately 2.6 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 2.6 acre site to develop an electrical substation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Industrial zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Industrail zone

with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the addresses clearly on site (4'x8' sign).
2. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough
3. spacing for emergency vehicles to be able to access and maneuver around in all types of weather.
4. The applicant shall obtain a building permit for any proposed structures within the proposed development.
5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
6. All equipment shall be earth tone in color.
7. The applicant shall submit an exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
8. The applicant shall maintain adequate garbage control within the site.
9. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

No audience comments.

Motion to APPROVE both Horse Creek and Lonesome Creek Substations: Lawler, Second: Gravos, Voice Vote: All Ayes.

McKenzie Electric (Transmission Line Banks to Tobacco

Garden)- McKenzie Electric Coop. is requesting a Conditional Use Permit for the property located in the NW $\frac{1}{4}$ of Section 23, Township 152, Range 98, then runs north along the east side of HWY 1806 through the NW and SW $\frac{1}{4}$ of Section 14 and the SW $\frac{1}{4}$ of Section 11. The line then turns east and crosses the majority of

Section 11 before turning north again at the eastern boundary of the section. From there the route runs north through the SE and NE1/4 of Section 2 and then the NW1/2 of Section 1. The line continues through the W1/2 of Sections 32, 28, 21, and 16 before terminating at the Tobacco Gardens Substation in the SW1/4 of Section 9. The transmission line is about 8.5 miles long and is proposed to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

- 1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.**
- 2. The applicant wants to construct an electrical transmission line on the approximately 8.5 mile site.**
- 3. All requirements for public notification have been satisfied.**
- 4. Staff has not received any phone or written comments on the proposal.**
- 5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.**
- 6. Appropriate Comprehensive Plan Goals:**
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.**
 - b. Enhance and diversify McKenzie County's economy.**
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.**

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 8.5 mile site to develop an electrical transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. All equipment shall be earth tone in color.
4. The applicant shall not condemn property to obtain easements.
5. The applicant shall maintain adequate garbage control within the site.
6. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
7. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Combined Motion Below

McKenzie Electric (Transmission Line Demick's Lake)- McKenzie

Electric Coop. is requesting a Conditional Use Permit for the property located in the NW¹/₄ of the NW¹/₄ of Section 14 and crosses the N¹/₂ of sections 15, 16, 17, and the E¹/₂ of Section 18 and terminates in the NW¹/₄ of the SW¹/₄ of Section 17, Township 151, Range 96. The transmission line is about 3.8 miles long and is proposed to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical transmission line on the approximately 3.8 mile site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.

c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 3.8 mile site to develop an electrical transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

- 1. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.**
- 2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.**
- 3. All equipment shall be earth tone in color.**
- 4. Construction will not be done during early morning hours or late evening hours per the ND Dept. of Health.**
- 5. The applicant shall take proper precautions to minimize effect on local wildlife per Dept. of the Army.**
- 6. The applicant will take care to minimize adverse effects on a body of water per the ND Dept. of Health.**
- 7. The applicant shall take all necessary measures to minimize fugitive dust emissions created during construction activities per the ND Dept. of Health.**
- 8. The applicant shall not condemn property to obtain easements.**
- 9. The applicant shall follow all laws pertaining to this proposal.**
- 10. The applicant shall maintain adequate garbage control within the site.**

11. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
12. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Assistant Planner Perusich stated that there was a comment on the transmission line by a land owner.

Commissioner Haugen asked if it was up to the property owner to agree to the right of way .

Planner Hadley stated that it was.

Commissioner Haugen asked if that pertained to only new lines or replacing existing lines as well.

John Carns stated that it pertained to both.

No audience comments.

Motion to APPROVE both Tobacco Gardens and Demick's Lake Transmission lines: Lawler, Second: Gravos, Voice Cote: All Ayes.

Adjourned at 8:35pm.

Planning and Zoning Commission Minutes
December 8, 2014

Meeting was held at the Watford City Civic Center in Watford City, ND and called to order at 5:01 pm by Kris Mrachek.

Members Present: Barb Bauman, Aaron Gravos, Doug Bolken, Kris Mrachek, Doug Nordby, Paul Wisness, Vawnita Best.

Absent: Les Haugen, Jeremy Olson.

Staff Present: Planning Director, Walter Hadley; Assistant Planner/ Current Planning, Lindsey Perusich; Assistant Planner/ Code Enforcement Officer, Jennifer Shelden; Administrative Assistant, Deborah Maciejewski; Planning Attorney, Ari Johnson

Others: See sign in sheet

Minutes of November 10, 2014 were presented. **MOTION by Nordby, SECOND by Bolken to APPROVE minutes Voice Vote: All yeas. Motion Passed.**

UNFINISHED BUSINESS:

Park Construction - Park Construction is requesting a conditional use permit for their property commonly described as a portion of NW ¼ and the NE ¼ of Section 26, Township 151 North, Range 99 West. The applicant is requesting a conditional use permit to allow existing empty manufactured home lots to be filled and to keep their current grandfathered RV and camper spots on the property.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant applied to allow growth of their previously grandfathered site to include mixed housing use, despite being advised by the planning department, on multiple occasions, that the zoning ordinance does not encourage mixed housing.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. Staff has not received any written comments on this request.

6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Provide and maintain an adequate transportation system within McKenzie County.
7. All agency approvals have been satisfied.

Staff Analysis:

The applicant is requesting a conditional use permit to legitimize mixed housing use, as well as allow for expansion. The Planning Commission and Board of Commissioners have made it clear on prior applications that they did not want to approve any mixed housing.

The Planning and Zoning Commission/Board of Commissioners should consider the merits of approving/denying the proposed conditional use permit request.

Staffs recommends the Planning Commission/Board of Commissioners approve the Conditional Use Permit Request for the manufactured homes, but deny the request for RV or Camper lots, as the mixed housing use is not compatible with the Zoning Ordinance, nor are they an allowed use or a conditionally allowed use in the Agricultural Zone.

Recommended Conditions:

1. The applicant shall obtain a building permit for the proposed structure(s).
2. The applicant shall post the address and street name clearly on site (4'X8' sign), to be seen clearly from the road and on all structures.
3. The applicant shall maintain roads within the parcels with enough spacing for emergency vehicles to access, maneuver, and turn around the units in all types of weather.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall follow/ implement the exterior site plan as proposed, including fencing, security lighting, and landscaping.
6. The applicant shall post address clearly on site during and after construction.
7. The applicant shall keep all taxes paid current.
8. The applicant shall provide adequate garbage control within the property.
9. The applicant shall provide adequate weed control.
10. The applicant shall provide an exit strategy by November 1st, 2015, stating when they would be transitioning from workforce housing to something more permanent.

The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Assistant Planner Perusich stated that this is **TABLED** until the January 2015 meeting.

Rob Feeder, Jeremy Wolkovitz and Tom Haas represented Wild Bison and presented a lighting plan.

Commissioner Nordby stated his concerns regarding safety and that an access entrance before the curve in the road with lighting would be a safer plan and more visible to traffic He suggested the sign should be placed further back on the curve.

Mr. Wolkovitz stated that Wild Bison cannot move the sign to the suggested location because it is in the State's easement.

Commissioner Mrachek would like all the entrances/exits paved and landscaped.

Commissioner Bolken motioned to keep the project **TABLED** until the January meeting.

Motion to **APPROVE**: Bolken, Second: Gravos. Voice Vote: All Ayes.

DISCUSSION:

Bypass Overlay –

Planner Hadley stated that the hearing for the Bypass Overlay will be in February of 2015, and a map showing the affected areas was included in the handouts.

Assistant Planner Perusich stated that the townships and Watford City have been notified of the Bypass Overlay and no comments have been received to date.

Planner Hadley stated that Les Haugen's property will not be included in the Bypass Overlay.

Commissioner Nordby stated that the Overlay should continue all the way down to the Theodore Roosevelt State Park.

Planner Hadley stated that an agreement needs to be reached on how large the Overlay should be, and that the future should be kept in mind.

Zoning Ordinance Amendment – RV Parks – Subsection (19) to 3.4.2

Planning Attorney Ari Johnson stated that the Amendment is designed to clear up any questions about this ordinance. It defines what an RV Park is, and that it will require a Conditional Use Permit, and a State License. Areas zoned Agricultural will be allowed up to two recreational vehicles for non-commercial use.

Planner Hadley stated that no requests for RV Parks have come through the Planning and Zoning Department due to the seasonality of the RV Parks. This ordinance is an opportunity to clean up and legitimize how the County has been operating.

No audience comments.

Motion to **APPROVE**: Nordby, Second: Bauman, Voice Vote: All Ayes

JMAC Resources - JMAC Resources is requesting a Conditional Use Permit for the property commonly known as the SE/4 of Section 15, Township 150N, Range 96W. The Parcel is proposed to have a scoria mining operation.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a scoria mining operation on site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone call or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. All agencies have approved the project.
7. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
8. This project is not located within an organized township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to develop a scoria mining operation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward

expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The amount shall be 150% of the estimate.
4. All property taxes shall be paid current.
5. The applicant shall maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
6. The applicant shall maintain adequate garbage control.
7. Have a 300' knock off zone on site.
8. Tarp all loads exiting the operation site.
9. Provide dust control for all haul roads and within the site.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

No representative was present for the meeting.

No audience comments.

Motion to **APPROVE**: Bolken, Second: Wisness, Voice Vote: All Ayes

Trotter Construction - Trotter Construction is requesting a Conditional Use Permit for the property commonly known as the SE/4 of Section 1, Township 151N, Range 98W. The Parcel is proposed to have a scoria mining operation.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a scoria mining operation on site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone call or written comments on the proposal.

5. Staff has not received any comments from any adjacent property owners.
6. All agencies have approved the project.
7. Appropriate Comprehensive Plan Goals:
8. Assure that the use of land is properly planned and compatible with adjacent land uses.
9. Enhance and diversify McKenzie County's economy.
10. This project is not located within an organized township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to develop a scoria mining operation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The amount shall be 150% of the estimate.
4. All property taxes shall be paid current.
5. The applicant shall maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
6. The applicant shall maintain adequate garbage control.
7. Have a 300' knock off zone on site.
8. Tarp all loads exiting the operation site.
9. Provide dust control for 1/4 mile on either side of your approved approach, all haul roads, and within the site.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Trotter Construction - Trotter Construction is requesting a Conditional Use Permit for the property commonly known as the NE/4 of Section 18, Township 151N, Range 97W. The Parcel is proposed to have a scoria mining operation.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a scoria mining operation on site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone call or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. All agencies have approved the project.
7. Appropriate Comprehensive Plan Goals:
8. Assure that the use of land is properly planned and compatible with adjacent land uses.
9. Enhance and diversify McKenzie County's economy.
10. This project is not located within an organized township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to develop a scoria mining operation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The amount shall be 150% of the estimate.
4. All property taxes shall be paid current.
5. The applicant shall maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
6. The applicant shall maintain adequate garbage control.
7. Have a 300' knock off zone on site.
8. Tarp all loads exiting the operation site.

9. Provide dust control for 1/4 mile on either side of your approved approach, all haul roads, and within the site.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Commission Bolken stated that the conditions of the Staff Report are for both item #3 and item #4.

Justin Hyndmen and Bill Trotter represented Trotter Construction.

Commissioner Mrachek stated that the vote would be on item #3 and #4.

No audience comments.

Motion to **APPROVE**: Bolken, Second: Nordby, Voice Vote: All Ayes

Starlight Subdivision - Mike Malais for Starlight Subdivision is requesting a Comprehensive Plan Change/Zone Change for their property commonly known as the SW/4 of Section 30, Township 150 North, Range 99 West. The proposed change of zone, from Agricultural to Residential (R-1) would allow for housing to be set closer together.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to obtain a Residential (R-1) zoning designation for the 154 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
6. Building permits are required for any proposed structures onsite. Adequate off street parking should be included onsite for all development so that vehicles are not staged or parked along the county/subdivision roadways.
7. This development is not located in an organized Township.

Staff Analysis:

The applicant is requesting a Comprehensive Plan & Zone change to Residential (R-1) for their currently agricultural subdivision, to allow uses that were restricted by agricultural zoning, on their 154 acre site. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. All agencies that are required to review applications approve this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan and Zone Change applications, to allow the applicants to develop a Residential (R-1) subdivision plan, with appropriate approvals necessary presented to the County. The proposed Comprehensive Plan and Zone change requests are a planned general outward expansion of the existing development area. The request is compatible through the adoption of this amendment with the McKenzie County Zoning Ordinance and Comprehensive Plan.

Staff recommends approval of the Comprehensive Plan/Zone Changes as presented.

Mike Malais represented Starlight Subdivision.

Planner Hadley stated that the subdivision is already approved and was done prior to zoning.

Commissioner Nordby stated to include green space in the subdivision.

No audience comments.

Motion to **APPROVE**: Nordby, Second: Wisness, Voice Vote: All Ayes

David Rolfson - David Rolfson is requesting a Conditional Use Permit for the property commonly known as the N/2 of the N/4 of Section 2, Township 150N, Range 98W, to establish a temporary (seasonal) water depot.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicant wants to establish a temporary (seasonal) water depot on the site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. The State Water Commission has issued a permit.

7. All other agencies approved the request.
8. This Depot consists of portable pumps within the applicants property.
9. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Encourage the wise and proper use or development of the county's natural resources
10. The proposed project is not located in an organized township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to establish a temporary (seasonal) water depot. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners based on the public review process through the State Department.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. All property taxes shall be paid current.
4. The applicant shall maintain adequate weed control.
5. The applicant shall maintain adequate garbage control.
6. All tanks shall be painted in Earth-toned colors

David Rolfson was the spokesperson for the temporary water depot.

Assistant Planner Perusich stated that the portable pump would be used seasonally for industrial uses and required a Conditional Use Permit. Mr. Rolfson would use the pump on his property and there would be no tanks or trucks.

No audience comments.

Motion to **APPROVE**: Wisness, Second: Mrachek, Voice Vote: All Ayes

Dakota Access – David Halvorson for Dakota Access is requesting a Text Amendment, Zone Change, and Conditional Use Permit for the property located in Section 23, Township 150 North, Range 96 West. The parcel is approximately 48 acres and is proposed to construct a crude oil facility with bulk storage.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. All requirements for public notification have been satisfied.
3. Staff has received no comments from any adjacent property owners.
4. All agencies approved the project.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.
 - d. The proposed site is not located in an organized Township.
 - e. The proposed site is directly across the street from a similar facility.

Staff Analysis:

The applicant is requesting a Text Amendment, Zone Change, and Conditional Use Permit for the approximately 48 acre site to build a crude oil facility with bulk storage. The requested applications do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Text Amendment, Zone Change, and Conditional Use Permit to allow the applicant to construct

a crude oil facility with bulk storage within an Industrial zoning classification. The proposed Text Amendment, Zone Change, and Conditional Use requests are a planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between units and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.
3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.
4. The applicant shall obtain a building permit for the proposed structures within the proposed development.
5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
6. Trucks will not be parked alongside the road if the facility is full, there will need to be enough room in the facility for all trucks.
7. The applicant shall follow the updated exterior site plan that incorporates a fencing, security lighting, and landscaping plan placed in the file as part of this request.
8. The applicant shall follow all federal, state, and local laws pertaining to this project.
9. All tanks and equipment shall be painted earth tone. For example: tan, gray, green, blue, brown.
10. The applicant shall maintain adequate weed control, which includes obtaining only certified weed free fill.
11. The applicant shall maintain adequate garbage control.
12. The applicant shall fence, light (for security purposes), and landscape the site according to the site plan on file.

13. The applicant shall fence the site before construction.
14. The applicant shall construct facility with fixtures to contain the leakage at valves.
15. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
16. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions.
17. (New) The applicant shall coordinate with the Keene Fire Department to have an effective on-site water storage.

Mark Bullock was the spokesperson for the proposed project and stated that it would be for the gathering of crude oil.

Mr. Bullock responded that he would conform to the request.

Commissioner Nordby stated there should be on-site water storage as a safety measure for potential fires. It would greatly help out the Keene Fire Department in the event of a fire and the size and location should be coordinated with that fire department, and added this as condition #17.

Kevin Ralphs asked how much crude oil storage was available.

Mr. Bullock responded that there would be two-200,000 gallon tanks and room for more.

Commissioner Bolken questioned the amount of truck traffic.

Mr. Bullock stated traffic would be minimal, but that a truck unload was planned.

Motion to **APPROVE**: Wisness, Second: Bolken, Voice Vote: All Ayes

Oasis Midstream – Oasis Midstream is requesting a Conditional Use Permit for the property located in the NW/4 of Section 35, Township 151 North, Range 98 West. The parcel is approximately 160 acres and is proposed to construct gas processing and crude handling facilities.

Findings of Fact:

1. The applicant's property is currently designated as Industrial on the McKenzie County Comprehensive Plan and is currently Industrial on the McKenzie County Zoning Map.

2. All requirements for public notification have been satisfied.
3. Staff has not received any comments from adjacent property owners.
4. All agencies approved the project.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.
6. The proposed site is not located in an organized Township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 160 acre site to build a gas processing and crude oil handling facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to construct a gas processing and crude oil handling facility within an Industrial zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between units and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.
3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.
4. The applicant shall obtain a building permit for the proposed structures within the proposed development.
5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.

6. Trucks will not be parked alongside the road if the facility is full, there will need to be enough room in the facility for all trucks.
7. The applicant shall follow the updated exterior site plan that incorporates a fencing, security lighting, and landscaping plan placed in the file as part of this request.
8. The applicant shall follow all federal, state, and local laws pertaining to this project.
9. All tanks and equipment shall be painted earth tone. For example: tan, gray, green, blue, brown.
10. The applicant shall maintain adequate weed control, which includes obtaining only certified weed free fill.
11. The applicant shall maintain adequate garbage control.
12. The applicant shall fence, light (for security purposes), and landscape the site according to the site plan on file.
13. The applicant shall fence the site before construction.
14. The applicant shall construct facility with fixtures to contain any leakage at the valves.
15. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
16. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions.
17. (New) The applicant shall coordinate with the Watford City Fire Department to have adequate fire suppression measures.

Jim Doss, Jimmy Winningham and Tom Macia represented Oasis Midstream.

Mr. Winningham stated that the proposed project would reduce flaring and remove approximately 300-400 trucks from the roads per day.

Mr. Macia stated that there would be 150,000 barrels of working storage tanks.

Mr. Doss stated that this is a 160 acre property at the intersection of 1806 and 31st Street, next to the Oneok facility off of the County Road.

Commissioner Nordby requested that adequate fire suppression measures be added as condition #17 and that Oasis Petroleum consults and co-ordinates with the Watford City Fire Department.

Mr. Doss stated that the tanks are internally suppressed with fire containment.

Commissioner Best asked if there will be a spill prevention plan and if there will be an impervious layer for containment.

Mr. Winningham stated that the equipment will have a leak protection layer on the bottom of the tanks as a method of secondary containment.

No audience comments.

Motion to **APPROVE**: Nordby, Second: Bauman, Voice Vote: All Ayes

David Johnson – David Johnson is requesting a Conditional Use Permit for their property commonly known as Section 25, Township 150 North, Range 100 West, on an established site for the construction of an office facility with outside storage. The applicant's property is approximately 17.26 acres in size.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct one 1800 square foot office onsite, with a laydown storage yard.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. Planning Staff assumes that service can be provided for the proposed site by other agencies based on the comments from all providers.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Promote an adequate housing supply for the existing and future residents of McKenzie County.
7. The applicant has stated that water and sewage will be hauled and pumped by the owner.
8. Arnegard Township gave approval to this request.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for their 17.26 acre site to develop a office and shop with outside storage. The requested Conditional Use Permit will not to seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The applicants request has obtained all the necessary approvals for this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance. Staff recommends approval of the application as presented at this time with the following conditions of approval:

Recommended Conditions:

1. The applicant shall obtain a building permit from the County for the proposed structure.
2. The applicant shall comply with the landscaping amendments shown on the amended site plan. All site improvements shall be in place including landscaping by July 1, 2015.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the address clearly on site and on all proposed structures (4'x8' sign).
5. The applicant shall provide adequate dust control for 1/4 mile on both sides of their approach and within their site.
6. Water and sewage shall be hauled by the owner. Permits for water and septic shall be obtained if improvements to the facilities are to take place.
7. The applicant shall maintain adequate garbage control within the site.
8. The applicant shall obtain approval prior to any other improvements going in on the site.
9. The applicant shall only have downward directional lighting on site.
10. There will be no workforce housing or living quarters on the property.
11. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.
12. The conditional use permit will be reviewed annually for conformance with the conditions of approval; if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.
13. (New) The applicant shall improve the road from property southward on 26th Street southward for 1,000 feet.

The applicant, Mr. Johnson stated that he would be selling the property, which is near an industrial development, to Whiting Oil to construct an office, shop and a laydown yard with no running water or sewer. The landscape was bermed to screen neighboring Lyle Leiseth's view of the yard. The site will be fenced and have a scoria base. Arnegard Township Supervisors approved the request.

Planner Hadley stated that the Arnegard Township included a condition to establish and improve the road from property southward on 26th Street southward for 1,000 feet, which was not listed as a condition by McKenzie County, and should be added as condition #13.

No audience comments.

Motion to **APPROVE**: Doug (which one?), Second: Gravos, Voice Vote: All Ayes

Targa Badlands - Targa Badlands, LLC is requesting a Text Amendment and Zone Change to Industrial for the property commonly known as a portion of the SE1/4, Section 29, Township 149 North, Range 98 West. The parcel is an approximately a 40 acre site and is proposed to change the Comprehensive Plan and Zoning designations to Industrial to legitimize the existing operation and allow expansion.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicant wants to gain approval to legitimize their existing operation and allow for expansion.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received comments from any adjacent property owners. The applicant has obtained a physical address of 1939 125th Avenue NW. The applicant has also obtained all favorable responses from all agencies involved in this type of development.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Encourage the wise and proper use or development of the county's natural resources.
 - c. Enhance and diversify McKenzie County's economy.
7. The applicant's site exists and the applicant is aware that any further expansion on the site would require them to adhere to all of the current county standards for agency, landscaping, lighting, access, fencing and garbage collection would need to be addressed.

8. Building permits are required for any proposed structures onsite.

Staff Analysis:

The applicant is requesting a Comprehensive Plan/ Zone Change to Industrial for the approximately 40 acre site to legitimize the existing facility. The requested change does not seem to adversely affect property values, or the general public health, safety or welfare of adjacent property owners. The applicant should be encouraged to provide some onsite security lighting for the safety of their employees and the traveling public. The applicant should also adhere to their site plan and provide a staging area for the trucks coming to the facility so they are not backed up on the public road, causing a hazard. Additionally, the applicant should consider providing the shown on site landscaping in 2015. No additional conditions of approval can be required as part of this request but will be required including road improvements/dust control may be a part of any additional building/zoning approval is required on their site.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan and Zone Change for their site. The site is adjacent to existing Industrially zoned land and would seem to be a logical outward expansion of that use in that area. All uses within the desired zoning classification would be allowed on the property if this request was approved.

Staff recommends approval of the Comprehensive Plan/Zone Change requests as presented.

Melissa Kilde, Amanda Peterson, Norm Winters and David Low represented Targa Badlands.

Ms. Peterson stated that Targa Badlands is requesting changing the current Agricultural Zoning back to Industrial.

Commissioner Nordby stated that Highland Partners will be paving part of County Road 34 to reduce the amount of dust, and asked if Targa would contribute to the cost of the paving.

Commissioner Best stated that road improvements improve conditions for all citizens and questioned how many people would be on site per day.

Mr. Winters stated that he could not make a commitment at this time. When the pipe line is in place in January, the amount of traffic coming and going to their facility would be greatly reduced from the current 18-20 trucks per day. Most of the trucks would be operating at night. He stated he would like to see the zoning change, and have the paving be a separate issue.

Planner Hadley confirmed that the issue of whether or not Targa would contribute to the paving of the road, would have no effect on the proposed zone change.

Ms. Kilde stated that Targa would not have a large volume of traffic, so at this time they would prefer not to contribute monetarily to the paving of the road.

No audience comments.

Motion to **APPROVE**: Nordby, Second: Bolken, Voice Vote: All Ayes

McKenzie Crossing – Ken Puncerelli is requesting a Comprehensive Plan Change/Zone Change-and Conditional Use Permit approval for onsite storage units in the proposed McKenzie Crossing development. The proposed development property is commonly known as the NE ¼ of Section 21, Township 150 North, Range 97West. The 38 acre site is proposed to have a mixed use of Commercial uses along with a satellite emergency services building.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map. The applicants' proposal basically is requesting an additional commercial node to the east of Watford along Highway #23. The one commercial node on the County Comprehensive Plan east of Watford City is at Johnsons corner that has become more of an industrial node because of the existing oil pipeline tie ins in that area.
2. The applicant wants to subdivide and zone the property for mixed commercial uses.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
6. Building permits are required for any proposed structures onsite. Adequate parking should be included onsite for all commercial development so that vehicles are not staged or parked along the county roads or blocking emergency access throughout the site since there is only one ingress/egress to the site.
7. The applicant has submitted a master plan that designates a mix of Commercial uses and includes a fire/ems building on site.
8. The applicant has obtained all approvals necessary for this type of development but will need to pay for their Rural Water hookup as part of this desired approval, if they desire their service. The applicant cannot utilize well water based on the availability of water to existing wells in the area.

9. The applicant is required to obtain a Conditional use permit for the storage units planned on site within the commercial zone. The conditional use request, and the zoning district do not allow any outside storage on site.
10. If the applicant plans to create different parcels for separate ownership they will need to create a subdivision and dedicate roadways, not access through parking lots for the access to the each site within the development. If the applicant leaves this proposal as presented the driving access roads through the project adjacent to parking would need to be a minimum of 28 feet wide to allow free flow of traffic while allowing the adequate visibility for patrons parking at the establishments adjacent to the access roadways.

Staff Analysis:

The applicant is requesting a Comprehensive Plan & Zone change and Conditional Use Permit approval to provide Commercial Storage for their development to develop a mixed commercial use development onsite. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The applicant has obtained all the required approves necessary from all agencies involved with this type of development. No adjacent land owners have commented on this request as of 12/3/14 with any concerns on this proposal.

The proposed Comprehensive Plan, Zone change and Conditional Use Permit requests are a planned general outward expansion with the proposed creation of a new commercial node located at that site to serve the area with services. The proposed development with an established fire/ems building with facilities adequate to help serve this development will also allow the applicant to help provide upgraded service to that portion of the county as well. The proposed node of commercial for their mixed use Commercial developed area along Highway 23 East and would seem to be compatible with the McKenzie County Zoning Ordinance and Comprehensive Plan intent.

Staff recommends approval of the Comprehensive Plan/Zone Change and Conditional Use Permit Approval as presented with the following conditions of approval.

Recommended Conditions:

1. The applicant shall adhere to all approvals gained through this process and comply with the existing zoning for the newly created development for future land use.
2. The applicant shall obtain all building permit approvals for all structures planned for the site.
3. The applicant shall assume all the maintenance for all the interior roads and drainage improvements proposed within the proposed development.
4. The applicant shall amend the proposed development to conform with the requirements set forth by the Fire Chief/Emergency manager prior to finalizing the plans for the fire/ems structure and the equipment that is necessary to house within it so it is

adequately designed for their use.

5. The applicant shall pave county road 45 from Highway #23 to a point 300' south of the last access, prior to any certificate of occupancies being issued onsite, to the site to minimize the tracking of material from county road 45 (dirt portion) onto and through to Highway #23. All interior roadways and parking areas shall be paved as development occurs on each proposed site. If a site is not planned to be developed at this time it will need to be blocked off so it does not get used as a turnaround or parking area creating a tracking problem on the county road and HWY #23.
6. The applicant shall provide adequate off street parking for all of the commercial uses and limit on street parking for emergency vehicle access.
7. The applicant shall provide an updated lighting plan for the entire site and include the approaches on to County road #45 and the intersection of County road #45 and Highway #23 for the safety of all patrons coming and going to the site.
8. The applicant shall provide garbage enclosures for each commercial site including the storage area to help control garbage from blowing across site on to other properties.
9. The applicant shall apply and obtain a Rural Water hook-up for the proposed development prior to any building permits being issued on the site.
10. The applicant shall apply and obtain a subdivision approval if separate ownerships are desired for the different commercial sites in the development.
11. The applicant is limited to one care-taker/security apartment per building for full time occupancy as allowed in the commercial district. The fire/Ems facility could have more overnight housing based on its public service use. The applicant's building permits would need to distinctly designate where the full time apartment would be located during the building permit process.
12. The applicant shall pave each interior site as the certificate of occupancy is desired, additionally, as part of the building permit process for the first structure the applicant shall plan to do lighting/paving along County Road #45 to Highway #23 prior to the C/O being issued.
13. The applicant's conditional use permit approval shall be reviewed on an annual basis for compliance with conditions of approval for the entire site.
14. The applicant shall be encouraged to start planting the trees shown on the outside of the plan boundaries immediately so they have a chance to get established prior to the project being finalized.
15. (New) The applicant shall have a traffic signal installed at the intersection of Highway 23 and County Road 45.

Ken Puncerelli was the spokesperson for McKenzie Crossing and presented a slideshow of the proposed project.

Scott Israelson conducted a traffic analysis of the proposed project, with a proposed traffic signal at the intersection of Highway 23 and County Road 45.

Planner Hadley stated that this could be added as condition #15.

Planning Attorney Johnson had concerns about a traffic light being approved by the State in a 65 mph speed limit zone, and requested that something from NDDOT be put in writing.

Mr. Israelson commented that traffic was expected to increase 20% per year and that flashers would be installed before the traffic light that would warn of the approaching traffic light.

Planning Attorney Johnson asked if Mr. Israelson knew of any locations where a traffic light was located on a high speed road.

Commissioner Nordby asked if turning lanes for safety were in the plans.

Mr. Puncerelli confirmed that the turning lanes are already in the plans and would be put in during springtime. He stated the road construction done by the State has ceased due to the weather, and that the road would be completed before any buildings are up.

Assistant Planner Shelden asked how many road approaches there would be.

Mr. Puncerelli stated that there would be 2, both on County Road 45.

Commissioner Wisness asked about law enforcement.

Mr. Puncerelli stated the proposed project would have its own security.

Commissioner Nordby voiced his concerns for safety due to the higher speed limit for that location.

Commissioner Bolken commented that the County's Comp Plan idea is to keep more green space and open spaces in this area, and this project would not continue with that plan.

Planning Attorney Johnson stated that this is one of the only areas that can preserve the agricultural integrity of the County, and questioned why they picked this remote location.

Mr. Puncerelli stated that market analysis indicated this was a great location.

No audience comments.

Motion to DENY: Wisness, Second: Nordby, Voice Vote: All Ayes

McKenzie Electric (J-9 Substation) – McKenzie Electric Coop. is requesting a

Conditional Use Permit for the property located in the NW₁/₄ of the NW₁/₄, Section 32, Township 149, Range 98. The parcel is an approximately 5 acre site and is proposed to construct an electrical substation “J-9 Substation” to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical substation on the approximately 5 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 5 acre site to develop an electrical substation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the addresses clearly on site (4'x8' sign).
2. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.

3. The applicant shall obtain a building permit for any proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. All equipment shall be earth tone in color.
6. The applicant shall follow exterior site plan that incorporates fencing and security lighting placed in the file as part of this request.
7. The applicant shall maintain adequate garbage control within the site.
8. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
9. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Carl Aaken represented McKenzie Electric for three proposed projects.

No audience comments.

Combined Motion Below

McKenzie Electric (North Fork Substation) - McKenzie Electric Coop. is requesting a Conditional Use Permit for the property located in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, Section 17, Township 151, Range 96. The parcel is an approximately 4.2 acre site and is proposed to construct an electrical substation "North Fork Substation" to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical substation on the approximately 4.2 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies

approved the project.

6. Appropriate Comprehensive Plan Goals:

- a. Assure that the use of land is properly planned and compatible with adjacent land uses.
- b. Enhance and diversify McKenzie County's economy.
- c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 4.2 acre site to develop an electrical substation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the addresses clearly on site (4'x8' sign).
2. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.
3. The applicant shall obtain a building permit for any proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. All equipment shall be earth tone in color.
6. The applicant shall follow exterior site plan that incorporates fencing and security lighting placed in the file as part of this request.

7. The applicant shall maintain adequate garbage control within the site.
8. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
9. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Combined Motion Below

McKenzie Electric (Patent Gate Substation) – McKenzie Electric Coop. is requesting a Conditional Use Permit for the property located in the SW₁/₄ of the SW₁/₄, Section 27, Township 151, Range 100. The parcel is an approximately 7 acre site and is proposed to construct an electrical substation “Patent Gate Substation” to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical substation on the approximately 7 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 7 acre site to develop

an electrical substation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the addresses clearly on site (4'x8' sign).
2. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.
3. The applicant shall obtain a building permit for any proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. All equipment shall be earth tone in color.
6. The applicant shall follow exterior site plan that incorporates fencing and security lighting placed in the file as part of this request.
7. The applicant shall maintain adequate garbage control within the site.
8. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
9. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

No audience comments.

Motion to **APPROVE** all three subdivisions #12-15: Nordby, Second: Bauman, Voice Vote: All Ayes

McKenzie Electric (Twin Valley Transmission Line) – McKenzie Electric Coop. is requesting a Conditional Use Permit for the property located in Sections 1, 5, &

6 in Township 152, Range 97 & 98. In Section 5 the route crosses into Section 35, Township 153, Range 96, where the line will end. The transmission line is about 2.5 miles long and is proposed to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical transmission line on the approximately 2.5 mile site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.
7. This line will pass through Twin Valley Township, and the Township has approved the line.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 2.5 mile site to develop an electrical transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall maintain proper ingress and egress, a turnout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. All equipment shall be earth tone in color.
4. Construction will not be done during early morning hours or late evening hours per the ND Dept. of Health.
5. The applicant shall take proper precautions to minimize effect on local wildlife per the Dept. of the Army.
6. The applicant will take care to minimize adverse effects on a body of water per the ND Dept. of Health.
7. The applicant shall take all necessary measures to minimize fugitive dust emissions created during construction activities per the ND Dept. of Health.
8. The applicant shall not condemn property to obtain easements.
9. The applicant shall follow all laws pertaining to this proposal.
10. The applicant shall maintain adequate garbage control within the site.
11. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
12. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Commissioner Mrachek asked about the easements.

Carl Aaken stated that all easements for the proposed project have been obtained.

No audience comments.

Motion to **APPROVE**: Nordby, Second: Bauman, Voice Vote: All Ayes

MDU & WBI Energy – Montana-Dakota Utilities & WBI Energy are requesting a Conditional Use Permit for their property commonly known as a portion of the SW ¼ of the SE ¼ Section 17, Township 150 North, Range 99 West. The parcel is proposed to have a natural gas delivery station for public utility use.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant intends to construct a public utility gas transfer station on site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. The applicant is surrounded by agriculturally designated land.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
7. The applicant should explain to the board how the facility works and the relationship between the applicants.
8. The site was physically posted with a notice of hearing.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for their site to develop a natural gas delivery station for public utility use. The requested Conditional Use Permit will not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners, but should be encouraged to provide some on site landscaping/security lighting for the enjoyment/safety of the residents and soften the impact to the surrounding property owners. These assumptions are based on adherence to the typical concerns raised by the public and final approvals from all state agencies involved in this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicants to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance.

Staff recommends approval of the application as presented at this time with the following conditions of approval:

Recommended Conditions:

1. The applicants shall obtain a building permit for all the proposed structures within the proposed development.

2. The applicants shall submit for approval an updated exterior site plan that incorporates security lighting, fencing and a landscaping plan to be approved and placed in the file as part of this request. (to be completed by October 1, 2015)
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the addresses clearly on site and on the proposed structures.
5. The conditional use permit will be reviewed annually for conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for possible revocation.

Nathan Sundt and Bo Gibbs represented MDU & WBI Energy.

No audience comments.

Motion to **APPROVE**: Nordby, Second: Wisness, Voice Vote: All Ayes

Adjourned at 7:50 p.m.

Planning and Zoning Commission Minutes

January 12, 2015

Meeting was held at the Watford City Civic Center in Watford City, ND and called to order at 5:01 pm by Kris Mrachek.

Members Present: Doug Bolken (left at 5:35), Kris Mrachek, Doug Nordby (arrived at 5:30pm), Vawnita Best, Les Haugen, Jeremy Olson.

Absent: Paul Wisness, Barb Bauman, Aaron Gravos

Staff Present: Planning Director, Walter Hadley; Assistant Planner/ Current Planning, Lindsey Perusich; Assistant Planner/ Code Enforcement Officer, Jennifer Shelden; Administrative Assistant, Deborah Maciejewski; Administrative Assistant, Jennifer Josephson; Planning Attorney, Ari Johnson

Others: See sign in sheet

Minutes of November 17, 2014 and December 8, 2014 were presented. Motion to APPROVE minutes: Olson, SECOND: Nordby, Voice Vote: All yeas. Motion Passed.

UNFINISHED BUSINESS:

Park Construction - Park Construction is requesting a conditional use permit for their property commonly described as a portion of NW ¼ and the NE ¼ of Section 26, Township 151 North, Range 99 West. The applicant is requesting a conditional use permit to allow existing empty manufactured home lots to be filled and to keep their current grandfathered RV and camper spots on the property.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant applied to allow growth of their previously grandfathered site to include mixed housing use, despite being advised by the planning department, on multiple occasions, that the zoning ordinance does not encourage mixed housing.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. Staff has not received any written comments on this request.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Provide and maintain an adequate transportation system within McKenzie County.
7. All agency approvals have been satisfied.

Staff Analysis:

The applicant is requesting a conditional use permit to legitimize mixed housing use, as well as allow for expansion. The Planning Commission and Board of Commissioners have made it clear on prior applications that they did not want to approve any mixed housing.

The Planning and Zoning Commission/Board of Commissioners should consider the merits of approving/denying the proposed conditional use permit request.

Staffs recommends the Planning Commission/Board of Commissioners approve the Conditional Use Permit Request for the manufactured homes, but deny the request for RV or Camper lots, as the mixed housing use is not compatible with the Zoning Ordinance, nor are they an allowed use or a conditionally allowed use in the Agricultural Zone.

Recommended Conditions:

1. The applicant shall obtain a building permit for the proposed structure(s).
2. The applicant shall post the address and street name clearly on site (4'X8' sign), to be seen clearly from the road and on all structures.
3. The applicant shall maintain roads within the parcels with enough spacing for emergency vehicles to access, maneuver, and turn around the units in all types of weather.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall follow/ implement the exterior site plan as proposed, including fencing, security lighting, and landscaping.
6. The applicant shall post address clearly on site during and after construction.
7. The applicant shall keep all taxes paid current.
8. The applicant shall provide adequate garbage control within the property.
9. The applicant shall provide adequate weed control.
10. The applicant shall provide an exit strategy by November 1st, 2015, stating when they would be transitioning from workforce housing to something more permanent.
11. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
12. **(NEW)** 150% bond to reclaim the site.
13. **(NEW)** The Conditional Use Permit would approve the housing until December 21, 2015.

Stuart Hamm represented Park Construction

Assistant Planner/Code Enforcement Officer Shelden stated that Park Construction was out of compliance due to the fact that they had added manufactured homes without building permits.

Shelden reviewed aerial photos and followed up with a posted violation on site and two violation notices were mailed.

Hamm declared that the mixed use single/family housing ratio depends on the season/time of year.

Commissioner Nordby expressed his concern to do away with non-permanent housing and that they will not be approving any mixed housing permits. The Conditional Use Permit would approve the housing until Dec. 31, 2015 or they need to stick to the Grandfathered plan.

Planner Hadly states that this is zoned agriculture and talked about future challenges and zoning changes.

150% Bond and allowing workforce housing classification was motioned to be added as condition number 12.

No audience comments.

Hamm requests the application to be **TABLED** until the next meeting.

Motion to **TABLE**: Olson, Second: Haugen, Voice Vote: All Ayes.

Wild Bison — Steve Abrams is requesting a Variance Permit for his property commonly known as a portion of Sections 17 & 20, Township 150, Range 101 West. The parcel has the existing Wild Bison Travel Center developed upon it.

Findings of Fact:

1. The applicant's property is currently designated Commercial on the McKenzie County Comprehensive Plan and is Currently zoned Commercial on the McKenzie County Zoning Map.
2. The applicant wants to place one new 122 square foot freestanding sign and 32 square feet of lettering signage on the existing canopy.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has received one comment from an adjacent property owner with concerns regarding this application violating the McKenzie County Zoning Ordinance and additional signage to a dangerous intersection.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.

- c. Encourage the wise and proper use or development of the county's natural resources.
7. The applicant has an existing 96 square foot sign that meets the intent of our sign code.
8. Variances by definition are reasonable relief of density and dimension of standards because of topographic or other specific site limitations. This site has some limitations, but staff is not sure if this is a reasonable request.
9. The applicant could apply for a price sign only for the west side of the site that could be approved with a building permit only. The request could not have any advertising just the actual prices of product. The proposed canopy signage is reasonable because of the limited visibility for the site from all directions.
10. The planning department has allowed a price only sign in another location in the county based on the same type of situation for price visibility. That type of request would be consistent with office policy at this time. 96 square feet of signage is currently allowed per each industrial/commercial lot within the county.

Staff Analysis:

The applicant is requesting a Variance application Permit approval for the construction of a second freestanding sign of 122 square feet in size, along with two canopy signs that combine for 32 additional square feet of signage. The requested Variance Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners, but should be evaluated on its merit, potential impact to neighboring properties, and if it sets a precedent for future applications.

The Planning and Zoning Commission should determine if this request is a reasonable proposal. It would seem that a request to allow the applicants to place additional 164 square feet of signage on the site may be excessive. The applicant could be allowed to place the two canopy signs on site without a variance request since they are wall mounted and less than 50 square feet, with the acknowledgement that they have used 32 square feet of that allotment and that no other wall type signage would be allowed beyond 18 square feet for the site.

The proposed Variance request is in an area of planned general outward expansion of the existing Commercial zone with uses deemed compatible through the adoption of the McKenzie

County zoning ordinance. Staff does not recommend approval for the additional 122 square foot freestanding sign but would entertain a price only sign in that location without any additional advertising as approved in a similar type location in the county already.

If the Planning Commission approves any portion of this request, the following conditions should apply:

Recommended Conditions of Approval:

1. Compliance with all other previous approvals given on the site.
2. A Building Permit shall be obtained for the proposed signage.
3. The applicant's sign main sign shall be adjusted to only change messages every 15 seconds to meet the intent of the sign code.
4. The applicant shall pave the eastern portion of the lot that is used for parking all the way to the state highway to lessen the tracking and dust coming from the site.
5. The applicant shall submit and gain planning department approval for landscaping plan to include trees, security lighting for the entire site, and fencing to control the garbage that may come from the site so it does not blow across road or onto any neighboring properties.

Wild Bison withdrew their application; they are only changing the sign which does not require a permit.

PUBLIC HEARINGS:

CMG Oil and Gas - Steve Schreiner on behalf of CMG Oil and Gas is requesting a Conditional Use Permit for the property commonly known as the SE ¼ of Section 5, Township 150N, Range 96W. The 160 acre Parcel is proposed to have a scoria mining operation.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a scoria mining operation on site.
3. All requirements for public notification have been satisfied.

4. Staff has not received any phone call or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. All agencies have approved the project.
7. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
8. This project is not located within an organized township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to develop a scoria mining operation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The amount shall be 150% of the estimate.
4. All property taxes shall be paid current.
5. The applicant shall maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
6. The applicant shall maintain adequate garbage control.
7. Have a 300' knock off zone on site.

8. Provide dust control for all haul roads and within the site, as well 113th Ave and North Fork Road.
9. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
10. **(NEW)** Tarp all loads exiting the operation site.

Steve Shriner represented CMG Oil & Gas. Requesting approval to reclaim and expand an existing scoria pit.

Commissioner Olson stated that all loads shall be tarp covered and be added as condition #10.

No audience comments.

Motion to **APPROVE**: Nordby, Second: Olson, Voice Vote: All Ayes

Dixon Badlands Trust - Sanford Case with AE2S on behalf of Dixon Badlands Trust is requesting a Conditional Use Permit for approximately 13 acres of property, commonly known as, Lot 4, of Section 6, Township 147N, Range 98West, to establish a water depot.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicant wants to establish a water depot on the site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has received a written comment on the proposal, from an adjacent property owner, which has been provided in each board member's packet. McKenzie County Ambulance approved but requested that the site be well marked with visible identification from the road and emergency vehicles must be able to access the site in all types of weather and conditions. The State Water Commission has issued a permit. All other agencies approved the request.

6. Appropriate Comprehensive Plan Goals:

- a. Assure that the use of land is properly planned and compatible with adjacent land uses.
- b. Enhance and diversify McKenzie County's economy.
- c. Encourage the wise and proper use or development of the county's natural resources.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to establish a water depot. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners based on the public review process through the State Department approval process.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. All property taxes shall be paid current.
4. The applicant shall maintain adequate weed control
5. All tanks, if any, shall be painted in Earth-toned colors
6. Applicant shall provide dust control for ¼ mile in each direction of Long X Road.
7. There will be no trucking for water to or from the site.

Representation for Dixon Badlands was absent and the application was moved to the end of the agenda.

Neighbor, Terry Watson expressed his concern for the permits in regards to the location of the water depot, the artisan well and truck traffic.

Commissioner Best expressed her concern for any added truck traffic going to or from the water depot and asked to add condition #7.

No audience comments.

Motion to **APPROVE**: Olson, Second: Nordby, Voice Vote: All Ayes

Fertile Fields - Fertile Fields is requesting a conditional use permit for their property commonly described as a portion of E/2 of the SW/4 of Section 19, Township 149 North, Range 98 West. The applicant is requesting a conditional use permit to legitimize the current property that currently has a shop and 16 modular homes, add a recreational building, and replace 12 non-permitted skid units with 12 modular homes.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant applied to legitimize the existing site, add a recreational building, and replace 12 skid non-permitted skid units with 12 modular homes.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. Staff has not received any written comments on this request.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Provide and maintain an adequate transportation system within McKenzie County.

7. All agency approvals have been satisfied.
8. This workforce housing development is located just west of the 125th corridor, closer to Highway 85.
9. The applicant is appearing before the board to come into compliance after receiving a zoning violation.
10. The applicant had a CUP and came out of compliance by adding 12 skid units to the property as workforce housing. The applicant has removed the skid units and wants to replace them with 12 modular homes.

Staff Analysis:

The applicant is requesting a conditional use permit to legitimize their property with a shop and workforce housing, as well as allow for expansion.

The applicant is requesting a Conditional Use Permit for an approximately 10 acre parcel to legitimize the existing development, as well as add a recreational building and replace 12 non-permitted skid units with 12 modular homes. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall obtain a building permit for the proposed structures on site.
2. The applicant shall post the address and street name clearly on site (4'X8' sign), to be seen clearly from the road and on all structures.
3. The applicant shall maintain roads within the parcels with enough spacing for emergency vehicles to access, maneuver, and turn around the units in all types of weather.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally,

the applicant shall design the storm water and culvert system to convey a 25 year event.

5. The applicant shall follow/ implement the amended exterior site plan as proposed, including fencing, security lighting, and landscaping.
6. The applicant shall submit in writing an exit strategy to be approved by the planning staff and added to the conditional use permit file.
7. The applicant shall post address clearly on site during and after construction.
8. The applicant shall keep all taxes paid current.
9. The applicant shall provide adequate garbage control within the property.
10. The applicant shall provide adequate weed control including using certified weed free fill.
11. The applicant shall provide an exit strategy by November 1st, 2015, stating when they would be transitioning from workforce housing to something more permanent.
12. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
13. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions. The housing will be approved through Dec. 31, 2015, after that time the project shall be reviewed to determine whether a continued approval shall be granted.

Assistant Planner Perusich stated that applicant requested this be **TABLED** until February 2015.

Warren Hovland- Warren Hovland is requesting a Conditional Use Permit for the property located on an Irregular Tract in Section 8, Township 149N, Range 98W. The parcel is approximately 3.72 acres and is proposed to have a 60'X100" Industrial Shop on it.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an industrial shop on 3.72 acres of agricultural land.
3. This application is for an addition to double the size of an existing shop by adding an office.
4. All requirements for public notification have been satisfied.
5. Staff has not received any phone or written comments on the proposal.

6. Staff has not received any comments from any adjacent property owners.
7. All agencies approved the project.
8. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.
9. This project is not located in an organized township.
10. The applicant has split his parcel of land to separate a grandfathered RV Park and the 3.72 acre parcel proposed for the shop addition.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for an approximately 3.72 acre parcel to add an office onto an existing industrial shop. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.
2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.
3. The applicant shall obtain a building permit for the proposed structure within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally,

- the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved as part of this request.
 6. There will be no workforce housing or living quarters on the parcel.
 7. All property taxes shall be paid current.
 8. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.
 9. The applicant shall maintain adequate garbage control within the entire parcel.
 10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Code Enforcement Officer, Shelden explained that Hovland had begun building prior to zoning approval, but has since started an addition to his shop which is not grandfathered.

Hovland has been working with the Planning and Zoning staff to come in to compliance. He currently has a 50x30 shop on 3.72 acres and is requesting a conditional use permit for an addition of 50x30 to be used as an office.

No audience comments

Motion to **APPROVE**: Nordby, Second: Olson, Voice Vote: All Ayes

Aaron White for McKenzie Electric Coop.-McKenzie Electric Coop. is requesting a Conditional Use Permit for the property shown on the map attached. The transmission line is about 23 miles long and is proposed to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical transmission line on the approximately 23 mile site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.

5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.
7. This line will pass through Yellowstone, Sioux, and Charbon Townships, all three have approved the line.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 23 mile site to develop an electrical transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. All equipment shall be earth tone in color.
4. The applicant shall not place poles through fields, per Charbon Township.
5. Construction will not be done during early morning hours or late evening hours per the ND Dept. of Health.

6. The applicant shall take proper precautions to minimize effect on local wildlife per the Dept. of the Army.
7. The applicant will take care to minimize adverse effects on a body of water per the ND Dept. of Health.
8. The applicant shall take all necessary measures to minimize fugitive dust emissions created during construction activities per the ND Dept. of Health.
9. The applicant shall not condemn property to obtain easements.
10. The applicant shall follow all laws pertaining to this proposal.
11. The applicant shall maintain adequate garbage control within the site.
12. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
13. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

John Karnes representing McKenzie County Electric stated that he had not received any written or verbal concerns from neighbors, and he had obtained all necessary easements.

No audience comments.

*Motion to **APPROVE**: Olson, Second: Haugen, Voice Vote: All Ayes*

Newalta - Newalta Energy Solutions is requesting a Text Amendment, Zone Change, and Conditional Use Permit for their property commonly known as the SW/4 of the NW/4 of Section 20, Township 150 N, Range 101 W. The parcel is a 4.71 acre site, proposed to be used as an Oil Treating and Oil field waste treating/ processing facility.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.
2. The applicant would like to add the capacity to separate salt water from solid waste on location and dispose of it on site in an existing disposal well. The solid waste would be hauled away.
3. There will be no open storage.

4. The site is adjacent to Highway 68.
5. The proposed site is within 1 ¼ miles of a housing development to the North, and about 2 miles away from a housing development to the East.
6. All requirements for public notification have been satisfied.
7. Staff has not received any phone or written comments from the public on this proposal.
8. The applicant has obtained all the approvals necessary for this type of development.
9. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
10. Alex Township has approved the site.

Staff Analysis:

The applicant is requesting a Text Amendment, Zone Change, and Conditional Use Permit for their 4.71 acre site to expand their existing salt water disposal site and add an oil field waste treatment facility. The requested Text Amendment, Zone Change, and Conditional Use Permit do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners based on the response to the public outreach conducted by the County, the public review process through the State Department of Health approval process, and the Alex Township review/approval. The requested approval and improvement seems to meet the general intent of the McKenzie County Zoning ordinance and is an acceptable expansion and improvement of the existing facility. These assumptions are based on adherence to the concerns/approvals raised by the public/agencies and final approvals from all state agencies involved in this type of development.

The Planning and Zoning Commission should consider recommending approval of the proposed Text Amendment, Zone Change, and Conditional Use Permit applications to allow the applicants to develop the existing site within a proposed Industrial zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance.

Staff recommends approval of the application as presented at this time with the following conditions of approval:

Recommended Conditions:

1. The applicants shall obtain a building permit for the proposed structures within the proposed development.
2. The applicants shall complete all landscaping improvements by July 1, 2015, and provide a mix of conifer and deciduous trees to provide some visual relief for the neighbors and passersby.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event. If there is too much run off from the site than additional on-site storm water storage may be required.
4. The applicant shall post the addresses clearly on site and on the proposed structures. The address must be able to be seen clearly from Highway 68.
5. The conditional use permit will be reviewed annually for conformance with the conditions of approval; if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.
6. The applicant shall provide adequate weed control, including using weed free fill.
7. The applicant shall have an insulated 500bbl storage container ready for emergency services.
8. The applicant shall obtain proper fire permits before construction.
9. The applicant shall adhere to all Federal, State, and local laws, regulations, and conditions for the operation of the proposed facility.
10. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State as they are obtained or altered, along with any violations and as it relates to this conditional use approval.
11. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public.
12. All lighting on site shall be downward facing and shall not glare on adjacent property

owners or the public travel ways. The approach should be lit for safety.

13. The applicant shall provide a bond equally 150% of an engineer's estimate to remove and replace the site to a grassy area at the time the site is not desired to be used further. The bond shall be in place before construction begins.
14. The applicant shall fence the site for security and garbage collection by July 1, 2015. The office location should have secure garbage enclosures. Garbage shall be picked up on a regular basis. The applicant shall provide adequate garbage control on site and along Highway 68 in front of the site.
15. **(NEW)** Notify board before going to NDIC with any future applications.
16. **(NEW)** Work with ND DOT on caution light for intersection of HWY 68 & 85.

Dennis Hu, representative for Newalta stated that all waste material would be trucked to Montana and checked for NORM. All loads are checked by the landfill. They will incorporate a future plan for radio-active material and work with the Department of Health.

Commissioner Nordby expressed his concern for increased traffic.

Kathy Skarda, neighbor of another site expressed her concerns for the safety issues and maneuverability related to increased traffic at the intersection of HWY. 85 & HWY. 68.

Hu stated that he would be more than willing to work with NDDOT as there are many options available. He will send an update about NORM, NDDOT, Townships and the Fire Districts regarding his proposed plan.

Warren Hovland and Vicki Wold expressed their extreme concern for the waste material being monitored from location to disposal.

Nordby asked to be notified prior to NDIC for any future projects.

Hu agreed to notify the board before going to NDIC with any future applications and work with ND DOT on a caution light for the intersection of 68 & 85 conditions #15 and #16.

No additional audience comments.

Motion to **APPROVE** with added conditions: Best, Second: Olson, Voice Vote: All Ayes

SEH -SEH is requesting a Conditional Use permit/Comprehensive Plan Change/Zone Change for their property commonly known as a portion the NE 1/4, of Section 23, Township 150 North, Range 96 West. The parcel is a 1.7 acre site and is proposed to have a hazardous bulk storage facility containing a variety of oil and water tanks, shop, truck loading, associated support buildings, and an office.

Findings of Fact:

1. The applicant's property is currently designated Commercial on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct hazardous bulk storage and associated uses and is a portion of a larger gathering system to service the McKenzie County area on their 1.7 acre site. (Gathering systems are an allowed use)
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
7. The overall project consists of 12-400 bbl storage tanks, a separator, a 6 bay tanker truck unloading facility, pumping units, The applicant desires to obtain the appropriate comprehensive plan/zoning designation for this operation. The area is currently designated Agricultural on the Comprehensive Plan and Zoned Agricultural. The applicant is applying for an Industrial Comprehensive Plan designation and Industrial Zoning, along with a conditional use permit for the proposed operation.
8. Building permits are required for any proposed or existing structures onsite. Adequate parking should be included onsite for at least 10 semi-trucks.

Staff Analysis:

The applicant is requesting a Conditional Use application Permit, Comprehensive Plan change to Industrial, and a Zone change to Industrial for their 1.7 acre site to develop a hazardous bulk storage site. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The applicant should be encouraged to provide some additional on site landscaping (trees) for the enjoyment of the residents and soften the impact to the surrounding property owners, along with entry security lighting for the safety of their employees and the travelling public. The applicant should also be required to provide a minimum of 10 semi truck parking/staging area for the trucks coming to the facility so they are not backed up on the roadway creating a hazard to the public. These assumptions are based on adherence to the concerns/approvals raised by the public/agencies and final approvals from all state agencies involved in this type of development.

The proposed development lies approximately 1 mile east of the Johnsons' corner area in a commercially designated portion of the county. The request is a non-contiguous request that has been sited through the state, federal reviewing agencies, and the the proximity to existing gathering lines and vehicular access via a state highway. The area is moving towards an industrially developed area rather than commercial based on the gathering line systems that exists in that area.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit, Comprehensive Plan, and Zone Change applications to allow the applicants to develop the existing site . The proposed Conditional Use, Comprehensive Plan, and Zone change requests are a planned general outward expansion of the existing Commercial/Industrial designated area to the east with uses deemed compatible through the adoption of the McKenzie County Zoning Ordinance and Comprehensive Plan.

Staff recommends approval of the Comprehensive Plan/Zone Change requests, and the Conditional Use Permit application as presented at this time with the following conditions of approval:

Recommended Conditions:

1. The applicants shall obtain a building permit for the existing and proposed structures within the proposed development.
2. The applicant shall follow the amended site plan dated 1/5/15 to better reflect what is desired for landscaping and lighting for the site.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the address clearly on site and provide a project sign (4' by 8') on site to identify the project.
5. The conditional use permit will be reviewed annually for conformance with the conditions of approval; if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.
6. The applicant shall paint all structures and facilities on site matching earth tone colors.
7. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility.
8. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
9. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public along HWY 73. The applicant shall be responsible for all dust control from their site to the highway.
10. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
11. The applicant shall remain current with all county taxes.
12. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the use is not planned to be utilized any further.
13. The applicant shall add the additional trees shown on the amended site plan dated 1/5/15 on site by 7/1/15.
14. The applicants conditional use permit will be reviewed on an annual basis to ensure conformance with the conditions of approval.

15. (NEW) Work with Keene fire Dept. for some sort of fire suppression plan.

Dan Hedrington represented SEH.

Assistant Planner Perusich eliminated condition #12 and added condition #2 and #14. Perusich also inquired about an emergency response plan.

Commissioner Nordby recommended a fire suppression plan with Keene Fire Department as an added condition.

No audience comments.

Motion to **APPROVE** with added condition: Nordby, Second: Best, Voice Vote: All Ayes

Banks H2O – Vicki Wold on behalf of Banks H2O is requesting a Conditional Use Permit for the property commonly known as, the W ½ of the SE ¼ of Section 6, Township 152N, Range 97West, to establish a seasonal water depot.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicant wants to establish a water depot on the site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received written comments on the proposal from adjacent property owners. McKenzie County Ambulance approved but requested that the site be well marked with visible identification from the road and emergency vehicles must be able to access the site in all types of weather and conditions. The State Water Commission has issued a permit. All other agencies approved the request.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Encourage the wise and proper use or development of the county's natural resources

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to establish a water depot. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners based on the public review process through the State Department approval process.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. All property taxes shall be paid current.
4. The applicant shall maintain adequate weed control
5. The applicant shall maintain adequate garbage control
6. All tanks, if any, shall be painted in Earth-toned colors

Vicki Wold represented Banks H₂O for a temporary/seasonal water pump using water from a nearby creek.

No audience comments

Motion to **APPROVE**: Olson, Second: Haugen, Voice Vote: All Ayes

Zoning Ordinance Amendment –

Proposed Zoning Ordinance Amendment

Preamble

It is frequently the case that an applicant for zoning approval, such as a conditional use permit, has maintained the use in violation of the zoning ordinance for some time prior to applying. Often, applicants only come to the zoning department to apply for permits after they have been ordered to cease and desist from maintaining their violations. Currently, such applicants are not penalized in any way and therefore the economic incentive to compete in the marketplace is to commit a zoning violation while waiting for approval while competitors first wait for approval. The purpose of this proposed amendment is to create a disincentive to such practices as well as to ensure that sufficient resources are in place to terminate violations and reclaim land in the event the application is denied.

Amendment

New Section 5.9.5 (or 5.9.4 if the previously proposed new section 5.9.4 is not made part of the ordinance) of the McKenzie County North Dakota Zoning Ordinance is hereby enacted, effective immediately and retroactively to the greatest extent allowable by law:

5.9.5 Application Bond for Applications to Approve Existing Violations

Upon filing an application for a conditional use permit, building permit, or certificate of occupancy after the applicant has been notified that the land use applied for is in violation of this ordinance or the building code, the applicant shall post bond equal to one hundred fifty percent (150%) of the amount estimated by a licensed engineer to be required to terminate the violation and bring the land into compliance with this ordinance and the building code. The applicant shall also execute an easement and release giving the county approval to enter the land and terminate the violation directly in the event that the application is denied as well as releasing the county and its agents for any liability for damages caused to the applicant or any others as a result of the county's termination of the violation and indemnifying the county and its agents for any liability to others for such damages. The applicant must show proof of

insurance naming the county as an additional insured to cover such damages with coverage of no less than one million dollars per incident and no less than one million dollars per person. The applicant shall also deposit cash in the amount of the zoning department's reasonably estimated cost for engineering review of the reclamation plan. Upon completion of the engineering review of the reclamation plan and confirmation of the posted bond, the application may be reviewed and, as necessary, placed on the planning commission's agenda for hearing.

Ari was the spokesperson for the amendment.

No audience comments

*Motion to **APPROVE**: Olson, Second: Nordby, Voice Vote: All Ayes*

Discussion:

Youngquist Brothers – Assistant Planner Perusich stated she has been working with Youngquist Brothers for eight months. Youngquist Brothers stated that they will have a new application in for the March agenda. If it is not complete we may have to work at another way of bringing them into compliance.

Gary Lundberg –

Commissioner Olson expressed that Lundberg's request to reconsider housing inside of buildings has been revisited numerous times and it will be continued to be denied.

No audience comments

*Motion to **DENY**: Olson, Second: Haugen, Voice Vote: All Ayes*

Adjourned at 8:38 pm

Planning and Zoning Commission Minutes
February 09, 2015

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:03 pm by Jeremy Olson.

Members Present: Aaron Gravos, Doug Bolken, Jeremy Olson, Doug Nordby, Paul Wisness and Vawnita Best.

Absent: Barb Bauman, Chris Mrachek and Les Haugen.

Staff Present: Building/Planning Director, Walter Hadley; Assistant Planner / Current Planning, Lindsey Perusich; Assistant Planner / Code Enforcement Officer, Jennifer Shelden; Administrative Assistant, Deborah Maciejewski; Administrative Assistant, Jennifer Josephson; Planning Attorney, Ari Johnson.

Others: See sign in sheet

Minutes of January 12, 2015 were presented. Motion to **APPROVE** minutes: Nordby, SECOND: Bolken

UNFINISHED BUSINESS:

Park Construction - Park Construction is requesting a conditional use permit for their property commonly described as a portion of NW ¼ and the NE ¼ of Section 26, Township 151 North, Range 99 West. The applicant is requesting a conditional use permit to allow existing empty manufactured home lots to be filled and to keep their current grandfathered RV and camper spots on the property.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant applied to allow growth of their previously grandfathered site to include mixed housing use, despite being advised by the planning department, on multiple occasions, that the zoning ordinance does not encourage mixed housing.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. Staff has not received any written comments on this request.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Provide and maintain an adequate transportation system within McKenzie County.
7. All agency approvals have been satisfied.

Staff Analysis:

The applicant is requesting a conditional use permit to legitimize mixed housing use, as well as allow for expansion. The Planning Commission and Board of Commissioners have made it clear on prior applications that they did not want to approve any mixed housing.

The Planning and Zoning Commission/Board of Commissioners should consider the merits of approving/denying the proposed conditional use permit request.

Staffs recommends the Planning Commission/Board of Commissioners approve the Conditional Use Permit Request for the manufactured homes, but deny the request for RV or Camper lots, as the mixed housing use is not compatible with the Zoning Ordinance, nor are they an allowed use or a conditionally allowed use in the Agricultural Zone.

Recommended Conditions:

1. The applicant shall obtain a building permit for the proposed structure(s).
2. The applicant shall post the address and street name clearly on site (4'X8' sign), to be seen clearly from the road and on all structures.
3. The applicant shall maintain roads within the parcels with enough spacing for emergency vehicles to access, maneuver, and turn around the units in all types of weather.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall follow/ implement the exterior site plan as proposed, including fencing, security lighting, and landscaping.
6. The applicant shall post address clearly on site during and after construction.
7. The applicant shall keep all taxes paid current.
8. The applicant shall provide adequate garbage control within the property.
9. The applicant shall provide adequate weed control.
10. The applicant shall provide an exit strategy by November 1st, 2015, stating when they would be transitioning from workforce housing to something more permanent.
11. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Stuart Hamm represented Park Construction who is not willing to accept the conditions presented at January's meeting. Hamm stated that the company had sought legal counsel and they wish to continue with their plan to have mixed use housing and desire to withdraw their current application. Sheldon,

Code Enforcement Officer stated that if they are renting out housing then they would also need state lodging permits.

No audience comments.

Motion to **DIRECT** staff to continue enforcement action: Nordby, **SECOND**: Bolken.

Fertile Fields - Fertile Fields is requesting a conditional use permit for their property commonly described as a portion of E/2 of the SW/4 of Section 19, Township 149 North, Range 98 West. The applicant is requesting a conditional use permit to legitimize the current property that currently has a shop and 16 modular homes, add a recreational building, and replace 12 non-permitted skid units with 12 modular homes.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant applied to legitimize the existing site, add a recreational building, and replace 12 skid non-permitted skid units with 12 modular homes.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. Staff has not received any written comments on this request.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Provide and maintain an adequate transportation system within McKenzie County.
7. All agency approvals have been satisfied.
8. This workforce housing development is located just west of the 125th corridor, closer to Highway 85.
9. The applicant is appearing before the board to come into compliance after receiving a zoning violation.
10. The applicant had a CUP and came out of compliance by adding 12 skid units to the property as workforce housing. The applicant has removed the skid units and wants to replace them with 12 modular homes.

Staff Analysis:

The applicant is requesting a conditional use permit to legitimize their property with a shop and workforce housing, as well as allow for expansion.

The applicant is requesting a Conditional Use Permit for an approximately 10 acre parcel to legitimize the existing development, as well as add a recreational building and replace 12 non-permitted skid units with 12 modular homes. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall obtain a building permit for the proposed structures on site.
2. The applicant shall post the address and street name clearly on site (4'X8' sign), to be seen clearly from the road and on all structures.
3. The applicant shall maintain roads within the parcels with enough spacing for emergency vehicles to access, maneuver, and turn around the units in all types of weather.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall follow/ implement the amended exterior site plan as proposed, including fencing, security lighting, and landscaping.
6. The applicant shall submit in writing an exit strategy to be approved by the planning staff and added to the conditional use permit file.
7. The applicant shall post address clearly on site during and after construction.
8. The applicant shall keep all taxes paid current.
9. The applicant shall provide adequate garbage control within the property.
10. The applicant shall provide adequate weed control including using certified weed free fill.
11. The applicant shall provide an exit strategy by November 1st, 2015, stating when they would be transitioning from workforce housing to something more permanent.
12. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
13. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions. The housing will be approved through Dec. 31, 2015, after that time the project shall

be reviewed to determine whether a continued approval shall be granted.

Hamilton Davis represented Fertile Fields. They had a previous CUP to remove skid shacks; they are requesting a new CUP to replace shacks with manufactured homes.

The request is to put in modular units and a rec room where no alcohol will be served. Parking will be in front of the units, the entire site will be fenced.

They have attained proof of water and sewer and the well is permitted through the State Department of Health.

No audience comments.

Motion to **APPROVE**: Bolken, Second: Gravos, Voice Vote: All Ayes

PUBLIC HEARINGS:

Delta Constructors - Delta Constructors is requesting a conditional use permit for their property commonly described as a portion of NW/4 of Section 1, Township 146 North, Range 99 West. The applicant is requesting to legitimize their existing 7 acre development that is in violation and they deserve to gain approval for further expansion of the site. Phase 1 would be to legitimize the existing buildings and allow for yard storage, replace RV's, FEMA Trailers, and Skid Units with (5) one bedroom and (18) two bedroom park model trailer units. They would also add water storage tanks for Emergency Services, and complete their mechanical building and gym/rec. room. Phase 2 would be construction of an additional shop similar to the existing facility, a 4800sf. equipment maintenance shop, and a separate office building. In addition, the park model trailer units would be removed and replaced with permanent structures in a subdivision located on a separate parcel close to this location.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently zoned Agricultural on the McKenzie County Zoning Map.
2. The applicant applied to allow growth of their previously grandfathered site to include mixed housing use, despite being advised by the planning department, on multiple occasions, that the zoning ordinance does not encourage mixed housing.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone comments on the proposal.
5. The applicant has a significant amount of yard storage and scattered vehicle parking onsite.
6. Staff has not received any written comments on this request.
7. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Provide and maintain an adequate transportation system within McKenzie County.

8. All agency approvals have been satisfied.
9. This application was a zoning violation and the applicant is trying to get into compliance with the McKenzie County Zoning Ordinance.

Staff Analysis:

The applicant is requesting a conditional use permit to legitimize their current 7 acre development, as well as allow for future expansion. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. Currently the existing development is unsightly to the traveling public and is causing a tracking problem onto highway 85. The attractiveness has been addressed in the applicant's site plan.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to correctly develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan, with an appropriate set of conditions for this site.

Recommended Conditions:

1. The applicant shall obtain a building permit for all of the proposed structures.
2. The applicant shall post the address and street name clearly on site (4'X8' sign), to be seen clearly from the road and on all structures. The applicant shall post address clearly on site during and after construction.
3. The applicant shall gravel/ scoria and maintain roads within the parcels with enough spacing for emergency vehicles to access, maneuver, and turn around the units in all types of weather.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall follow/ implement the amended exterior site plan as proposed, by September 1, 2015, including fencing, security lighting, and landscaping.
6. The applicant shall keep all taxes paid current.
7. The applicant shall provide adequate garbage control within the property and in front of the property along Highway 85.
8. The applicant shall provide adequate weed control; including using certified weed free fill.
9. Any new structures shall meet the minimum of 25ft. setback from the property line, in accordance with the McKenzie County Zoning Ordinance, and 150ft. setback from the center line of the Highway 85.

10. The applicant shall bring in an amended site plan showing a designated yard storage area within the site and a designated parking area within the site to accommodate all vehicles, so that they are not directly staged along 6th St. NW, Highway 85 or any other neighboring properties by July 1, 2015.
11. The applicant shall provide 20 ft. between all homes for fire safety.
12. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions, and will be reviewed after December 31, 2015 to decide if a continued use of employee housing is necessary.
13. The applicant shall pave from their farthest south approach to Highway 85 to prevent tracking.

Rick Hyce representing Delta Constructors is in compliance with zoning. They are replacing the skids with park models and met the final deadline with Shelden, Code Enforcement Officer. Assistant Planner, Perusich commended Linda on her efforts and willingness to add landscaping along the road.

Motion to **APPROVE**: Nordby, Second: Gravos, Voice Vote: All Ayes.

Darick Franzen - Darick Franzen is requesting a Comprehensive Plan Change/Zone Change for property located in the S/2 of the NE/4 Section 22, Township 150 North, Range 101 West. The parcel is currently zoned Commercial and is proposed to change to zoning to Industrial and Residential (R-3). This project is on approximately 80 acres. Forty five (45) of these acres would be zoned Residential (R-3) with 16 of those acres being reserved for open space/recreational area, and 35 acres would be zoned industrial, separated into parcels, via a subdivision, and sold.

Findings of Fact:

1. The applicant's property is currently designated Commercial on the McKenzie County Comprehensive Plan and is Currently Commercial on the McKenzie County Zoning Map.
2. The applicant wants to change the comprehensive plan and existing zoning to allow them to expand their mobile home park and sell subdivided (2 acre minimum) smaller pieces of Industrial land. The overall project is planned to be a mix of Residential (R-3) and Industrial uses.
3. The Industrial sections would have strict covenants limiting the development in that area. These covenants are provided in the packets and have been approved by Alex Township.
4. This development is located near the Highway 85 corridor, south east the Tumbleweed Subdivision, and directly south behind Bakken Buffet.
5. All requirements for public notification have been satisfied.
6. Staff has not received any phone or written comments on the proposal.
7. Staff has not received any comments from adjacent property owners.

8. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
9. Building permits are required for any proposed structures onsite. Adequate parking should be included onsite for all industrial/commercial uses so that vehicles are not staged or parked along the county roads.
10. The applicant has submitted a master plan that designates the Residential (R-3) and Industrial areas for this request.
11. Alex Township has approved this request with the condition that strict covenants limiting development in the area will be recorded. These covenants are provided in the packets and have been approved by Alex Township. (Covenants to be recorded within 14 days of any Board of County Commissioners Approval.)
12. The applicant will need to apply for a subdivision and meet the intent of the McKenzie County Zoning Subdivision Ordinance for all lots created and developed.
13. The applicant would need to have a minimum of 1250' between all residential and industrial uses.

Staff Analysis:

The applicant is requesting a Comprehensive Plan & Zone changes to Residential (R-3) and Industrial Zoning for a future Subdivision to develop a mixed use development onsite. The requested changes do not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. This application has Township approval with restricted covenants. No lots shall be created prior to a Subdivision approval.

The Planning and Zoning Commission/Board of Commissioners should consider the merits of approving/denying the proposed comprehensive plan/zone change. There may be buffering issues and problems with future uses due to the proposed mixed zoning. A traffic study may be required as a part of the applicant's subdivision proposal, along with a master plan that provides a buffer for all existing/proposed residential uses.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan, and Zone Change applications to allow the applicants to start work on their subdivision/manufactured home park expansion. The proposed Comprehensive Plan and Zone change requests would be an expansion of the existing, highly used, commercially developed corridor along Highway 85 North.

Darick Franzen requests a zone change from commercial to mixed – Industrial and residential (R-3). Would remove condition 13 and 14.

No audience comments.

Motion to **APPROVE** with removal of conditions 13 and 14: Bolken, Second: Gravos, Voice Vote: All Ayes.

Oasis Midstream - Oasis Midstream is requesting a Conditional Use Permit for the property located in the NW/4 of Section 3, Township 151 North, Range 98 West. The parcel is approximately 8 acres and is proposed to construct gas compressor station facility (Wild Basin Gas Compressor Station).

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. All requirements for public notification have been satisfied.
3. Staff has not received any comments from adjacent property owners.
4. All agencies approved the project.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.
6. The proposed site is not located in an organized Township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 8 acre site to build a gas compressor station facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to construct a gas processing and crude oil handling facility within an Industrial zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between units and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.

3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.
4. The applicant shall obtain a building permit for the proposed structures within the proposed development.
5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
6. Trucks will not be parked alongside the road if the facility is full, there will need to be enough room in the facility for all trucks.
7. The applicant shall follow the updated exterior site plan that incorporates a fencing, security lighting, and landscaping plan placed in the file as part of this request.
8. The applicant shall follow all federal, state, and local laws pertaining to this project.
9. All tanks and equipment shall be painted earth tone. For example: tan, gray, green, blue, brown.
10. The applicant shall maintain adequate weed control, which includes obtaining only certified weed free fill.
11. The applicant shall maintain adequate garbage control.
12. The applicant shall fence, light (for security purposes), and landscape the site according to the site plan on file.
13. The applicant shall fence the site before construction.
14. The applicant shall construct facility with fixtures to contain any leakage at the valves.
15. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
16. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions.

Jason Killion represented Oasis Midstream and it was approved to move to the end of the agenda to obtain a better map image.

Neighbor, Brian Faulkner has concerns with risk affecting his home and property in a catastrophic event. Faulkner addressed the location and space allotted between compressor station and his residence. Oasis representative agreed to expand condition #3 stating that they are to have foam on location in case of emergency and to be in contact with Emergency management to secure a water source. It will be documented that a Noise study will be conducted as a WIP (work in progress) after completion.

Motion to **APPROVE** with the condition amendment: Bolken, Second: Nordby, Voice Vote: All Ayes.

West Dakota Waters - Drew Poeckes on behalf of West Dakota Water is requesting a Conditional Use Permit for approximately 12 acres of property, commonly known as Section 3, Township 151N, Range 99West, to establish a water depot.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicant wants to establish a water depot on the site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received written comments on the proposal from adjacent property owners. McKenzie County Ambulance approved but requested that the site be well marked with visible identification from the road and emergency vehicles must be able to access the site in all types of weather and conditions. The State Water Commission has issued a permit. All other agencies approved the request.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Encourage the wise and proper use or development of the county's natural resources

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to establish a water depot. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners based on the public review process through the State Department approval process.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road.
2. The applicant shall adhere to all local and State laws, regulations, and conditions for the operation of the proposed facility.

3. All property taxes shall be paid current.
4. The applicant shall maintain adequate weed control.
5. The applicant shall maintain adequate garbage control.
6. The applicant shall provide dust control for ¼ mile in each direction of 129th Avenue N.W.
7. All tanks, if any, shall be painted in Earth-tone colors.

Ryan Waters and Jill Helmuth represented West Dakota Waters. Applying for installation of a water depot, one building and two fill ports. The pond would be on seven acres and the Depot on five. The water would be untreated and used for industrial use. . The land to the south of the depot is a compressor station. They will have adequate parking.

No audience comments.

Motion to **TABLE**: Nordby, Second: Gravas, Voice Vote: All Ayes.

Basin Electric - Basin Electric is requesting a Conditional Use Permit for the property located in the N/2 of Section 23, Township 150, Range 96. The parcel is an approximately 41.02 acre site and is proposed to construct an electrical substation “Kumer Ridge Substation” to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical substation on the approximately 41.02 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.
7. This development is not located in an organized township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 41.02 acre site to develop an electrical substation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the addresses clearly on site (4'x8' sign) so that it can be seen from HWY 73.
2. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.
3. The applicant shall obtain a building permit for any proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. All equipment shall be earth tone in color.
6. The applicant shall follow exterior site plan that incorporates fencing and security lighting placed in the file as part of this request.
7. The applicant shall maintain adequate garbage control within the site.
8. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
9. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Basin Electric is requesting a Conditional Use Permit for the property located in the SW/4 of Section 27, Township 151, Range 101. The parcel is an approximately 117.54 acre site and is proposed to construct an electrical substation "Patent Gate Substation" to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.

2. The applicant wants to construct an electrical substation on the approximately 117.54 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.
7. This development is not located in an organized township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 117.54 acre site to develop an electrical substation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the addresses clearly on site (4'x8' sign) so that it can be seen from the closest public road way.
2. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.
3. The applicant shall obtain a building permit for any proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. All equipment shall be earth tone in color.
6. The applicant shall follow exterior site plan that incorporates fencing and security lighting placed in the file as part of this request.
7. The applicant shall maintain adequate garbage control within the site.

8. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
9. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Basin Electric is requesting a Conditional Use Permit for the property shown on the map attached. The transmission line is about 28 miles long and is proposed to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical transmission line on the approximately 28 mile site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.
7. This line will not pass through any organized Townships.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 28 mile site to develop an electrical transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. All equipment shall be earth tone in color.
4. Construction will not be done during early morning hours or late evening hours per the ND Dept. of Health.
5. The applicant shall take proper precautions to minimize effect on local wildlife per the Dept. of the Army.
6. The applicant will take care to minimize adverse effects on any body of water per the ND Dept. of Health.
7. The applicant shall take all necessary measures to minimize fugitive dust emissions created during construction activities per the ND Dept. of Health.
8. The applicant shall not condemn property to obtain easements.
9. The applicant shall follow all laws pertaining to this proposal.
10. The applicant shall maintain adequate garbage control within the site.
11. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
12. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Chris Miller represented Basin Electric.

Kumer Ridge substation would be SouthEast of Johnsons Corner on 41 acres of land. The substation would be 11 acres and fenced with security lighting.

Paul Bergom stated he has concerns of the devaluation of his property.

Jason Leiseth expressed his concerns as well for devaluation of land and future issues. Also mentioned the payments from the electric company.

Kelly Sukol stated there are 5 families in negotiation.

Kumer Ridge Substation

Motion to **APPROVE**: Bolken, Second: Wisness, Voice Vote: All Ayes

Patent Gate Substation

Motion to **APPROVE**: Bolken, Second: Gravos, Voice Vote: All Ayes

Killdeer Loop Phase 1 – Transmission Line

Motion to be **TABLED** until further efforts with landowners: Vawnita, Second: Gravos, Voice Vote: All Ayes.

McKenzie Electric Coop. - McKenzie Electric Coop. is requesting a Conditional Use Permit for the property shown on the map attached. The transmission line is about 5 miles long and is proposed to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical transmission line on the approximately 5 mile site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.
7. This line will pass through Alex Township, the township stated that they had concerns about the easements.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 5 mile site to develop an electrical transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. All equipment shall be earth tone in color.
4. Construction will not be done during early morning hours or late evening hours per the ND Dept. of Health.
5. The applicant shall take proper precautions to minimize effect on local wildlife per the Dept. of the Army.
6. The applicant will take care to minimize adverse effects on any body of water per the ND Dept. of Health.
7. The applicant shall take all necessary measures to minimize fugitive dust emissions created during construction activities per the ND Dept. of Health.
8. The applicant shall not condemn property to obtain easements.
9. The applicant shall follow all laws pertaining to this proposal.
10. The applicant shall maintain adequate garbage control within the site.
11. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
12. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

No audience comments.

Motion to **APPROVE**: Nordby, Second: Wisness, Voice Vote: All Ayes.

Zoning Hwy overlay district – Comments were received from everyone but the City of Arnegard.

AN ORDINANCE ADDING SECTION 3.11 TO THE MCKENZIE COUNTY NORTH DAKOTA ZONING ORDINANCE RELATING TO HIGHWAY CORRIDOR OVERLAY DISTRICT.

3.11 Corridor Overlay District

3.11.1 Intent

The purposes of the Highway Corridor Overlay District for transportation corridors is to promote and protect the public health, safety, and welfare by providing for the aesthetic and coordinated treatment of properties bordering and within identified transportation corridors in McKenzie County. These transportation corridors are expected to carry significant volumes of traffic, making development along these corridors highly visible to the traveling public. Therefore, it is the purpose of this district to ensure high aesthetic quality of development along these important transportation corridors through:

- (A) The establishment of enhanced standards for buildings, landscaping, and other improvements constructed on the properties bordering and within the transportation corridors; and
- (B) The establishment of development requirements which will encourage high quality of design of development of those properties and promote the quality, scale, and character of development consistent with existing and planned uses bordering and within the transportation corridors.

3.11.2 Application and Exemptions

- (A) These standards apply to sites (including all principal and accessory buildings) that are within the Corridor Overlay District unless otherwise specified herein, and apply to all uses.
- (B) Farm structures are exempt from these requirements provided they meet the base zoning district requirements.
- (C) Existing single-family structures are exempt from these requirements provided they meet the base zoning district requirements.
- (D) If overlapping regulations appear in other sections of the zoning ordinance, those regulations stated herein shall take precedence.
- (E) Unless otherwise noted in this section, the standards of the underlying base zoning districts shall apply.

3.11.3 Standards

- 1) Any and all site plans, architectural elevations, and proposed materials will be required to be submitted to the Planning Department for design review. Recommendations may be provided for revision prior to approval.
- 2) Building design shall incorporate materials to convey permanence, substance, timelessness, and restraint. Each building shall be constructed with one or more of the following material(s) consisting of at least fifty percent (50%) of the exterior materials:

- a) Clay or masonry brick
- b) Customized concrete masonry
- c) Architectural flat metal panels or glass
- d) Stucco or Exterior Finish Insulation
- e) Natural Stone
- f) Residential grade permanent siding with brick decorative masonry
- g) Metal siding systems may be used along the corridor provided that metal is limited to 70% of the building face. In addition, the building must be enhanced by the application of brick, decorative masonry, or decorative stucco surfaces in combination with decorative fascia, overhangs and trim.
- h) Post and Beam – Log structures and/or entries.

3) Multi-building or Mixed Use Projects

- a) Prior to issuance of a building permit on a multi-building development, the applicant shall submit plans that demonstrate the use of consistent design elements throughout the project. Subsequent building permits shall conform to the design elements presented.
- b) Multi-building developments shall include prominent focal points, which shall include, but not be limited to architectural structures, art, historical and/or landscape features. These features shall be located at or visible from vehicular and pedestrian entrances to the site.
- c) Free-standing garage clusters of multiple family residential sites shall not be placed along the corridor overlay districts unless the overall appearance is similar to the primary residential building.

4) Site Design

a) Building and Parking Setbacks

- i. Building on sites located at major intersections along the identified corridor (i.e. at intersections with designated future arterial roadways or traffic corridors as identified herein) shall be sited in the corner of the intersection with parking areas in the rear yard.
- ii. The County Planning Director shall consider all site design proposals with the requirements set forth herein. In those instances in which a prevailing setback has previously been established, County Planning Director may require compliance with the prevailing setback rather than the provisions set forth below.

b) Natural Features

Significant natural or existing features, such as drainage swales, existing trees, and shelterbelts, shall be incorporated into the site design to the extent that retention of the feature allows reasonable use of the site, as determined by the County Planning Director.

c) Functional Site Elements

- i. Trash enclosures and trash compactors shall be located such that they are not visible from the identified corridor.
- ii. Outdoor storage that does not consist of display of merchandise shall be located such that it is not visible from the identified corridor, by placing the outdoor storage on the opposite side of the building from the identified corridor, or by placing outdoor storage in an enclosure that has the appearance of being integral to the building. All outdoor storage shall be fully screened from view through the use of an opaque decorative fencing material or architectural screen walls.
- iii. Loading and delivery areas shall not be located along the front side of the building that fronts on the identified corridor, unless compliance is not reasonably feasible. Such areas shall be screened from view through the use of landscaping or architectural and building materials used in the primary buildings.
- iv. Contractor yards, service yards, heavy equipment, salvage, and items of a similar nature shall be located away from public street frontages and shall be screened with opaque fencing.

d) Pedestrian Accommodations for Commercial Projects

- i. Pedestrian walkways shall be provided between building entrances/exits and parking areas, and within parking areas to provide a designated walking area, especially where there is a need to connect dispersed buildings with parking areas.
- ii. Pedestrian walkways shall be provided between buildings and sidewalks or multi-use paths along adjacent streets.
- iii. On multi-building sites and mixed use sites, the site design shall provide functional pedestrian spaces, plazas, and seating areas between or in front of buildings. Designs shall include some areas with weather protection, such as overhangs, awnings, and canopies to increase usefulness in a variety of weather conditions.

No audience comments.

Motion to **APPROVE**: Wisness, Second: Gravos, Voice Vote: All Ayes.

Discussion:

Zach Lampa – proposed his landscape ideas and variety. Has easy access to a tree farm right across the Minnesota border, plans to plant trees in a sequence of smaller and larger trees. Staff will review and bring back to commission in future.

Application review time for the Planning and Zoning Committee will be lengthened and will be available a week before.

Meeting adjourned at 7:58 pm

Planning and Zoning Commission Minutes
March 9, 2015

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:02 pm by Kris Mrachek.

Members present: Les Haugen, Barb Bauman, Doug Bolken, Jeremy Olson, Kris Mrachek, Vanita Best, Doug Nordby

Absent: Paul Wisness, Aaron Gravos

Staff Present: Assistant Planner/Code Enforcement Officer, Jennifer Shelden; Permit Coordinator, Deborah Maciejewski; Administrative Assistant, Chelsea Morris; Planning Attorney, Ari Johnson; Code Enforcement Officer/Deputy, Nathan Stoker

Discussion on the Nomination of a Chairman and Vice Chairman for 2015 Jeremy Olson nominated for Chairman Kris Mrachek. Doug Bolken nominated Jeremy Olson for Vice Chairman. Motion to **APPROVE** both nominations: Haugen, Second: Bolken; Voice Vote: All Yeas, Motion Passed.

Others: See sign in sheet.

Minutes of February 9, 2015 were presented. Motion to **APPROVE** minutes: Olson, Second: Best; Voice Vote: All Yeas, Motion Passed.

Unfinished Business:

Basin Electric - Basin Electric is requesting a Conditional Use Permit for the property shown on the map attached. The transmission line is about 28 miles long and is proposed to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical transmission line on the approximately 28 mile site.

3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.
7. This line will not pass through any organized Townships.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 28 mile site to develop an electrical transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.

3. All equipment shall be earth tone in color.
4. Construction will not be done during early morning hours or late evening hours per the ND Dept. of Health.
5. The applicant shall take proper precautions to minimize effect on local wildlife per the Dept. of the Army.
6. The applicant will take care to minimize adverse effects on any body of water per the ND Dept. of Health.
7. The applicant shall take all necessary measures to minimize fugitive dust emissions created during construction activities per the ND Dept. of Health.
8. The applicant shall not condemn property to obtain easements.
9. The applicant shall follow all laws pertaining to this proposal.
10. The applicant shall maintain adequate garbage control within the site.
11. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
12. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Motion to **TABLE**: Olson, Second: Bolken: Voice Vote: All Ayes

West Dakota Water - Drew Poeckes on behalf of West Dakota Water is requesting a Conditional Use Permit for approximately 12 acres of property, commonly known as Section 3, Township 151N, Range 99West, to establish a water depot.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicant wants to establish a water depot on the site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.

5. Staff has not received written comments on the proposal from adjacent property owners. McKenzie County Ambulance approved but requested that the site be well marked with visible identification from the road and emergency vehicles must be able to access the site in all types of weather and conditions. The State Water Commission has issued a permit. All other agencies approved the request.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Encourage the wise and proper use or development of the county's natural resources

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to establish a water depot. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners based on the public review process through the State Department approval process.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road.
2. The applicant shall adhere to all local and State laws, regulations, and conditions for the operation of the proposed facility.
3. All property taxes shall be paid current.

4. The applicant shall maintain adequate weed control.
5. The applicant shall maintain adequate garbage control.
6. The applicant shall provide dust control for ¼ mile in each direction of 129th Avenue N.W.
7. All tanks, if any, shall be painted in Earth-tone colors.

Motion to **TABLE** to end: Olson, Second: Bolken; Voice Vote: All Yeas

Jill Helmuth arrived late to the meeting, representing West Dakota Water.

Motion to **REMOVE** from Tabled Status; Olson, Second: Best; Voice Vote: All Yeas

Ms. Helmuth stated that in 2012 water pipe lines were exempt from permits, and the permit application was returned to her by Jill Edson.

Commissioner Nordby stated the correction that the County Commission did vote to include water pipe lines for Conditional Use Permits.

Motion to **TABLE** until next month's meeting: Nordby, Second: Olson; Voice Vote: All Yeas

PUBLIC HEARINGS:

Bakken Boys - Terry Bertram is requesting a Conditional Use Permit for approximately 640 acres of his property, commonly known as the S/2 of Section 18, Township 151, Range 96 and the E/2 of Section 13m Township 151, Range 97. The application is for a seasonally operated water depot piped via temporary pipelines.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. All requirements for public notification have been satisfied.
3. Staff has not received any phone or written comments on the proposal.

4. Staff has not received written comments on the proposal from adjacent property owners. The State Water Commission has issued their permits.
5. All other agencies approved their request.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Encourage the wise and proper use or development of the county's natural resources.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for property to operate a seasonal water depot. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners based on the public review process through the State Department approval.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicants to develop the seasonal water depots within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicants shall mark the site with visible address/project identification (4'x8' sign) from the road.
2. The applicants shall adhere to all local and State laws, regulations, and conditions for the operation of the proposed facility.
3. All property taxes shall be paid current.
4. The applicants shall maintain adequate weed control.
5. The applicants shall maintain adequate garbage control within the parcels applied for.
6. All tanks, if any, shall be painted in Earth-tone colors.

Terry Bertram, representing Bakken Boys, to operate a seasonal water depot located on 640 acres of property owned by Thomas and Donna Kellog, with no trucking or permanent buildings. A telemetry

meter will be used to accurately monitor the amount of water pumped out of the Lake and then directed into diversion points and then pumped directly to oil well locations for fracking.

No audience comments

Motion to **APPROVE**: Nordby, Second: Bolken Voice Vote: All Ayes

Jorgenson, Faye - Faye Jorgenson and Donald Sivertson are requesting a Conditional Use Permit for approximately 1,000 acres of their property, commonly known as parts of Sections 10, 14, 15, and 23, Township 151N, Range 97West, for some seasonally operated water depots located on their land. Ms. Jorgenson will not have any trucking, as the water will be piped via temporary pipelines, while Mr. Sivertson plans on having water trucked from the water depot(s) located on his property.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicants want to legitimize the water depots located on their land.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received written comments on the proposal from adjacent property owners. McKenzie County Ambulance approved but requested that the site be well marked with visible identification from the road and emergency vehicles must be able to access the site in all types of weather and conditions. The State Water Commission has issued their permits. All other agencies approved their request.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Encourage the wise and proper use or development of the county's natural resources.
7. This project is not located within an organized township.

8. This project is similar to several other seasonal fresh water depots that have been approved in the past.

Staff Analysis:

The applicants are requesting a Conditional Use Permit for their property, to operate their seasonal water depots. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners based on the public review process through the State Department approval process.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicants to develop the existing sites within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicants shall mark the site with visible address/project identification (4'x8' sign) from the road.
2. The applicants shall adhere to all local and State laws, regulations, and conditions for the operation of the proposed facility.
3. All property taxes shall be paid current.
4. The applicants shall maintain adequate weed control.
5. The applicants shall maintain adequate garbage control.
6. The applicants shall work with the County road and bridge department to provide adequate dust control on County Road 12, for ¼ mile in each direction of their approach.
7. All tanks, if any, shall be painted in Earth-tone colors.
8. Applicant shall provide onsite parking for trucks, so that they aren't staged on any public road ways.

No one was present to represent the Jorgenson-Sivertson Water Depot. A vote was taken to move to the end of the agenda.

Motion to **TABLE**: Olson, Second: Nordby; Voice Vote: All Ayes

At the end of the agenda, this was presented with representation by Faye Jorgenson for a seasonal water depot.

No audience comments

Motion to **APPROVE**: Olson, Second: Nordby, Voice Vote: All Ayes

CMG Oil and Gas (Sondrol Pit) - Steve Schreiner on behalf of CMG Oil and Gas is requesting a Conditional Use Permit for the property commonly known as the SW ¼ SW ¼ of Section 30, Township 149N, Range 98W; SE ¼ SE ¼ Section 25, Township 149N, Range 98W; and the SW ¼ Section 25, Township 149N, Range 99W. The 240 acre site is proposed to have a scoria mining operation.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a scoria mining operation on site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone call or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. All agencies have approved the project.
7. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
8. This project is not located within an organized township.
9. This project is similar to several other scoria pits that have been approved in the past.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to develop a scoria mining operation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond in the amount of 150% of an engineer's estimate to reclaim the site, with the county as the beneficiary.
4. All property taxes shall be paid current.
5. The applicant shall maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
6. The applicant shall maintain adequate garbage control.
7. Have a 300' gravel knock off zone on site.
8. The applicant shall require all loads leaving the site be tarped.
9. The applicant shall provide adequate dust control for all haul roads and within the site, as well as 126th M Avenue N.W. from the site to Highway 85.

10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Steven Schreiner represented CMG and explained that the east side should be completed within this season and the west side would take approximately two years. The total project should be completed including reclamation, in three years. Concerns for surrounding property owners and dust control issues were addressed. The application of magchloride on the roads will help maintain dust issues.

No audience comments

Motion to **APPROVE**: Bolken, Second: Olson; Voice Vote: All Ayes

CMG Oil and Gas- Steve Schreiner on behalf of CMG Oil and Gas is requesting a Conditional Use Permit for the property commonly known as the S ½ of Section 5, Township 150N, Range 96W. The 60 acre site is proposed to have a scoria mining operation.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a scoria mining operation on site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone call or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. All agencies have approved the project.
7. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
8. This project is not located within an organized township.
9. This project is similar to several other scoria pits that have been approved in the past.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to develop a scoria mining operation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.
2. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond in the amount of 150% of an engineer's estimate to reclaim the site, with the county as the beneficiary.
4. All property taxes shall be paid current.
5. The applicant shall maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
6. The applicant shall maintain adequate garbage control.
7. Have a 300' knock off zone on site.
8. The applicant shall require all loads leaving the site be tarped.
9. The applicant shall provide adequate dust control for all haul roads and within the site, as well as ¼ mile in each direction of N. Fork Road from the access road leading to the pit.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Commissioner Mrachek excluded himself due to a conflict of interest with this issue.

Steve Schreiner stated the reclamation of this property would be done as they go, the same as the Sondrol Pit.

Commissioner Bolken questioned the amount of truck traffic. Mr. Schreiner stated it could be extensive. Commission Best asked how long the project will be there, and Mr. Schreiner replied that it would be approximately two years.

Commissioner Haugen suggested that property owners should be notified within a larger proximity than the current requirements of only 300 feet from property lines. All future applicants should follow this rule since dust is such a major concern with scoria pits.

No audience comments.

Motion to **APPROVE**: Olson, Second: Best; Voice Vote: All Ayes

Black Stag - Dick Joyce for Black Stag Services is requesting a Conditional Use Permit for the property located in the S/2 of the NE/4 Section 2, Township 150N, Range 100W. The parcels are approximately 5.28 acres and are proposed to build two 100'X200' shops (one on each parcel) on the two separate parcels.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The application pertains to the corridor just north of Arnegard where many CUP have been granted for commercial shops.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. All agencies approved the project.
7. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
8. This project is located in Arnegard Township and they have recommended approval.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for two approximately 5.28 acre parcels to build a 100'X200' shop on each parcel. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.
2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25-year event.
5. The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved as part of this request.
6. There will be no workforce housing or living quarters on the parcels.
7. All property taxes shall be paid current.
8. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.
9. The applicant shall maintain adequate garbage control within the entire parcel.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
11. The applicant shall provide dust control for ¼ mile on each side of their approaches and within the sites.
12. (NEW) The applicant shall maintain the required 25 foot setback on all sides of property and remove all dirt and mats currently in violation.

Gary Bruins, neighboring property owner, wrote a letter to the Planning & Zoning Department addressing issues of Black Stag Services pushing dirt piles and mats onto his adjacent property. Mr. Bruins does not oppose the project. He would like setbacks of 25 foot to be observed by Black Stag.

Darrick Parry, representative of Black Stag Services stated that he was made aware of the letter and has moved the dirt and mats to abide by the 25 foot setback and will continue to maintain this setback.

Commissioner Olson stated that the property is part of Arnegard's Comprehensive Plan, and also stated that a Conditional Use Permit in an area zoned as Agriculture allows outside storage of equipment, whereas an area zoned as commercial does not.

Dick Joyce, Project Manager, clarified the Conditional Use Permit is on 2 separate parcels with all required setbacks.

No audience comments

Moving dirt and maintaining setbacks of 25 feet on all property sides was added as condition #12.

Motion to APPROVE with added Condition #12: Nordby, Second: Haugen Voice Vote: All Ayes

E&M Services- Mohave Engineering for E&M Services is requesting a Conditional Use Permit for the property located on an Irregular Tract in the SE/4 of the SE/4 Section 25, Township 150N, Range 100W. The parcel is approximately 5 acres and is proposed to add an 85'X35' extension to the existing Industrial Shop.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an extension to their existing industrial shop on 5 acres of agricultural land.
3. The application pertains to a shop located in the corridor just north of the landfill.

4. All requirements for public notification have been satisfied.
5. Staff has not received any phone or written comments on the proposal.
6. Staff has not received any comments from any adjacent property owners.
7. All agencies approved the project.
8. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
9. This project is located in Arnegard Township and they have recommended approval.
10. The applicant has a previous approval through Arnegard Township for the existing development.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for an approximately 5 acre parcel to add an 85'X35' extension onto an existing industrial shop. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.
2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.

3. The applicant shall obtain a building permit for the proposed structure within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall follow the amended site plan that incorporates fencing, security lighting, and landscaping to be approved as part of this request.
6. There will be no workforce housing or living quarters on the parcel.
7. All property taxes shall be paid current.
8. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.
9. The applicant shall maintain adequate garbage control within the entire parcel.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Peter Profit spoke for E&M Services. Profit stated they request to add a 50'x100' building to the existing 85'x100' building which was built prior to McKenzie County Planning & Zoning and approved through Arnegard Township.

Commissioner Olson stated that the original Arnegard Township Conditional Use Permit allowed workforce housing, which was never constructed. The Conditional Use Permit for the addition will not allow any workforce housing and the applicant has agreed to this.

Due to the location of the building, Commissioner Nordby stated the area needed to be kept clean and neat.

No audience comments

Motion to **APPROVE**: Bolken, Second: Bauman; Voice Vote: All Ayes

Three Forks Ventures- Mohave Engineering for Three Forks Ventures is requesting a Conditional Use Permit for the property located on an Irregular Tract in the NE/4 of the NE/4 Section 25, Township 150N, Range 100W. The parcel is approximately 10 acres and is proposed to build an 80'X100' shop and a 40'X100' lean to attachment.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an industrial shop on 10 acres of agricultural land.
3. The application pertains to a shop located in the corridor just north of the landfill.
4. All requirements for public notification have been satisfied.
5. Staff has not received any phone or written comments on the proposal.
6. Staff has not received any comments from any adjacent property owners.
7. All agencies approved the project.
8. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
9. This project is located in Arnegard Township and they have recommended approval.
10. The access is coming off of 132nd St. NW, which is a section line road. There is concern from staff that there is not an easement turned in and anyone getting to the proposed shop would have to pass through a parcel previously approved for workforce housing by Arnegard Township, owned by Three Forks Ventures as well. Also, if this parcel was to be sold there would not be an access to this parcel.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for an approximately 10 acre parcel to build an industrial shop with lean to. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.
2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.
3. The applicant shall obtain a building permit for the proposed structure within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved as part of this request.
6. There will be no workforce housing or living quarters on the parcel.
7. All property taxes shall be paid current.
8. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.
9. The applicant shall maintain adequate garbage control within the entire parcel.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
11. (NEW) A request for access to the property from 26th Street NW has been received.

Peter Profit was the representative for Mohave Engineering requesting to construct a pole barn and lean to be used for commercial/industrial use.

No audience comments

Paradigm- Paradigm Midstream is requesting a Comprehensive Plan Change, Zone Change, and Conditional Use permit for their property commonly known as a portion the E/2 of Section 22, Township 151 North, Range 96 West. The parcel is a 273.31 acre site and is proposed to have a crude oil central delivery point with hazardous bulk storage. At full development the proposed facility will be comprised of (6) 100,000 barrel capacity aboveground storage tanks (ASTs), (6) 220,000 barrel capacity ASTs, one or more separators, a multi bay tanker truck loading/unloading facility with up to (70) 400 barrel capacity ASTs for crude oil, pumping and metering units, pipeline pig launchers and receivers, and Automatic Custody Transfer (ACT) units for transfer of crude oil and natural gas to pipeline transportation facilities. The site is planned to be fully developed in 5-10 years.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an oil central delivery point with a bulk storage facility on 273.31 acres.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
7. The overall project consists of (6)100,000 bbl. and (6) 220,000 bbl. storage tanks, (70) 400 bbl. storage tanks, meter facilities, pump skid, and associated terminal facilities. The applicant desires to obtain the appropriate comprehensive plan/zoning designation for this operation. The area is currently designated Agricultural on the Comprehensive Plan and Zoned Agricultural. The applicant is applying for an Industrial Comprehensive Plan designation and Industrial Zoning, along with a conditional use permit for the proposed operation.
8. Building permits are required for any proposed or existing structures onsite.
9. This development is located in Blue Butte Township and they have given their approval.
10. This application is similar to Legion Terminals which was approved last year.

Staff Analysis:

The applicant is requesting a Comprehensive Plan change to Industrial, Zone change to Industrial, and a Conditional Use Permit for their 273.31 acre site to develop an oil central delivery station with hazardous bulk storage. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The request is a non-contiguous request that has been sited through the state, federal reviewing agencies, and is in close proximity to existing gathering lines and vehicular access via a state highway. The area is moving towards an industrially developed area rather than commercial based on the gathering line systems that exists in that area.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan, Zone Change, and Conditional Use Permit applications to allow the applicants to develop the existing site. The proposed Comprehensive Plan, Zone change, and Conditional Use Permit requests are a planned general outward expansion of the existing Commercially/Industrially used area with uses deemed compatible through the adoption of the McKenzie County Zoning Ordinance and Comprehensive Plan.

Staff recommends approval of the Comprehensive Plan/Zone Change requests, and the Conditional Use Permit application as presented at this time with the following conditions of approval:

Recommended Conditions:

1. The applicant shall obtain a building permit for the existing and proposed structures within the proposed development.
2. The applicant shall follow the amended site plan to better reflect what is desired for landscaping and lighting for the site.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the address clearly on site and provide a project sign (4' by 8') on site to identify the project.
5. The applicant shall use privacy fence around the yard storage area near the main office space.
6. The applicant shall landscape according to the amended site plan using a mixture (1 to 1 ratio) of deciduous and coniferous trees with a minimum 1.5 inch caliper, downward facing directional lighting structures (not to disturb traffic on Highway 23, surrounding roads, or adjacent landowners), and 6' chain link fence to surround the entire property.
7. The applicant shall paint all structures and facilities on site matching earth tone colors.

8. The applicant shall adhere to all Federal, State, and local laws, regulations, and conditions for the operation of the proposed facility.
9. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
10. The applicant shall continually control dust within their site and in lieu of dust control on 32nd St. NW the applicant shall pave from Highway 23 to 300 feet past their approach, up to county standards, to prevent damage to the road and tracking onto Highway 23. The applicant shall also pave approaches connecting to Highway 23.
11. The applicant shall remain current with all county taxes.
12. The applicant shall maintain adequate weed control; including using certified weed free fill.
13. The applicant shall maintain adequate garbage control within the site and along 32 St. NW outside of their fence.
14. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the use is not planned to be utilized any further.
15. The applicants conditional use permit will be reviewed on an annual basis to ensure conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.
16. (NEW) The applicant shall erect two, 400-barrels of upright water storage, as suggested by Karolin Rockvoy.

Thomas Janik represented Paradigm Midstream. An amended plan was handed out showing a decrease in the number of bulk storage tanks. They are requesting to build 2 large storage tanks and 2 smaller tanks to temporarily receive crude oil received from trucks.

Commissioner Nordby expressed his concern with recent oil tank explosions/fires and questioned the plan of action if an explosion/fire were to occur, and asked if the other tanks nearby are in danger of exploding.

Janik replied that the tanks are designed to contain the vapors and are spaced according to standards.

Assistant Planner Shelden stated that the construction of 2 -400 gallon barrels of upright water storage tanks was recommended by Karolin Rockvoy, McKenzie County Emergency Manager, and would be added as Condition #16.

Commissioner Nordby suggested a portion of the roadway off of Highway 23 that is the ingress and egress to the site be paved and maintained as a clean road to keep the highway clean of mud and dirt and be reinforced in Condition #10.

Commissioner Haugen questioned the safety of the residents in the area, and Tim Furlong, with Paradigm, stated that most of the truck traffic was not in a close vicinity of residents. Sheldon commented that residents within 1,000 feet were notified approximately three weeks ago and no responses have been received.

Furlong stated the site has reduced from four NDDOT approved approaches from a year ago, to two function approaches, one for an entrance and the other for exit.

Nordby questioned why Paradigm was working with NDDOT a year ago, and are just now submitting an application with the County, which should have been the first step in the process.

Furlong responded that the site plan was in early development stages and not ready for the County to review.

Commissioner Best stated that most of the dirt work has already been done, and the public has long been aware that something has been going on at the site. The project is just now being presented and also affirmed that the County should have been the first step in the process.

Janik apologized on behalf of Paradigm.

Rockvov was asked if everything was up-to-date on safety and response, she said they would be with the two 400 barrel upright tanks and also suggested foam be on site.

Janik stated that foam is not typically needed for this type of tank design.

Best stated that Paradigm meet with a consulting firm to discuss county standards for this type of site and that this review set precedence for future sites of this nature.

Rockvov stated that on March 23, the consulting firm Halliburton, formerly known as Boots & Coots will hold a discussion in Watford City on these standards. Paradigm's engineers are welcome to attend and the results should be ready for the April meeting.

No audience comments

Motion to TABLE: Best, Second: Olson Voice Vote: All Ayes

SEH (Dry Creek) - SEH is requesting a Comprehensive Plan Change/Zone/Change Conditional Use permit for their property commonly known as a portion the SW/4 of the SE/4 of Section 18, Township 150 North, Range 95 West. The parcel is a 1.82 acre site and is proposed to have a hazardous bulk

storage facility (Dry creek Pumping Station) containing oil storage tanks (up to 12), 6 tanks are existing, and associated support buildings shown in the amended site plan.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an oil pumping station on 1.82 acres.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
7. The overall project consists of 12-400 bbl. storage tanks, meter facilities, pump skid, and associated terminal facilities. The applicant desires to obtain the appropriate comprehensive plan/zoning designation for this operation. The area is currently designated Agricultural on the Comprehensive Plan and Zoned Agricultural. The applicant is applying for an Industrial Comprehensive Plan designation and Industrial Zoning, along with a conditional use permit for the proposed operation.
8. Building permits are required for any proposed or existing structures onsite.
9. The site was built before zoning. The applicants did not get building permits for the site, so in order to legitimize the site they have to go through current zoning procedures in order to get their building permits.
10. This is similar to the other project that was approved for SEH earlier this year.

Staff Analysis:

The applicant is requesting a Comprehensive Plan change to Industrial, Zone change to Industrial, and a Conditional Use Permit for their 1.82 acre site to develop a pumping station with hazardous bulk storage. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The request is a non-contiguous request that has been sited through the state, federal reviewing agencies, and is in close proximity to existing gathering lines and vehicular access via a state highway. The area is moving towards an industrially developed area rather than commercial based on the gathering line systems that exists in that area.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan, Zone Change, and Conditional Use Permit applications to allow the applicants to develop the existing site. The proposed Comprehensive Plan, Zone change, and Conditional Use Permit requests are a planned general outward expansion of the existing Commercial/Industrial designated area with uses deemed compatible through the adoption of the McKenzie County Zoning Ordinance and Comprehensive Plan.

Staff recommends approval of the Comprehensive Plan/Zone Change requests, and the Conditional Use Permit application as presented at this time with the following conditions of approval:

Recommended Conditions:

1. The applicant shall obtain a building permit for the existing and proposed structures within the proposed development.
2. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.
3. The applicant shall post the address clearly on site and provide a project sign (4' by 8') on site to identify the project.
4. The applicant shall paint all structures and facilities on site matching earth tone colors.
5. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility.
6. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
7. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public along HWY 73. The applicant shall be responsible for all dust control from their site to the highway.
8. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
9. The applicant shall remain current with all county taxes.
10. The applicant shall follow all Federal, State, and Local laws regarding this site.

11. The applicant shall maintain adequate weed control; including using certified weed free fill.
12. The applicant shall maintain adequate garbage control within the site and along the road until the road meets Highway 73.
13. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the use is not planned to be utilized any further.
14. The applicants conditional use permit will be reviewed on an annual basis to ensure conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.

Dan Hedrington is representing the SEH project. Landowners Gary and Patsy Levang object to Condition #2, referring to the required landscaping of their property with trees. The land will be leased, not sold to SEH. The Levangs feel the trees will obstruct the view of their property. SEH could plant the trees in another location as a corridor of beautification. Levang also questioned why they need to conform to the County's new standards if they have been grandfathered in.

Commissioner Bolken clarified that when a change is made to a grandfathered area, it terminates that status, and is now an opportunity to become compliant with current County standards. Currently the site has six bulk storage tanks that were constructed prior to zoning ordinances being enacted, with a total of 12 tanks permitted. Levang stated he is not interested in expanding the number of tanks currently on the site, but Mrachek added that six more tanks have been permitted and may be added to the site.

Commissioner Olson motioned to remove Condition #2 relating to the planting of trees, and also Condition #15 that refers to the landscaping.

No audience comments.

Motion to **APPROVE** with Conditions #2 and #15 removed: Olson, Second: Best Voice Vote: All Ayes

Note: Landscaping needs to be addressed in a future meeting.

McKenzie Electric Coop.- McKenzie Electric Coop. is requesting a Conditional Use Permit for the property shown on the map attached. The transmission line is about 23 miles long and is proposed to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical transmission line on the approximately 23 mile site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
7. This line will pass through Alex and Arnegard Townships, the townships approved but stated that they had concerns about the easements and pole placement.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 23 mile site to develop an electrical transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan. The proposed transmission line was approved by Alex and Arnegard Townships.

Recommended Conditions:

1. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
2. Construction will not be done during early morning hours or late evening hours per the ND Dept. of Health.
3. The applicant shall take proper precautions to minimize effect on local wildlife per the Army Corps of Engineers.
4. The applicant will take care to minimize adverse effects on any body of water per the ND Dept. of Health.
5. The applicant shall take all necessary measures to minimize fugitive dust emissions created during construction activities per the ND Dept. of Health.
6. (NEW) The applicant must acquire all easement signatures voluntarily and to not condemn any property to obtain easements.
7. The applicant shall follow all Federal, State, and Local laws pertaining to this proposal.
8. The applicant shall maintain adequate garbage control within the site during construction.
9. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Kevin Crather is representing McKenzie Electric and there are a total of five Conditional Use Permits to be approved. Commissioner Olson withdrew from voting due to a financial interest in the project. Questions regarding right of entry for were addressed. McKenzie Electric has contacted every property owner and has 100% signed right of entry forms, but only 75%-80% have granted easements. If the final route of poles will change, McKenzie Electric will submit a final plan to show this route.

Tom McCabe, audience member, stated that they are crossing his property twice and he is all for it.

Commissioner Haugen motioned that Condition #6 be changed to read that there must be all voluntary easement signatures and no condemnations.

Motion to **APPROVE** with verbage of Condition #6 changed: Haugen, Second: Bolken; Voice Vote: All Ayes

Buell Consulting (Briggs Tower) -Buell Consulting is requesting a Conditional Use Permit for the property located in the SE ¼ of Section 23, Township 151N, Range 99W. The parcel is an approximately 0.25 acre site and is proposed to construct a 250 foot radio and telephone transmission and receiving tower facility (Briggs Tower).

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a radio and telephone transmission and receiving tower facility on the approximately 0.25 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 0.25 acre site to develop a radio and telephone transmission and receiving tower facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.
8. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
9. The applicant shall allow space for a dish to be used by emergency services.

10. The applicant's tower shall be constructed to fall on their own site without damaging neighboring properties.

This item was withdrawn from the agenda by Jesse Dimond.

Buell Consulting (Cartwright Tower) - Buell Consulting is requesting a Conditional Use Permit for the property located in the NE ¼ of Section 30, Township 151N, Range 103W. The parcel is an approximately 0.25 acre site and is proposed to construct a 250 foot radio and telephone transmission and receiving tower facility (Cartwright Tower).

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a radio and telephone transmission and receiving tower facility on the approximately 0.25 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 0.25 acre site to develop a radio and telephone transmission and receiving tower facility. The requested Conditional Use Permit

does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.
8. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
9. The applicant shall allow space for a dish to be used by emergency services.
10. The applicant's tower shall be constructed to fall on their own site without damaging neighboring properties.

Jesse Diamond is representing Buell Consulting. He stated that increasing demand for more digital service requires more towers between shorter distances. The property is zoned agricultural and all setback requirements have been met.

Commissioner Olson asked if anyone in the audience was opposed to these types of towers, and there was no response.

No audience comments.

Motion to **APPROVE** Items #12-16: Nordby, Second: Olson; Voice Vote: All Ayes

Buell Consulting (Cement Pond Tower)- Buell Consulting is requesting a Conditional Use Permit for the property located in the SE ¼ SE ¼ of Section 2, Township 150N, Range 101W. The parcel is an approximately 0.25 acre site and is proposed to construct a 250 foot radio and telephone transmission and receiving tower facility (Cement Pond Tower).

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a radio and telephone transmission and receiving tower facility on the approximately 0.25 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 0.25 acre site to develop a radio and telephone transmission and receiving tower facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.
8. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
9. The applicant shall allow space for a dish to be used by emergency services.

10. The applicant's tower shall be constructed to fall on their own site without damaging neighboring properties.

Jesse Diamond is representing Buell Consulting. He stated that increasing demand for more digital service requires more towers between shorter distances. The property is zoned agricultural and all setback requirements have been met.

Commissioner Olson asked if anyone in the audience was opposed to these types of towers, and there was no response.

No audience comments.

Motion to **APPROVE** Items #12-16: Nordby, Second: Olson; Voice Vote: All Ayes

Buell Consulting (Indian Creek Tower) - Buell Consulting is requesting a Conditional Use Permit for the property located in the NE ¼ of Section 22, Township 153N, Range 101W. The parcel is an approximately 0.25 acre site and is proposed to construct a 200 foot radio and telephone transmission and receiving tower facility (Indian Creek Tower).

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a radio and telephone transmission and receiving tower facility on the approximately 0.25 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.

- b. Enhance and diversify McKenzie County's economy.
- c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 0.25 acre site to develop a radio and telephone transmission and receiving tower facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.

8. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
9. The applicant shall allow space for a dish to be used by emergency services.
10. The applicant's tower shall be constructed to fall on their own site without damaging neighboring properties.

Jesse Diamond is representing Buell Consulting. He stated that increasing demand for more digital service requires more towers between shorter distances. The property is zoned agricultural and all setback requirements have been met.

Commissioner Olson asked if anyone in the audience was opposed to these types of towers, and there was no response.

No audience comments.

Motion to **APPROVE** Items #12-16: Nordby, Second: Olson; Voice Vote: All Ayes

Buell Consulting (Tanker Tower) - Buell Consulting is requesting a Conditional Use Permit for the property located in the S ½ SW ¼ of Section 25, Township 153N, Range 96W. The parcel is an approximately 0.23 acre site and is proposed to construct a 269 foot radio and telephone transmission and receiving tower facility (Tanker Tower).

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a radio and telephone transmission and receiving tower facility on the approximately 0.23 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.

5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately .23 acre site to develop a radio and telephone transmission and receiving tower facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.

5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.
8. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
9. The applicant shall allow space for a dish to be used by emergency services.
10. The applicant's tower shall be constructed to fall on their own site without damaging neighboring properties.

Jesse Diamond is representing Buell Consulting. He stated that increasing demand for more digital service requires more towers between shorter distances. The property is zoned agricultural and all set back requirements have been met.

Commissioner Olson asked if anyone in the audience was opposed to these types of towers, and there was no response.

No audience comments.

Motion to **APPROVE** Items #12-16: Nordby, Second: Olson; Voice Vote: All Ayes

Buell Consulting (Wild Cow Tower) - Buell Consulting is requesting a Conditional Use Permit for the property located in the SE ¼ SE ¼ of Section 2, Township 151N, Range 100W. The parcel is an approximately 0.25 acre site and is proposed to construct a 250 foot radio and telephone transmission and receiving tower facility (Wild Cow Tower).

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.

2. The applicant wants to construct a radio and telephone transmission and receiving tower facility on the approximately 0.25 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 0.25 acre site to develop a radio and telephone transmission and receiving tower facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.

3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.
8. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
9. The applicant shall allow space for a dish to be used by emergency services.
10. The applicant's tower shall be constructed to fall on their own site without damaging neighboring properties.

Jesse Diamond is representing Buell Consulting. He stated that increasing demand for more digital service requires more towers between shorter distances. The property is zoned agricultural and all set back requirements have been met.

Commissioner Olson asked if anyone in the audience was opposed to these types of towers, and there was no response.

No audience comments.

Motion to APPROVE Items #12=16: Nordby, Second: Olson Voice Vote: All Ayes

DISCUSSION:

The Commissioners agreed that the County should be made aware of the location of substations since they do not require building permits.

Assistant Planner Shelden reviewed the study comparing staff size and the number of permits issued in surrounding counties.

Karolyn Rockvoy was not present to discuss the RV Parks in the Industrial Zone.

Rick Woolsey was not present to discuss approach approval issues.

Meeting adjourned at 8:13

Planning and Zoning Commission Minutes

April 13, 2015

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:02 pm.

Members present: Les Haugen, Doug Bolken, Jeremy Olsen, Kris Mrachek, Vanita Best, Doug Nordby, Pail Wisness, Arron Gravos.

Absent: Barb Bauman

Staff Present: Planning and Building Director, Walter Hadley; Assistant Planner/Current Planning, Lindsey Perusich; Administrative Assistant, Chelsea Morris, Planning Attorney, Ari Johnson.

Others: See sign in sheet.

Minutes of March 9, 2015 were presented. **Motion to APPROVE minutes: Olsen Second: Best Voice Vote: All Ayes**

UNFINISHED BUSINESS:

Paradigm - Paradigm Midstream is requesting a Comprehensive Plan Change, Zone Change, and Conditional Use permit for property commonly known as a portion of the E/2 of Section 22, Township 151 North, Range 96 West. The parcel is a 273.31 acre site and is proposed to serve as a crude oil central delivery point (CDP) with bulk storage. At full development, the proposed facility will be comprised of one or more buildings, (6) 220,000 barrel capacity ASTs, a multi-bay tanker truck loading/unloading facility with (2) 20,000 barrel capacity ASTs for crude oil, pumping and metering units, pipeline pig launchers and receivers, and automatic custody transfer (ACT) units for transfer of crude oil to pipeline transportation facilities. The site is planned to be fully developed in 5 years.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an oil central delivery point with a bulk storage facility on 273.31 acres.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.

- b. Enhance and diversify McKenzie County's economy
- c. Encourage the wise and proper use or development of the county's natural resources
- 7. Building permits are required for any proposed or existing structures onsite.
- 8. This development is located in Blue Butte Township and they have given their approval.
- 9. This application is similar to Legion Terminals which was approved last year.

Staff Analysis:

The applicant is requesting a Comprehensive Plan change to Industrial, Zone change to Industrial, and a Conditional Use Permit for their 273.31 acre site to develop an oil central delivery station with hazardous bulk storage. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The request is a non-contiguous request that has been sited through the state, federal reviewing agencies, and is in close proximity to existing gathering lines and vehicular access via a state highway. The area is moving towards an industrially developed area rather than commercial based on the gathering line systems that exists in that area.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan, Zone Change, and Conditional Use Permit applications to allow the applicants to develop the existing site. The proposed Comprehensive Plan, Zone change, and Conditional Use Permit requests are a planned general outward expansion of the existing Commercially/Industrially used area with uses deemed compatible through the adoption of the McKenzie County Zoning Ordinance and Comprehensive Plan.

Staff recommends approval of the Comprehensive Plan/Zone Change requests, and the Conditional Use Permit application as presented at this time with the following conditions of approval:

Recommended Conditions:

1. The applicant shall obtain a building permit for the existing and proposed structures within the proposed development.
2. The applicant shall follow the amended site plan to better reflect what is desired for landscaping and lighting for the site.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the address clearly on site and provide a project sign (4' by 8') on site to identify the project.
5. The applicant shall use privacy fence around the yard storage area near the main office space.
6. The applicant shall landscape according to the amended site plan using a mixture (1 to 1 ratio) of deciduous and coniferous trees with a minimum 1.5 inch caliper, downward facing directional lighting structures (not to disturb traffic on Highway 23, surrounding roads, or adjacent landowners), and 6' chain link fence to surround the entire property.
7. The applicant shall paint all structures and facilities on site matching earth tone colors.
8. The applicant shall adhere to all Federal, State, and local laws, regulations, and conditions for

the operation of the proposed facility.

9. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
10. The applicant shall continually control dust within their site and in lieu of dust control on 32nd St. NW the applicant shall pave from Highway 23 to 300 feet past their approach, up to county standards, to prevent damage to the road and tracking onto Highway 23.
11. The applicant shall remain current with all county taxes.
12. The applicant shall maintain adequate weed control; including using certified weed free fill.
13. The applicant shall maintain adequate garbage control within the site and along 32 St. NW outside of their fence, effective immediately. (Per the BOCC)
14. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the use is not planned to be utilized any further.
15. The applicants conditional use permit will be reviewed on an annual basis to ensure conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.
16. **(New)** The applicant shall participate in a local improvement district to allow the addition of facilities to fight fires in their region with other identified stake holders.
17. **(New)** Install air quality/monitoring system on property line prior to construction and provide continuing data to county.
18. **(New)** Emergency response plan needs to be finalized prior to operation on site and include any landowners within one mile. (Per the BOCC)

Jason Stelzer represented Paradigm. Paradigm received approach permits for the two center approaches that were proposed previously. Karolin Rockvov stated that she was more comfortable with larger tanks because they are regulated by the Federal government. The smaller tanks on site would be 20,000 barrel tanks and the larger size would be 220,000 barrel tanks. Kathy Skarda asked what happens when there is a major problem and what about the safety of the home owners and their homes. Paradigm responses that they have met with the safety coordinator twice and where the tanks are located follow with the federal guidelines. Haugen would have liked to have better communication with neighbors

Motion to **TABLE** till end: Bolken Second: Olsen Voice Vote: All Ayes

Wayne Skarda from audience has a problem with the size of the facility and the fire risk with his home only being a half mile away. Stelzer responded stating the site plan now is down sized from the original plans. Originally there were twelve large tanks and seventy smaller tanks. The new site plan is for six tanks that are at full capacity at approximately 180,000 barrels. The design of the tanks is different with a floating roof inside the tank and they are grounded. Greg Tank asked what will happen with the fumes and gases. Stelzer said that the Department of Health issued an air permit and with of the floating roof design it should help minimize any potential threats. Karolin Rockvov has toured the property and they have gone over the fire plans and requested that they set up monitors to monitor air emissions.

No audience comments.

Motion to **APPROVE** with added conditions #16, #17, #18: Olsen Second: Best Voice Vote: Haugen, Wisness opposed

West Dakota Water - Drew Poeckes on behalf of West Dakota Water is requesting a Conditional Use Permit for approximately 12 acres of property, commonly known as Section 3, Township 151N, Range 99West, to establish a water depot.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicant wants to establish a water depot on the site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received written comments on the proposal from adjacent property owners. McKenzie County Ambulance approved but requested that the site be well marked with visible identification from the road and emergency vehicles must be able to access the site in all types of weather and conditions. The State Water Commission has issued a permit. All other agencies approved the request.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Encourage the wise and proper use or development of the county's natural resources

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to establish a water depot. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners based on the public review process through the State Department approval process.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with visible address/project identification (4'x8' sign) from the road.
2. The applicant shall adhere to all local and State laws, regulations, and conditions for the operation of the proposed facility.
3. All property taxes shall be paid current.
4. The applicant shall maintain adequate weed control.
5. The applicant shall maintain adequate garbage control.
6. The applicant shall provide dust control for ¼ mile in each direction of 129th Avenue N.W.
7. All tanks, if any, shall be painted in Earth-tone colors.
8. **(New)** The applicant shall pave from their approach to the beginning of pavement on County Road 35 after improvements are made.
9. **(New)** There shall be a 300 foot knock off zone.
10. **(New)** The applicant shall adhere to the county weight limit set by the county engineer.

Ryan Waters is representing West Dakota Water. The location of this site is at the intersection of County Road 18 and County Road 35. Nordby asked how many trucks they would anticipate on the stretch of road and would they repair the road if it gets damaged due to the trucks. Waters said possibly fifty trucks a day and yes they would be responsible for damages.

No audience comments

Motion to APPROVE with added Condition #8, #9, #10: Nordby Second: Olsen Voice Vote: All Ayes

*Part of Public Hearing.

West Dakota Water - West Dakota Water is requesting a Conditional Use Permit to legitimize a previously built industrial fresh water pipeline. See map for location.

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to legitimize an existing industrial fresh water pipeline to be able to move forward in their water depot development.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:

- a. Assure that the use of land is properly planned and compatible with adjacent land uses.
- b. Enhance and diversify McKenzie County's economy.

Staff Analysis:

The applicant is requesting a Conditional Use Permit to legitimize an existing industrial fresh water line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to move forward with their fresh water depot development. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall obtain a building permit for any proposed structures within the proposed development.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. All property taxes shall be paid current.
4. The applicant shall maintain adequate weed control.
5. The applicant shall maintain adequate garbage control during construction.
6. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
7. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public.
8. All lighting on site during construction shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
9. The applicant shall reseed the alignment with appropriate grass mixture to minimize erosion and level the pipeline easement area after installation of pipeline.
10. An approved emergency plan should be submitted and updated with the county (annually) for this pipeline so that emergency responders understand what is present onsite and the risks that they would face during response to an incident.
11. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Ryan Waters and Drew Poeckes represented West Dakota Water. It was asked if it was normal for the county to get a copy of the shape files, but Assistant Planner Perusich stated that they are given to one call services. Poeckes stated that shape files would be submitted to the county as well as one call services. The total length of the pipeline is going to be 63 miles in the ground.

No audience comments.

Motion to APPROVE: Nordby Second: Olsen Voice Vote: All Ayes

Basin Electric – Basin Electric is requesting a Conditional Use Permit for the property shown on the map attached. The transmission line “N. Killdeer Loop Phase 1 Transmission Line” is about 28 miles long and is proposed to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical transmission line approximately 28 miles long.
3. All requirements for public notification have been satisfied.
4. Staff has received two comments from adjacent property owners, included in your packet.
5. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
 - c. Provide an adequate housing supply for the existing and future residents of McKenzie County.
7. This line will not pass through any organized Townships.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 28 mile site to develop an electrical transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm
8. water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
2. Construction will not be done during early morning hours or late evening hours per the ND Dept. of Health.
3. The applicant shall take proper precautions to minimize effect on local wildlife per the Dept. of the Army.
4. The applicant will take care to minimize adverse effects on any body of water per the ND Dept. of Health.
5. The applicant shall take all necessary measures to minimize fugitive dust emissions created during
9. construction activities per the ND Dept. of Health.
6. The applicant shall be encouraged to not condemn property to obtain easements.
7. The applicant shall follow all Federal, State, and Local laws pertaining to this proposal.
8. The applicant shall maintain adequate garbage control within the site during construction.
9. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
11. **(New)**The applicant must have lease agreements from all land owners on rerouted sections.
12. The applicant must turn in a finalized route with signed easements before the line can be completed.

Chris Miller and Jason Leseth represented Basin Electric. Notices were given and new surrounding land owner are not an issue because they are at least 500 feet away.

No audience comments.

Motion to APPROVE with added Condition #14: Nordby Second: Best Voice Vote: All Ayes

*Part of Public Hearing.

Basin Electric - Cris Miller for Basin Electric is requesting a Conditional Use Permit for the property located in the SW/4 of Section 23, Township 150 North, Range 101 West. The proposal is to construct Phase III of an Energy Generation Facility. Phase III is to include the addition of (3) 45-megawatt natural gas powered turbine engines, a 115kv switchyard (substation) and associated facilities, per the submitted site plan.

Findings of Fact:

1. The applicant's property is currently designated as Industrial on the McKenzie County Comprehensive Plan and is currently Industrial on the McKenzie County Zoning Map.
2. All requirements for public notification have been satisfied.
3. Staff has not received any comments from adjacent property owners stating concerns.
4. All agencies approved the project.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
6. The proposed site is located in Alex Township and they have given approval.

Staff Analysis:

The applicant is requesting a Conditional Use Permit to build a crude oil facility with bulk storage. The requested application does not seem to adversely affect property values, general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider granting approval to allow Basin Electric to expand their site and provide power to citizens of McKenzie County. The proposed Conditional Use Permit request is a planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between units and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.
3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.
4. The applicant shall obtain a building permit for the proposed structures within the proposed development.
5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
6. The applicant shall follow all federal, state, and local laws pertaining to this project.
7. All tanks and equipment shall be painted earth tone. For example: tan or gray.
8. The applicant shall maintain adequate weed control, which includes obtaining only certified weed free fill.
9. The applicant shall maintain adequate garbage control.

10. The applicant shall fence, light (for security purposes), and landscape the site according to the amended site plan on file.
11. The applicant shall fence the site before construction.
12. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
13. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions.

Chris Miller and Jason Leseth represented Basin Electric. Basin Electric will be adding three turbines to the existing three already in place. Current turbines ran 10-15% in the previous year but they are expected to run 10-20% in the future. They have a contract with McKenzie Electric and are trying to stay ahead on energy crisis.

No audience comments.

Motion to APPROVE: Olsen Second: Gravos Voice Vote: All Ayes

PUBLIC HEARINGS:

Caliber Midstream - Caliber Midstream is requesting a Conditional Use Permit to legitimize a previously built industrial gas gathering pipeline. The pipeline is proposed to be converted into a gas transmission line. See map for location.

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to convert an existing industrial gas gathering pipeline into a transmission line.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. All agencies approved the project.
7. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
8. Part of this line is located in Alex Township and they have given approval.

Staff Analysis:

The applicant is requesting a Conditional Use Permit to convert an existing industrial gas gathering line into a transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to move forward with pipeline conversion. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall obtain a building permit for any proposed structures within the proposed development.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. All property taxes shall be paid current.
4. The applicant shall maintain adequate weed control.
5. The applicant shall maintain adequate garbage control during construction.
6. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
7. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public.
8. All lighting on site during construction shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
9. The applicant shall reseed the alignment with appropriate grass mixture to minimize erosion and level the pipeline easement area after installation of pipeline.
10. An approved emergency plan should be submitted and updated with the county (annually) for this pipeline so that emergency responders understand what is present onsite and the risks that they would face during response to an incident.
11. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Jeff Skaare and Skip Vest represented Caliber Midstream. The transmission line is 4.4 miles long and is state (NDIC) regulated. The pressure difference of the gathering line would not be significant when changed to a transmission line.

No audience comments.

Motion to APPROVE: Olsen Second: Wisness Voice Vote: All Ayes

Dakota Access - David Halvorson for Dakota Access is requesting a Conditional Use Permit for the property located in the W/2 of Section 1, Township 149 North, Range 99 West. The parcel is approximately 35.46 acres and is proposed to construct a crude oil facility with bulk storage.

Findings of Fact:

1. The applicant's property is currently designated as Industrial on the McKenzie County Comprehensive Plan and is currently Industrial on the McKenzie County Zoning Map.
2. All requirements for public notification have been satisfied.
3. Staff has received one comment from an adjacent property owner stating concerns.
4. All agencies approved the project.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
6. The proposed site is not located in an organized Township.
7. The proposed site is located across the street from the current city ETA and is right next to Aries Residential Suites, a heavily populated workforce housing development.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 35.46 acre site to build a crude oil facility with bulk storage. The requested application does not seem to adversely affect property values, but could adversely affect the general public health, safety, or welfare of adjacent property owners, because of such dense population in the area.

Although the area is already zoned Industrial the Planning and Zoning Commission should consider the proximity of the proposed project to the heavily populated area as well as the proximity to the city. The proposed Conditional Use Permit request is a planned general outward expansion of the existing Industrial zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between units and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.
3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.
4. The applicant shall obtain a building permit for the proposed structures within the proposed development.
5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
6. Trucks will not be parked alongside the road if the facility is full, there will need to be enough room in the facility for all trucks.
7. The applicant will maintain 24th St. NW from their approach to the highway, including dust control. In lieu of maintaining 24th St. NW the applicant also has the option to pave from their approach in the direction of the highway until meeting the existing pavement. The road shall be kept to county standards year round.
8. The applicant shall follow all federal, state, and local laws pertaining to this project.
9. All tanks and equipment shall be painted earth tone. For example: tan or gray.
10. The applicant shall maintain adequate weed control, which includes obtaining only certified weed free fill.
11. The applicant shall maintain adequate garbage control.
12. The applicant shall fence, light (for security purposes), and landscape the site according to the site plan on file.
13. The applicant shall fence the site before construction.
14. The applicant shall construct the facility with fixtures to contain the leakage at valves.
15. The applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The bond amount shall be 150% of the estimate.
16. The conditional use permit will be reviewed in one year to ensure compliance with the listed conditions.

Mark Bullock represented Dakota Access. There are 1,200 miles of pipeline and with an estimated 450,000 to 575,000 barrels a day. There will be 35 acres used for industrial and the tanks will be 48ft tall and painted earth tones. Aries Residence Suites submitted a letter requesting a denial of the Dakota Access project. Karolin Rockvov stated that they did not have an emergency operations plan in place and she was concerned about the amount of population nearby with the possible toxins in the air. Jamie Norstog and Sharon Norstog voiced their concerns about their neighboring land and animals. If there was a spill at the site it would drain straight into their pastures. Charles Frye asked about the

containment dykes in place, what the emergency response plan was, and who would be liable for damages due to a spill. Kent Petersen asked how they were planning on running pipelines to the plant. Greg Tank wanted to know about the suppression of static systems that were in place and if there was a plan for lightening. April Obenour and Lynn Hovde said they are against this project. Kathy Skarda questioned when the city ETA changed, how it would affect their building and expansion. Bullock responded saying that the design of the tanks has to be grounded and they were willing to work on an emergency operations plan. Paul Wisness is against the location.

No audience comments.

Motion to DENY: Wisness Second: Gravos Voice Vote: All Ayes

Blue Sky Lodging - Blue Sky Lodging is requesting a Comprehensive Plan Change and Zone Change for their property commonly known as a portion the NW/4 of Section 19, Township 149 North, Range 98 West. The parcel is an approximately 26 acre site and is proposed to be zoned Residential (R-3).

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to change the zoning of their parcel to Residential (R-3) to legitimize and support their State licensed lodging facility.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. The state has only approved 98 mobile homes, all of which are currently on site.
7. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Ensure there is enough permanent housing for all County residents.
8. This development is not located in an organized Township.
9. This development is located near Indoor RV Park.
10. The applicant will need to do further permitting to completely legitimize the lodging facility.

Staff Analysis:

The applicant is requesting a Comprehensive Plan and Zone Change to Residential (R-3) for their approximately 26 acre site to legitimize their existing state licensed lodging facility. The requested

change does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan and Zone Change to allow the applicants to legitimize the existing site. The proposed Comprehensive Plan and Zone change requests are a planned general outward expansion of the existing area with uses deemed compatible through the adoption of the McKenzie County Zoning Ordinance and Comprehensive Plan.

Ed Lyons is representing Blue Sky Lodging. They are trying to rezone from Ag to Residential (R3). The road approach was redone and the fence and rockwork meet standards for a CUP. Part of the site has been grandfathered in.

No audience comments.

Motion to APPROVE: Olsen Second: Mrachek Voice Vote: All Ayes

Schroeder, Malissa - Malissa Schroeder is requesting a Comprehensive Plan Change/Zone Change for property located in Section 24, Township 151 North, Range 99 West. The parcel is currently zoned Agricultural and is proposed to change the zoning to Residential (R-1). This project is on approximately 3.0 acres. The applicant wants to rezone this property to support a lot split, to approximately 1.5 acres each, and place a home on each lot.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to change the comprehensive plan and existing zoning to allow them to split the lot and place a house on each side.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from adjacent property owners.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
7. Building permits are required for any proposed structures onsite. Adequate parking should be included onsite so that vehicles are not staged or parked along public roads.
8. The property is located next to Watford Landing Subdivision.

Staff Analysis:

The applicant is requesting a Comprehensive Plan & Zone changes to Residential (R-1) Zoning for a future lot split and to place a home in each lot. The requested change does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan, and Zone Change applications to allow the applicant to split the parcel and place a home on each lot. The proposed Comprehensive Plan and Zone change request is located near Watford Landing Subdivision and would be an expansion of the currently used residential area.

No audience comments.

Motion to APPROVE: Wisness Second: Olsen Voice Vote: All Ayes

Gomez, Javier - Dick Joyce for Javier Gomez is requesting a Conditional Use Permit for the property located on an Irregular Tract in the N/2 of the SE/4 Section 2, Township 150N, Range 100W. The parcel is approximately 5 acres and is proposed to have two single family homes and a commercial shop.

Findings of Fact:

1. The applicant's property is currently designated as Commercial on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to legitimize the existing property and place two new homes in lieu of two older homes and construct a commercial shop to park his semi-truck.
3. The application pertains to Section 2 in Arnegard Township, which is mainly commercial with some workforce housing.
4. The applicant is applying to have two permanent single family homes, not workforce housing.
5. All requirements for public notification have been satisfied.
6. Staff has not received any phone or written comments on the proposal.
7. Staff has not received any comments from any adjacent property owners.
8. All agencies approved the project.
9. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
10. This project is located in Arnegard Township and they have recommended approval.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for an approximately 5 acre parcel to legitimize what is currently on site until they can buy two new homes to replace the two homes that are currently

on the property. The applicant is also applying for a commercial shop to be located on the property so that he has a place to store his personal semi-truck. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.
2. The applicant shall maintain roads within the property and have enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall follow the submitted site plan that incorporates fencing, security lighting, and landscaping to be approved as part of this request.
6. There will be no workforce housing on the parcel.
7. All property taxes shall be paid current.
8. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.
9. The applicant shall maintain adequate garbage control within the entire parcel.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Javier Gomez would like to replace the two old trailers on his lot with new manufactured homes and put up a commercial shop for his private business use.

Motion to APPROVE: Gravos Second: Olsen Voice Vote: All Ayes

Eagle Rock Timber – Eagle Rock Timber is requesting a Conditional Use Permit for the property commonly known as the SE ¼ SE ¼ of Section 28, Township 148N, Range 101W. The 40 acre site is proposed to have a gravel mining operation.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a gravel mining operation on site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone calls or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. All agencies have approved the project.
7. This project is located off of County Road 27 which is paved and will not require dust control.
8. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
9. This project is not located within an organized township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to develop a gravel mining operation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agricultural zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.
2. The applicant shall adhere to all Federal, State, and local laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond in the amount of 150% of an engineer's estimate to reclaim the site, with the county as the beneficiary.
4. All property taxes shall be paid current.

5. The applicant shall maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
6. The applicant shall maintain adequate garbage control.
7. Have a 300' knock off zone on site.
8. The applicant shall require all loads leaving the site be tarped.
9. The applicant shall provide adequate dust control for all haul roads and within the site.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Stuart Neer stated there is an existing well site in the middle, power lines and a man camp. His big concern is the access road because it is used also for the existing lease for well.

No audience comments.

Motion to APPROVE: Olsen Second: Nordby Voice Vote: All Ayes

Buell Consulting - Buell Consulting is requesting a Conditional Use Permit for the property located in the E ½ of the SE ¼ and the S ½ of the NE ¼ of Section 7, Township 151N, Range 96W. The parcel is an approximately 0.25 acre site and is proposed to construct a 290 foot radio and telephone transmission and receiving tower facility (Demick's Lake Tower).

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a radio and telephone transmission and receiving tower facility on the approximately 0.25 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 0.25 acre site to develop a radio and telephone transmission and receiving tower facility. The requested Conditional Use Permit

does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.
8. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
9. The applicant shall allow space for a dish to be used by emergency services.

Jesse Dimond is representing Buell. The cell tower is 290 feet tall located near 113th Avenue.

No audience comments.

Motion to APPROVE: Olsen Second: Wisness Voice Vote: All Ayes

Municipal Communications - Municipal Communications is requesting a Conditional Use Permit for the property located in the NE ¼ of the NE ¼ of Section 8, Township 149N, Range 95W. The parcel is an approximately 0.25 acre site and is proposed to construct a 400 foot radio and telephone transmission and receiving tower facility (Mandaree West Tower).

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a radio and telephone transmission and receiving tower facility on the approximately 0.25 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners. All agencies approved the project.
6. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 0.25 acre site to develop a radio and telephone transmission and receiving tower facility. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agriculture zoning classification. The proposed Conditional Use request is a planned general outward expansion of the existing Agriculture zone with uses deemed compatible through the adoption of the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.

8. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
9. The applicant shall allow space for a dish to be used by emergency services.

Oly Olafson is representing Municipal Communications. This is a cell tower in an Ag zoned field west of Keene.

No audience comments.

Motion to APPROVE: Olsen Second: Haugen Voice Vote: All Ayes

Discussion:

The Development Agreement is meant for smaller developments to help in the future with offering the builder consistency. This would prevent a builder from changing plans half way through a proposed project. The agreement will address green spaces required and can limit how many building permits are open at one time.

Light industrial zoning will be for shops with yard storage with no tanks on site and other specified uses.

Landscaping policy will set standards for the size of trees and plants that must be installed.

Meeting adjourned at 8:20pm.

Planning and Zoning Commission Minutes

June 8, 2015

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:05 pm.

Members present: Les Haugen, Jeremy Olson, Kris Mrachek, Vanita Best, Paul Wisness, Barb Bauman,.

Absent: Doug Bolken, Doug Norby, Aaron Gravos

Staff Present: Planning and Building Consultant, Scott Harmstead; Assistant Planner/Current Planning, Lindsey Perusich; Assistant Planner/Code Enforcement, Jennifer Shelden; Administrative Assistant, Hillary Whitaker; Permit Technician, Deb Maciejewski, Planning Attorney, Ari Johnson.

Others: See sign in sheet.

Minutes of April 13th, 2015 were presented. **Motion to APPROVE minutes with discussed amendments : Best Second: Olson: Voice Vote: All Ayes**

Public Hearing:

Dakota Access - David Halvorson for Dakota Access is requesting a Conditional Use Permit for the property located in the W/2 of Section 1, Township 149 North, Range 99 West. The parcel is approximately 35.46 acres and is proposed to construct a crude oil facility with bulk storage.

Findings of Fact:

1. The applicant's property is currently designated as Industrial on the McKenzie County Comprehensive Plan and is currently industrial on the McKenzie County Zoning Map.
2. All requirements for public notification have been satisfied.
3. Staff had received comments from adjacent property owners stating concerns, but most of the concerns have been recanted. The concerns that remain are about the proposal's potential impact on adjacent agricultural property to the west.
4. All agencies approved the project.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
6. The proposed site is not located in an organized Township.

7. The proposed site is located across US Highway 85 from the current city ETA and is located immediately north of Aries Residential Suites, a densely populated workforce housing development.

Staff Analysis:

The applicant is requesting a conditional use permit for the approximately 35.46 acre site to build a crude oil facility with bulk storage. Analyses of the conditional use permit criteria provided below (Zoning Ordinance Section 5.6):

No conditional use permit shall be recommended by the Planning Commission or approved by the County Commission unless the applicant shall have met all the following criteria:

- a). The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare.

A temporary housing facility, Aries Residence Suites, is located to the south of the project site. The closest liquid bulk storage tank to the housing facility will be located approximately a fourth mile or 1,250 feet from the closest housing unit. This setback provides ample distance for the safety of residents in the event of an emergency. However, additional safety controls should be implemented as part of the project- these controls are in the form of conditions listed in this report. Visual screening should also be implemented on all sides of the project site to at least soften views from US Highway 85, 24th St. NW, workforce housing to the south and the agricultural property to the west.

- b). The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.

The implementation of substantial screening and buffering as described above and as recommended as conditions in this report should minimize the impacts upon the surrounding properties.

- c). The proposed conditional use shall not impede the normal orderly development of the surrounding property.

Buffering and safety controls as designed into the site and recommended through conditions will ensure that potential future development in the area is not impeded.

- d). Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.

The subject property is located adjacent to US Highway 85, will be provided with all necessary utilities, and all drainage will be required to be maintained onsite.

e). Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.

Approval for the west approach has been granted from the county onto 24th St. NW.

f). The proposed conditional use shall conform to all applicable regulations of the district within which it is located.

The proposed use is industrial and is an allowed use, except for the bulk storage of liquids, which is conditional.

Along with the conditions provided in this report, the requested conditional use permit will have a minimal impact on adjacent property values, or the general public health, safety, or welfare of adjacent property owners. Staff recommends approval of the conditional use permit application as presented with the following conditions of approval:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The liquid bulk storage structures shall be setback a minimum of 1,250 feet from the southern property line of the subject parcel.
3. The applicant shall maintain enough spacing between structures and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.
4. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.
5. The applicant shall obtain a building permit for the proposed structures within the proposed development.
6. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
7. No truck parking is allowed along County right of way adjacent to the proposed facility.
8. The applicant shall pave from their approach on 24th St. NW in the direction of US Highway 85 until meeting the existing pavement.
9. The applicant shall maintain dust control on site and have a 300' graveled/paved area for a knock off zone to keep from tracking mud onto 24th St. NW and down to the highway. Knock off zone design shall be approved by the County Planning Director.
10. The applicant shall follow all federal, state, and local laws pertaining to this project.

11. All tanks and equipment shall be painted earth tone.
12. The applicant shall maintain weed control, which includes obtaining only certified weed free fill.
13. The applicant shall maintain garbage control within the site and along their property line outside of the fence. The site shall be kept tidy and clean, any yard storage shall be kept in an orderly manner. The site shall be kept free of trash at all times. Thrash shall be contained in dumpsters acceptable to the County Solid Waste Director.
14. The applicant shall follow the amended exterior site plan that incorporates fencing (6' chain link), security lighting (the approach shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper) approved as part of this request. The trees shall be planted before July 1, 2015 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2015) and the trees shall be planted by July 1, 2016.
15. The applicant shall include a shelter belt on the south, east, and west sides of the property. The shelter belt must include, at a minimum, an earthen berm at least 50 feet wide and six feet in height with landscaping, to meet the planting requirements listed in condition #14 above. The changes must be provided on an amended site plan, subject to the Planning Director's approval. The plan must be submitted by July 1, 2015.
16. The applicant shall fence the site before construction.
17. The applicant shall control all erosion onsite during construction and prevent any erosion impacting offsite property.
18. The applicant shall construct the facility with fixtures to contain the leakage at valves.
19. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the development is not planned to be utilized any further or after six months of abandonment.
20. The applicant's conditional use permit will be reviewed by the planning staff on an annual basis to ensure conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.

Best abstained from the record.

Trevor Hunter, Chuck Frey and Mica Rory represented Dakota Access. Frey presented the Commissioners with a Safety Presentation Booklet that they had made due to the safety concerns presented in the last meeting, such as the safety of the tanks. It was noted that all tanks were equipped with internal floating roofs which reduces the amount of vapor and helps reduce the risk of internal

combustion; a foam application system is on site; all tanks will be constructed up to code with lightning protection.

Dakota Access stated a their concerns with some of their conditions:

- 1) Having to pave all of the road when they have mostly pickup trucks and only about 15 – 17
- 2) Having to plant by July 2015; they will not be able to plant until July 2017
- 3) The size of the berm requested is too big

Jamie Norstog, concerned land owner, requested that a “No outlet” sign be posted because the road dead ends at his property.

Ed Schilte, audience member, states he has had phone calls every 2 weeks from Dakota Access since last fall about his property. Mr. Shilte said he was willing to work with them, however he was told that Dakota Access is not willing to change their route and they will not be talking to him again. Commissioner Olson stated that this is not the first time he has heard of landowners being treated this way from Dakota Access.

Kit Davis, audience member, works with Aries Residence Suites and stated that they feel better about Dakota Access and their project. The representatives from Dakota Access sat down with them and explained all safety measures that could be taken.

Commissioner Mrachek stated concerns about pipelines not already near the area and concerns about applicant being able to get easements from landowners to them there since there is only 1 pipeline near the location.

Rory stated that only 39% of easements have been obtained on the future pipeline.

Motion to APPROVE : Olson Second: Bauman

Voice Vote:

Bauman: AYE

Mrachek: NAY

Haugen: NAY

Olson: AYE

Wisness: NAY

Best: Abstained

MOTION FAILED

Motion to recommend DENIAL: Olson Second: Haugen

Voice Vote:
Bauman: Nay
Mrachek: Aye
Haugen: Aye
Olson: Nay
Wisness: Aye
Best: Abstained

Motion Passed for recommendation of denial.

***NOTE* During the County Commissioner's Meeting, Dakota Access was granted approval.**
Motion to APPROVE: Doug Nordby, Second: Ron Anderson Voice Vote Ron Anderson: AYE, Vawnita Best: Abstained, Richard Cayca: AYE, Doug Nordby: AYE, Kathy Skarda, NAY.

Motion PASSED.

Bakken Link - Bakken Link is requesting a Conditional Use Permit to legitimize a previously built crude oil pipeline and expand the project. The pipeline is a crude oil transmission line. The pipeline enters McKenzie County from under Lake Sakakawea within Elm Tree Township and travels south through Keene Township. The project is subject to County zoning jurisdiction within Blue Butte Township and Township 150 North, Range 96 West south of Blue Butte. The line terminates at State Highway 73. See map for location.

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant is proposing to build a new crude oil transmission line.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. All agencies approved the project.
7. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
8. Part of this line is located in Blue Butte and Grail Townships and they have given approval.

Staff Analysis:

The applicant is requesting a Conditional Use Permit to construct a crude oil transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to move forward with pipeline construction. The proposed Conditional Use request will result in a permanent crude oil transmission line easement. Once finished, much of the easement area may be utilized for agricultural purposes, such as grazing or row crops.

Recommended Conditions:

1. The applicant shall obtain a building permit for any proposed structures within the proposed development.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. The applicant shall maintain adequate weed control.
4. The applicant shall maintain adequate garbage control during construction and continue in areas where buildings are located.
5. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
6. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public.
7. All lighting on site during construction shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
8. The applicant shall reseed the alignment with appropriate grass mixture to minimize erosion and level the pipeline easement area after installation of pipeline.
9. An approved emergency plan should be submitted and updated with the county Emergency Manager and Zoning Enforcement Officer (annually) for this pipeline so that emergency responders understand what is present onsite and the risks that they would face during response to an incident.
10. All above-ground facilities, such as pipe valve stations or electrical and communication buildings

shall be painted earth tone colors to better blend in with their surroundings.

11. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Zach Glueckert represented Bakken Link.

No Audience Comments.

Motion to APPROVE: Haugen Second: Wisness Voice Vote: All Ayes

Sacagawea Pipeline Co. - Sacagawea Pipeline Co. is requesting a Conditional Use Permit to construct a crude oil transmission pipeline. The line is approximately 70 miles long. The portion of the transmission line in County jurisdiction includes approximately 10-11 miles. This portion transmission line leaves the Ft. Berthold Reservation approximately 3.4 miles north of State Highway 73 and travels west, meeting County Road 14 approximately 3.3 miles north of State Highway 73, then travels northwest to its termination at the Paradigm storage facility northwest of the intersection of State Highway 23 and County Road 14. See map for location.

Findings of Fact:

1. The portion of the proposed corridor under County jurisdiction is currently designated as agricultural in the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. All requirements for public notification have been satisfied.
3. Staff has not received any phone or written comments on the proposal.
4. Staff has not received any comments from any adjacent property owners.
5. All affected State agencies have been notified of the project and have received their respective project applications. No objections to the project have been provided by the applicable State agencies.
6. Appropriate Comprehensive Plan Goals:
 - a. Provide and maintain an adequate transportation system within McKenzie County (the oil transmission line will further this goal by reducing the demand for truck trips in support of oil/gas activity).
7. Portions of this line are located in Blue Butte and Grail townships and they have recommended

approval.

Staff Analysis:

The applicant is requesting a Conditional Use Permit to construct a crude oil transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to move forward with pipeline construction. The proposed Conditional Use request will result in a permanent crude oil transmission line easement. Once finished, much of the easement area may be utilized for agricultural purposes, such as grazing or row crops.

Recommended Conditions:

1. The applicant shall obtain a building permit for any proposed structures within the proposed development.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. The applicant shall maintain adequate weed control including obtaining weed free fill.
4. The applicant shall maintain adequate garbage control during construction.
5. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
6. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public.
7. All lighting on site during construction shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
8. The applicant shall reseed the alignment with appropriate grass mixture to minimize erosion and level the pipeline easement area after installation of pipeline.
9. An approved emergency plan should be submitted and updated with the county (annually) for this pipeline so that emergency responders understand what are present onsite and the risks that they would face during response to an incident.
10. The emergency response plan shall be shared with all easement grantors and all surrounding

landowners within one mile.

11. All above-ground facilities, such as pipe valve stations or pumping stations shall be painted earth tone colors to better blend in with their surroundings.
12. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions; if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.

No Audience Comments.

Motion to APPROVE: Wisness Second: Best Voice Vote: All Ayes

West Dakota Water - West Dakota Water is requesting a Conditional Use Permit to expand a previously built industrial fresh water pipeline. The pipeline is approximately 14 miles long. See map for location. The applicant states that the water line extensions are primarily needed to support oil/gas well development.

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. All requirements for public notification have been satisfied.
3. All affected State agencies have been notified of the project and have received their respective project applications. No objections to the project have been provided by the applicable State agencies.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. Appropriate Comprehensive Plan Goals:
 - a. Provide and maintain an adequate transportation system within McKenzie County (the extension of fresh water lines will further this goal by reducing the demand for truck trips in support of oil/gas wells)
7. A piece of the expansion is located in Tri Township and they have recommended approval.

Staff Analysis:

The applicant is requesting a Conditional Use Permit to expand an existing industrial fresh water line.

The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to move forward with their fresh water line extensions. The proposed Conditional Use request will result in a permanent water line easement. Once finished, the easement areas may be utilized for agricultural purposes, such as grazing or row crops.

Recommended Conditions:

1. The applicant shall obtain a building permit for any proposed structures within the proposed development.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. The applicant shall maintain adequate weed control, including using weed free fill.
4. The applicant shall maintain adequate garbage control during construction.
5. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
6. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public.
7. All lighting on site during construction shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
8. The applicant shall reseed the alignment with appropriate grass mixture to minimize erosion and level the pipeline easement area after installation of pipeline.
9. An approved emergency plan should be submitted and updated with the county (annually) for this pipeline so that emergency responders understand what are present onsite and the risks that they would face during response to an incident.
10. The conditional use permit will be reviewed annually by staff to ensure compliance with the listed conditions.
11. The applicant shall provide adequate parking on site during construction so no truck staging will occur off site.

No Audience Comments.

Motion to APPROVE: Olson Second: Wisness Voice Vote: All Ayes

Great Northern Gathering - Great Northern Gathering is requesting a Comprehensive Plan Change/ Zone Change/ Conditional Use permit for their property commonly known as a portion the NE/4 of the SW/4 of Section 30, Township 149 North, Range 98 West. The parcel is a 47 acre site and is

proposed to have a hazardous bulk storage facility (Watford City Receipt Point) containing oil storage tanks, (1) 30,000 barrel and (18) 400 barrel tanks and are existing, and one (1) other 30,000 barrel tank is proposed. Associated support buildings shown in the site plan are also proposed.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to legitimize a grandfathered crude oil facility and allow for future expansion.
3. The bulk storage of hazardous liquids requires conditional use permit approval.
4. All requirements for public notification have been satisfied.
5. Staff has not received any phone or written comments on the proposal.
6. Staff has not received any comments from any adjacent property owners.
7. Appropriate Comprehensive Plan Objectives:
 - a. Ensure orderly and desirable energy development.
 - b. Avoid conflicts between land uses.
8. Building permits are required for any proposed or existing structures onsite.
9. The existing site was built before zoning was in place.
10. This site is on 34th Ave NW.
11. The bordering section to the east is currently designated Industrial in the Comprehensive Plan and is zoned Industrial. Other sections to the north, south, and west are all designated Agricultural in the Comprehensive Plan and zoned Agricultural.

Staff Analysis:

The applicant is requesting a Comprehensive Plan change to Industrial, zone change to Industrial, and a conditional use permit for their 47 acre site to legitimize their crude oil facility with hazardous bulk storage and to allow for future expansion. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The request was previously approved and sited through the state, federal reviewing agencies, and is in close proximity to existing oil and gas facilities. The area is located adjacent to an industrially developed area to the east of the site (also planned and zoned Industrial).

The request is located within the Highway Corridor Overlay District. The property can be viewed from US Highway 85 southbound. It is imperative that landscaping and other visual screening be implemented on the west and north sides of the development to soften the view from the highway. All further site and building plans are subject to Planning Department review and approval based upon overlay district requirements.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan, Zone Change, and Conditional Use Permit applications to allow the applicants to legitimize and expand the existing site. The proposed Comprehensive Plan, Zone change, and Conditional Use Permit requests represent a logical expansion of the existing Industrial designated area to the east.

Staff recommends approval of the Comprehensive Plan/Zone Change requests, and the Conditional Use Permit application as presented at this time with the following conditions of approval:

Recommended Conditions:

1. The applicant shall obtain a building permit for the existing and proposed structures within the proposed development.
2. The applicant shall follow the presented exterior site plan that incorporates fencing (6' chain link), security lighting (the approaches shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper) approved as part of this request. The trees shall be planted before July 1, 2015 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2015) and the trees shall be planted by July 1, 2016.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event.
4. The applicant shall post the address clearly on site and provide a project sign (4' by 8') on site to identify the project.
5. The applicant shall paint all structures and facilities on site matching earth tone colors.
6. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility.
7. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the CUP file.
8. The applicant shall continually maintain and control dust on all drivable areas within the site and provide dust control from the easternmost approach for ¼ mile in the direction of HWY 85

South.

9. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
10. The applicant shall maintain adequate weed control; including using certified weed free fill.
11. The applicant shall maintain adequate garbage control within the site and along the road; the applicant shall keep the site tidy and clean of any debris.
12. The applicant shall construct the facility with fixtures to contain the leakage at valves.
13. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the development is not planned to be utilized any further or after 6 months abandonment.
14. The applicants conditional use permit will be reviewed on an annual basis to ensure conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.
15. **(New)** The applicant shall add lightning/ static protection to 400 bl tanks.
16. **(New)** The applicant shall have foam on site for fire safety and work with local fire department to see what will be a satisfactory amount.
17. **(New)** The applicant shall plant a double row of trees on the west side of the site.

Commissioner Best stated she would like Lightning protection to be added to the tanks as well as a double row of trees on the West side of the property.

Commissioner Olson would like Great Northern Gathering to work with the Fire department to find out information for the best fire protection and fire suppression.

Motion to APPROVE with added conditions: Olson Second: Best Voice Vote: All Ayes

NST Express - NST Express is requesting a Comprehensive Plan Change/ Zone Change/ Conditional Use permit for their property commonly known as a portion the NE/4 of Section 24, Township 152 North, Range 102 West. The parcel is a 49.76 acre site and is proposed to have a hazardous bulk storage facility (NST Trans load Facility) containing oil storage tanks, (3) 150,000 barrel tanks and associated support buildings shown in the site plan are also proposed.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an oil and gas trans load facility on approximately 50 acres.
3. All requirements for public notification have been satisfied.

4. Staff has received one written comment in objection to the proposal the proposal from an adjacent property owner, with concerns about the proposal's potential impact on the adjacent agricultural property to the west and south.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
6. Building permits are required for any proposed or existing structures onsite.
7. This site is adjacent to the intersection of US Highway 85 and County Road 16, an intersection with existing oil and gas trans load and related facilities.

Staff Analysis:

The applicant is requesting a comprehensive plan change to industrial, zone change to industrial, and a conditional use permit for their approximately 50 acre site to construct an oil and gas trans load facility with associated hazardous bulk storage and to allow for future expansion.

The request has been approved by state and federal reviewing agencies (with no other objections) and abuts existing oil and gas facilities. The vicinity (northwest and southwest corners of the intersection of US Highway 85 and County Road 16) is currently developed with related industrial oil and gas facilities. The intersection currently receives a high volume of truck trips and is well situated at the intersection of two major regional routes where truck traffic is expected and better planned for than most rural locations.

The Planning and Zoning Commission should consider recommending approval of the proposed comprehensive plan, zone change, and conditional use permit applications to allow the applicants to construct the proposed project. The proposed project represents a contiguous expansion of the existing industrial area, in a location well situated to receive additional truck traffic and industrial activity.

Along with the conditions provided in this report, the requested conditional use permit will have a minimal impact on adjacent property values, or the general public health, safety, or welfare of adjacent property owners. Staff recommends approval of the Comprehensive Plan/Zone Change requests, and the Conditional Use Permit application as presented at this time with the following conditions of approval:

1. The applicant shall obtain a building permit for the existing and proposed structures within the proposed development.
2. The applicant shall follow the amended exterior site plan that incorporates fencing (6' chain link), security lighting (the approach shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper) approved as part of this request. The trees shall be established by July 1, 2016.
3. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants

shall design the storm water and culvert system to convey a 25 year event.

4. The applicant shall post the address clearly on site and provide a project sign (4' by 8') on site to identify the project.
5. The applicant shall paint all structures and facilities on site matching earth tone colors.
6. The applicant shall adhere to all Federal and State laws, regulations, and conditions for the operation of the proposed facility.
7. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval.
8. The applicant shall continually maintain and control dust on all drivable areas within the site and provide dust control for ¼ mile from the approach in the direction of 39th St. NW.
9. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
10. The applicant shall maintain adequate weed control; including using certified weed free fill.
11. The applicant shall maintain adequate garbage control within the site and along the road; the applicant shall keep the site tidy and clean of any debris.
12. The applicant shall fence the site before construction.
13. The applicant shall construct the facility with fixtures to contain the leakage at valves.
14. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the development is not planned to be utilized any further or after 6 months abandonment.
15. The applicants conditional use permit will be reviewed on an annual basis to ensure conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.

Paul Forsting and Bryan Jensen represented NST Express. Forsting asked that the Berm size required by the zoning ordinance be taken down in size and replaced with more fence. He also stated that he would not be able to plant the required trees until July 2016, not 2015.

Commissioner Olson Stated that was understandable, and asked that we change the condition verbiage to "established trees"

Frank Omstead, audience member, asked if the tanks were the floating roof tanks, if there were flares, and how many trucks would be driving through on a daily basis. Jensen with NST Express answered that Yes, all tanks have floating roofs, there are flares, and he will not be sure of the exact amount of truck traffic because construction would not start until about spring.

Motion to approve with amended conditions: Olson Second: Best Voice Vote: All Ayes.

Kota Resources - Kota Resources is requesting a Conditional Use Permit for the property commonly known as the SW/4 of Section 29, Township 151N, Range 98W and the NW/4 of Section 32, Township 151N, Range 98W. The 80 acre site is proposed to have a gravel/ sand mining operation and a Redi-Mix concrete/asphalt plant.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a gravel/ sand mining operation and a Redi-mix concrete/asphalt plant on site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone calls or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. All affected State agencies have been notified of the project and have received their respective project applications. No objections to the project have been provided by the applicable State agencies.
7. Appropriate Comprehensive Plan Implementation Strategies:
 - a. McKenzie County supports proper planning of mining activities throughout the County.
8. This project is not located within an organized township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the site to develop a gravel/sand mining operation with a Redi-mix concrete/asphalt plant on site. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners. The project site is bordered to the north by a drainage, and agricultural use to the east, west, and south. It is important to note that a residential subdivision (Watford Landing) with nearly 100 lots is located approximately 1 – 1.5 miles to the

northwest. The site is not within the Comprehensive Plan area for Watford City or within an area considered in the Comprehensive Plan update for the City.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is for a temporary use that will have a finite lifespan. When gravel/sand resources are exhausted or the use is discontinued for a period of 6 months or more, the site must be reclaimed to the condition previous to development. A condition has been provided to provide for reclamation at such a time.

Recommended Conditions:

1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.
2. The applicant shall adhere to all Federal, State, and local laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond in the amount of 150% of an engineer's estimate to reclaim the site, with the county as the beneficiary. The site shall be reclaimed to agricultural use upon cessation of the operation or after six months of abandonment.
4. The applicant shall maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
5. The applicant shall maintain adequate garbage control within the site and along County Road 36 along the property boundary.
6. The applicant shall require all loads leaving the site be covered.
7. The applicant shall provide adequate dust control within the site; the applicant shall also provide dust control and needed maintenance to County Road 36 for ¼ mile on each side of their approach.
8. The conditional use permit will be reviewed annually by staff to ensure compliance with the listed conditions.

Nate Williams represented Kota Resources.

Commissioner Wisness abstains from the record.

Motion to APPROVE with amended conditions: Hugen Second: Olson Voice Vote: All Ayes.

Three Forks Ventures - Three Forks Ventures is requesting a Conditional Use Permit for the property commonly known as the NE/4 of the NE/4 of Section 25, Township 150N, Range 100W. The 10 acre site has a Conditional Use Permit for a commercial shop and the applicant is now proposing to add a concrete plant. The project site is bordered to the north by an agricultural field, to the east and west by agricultural fields and oil/gas well sites, and to the south by industrial storage and temporary housing areas.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a concrete plant on site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone calls or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. All agencies have approved the project.
7. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
8. This project is located within Arnegard Township and they have approved the application as presented.

Staff Analysis:

The applicant is requesting a Conditional Use Permit to develop a concrete plant on site. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within an Agricultural zoning classification. The proposed Conditional Use request is for a temporary use that will have a finite lifespan. When gravel/sand resources are exhausted or the use is discontinued for a period of 6 months or more, the site must be reclaimed to the condition previous to development. A condition has been provided to provide for reclamation at such a time. Truck trips associated with the operation will have close access to US Highway 85 (approximately one mile north along 132nd Avenue NW). Further, none of the truck trips between the site and US Highway 85 or in the general area will impact a residential area—the vicinity is agricultural and industrial in nature.

Recommended Conditions:

1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.
2. The applicant shall adhere to all Federal, State, and local laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond in the amount of 150% of an engineer's estimate to reclaim the site, with the county as the beneficiary. The site shall be reclaimed to agricultural use upon cessation of the operation or after six months of abandonment.
4. The applicant shall maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
5. The applicant shall maintain adequate garbage control within the site and along the property boundary, inside and outside of the fence.
6. The applicant shall require all loads leaving the site be covered.
7. The applicant shall provide adequate dust control within the site and pave from three hundred feet west of their approach to the pavement on 132nd Ave. NW. The pavement should be up to county standard.
8. The applicant shall follow the amended exterior site plan that incorporates fencing (6' chain link), security lighting (the approach shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper) approved as part of this request. The trees shall be planted before July 1, 2015 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2015) and the trees shall be planted by July 1, 2016.
9. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

No Audience Comments.

Motion to APPROVE: Best Second: Wisness Voice Vote: All Ayes

Missouri Breaks Subdivision - RPJB is requesting a Text Amendment, Zone Change, and Subdivision approval for a Residential (R-1) area. The subdivision would be 36 lots on a 40 acre parcel. This application is for their property commonly known as the SW/4 of the NE/4 of Section 33, Township 153 North, Range 101 West. The site is proposed to have a Residential (R-1) Single Family uses.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to subdivide and zone the property for single family residential uses only.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy
 - c. Encourage the wise and proper use or development of the county's natural resources
6. Building permits are required for any proposed structures onsite. Adequate parking should be included onsite for all residential development (two off street per unit) so that vehicles are not staged or parked along the public roads.
7. The proposed site is located just north of Stone Meadows Subdivision.
8. The proposed subdivision is located in Tri Township. The township did not approve or deny the project. There was a motion to approve but no second, so the motion died.
9. A green space plan is required by the Zoning Ordinance. None has been submitted.

Staff Analysis:

The applicant is requesting a Zone change and Subdivision approval to R-1 single family Residential for their subdivision to develop a single family development onsite.

Location Issues

The proposal is located in an agricultural area, adjacent to oil/gas wells. The Comprehensive Plan shows areas to the south designated as commercial, industrial, and residential approximately one mile south of the project site. Otherwise, the project site will be surrounded by property designated as Agricultural in the Comprehensive Plan. The existing land use around the site includes agricultural fields and an oil/gas well to the north, fields to the south, Missouri River bluffs to the west and a drainage to the east.

An oil/gas well is located on the northwestern edge of the proposed subdivision. It is important to note that the State Department of Mineral Resources does not authorize drilling permits if a well will be located within 500 feet of a residence. Several of the proposed subdivision lots will be within 500 feet of the existing oil/gas well on the northwest corner of the site. The applicant should provide a

substantial buffer between the existing well and the potential residential building sites. The buffer should be designed to minimize noise and harmful fumes emitted from the oil/gas pad, which is located upwind from the site.

While it is important to encourage the development of permanent housing to decrease the demand upon temporary housing, the proposal is not located within or adjacent to an incorporated city where public services are more readily available. As called for in the Comprehensive Plan, the Commission may choose to conduct a more detailed review of growth in the Tri-Township area to better manage growth (see implementation strategy 4 on page 9 of the Comprehensive Plan).

Conclusion

The proposed Zone change and Subdivision requests are a planned general outward expansion of the existing Residential developed under one mile south adjacent to 42nd Street and would seem to be compatible with the McKenzie County Zoning Ordinance and Comprehensive Plan with the above mentioned concerns being addressed with conditions.

Staff recommends approval of the Zone Change and Subdivision Approval as presented with the following recommended conditions of approval:

1. The applicant shall adhere to all approvals gained through this process and comply with the existing zoning for the newly created subdivision for future land use.
2. The applicant shall obtain all building permit approvals for all structures planned for the site.
3. The applicant shall provide a copy of the recorded CC&Rs with a full copy of the plat to the planning department when this item is finalized. The applicant shall also assume all the maintenance for all the interior roads and drainage improvements proposed within the proposed subdivision.
4. The applicant shall provide an on-site heated/insulated water storage tank (400bbl or larger) in case of emergency.
5. The applicant shall provide adequate off street parking (min two off street) for residential lots and limit on street parking for emergency vehicle/school bus access.
6. The applicant shall dedicate at least one lot (lot 29 and/or lot 22) to be a public park area and common green-space throughout the proposed development. The developer will be responsible for landscaping, fencing, lighting, maintenance, and furnishing the park area.
7. The applicant shall include a buffer between the oil/gas well pad and the proposed residential lots. The buffer must include, at a minimum, an earthen berm 50 feet wide with landscaping. The buffer shall extend across the entire northern boundary of the subdivision. The berm shall be at an adequate height to block the line of sight of the oil/gas well and associated structures from the frontage of lots 11-18. A chain link fence at least six feet in height shall be placed on top of the berm to discourage residents from encroaching upon the oil/gas site. Landscaping to be placed on the berm must include a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper. The trees

shall be planted before July 1, 2015 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2015) and the trees shall be planted by July 1, 2016. The buffer design must be approved by the Planning Director prior to development.

8. Homes developed within lots 11-18 must be setback from the well pad at least 300 feet.
9. The applicant shall provide fencing to the site during construction and place a stipulation in the CC&Rs for the property owners to fence (4' residential fence), light (security lighting) and provide greenspace in the subdivision.
10. The applicant shall provide a bus stop area with a warming hut and security cameras per the Alexander school district.
11. The applicant shall record the plat and CC&Rs no later than November 1, 2015.

Assistant Planner Perusich asked to table this items due to a new site Plan being submitted after the staff report had been completed.

Motion to TABLE: Wisness Second: Olson Voice Vote: All Ayes

RPJB - RPJB Investments, LLC is requesting a Text Amendment for a previously approved ten lot subdivision. This application is for their 36 acre property commonly known as Lot 11, Section 6, Township 152 North, Range 101 West. The site is proposed to be changed from the existing Agricultural to Commercial zoning. The site is located alongside the west side of US Highway 85.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to zone the property for commercial uses.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
6. Building permits are required for any proposed structures onsite. Adequate parking must be included onsite for all commercial development (per section 4.2 of the Zoning Ordinance).
7. The applicant has received approval for the proposed access points from the State Department

of Transportation.

8. The proposed site is located adjacent to the Stone Meadows Subdivision (residential subdivision located on the west side of the proposal).
9. The proposed subdivision is located in Tri Township. The township approved the subdivision application on July 23rd, 2013, with the following conditions: 1) all building and zoning permits must be brought up to date, 2) the DOT permit be revisited, and 3) safeguards must be put in place to prevent contamination of the creek by a proposed truck wash.

Staff Analysis:

The applicant is requesting a zone change from Agricultural to Commercial for their subdivision to develop and legitimize commercial development onsite. The proposed zone change provides a logical buffer, or transition from US Highway 85 to the Stone Meadows rural residential subdivision. Impacts will be minimized to the adjacent residential subdivision and the drainage running north/south through the site. Compliance with State water quality requirements will help ensure storm water and erosion impacts are minimized to the onsite drainage and to offsite areas.

Staff recommends that the Planning Commission recommend approval of the text amendment as presented.

Steve Syrcle represented RPJB.

No Audience Comments.

Moved to APPROVE: Olson Second: Bauman Voice Vote: All Ayes

McKenzie Electric Galaxy Substation - McKenzie Electric Coop. is requesting a Conditional Use Permit for the property located in the NW1/4 of the NE1/4, Section 4, Township 149, Range 96. The parcel is an approximately 4.13 acre site and is proposed to construct an electrical substation "Galaxy Substation" to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical substation on the approximately 4.13 acre site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.

6. All affected State agencies have been notified of the project and have received their respective project applications. No objections to the project have been provided by the applicable State agencies.
 - a. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
7. The substation is not located in an organized township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 4.13 acre site to develop an electrical substation. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission could consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the existing site within the Agriculture zoning classification. The proposed Conditional Use request is a quasi-public facility necessary to support the continued growth of the region. The facility will be located largely out of view from public right of way. The proposed site is no closer than approximately ½ mile from County Road 45. With the application of the listed conditions and as a result of the placement of the substation, the facility's impacts upon the agricultural nature of the area will be minimized.

The site is also located to the rear of a proposed Oneok natural gas compressor site intended to be placed between the substation and County Road 45. Future consideration of the Oneok development should include a change to Industrial zoning. At that time, it may be advantageous to rezone the substation property to Industrial zoning as well.

Recommended Conditions:

1. The applicant shall post the address clearly on site (4'x8' sign).
2. The applicant shall maintain proper ingress and egress, a turnabout at the end of their road, and enough spacing for emergency vehicles to be able to access and maneuver around in all types of weather.
3. The applicant shall obtain a building permit for any proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.

5. All equipment shall be earth tone in color.
6. The applicant shall follow exterior site plan that incorporates fencing and security lighting placed in the file as part of this request.
7. The applicant shall maintain adequate garbage control within the site.
8. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
9. The conditional use permit will be reviewed annually by staff to ensure compliance with the listed conditions.

No Audience Comments.

Motion to APPROVE: Wisness Second: Haugen Voice Votes: All Aye

McKenzie Electric (Sather Dam Loop) - McKenzie Electric Coop. is requesting a Conditional Use Permit for the property shown on the map attached. The transmission line is about 1.75 miles long and is proposed to serve growing commercial and residential loads and provide system reliability in the area.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct an electrical transmission line on the approximately 1.75 mile site.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.
6. All affected State agencies have been notified of the project and have received their respective project applications. No objections to the project have been provided by the applicable State agencies.

7. Appropriate Comprehensive Plan Objectives:
 - a. Ensure orderly and desirable energy development.
8. The line is not located in an organized township.

Staff Analysis:

The applicant is requesting a Conditional Use Permit for the approximately 1.75 mile site to develop an electrical transmission line. The requested Conditional Use Permit does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the applicant to develop the proposed corridor within the Agriculture zoning classification. The transmission line is planned along a corridor that has already been established (along State Highway 68) and no new corridors through open space or agricultural areas will be created. The proposed Conditional Use represents a limited infringement upon the County's agricultural resources and should be considered compatible with the McKenzie County zoning ordinance and comprehensive plan.

Recommended Conditions:

1. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
2. Construction will not be done during early morning hours or late evening hours per the ND Dept. of Health.
3. The applicant shall take proper precautions to minimize effect on local wildlife per the Dept. of the Army.
4. The applicant will take care to minimize adverse effects on any body of water per the ND Dept. of Health.
5. The applicant shall take all necessary measures to minimize fugitive dust emissions created during construction activities per the ND Dept. of Health.
6. The applicant shall not condemn property to obtain easements.
7. The applicant shall follow all Federal, State, and Local laws pertaining to this proposal.
8. The applicant shall maintain garbage control within the site during construction.
9. The applicant shall maintain weed control including obtaining certified weed free fill.

10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

John Carnes represented McKenzie Electric Line. He would like the record to show that 100% of the easements have been acquired.

Janelle Anderson, audience member, questioned whether they would be using the section line or running anything above ground. John Carnes said no to both. Anderson said she was OK with the project as long as those two things didn't happen.

Motion to APPROVE: Haugen Second:Best Voice Vote: All Ayes

Targa Badlands,LLC - Targa Badlands, LLC is requesting a Text Amendment and Zone Change to Industrial for the property commonly known as a portion of Sections 29 and 30, Township 149 North, Range 98 West. The parcel is an approximately a 13 acre site and is proposed to change the Comprehensive Plan and Zoning designations to Industrial to allow an outdoor storage yard.

Findings of Fact:

1. The applicant's property is currently designated as Agriculture on the McKenzie County Comprehensive Plan and is currently Agriculture on the McKenzie County Zoning Map.
2. The applicant wants to gain approval to expand their existing operation and allow for a laydown yard (outdoor storage).
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received comments from any adjacent property owners. The applicant has obtained a physical address of 1939 125th Avenue NW. The applicant has also obtained all favorable responses from all agencies involved in this type of development.
6. Appropriate Comprehensive Plan Objectives:
 - a. Ensure orderly and desirable energy development.
 - b. Avoid conflicts between land uses.
7. The applicant shall be aware that any further expansion on the site would require them to adhere to all of the current county standards for agency, landscaping, lighting, access, fencing and garbage collection.
8. This site is not located in an organized township.

Staff Analysis:

The applicant is requesting a Comprehensive Plan/ Zone Change to Industrial for the approximately 13 acre site to add a laydown yard to the existing facility. The requested change does not seem to adversely affect property values, or the general public health, safety or welfare of adjacent property owners. The applicant will need to provide a buffer strip as required by Section 3.8.4 of the Zoning Ordinance. This buffer strip should be designed to screen the subject outdoor storage area from County right of way and from agricultural property to the east. The buffer strip may consist of landscaping similar to that shown on the submitted site plan (2/16/15) on the other portions of the site. The buffer strip may also include a privacy fence.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan and Zone Change for their site. The site is adjacent to existing industrially zoned land and would seem to be a logical outward expansion of that use in that area. All uses within the desired zoning classification would be allowed on the property if this request was approved.

Staff recommends approval of the Comprehensive Plan/Zone Change requests as presented.

Melissa Kilde represented Targa Badlands. Kilde was concerned with the buffer strip, required by the Zoning Ordinance, on the Eastern boundary of the property. She stated that there is a hill there that creates a natural buffer. She showed a picture to the Commissioners of this natural buffer. She asked that the eastern buffer suggestion be removed from the record.

No Audience Comments.

Motion to APPROVE with amendments to conditions Olson Second: Best Voice Vote: All Ayes

Amerikota Construction - Richard Carter for Amerikota Construction is requesting a Conditional Use Permit for the property located in the SE/4 Section 6, Township 146N, Range 98W. The parcel is approximately 5 acres and is proposed to build a 50'X100' commercial shop and office.

Findings of Fact:

1. The applicant's property is currently designated as Agricultural on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to construct a commercial shop on 5 acres of agricultural land.
3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from any adjacent property owners.

6. All affected State agencies have been notified of the project and have received their respective project applications. No objections to the project have been provided by the applicable State agencies.
7. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Enhance and diversify McKenzie County's economy.
8. This project is not located in an organized township.
9. This is a current violation where the shop building has already been development and the applicant is attempting to take the proper steps to come into compliance.

Staff Analysis:

The applicant is requesting a Conditional Use Permit on an approximately 5 acre parcel to permit an existing commercial shop. Staff has listed proposed conditions that are intended to minimize the impact the project has on adjacent properties. These conditions involve landscaping/tree screening, fencing, and the containment of existing items stored outdoors within the shop building. These conditions will minimize the project's impact on the agricultural character of the surrounding area.

The Planning and Zoning Commission should consider recommending approval of the proposed Conditional Use Permit to allow the commercial operation within the Agriculture zoning classification. While the proposed use is not agricultural in nature and is considered a permanent use, it can be deemed compatible in the Agricultural zoning district with the application of the listed conditions..

Recommended Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.
2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.
3. The applicant shall obtain a building permit for the proposed structure within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall follow the amended exterior site plan that incorporates fencing (6' chain-link), security lighting (the approach shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least

a 1.5 caliper) approved as part of this request. The trees shall be planted before July 1, 2015 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2015) and the trees shall be planted by July 1, 2016.

6. There will be no workforce housing or living quarters on the parcel.
7. There will be no outside storage on the parcel; all equipment must be contained within the shop.
8. The applicant shall maintain and provide dust control to the road from their approach to HWY 85.
9. The applicant shall maintain weed control, including using any fill from a certified weed free source.
10. The applicant shall maintain garbage control within the entire parcel; the parcel shall be kept neat and tidy.
11. The conditional use permit will be reviewed annually by staff to ensure compliance with the listed conditions.

Richard Carter represented Amerikota.

Commissioner Best asked why Carter did not seek a commercial property. Carter stated that it was not affordable.

Commissioner stated that they were trying to get away from businesses being in an agricultural zone.

Motion to APPROVE: Wisness Second:Olson Voice Vote AYE – Wisness, Olson, Haugen, Bauman NAY-Mracheck, Best. Motion Passed.

Gary Baldwin - Gary Baldwin is requesting a Comprehensive Plan Change/Zone Change for property located in Section 31, Township 151 North, Range 104 West. The parcel is currently zoned Agricultural and is proposed to change the zoning to Residential (R-2). This project is on an approximately 14,000sf. lot. The applicant wants to rezone this property to support a four-plex development located in East Fairview.

Findings of Fact:

1. The applicant's property is currently designated Agricultural on the McKenzie County Comprehensive Plan and is Currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to change the comprehensive plan and existing zoning to allow a four-plex to be built.

3. All requirements for public notification have been satisfied.
4. Staff has not received any phone or written comments on the proposal.
5. Staff has not received any comments from adjacent property owners.
6. Appropriate Comprehensive Plan Implementation Strategies:
 - a. McKenzie County encourages housing development in areas with adequate infrastructure.
 - b. McKenzie County supports the development of housing facilities which minimize negative impacts on the County.
7. Building permits are required for any proposed structures onsite. Adequate parking should be included onsite so that vehicles are not staged or parked along public roads.
8. The property is located in East Fairview.
9. The wastewater will have to be hauled or connected to a sewage treatment system because there is not enough land to put in a proper septic system.
10. There is a current violation on the subject property. The proposed building is already under construction, without proper approvals and permits from the County. Since a community sewer system is available in the area, connection to the system will be verified through building permit review.

Staff Analysis:

The applicant is requesting a Comprehensive Plan & Zone changes to Residential (R-2) Zoning for the construction of a four-plex. The requested change does not seem to adversely affect property values, or the general public health, safety, or welfare of adjacent property owners.

The Planning and Zoning Commission should consider recommending approval of the proposed Comprehensive Plan, and Zone Change applications to allow the applicant to allow the four-plex. The proposed zone change and comprehensive plan amendment is located in an area historically platted for urban-scale development. A grid system of streets exists, along with urban water and sewer services. The proposed Comprehensive Plan and Zone change request is located in East Fairview and is within an existing residential area.

Gary Baldwin represented himself. He stated there was a miscommunication between him and his builder which is why the property is in. He stated to his builder that he got approval from the land owner to build and his builder took that as he could start building now.

Assistant Planner Perusich stated that there were major concerns with the septic and that without inspections he would not be able to obtain a building permit or certificate of occupancy.

Ari gave his legal advice and stated we should table this until we can further review and find out who

they can hold accountable for building a project that was not approved.

Motion to TABLE: Wisness Second: Olson Voice Vote: All Ayes

Youngquist Brothers - Steve Ritter for Youngquist Brothers is requesting the following (refer to the applicant's site plan):

- Text Amendment and Zone Change to industrial for a 10 acre portion at the north end of the site.
- Conditional Use Permit for a bulk fuel tank (in the Industrial zone). This is dependent upon the approval of the Industrial zoning.
- Conditional Use Permit for the remaining 20 acres with current agricultural zoning to legitimize the existing temporary housing.
- Variance for the location of an existing shop. This is dependent upon the approval of the Industrial zoning.

The subject property is located in the W/2 of the NW/4 Section 19, Township 150 North, Range 100 West. The parcel is an approximately 30.1 acre site.

Findings of Fact:

1. The applicant's property is currently designated as Commercial on the McKenzie County Comprehensive Plan and is currently Agricultural on the McKenzie County Zoning Map.
2. The applicant wants to legitimize the already existing development and allow for expansion shown on their site plan.
3. All requirements for public notification have been satisfied.
4. Staff has received comments from one adjacent property owner. Laura Gullickson, located at 2681 138th Ave NW (west of the project site), has submitted comments that are attached for reference.
5. Two homes were placed on the site without any building or zoning permits (see location attached).
6. The applicant has obtained ATF (US Bureau of Alcohol, Tobacco, Firearms, and Explosives) approval for storage of explosives on site.
7. There is bulk fuel storage on site which does not require State approval.
8. The State gave water and septic approval contingent on notification that the infrastructure is in place.
9. The applicant has a large heated water storage container on site for fire safety.

10. The building permit for the shop was a foundation only permit. Everything constructed other than footings, stem walls, and the slab are out of compliance. This violation will require a building permit with a double fee assessed.
11. All affected State agencies have been notified of the project and have received their respective project applications. No objections to the project have been provided by the applicable State agencies.
12. Appropriate Comprehensive Plan Goals:
 - a. Assure that the use of land is properly planned and compatible with adjacent land uses.
 - b. Provide an adequate housing supply for the existing and future residents of McKenzie County.
13. This development is located in Arnegard Township and they have approved the development with covenants for the property. The covenants approved by the Township resemble a very limited Industrial zoning. The covenant, if the zone change is approved, will only apply to the 10 acres proposed for a zone change.

Staff Analysis:

The applicant is requesting a Text Amendment, Zone Change, Variance, and Conditional Use Permits for the approximately 30.1 acre site to legitimize their existing development and come into compliance with the County Zoning Ordinance and Comprehensive Plan. This site is currently in violation and this is the proper action to get the site into compliance.

Text Amendment

The subject property is currently designated as Commercial in the Comprehensive Plan. Property across US Highway 85 to the north is designated Commercial. The proposed change to industrial reflects the existing condition of the area and dedicates the area for long term use by industrial operations.

Zone Change

The change of zoning, including the northern 10 acre of the subject site can only be approved with acceptance of the Comprehensive Plan text amendment. The change of zoning will effectively segregate the industrial portion of the site from the residential area to the south.

Variance

The new shop and ATF designated area will be 302 feet from the nearest employee housing building. Section 3.8.4 of the Zoning Ordinance requires a minimum 500 foot setback for such areas with potentially combustible material. A Variance must be considered with the following findings:

- a) The special conditions and circumstances which are unique to the land or structure and not applicable to other land or structure in the same district.
- b) Evidence that the special conditions and circumstances are not a result of the actions of the

applicant.

- c) The literal interpretation of those portions of the ordinance which would deprive the applicant of rights commonly enjoyed by other properties in the district.
- d) Information that the granting of the variance will not confer any special privilege on the applicant that is denied by the ordinance to others in the same district.
- e) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this ordinance in the district involved or any use expressly or by implication prohibited by the terms of this ordinance in said district.

The relocation of the shop and ATF designated area will improve upon the prior setback of approximately 180 feet between the old shop area and the nearest housing unit. If the 10 acre site is allowed to be zoned Industrial, it is important to recognize that no matter where the shop building is located, the 500 foot setback requirement may be impracticable to achieve. Many of the buildings were placed prior to the adoption of the Zoning Ordinance and the variance represents an improvement upon existing conditions.

Conditional Use Permit (Housing)

This conditional use permit request applies to the south 20 acres, planned to remain as Agricultural zoning. 18 existing temporary residences have either been previously approved by Arnegard Township or placed prior to zoning went into effect. Two additional units were placed on the property without local (County or Township) approvals. An additional three units are proposed. The total units on the site are 23. It is important that the existing and proposed units qualify as “temporary crew housing” in the Zoning Ordinance and remain temporary.

Conditional Use Permit (Explosives and Bulk Fuel Storage)

This conditional use permit request applies to the north 10 acres, proposed to be rezoned to Industrial. The applicant proposes to legitimize the storage of explosives and bulk fuel storage onsite, which requires a conditional use permit in the Industrial zone. This permit cannot be considered (or approved) if the change of zone to Industrial is denied.

Conclusion

The Planning and Zoning Commission should recommend approval for the proposed Text Amendment, Zone Change, Variance, and Conditional Use Permit to allow the applicants to continue the existing use of the land, with modifications. With the requested covenant restrictions, Arnegard Township has deemed this development a proper use of the area and has recommended approval.

Recommended Conditions:

1. The applicant shall post the address and street name on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.

2. The applicant shall maintain enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.
3. The applicant shall continue to supply adequate heated water supply, for local fire departments, in case of emergency onsite.
4. The applicant shall obtain a building permit for all applicable structures within the proposed development. (All will have a double fee)
5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
6. For the 20 acre portion zoned Agricultural, the applicant shall post a bond based on engineers estimate to reclaim the site with the county as the beneficiary. The amount shall be 150% of the estimate. The bond shall be turned in to the County Planning and Zoning office by 09/01/2015. The site shall be reclaimed to agricultural use upon cessation of habitation onsite or after six months of abandonment.
7. The applicant shall follow the amended exterior site plan that incorporates fencing (6' chain link), security lighting (the approach shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper) approved as part of this request. The trees shall be planted before July 1, 2015 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2015) and the trees shall be planted by July 1, 2016.
8. The applicant's property shall be kept clean and tidy.
9. A privacy fence shall be put in place to hide any outside storage that is visible from HWY 85 and 138th Ave. NW.
10. The applicant shall design the new shop with current design standards stated in Amendment 3.11 (Highway Overlay District).
11. The applicant shall maintain adequate weed control, including obtaining fill from a certified weed free source.
12. The applicant shall maintain adequate garbage control within the site and along 138th Ave NW where their property begins and ends; all fences shall be kept clear of garbage/debris. The applicant will not dispose of hazardous materials in their dumpster; all hazardous materials shall be disposed of properly.
13. The applicant shall pave 138th Ave NW from HWY 85 to 300' south of the southernmost approach. The road shall be paved up to county standard.

14. The applicant will follow all federal, state, and local laws that apply to this site.
15. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Brett Youngquist represented the Youngquist Brothers.

Tom McCale, Audience Member, Asked the following questions;

- 1) Where is the Sewer Going?
- 2) What kind of Chemicals is being stored?
- 3) Are They a licensed contractor?

Brett Youngquist Answered:

- 1) Their Sewer is approved through the State
- 2) There are absolutely no oilfield chemicals or any other hazardous chemicals being stored besides your normal cleaning supplies etc.
- 3) They have a Business license but not a licensed contractor with the State of North Dakota.

Commissioner Mrachek asked that the platting be redone to square off the industrial portion and that the first 7 homes closest to the industrial zone be moved to a new location on the property.

Motion to TABLE: Olson Second:Haugen Voice Vote: All Ayes

Adjourned at 9:58 pm

Planning and Zoning Commission Minutes

July 13, 2015

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:05 pm.

Members present: Doug Bolken, Jeremy Olson, Kris Mracheck, Paul Wisness, Barb Bauman, Doug Nordby, Les Haugen arrived at 5:25pm, Vawnita Best arrived at 7:40 PM

Absent: Aaron Gravos

Staff Present: Planning and Building Consultant, Scott Harmstead; Assistant Planner/Current Planning, Lindsey Perusich; Administrative Assistant, Hillary Whitaker; Building and Planning Director, Jim Talbert; Planning Attorney, Ari Johnson.

Others: See sign in sheet.

Minutes of June 8th, 2015 were presented. **Motion to APPROVE minuets: Nordby, Second: Olson: Voice Vote: All Ayes**

Unfinished Business:

Gary Baldwin-

Perusich, Assistant Planner/Current Planning, stated that Mr. Baldwin was still in progress of obtaining a building permit with a 3rd party.

No audience comments.

Motion to TABLE: Olson, Second: Bauman, Voice Vote: All Ayes

Younquist Brothers-

Younquist Brothers asked to be tabled prior to the meeting.

Motion to TABLE: Olson, Second: Nordby, Voice Votes: All Ayes.

Public Hearing:

Hess North Dakota Pipelines, LLC- Hess North Dakota Pipelines, LLC is requesting a Conditional use permit for an approximately ¼ mile new crude oil pipeline 12.75 inches in diameter and repurpose approximately ¼ mile existing oil pipeline into a natural gas transmission pipeline 8.625 inches in diameter. (¼ mile is the amount of pipeline that will be located within McKenzie County’s jurisdiction) It Follows Gumt Road 855 as it crosses into Section 34, Township 154N, Section 95W until it intersects with County Road 55, then heads North before going under Lake Sakakawea. The applicant desires to build a new crude oil pipeline and repurpose an existing crude oil pipeline into a natural gas pipeline.

Findings of Fact:

1. All requirements for public notification have been satisfied.
2. Staff has not received any phone or written comments on the proposal.
3. Staff has not received any comments from any adjacent property owners.
4. All affected State agencies have been notified of the project and have received their respective project applications. No objections to the project have been provided by the applicable State agencies.
5. Part of these lines are located in the Elm Tree and Hawkeye Townships, they have both indicated that these are allowed in their townships’ ordinance (the County does not have a joint powers agreement with either township).

Staff analysis:

No conditional use permit shall be recommended by the Planning Commission or approved by the County Commission unless the applicant shall have met all the following criteria:

- a. **The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Although public health could potentially be harmed if the line were to have a leak or break, it is a very unlikely event. Measures have been taken to avoid leaks or breaks, as the project will comply with applicable State regulations. Further, an emergency plan has been put in place and approved by the County’s emergency manager, in the chance that a leak or break in the line would occur.

- b. **The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

Once construction is complete, the land will be remediated back to its natural state and therefore will not impair or diminish the value or enjoyment of the property in the area. Adjacent areas will be reverted back to the original state.

- c. **The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

Again, once construction is complete the land will be remediated back to its normal state and will not impede the normal development of surrounding properties. Agricultural use adjacent to the pipeline easement will not be impeded.

- d. **Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Utilities, access roads, and drainage will not be a concern, as these pipes will be buried.

- e. **Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.**

Once in place, this transmission line will not create any of the mentioned items of concern. Temporary impacts may be caused during construction, but compliance with all County and State road restrictions will minimize potential impacts.

- f. **The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The proposed use is a conditionally allowed in the agricultural district.

Staff recommends that the conditional use permit be recommended for approval based upon the finding in the staff report and the conditions as provided in the staff report. Suggested motion: "Recommend approval of the conditional use permit to the County Commission to allow an 18 mile crude oil pipeline. Adopt the findings and conditions as provided in the staff report."

Conditions:

1. The applicant shall obtain a building permit for any proposed structures within the proposed development.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. The applicant shall maintain adequate weed control.
4. The applicant shall maintain adequate garbage control during construction.
5. The applicant shall share all final approvals and continuing approvals/reviews with all County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the County permit file.
6. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public.
7. All lighting on site during construction shall be downward facing and shall not glare on adjacent property

owners or the public travel ways.

8. The applicant shall reseed the corridor with appropriate grass mixture to minimize erosion and level the pipeline easement area after installation of pipeline.
9. An approved emergency plan should be submitted and updated with the county Emergency Manager and Zoning Enforcement Officer (annually) for this pipeline so that emergency responders understand what is present onsite and the risks that they would face during response to an incident.
10. All above-ground facilities, such as pipe valve stations or electrical and communication buildings shall be painted earth tone colors to better blend in with the surroundings.
11. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

No audience comments.

Commissioner Mracheck asked if they had 100% of all their easements, or only 75%. Planner Perusich answered 75%.

Motion to APPROVE: Olson, Second: Nordby, Voice Vote: All Ayes.

McKenzie Electric Cooperative (Dale-Schafer Transmission Line) –

Planner Perusich stated that McKenzie Electric has asked to be TABLED due to them providing the wrong legal description.

Motion to TABLE: Olson, Second: Nordby, Voice Vote: All Ayes.

North Dakota Pipeline Company, LLC - Meghan Bratvold with North Dakota Pipeline Company, LLC is requesting the approval of a Comprehensive Plan land use amendment, zone change, and a conditional use permit to allow for hazardous material storage on 14361 39th Street N.W. Alexander, ND 58831; on the north and south sides of County Road 16 and west of Highway 85, SE ¼ SW ¼ of Section 18, Township 152N, Range 101W of the 5th P.M. and NE ¼ NW ¼ Section 19, Township 152N, Range 101W of the 5th P.M. The applicant would like to legitimize an existing nonconforming oil and gas gathering facility with bulk hazardous liquid storage and allow for future expansion.

Findings of Fact:

1. All requirements for public notification have been satisfied.
2. Staff has not received any phone or written comments on the proposal.

3. Staff has not received any comments from any adjacent property owners.
4. Building and Fire permits are required for any proposed or existing structures onsite.
5. This development is located in Tri Township and they have given their recommendation for approval with conditions of tanks being painted, maintained, and having identifying signs [this includes all Lease Automatic Custody Transfer (LACT) units on site as well].

Staff Analysis:

No conditional use permit shall be recommended by the Planning Commission or approved by the County Commission unless the applicant shall have met all the following criteria:

- a) **The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare.**

While a facility of this nature could potentially pose a threat to the public health and safety, appropriate measures have been taken into consideration, both in the form of conditions listed below, as well as safety procedures and approvals obtained from the appropriate governmental agencies. In addition, the site's location is compatible with surrounding land use and does not lie adjacent to any residential property.

- b) **The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

The surrounding area use is mainly heavy industrial, however, implementation of substantial screening and buffering as recommended as conditions in this report should help minimize visual impacts along the highway.

- c) **The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

Buffering and safety controls as designed into the site and recommended through conditions will ensure that potential future development in the area is not impeded.

- d) **Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

The subject property is located adjacent to US Highway 85, will be provided with all necessary utilities, and all drainage will be required to be maintained onsite.

- e) **Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.**

All approaches have either been approved by the County Engineer or are grandfathered.

- f) The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The proposed zone change to industrial makes this an allowed use, except for the bulk storage of hazardous liquids, which is conditional.

Staff recommends that the comprehensive plan, change of zoning, and conditional use permit all be recommended for approval to the County Commission as shown. **Suggested Motion:** “Accept the findings and project conditions as presented in the staff report and recommend approval to the County Commission of the comprehensive plan amendment, change of zone and conditional use permit.”

Conditions:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between structures and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather. Adequate spacing shall be determined by emergency manager.
3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place per county emergency manager.
4. The applicant shall obtain building and fire permits for all proposed structures within the proposed development.
5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
6. No truck parking is allowed along County right of way adjacent to the proposed facility.
7. The applicant shall follow all federal, state, and local laws pertaining to this project.
8. All tanks and equipment shall be painted earth tones, shall be maintained, and shall have identification signs on them, as well as all LACT units.
9. The applicant shall maintain weed control, which includes obtaining only certified weed free fill.
10. The applicant shall pave and maintain all road approaches from the project site onto County Road 16.
11. The applicant shall maintain garbage control within the site and along their property line outside of the fence. Any yard storage shall be kept in an orderly manner. The site shall be kept free of trash at all times. Thrash shall be contained in dumpsters acceptable to the County Solid Waste Director.

12. The applicant shall follow the amended exterior site plan that incorporates fencing (6' chain link), security lighting (the approach shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper) approved as part of this request. The trees shall be planted before July 1, 2016 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2016) and the trees shall be planted by July 1, 2017.
13. The applicant shall include a shelter belt on the east side of the property, sheltering the US highway 85 from the facility. The shelter belt must include, at a minimum, an earthen berm at least 25 feet wide and 3 feet in height with landscaping, to meet the planting requirements listed in condition #12 above. The changes must be provided on an amended site plan, subject to the Planning Director's approval. The plan must be submitted by January 1, 2016.
14. The applicant shall fence the site before construction and/or building permits are issued to contain construction debris onsite.
15. The applicant shall construct the facility with fixtures to contain the leakage at valves.
16. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the development is not planned to be utilized any further or after six months of abandonment.
17. The applicant's conditional use permit will be reviewed by the planning staff on an annual basis to ensure conformance with the conditions of approval. If conditions are not adhered to, then the permit can be placed on the County Commission agenda for revocation.

Trevor Hunter, Lawyer with Embridge, questioned how a bond could become perpetual, and sought clarification on why it was required if they have not done anything wrong. Planner Perusich, explained that it is an insurance policy to make sure that things can be handled as necessary if they decide to abandon the project. Planning Director Talbert suggested to the commissioners that they look into other ideas, instead of a bond. Hunter than questioned on why this project was required to get one, when not all projects have been. Planner Perusich explained that it is mostly oil and gas projects that are required because it is very hard to clean up if they decided to leave the project unfinished.

Meghan Bratook, with Embridge, asked if the condition of a 25 foot berm be reduced to a 10 – 15 foot berm due to the amount of space they have. Commissioners stated that would be acceptable.

No Audience Comments.

Motion to APPROVE: Nordby, Second: Bolken, Voice Vote: All Ayes.

Oasis Midstream Services- Oasis Midstream Services is requesting a Conditional use permit request for an 18 mile crude oil pipeline, 10 inches in diameter at 12170 31st Street NW, Watford City to 10729 Highway 73, Keene. The Pipeline will originate at the Wild Bison Processing Facility located in S 35, T 151N, R98W and will connect to one or more 3rd party pipelines near Johnson's Corner in S 18, T 150N, R 95W. The applicant desires to build a crude

pipeline 10 inches in diameter and 18.2 miles long, with the goal to improve the transmission of petroleum extracted in the region.

Findings of Fact:

1. All requirements for public notification have been satisfied.
2. Staff has not received any phone or written comments on the proposal.
3. Staff has not received any comments from any adjacent property owners.
4. All affected State agencies have been notified of the project and have received their respective project applications. No objections to the project have been provided by the applicable State agencies.
5. Part of this line is located in the Grail Township and they have given their recommendation to approve.

Staff Analysis:

No conditional use permit shall be recommended by the Planning Commission or approved by the County Commission unless the applicant shall have met all the following criteria:

- a. The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Although public health could potentially be harmed if the line were to have a leak or break, it is a very unlikely event. Measures have been taken to avoid leaks or breaks, as the project will comply with applicable State regulations. Further, an emergency plan has been put in place and approved by the County's emergency manager, in the chance that a leak or break in the line would occur.

- b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

Once construction is complete, the land will be remediated back to its natural state and therefore will not impair or diminish the value or enjoyment of the property in the area. Adjacent areas will be reverted back to the original state.

- c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

Again, once construction is complete the land will be remediated back to its normal state and will not impede the normal development of surrounding properties. Agricultural use adjacent to the pipeline easement will not be impeded.

- d. equate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Utilities, access roads, and drainage will not be a concern, as these pipes will be buried.

e. Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.

Once in place, this transmission line will not create any of the mentioned items of concern. Temporary impacts may be caused during construction, but compliance with all County and State road restrictions will minimize potential impacts.

f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.

The proposed use is a conditionally allowed in the agricultural district.

Staff Analysis:

Staff recommends that the conditional use permit be recommended for approval based upon the finding in the staff report and the conditions as provided in the staff report.

Suggested motion: "Recommend approval of the conditional use permit to the County Commission to allow an 18 mile crude oil pipeline. Adopt the findings and conditions as provided in the staff report

Conditions:

1. The applicant shall obtain a building permit for any proposed structures within the proposed development.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
3. The applicant shall maintain adequate weed control.
4. The applicant shall maintain adequate garbage control during construction.
5. The applicant shall share all final approvals and continuing approvals/reviews with all County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the County permit file.
6. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public.
7. All lighting on site during construction shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
8. The applicant shall reseed the corridor with appropriate grass mixture to minimize erosion and level the pipeline easement area after installation of pipeline.

9. An approved emergency plan should be submitted and updated with the county Emergency Manager and Zoning Enforcement Officer (annually) for this pipeline so that emergency responders understand what is present onsite and the risks that they would face during response to an incident.
10. All above-ground facilities, such as pipe valve stations or electrical and communication buildings shall be painted earth tone colors to better blend in with the surroundings.
11. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Commissioner Mracheck asked how many easements have been acquired. Tone Macia stated they had almost 98% of all easements.

Motion to APPROVE: Olson, Second: Haugen, Voice Vote: All Ayes.

Oasis Midstream Services- Michael Thorvilson with Oasis Midstream Services is requesting a conditional use permit for a gas compressor station located on the west side of 124th Ave NW and north of 32nd St NW, Township 151N, Range98W, Section 20, containing 9 acres more or less in McKenzie County, ND, To construct and operate a compressor station.

Findings of Fact:

1. All requirements for public notification have been satisfied.
2. Staff has not received any phone or written comments on the proposal.
3. Building permits are required for any proposed structures onsite.
4. The proposal is not located in an organized township.
5. The applicant provided the following regarding the location of the station: *the station location will allow for natural gas gathering from local drill space units and efficient product transport to the company's processing plant. Careful consideration was taken when selecting the site within the pipeline gathering system to maximize product capture and minimize flaring.*
6. The application for a Conditional Use Permit is required because of the inclusion of the bulk storage of hazardous liquids (tank farm and bullet tanks). The zoning ordinance currently does not permit such a use by right or conditionally in the existing zoning district, therefore the applicant has also applied for a zone change from agriculture to industrial. Since the proposed use is permitted conditionally in the industrial district, this conditional use permit application is contingent upon the zone change and comprehensive plan text amendment approval.

Staff Analysis:

The application for a conditional use permit shall be granted unless the Planning Commission finds the following conditions present (McKenzie County Zoning Ordinance, Article V, Section 5.6, part 2):

- a) **The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The proposed use is located in a secluded area away from residential/commercial uses, and as long as the industry standards, applicable Federal regulations, and any state and local safety precautions are maintained, the health, safety, and general welfare should be ensured. The applicant has also noted that the facility will be equipped with the necessary Emergency Shutdown (ESD) controls and a Response Plan will be developed and maintained.

b) The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.

The proposed use is surrounded by agricultural and oil related uses, with the closest rural residential approximately ½ mile away. As a result, there should be no detrimental effect on the surrounding properties.

c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.

Since the adjacent properties are not intensely developed or are vacant, the proposed use shall not impede the normal orderly development of the area.

d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.

The proposed compressor station is related to the compression and service for a natural gas transmission line. The applicant has obtained a General Construction permit from the State Department of Health regarding storm water discharge/runoff. Refer to part e) below for site access.

e. Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.

The proposed use's ingress and egress as shown on the site plan will not have an adverse effect on the adjoining properties since the site is primarily surrounded by agriculture. The proposed use will however generate more truck traffic, particularly on 124th Ave NW and 125th Ave NW; which may create some instances of additional traffic congestion compared to the existing condition. However, access to the site will not be obtained from County Road 36 adjacent to two separate rural residential developments, one located northwest of County Road 36 and 32nd St. and another located northeast of County Road 36 and 32nd St.

f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.

The existing zoning district of the proposed use is agriculture which does not recognize such as use as permitted or conditional. The proposed use can however receive a conditional use permit if the site is rezoned to industrial. As a result, the applicant has also applied for a zone change from agriculture to industrial for this site.

Conditions:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between structures and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.
3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.
4. The applicant shall obtain building permits for all proposed structures within the proposed development.
5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
6. No truck parking is allowed along County right of way adjacent to the proposed facility.
7. The applicant shall follow all federal, state, and local laws pertaining to this project.
8. All tanks and equipment shall be painted earth tone.
9. The applicant shall maintain weed control, which includes obtaining only certified weed free fill.
10. The applicant shall provide dust control and maintain 32nd Street N.W from their approach to 124th Avenue N.W. They shall also obtain a road approach permit from the county road engineer.
11. The applicant shall maintain garbage control within the site and along their property line outside of the fence. The site shall be kept tidy and clean, any yard storage shall be kept in an orderly manner. The site shall be kept free of trash at all times. Trash shall be contained in dumpsters acceptable to the County Solid Waste Director.
12. The applicant shall follow the amended exterior site plan that incorporates fencing (6' chain link), security lighting (the approach shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper) approved as part of this request. The trees shall be planted before July 1, 2016 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2016) and the trees shall be planted by July 1, 2017.
13. The applicant shall include a visual shelter belt on the North and East sides of the property, sheltering 32nd M Street N.W. as well as 124th Avenue N.W. from the facility. The shelter belt must include, at a minimum, an earthen berm at least 25 feet wide and 3 feet in height with landscaping, to meet the planting requirements listed in condition #12 above. The changes must be provided on an amended site plan, subject to the Planning Director's approval. The plan must be submitted by January 1, 2016.
14. The applicant shall fence the site before construction and/or building permits are issued.
15. The applicant shall construct the facility with fixtures to contain the leakage at valves.
16. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when

the development is not planned to be utilized any further or after six months of abandonment.

17. The applicant's conditional use permit will be reviewed by the planning staff on an annual basis to ensure conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the County Commission agenda for revocation.
18. (new) The applicant's shall improve 124th street and use it as their direct route.

Audience members Shawn Ray, Rebecca Engebretson, and Chris Rash stated their concerns about the traffic that would happen on County Road 36 with this new compressor station. They felt that there was already too much traffic on this road with over a dozen wells there, as well as noise and dust concerns. They suggested that the drivers use 124th street to alleviate some of the traffic by their homes.

Jason Killinger replied, stating that the only reason they didn't use 124th street was due to signs stating "no oil drivers". He stated they would be more than willing to use that road, as long as they are allowed to.

Commissioners stated the need to add the condition that they need to update 124th street and use that as their designated route. Planner Perusich stated that 124th has the most direct access to their site.

Motion to APPROVE with added conditions: Nordby, Second: Wisness, Voice Vote: All Ayes.

ONEOKE- Oneoke Bakken Pipelines, LLC is requesting a conditional use permit request for a 4.5 mile crude oil pipeline, known as the Lonesome Creek Pipeline at 2479 138th Avenue N.W. Alexander, ND. The Pipeline will originate at the Lonesome Creek Receiver site located in Section 8, Township 149N, Range 100W and will end at the Lonesome Creek Plant in Section 36, Township 105N, Range 101W. The applicant desires to build a crude pipeline approximately 4.5 miles long, with the goal to improve the transmission of petroleum extracted in the region.

Findings of Fact:

1. All requirements for public notification have been satisfied.
2. Staff has not received any phone or written comments on the proposal.
3. Staff has not received any comments from any adjacent property owners.
4. All affected State agencies have been notified of the project and have received their respective project applications. No objections to the project have been provided by the applicable State agencies.
5. Part of this line is located in the Alex and Arnegard Townships and they have given a recommendation to approve.

Staff Analysis:

No conditional use permit shall be recommended by the Planning Commission or

approved by the County Commission unless the applicant shall have met all the following criteria:

a. The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.

Although public health could potentially be harmed if the line were to have a leak or break, it is a very unlikely event. Measures have been taken to avoid leaks or breaks, as the project will comply with applicable State regulations. Further, an emergency plan has been put in place and approved by the County's emergency manager, in the chance that a leak or break in the line would occur.

b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.

Once construction is complete, the land will be remediated back to its natural state and therefore will not impair or diminish the value or enjoyment of the property in the area. Adjacent areas will be reverted back to the original state.

c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.

Again, once construction is complete the land will be remediated back to its normal state and will not impede the normal development of surrounding properties. Agricultural use adjacent to the pipeline easement will not be impeded.

d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.

Utilities, access roads, and drainage will not be a concern, as these pipes will be buried.

e. Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.

Once in place, this transmission line will not create any of the mentioned items of concern. Temporary impacts may be caused during construction, but compliance with all County and State road restrictions will minimize potential impacts.

f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.

The proposed use is a conditionally allowed in the agricultural district.

Conditions:

1. The applicant shall obtain a building permit for any proposed structures within the proposed development.
2. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.

3. The applicant shall maintain adequate weed control.
4. The applicant shall maintain adequate garbage control during construction.
5. The applicant shall share all final approvals and continuing approvals/reviews with all County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this conditional use approval for the County permit file.
6. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the traveling public.
7. All lighting on site during construction shall be downward facing and shall not glare on adjacent property owners or the public travel ways.
8. The applicant shall reseed the corridor with appropriate grass mixture to minimize erosion and level the pipeline easement area after installation of pipeline.
9. An approved emergency plan should be submitted and updated with the county Emergency Manager and Zoning Enforcement Officer (annually) for this pipeline so that emergency responders understand what is present onsite and the risks that they would face during response to an incident.
10. All above-ground facilities, such as pipe valve stations or electrical and communication buildings shall be painted earth tone colors to better blend in with the surroundings.

The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

No Audience Comments.

Motion to APPROVE with Text changes: Olson, Second: Haugen, Voice Vote: All Ayes.

West Dakota Water- West Dakota Water is requesting a Conditional Use Permit request to expand an existing fresh water pipeline 5.65 miles at N ½ S ½ Section 34, Township 154N, Range 95W. The applicant desires add on to an existing fresh water pipeline that is buried approximately 7 ½ feet.

Findings of Fact:

1. All requirements for public notification have been satisfied.
2. Staff has not received any phone or written comments on the proposal.
3. Staff has not received any comments from any adjacent property owners.
4. All affected State agencies have been notified of the project and have received their respective project applications. No objections to the project have been provided by the applicable State agencies.
5. This water line is located in the Twin Valley Township and they stated they do not require approvals for buried

pipelines, with the exception that they do not allow them within 100 feet of a township road; in which this pipeline is not with this setback.

Staff Analysis:

The application for a conditional use permit shall be granted unless the Planning Commission finds the following conditions present (McKenzie County Zoning Ordinance, Article V, Section 5.6, part 2):

- a. The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.**

This fresh water pipeline has the potential to cause some erosion and flooding, if the line were to break or leak; however, the pipeline will not be located near any homes. Further, the pipeline will be buried below the frost line.

- b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

Once construction is complete, the land will be remediated back to its natural state and therefore will not impair or diminish the value or enjoyment of the property in the area. Adjacent areas will be reverted back to the original state.

- c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

Again, once construction is complete the land will be remediated back to its normal state and will not impede the normal development of surrounding properties. Agricultural use adjacent to the pipeline easement will not be impeded.

- d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Utilities, access roads, and drainage will not be a concern, as these pipes will be buried.

- e. Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.**

Once in place, this water line will not create any of the mentioned items of concern. Temporary impacts may be caused during construction, but compliance with all County and State road restrictions will minimize potential impacts.

- f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The proposed use is a conditionally allowed in the agricultural district.

No audience comments.

Motion to APPROVE with Text Changes: Wisness, Second: Bolken, Voice Vote: All Ayes.

Triangle USA Petroleum Corp.- Triangle USA Petroleum Corporation is requesting an approval of a Comprehensive Plan land use amendment, change of zoning, and a subdivision plat to allow an industrial subdivision On the west side of 141st Avenue NW, approximately ¼ mile south of its intersection with US Highway 85, Southeast quarter of the northeast quarter of Section21, Township 150, Range 101. The applicant would like to construct a three lot industrial subdivision to allow outdoor storage and oilfield service-related industrial uses.

Findings of Fact:

1. All requirements for public notification have been satisfied.
2. Staff has not received any phone or written comments on the proposal.
3. Building permits are required for any proposed structures onsite.
The proposed subdivision is located in Alex Township and has received approval from the Township Board.

Staff Analysis:

Staff recommends that the Comprehensive Plan land use amendment, change of zoning, and the subdivision plat be tabled until the proposed Light Industrial District is approved by the County Commission.

Suggested Motion:

“Table the proposed Comprehensive Plan land use amendment, change of zoning, and the subdivision plat until approval of the proposed Light Industrial District by the County Commission.”

Conditions:

1. The applicant shall adhere to all approvals gained through this process and comply with the existing zoning for the newly created subdivision for future land use.
2. The applicant shall obtain all building permit approvals for all structures planned for the site.
3. The applicant shall provide a copy of the recorded CC&Rs with a full copy of the plat to the planning department when this item is finalized. The applicant shall also assume all the maintenance for all the interior roads and drainage improvements proposed within the proposed subdivision.
4. The applicant shall provide fencing (four foot height minimum) around construction areas to minimize the spread of garbage offsite.
5. The approaches to the subdivision shall be lit to provide safety and security during night time hours.
6. Before recordation the plat shall include signatures from the County Planning and Zoning Administrator and Public Works Director.

7. The applicant shall record the plat and CC&Rs no later than November 1, 2015.

Andrew Shrank with Triangle USA, highly requested that this not be tabled. He would like it to be approved for the industrial comprehensive change because the subdivision plat should have influence on light industrial.

Commissioner Olson stated he would like to wait a month since they are trying to change to the light and heavy industrial zoning.

Motion to APPROVE Comprehensive Plan and Sub Plat, and TABLE the Zone Change: Bolken, Second: Olson, Voice Vote: All Ayes

Tervita, LLC- Tervita, LLC is requesting a Comprehensive Plan land use amendment, zone change, and conditional use permit for hazardous liquid bulk storage and to legitimize a nonconforming waste treatment facility on the north side of County Road 16, approximately ¼ mile west of its intersection with US Highway 85, E ½ SW ¼ SW ¼ Section 18, Township 152 N, Range 101 W. The applicant desires to legitimize a nonconforming/grandfathered waste treatment facility to re-build and make changes by replacing receiving tanks, concrete pad, heater, and tank farm at the facility.

Findings of Fact:

1. The proposed site is within ½ mile of two homes to the west. (Shown on the map below)
2. All requirements for public notification have been satisfied.
3. Staff has not received any phone or written comments from the public on this proposal.
4. The applicant has obtained all State and other local agency approvals necessary for this type of development.

Tri Township has approved the proposal

Plat Comments:

1. Refer to the below section titled “Comprehensive Plan Consistency” for discussion regarding the location of the proposal and how it relates to the Comprehensive Plan land use.
2. The applicant describes the proposal as a request to “allow for outdoor storage” and to enable existing development and potential future expansion “without the conditional use permit”.

As previously requested and recently reviewed by the Planning and Zoning Commission, the proposed Light Industrial District would allow outdoor storage and oil field service-related uses as an allowed use. The proposed district would exclude such uses as hazardous liquid bulk storage, compressor station, waste management, and other potentially hazardous uses. Rather than allow the subject rezone to the Industrial District to proceed, it is recommended that the item be tabled until the next Planning and Zoning Commission

meeting to utilize the Light Industrial District, if adopted by the County Commission. If the new zoning district is not adopted by the County Commission, then the Industrial zone could be utilized

Comprehensive Plan Consistency:

The subject land area is designated in the Comprehensive Plan land use as **commercial**. The applicant includes a request to change the land use to **industrial**. The project area is located adjacent to the US Highway 85 corridor, which has developed in the vicinity with scattered temporary housing facilities and industrial (truck staging). The proposed subdivision is located approximately $\frac{1}{4}$ from the highway, which allows the first $\frac{1}{4}$ along the highway to be planned and zoned commercial for future highway commercial use (such as service stations, truck stops, and other highway-oriented commercial uses). The proposal is not located near any existing residences or areas planned for future residential development. The proposal fits into the site context, given the nature of existing development in the vicinity catering to oil and gas development (temporary housing facilities, truck staging). The site also has convenient access to US Highway 85.

Staff Analysis:

No conditional use permit shall be recommended by the Planning Commission or approved by the County Commission unless the applicant shall have met all the following criteria:

- a) **The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort, or general welfare.**

While a facility of this nature could potentially pose a threat to the public health and safety, appropriate measures have been taken into consideration, both in the form of conditions as listed below, as well as safety procedures and approvals obtained from the appropriate governmental agencies. In addition, the site's location is compatible with surrounding land use and does not lie adjacent to any residential property. The closest residential property is approximately $\frac{1}{2}$ mile away.

- b) **The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

The surrounding area use is mainly heavy industrial; however, implementation of substantial screening and buffering as recommended in conditions in this report will help minimize visual impacts along County Road 16.

- c) **The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

Buffering and safety controls as designed into the site and recommended through the listed conditions will ensure that potential future development in the area is not impacted.

- d) **Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

The subject property is located adjacent to County Road 16 and near Highway 85, will be provided with all necessary utilities, and all drainage will be required to be maintained onsite.

- e) Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.**

All approaches have either been approved by the County Engineer or are grandfathered.

- f) The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The proposed zone change to industrial makes this an allowed use, except for the bulk storage of liquids, which is conditional. The proposal complies with all requires Industrial district setback and performance standards.

Conditions:

1. The applicants shall obtain a building permit for the proposed structures within the proposed development.
2. The applicant shall follow the amended exterior site plan that incorporates fencing (6' chain link), security lighting (the approach shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper) approved as part of this request. The trees shall be planted before July 1, 2016 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2016) and the trees shall be planted by July 1, 2017.
3. The applicant shall include a shelter belt on the southern side of the property. The shelter belt must include, at a minimum, an earthen berm (seeded topsoil) at least 25 feet wide and 3 feet in height to be used as a base for the trees, and meet the planting requirements listed in condition #2 above. The changes must be provided on an amended site plan, subject to the Planning Director's approval. The plan must be submitted by June 1, 2016.
4. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event. If there is too much run off from the site than additional on-site storm water storage may be required.
5. The applicant shall fence the site for security and garbage collection before any new construction begins. The office location should have secure garbage enclosures. Garbage shall be picked up on a regular basis (within the site and along County Road 16 in front of their site).
6. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways. The approach shall be lit for safety.

7. The applicant shall post the addresses clearly on site and on the proposed structures. The address must be able to be seen clearly from Highway 68.
8. The conditional use permit will be reviewed annually for conformance with the conditions of approval; if conditions are not adhered to then the permit can be placed on the County Commission agenda for revocation.
9. The applicant shall provide adequate weed control, including using weed free fill.
10. The applicant shall have an insulated 400bbl water storage container ready for emergency services.
11. The applicant shall obtain proper fire permits before construction.
12. The applicant shall adhere to all Federal, State, and local laws, regulations, and conditions for the operation of the proposed facility.
13. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State as they are obtained or altered, along with any violations and as it relates to this conditional use approval.
14. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public.
15. The applicant shall pave the approach to the site coming from County Road 16.
16. The applicant shall provide a bond equally 150% of an engineer's estimate to remove and replace the site to a grassy area at the time the site is not desired to be used further. The bond shall be in place before construction begins.
17. The applicant shall fence the site for security and garbage collection before any new construction begins. The office location should have secure garbage enclosures. Garbage shall be picked up on a regular basis (within the site and along County Road 16 in front of their site).

Brandon Styer, with Tervita, asked to specify what Southern Boundary on condition 3 and if they can change to a 10 foot berm due to the space. Planner Perusich, stated that it was County Road 16.

Commissioner Nordby asked what they were doing to improve the facility, due to them having a fire. He requested documentation on the improvements and safeguards they were going to make.

Gary McCuistior, with Tervita, stated they were modifying the offloading proves to separate the crude oil from going over the tanks, but they did not have the final report from the investigation of the fire.

Commissioner Olson asked how they could be making improvements if they don't know what the problem was yet, due to them not having that final report.

Commissioner Nordby stated he wanted to wait till the report was final so that the commissioners can make sure the changes are appropriate.

Motion to TABLE: Nordby, Second: Olson, Voice Votes: All Ayes.

Todd Rothrock, LLC- Todd Rothrock, LLC is requesting the approval of a subdivision plat to allow a commercial subdivision On the north side of 25th M Street NW, approximately 700 feet east of its intersection with 133rd Avenue NW, Southwest quarter of the northwest quarter of Section 25, Township 150, Range 100. The Applicant would like to build an eight lot subdivision to allow oil field service-related uses.

Findings of Fact:

7. All requirements for public notification have been satisfied.
8. Staff has not received any phone or written comments on the proposal.
9. Building permits are required for any proposed structures onsite. Adequate parking must be included onsite for all residential development (two off street per unit) so that vehicles are not staged or parked along the public roads.
10. The proposed subdivision is located in Arnegard Township. The township did recommend approval of this project.
11. The proposed lot size of approximately 2.5 acres is below the minimum agricultural district minimum lot size of five acres (single family home development allows for a minimum one acre lot size).

Proposed Plat Comments:

The proposed subdivision includes eight lots, each approximately 2.5 acres in size. The agricultural district does not allow for the subdivision of lots below five acres in size, except for single family home development. Further, commercial development is not allowed in the agricultural district without a conditional use permit.

Refer to the below section titled "Comprehensive Plan Consistency" for discussion regarding the location of the proposal and how it relates to the Comprehensive Plan land use. The applicant describes the proposal as a request to "allow for outdoor storage" and to enable existing development and potential future expansion "without the conditional use permit". As previously requested and recently reviewed by the Planning and Zoning Commission, the Light Industrial District would allow outdoor storage and oil field service-related uses as an allowed use. The proposed district would exclude such uses as hazardous liquid bulk storage, compressor station, waste management, and other potentially hazardous uses. The Light Industrial District as proposed would also allow for a two acre minimum lot size.

It is recommended that the item be tabled until the next Planning and Zoning Commission meeting to utilize the Light Industrial District, if adopted by the County Commission. If the new zoning district is not adopted by the County Commission, then the Industrial zone could be utilized.

Staff Analysis:

Staff recommends that the Comprehensive Plan land use amendment, change of zoning, and the subdivision plat be tabled until the proposed Light Industrial District is approved by the County Commission. The proposal does not comply with existing zoning ordinance requirements.

Suggested Motion:

“Table the proposed subdivision plat until approval of the proposed Light Industrial District by the County Commission or until the applicant can modify the proposal to meet zoning ordinance requirements.”

Conditions:

1. The applicant shall adhere to all approvals gained through this process and comply with the existing zoning for the newly created subdivision for future land use.
2. The applicant shall obtain all building permit approvals for all structures planned for the site.
3. The applicant shall provide a copy of the recorded CC&Rs with a full copy of the plat to the planning department when this item is finalized. The applicant shall also assume all the maintenance for all the interior roads and drainage improvements proposed within the proposed subdivision.
4. The applicant shall provide fencing (four foot height minimum) around construction areas to minimize the spread of garbage offsite.
5. The approaches to the subdivision shall be lit to provide safety and security during night time hours.
6. Before recordation the plat shall include signatures from the County Planning and Zoning Administrator and Public Works Director.
7. The applicant shall record the plat and CC&Rs no later than November 1, 2015.

Todd Rothrock, with Todd Rothrock , LLC, stated he would like to change the zoning to commercial, and not stay agriculture.

Planner Perusich stated that he only applied for the subdivision, and not a commercial zone change. She explained he must come back to request a Zone Change.

Motion to APPROVE as applied: Olson, Second: Bolken, Voice Vote: All Ayes.

Missouri Breaks Subdivision: RPJB Investments, LLC is requesting the approval of a Comprehensive Plan land use amendment, change of zoning, and a subdivision plat to allow a residential subdivision a ½ mile north of 42nd St. NW, approximately one mile west of its intersection with US Highway 85, Southwest quarter of the northeast quarter of Section 33, Township 153, Range 101. The applicant would like to construct a 32 lot single family residential subdivision.

Findings of Fact:

1. All requirements for public notification have been satisfied.
2. Staff has not received any phone or written comments on the proposal.
3. Building permits are required for any proposed structures onsite. Adequate parking must be included onsite for all residential development (two off street per unit) so that vehicles are not staged or parked along the public roads.
4. The proposed subdivision is located in Tri Township. The township did not approve or deny the project. There was a motion to approve but no second, so the motion died.
All requirements for public notification have been satisfied.
5. Staff has not received any phone or written comments on the proposal.
6. Building permits are required for any proposed structures onsite. Adequate parking must be included onsite for all residential development (two off street per unit) so that vehicles are not staged or parked along the public roads.
7. The proposed subdivision is located in Tri Township. The township did not approve or deny the project. There was a motion to approve but no second, so the motion died.

Proposed Plat Comments:

1. Four detached single family homes exist on the western portion of the area proposed to be subdivided. These homes are not included within the proposed plat. If included within the subdivision, two homes would be located on one lot and two other homes on another adjacent lot. In order to be brought into the subdivision, a conditional use permit would have to be obtained to recognize two separate single family homes on each lot. As part of conditional approval, approval would also need to be granted from the Upper Missouri District Health Unit to allow the existing septic systems for two homes on each of the two lots.
2. An oil and gas well pad abuts the northern edge of the proposed subdivision, with an existing well derrick located approximately 150 feet north of the subdivision's northern boundary. The proximity of the oil and gas well pad raises two concerns:
 - a. The potential trespass by future residents onto the well pad could endanger the viability of the well pad, but also poses a danger to children or others encroaching onto the site.
 - b. The health, safety, and welfare of future residents from potential odors, fumes, and man-made disasters originating from the well pad.

A 300 foot setback from the existing well derrick has been shown on the proposed plat map. 300 feet is the setback utilized by the City of Williston for oil wells separated from residential, commercial, and recreational uses. It is also important to note that the State requires new wells to be located at least 500 feet from a residence.

To ensure that future homes are located as far from the existing well as feasible, the proposed plat should identify required building areas for each lot bordering the northern boundary of the proposed subdivision.

Additionally, a substantial barrier between the future building areas within the northern lots and the well pad should be installed to further protect future residents and the integrity of the well pad. The barrier should be composed of a combination of a wall, solid fence, and/or earthen berm (seeded topsoil). The addition of landscaping will help with visual screening.

3. The proposed zoning district, R-1, requires greenspace to be included in new developments. The applicant has proposed to provide a 30,160 square foot greenbelt in the center of the subdivision, which will directly benefit 14 proposed lots bordering the area and will be accessible to the rest of the proposed lots. It is recommended that the square footage of the greenbelt be increased to 40,736 square feet, which will allow all lots the minimum one acre lot size and leave more room for recreational space.
4. Two oil lines are currently located within the proposed subdivision area. The applicant has indicated that both lines are planned to be abandoned. It is recommended that the following be done to safely develop homes adjacent to the abandoned oil lines: 1) The lots affected by the lines could be deed restricted to prohibit development until the lines are safely abandoned, or 2) easements should be placed along the oil lines to protect the corridors from future impacts.

Staff Analysis:

Staff recommends that the Comprehensive Plan land use amendment, change of zoning, and the subdivision plat be recommended for approval to the County Commission with the conditions as provided in this report.

Suggested Motion:

“Accept the findings and project conditions as presented in the staff report and recommend approval of the proposed plat, zoning, and comprehensive plan land use changes to the County Commission.”

Conditions:

1. The applicant shall adhere to all approvals gained through this process and comply with the existing zoning for the newly created subdivision for future land use.
2. The applicant shall obtain all building permit approvals for all structures planned for the site.
3. The applicant shall provide a copy of the recorded CC&Rs with a full copy of the plat to the planning department when this item is finalized. The applicant shall also assume all the maintenance for all the interior roads and drainage improvements proposed within the proposed subdivision.
4. The applicant shall provide an on-site heated/insulated water storage tank (400bbl or larger) in case of emergency.

5. The applicant shall provide adequate off street parking (min two off street) for residential lots and limit on street parking for emergency vehicle/school bus access.
6. The proposed greenbelt, Tract A, shall be maintained/mowed by the homeowners association.
7. The oil lines proposed to be abandoned shall be covered with a minimum 30 foot wide utility easement to protect the areas from digging.
8. The applicant shall include a barrier between the oil/gas well pad and the proposed residential lots. The barrier shall extend across the entire northern boundary of the subdivision. The barrier shall be at least six feet in height and may be composed of a solid fence, solid wall, an earthen berm (seeded topsoil), or a combination thereof. Landscaping must be placed on at least one side of the barrier and must include a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper. The trees shall be planted before July 1, 2016 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2017) and the trees shall be planted by July 1, 2017. The barrier and landscaping design must be approved by the Planning Director prior to development.
9. Specific building areas must be identified within all lots bordering the northern property line of the subdivision.
10. The applicant shall provide fencing (four foot height minimum) around construction areas to minimize the spread of garbage offsite.
11. The approaches to the subdivision shall be lit to provide safety and security during night time hours.
12. The applicant shall provide a bus stop area with a warming hut and security cameras per the Alexander school district.
13. Before recordation the plat shall include signatures from the County Planning and Zoning Administrator and Public Works Director.
14. The applicant shall record the plat and CC&Rs no later than November 1, 2015.

Commissioner Olson was concerned with the lack of a Township approval.

John Wisneski, representing RPJB, stated they didn't have put up security cameras at the bus stop, due to the fact the schools have nowhere for the feed to actually go. IN regards to their fire suppression, they are putting it below ground instead of above ground due to it being unsightly and could be a hazard.

Commissioner Nordby stated he wanted the entire property to be compliant and not letting the grandfathered in areas stay out of compliance. He stated they have not been approving projects in which they did not bring up the entire property to compliance.

Motion to APPROVE subdivision, and TABLE Zone change and Comprehensive Plan Change: Bolken, Second: Olson, Voice Vote: All Ayes.

Yellowstone School District- Yellowstone School District is requesting the approval of a comprehensive plan land use amendment and zone change to allow homes for teacher housing In the NE corner of the intersection of E. 3rd St. and Interstate Ave, Govt. Lot 2 of Section 31, Township 151, Range 104W of the 5th P.M. The Applicant would like to place three homes in East Fairview for teacher housing.

Findings of Fact:

1. The applicant's property is currently designated as agricultural on the McKenzie County Comprehensive Plan and is currently agricultural on the McKenzie County Zoning Map.
2. All requirements for public notification have been satisfied.
3. Staff has not received any comments from adjacent property owners stating concerns.
4. All agencies approved the project.
5. The proposed site is not located in an organized Township; it is located in the town of East Fairview.
6. The site located approximately 250 feet from railroad tracks oriented north/south in East Fairview.
7. The homes would be able to hook up to city sewer and water services.
8. There is an approved road approach for the development.
9. Emergency services had no concerns with the development.
10. Prior to development, the applicant is required to follow a green space plan, subject to approval by the Planning Director (Zoning Ordinance section 3.6.3.3). An element of the green space plan should be a buffer to the east of the site that must consist of elements that will help minimize noise impacts and the visual impact of the tracks.

Staff Analysis:

Staff recommends that the change of zoning be recommended for approval to the County Commission as shown.

Suggested Motion: "Accept the findings as presented in the staff report and recommend approval to the County Commission of the zone change and comprehensive plan land use amendment."

Houston Scarborough, Land owner to the south, stated he was worried about the type of homes that would be built, more traffic, and how his home business would be affected.

Planner Perusich stated that his business would not be affected at all.

Derrick Gachile, Super Intendent of the School, stated they would be manufactured duplex homes for teachers at his school. His plan is to put them in over the next 3 years.

Commissioner Bolken asked how the parking would be arranged.

Gachile stated it would be off the main road, in the front 1/3 of the property. No street parking.

Motion to APPROVE: Olson, Second: Wisness, Voice Vote:: All Ayes.

Bakken Workforce Housing- Bakken Workforce Housing asked to be tabled prior to meeting.

American Midstream- American Midstream, LLC is requesting a conditional use permit for 880 bbl crude oil bulk storage and truck unloading facility at 2656 130th Avenue NW, Arnegard, SW ¼ NW ¼ Section 21, Township 150 North, Range 99 West. The applicant desires to build a crude oil bulk storage and truck unloading facility along an existing crude oil pipeline.

Findings of Fact:

1. All requirements for public notification have been satisfied.
2. Staff has not received any phone or written comments on the proposal.
3. Staff has not received any comments from any adjacent property owners.
4. All affected State agencies have been notified of the project and have received their respective project applications. No objections to the project have been provided by the applicable State agencies.
5. The proposal is not located in an organized township.

Staff Analysis:

- a. **The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The proposal is not located adjacent to any residential areas or temporary housing facilities. The vicinity was previously planned for industrial use due to its location away from densely populated areas.

- b. **The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

The area was previously planned and zoned for industrial use and the proposed use is in conformance with the intent for industrial operations to occur in the area.

- c. **The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

Refer to response to item b. above.

- d. **Adequate utilities, access roads, drainage or other necessary site improvements have been or are being**

provided to accommodate the proposed conditional use.

The project is intended to be located along an existing crude oil pipeline.

e. Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.

The existing property is located approximately one mile south of US Highway 85, along 130th Avenue NW. The County is currently working with the State Department of Transportation (NDDOT) to realign 130th Avenue NW to connect to US Highway 85 at its current intersection with US Highway 85 Business Route (recent bypass connection). The realignment project will result in the closure of the existing 130th Avenue NW and US Highway 85 intersection. The new alignment of 130th Avenue NW will follow the northern boundary of the project site and will be the site's main access to US Highway 85. As a result of an agreement between the County and NDDOT to realign 130th Avenue NW, the applicant will be required to prepare a traffic operations report. The report is necessary to determine potential impacts traffic generated at the proposed site will have upon the new intersection of US Highway 85 and 103th Avenue NW. In order to reduce dust and County maintenance costs resulting from traffic generated by the proposal, the applicant should also be required to pave the section of 130th Avenue NW abutting the northern property boundary (approximately 1,000 ft.).

f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.

The proposed use is a conditionally allowed in the industrial district and, as proposed, will not conflict with the performance standards provided in the industrial district.

Staff recommends that the conditional use permit be recommended for approval based upon the findings in the staff report and the conditions as provided in the staff report.

Suggested motion: "Recommend approval of the conditional use permit to the County Commission to allow a crude oil bulk storage and truck unloading facility. Adopt the findings and conditions as provided in the staff report."

Conditions:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between structures and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather.
3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.
4. The applicant shall obtain a building permit for the proposed structures within the proposed development.

5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
6. No truck parking is allowed along County right of way adjacent to the proposed facility.
7. The applicant shall pave the new alignment of 130th Avenue NW for the entire length where it abuts the subject parcel (approximately 1,000 ft. in length). In lieu of paving, the applicant may pay the equivalent cost to the County for the County/NDDOT to provide the pavement installation.
8. The applicant shall prepare a traffic operations report to determine the effects the anticipated traffic will have on the intersection of 130th Ave NW and US Highway 85. The "Traffic Operations" report shall be submitted to NDDOT and County for review. Additional requirements as a result of the report's recommendations and NDDOT/County review shall be accomplished as required by NDDOT Contract No. 38151225.

Any new access point to 130th Avenue NW along the northern property boundary shall be located no closer than 500 ft. from the existing north/south alignment of 130th Avenue NW.

9. The applicant shall maintain dust control on site and have a 300' graveled/paved area for a knock off zone to keep from tracking mud onto 130th Avenue NW. Knock off zone design shall be approved by the Planning Director.
10. The applicant shall follow all federal, state, and local laws pertaining to this project.
11. All tanks and equipment shall be painted earth tone.
12. The applicant shall maintain weed control, which includes obtaining only certified weed free fill.
13. The applicant shall maintain garbage control within the site and along their property line outside of the fence. The site shall be free of trash at all times. Trash shall be contained in dumpsters acceptable to the County Solid Waste Director.
14. The applicant shall submit an amended exterior site plan that incorporates fencing (6' chain link), security lighting (the approach shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper) approved as part of this request. The trees shall be planted before July 1, 2016 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2016) and the trees shall be planted by July 1, 2017.
15. The applicant shall include a shelter belt on the west and north sides of the property. The shelter belt must include, at a minimum, an earthen berm at least 25 feet wide and three feet in height with landscaping, to meet the planting requirements listed in condition #15 above. The changes must be provided on an amended site plan, subject to the Planning Director's approval. The plan must be submitted by July 1, 2015.
16. The applicant shall control all erosion onsite during construction and prevent any erosion impacting offsite property.
17. The applicant shall construct the facility with fixtures to contain the leakage at valves.

18. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the development is not planned to be utilized any further or after six months of abandonment.
19. The applicant's conditional use permit will be reviewed by the planning staff on an annual basis to ensure conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.

Commissioner Olson abstains from the record.

Commissioner Bolken stated he was concerned about how busy HWY 85 is, and asked how many trucks would be running daily.

A representative replied that there may be 5 to 6 trucks a month.

Henry Eide, land owner, stated that there was a ½ mile long pipe left on his property and American Midstream has yet to deal with it.

Motion to APPROVE: Wisness, Second: Haugen, Voice Vote: All Ayes.

Adjourned at 9:48PM

Planning and Zoning Commission Minutes

August 10, 2015

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:05 pm.

Members present: Doug Bolken, Kris Mracheck, Paul Wisness, Barb Bauman, Vawntita Best, Aaron Gravos, Doug Nordby arrived at 5:07 PM

Absent: Jeremy Olson, Les Haugen

Staff Present: Planning and Building Consultant, Scott Harmstead; Planner, Boe Wientjes; Administrative Assistant, Deborah Maciejewski; Building and Planning Director, Jim Talbert; Planning Attorney, Ari Johnson.

Others: See sign in sheet.

Minutes of July 13th, 2015 were presented. **Motion to APPROVE minutes: Bolken, Second: Gravos: Voice Vote: All Ayes**

Unfinished Business:

Item 1: Comprehensive Plan Land Use Amendment from Agriculture to Residential and Change of Zoning from Agricultural to R2 to legitimize and existing four-plex apartment building. On the northwest corner of 8th Street South and Dakota Avenue, East Fairview, Lot 9 Block 3 of Bole's First Addition. (Gary Baldwin). TABLED.

Consultant Scott Harmstead present the staff report and recommend approval.

Commissioner Bolken was concerned with trash on the property. Scott Harmstead replied county ordinance Sect. 4.6.4 addresses trash enforcement.

Commissioner Best voiced a concern for the proper disposal and the State approval of the waste water system as described in item #9 in the findings of fact. Gary Baldwin, representing the project, stated that the Department of Health has authorized the waste water to be pumped. Commissioner Best asked for clarification of the details of the disposal of waste water and a site plan showing the location and size of the holding tanks.

Commissioner Nordby stated a concern to make sure the easement was finalized so that the County would be able to enter the property to clear violations.

Commission Bauman was concerned with parking availability. Staff responded that parking will be provided off street and the setbacks do not include parking.

No audience comments.

Motion to TABLE for more information: 1) Sewer document from the state is received 2) Easement is verified: Bolken, Second: Bauman, Voice Vote: All Ayes

Item 2: Comprehensive Plan Land Use Amendment from Agriculture to Industrial, Change of Zoning from Agricultural to Industrial, and Conditional Use Permit to allow a new storage building, recognize existing nonconforming industrial uses, and to recognize existing nonconforming temporary workforce housing. Located in the W/2 of the NW/4 Section 19, Township 150 North, Range 100 West. (Youngquist Brothers). TABLED.

Building and Planning Director Jim Talbert presented the item and referenced a revised site plan that removed the need for a Variance. A new access is proposed from 137th T Avenue via a road easement connecting to US Highway 85. Access is proposed to no longer be gained from 138th Avenue.

Youngquist Brothers was represented by Steve Ritter.

Commissioner Nordby questioned whether the easement was an approved easement or a farm easement. He also asked for dust control for vehicles driving inside the site as well as the roadway to be added as a condition. A discussion of whether the Department of Transportation approved a turning lane off of Hwy 85, if 138th Street should be paved, the large volume of vehicle traffic on the road, and if state approach permits have been obtained.

Jeff Skaare with Caliber Midstream commented that both Caliber and ONEOK intended to provide road maintenance to 138th Street as was requested by the township.

No audience comments.

Motion to TABLE for more information: 1) Proof of approval of road access from 137th T Avenue by the Department of Transportation: Best, Second: Bolken, Voice Vote: All Ayes

Item 3: Comprehensive Plan Amendment from Agriculture to Commercial, Zone Change from Agricultural to Commercial, and Conditional Use Permit for an RV Park. On the east side of 125th Avenue NW, approximately 2/3 mile south of its intersection with County Road 37, 10 acres in the SE ¼ Section 19, Township 149 N, Range 98 W. (Bakken Workforce Housing, LLC). Comprehensive Plan Amendment and Zone Change TABLED. Conditional Use Permit DENIED.

Consultant Scott Harmstead presented the staff report and recommended denial.

Attorney Johnson stated the Board needs to determine the incompleteness of the application since this has gone to Court.

Commissioner Nordby wanted clarification whether or not the applicant has applied for permit, approvals or inspections. Staff responded that they have not.

Nick Grant, representing the applicant, stated the electric was inspected by a licensed electrician; the project started in late 2014 with roughed in electric and sewer; was never used as an RV park; the property is zoned as agriculture and is surrounded by industrial zoning; and asked for clarification if the required bond amount of 150% includes what is already there.

Commissioner Best stated that the County does not want any more work force housing.

Colleen Cole, owner of Bakken Workforce Housing, stated she did not intend to build an RV park, but an affordable place for families to live. She thought the property was zoned commercial when she purchased it.

Mr. Grant questioned if other applicants were required to meet conditions such as paving roads, obtaining school approval, and establishing disaster shelters.

The staff responded that the school approval was not required for this applicant.

The Board considered each application separately. The Board discussed doing a comprehensive plan change only with more information gathered by the staff of the surrounding area.

No audience comments.

Motion to TABLE the Zone Change: Best, Second: Wisness, Voice Vote: All Ayes

Motion to TABLE the Comprehensive Plan Amendment: Best, Second: Wisness, Voice Vote: All Ayes

Motion to DENY citing the Findings of Fact in the Staff Report, the Conditional Use Permit: Best, Second: Gravos, Voice Vote: All Ayes

Item 4: Conditional Use Permit for "Dahl-Schafer" Electric Transmission Line. Transmission line begins on the section line separating S 33 & 34 of Township 149N, Range 98W and continues N and slightly E until it intersects with an existing transmission line E of the Schafer Substation near section 35 Township 150N Range 98W. (McKenzie Electric). TABLED (ITEM RECONSIDERED AND APPROVED UNDER NEW BUSINESS).

Building and Planning Director Jim Talbert presented the staff report and recommended approval.

No Comments from the Board.

Motion to APPROVE: Gravos, Second: Best, Voice Vote: All Ayes

Audience comments: Suhail Kanwar, Public Works Administrator/County Engineer was concerned if the transmission line was within the setback distance of 75 feet from the center line of the road.

Motion to WITHDRAW THE MOTION: Gravos, Second: Best, Voice Vote: All Ayes

Motion to TABLE to get permits: Best, Second: Gravos, Voice Vote: All Ayes

Item 5: Comprehensive Amendment from Agriculture to Industrial, Zone Change from Agricultural to Industrial, and Conditional Use Permit for Bulk Hazardous Liquid Storage. 14361 39th Street N.W. Alexander, ND 58831; on the north and south sides of County Road 16 and west of Highway 85, SE ¾ SW ¼ of Section 18, Township 152N, Range 101W and NE ¼ NW ¼ Section 19, Township 152N, Range 101W. (North Dakota Pipeline Company, LLC). APPROVED.

Building and Planning Director Jim Talbert presented the staff report and recommended approval.

Trevor Hunter represented North Dakota Pipeline (Enbridge) stated willingness to post a bond for one year for the entire facility instead of just LACT tanks and to meet with Planning and Zoning to make amendments. He discussed the history of the Conditional Use Permit which was previously approved. He requested condition #16 to incorporate findings of fact #6 after a predetermined amount of time, this will be revisited.

Director Talbert clarified if an agreement is not acceptable to the Board, and there is an alternative to the bond, they will still post the bond.

The Board discussed the benefits of doing a bond or not.

No audience comments.

Conditions:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between structures and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather. Adequate spacing shall be determined by emergency manager.
3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place per county emergency manager.
4. The applicant shall obtain building and fire permits for all proposed structures within the proposed development.
5. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
6. No truck parking is allowed along County right of way adjacent to the proposed facility.
7. The applicant shall follow all federal, state, and local laws pertaining to this project.
8. All tanks and equipment shall be painted earth tones, shall be maintained, and shall have identification signs on them, as well as all LACT units.
9. The applicant shall maintain weed control, which includes obtaining only certified weed free fill.
10. The applicant shall pave and maintain all road approaches from the project site onto County Road 16.

11. The applicant shall maintain garbage control within the site and along their property line outside of the fence. Any yard storage shall be kept in an orderly manner. The site shall be kept free of trash at all times. Trash shall be contained in dumpsters acceptable to the County Solid Waste Director.
12. The applicant shall follow the amended exterior site plan that incorporates fencing (6' chain link), security lighting (the approach shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper) approved as part of this request. The trees shall be planted before July 1, 2016 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2016) and the trees shall be planted by July 1, 2017.
13. The applicant shall include a shelter belt on the east side of the property, sheltering the US highway 85 from the facility. The shelter belt must include landscaping to meet the planting requirements listed in condition #12 above. The changes must be provided on an amended site plan, subject to the Planning Director's approval. The plan must be submitted by January 1, 2016.
14. The applicant shall fence the site before construction and/or building permits are issued to contain construction debris onsite.
15. The applicant shall construct the facility with fixtures to contain the leakage at valves.
16. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the development is not planned to be utilized any further or after six months of abandonment.
17. The applicant's conditional use permit will be reviewed by the planning staff on an annual basis to ensure conformance with the conditions of approval. If conditions are not adhered to, then the permit can be placed on the County Commission agenda for revocation.

Motion to APPROVE as written: Nordby, Second: Wisness, Voice Vote: All Ayes

Item 6: Comprehensive Plan Land Use Amendment from Agriculture to Industrial, Change of Zone from Agricultural to Industrial, Conditional Use Permit (Amendment) for Waste Treatment Facility. On the north side of County Road 16, approximately ¼ mile west of its intersection with US Highway 85, E ½ SW ¼ SW ¼ Section 18, Township 152 N, Range 101 W. (Tervita, LLC). APPROVED.

Building and Planning Director Jim Talbert presented the staff report and recommended approval.

Gary McCuntion represented Tervita and presented a presentation about the investigation of the accident and the new design that was provided in the Staff Report.

Ed Pelican, representing Tervita, presented a new design.

Commissioner Wisness asked for clarification of Tri-Township approval. Staff responded approval was received.

Commissioner Mrachek requested the address in condition #7 be corrected to Highway 85.

Consultant Harmstead stated to add a condition to comply with the redesign of the project.

Mr. McCuntion stated the map in the packet is not the correct copy; however the one in the original submittal is correct. Staff will work with the applicant to make corrections.

Brandon Stire, Facility Manager for Tervita stated that everything is trucked in or out and nothing is piped.

No audience comments.

Conditions:

1. The applicants shall obtain a building permit for the proposed structures within the proposed development.
2. The applicant shall follow the amended exterior site plan that incorporates fencing (6' chain link), security lighting (the approach shall be lit), and landscaping (a mixture of coniferous and deciduous trees with a 1:1 mixture ratio; the coniferous at least 3' tall and the deciduous at least a 1.5 caliper) approved as part of this request. The trees shall be planted before July 1, 2016 to ensure survival through the winter. If the applicant is unable to plant before this time a completion bond, at 150% cost, shall be put in place (by July 1, 2016) and the trees shall be planted by July 1, 2017.
3. The applicant shall include a shelter belt on the southern side of the property. The shelter belt must include, at a minimum, an earthen berm (seeded topsoil) at least 25 feet wide and 3 feet in height to be used as a base for the trees, and meet the planting requirements listed in condition #2 above. The changes must be provided on an amended site plan, subject to the Planning Director's approval. The plan must be submitted by June 1, 2016.
4. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicants shall design the storm water and culvert system to convey a 25 year event. If there is too much run off from the site than additional on-site storm water storage may be required.
5. The applicant shall fence the site for security and garbage collection before any new construction begins. The office location should have secure garbage enclosures. Garbage shall be picked up on a regular basis (within the site and along County Road 16 in front of their site).
6. All lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel ways. The approach shall be lit for safety.
7. The applicant shall post the addresses clearly on site and on the proposed structures. The address must be able to be seen clearly from Highway 68.

8. The conditional use permit will be reviewed annually for conformance with the conditions of approval; if conditions are not adhered to then the permit can be placed on the County Commission agenda for revocation.
9. The applicant shall provide adequate weed control, including using weed free fill.
10. The applicant shall have an insulated 400 bbl water storage container ready for emergency services.
11. The applicant shall obtain proper fire permits before construction.
12. The applicant shall adhere to all Federal, State, and local laws, regulations, and conditions for the operation of the proposed facility.
13. The applicant shall share all final approvals, and continuing approvals/reviews with the County/State as they are obtained or altered, along with any violations and as it relates to this conditional use approval.
14. The applicant shall continually control dust and tracking during construction and operation on site to not track or create a nuisance to the neighboring property owners and the travelling public.
15. The applicant shall pave the approach to the site coming from County Road 16.
16. The applicant shall provide a bond equalling 150% of an engineer's estimate to remove and replace the site to a grassy area at the time the site is not desired to be used further. The bond shall be in place before construction begins.
17. The applicant shall fence the site for security and garbage collection before any new construction begins. The office location should have secure garbage enclosures. Garbage shall be picked up on a regular basis (within the site and along County Road 16 in front of their site).

Motion to APPROVE the plans as presented and reduce the size of the berm from 25 feet wide to 10 feet wide:

Bolken, Second: Nordby, Voice Vote: All Ayes

Item 7: Zone Change from Agricultural to Industrial. On the west side of 141st Avenue NW, approximately ¼ mile south of its intersection with US Highway 85, SE ¼ of the NE ¼ of Section 21, Township 150, Range 101. (Triangle USA Petroleum Corporation). TABLED.

Consultant Scott Harmstead noted that the applicant's desire was to wait for the proposed Light Industrial District to change the zoning.

Motion to TABLE: Bolken, Second: Best, Voice Vote: All Ayes

Item 8: Comprehensive Plan Land Use Amendment from Agriculture to Residential and Change of Zone from Agricultural to Residential, Low Density District, for a 32 lot single family residential subdivision. Located ½ mile

north of 42nd Street NW, approximately one mile west of its intersection with US Highway 85, SW ¼ of NE ¼ of Section 33, Township 153 N, Range 101 W. (RPJB Investments). APPROVED.

Consultant Scott Harmstead presented the staff report recommending approval of the Comprehensive Plan land use amendment and change of zoning.

Commissioner Nordby commented that the applicant has completed everything that was requested of them.

Commissioner Best asked what the setbacks are for pipelines. Consultant Harmstead asked for a 10 foot right of way for pipelines.

No audience comments.

Motion to APPROVE: Bolken, Second: Nordby, Voice Vote: All Ayes

The Board announced a break at 7:30pm and reconvened at 7:39.

Public Hearings:

Item 1: Conditional Use Permit for "ONEOK" Electric Transmission Line. Transmission line begins approximately ¾ miles east of County Road 45 in Section 4, T149N, and R96W. The line crosses into Section 33, T150N, R96W, and then travels west for approximately 4/10 of a mile crossing into Section 32, T150N, T96W, then heads north and ends in the south portion of Section 20, T150N, R96W. (McKenzie Electric). APPROVED.

John Carns, applicant spoke in favor of the project. He stated that the project goes through pasture land and easements should not be required. Director Talbert clarified easements of 75 feet should be in place anyway because it is proposed along a section line. County Engineer Kanwar stated to obtain an easement from the County and if roads need to be put in place, McKenzie Electric will pay to move the line. Director Talbert stated to add this as a condition.

Conditions:

1. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
2. Construction will not be done during early morning hours or late evening hours per the ND Dept. of Health.
3. The applicant shall take proper precautions to minimize effect on local wildlife per the Army Corp of Engineers.
4. The applicant will take care to minimize adverse effects on any body of water per the ND Dept. of Health.

5. The applicant shall take all necessary measures to minimize fugitive dust emissions created during construction activities per the ND Dept. of Health.
6. The applicant shall not condemn property to obtain easements.
7. The applicant shall follow all Federal, State, and Local laws pertaining to this proposal.
8. The applicant shall maintain garbage control within the site during construction.
9. The applicant shall maintain weed control including obtaining certified weed free fill.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

No audience comments.

Motion to MOVE McKenzie Electric Shafer Transmission line to be put back on the agenda: Nordby, Second: Gravos, Voice Vote: All Ayes

Motion to APPROVE McKenzie Electric Shafer Transmission line with said condition: Gravos, Second: Bolken, Voice Vote: All Ayes

Motion to APPROVE McKenzie Electric ONEOK Transmission line with said condition: Nordby, Second: Gravos, Voice Vote: All Ayes

Item 2: Conditional Use Permit for "Cherry Creek" Transmission Line. Transmission line begins in the east ½ of Section 36 Township 150N Range 99W and terminates in the northwest ¼ of Section 32 in Township 149N Range 98W. (McKenzie Electric). APPROVED.

No Board comments.

No audience comments.

Conditions:

1. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
2. Construction will not be done during early morning hours or late evening hours per the ND Dept. of Health.
3. The applicant shall take proper precautions to minimize effect on local wildlife per the Army Corp of Engineers.

4. The applicant will take care to minimize adverse effects on any body of water per the ND Dept. of Health.
5. The applicant shall take all necessary measures to minimize fugitive dust emissions created during construction activities per the ND Dept. of Health.
6. The applicant shall not condemn property to obtain easements.
7. The applicant shall follow all Federal, State, and Local laws pertaining to this proposal.
8. The applicant shall maintain garbage control within the site during construction.
9. The applicant shall maintain weed control including obtaining certified weed free fill.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

Motion to APPROVE McKenzie Electric Cherry Creek Transmission line with said condition: Nordby, Second: Bauman, Voice Vote: All Ayes

Item 3: Conditional Use Permit for "Stoney" Communication Tower. Located in the SW ¼ of the S ½ of the SE ¼ of Section 23, T151N, R96W. (Verizon Wireless). APPROVED.

Building and Planning Director Jim Talbert presented the staff report and recommended approval.

Commissioner Bolken asked if agenda items 3, 4 and 5 are the same size and shape. Brandon St. Michal, representative of Buell Consulting stated that they were. Commissioner Nordby stated that a condition should be added to have room for an emergency services dish. Director Talbert stated that this is condition #9.

No audience comments.

Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.

5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.
8. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
9. The applicant shall allow space for a dish to be used by emergency services.
10. The applicant's tower shall be constructed to fall on their own site without damaging neighboring properties.
11. The access road shall be built to county standard.

Motion to APPROVE: Bolken, Second: Gravos, Voice Vote: All Ayes

Item 4: Conditional Use Permit for "Haugen" Communication Tower. Located at 14307 23rd Street NW, Alexander ND 58831, with the SE ¼ of Section 6, T149N, R101W. (Verizon Wireless). APPROVED.

No Board comments.

No audience comments.

Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.

8. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
9. The applicant shall allow space for a dish to be used by emergency services.
10. The applicant's tower shall be constructed to fall on their own site without damaging neighboring properties.
11. The access road shall be built to county standard.

Motion to APPROVE: Gravos, Second: Wisness, Voice Vote: All Ayes

Item 5: Conditional Use Permit for "Handy" Communication Tower. Located at 10451 Highway 73 Keene, ND 58847, within the SE ¼ of Section 15, T150N, R95W. (Verizon Wireless). APPROVED.

No Board comments.

No audience comments.

Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. All property taxes shall be paid current.
7. The applicant shall maintain adequate weed control.
8. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
9. The applicant shall allow space for a dish to be used by emergency services.

10. The applicant's tower shall be constructed to fall on their own site without damaging neighboring properties.
11. The access road shall be built to county standard.

Motion to APPROVE: Wisness, Second: Gravos, Voice Vote: All Ayes

Item 6: Conditional Use Permit for Temporary Water Depot. Located at 2160 120th Avenue NW, Watford City, within the East ½ of the NW 1/4, Lots 1 and 2, Section 18, T149N, R97W. (Patrick Kelly). APPROVED.

Consultant Scott Harmstead presented the staff report recommending approval of the conditional use permit.

Kyle Hartel represented Elkan Water Depot, stated that the water coming to this pit comes from Elkan Water Depot which prevents a lot of truck traffic thru the use of this temporary pipe.

No audience comments.

Conditions:

1. The applicant shall maintain adequate garbage control within the site. The applicants shall mark the site with visible address/project identification (4'x8' sign) from the road.
2. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this site plan permit.
3. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
4. The applicant shall maintain adequate garbage control with the project site as identified on the site plan permit.
5. If provided access from a County road, the applicant(s) shall enter into an agreement with the County road and bridge department to provide adequate dust control for ¼ mile in each direction of the project site approach along the adjacent County road.
6. Limit sediment runoff from the site by use of perimeter controls on downslope portions of the site (e.g. silt fence) and limit channelized erosion in ditches, swales, and adjacent natural water bodies. Restore and stabilize the site to pre-project conditions.
7. The project must comply with Conditional Use Permit No. 6300 provided by the State Water Commission, including all applicable conditions. The permit is on file with the State Water Commission.
8. The permit will be reviewed annually by the Building and Planning Director to ensure compliance with County standards.

Motion to APPROVE: Wisness, Second: Bolken, Voice Vote: All Ayes

Item 7: Conditional Use Permit for Wastewater Lagoon. Located at 2702 135th Avenue NW, Arnegard, ND within the SW ¼ of the SW ¼, Section 15, T150N, R100W. (City of Arnegard). APPROVED.

Consultant Scott Harmstead presented the staff report recommending approval of the conditional use permit.

Commissioner Bolken asked if the lagoon would be visible from Highway 85. Consultant Harmstead replied that it would be visible.

Eric Lentze, working with the City of Arnegard, stated a portion will be visible from Highway 85. Commissioner Bolken voiced concern with landscaping along the highway. Commissioner Best asked if the City secured funding and if any representatives of the City were present. Mr. Lentze stated that all of the funding was not secured and no members of the City were present. Director Talbert suggested a visible landscape buffer along Highway 85 and on the west and east sides as well. Commissioner Mrachek inquired about wastewater overflow and is the present design able to prevent this. Mr. Lentze stated yes.

No audience comments.

Conditions:

1. The applicant shall maintain adequate garbage control within the site. The applicants shall mark the site with visible address/project identification (4'x8' sign) from the road.
2. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it relates to this site plan permit. Approvals include, but are not limited to, the State Department of Health.
3. The site approach along 135th Avenue NW shall be located a minimum of 500 feet from its intersection with US Highway 85.
4. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
5. The applicant shall maintain adequate garbage control with the project site as identified on the site plan permit.
6. Limit sediment runoff from the site by use of perimeter controls on downslope portions of the site (e.g. silt fence) and limit channelized erosion in ditches, swales, and adjacent natural water bodies.
7. The permit will be reviewed annually by the Building and Planning Director to ensure compliance with County standards.

Motion to APPROVE with said condition of landscaping as stated by Staff: Bolken, Second: Nordby, Voice Vote: As Follows:

Bauman: Nay – Not good for along a highway.

Gravos: Nay – Should find a better spot.

Bolken: Aye

Mrachek: Aye

Nordby: Aye

Wisness: Aye

Best: Nay – Highway 85 is not a good location and funds are not yet secured.

Motion APPROVED.

Item 8: Conditional Use Permit for a Commercial Storage Building. Located at 13218 25th M Street NW, Arnegard, ND, within Irregular Tract 2316, Section 25, T150N, R100W. (David Schmidt). APPROVED.

Consultant Scott Harmstead presented the staff report recommending approval of the conditional use permit.

Commissioner Bolken asked for clarification of property location. John Hughes, applicant, stated it is located adjacent to the landfill. He has placed culverts in the front and rear of property for drainage. Commissioner Gravos was concerned with water runoff to any adjacent land owner property; however, he later noted that his initial concern was on a different parcel. Peter Profit, Mohave Engineering, discussed how drainage flows in general around the site and also discussed the storm water report included in the application. Consultant Harmstead provided an engineered drawing of the run off and stated that a condition could be added so that the net run off was not greater than what it is now. Director Talbert stated that this would be sufficient.

No audience comments.

Conditions:

1. The existing onsite temporary housing facility must be removed no later than a year from approval of the subject conditional use permit.
2. If any previous approvals for the temporary housing facility exist, they shall be considered null and void.
3. The applicant shall maintain adequate garbage control within the site.
4. The applicants shall mark the site with visible address/project identification (4'x8' sign) from the road.
5. The applicant shall share all final approvals and continuing approvals/reviews with the County/State/Federal agencies as they are obtained or altered, along with any violations and as it

relates to this site plan permit. Approvals include, but are not limited to, the State Department of Health.

6. The applicant shall maintain adequate weed control including obtaining certified weed free fill.
7. The applicant shall maintain adequate garbage control with the project site as identified on the site plan permit.
8. The permit will be reviewed annually by the Building and Planning Director to ensure compliance with County standards.

Motion to APPROVE: Gravos, Second: Wisness, Voice Vote: All Ayes

Item 9: Conditional Use Permit for a Gravel (Scoria) Mine. Located at 11764 34th Street NW, Watford City, within the SE ¼ of Section 16, T141N, R97W. (Bill Trotter – Trotter Construction). APPROVED.

Consultant Scott Harmstead presented the staff report recommending approval of the conditional use permit.

Staff stated that Condition #10 should be corrected to read 2 inches of class V gravel (misprint of scoria) and a once a week application of magnesium chloride.

Bill Trotter of Trotter Construction questioned other businesses have been using this road and are not required to do any maintenance or such as condition #10. Commissioner Best questioned the weekly application of magnesium chloride and if any studies have been done on how long the application lasts. Mr. Trotter does not want to be the only one responsible for the road maintenance. County Engineer Kanwar discussed other options for other road users to participate in the road maintenance. Don Sivertson, land owner, voiced the maintenance plan is unfair to put on one person. Commissioner Best stated to track the truck traffic on that road to disperse a fee on other drivers. County Engineer Kanwar stated the rough cost of graveling the road would be \$85,000. Mr. Trotter would rather pay this fee upfront than be connected to any road improvement commitments. Commissioner Wisness stated that other people use the road including oil companies, water trucks and farmers and it was unfair to single out one person to do the maintenance.

Commissioner Bolken questioned the renewal process of Conditional Use Permits, and Consultant Harmstead stated that the review is internal unless it is specified in the conditions that it has to come back once a year before the Commission. Attorney Johnson stated that road repair should be a policy decided by the County Commission, not on individual Conditional Use Permit applications and proper use of land and impact.

No audience comments.

Conditions:

1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.
2. The applicant shall adhere to all Federal, State, and local laws, regulations, and conditions for the operation of the proposed facility.

3. The applicant shall post a bond in the amount of 150% of an engineer's estimate to reclaim the site, with the county as the beneficiary. The site shall be reclaimed to agricultural use upon cessation of the operation or after six months of abandonment.
4. All property taxes shall be paid current.
5. The applicant shall maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
6. The applicant shall maintain adequate garbage control within the site.
7. To mitigate dust impacts, the applicant shall have a 300' knock off zone on site. Knock off zone design shall be approved by the Building and Planning Director prior to design.
8. The applicant shall require all loads leaving the site be covered in order to protect other motorists from loose material falling out of the trucks.
9. The applicant shall provide adequate dust control within the site; the applicant shall also provide dust control and needed maintenance to ensure a stable road surface from the entrance to the project site to the approach onto County Road 12. Dust control and stabilization measures shall be approved by the County Road and Bridge Department.
10. The applicant shall provide two inches of Class V gravel on County Road 12 to improve the road surface from the project approach west to its intersection with ND Highway 1806. The additional application of magnesium chloride along the same corridor will help to mitigate dust impacts. This condition must be performed prior to operation of the scoria pit.
11. The conditional use permit will be reviewed annually by staff to ensure compliance with the listed conditions.

Motion to APPROVE with the condition that the applicant mitigate the project's impact of County road 12 at the discretion of the County Commission: Gravos, Second: Bolken, Voice Vote: All Ayes

Item 10: Conditional Use Permit for a Gravel (Scoria) Mine. Located at 11752 32nd Street NW, Watford City, ND, within the N ½ of the NE 1/4, the SE ¼ of the NE ¼, and the N ½ of the NW ¼, of Section 28, T141N, R97W. (Bill Trotter – Trotter Construction). APPROVED.

Consultant Scott Harmstead presented the staff report recommending approval of the conditional use permit.

Staff stated that Condition #9 should be corrected to read 2 inches of Class V gravel (misprint of scoria) and a once a week application of magnesium chloride.

Bill Trotter of Trotter Construction stated that trucks would have access to County road 12 at this site.

No audience comments.

Conditions:

1. The applicant shall mark the site with address/project identification (4'x8' sign) visible from the road.
2. The applicant shall adhere to all Federal, State, and local laws, regulations, and conditions for the operation of the proposed facility.
3. The applicant shall post a bond in the amount of 150% of an engineer's estimate to reclaim the site, with the county as the beneficiary. The site shall be reclaimed to agricultural use upon cessation of the operation or after six months of abandonment.
4. All property taxes shall be paid current.
5. The applicant shall maintain adequate weed control as approved by the McKenzie County Weed Control Officer.
6. The applicant shall maintain adequate garbage control within the site.
7. To mitigate dust impacts, the applicant shall have a 300' knock off zone on site. Knock off zone design shall be approved by the Building and Planning Director prior to design.
8. The applicant shall require all loads leaving the site be covered in order to protect other motorists from loose material falling out of the trucks.
9. The applicant shall provide two inches of Class V gravel on 31st St NW to improve the road surface from the project approach west to its intersection with ND Highway 1806. The additional application of magnesium chloride along the same corridor will help to mitigate dust impacts. This condition must be performed prior to operation of the scoria pit.
10. The applicant shall provide adequate dust control within the site; the applicant shall also provide dust control and needed maintenance to ensure a stable road surface from the entrance to the project site to the approach onto 31st Street NW (approximately 1.5 miles). Dust control and stabilization measures shall be approved by the County Road and Bridge Department.
11. The conditional use permit will be reviewed annually by staff to ensure compliance with the listed conditions.

Motion to APPROVE with the condition that the applicant mitigate the project's impact of County road 12 at the discretion of the County Commission: Gravos, Second: Bauman, Voice Vote: All Ayes

Item 11: Zoning Ordinance Text Amendment to create landscaping and buffer standards. (McKenzie County). APPROVED.

Consultant Scott Harmstead presented the staff report recommending approval of the ordinance text amendment.

Commissioner Best asked if any other counties have landscaping plans. Consultant Harmstead replied that Cass County may have landscaping standards in effect. Commissioner Bolken stated that landscaping policies are similar to practices that farmers have already taken.

No audience comments.

Motion to APPROVE: Gravos, Second: Nordby, Voice Vote: All Ayes

Item 12: Zoning Ordinance Text Amendment to amend the Industrial District, create a Light Industrial District, amend Article IV (Special Provisions) for consistency, and create a Site Plan Permit process. (McKenzie County). APPROVED.

Consultant Scott Harmstead presented the staff report recommending approval of the ordinance text amendment.

Director Talbert stated that there is an overload of conditional use permits and this would alleviate time consuming processes for the staff and the Board. Commissioner Gravos is in favor of appropriate use of land and that industrial is not put in prime real estate locations. He would like to review area currently zoned as industrial. Director Talbert stated that Staff is beginning work on the Comp plan which will address some of this concern. There was a discussion on the comp plan and zone changes.

Attorney Johnson stated regarding transmission lines that it would be an allowed use if all easements are consensual, and conditional use if all easements are eminent domain.

No audience comments.

Motion to APPROVE with noted changes listed below: Gravos, Second: Bolken, Voice Vote: All Ayes

- 1) **Add under allowed used in the Industrial District “All allowed uses in the light Industrial District”**
- 2) **In the New Light Industrial District remove “The structure setback from any residence” this is covered by the landscaping standards**
- 3) **For Section 4.13, 4.16 and 4.18 remove “Easement requirement”**
- 4) **Change oil or gas transmission line setback from “habitual structure” to “occupied structure”**

Item 13: Zoning Ordinance Text Amendment to revise the Agricultural District. (McKenzie County). TABLED.

Staff recommendation to table this for further consideration.

Motion to TABLE: Gravos, Second: Best, Voice Vote: All Ayes

DISCUSSION:

Workforce Housing Sunset Clause:

Currently there are 13 applicants that have a sunset clause. These 13 should be put on the agenda in November and have a site inspection prior to the meeting. Each applicant will be handled on a case by case basis to extend or revoke.

Grail Township Comprehensive Plan:

Staff recommended to include in the County Comprehensive Plan effort.

Adjourned at 10:24pm

Planning and Zoning Commission Minutes

September 14, 2015

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:05 pm.

Members present: Jeremy Olson, Paul Wisness, Barb Bauman, Vawnita Best, Doug Nordby

Absent: Doug Bolken, Les Haugen, Kris Mracheck, Aaron Gravos

Staff Present: Planning and Consultant, Scott Harmstead; Planner, Boe Wientjes; Planner, Darlia Buxton; Administrative Assistant, Hillary Whitaker; Building and Planning Director, Jim Talbert; Planning Attorney, Ari Johnson.

Others: See sign in sheet.

Minutes of August 10th, 2015 were presented. **Motion to APPROVE minutes: Wisness, Second: Nordby: Voice Vote: All Ayes**

Unfinished Business:

Item 1: Gary Baldwin: Comprehensive Plan Land Use Amendment from Agriculture to Residential and Change of Zoning from Agricultural to R2 to legitimize and existing four-plex apartment building. On the northwest corner of 8th Street South and Dakota Avenue, East Fairview, Lot 9 Block 3 of Bole's First Addition. APPROVED.

Consultant Harmstead presented the staff report and recommended approval, based upon the findings in the staff report. An approved building permit is needed before the Upper Missouri Health District will sign off on the onsite wastewater storage onsite.

Commissioner Best voiced concern with allowing a "pump and dump" type of septic tank to be allowed in this area.

Gary Baldwin stated that he cannot hook up to any sewer lines where he is located.

Planner Wientjes noted that a condition can be placed on the building permit to require compliance with the Upper Missouri Health District for wastewater disposal prior to occupancy. The Commission asked that this be done.

No audience comments.

Motion to APPROVE: Nordby, Second: Bauman,

Voice Vote: Best: Nay, Wisness: Aye, Olson: Aye, Bauman: Aye, Nordby: Aye. Motion Carries.

Item 2: Younquist Brothers: Comprehensive Plan Land Use Amendment from Agriculture to Industrial, Change of Zoning from Agricultural to Industrial, and Conditional Use Permit to allow a new storage building, recognize existing nonconforming industrial uses, and to recognize existing nonconforming temporary workforce housing. Located in the W/2 of the NW/4 Section 19, Township 150 North, Range 100 West. TABLED.

Consultant Harmstead stated they wished to Table due to waiting on the NDDOT approvals to come in for access from US Highway 85 via 137th T Avenue.

No representation for Younquist Brothers.

No Audience Comments

Item 3: Bakken Workforce housing. Comprehensive Plan Amendment from Agriculture to Commercial and Zone Change from Agricultural to Commercial. On the east side of 125th Avenue NW, approximately 2/3 mile south of its intersection with County Road 37, 10 acres in the SE ¼ Section 19, Township 149 N, Range 98 W. Comprehensive Plan Amendment and Zone Change. DENIED.

Consultant Harmstead presented the staff report and recommend denial as stated in the staff report.

No representation for Bakken Workforce Housing.

No Audience Comments.

Motion to DENY Comprehensive Plan Amendment and Zone Change: Nordby, Second: Best, Voice Vote: All Ayes

Item 4: Triangle USA, Change of Zone for Industrial Subdivision to allow outdoor storage and oilfield Service-related industrial uses. On the west side of 141st Avenue NW, approximately ¼ mile south of its intersection with US Highway 85 in the SE ¼ of the NE ¼ of S21, T150, R101W. APPROVED.

Consultant Harmstead presented the staff report and recommend approval of the zone change.

No representation for Triangle USA.

No Audience Comments.

Motion to APPROVE: Wisness, Second: Best, Voice Vote: All Ayes.

Item 5: Rothrock – Topper Harley Subdivision Change of Zone to allow the development of light industrial uses within a new subdivision. Located On the north side of 25th M Street NW, approximately 700 feet east of its intersection with 133rd Avenue NW of SW ¼ of the NW ¼ of S25, T150, R100W. APPROVED.

Consultant Harmstead presented the staff report and recommend approval of the zone change.

No Representation for Rothrock/Topper Harley.

No Audience Comments.

Motion to APPROVE: Wisness, Second: Bauman, Voice Votes: All Ayes.

Item 6: Agricultural District - Zoning Ordinance Text Amendment will revise the Agricultural District to remove uses of an industrial nature, and otherwise tailor the use of the district to encourage farming and ranching practices. APPROVED.

Consultant Harmstead presented the staff report and recommended approval.

Director Talbert explained that there are current conditional use permits that he feels could be processed at an administrative level, such as temporary water depots, cell phone towers etc.

Attorney Johnson stated that he would like the verbiage to change from Temporary Water Pipeline to Temporary Water Facility.

Commissioner Best Stated she would like anything to do with earthen ponds to continue to go through the public hearing process because it would not be truly temporary.

Commissioner Nordby stated he would like each site to be visited from the Planning Department to make sure they are not already in violation.

Director Talbert discussed the 5 acre minimum in the agricultural zoning district to build a residence, and how changing it to 40 acres may be too much. Commissioner Haugen, who was not present, told Director Talbert earlier that he felt 10 acres may be better suited.

Commissioner Best stated that she feels 20 Acres in the agricultural zoning district protects what agricultural land is used for and feels 5 and 10 acre lots are best suited for residential zoning.

Director Talbert noted that staff is currently drafting rural residential zoning districts that would accommodate 1 acre, 5 acre and 10 acre minimum parcel sizes.

Motion to APPROVE with amendments including striking Section 4.14 #5, removing “earthen ponds” from the definition of temporary water facilities, changing the term of temporary water pipeline to temporary water facilities, and adding a standard under Section 4.14 for County staff to visit each site prior to approval, and changing 5 acre minimum to 40 acres within the Agricultural District: Nordby, Second: Best, Voice Votes: All Ayes.

Public Hearing Items:

Item 1: Basin Electric is seeking a Conditional Use Permit for the removal of two existing communication towers and the construction of one, 290' tall self-supporting, triangular based microwave communication tower to

monitor and control regional transmission system on A one acre parcel located in part of Gov. Lot 4, Sect. 19, T 147 N, R 103 W; and in part of Gov. Lot 1, Sect. 30, T 147 N, R 103 W. APPROVED.

Director Talbert presented the staff report and recommended approval.

Kevin Soley represented Basin Electric.

Commissioner Best asked Mr. Soley if he was ok with meeting all conditions. He said Yes.

No Audience Comments.

Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign).
2. The applicant shall maintain roads and spacing for emergency vehicles to be able to access and maneuver around the unit in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. The applicant shall submit for approval an updated exterior site plan that incorporates fencing and security lighting to be approved and placed in the file as part of this request.
6. The applicant shall maintain adequate weed control.
7. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
8. The applicant shall allow space for a dish to be used by emergency services.
9. The applicant's tower shall be constructed to fall on their own site without damaging neighboring properties.
10. The access road shall be built to county standard.

Motion to APPROVE: Nordby, Second: Best, Voice Votes: All Ayes.

Item 2: McKenzie Electric is seeking conditional use permit for an electrical substation to to construct the electrical substation "Indian Hills Rebuild" to serve growing commercial and residential loads and provide system reliability in the area at 14320 39th Street NW, Alexander, ND in the Northeast ¼; Sect 19, T 152 N, R 101 W (4. APPROVED.

Director Talbert presented the staff report and recommended approval.

John Carns represented McKenzie Electric.

Commissioner Nordby asked that an amendment be made to include that they reclaim the land.

No Audience Comments.

Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.
2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.
3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25-year event.
5. The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved as part of this request.
6. There will be no workforce housing or living quarters on the project site.
7. All property taxes shall be paid current.
8. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.
9. The applicant shall maintain adequate garbage control within the entire project site.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
11. The applicant shall provide dust control from the project site along the access road to US Highway 85.
12. No workforce housing shall be provided onsite.
13. A landscaping plan shall be presented to the county prior to building permit approval.
14. Security, fencing and lighting shall be provided on a 24 hour basis.
15. The North Dakota One Call, or 811, must be contacted prior to any excavation or earth moving activities are performed onsite.

Motion to APPROVE: Wisness, Second: Bauman, Voice Vote: All Ayes.

Item 3: Patriot Lodging is requesting a Zoning Variance for an industrial lot due to The applicant owning adjacent property zoned Industrial and Residential and cannot currently meet Lot Requirements at 43 acres approximately ½ mile south of Hwy 85 on the west side of 140th Ave NW in the SE ¼ of the NE ¼ of S22, T150N, R101W. APPROVED.

Director Talbert presented the staff report and recommended approval.

Sadie Harrison Represented Patriot Lodging.

No Audience Comments.

1. The applicant shall maintain the already constructed berm between the Residential and Industrial portions of this property.
2. The applicant shall maintain the trees already planted on the berm between the two districts.
3. The applicant shall not allow any industrial building within two hundred fifty (250) of any residential building.

Motion to APPROVE: Best, Second: Nordby, Voice Votes: All Ayes.

Item 4: Arrow Electric in requesting a Conditional Use Permit for a commercial shop and office at 13254 25th M st, Arnegard, ND 588358 in the E ½ of the E ½ of the NE ¼ of the SW ¼ of S25, T150N, R100W. APPROVED.

No Representation for Arrow Electric.

No Audience Comments.

Conditions:

4. The applicant shall post the addresses and street name of each property and proposed use clearly on site (4'x8' sign) visible to passing traffic.
5. The applicant shall maintain enough spacing between structures and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather. Adequate spacing shall be determined by emergency manager.
6. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place per county emergency manager.
7. The applicant shall obtain building and fire permits for all proposed structures within the proposed development.
8. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and

culvert system to convey a 25 year event.

9. No truck parking is allowed along County right of way adjacent to the proposed facility.
10. The applicant shall follow all federal, state, and local laws pertaining to this project.
11. The applicant shall maintain weed control, which includes obtaining only certified weed free fill.
12. The applicant shall maintain garbage control within the site and along their property line outside of the fence. Any yard storage shall be kept in an orderly manner. The site shall be kept free of trash at all times. Thrash shall be contained in dumpsters acceptable to the County Solid Waste Director.

Motion to APPROVE: Wisness, Second: Nordby, Voice Votes: All Ayes.

Item 5: Eagle Rock Timber, Inc. is requesting a Conditional Use Permit for a Gravel Mine at 1406 141st Avenue NW, Arnegard in the Southwest ¼ of Section 22, Township 148, Range 101. TABLED.

Consultant Harmstead presented the staff report and recommended approval with conditions.

Rick Gokey represented Eagle Rock Timber as the Leasee.

Commissioner Best asked how many feet of road is unpaved road within the project site, as she has concerns with dust control. She stated that if the county receives a complaint that they should have no more than 3 days to rectify the dust problem.

Mr. Gokey said he questioned condition # 10 (agreement with the County to mitigate truck impacts), as he does not feel they should have to pay an undisclosed amount of money to fix Road 27. He requested that he be able to say no to fees if they get out of hand. Mr. Gokey also asked why they require a bond that helps the county and not the land owner.

Attorney Johnston stated that if the County requires a bond and if the land owners also want a bond to protect them they need to discuss it with the company that is working on their land—the land owner’s concern is essentially a civil matter.

No Audience Comments.

Motion to TABLE: Best, Second, Bauman Voice Votes: All Ayes.

Item 6: McKenzie Investments in requesting a Text Amendment and Zone Change due to desires to have their location be rezoned to Light Industrial. McKenzie Investments intends to use this 5 acre parcel for an equipment storage yard that will include machinery, concrete forms and miscellaneous lumber at 2565 132nd C Avenue, Arnegard, ND 58835 in the SE ¼ of the NE ¼ of S25, T 150 N, R 100 W (Approx. 5 Ac.). APPROVED.

Director Talbert presented the staff report and recommended approval.

Randy Hedrick represented McKenzie Investments.

No Audience Comments.

Conditions:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between structures and roadways for emergency vehicles to be able to access and maneuver around the units in all types of weather. Adequate spacing shall be determined by emergency manager.
3. The applicant shall comply with all North Dakota state storm water permitting.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
5. No truck parking is allowed along County right of way adjacent to the proposed facility.
6. The applicant shall follow all federal, state, and local laws pertaining to this project.
7. The applicant shall maintain weed control, which includes obtaining only certified weed free fill.
8. The applicant shall maintain garbage control within the site and along their property line outside of the fence. Any yard storage shall be kept in an orderly manner. The site shall be kept free of trash at all times. Thrash shall be contained in dumpsters acceptable to the County Solid Waste Director.
9. The applicant shall call 811 to locate any underground utility and/or pipelines before any excavation is performed.
10. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the development is not planned to be utilized any further or after six months of abandonment. Documentation of the bond must be given to the Planning Dept. prior to any use or disturbance of the property. All existing uses/structures must be included in the bond.

Motion to APPROVE: Nordby, Second: Best, Voice Vote: All Ayes.

Item 7: XTO Energy is requesting a Zone Change and Text Amendment to allow for their new office and warehouse. The buildings are located on the east side of U.S. Highway 85, approximately ¼ of a mile north of the Wild Bison gas station that is approximately 17 miles west of Watford City on US Hwy 85 on Approximately 9 acres in the S ½ of the NW ¼ of the SW ¼ of S 17, T150N R101W; PID 010007550. APPROVED.

Director Talbert presented the staff report and recommended approval.

Tim Bruckles represented XTO Energy. My Bruckles stated that they would have outdoor storage for their transformers, which will eventually be transferred to oil pad sites. He stated the time in which they would be stored outside would be minimal.

No Audience Comments.

Motion to APPROVE with the following conditions: Zone change will be applied with the understanding they will apply for light industrial later to allow for the outdoor storage: Nordby, Second: Best, Voice Vote: All Ayes.

Item 8: Targa Resources is requesting to have their location be rezoned to an Industrial District and a Conditional Use Permit be granted for their existing crude oil terminal and for future expansion (included in site plan). The facility is located to the south of 39th St NW approximately ¾ - 1 mile west of Hwy 85 on Approximately 16.1 acres in the NW ¼ of the NW ¼ of S19 T152N R101W. APPROVED.

Planner Wientjes presented the staff report and recommended approval.

Melissa Kilde represented Targa Resources.

Commissioner Nordby expressed fire safety concerns.

Ms. Kilde stated they were working on getting a fire hydrant.

Tim Studson stated their tanks had an internal floating roof.

No Audience Comments.

Motion to APPROVE: Wisness, Second: Bauman, Voice Vote: All Ayes.

Item 9: Black Stag Resources is requesting a temporary workshop to become a permanent structure on 2957-2961 133rd J Avenue NW, Arnegard, ND on the North ½ of the northeast ¼; Sect 2, T 150 N, R 100 W. APPROVED.

Director Talbert presented the staff report and recommended approval.

No Board Comments.

No Audience Comments.

Conditions:

1. The applicant shall post the address and street name clearly on site (4'x8' sign), to be seen clearly from the road and on the proposed structures.
2. The applicant shall maintain roads and enough spacing between units for emergency vehicles to be able to access and maneuver/turn around the units in all types of weather.

3. The applicant shall obtain a building permit for the proposed structures within the proposed development.
4. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25-year event.
5. The applicant shall follow the exterior site plan that incorporates fencing, security lighting, and landscaping to be approved as part of this request.
6. There will be no workforce housing or living quarters on the parcels.
7. The applicant shall maintain adequate weed control, including using any fill from a certified weed free source.
8. The applicant shall maintain adequate garbage control within the entire parcel.
9. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.
10. The applicant shall provide dust control for ¼ mile on each side of their approaches and within the sites.
11. The applicant shall maintain the required 25 foot setback on all sides of property and remove all dirt and mats currently in violation.
12. No workforce housing shall be provided onsite.
13. A landscaping plan shall be presented to the county prior to building permit approval.
14. Security, fencing and lighting shall be provided on a 24 hour basis.
15. The property and structures will be inspected by zoning enforcement and be in compliance with McKenzie County P&Z Ordinances for Agricultural Zoning and meet all applicable codes.

Motion to Approve: Nordby, Second: Bauman, Voice Vote: All Ayes.

Item # 10: Plains Terminal is requesting a Conditional use permit to amend the facilities' existing site plan previously approved and to add six (6) – 1,000 barrel above ground settling tanks at 10758 Hwy 73, Watford City, ND 58854 on the N ½ of the NE ¼ of S19, T150N, R95W. APPROVED.

Director Talbert presented the staff report and recommended approval.

Robert Harms represented Plains Terminal.

Commissioner Nordby questioned what they have done to deal with the fires safety concerns of having a tank that size.

Mr. Harms stated that there is fully trained staff on site in AED as well as an emergency plan.

Mr. Harms also stated that where they were placing the tanks is on ground that is lower than before, therefore the neighbors would not be able to see the tanks.

No audience Comments.

Conditions:

1. The applicant shall post the addresses and street name clearly on site (4'x8' sign) visible to passing traffic.
2. The applicant shall maintain enough spacing between structures for emergency vehicles to be able to access and maneuver around the units in all types of weather.
3. The applicant will follow recommended fire flows, have a plan for foam to be onsite in case of emergency, and have a proper evacuation plan in place.
4. The applicant shall have Automated External Defibrillator (AED) on site and personnel trained and certified to operate AED at all times.
5. The applicant shall obtain a building permit for the proposed structures within the proposed development.
6. The applicant shall provide onsite parking/staging for a minimum of 10 semi-trucks on site.
7. The applicant shall not deposit any snow or water onto neighboring properties and dispose of storm water onsite through an approved engineering method. Additionally, the applicant shall design the storm water and culvert system to convey a 25 year event.
8. No truck parking is allowed along Highway 73 right of way adjacent to the proposed facility.
9. The applicant shall maintain dust control on site and have a 300' graveled/paved area for a knock off zone to keep from tracking mud onto 130th Avenue NW. Knock off zone design shall be approved by the Planning Director.
10. The applicant shall follow all federal, state, and local laws pertaining to this project.
11. All tanks and equipment shall be painted earth tone.
12. The applicant shall follow the amended exterior site plan that incorporates fencing (6' chain link)
13. The applicant shall maintain weed control, which includes obtaining only certified weed free fill.
14. The applicant shall maintain garbage control within the site and along their property line outside of the fence. The site shall be free of trash at all times. Trash shall be contained in dumpsters acceptable to the County Solid Waste Director.
15. The applicant shall plant trees as a buffer for the neighbor to the southwest
16. The applicant shall control all erosion onsite during construction and prevent any erosion impacting offsite property.
17. The applicant shall submit a bond equaling 150% of an engineer's estimate to remediate/reclaim the site

when the development is not planned to be utilized any further or after six months of abandonment. Documentation of the bond must be given to the Planning Dept. prior to any use or disturbance of the property. All existing uses/structures must be included in the bond.

18. The applicant's conditional use permit will be reviewed by the planning staff on an annual basis to ensure conformance with the conditions of approval, if conditions are not adhered to then the permit can be placed on the Planning Commission agenda for revocation.

19. Grail Township approval

Motion to APPROVE: Wisness, Second: Nordby, Voice Votes: All Ayes.

Item # 11: Sue Powers Hartman is requesting a Conditional Use Permit to utilize a man-made 2.5 acre pond to sell water pumped from the Charlie Bob Creek in the SE portion of the County in SE McKenzie County approximately ¾ of a mile from the Dunn County border on the NW ¼ of S12 T145N R98W. DENIED.

Planner Wientjes presented the staff report and recommended denial.

Nanette Edmonson represented Sue Powers-Hartman.

Mrs. Edmonson stated that she was a partner and a friend of Mrs. Hartman. She called the State Water Engineer in 2014 and they said she didn't need a permit if it was not over 10 feet tall.

Mrs. Edmonson stated that she was working with Glacier and they advised her that they had been taking care of her permit and our permit process. Mrs. Edmonson found out later that Glacier had never filed anything with the county or the State, and that they never meant to do anything wrong.

Commissioner Nordby stated that they have never really approved a Dam, so how could they do so now without any State permission and no engineer certified plans.

Commissioner Best stated that she had spoken with Dan Fernell, with the State, and that he had no idea there was a Dam involved. She also stated that Mrs. Edmonson had called her and did not portray the project correctly.

Bruce Lind, Neighbor, stated that they were never informed of this project and they are right next door. He is concerned about the water quality and it looks like the project got out of hand.

Motion to DENY: Nordby, Second: Best, Voice Vote: All Ayes.

Item# 12: Target Logistics is requesting a Conditional Use Permit to construct a 2.4 acre treated effluent storage pond for their current housing units on the west side of McKenzie County Road 35, about two miles north of US Highway 85 on the northwest side of Watford City in the E 1/2 of the NE ¼ of S11, T150N, R99W.

Travis Kelley represented Target Logistics.

Consultant Scott Harmstead stated that Commission Bolken, who was not at the meeting) wanted to relay that the city is not in favor of this type of development within the extraterritorial area..

Director Talbert said he was recommending denial due to the fact that the city was not in favor of the development within the city's extraterritorial area (ETA), since this area would be entirely within the City's ETA shortly.

No Audience Comments.

Motion to TABLE: Nordby, Second: Best, Voice Votes: All Ayes.

Discussion:

Item # 5 New Building Permit Fee Schedule-

Motion to APPROVE: Wisness, Second: Bauman, Voice Votes: All Ayes.

Meeting Adjourned at 10:10pm

Planning and Zoning Commission Minutes

October 13, 2015

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:05 pm.

Members present: Doug Bolken, Kris Mracheck, Barb Bauman, Vawnta Best, Aaron Gravos, Doug Nordby, Jeremy Olson, and Les Haugen

Absent: Paul Wisness

Staff Present: Planning and Building Consultant, Scott Harmstead; Planner, Boe Wientjes; Assistant Planner, Darlia Buxton; Administrative Assistant, Hillary Whitaker; Building and Planning Director, Jim Talbert; Planning Attorney, Ari Johnson; GIS Coordinator, Aaron Chisholm.

Others: See sign in sheet.

Minutes of September 14th, 2015 were presented. **Motion to APPROVE minutes: Olson, Second: Gravos: Voice Vote: All Ayes**

Unfinished Business:

Item 1: Younquist Brothers: Comprehensive Plan Land Use Amendment from Agriculture to Industrial, Change of Zoning from Agricultural to Industrial, and Conditional Use Permit to allow a new storage building, recognize existing nonconforming industrial uses, and to recognize existing nonconforming temporary workforce housing. Located in the W/2 of the NW/4 Section 19, Township 150 North, Range 100 West.

Motion to REMOVE FROM TABLE: Olson, Second: Bolken, Voice Vote: All Ayes.

No representation for Younquist Brothers.

No Audience Comments.

Motion to DENY due to lack of progress: Olson, Second: Bolken, Voice Votes: All Ayes.

Item# 2: Target Logistics is requesting a Conditional Use Permit to construct a 2.4 acre treated effluent storage pond for their current housing units on the west side of McKenzie County Road 35, about two miles north of US Highway 85 on the northwest side of Watford City in the E 1/2 of the NE ¼ of S11, T150N, R99W.

Motion to REMOVE FROM TABLE: Bolken, Second: Best, Voice Vote: All Ayes.

Travis Kelly represented Target Logistics

No Audience Comments.

Motion to DENY due to this will soon be in the City's ETA and they are opposed: Bolken, Second: Gravos, Voice Vote: All Ayes.

Item 3: Eagle Rock Timber, Inc. is requesting a Conditional Use Permit for a Gravel Mine at 1406 141st Avenue NW, Arnegard in the Southwest ¼ of Section 22, Township 148, Range 101.

Motion to REMOVE FROM TABLE: Best, Second: Olson, Voice Votes: All Ayes.

Rick Gokey Represented Eagle Rock Timber.

Planning Director Talbert stated the Planning Commission has come up with a formula to use to determine the impact of the roads that Eagle Rock Timber would be responsible for to repair and replace HWY 27 in their specific area. Consultant Harmstead stated that cost would be \$53,879. Planning Director Talbert stated that would be an upfront cost.

Rick Gokey stated that he disagreed with this new policy, as it was implemented half way through his application process and he had no time to plug it in to his business plan. He stated that he has never seen the formula the county is using and does not believe it can capture the true usage of the road by Eagle Rock Timber. He would like this condition to go through the public process so that the county can get comments and feedback. He stated asking for the money up front on a hypothetical situation was unacceptable as he would be paying for usage he is not sure would even happen.

Commissioner Best questioned if Mr. Gokey was going to be covering 100% of the anticipated portion of the road maintenance, or was the county sharing in that portion. Planning Director Talbert stated that Mr. Gokey would be responsible for his portion which was about .45% of the overall cost of maintaining the road.

Commissioner Bolken suggested there could be a step in program, since it is a new condition, or maybe they can pay over time.

No Audience Comments.

Motion to TABLE: Olson, Second: Best, Voice Votes: All Ayes.

Public Hearing Items:

Item 1: ONEOK is requesting a Conditional Use Permit for a 37.5 mile, 8" diameter, Natural Gas Liquids pipeline. The pipeline will originate at ONEOK's Bear Creek Gas Plant located in Dunn County and terminate at the interconnect with ONEOK's Targa 8" pipeline in McKenzie County at 1939 125th Avenue NW, Watford City.

Kory Wensel represented ONEOK.

No Audience Comments.

Motion to APPROVE with the added condition if there is a condemnation of a property that it comes before the board, Olson, Second: Haugen, Voice Vote: All Ayes.

Item 2: McKenzie Electric is requesting a conditional Use Permit desires to build a 4.5 mile new 115 kV double circuit 24.9 kV underbuild transmission line that will interconnect to an existing transmission line. The line begins at a proposed Patent Gate Substation in the SW ¼, SW ¼ of Section 27, located in Township 121 North, Range 100 West. The transmission line route exits the substation and heads west briefly toward the westerly boundary of Section 27. From here, the proposed route turns north for about 0.9 mile. Next, the route turns and heads west for 0.5 mile along the southerly boundary of section 21, ending at the ¼ Section line of Section 21. At this point the route heads north for the remaining 3 miles to its end at the proposed interconnect of the Timber Creek to Banks transmission line at the section line between Sections 4 and Section 9.

John Carns representing McKenzie Electric stated that 100% of Easements have been obtained.

No Audience Comments.

Motion to APPROVE: Nordby, Second: Olson, Voice Vote: All Ayes.

Item 3: Darrell and Leigh Ann Kirkland Residential Subdivision and Item 4: Advanced Disposal Salt Water facility was removed from the Agenda prior to the meeting.

After the public hearing was closed, discussion was held on the following items:

- 1) HVC Energy Waste Services (Special Waste Landfill)
- 2) Residential District Changes
- 3) CUP Alterations
- 4) RV Discussion

No motions or action were taken on the discussion items.

Meeting Adjourned at 7:48pm

Planning and Zoning Commission Minutes

November 9th, 2015

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:05 pm.

Members present: Doug Bolken, Kris Mracheck, Barb Bauman, Vawnita Best, Aaron Gravos, Jeremy Olson, and Les Haugen

Absent: Paul Wisness, Doug Nordby

Staff Present: Planner, Boe Wientjes; Planner Jennifer Sheldon; Administrative Assistant, Hillary Whitaker; Building and Planning Director, Jim Talbert; Planning Attorney, Ari Johnson; GIS Coordinator, Aaron Chisholm.

Others: See sign in sheet.

Minutes of October 12th, 2015 were presented. **Motion to APPROVE minutes: Olson, Second: Haugen: Voice Vote: All Ayes**

Unfinished Business:

Item 1: Eagle Rock Timber, Inc. is requesting a Conditional Use Permit for a Gravel Mine at 1406 141st Avenue NW, Arnegard, ND in the Southwest ¼ of Section 22, Township 148, Range 101.

Rick Gokey Represented Eagle Rock Timber.

Planning Director Talbert stated the Planning Commission has come up with a new payment plan idea for Mr. Gokey, in where Eagle Rock Timber would pay ¼ of the estimated cost of impact to County Road 27 upfront, and then turn in quarterly reports of truck weights and trips, and they would be charged accordingly throughout the year.

Rick Gokey stated that he disagreed with this payment plan because it still singles him out as one business, and he feels that it should be an industry wide standard. He stated he cannot compete with these other companies if he is the only one that has this fee imposed.

Commissioner Olson questioned whether or not we can go back to other existing companies retroactively to impose a fee.

Planning Director Talbert and Attorney Johnson said they would have to look into it.

Commissioner Best questioned Mr. Gokey about any other ideas he has to collect these fees, as well as stating that the location of his project is what is most concerning, and that County Road 27 maintenance has already been pushed back.

Mr. Gokey replied that again, it would be fair if all parties would have to pay and not just him.

Motion to TABLE: Best, Second: Olson, Voice Votes: All Ayes.

Public Hearing Items:

Item 1: Dakota Access is requesting to amend a condition on their approved CUP that required them to install a 50 X 6 foot berm around the south, east, and west sides of the property, and instead they will fence the entire site with a 6 foot opaque fence at 12644 24th Street NW Watford City, ND 58854 on a Portion of the W ½ of Section 1, Township 149N, Range 99W.

Trevor Hunter and Chuck Fry represented Dakota Access.

Jamie Norstog, representing the Norstog family, stated that when they were first approved for this CUP, they were willing to do the engineered berm, and now they are trying to change that with an opaque fence. Norstog stated that they would like the added protection of a berm, to their pasture land, as originally agreed upon.

Commissioner Best questioned Mr. Fry on why he wanted to get rid of the engineered berm.

Fry stated that it used up too much space, a large amount of soil would have to be acquired, and that the increased planting would provide better aesthetics.

Motion to DENY based on the original agreement was an engineered berm, Olson, Second: Haugen, Voice Vote: All Ayes.

Item 2: Dakota Access is requesting to amend their currently approved CUP and allow for (2) 200,000 barrel tanks of bulk storage instead of the (1) 150,000 barrel tank and (1) 200,000 barrel tank, that they were previously approved at 2673 109th Avenue N.W.; on the south side of Highway 73 in the NE ¼ Section 23, Township 150 North, Range 96 West.

Planner Sheldon stated that they added condition # 8 which is to pave from Hwy 73 to their approach on 109th ave.

Fry stated they are not the only ones using this road. Planner Talbert replied that we have to start somewhere.

No audience Comments.

Motion to APPROVE with the condition # 8 to specify that they use the County Engineers Specifications for Paved Roads: Best, Second: Olson, Voice Vote: All Ayes.

Item 3: OneOK is requesting a Conditional Use Permit to build a natural gas pipeline approximately 14.4 miles long, with the goal to improve the transmission of extracted gas in the region at 13685 22nd Street N.W. Arnegard, ND.

James Akingbora represented ONEOK.

Aaron Webber, representing Antelope creek as a resident, stated that the township should have been notified 1 week before the meeting with all of the info that was provided by OneOK, which is stated in the joint powers agreement between Antelope Township and McKenzie County. Since this was not done, the township had no opportunity to discuss this specific project.

Motion to TABLE due to the Antelope Creek township not being notified enough in advance: Haugen, Second: Olson, Voice Vote: All Ayes.

Item 4: XTO Energy is requesting a Zone Change to light Industrial and Comprehensive Text Amendment to allow yard storage where they have constructed a new office building and warehouse on the east side of U.S. Highway 85, approximately ¼ of a mile north of the Wild Bison gas station that is approximately 17 miles west of Watford City on US Hwy 85

No Audience Comments.

No Commissioner Comments.

Motion to APPROVE: Olson, Second: Gravos, Voice Vote: All Ayes.

Item 5: Chris and Pam King are requesting a Comprehensive Plan Amendment, Zone Change and Conditional Use Permit to construct a 20 unit RV Park on an approximate 1.5 acre parcel of land currently zoned as Agricultural In the N ½ of NW ¼ of the SE ¼ of Section 12, T149N, R99W Approximately ½ mile to the west of the intersection of Highway 85 and 22M Street, on the south side of 22M Street.

Commissioner Best states that there are a number or empty RV spots all over the county, so it wouldn't seem reasonable to add to that.

No Audience Comments.

Motion to DENY: Olson, Second: Best, Voice Vote: All Ayes.

Item 6: Magnum Midstream is requesting Conditional use permit for an approximate 4.8 mile 6" salt water pipeline that will transport an average of 1,600 barrels a day with the maximum of 5,000 barrels per day. The proposed pipeline would run through portions of Sections 16, 9, 10, 11, and 2 of T151N, R100W, and Sections 34, and 35 of T152N, R100W. An alternate route would also run the pipeline through the NW ¼ of Section 15 in T151N, R100W.

Planning Director Talbert stated that this is actually a Saltwater Gathering Line, and not in our jurisdiction, and they do not have to go through the CUP process. It is an allowed use in our Zoning Ordinance.

Motion to ACKNOWLEDGE that this is a gathering line and an allowed use in Ag. Zone and not under our jurisdiction: Olson, Second: Bauman, Voice Vote: All Ayes.

Item 7: NST Express was previously approved for zone change from Agricultural to Industrial for approximately 50 acres of a 110 acre parcel; applicant would like the remaining 60 +/- acres of the parcel to also be changed to Industrial. Applicant would also like a Conditional Use Permit to construct an approximate 24 mile crude oil pipeline to connect the above described property and the MonDak Transload facility in East Fairview, ND. The

property for the Text Amendment and Zone Change is in the NE ¼ of Section 24, T152N, R102W. The pipeline will run through or along Sections 24, 23, 26, 35, 34, 33, 32, and 31 of T152N, R102W; Section 6 of T151N, R102W; Sections 1, 2, 11, 10, 9, 16, 17, 18, and 19 of T151N, R103W; Sections 13, 24, 23, 22, 21, 20, 29, and 30 of T151N, R104W.

Ray Iverson, Land Owner, questioned if NST still needs to get easements approved with them even if the commission approves the project. Commissioner Olson replied that they absolutely have to have all easements obtained.

Planner Wientjes read out loud 2 emails that we received that were against this pipeline project.

No other Audience Comments.

Motion to APPROVE ZONE CHANGE AND TEXT AMENDMENT: Olson, Second: Bolken, Voice Votes: All Ayes.

Motion to APPROVE CONDITIONAL USE PERMIT with the condition that if condemnation were to be used to cross land, the applicant would need to come before the P&Z Commission: Olson, Second: Bolken, Voice Vote: All Ayes.

After the public hearing was closed, discussion was held on the following items:

- 1) Workforce Housing.
- 2) 40 Acre minimum lot size in Agriculture Districts.

No motions or action were taken on the discussion items.

Meeting Adjourned at 8: 02 pm

Planning and Zoning Commission Minutes

December 14th, 2015

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:05 pm.

Members present: Doug Bolken, Paul Wisness, Doug Nordby, Barb Bauman, Vawnita Best, and Les Haugen

Absent: Kris Mracheck, Aaron Gravos, Jeremy Olson

Staff Present: Planner, Boe Wientjes; Planner Jennifer Sheldon; Administrative Assistant, Hillary Whitaker; Building and Planning Director, Jim Talbert; Planning Attorney, Ari Johnson; GIS Coordinator, Aaron Chisholm.

Others: See sign in sheet.

Minutes of November 9th, 2015 were presented. **Motion to APPROVE minutes: Bolken, Second: Best: Voice Vote: All Ayes**

Unfinished Business:

Item 1: Eagle Rock Timber, Inc. is requesting a Conditional Use Permit for a Gravel Mine at 1406 141st Avenue NW, Arnegard, ND in the Southwest ¼ of Section 22, Township 148, Range 101.

No one represented Eagle Rock Timber.

Motion to TABLE: Haugen, Second: Wisness, Voice Votes: All Ayes.

Item 2: OneOK is requesting a Conditional Use Permit to build a natural gas pipeline approximately 14.4 miles long, with the goal to improve the transmission of extracted gas in the region at 13685 22nd Street N.W. Arnegard, ND.

Arty Webber, antelope creek township chairman, stated he wanted to make sure all easements were signed because he did not want to pressure owners into signing them if the commissioners approved the CUP.

Motion to APPROVE with added condition #13, If there is imminent domain, there will need to be a public hearing in front of the Planning and Zoning Board: Best, Second: Bauman, Voice Vote: All Ayes.

Public Hearing Items:

Item 1: McKenzie Electric desires to build an approximate 2.5 mile 115 kV double circuit transmission, 24.9 kV distribution underbuild line. The line will run through Sections 23, 14, and 13 in T150N, R96W, and along Section 18 in T150N, R195W (Grail Township).

John Carnes represented McKenzie Electric.

No Audience Comments.

Motion to APPROVE: Bolken, Second: Haugen, Voice Vote: All Ayes.

Item 2: McKenzie Electric desires to build a new 115 kV single circuit transmission line that will begin off of the Timber Creek to Banks line in the Twin Valley Township and will terminate at the G9 (Timber Creek) electrical substation. The line will originate in the Twin Valley Township. As it leaves that township, it will run through or along Section 1 of T151N, R99W, and Sections 5, 6, 7, 8, 17, and 18 of T 151N, R98W

John Carnes represented McKenzie Electric.

No Audience Comments.

Motion to APPROVE: Bolken, Second: Wisness, Voice Vote: All Ayes.

Item 3: Matt Strong is applicant is requesting a zone change for ten (10) acres of land owned by applicant from Agricultural to Industrial. The property is located in the SE ¼ of the SW ¼ of the SE ¼ of Section 7, T149N, R101W; Approximately ¼ mile west of the intersection of Highway 68 and 22nd St NW

Matt Strong was present.

The Planning and Zoning Commission recommended denial due to the Joint Powers Agreement with Antelope Township and their wish of denying this zone change.

Arty Webber with the Antelope Township stated that Mr. Strong has never tried to zone it to residential which is what he was supposed to do. He stated that Mr. Strong is running a commercial business without the proper zoning.

Mr. Strong stated that his adjacent neighbors also have trucks stored and do commercial work off of their properties and they are not properly zoned to do so.

Motion to DENY: Best, Second: Haugen, Voice Vote: All Ayes.

Item 4: RP Construction is requesting a zone change for two (2) acres of land from Agricultural to Light Industrial. The property is located in the NE ¼ of the SW ¼ of the SW ¼ of Section 8, T149N, R98W; approximately 1 ¼ mile ENE of the intersection of Highway 85 and 22nd St NW.

No Audience Comments.

Motion to APPROVE: Wisness, Second: Bauman, Voice Vote: All Ayes.

Item 5: Three Forks Industrial Park is requesting approval for a text amendment, change of zoning, and a subdivision plat to create an 11 lot Industrial Park from 40 acres already divided into 4 – 10 acre lots. The property is located in the NE ¼ of the NE ¼ of Section 25, T150N, R100W; right to the SW of the intersection of 26th St NW and 132nd Ave NW.

Peter Proffit represented Three Forks.

Commissioner Best stated a concern of draining a wetland on this property onto their neighbor's property. Director Talbert stated that North Dakota Law is that they cannot push off any more water than what has historically been there. Mr. Proffit stated that he has met with rural water director Jeff Shaffer and County Engineer Suhail Kanwar about their drainage plans.

No audience comments.

Motion to TABLE until 01/11/16: Best, Second: Bauman, Voice Vote: All Ayes.

Item 6: American Midstream desires to expand a truck unloading and crude oil storage facility. The location of this facility is in the SW ¼ of the NW ¼ of Section 21, T150N, R99W.

Dave Brazel represented American Midstream.

No Audience Comments.

Motion to APPROVE: Best, Second: Bolken, Voice Votes: All Ayes.

Item 7: Amendment for an alternative to the 40 acre minimum lot size in the Agricultural District

Planners Talbert, Wientjes and Shelden presented an exception policy to the 40 acre minimum lot size. This would allow 2 single family dwellings in each quarter parcel.

Motion to TABLE to be able to 01/11/16: Wisness, Second: Best, Voice Vote: All Ayes.

After the public hearing was closed, discussion was held on the following items:

- 1) Sunset Clause and Workforce Housing Update.
- 2) Addition of Reclamation bond to CUPs in the Zoning Ordinance.

No motions or action were taken on the discussion items.

Meeting Adjourned at 7:48 pm

Planning and Zoning Commission Minutes

January 11th, 2016

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:10 pm.

Members present: Doug Bolken, Paul Wisness, Doug Nordby, Barb Bauman, Vawnta Best, Les Haugen, Kris Mracheck, and Jeremy Olson

Absent: Aaron Gravos,

Staff Present: Planner Jennifer Sheldon; Administrative Assistant, Hillary Whitaker; Building and Planning Director, Jim Talbert; Planning Attorney, Ari Johnson; GIS Coordinator, Aaron Chisholm.

Others: See sign in sheet.

Minutes of December 14th, 2015 were presented. **Motion to APPROVE minutes: Olson, Second: Best: Voice Vote: All Ayes**

Unfinished Business:

Item 1: Amendment for an alternative to the 40 acre minimum lot size in the Ag District

Commissioner Haugen stated that he would prefer to keep it at the 40 acre minimum to protect the Agricultural Zone.

No action was taken upon discussion. 40 Acre minimum remains.

Item 2: Eagle Rock Timber, Inc. is requesting a Conditional Use Permit for a Gravel Mine at 1406 141st Avenue NW, Arnegard, ND in the Southwest ¼ of Section 22, Township 148, Range 101.

Applicant requested to be tabled prior to meeting until 2/8/16

No one represented Eagle Rock Timber.

Item 3: Three Forks Industrial Park is requesting the approval of a text amendment, change of zoning, and a Subdivision plat to create an 11 lot Industrial Park from 40 acres already divided into 4 – 10 acre lots. The property is located in the NE ¼ of the NE ¼ of Section 25, T150N, R100W; right to the SW of the intersection of 26th St NW and 132nd Ave NW.

Planning Director Talbert explained that the development agreement that was requested at the last meeting had been drafted, however the Attorneys' were not able to fully view it and sign off due to the holidays.

Jesse Hoff, representing Three Forks, requested that the board makes a motion to approve the Zone change and Comp Plan amendment contingent upon the Lawyers signing off on the Development Agreement that was written.

Motion to APPROVE contingent on County Commission approval to be able to move forward: Nordby, Second: Olson, Voice Vote: All Ayes.

Public Hearing Items:

Item 1: Oasis Midstream desires to expand a gas plant and crude oil handling facility to include a truck loading/unloading station, as well as add crude oil storage to the site. The applicant has offered to pave 31st street NW from Highway 1806 to their approach off 31st. The pavement will be done prior to the operation of the truck loading/unloading station. The location of this facility 12170 31st Street N.W. Watford City, ND 58854; legal description: NW ¼ Section 35, Township 151N, Range 98W

No representation.

No Audience Comments.

Motion to APPROVE: Olson, Second: Wisness, Voice Vote: All Ayes.

Item 2: Sacagawea Pipeline CO, LLC is seeking a Conditional use permit request for a 14 mile crude oil pipeline, known as the Johnson's Corner Connector. Pipeline will originate at Paradigm's Keene Delivery point Oil Storage Facility, in Section 13, Township 150N, Range 95W and terminate approximately 2 miles east of Johnson's corners, in Section 22, Township 151N, Range 96W.

Jason Stelzer represented Sacagawea Pipeline Co, LLC.

Commissioner Nordby questioned the companies plan if there was a break or leak in the pipeline.

Stelzer said there were lock valves at the middle of the line, they were regulated by the DOT, there is leak detection on the pipeline and would shut things down quickly, and they are partners with Philip 66 who would be monitoring these pipelines.

No Audience Comments.

Motion to APPROVE: Nordby, Second: Haugen, Voice Vote: All Ayes.

Item 3: Topper Harley Major Subdivision- Applicant requested to be tabled before meeting. to 2/8/16.

Item 4: Chas Ophus is requesting a variance to allow a home, shop, and future barn on a 25 acre parcel in the Agricultural zone which is located at 2546 Beaver Creek Road Watford City, ND.

Chas Ophus was present.

The Planning Staff informed the board that Mr. Ophus initiated buying this land before the rule changed to 40 acre minimum and got caught in the transition period. Staff report stated that there were comments opposing the variance, but that was an error that would be corrected, as there were no comments from the public.

No Audience comments.

Motion to APPROVE: Wisness, Second: Bolken, Voice Vote: All Ayes.

Item 5: Amendment for Wastewater Facility

Planning staff are requesting to amend the Zoning Ordinance to add wastewater treatment facility provisions. Wastewater Treatment Facilities would encourage the orderly development as well as improve the infrastructure within the County. The proposed amendment establishes uniform standards for wastewater treatment facilities. It also defines what a wastewater treatment facility is, and where it is allowed within the ordinance.

No audience comments.

Motion to APPROVE: Haugen, Second: Olson, Voice Vote: All Ayes.

Item 6: Review of Workforce Housing Sunset Clause

Planning Staff's recommendation is that the housing that is currently approved and in place be extended, giving it a new sunset date of December 31, 2016. All applicants who have not placed housing on site, or have not placed all of the approved housing on site will be required to obtain a new conditional use permit, if/when they decide to expand the site. All applicants that are not in compliance with all the conditions of approval will be required to submit, in writing, a timeline for when they will be in compliance. The planning staff will review this and decide whether this time line is sufficient or make the decision to have the conditional use permit go before the county commission for possible revocation.

The Commissioners went over each property and made a motion.

1. Aries Residential Suites – **Motion to APPROVE with the additional 18 units not currently on site, applicant will have one month submit, in writing, a timeline for compliance to all conditions to the planning staff for review, and the applicant will also need to submit an exit strategy to the planning staff as well: Nordby, Second: Olson, Voice Votes: All Ayes**

2. Delmer Rink – **Motion to allow CUP to expire due to no units being placed on the property: Olson, Second: Haugen, Voice Votes: All Ayes.**

3. Delta Constructors – **Motion to APPROVE with added conditions: One month to give Planning staff a timeline to get up to code/Units that haven't been place will be expired/Obtaining a bond: Olson, Second: Best, Voice Votes: Bolken: Nay, Wisness: Aye, Haugen: Aye, Best: Aye, Olson: Aye, Nordby: Aye, Bauman: Aye., Motion Passes.**

4. Duane Lobbestael – **Motion to allow CUP to expire: Haugen, Second: Bolken, Voice Vote: All Ayes.**

5. IHD – **Motion to Expire workforce housing due to proximity to the hazardous waste material: Bolken, Second: Best, Voice Votes: Bolken: Aye, Wisness: Aye, Haugen: Aye, Olson: Nay, Nordby: Aye, Bauman: Aye. Motion Passes.**
6. McKenzie Investments – **Motion to APPROVE: Olson, Second: Bolken, Voice Vote: All Ayes.**
7. Mohammed Neamah – **Motion to APPROVE with additional units not placed expiring: Olson, Second: Bolken, Voice Votes: All Ayes.**
8. Newfield Exploration Co. – **Motion to TABLE: Nordby, Second: Olson, Voice Votes: All Ayes.**
9. Robert Ward – **Motion to let CUP for housing expire: Olson, Second: Bolken, Voice Votes: All Ayes.**
10. True Oil – **Motion to let CUP for housing not already set expire: Nordby, Second: Olson, Voice Votes: All Ayes.**
11. Fertile Fields – **Motion to APPROVE with conditions that houses not set expire / Needs exit strategy: Bolken, Second: Nordby, Voice Votes: All Ayes.**
12. Mohave Engineering – **Motion to expire, as units have not been placed site: Olson, Second: Nordby, Voice Votes: All Ayes.**
13. Mountain Plains – **Motion to expire, as units have not been placed on site: Olson, Second: Nordby, Voice Votes: All Ayes.**

After the public hearing was closed, discussion was held on the following items:

- 1) Crow Fly High
- 2) Distance of homes from compressor stations
- 3) Revision of temporary line requirements list
- 4) Fire Code

No motions or action were taken on the discussion items.

Meeting Adjourned at 9:00 pm

Planning and Zoning Commission Minutes

February 8th, 2016

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:25 pm.

Members present: Doug Nordby, Vawnita Best, Kris Mracheck, Jeremy Olson, and Aaron Gravos

Absent: Paul Wisness, Les Haugen, Doug Bolken

Staff Present: Planner Jennifer Sheldon, Planner Jennifer Peglau;; Administrative Assistant, Hillary Whitaker and Brittany Cook; Building and Planning Director, Jim Talbert; Planning Attorney, Ari Johnson; GIS Coordinator, Aaron Chisholm, Code Compliance Officer; Jeremy Chetwynd.

Others: See sign in sheet.

Minutes of January 11th, 2016 were presented. **Motion to APPROVE minutes: Best Second: Olsen, Voice Vote: All Ayes**

Unfinished Business:

Item 1: Eagle Rock Timber, Inc. is requesting a Conditional Use Permit for a Gravel Mine at 1406 141st Avenue NW, Arnegard, ND in the Southwest ¼ of section 22, Township 148, Range 101.

Item was withdrawn before the meeting by the applicant.

Item 2: Topper Harley Major Subdivision – The applicant has request for the approval of a subdivision plat located within a light industrial zoned district on the north side of 25th M Street NW, approximately 700 feet east of its intersection with 133rd Avenue NW.

Planning Director Talbert explained that in April the applicant turned in an application for a subdivision change. In September the applicant requested a zone change. As soon as the subdivision change is approved you then have 90 days to record the zone change. According to Talbert the applicant was not able to get the zone change recorded within the time limit.

Matt Hinders, representing Topper Harley, stated they weren't able to record the zone change because inside the office employees were changing and leaving. Hinders stated they were ok with paving the 660 feet in front of their property. The applicant wanted to wait to pave the interior roads until they started selling lots because the pavement would deteriorate as a result of going from scoria to pavement.

No audience comments.

Motion to approve with the conditions to obtain a bond for the front paving of 660 feet in front of the Topper Harley Property and all interior roads to be paved before the first building permit can be issued: Olsen, Second: Nordby, Voice Vote: Nordby: Aye, Olsen: Aye, Gravos: Aye, Best: Nay, Mracheck: Aye.

Public Hearing Items:

Item 1: Matthew Strong - The applicant is requesting a variance to allow a home on a 10 acre parcel he purchased prior to the 40 acre minimum amendment in the agricultural district, at 14325 22nd Street NW Alexander, ND 58831 on the Se ¼ SW ¼ SE ¼ Section 7 Township 149N, Range 101W.

Item was tabled before the meeting by request of the applicant.

Item 2: Hiland Crude, LLC – The applicant desires to subdivide a 10 acre parcel in the agricultural zone to build a crude oil offloading facility, which will allow oil to be trucked to the site, offloaded into a storage tank and then transferred into an existing pipeline on the location of this facility 14462 39th Street NW Alexander, ND 58831; legal description: NE ¼ NE ¼ NW ¼ Section 24, Township 152N, Range 102W.

Miles Fisher, representing Hiland Crude, stated they desired these 3 requirements being numbers 11, 17, and 18 to be reconsidered. Number 11 being Water and Foam on site, Fisher believed because OSHA didn't require this and that the county shouldn't either. Number 17 being Bonding, the applicant believes in the near future their property will be in the NDIC Jurisdiction, therefore the county would not have jurisdictional authority. Number 18 being Screening and Buffering, applicant has talked to numerous people that don't agree with this requirement. One of the people the applicant stated that doesn't agree with this is the Rural Fire Chief. Another problem with this requirement stated by the applicant is that the trees will attract wildlife and it could be harmful to the electrical components.

The commissioners stated that these requirements are in the ordinance and are asked by everyone.

No Audience Comments.

Motion to APPROVE: Nordby, Second: Olsen, Voice Vote: All Ayes.

Item 3: Dakota Access, LLC – Crude Oil Pipeline Conditional Use Permit- The applicant desires to build a crude pipeline approximately 1,169 miles long, of which 60miles will be located within McKenzie County, with the goal to improve the transmission of petroleum extracted in the region. Some of the pipeline will be 24" in diameter and the other portion will be 30" in diameter. Pipeline will originate under the Little Missouri River in section 29/30 Township 152N, R 104W and will exit into Dunn County in Section 33, Township 149N, Range 95W.

Chuck Frye, representing Dakota Access, stated that they have 133 tracks closed; they still need 5 surface mineral agreements before they can start the building process.

Lynn Hovde, audience comment, states that they will be paying property tax on their lines.

Laurens Vender mentions that they will be rerouting their pipeline and will not be going under a cemetery.

Motion to APPROVE: Nordby, Second: Olsen, Voice Vote: All Ayes.

Item 4: Pinky's Aggregates -The applicant desires to develop an approximately 40 acre aggregate pit in order to mine, produce, and sell gravel from this location, 1702 139th Avenue NW Arnegard, ND 58853 on the S ½ SW ¼ SW ¼ & SW ¼ SE ¼ SW ¼ Section 1, Township 148N, Range 101W.

Planning Director Talbert suggested denial.

Randy Smith, representing Pinky's Aggregates, stated their first offer of 5000 tons of gravel because they will not be doing all the damage to the road due to other travelers.

Dale Honsey, Owner of Pinky's Aggregates, stated that they will donate 10,000 tons of gravel from the developed pit.

No Audience comments.

Motion to APPROVE: Nordby, Second: Olsen, Voice Vote: All Ayes.

Item 5: Kirkland Inc., Applicant requested for the approval of a Comprehensive Plan land use amendment, change of zoning, and a subdivision plat to allow a residential subdivision. The property is located to the east of 130th Ave (County Road 30) on the north side of 21st ST. Approximately 18 acres in the S ½ of the SW ¼ of Section 16, T149N, R99W. On the date of this report Parcel #65-000-9680

Darrell and Leigh Ann, owners of Kirkland Inc., stated that they desire not to be held responsible for paving the road because they do take care of the road all the way up the highway.

Lynn Hovde, Audience comment, asks if the subdivision paves their part of the gravel road if they will pave their part.

Motion to APPROVE Comp Change, Ag to Residential with the restrictions of having to file for a variance application within a month therefore the applicant will not have to pave: Nordby, Second: Olsen, Voice Vote: All Ayes.

Motion to APPROVE Zone Change, from Ag to R-2: Nordby, Second Olsen, Voice Vote: All Ayes.

Motion to APPROVE Major Subdivision: Olsen, Second: Nordby, Voice Vote: All Ayes.

Item 6: Fire Code Resolution to Article 5.11 of the zoning ordinance

This was a first reading. A second reading will happen at the next planning and zoning meeting on March 14th, 2016 as well as a vote.

Item 7: Oil and Gas Drilling and Production to article 1.4 of the zoning ordinance

Motion to TABLE: Olsen, Second: Gravos, Voice Vote: All Yeas.

After the public hearing was closed, discussion was held on the following items:

- 1) Waste Management – Slurry Injection Project
- 2) **Meeting Adjourned at 8:02 pm**

Planning and Zoning Commission Minutes

March 14th, 2016

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:03 pm.

Members present: Doug Nordby, Vawnita Best, Kris Mrachek, Paul Wisness, Les Haugen, and Aaron Gravos, Jeremy Olson (Left at 6:13)

Absent: Doug Bolken

Staff Present: Planner Jennifer Peglau; Administrative Assistant, Hillary Whitaker and Brittany Cook; Building and Planning Director, Jim Talbert; Planning Attorney, Ari Johnson; GIS Coordinator, Aaron Chisholm, Code Compliance Officer; Jeremy Chetwynd.

Others: See sign in sheet.

Minutes of February 8th, 2016 were presented. **Motion to APPROVE minutes: Nordby Second: Olson, Voice Vote: All Ayes**

Unfinished Business:

Item 1: Matthew Strong is requesting a variance to allow a home on a 10 acre parcel he purchased prior to the 40 acre minimum amendment in the agricultural district. Anything in the Agricultural zone requires 40 acres to build

Item was tabled before the meeting by the applicant. Director Talbert is meeting Mr. Strong on site to review compliance issues.

Public Hearing Items:

Item 1: West Dakota Water- The applicant desires to legitimize this project that was begun and completed half way prior to making CUP application. Applicant desires to add 19 miles on to existing fresh water pipeline that is buried approximately 7 ½ feet.

Jim Talbert summarized history with West Dakota Water concerning past CUP's. West Dakota Water admittedly failed to apply for this CUP prior to commencing work on this 19 mile pipeline and had completed 6 miles of the pipeline prior to the violation being identified and Stop Work Order being issued. West Dakota Water had used the partially built pipeline to acquire a Temporary (Layflat) Pipeline Permit from the Dept. and supplied water for an XTO frac.

Jim Talbert read in the ten (10) landowner support letters as Dakota Water requested.

Commissioner Vawnita Best stated how frustrating this hearing item was because West Dakota Water was here last summer asking for forgiveness for the same issue. At that meeting they were told that it was necessary to receive a CUP for every fresh water pipeline before construction.

Commissioner Nordby also expressed frustration that West Dakota Water was before them again with a repeat violation of failing to get a CUP prior to commencing construction.

Deb Halvorson, representing West Dakota Water stated that they want to be in compliance with the county and they did not do this on purpose. Deb stated that they had plenty of time to receive a CUP before constructing the pipeline. She informed us that they did receive CUPs for all other pipelines. They had shown previous email from Feb. 19, 2016, from former staff planner Jill stating they do not need a CUP for fresh water pipelines. They said they were confused thinking that CUP was no longer needed. Deb said that when they requested a CUP for a water depot that it was discovered that they didn't have a CUP for the pipeline that was feeding the Depot. They requested and received approval at that time to legitimize the pipeline they a put in the ground without the proper CUP in place.

Commissioner Nordby stated that he has seen WDW in front of this board already for this. CUP's have been required it is your job to know you needed to follow the ordinance.

Deb Halvorson, representing West Dakota Water stated they receive all landowner's approvals before constructing the pipeline.

Drew Poeckes, representing West Dakota Water stated that it was his fault that they didn't get a CUP because they switched engineering firms and he did not inform them of receiving a CUP before construction.

Kyle Hartel, representing Elkan Water, he stated the he and his family had taken all the correct steps and did everything by the rules and lost the bid when West Dakota Water did the Frac for XTO and supplied water through an illegal pipeline. Mr. Harel stated he would have made the same decision again to follow the rules even if he knew they know they wouldn't get the Frac. Elkan Water is committed to follow the rules even though it cost his family money.

Jason Lund, audience comment, He stated that he did not feel it was right that Kyle Hartel lost the job because he followed the rules and WDW got the job and they didn't follow the rules.

Motion to DENY legitimization for this project required to go back to Jim and apply for a CUP with a bond and easement: Nordby, Second: Wisness, Voice Vote: All Ayes.

Item 2: Oneok Bakken Pipeline LLC, NGL Pump Station "Spring Creek", Conditional use permit request to add natural gas pump station facility, by adding a natural gas pump station facility can pump up to 25,000 barrels per day.

Chairman Kris Mrachek asked if they could use a different dust control rather than mag chloride.

Suhail, County Engineer, stated that is if it met the counties expectations than he would be willing to allow another type of dust control.

Miles Fisher, audience comment, closing on a property might stretch longer than the 30 days and that the requirement to have the bond to the County within 30 days from County Commission approval could be a problem.

Commissioner Les Haugen and if there would be a flare on site and stated that he would not be okay with this if there was a flare pit on site.

Josh Emerson, Representing Oneok, stated that he does not believe that there will be a flare on site, as it is just a pump station.

Commissioners Les Haugen and Paul Wisness were curious about if it the facility posed a threat of explosion similar to recent explosions that have happened in Keene at a compressor station.

Josh Emerson, Representing Oneok, stated that this is a pump station for liquid natural gas and is different from the types of facilities that had explosions

Motion to APPROVE: Haugen Second: Best, Voice Vote: All Ayes

Item 3: Fire Code: Second Reading

Item was tabled for further information.

Motion to TABLE: Best, Second: Gravos, Voice Vote: All Yeas.

Discussion was held on the following items:

1: City of Arnegard (Lagoon Site) City Auditor asked if a new CUP would be required since the site that was approved was changed. Director Talbert stated that he felt a new CUP should be required since it was a very close split decision originally.

2: Director Talbert asked for direction from the Board on how they would like him to proceed with Fresh Water Pipeline violations and when they would like him to issue the Stop Work Orders. Currently when pipelines are discovered that don't have CUP's a search of records and files is completed by staff and Director Talbert talks to the individuals/companies about the violation. At that time if it is determined a violation exists the Stop Work Order can be placed on the company. Recently Caliber and North Star Water were found to have extensive pipelines in the ground with no CUP's. The question was posed if the Stop Work Order needed to imposed immediately or if there could be a grace period if those that in in violation applied for a CUP without delay that the Stop Work Order could be delayed until the P&Z Board and County Commissioners had made their vote.

Commissioners Nordby and Gravos express that they felt that violators should be shut down immediately until such time as they come into compliance. It was expressed that the County has put up with non-compliance long enough. There was some discussion about holding a special meeting in April where those companies that are in violation apply immediately and the Board could decide on whether to grant the CUP for existing lines. If was decided that a special meeting would not be feasible and they will be heard on the regularly scheduled April 11th meeting.

The Planning Dept. will accept CUP applications until March 22nd and those that have complete submittals will be heard on April 11th for P&Z and April 19th for County Commission. All require the violation bond that is in the Zoning Ordinance 5.9.5.

1) **Meeting Adjourned at 7:42 pm**

Planning and Zoning Commission Minutes

April 11th, 2016

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:02pm.

Members present:, Kris Mrachek, Paul Wisness arrived at 6:53, Vawnita Best, Jeremy Olson left at 8:05, Les Haugen, Butch Fleck

Absent: Doug Bolken, Aaron Gravos, Doug Nordby

Staff Present: Planning and Building Consultant, Scott Harmstead; Planner and Code Enforcement Officer, Jeremy Chetwynd; Administrative Assistant, Brittany Cook; Building and Planning Director, Jim Talbert; GIS Coordinator, Aaron Chisholm; Planning Attorney, Ari Johnson.

Others: See sign in sheet.

Minutes of March 14th, 2016 were presented. **Motion to APPROVE minutes: Olson, Second: Best: Voice Vote: All Ayes**

Unfinished Business:

Item 1: Matthew Strong- The applicant is requesting a variance to allow a home on a 10 acre parcel he purchased prior to the 40 acre minimum amendment in the agricultural district.

Jim Talbert, our planning director, explained that Matthew Strong was requesting a variance to build a home on a 10 acre parcel. He mentioned that the Antelope Creek Township recommended denial a few months ago for the commercial use in agricultural zoned land because they have had many complaints from neighbors about the commercial use being out there, they also had told him numerous times to clean up the land. Jim Talbert also said that he had visited the site about a week ago and Matthew Strong had cleaned up some the property removing some commercial items, there was still one R.V and one large dumpster. Jim's understanding of the townships thoughts on the variance now is that the township recommends approval because Strong has cleaned up the property.

Commissioner Olson stated that Matthew Strong was told by the township for months and months to clean up the parcel and Strong failed to do so.

Jim Talbert stated that since the letter sent from the township Matthew Strong has cleaned up his property.

Kris Mrachek, chairman, asked if the shed was there on the property.

Matthew Strong stated that they did buy it with the shed already on the property.

Matthew Strong stated that when they bought the property they told the township that they would have trucks out there. He then was told to apply for a CUP. While trying to get all the required documents for the CUP the fire marshal told strong that they will no longer do CUP for that purpose. He stated that he has been working with the county since day one and in September 2015 they changed the zoning ordinance to where you had to own 40 acres to build a house on Agriculture land.

Commissioner Les Haugen stated that he had pretty big dirt piles on the property and he asked what those were for and where it comes from.

Strong stated that the dirt came from powerlines and it was to make the property look nicer.

Jim Talbert stated that you are allowed to grade without a permit.

Commissioner Haugen asked if the equipment will come back if he was granted the recommendation of approval for his variance.

Strong answered Commissioner Haugen's question by stating that the equipment will not come back but there is some equipment on the property now to do yard work. He also stated that he drives a semi as normal transportation therefore there will be a semi on the property as well.

Arthur Weber, a resident of Antelope Creek Township, stated that the township had no problem with recommended approval because Strong has brought the site into compliance. The township does not want a potential of it coming back and was curious if the count was going to enforce the zoning ordinance if things strong were to bring back commercial items to the site.

Jim stated that we will be enforcing the code.

Commissioner Best asked if we were able to put stimulations on a building permit with a variance.

Ari stated that we can make a variance with different rules.

Matthew Strong stated that there are two campers on site at the moment that is what he is living in.

Commissioner Olson asked if he was planning on moving the campers if he built the house?

Strong stated that he will not be able to move the campers with the zoning ordinances.

Kris Mrachek, Chairman, asked why Strong was running his business without a permit.

Strong stated that he applied for one and once again the ordinance changed.

Commissioner Haugen asked if Strong brought the semis back how we will enforce that as a county.

Jim Talbert stated that any violations will not be tolerated.

Commissioner Olson stated that it has been tolerated before.

Jim Talbert stated that with Jeremy Chetwynd on board things has been being better taken care of.

Kris Mrachek, Chairman, stated that there is no reason to have the 40 acre code if we don't stick to what it says.

Commissioner Olson stated that he agrees with the Chairman but Strong has had the property for about 2 years and the ordinance just changed.

Motion to APPROVE a single family home with no commercial or industrial use of the land, approved because the application was put in prior to the ordinance change: Olsen, Second: Best, Voice Vote: All Aye.

Motion to APPROVE for future variance application applicant will have to prove to had owned the land before the ordinance change: Olson, Second: Haugen, Voice Vote: All Aye.

Public Hearings:

Item 1: McKenzie Electric DAPL- The applicant has requested a Conditional use permit to add transmission lines to existing lines and into Dakota Access Pipe Line (DAPL) substation at Johnson's Corner. Location is in Section 23 Township 150N Range 96W.

Commissioner Olson asked if they received all the landowners' approval.

John Carns, representing McKenzie Electric, stated that they were nowhere near a section line, and they have all landowners' permission.

No audience comments.

Motion to APPROVE: Olson, Second: Fleck, Voice Vote: All Ayes

Item 2: McKenzie Electric BEPC- The applicant has requested a conditional use permit to add new transmission lines to connect the Basin Electric Power Cooperative (BEPC). Location is in Section 27 Township 151N, Range 100W for .20 mile, also location in Section 23, Township 150N, Range 96W for .1 mile.

No board comments.

No audience comments.

Motion to APPROVE: Olson, Second: Best, Voice Vote: All Ayes

Item 3: Mark Campbell- The applicant is requesting a Comprehensive Plan Change/Zone Change for the property located in Section 25, Township 150N, and Range 100W. The applicant wants to rezone this property to Light Industrial to support the construction of a pole barn (not heated nor cooled) for equipment storage.

Jim Talbert stated he has started construction on the pole barn.

No audience Comments.

Motion to approve: Best, Second: Haugen, Voice Vote: All Ayes

Item 4: Mark and Lisa Iverson- The applicant is requesting a variance to allow construction of a modular home and garage on 33.82 acre parcel in the Agriculture zone.

Jim Talbert explained that they originally had 40 acres and they now have 33.82 acres. They subdivided the land before the zoning ordinance had changed.

Commissioner Olson had asked if the zoning ordinance said 40 acres for one home or two.

Jim stated that the ordinance stated you had to own 40 acres to build a house on.

Commissioner Best stated that Lisa Iverson had emailed her asking about this situation. Best also stated that subdivided out 5 acres started before we changed the zoning ordinance.

Commissioner Olson had asked if Lisa and Mark Iverson had any violations.

Jim stated that they do not have any violations.

Best stated that the Iverson's use their land for ag use.

Lisa Iverson stated that they have owned the land for 10 years.

Motion to APPROVE variance with the exception that the land never to split up again: Haugen, Second: Best, Voice Vote: All aye.

Item 5: Caliber Midstream Conditional Use Permit request to legitimize the construction of existing fresh water pipeline for industrial use.

Jim explains that anyone that comes forth with a fresh water pipeline that has not yet received a CUP for that line staff is to shut them down and review any CUP they have at that time. All 3 companies that will come forth today have worked with the staff and have come up with everything staff has asked for.

Commissioner Olson asked if there are any more outstanding pipelines.

Jim responded that at this time there are no others that we are aware of. This was their chance to get squared away with the county.

Commissioner Haugen asked if they have state approved permits.

Jeff Skaare, representing Caliber, stated that they have not provided anything that will need a state permit.

Commissioner Best stated that she received a phone call from the state water commission about water taps needing a state permit.

The board wanted to know if Caliber has thought about giving access to their water lines for the landowners.

Jeff Skaare, Representing Caliber, stated that they have thought about it before but they were not sure about the liabilities it would cause.

Jim Talbert asked Jeff Skaare if they run chemicals through their line and if they were to provide water for the cows or livestock could it possible hurt the livestock.

Jeff Skaare stated that they do shock their line with chlorine.

Motion to APPROVE: Olson, Second: Best, Voice Vote: All Ayes

Item 6: North Star Water- The applicant is requesting a conditional Use Permit to legitimize the construction of a storage pond also existing fresh water pipeline for industrial use.

Jim Talbert stated the previous planner director Walter said it was okay for North Star Water to have a pond.

Duane Sands, representing North Star Water, stated that they want to be in compliance. He wanted to give the landowners what they wanted and as a company they wanted nothing more than to make the landowners happy. He stated that Walter the previous planning director told them that as long as they put a chain-link fence around the pond that it was acceptable. The township chairman of Tri B.J Lindvig did not ask the company if they had a CUP therefore they didn't think they would need one. Sands also stated they would not have a 8 million dollars in worry for a 200 dollar permit fee if they would have known.

Jim stated that the pond was brought to our attention by Mrs. Lindvig.

Commissioner Best stated asked if they had their permits from the state or if they were in violation.

Duane Sands stated they should delay this until they are in compliance with the state.

Codi Austrein, audience comment, it took about 3 years for us to get our permits from the state.

Motion to APPROVE CUP but until proof from the state they will have to lockout any violation with the state: Olson, Second: Best, Voice Vote: All Ayes.

Item 7: West Dakota Water- Conditional Use Permit request to expand an existing fresh water pipeline 19 miles.

Jim stated that Commissioner Doug Nordby came to his office that day to let him know his thoughts on this item. Nordby stated that he told them when they were here last summer to not let this happen again. He supports a denial of this line; he also supports a denial of the line in the ground to continue but nothing further after this.

Deb Halvorson, representing West Dakota Water, stated that they are trying to be in compliance. They had plenty of time before construction to receive a CUP. Their company benefits the county, putting money back and keeping trucks off the road.

JR Ewing, audience comment, stated that they knew the rule and choose not to follow the rules. He suggested the item be tabled and the commissioners take another hard look at what they are voting on. He also stated that the money does not stay in North Dakota.

Commissioner Best stated that they have messed up once before and was told not to come back in front of this board asking for forgiveness. Best also stated that if the stop work order was not put into place that West Dakota Water would still be under construction.

Deb Halvorson, representing WDW, asked for forgiveness stating they made a mistake.

Motion to DENY the CUP for the pipeline: Best, No Second

Motion to APPROVE CUP for the pipeline: Olson, No second

Further discussion between the board members. Commissioner Best stated that her original motion referred to only the pipeline that goes from Hwy 1806 to south on Johnson Corner and was not a motion to deny all of West Dakota Water's other approved lines.

Motion to DENY CUP for the pipeline: Best Second: Haugen Voice Vote:

Paul Wisness: Aye

Les Haugen: Aye

Vawnita Best: Aye

Jeremy Olson: Nay

Butch Fleck: Nay

Item 8: Comprehensive Plan- Request to approve the new Comprehensive Plan Land Use Element.

Scott Harmstead, presenting the Comp Plan, stated that this comp plan is a land use element that is supposed to be long term. The Comp plan is to help drive zoning projects placed for certain areas. They looked at all the possible areas for growth, close to paved road, main highway, and water lines, all in the next 5-10 years. They directed growth near cities and major roads. While making this plan they tried to protect natural resources. He talked about more lake and public river access. Scott also projected houses are built for second homes or vacation homes along the lakes and rivers. Scott then presented the presentation.

Commissioner Butch Fleck did not like the idea of Grassy Butte area changing to commercial and industrial use because he owned land down there that is currently zoned agricultural.

Scott then explained that the land will not be changed unless he wants to change his land. This plan is just so people aren't allowed to just build anything anywhere.

Commissioner Fleck then stated that if he wasn't locked into the area being zoned that then he would feel comfortable with that.

Motion to APPROVE: Haugen, Second: Wisness, Voice Vote: All Aye.

Adjourned at 8:48PM

Planning and Zoning Commission Minutes

May 9th, 2016

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:03pm.

Members present: , , Paul Wisness, Vawnita Best, Jeremy Olson, Butch Fleck, Aaron Gravos, Doug Nordby

Absent: Doug Bolken, Kris Mracheck, Les Haugen

Staff Present: Planner and Code Enforcement Officer, Jennifer Peglau; Administrative Assistant, Brittany Cook; Building and Planning Director, Jim Talbert; GIS Coordinator, Aaron Chisholm; Planning Attorney, Ari Johnson.

Others: See sign in sheet.

Minutes of April 11th, 2016 were presented. **Motion to APPROVE minutes: Best, Second: Nordby: Voice Vote: All Ayes**

Unfinished Business:

Public Hearings:

Item 1: McKenzie Electric Oasis Wild Basin- The applicant has requested a Conditional use permit request to add a 115kV double circuit overhead transmission line with 24.9 kv distribution under build.

No board comments.

No audience comments.

Motion to APPROVE: Gravos, Second: Nordby, Voice Vote: All Ayes

Item 2: JHCK Enterprises LLC- The applicant is requesting a Comprehensive Plan Change/Zone Change for the property located in Section 25, Township 150N, Range 100W. The applicant wants to rezone this property from Agriculture to Light Industrial to support the sale of the property so that the allowed use is defined.

Jim Talbert, planning director, stated that before the meeting Aaron Gravos asked if all the water is coming together at one point when this is fully developed will they be able to push water onto adjacent properties. Jim stated that they will not be allowed to do that. To do further building or construction they will have to come before this board again.

Commissioner Olson stated that the comp plan us encouraged to change to light industrial.

Howard Detraglia, Owner of JHCK Enterprises LLC, said he took careful notes about the property before purchasing it. In the future their plan is to put a retention area on the property.

Commissioner Best asked Detraglia if they will subdivide the land in the future for the retention area.

Detraglia, owner of JHCK Enterprises LLC, stated they would not subdivide the land.

Motion to APPROVE: Gravos, Second: Nordby, Voice Vote: All Ayes

Item 3: Marilyn Noonan- The applicant is requesting a Comprehensive Plan Change/Zone Change for the property located in Section 25, Township 150N, Range 100W. The applicant wants to rezone this property from Agriculture to Light Industrial to establish allowed uses.

Jim Talbert stated that housing is not allowed and the applicant understands this.

Marilyn Noonan stated there was no building started on either parcel.

Commissioner Fleck asked what the minimum amount of acreage needed for this.

Commissioner Olson answered that question stating it was only 2.

Jim, planning director, stated that both of the parcels are nearly 5 acres a piece.

Motion to APPROVE parcel number 030010196: Wisness, Second: Gravos, Voice Vote: All Ayes

Item 4: Marilyn Noonan- The applicant is requesting a Comprehensive Plan Change/Zone Change for the property located in Section 25, Township 150N, Range 100W. The applicant wants to rezone this property from Agriculture to Light Industrial to establish allowed uses.

No board comments.

No audience comments.

Motion to APPROVE parcel number 030010195: Best, Second: Fleck, Voice Vote: All aye.

Item 5: Kraemer Mining and Materials Inc.- The applicant has requested a Conditional use permit request for sand and gravel pit property located Section 26, T151N, R103W

Jim Talbert, planning director, explains that are a few conditions for the CUP and to my knowledge the applicant has no issue with them. Jim also mentioned that they have always wanted applicants to use Dust control but most fail to do so therefore they have put dates on the condition. The dates help us keep up with when they are supposed to be putting dust control down and the applicant has to provide a receipt for our records.

Commissioner Best asked the applicant if he had any problems with the conditions.

Kris Anderson, representing Kraemer Mining and Materials Inc, stated they have no problems with any of the conditions.

Motion to APPROVE: Best, Second: Gravos, Voice Vote: All Ayes

Item 6: City of Arnegard- Wastewater Lagoon- The applicant is requesting a Conditional use permit request to construct wastewater lagoon.

Jim Talbert, planning director, stated that they recommend approval the only difference in the lagoons is it will be moved closer to town.

Commissioner Olson stated that the township of Arnegard did approve this.

Commissioner Best asked if they have already started construction on the lagoon.

Cory Ravnaas, representing the City of Arnegard, stated that the city does own the land and the farmer has started to do some work around the future lagoon.

Commissioner Best stated that she felt it was a better place or it overall because it was at the bottom of a hill.

Cory Ravnaas, representing the City of Arnegard, stated that is one reason why they are moving it to that location.

Jim Talbert, planning director, asked Ravnaas if the old lagoon will be transferred over to the new lagoon.

Cory Ravnaas, representing the City of Arnegard, stated that when they switch to the new lagoon they will let the old one dry out.

Motion to APPROVE: Nordby, Second: Wisness, Voice Vote: All Ayes.

Item 7: West Dakota Water- The applicant is requesting a Conditional Use Permit request to expand an existing fresh water pipeline.

Jim Talbert, planning director, stated that these are just little lines that are going to services Oasis pads.

Drew Poeckes, representing West Dakota Water, stated that they are 500 feet a piece.

Commissioner Nordby asked if these pipelines have anything to do with the pipelines we just recently had issues with.

Jim Talbert stated that this has nothing to do with that line. They are not selling this water; it is just going into the Oasis pad.

Motion to APPROVE: Best, Second: Gravos, Voice Vote: All Aye

Discussion Items:

Item 1: Odor Ordinance

Jim stated that most of the odor complaints mostly come from H₂S or sulfur. H₂S is very hazardous to people and cattle. The drive from Johnson's corners to Keene has a very bad sulfur smell. I have heard that Cattle have died from H₂S. It is very hard to measure the odor accurately because of numerous things, one being wind change.

Commissioner Fleck asked if the state enforces this.

Jim stated that their enforcement is a little less than his.

Commissioner Wisness stated that is very hard to tell what cattle have died from.

Commissioner Olson stated to even try to enforce this we would have to hire someone to go out and measure the odor and they would have to be dedicated to this. We would also have to buy the equipment to measure the odor and can we as a county even do this.

Commissioner Best asked if this was a widespread concern.

Commissioner Olson stated that they have fixed monitors on sight to let them know if H2S gets over 10 parts per million. You can smell it around 3-5 parts per million. Each sight should have a sign either stating that there is a possibility there is H2S or that there is H2S.

Ari asked what the health department is doing about it.

Jim stated that this is a serious issue but the state is more equipped to do this type of job. We need a commitment from the state that they are actually going to do this though.

Ron Ritzke, audience comment, the state health department came out to our house and said that the odor was in compliance but the odor was at 45 parts per million. He stated that he read it wasn't supposed to go over 7 parts per million off location. The state of Texas and the state of California has odor control ordinances. He also stated they have been living with this since the 70's.

Commissioner Best asked what department and what division it is was that came out and took the measurements.

Ron Ritzke, audience comment, stated that is what Russell Wilson in the Department of Health.

Commissioner Best stated that per her and Jims conversation that no other county in North Dakota has these ordinances.

Item 2: Noise Ordinance

Jim Talbert, planning director, stated that most of the noise comes from flare pits. The state of North Dakota does not state any noise ordinance besides around nursing homes and abut Jake breaks. The decimals should be less during the night rather than the day. Residential areas should be less than commercial or industrial areas. Measuring the sound is the key factor in this discussion. We have excluded this ordinance from ag zoned areas.

Commissioner Nordby suggested we have some measurements and then discuss it.

Adjourned at 6:19

Planning and Zoning Commission Minutes

June 13th, 2016

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:03pm.

Members present: , Paul Wisness (5:28), Vawnita Best, Butch Fleck, Aaron Gravos, Doug Nordby, Les Haugen, Kris Mracheck

Absent: Doug Bolken, Jeremy Olson

Staff Present: Planner and Code Enforcement Officer, Jennifer Peglau; Planner, Shari Buck; Administrative Assistant, Brittany Cook; Building and Planning Director, Jim Talbert; GIS Coordinator, Aaron Chisholm; Planning Attorney, Ari Johnson.

Others: See sign in sheet.

Minutes of May 9th, 2016 were presented. **Motion to APPROVE minutes: Gravos, Second: Best: Voice Vote: All Ayes**

Unfinished Business:

Item 1: West Dakota Water- The applicant is requesting a Conditional Use Permit request to expand an existing fresh water pipeline 19 miles.

Jim Talbert, Planning Director, gave the board some information including that the county commissioners referred West Dakota Water back to this board. They were ordered a cease and desist in January of 2016 and they stopped worked immediately. Jim mentioned that they have been working with Kyle Hartel. Jim explained that the applicant desires to legitimize this project that was begun and completed half way prior to making CUP application. Applicant desires add on to existing fresh water pipeline that is buried approximately 7 ½ feet.

Trevor Hunter, representing West Dakota Water, stated that there are no findings of public safety issues or any concerns with the pipeline being put in the ground. He feels that by bringing water by pipe rather than truck helps with the destruction of our county roads. Trevor stated that emails with a previous planner Jill Edson had said that the county was no longer requiring CUP for water lines that are being used for Ag land.

Commissioner Nordby stated that if that was true it would have to go through the board and the ordinance would have had to change. He stated that it never changed and they were informed of the process from previous CUP for their waterlines.

Trevor Hunter, representing West Dakota Water, stated that they were told one thing by Jill and they followed what she said then they were told another thing when they received the stop work order and they did what they were told again. He stated that they came in and has been very complaint.

JD Demorrett, works for Oasis, he stated that himself and WDW have had a working relationship for about 3 years now. He also stated that they have never had any complaints about WDW and he agrees with pushing water through pipes is a better way and it keeps trucks off the roads.

James Hamilton, Engineer on the WDW project, mentioned that it did slip through the cracks. He stated that Williams County does not require CUP for waterlines after the first one.

Ken Rorse, representing Barlett & West , stated JMAC has always done the right thing but sometimes there is a mistake. He stated that they are an employee owned company and that they put their own retirement money into projects with hopes they don't fail.

Drew Poeckes, representing WDW, stated that he is responsible for things like this to be done in projects and he takes full responsibility for the mistake. He stated that he knew they needed a CUP when the switched engineering firms and it slipped through cracks in the transition. He mentioned since he has made the mistake they have brought more people into the business to help eliminate mistakes like this from happening again. He also stated that he believes that pushing water through pipes is a safer way to move water.

Deb Halvorson, representing WDW, stated that they want to be in compliance, and that they were at fault in this error. She admitted it was an administrative error. She also mentioned they have been working with the Hartels.

Commissioner Nordby asked Deb if they approve this CUP what will happen with the Hartels.

Deb Halvorson stated that they don't tie the results of this meeting with what they are doing with the Hartels.

Commissioner Best stated that this is about the process the county has in place.

Commissioner Haugen asked if the landowner's easements have been paid for.

Deb answered commissioner Haugen stating that their easements have been paid all the way through.

Commissioner Gravos asked if they had their bond in place along with everything else.

Jim Talbert, planning director, stated the bond for the violation was in place and that WDW has done an incredible job since the stopped work order was placed.

Commissioner Gravos asked what the staff's recommendation was.

Jim Talbert stated that the staff's recommendation was approval.

Motion to move to agenda APPROVE: Gravos, Second: Nordby, Voice Vote: All Ayes

Motion to APPROVE: Gravos, Second: Haugen, Voice Vote: All Ayes

Public Hearings:

Item 1: Nicholas Boomer-The applicant is requesting a variance to allow a home on an 18.89 acre parcel, with the understanding of the 40 acre minimum in the agricultural district. The owner does not wish to sell the full 40 acres.

Commissioner Fleck asked if you can you run cattle on it.

Jim stated that the land surrounding the 18.89 acre parcel is very rough. He also stated that he believes out of all the variances he thinks this one fits true intent of a variance the best.

Jim Moberg, owner of the land, stated that the area used to be grazed in the fall but with it being so close to the road and all the oilfield traffic it cannot be grazed any longer.

Commissioner Haugen stated that we put the 40 acres into the ordinance for a reason. One being so houses weren't being built in the middle of nowhere. He asked the board where do we draw the line with these variances.

Commissioner Gravos asked Jim Talbert what his idea of being a good applicant for a variance.

Jim Talbert, answered commissioner Gravos question stating that this variance has about 20 acres of buildable land. The surrounding area is not buildable. With the site conditions he believes this is a variance we should approve.

Commissioner Best stated that this is the fastest growing county for the last 5 years and this county was routed in Agriculture land and we want to make sure agriculture has a future here. She asked if there was 40 acers available for Nicholas Boomer.

Jim Moberg stated they had the land surveyed out because that was land he wasn't using. He stated that the land is no real use to him, and it cannot be grazed.

Commissioner Best stated that if there is 40 acres available then she believes he can comply with the ordinance.

Motion to DENY: Fleck, Second: Nordby, Voice Vote: Paul Wisness, NAY; Les Haugen, AYE; Vawrita Best, AYE; Doug Nordby, AYE; Aaron Gravos, NAY; Butch Fleck, AYE;

Item 2: Kirk and Anita Johnson- The applicant is requesting a variance to allow an additional doublewide trailer on an 18.84 acre parcel, where a home and shop currently are constructed.

Jim Talbert, planning director stated that the Sioux Township was in favor of this variance.

Kirk Johnson stated that they would like to move their kids and grandkids closer. They would like to sell it to their kids but it will remain theirs until the investment is paid for.

Commissioner Fleck asked the board and staff if we had anything in our ordinance for farming families with kids.

Jim Talbert stated we have to be careful giving one part of society a break on certain ordinances.

Anita Johnson stated that the land was given to their daughter 3 years ago they just haven't been financially able to build the house.

Commissioner Best stated that would a subdivision work best in this situation.

Jim Talbert stated that this has a total of 18 acres and he doesn't think we should change to residential to go around the variance.

Anita Johnson stated that they bought this property 21 years ago with almost 19 acres on it.

Commissioner Haugen asked the staff if Williams County has something in their ordinance about farming families.

Jim Talbert stated he does not believe so.

Commissioner Best has asked if they were close to Cartwright.

Chairman Mracheck stated that they are less a mile from the highway and they are adjacent with a paved road.

Commissioner Best asked if they want a total of 3 houses on the 18 acres.

Anita Johnson stated that that is the plan eventually.

It was decided that rather than a variance that the Johnson's should request a zone change to residential and subdivide the land in 3-4 lots.

Motion to DENY: Nordby, Second: Fleck, Voice Vote: All Ayes

Item 3: Keen Kuts-The applicant is requesting a variance to allow an addition to an existing business to bring building into ADA compliance and expand the business. Plumbing and electrical will also be updated.

No board comments.

No audience comments.

Motion to APPROVE: Nordby, Second: Best, Voice Vote: All Ayes

Item 4: Caliber Midstream- The applicant is requesting a Zone Change from Agricultural to Light Industrial. This is in compliance with the new Comprehensive Plan.

Commissioner Haugen asked if they have already gone through Arnegard.

Jim Talbert stated that they have and the staff recommends approval.

Commissioner Best asked where their road approach was.

Jeff Skarre, representing Caliber Midstream, stated that there is a preapproved approach and that this zone change is a part of the comp plan.

Commissioner Best asked if there will be an upgrade to this road.

Jim Talbert stated that that is the intent And the County is talking with Oneok, Youngquist, Caliber and others to see if 138th Ave. can be paved through a cooperative effort between the County and these land owners..

Motion to APPROVE: Nordby, Second: Gravos, Voice Vote: All aye.

Item 5:NST Express- The applicant is requesting a Conditional use permit to change storage tank sizes from (3) 50,000 barrels to 80,000 barrels.

Chairman Mracheck asked if there are similar sites around this area.

Jim Talbert stated that this near the Enbridge site and so there are similar sites around the area.

Paul Forsting, representing NST Express, stated that the diameter will be staying the same they will just be making the tanks taller.

Chairman Mracheck asked if they will be fencing off the area that is being used.

Paul Forsting, representing NST Express, stated that they will be fencing off just the area they are using for the tanks the rest of the area will continue to be farmed.

Commissioner Best asked if they were okay with all the conditions.

Paul Forsting stated that to his knowledge they were.

Motion to APPROVE: Nordby, Second: Best, Voice Vote: All Ayes

Item 6: NST Express- The applicant is requesting a Conditional use permit to install an approximately 3.6 mile oil pipeline to transport oil to and from two approved facilities.

Commissioner Fleck asked if the line was connecting with another line.

Paul Forsting, representing NST Express, said it was connecting to a Tesoro line.

Motion to APPROVE: Wisness, Second: Gravos, Voice Vote: All Ayes.

Item 7: McKenzie Electric, Table Butte-Berg- The applicant is requesting a Conditional use permit request to add a 115kV double circuit overhead transmission line with 24.9 kV distribution under build.

Commissioner Best asked why we don't recommend the same conditions as a pipeline for a transmission line.

Jim Talbert, planning director, stated that there is no real reason and he can move condition 13 "If any easements are obtained through eminent domain, the applicant shall appear before the planning and zoning board, and County Commission for re-approval of those easements obtained through eminent domain."

Motion to APPROVE with condition number 13: Nordby, Second: Best, Voice Vote: All Aye

Item 8: McKenzie Electric, Cherry Creek to DAPL- The applicant is requesting a Conditional use permit to add a 115kV double circuit overhead transmission line with 24.9 kV distribution under build.

Commissioner Best asked if we will include condition number 13 again.

Jim Talbert, planning director, stated from now on for transmission lines we will include condition number 13 “If any easements are obtained through eminent domain, the applicant shall appear before the planning and zoning board, and County Commission for re-approval of those easements obtained through eminent domain.”

No Audience Comments.

Move to APPROVE with the condition number 13: Fleck, Second: Wisness, Voice Vote: All Aye.

Item 9: ND72 LLC- The applicant is requesting a Conditional use permit to allow workforce housing that was previously approved and Zone Change to establish land use.

Jim Talbert stated that of the original Conditional Use Permit the landowner has stated that they have not followed all the conditions, including a fence that has been damaged and the weed control. If we approve this zone change for light industrial we will be giving up rights to put conditions on it. Also they cannot use this for workforce housing.

Alan Crockett, representing ND72 LLC, stated that they are aware of the workforce housing not allowed and they are okay with it. He stated they have annual maintenance on the weeds. He also stated that they have brought in a lot of scoria.

Carole Freed, a neighbor to the site, stated she has no objection to changing the zoning of the property. She stated that the fence and the weeds have been an ongoing problem for about 2 years now. They have made attempts to try and fix the issues but have only made it worse. She stated that the fence needs to be rebuilt. She mentioned she would like to see a chain-link fence or something that withstand the wind and snow we receive.

Commissioner Haugen asked if it was on a section line and if it is does it not have to be 30 feet away from the section line.

Carole Freed and Alan Crockett both stated that there are two different pipelines going through the section line.

Commissioner Haugen suggested that they could move the fence up the hill.

Alan Crockett stated that moving the fence up the hill would only move the problem.

Commissioner Best stated that the roads going into these buildings are inadequate and she would not like to rezone the property with no conditions.

Alan Crockett stated that they have been working with Carole with these issues.

Commissioner Nordby asked if a chain-link fence is required on sites like this so their debris stays on their own property. He also mentioned planting grass on the slope.

Carole Freed stated she would like to see that and some erosion control.

Jim Talbert suggested tabling this until they work out the issues.

Motion to TABLE: Nordby, Second: Wisness, Voice Vote: All Aye.

Item 10: Navigator Energy Services LLC- The applicant is requesting a Conditional use permit and Zone Change to construct a crude oil storage facility, Lease Automatic Custody Transfer Units (LACT) and equipment; 0.75 mile pipeline.

Jim Talbert stated that they are requiring them to pave the road from highway 73 south the length of their property.

Jeff Towner, representing Navigator Energy Services LLC, stated that they are aware of this and they are perfectly fine with it.

Commissioner Best asked if the road has to meet county standards.

Jim stated that all paved roads have to meet county standards.

Commissioner Best asked if they have any objections to the conditions.

Jeff Towner stated that he does not believe they have any objections to the conditions that have been placed.

Commissioner Nordby asked if they are using approved roads.

Jim Talbert stated that they have shared access with McKenzie Electric.

Commissioner Fleck asked if their site was close to the school.

Jim Talbert stated that they are not adjacent with the school.

Chairman Mracheck asked if there was a reason why it was in this area.

Jim Talbert stated that they are plenty of areas similar to this along Highway 73. He also stated that the zone change complies with the comp plan.

Chairman Mracheck asked if this would cause a lot of noise.

Jeff Towner stated that the most noise will come from the vehicles. In the future that will not be an issue because they are bringing in pipeline.

Chairman Mracheck stated he would rather see a pipeline right away rather than trucks being so close to the school.

Jim Talbert stated that the site is a half mile from the school.

Chairman Mracheck asked how many trucks they expect to be coming through there a day.

Jeff Towner said 2-3 trucks per hour.

Move to APPROVE: Nordby, Second: Gravos, Voice Vote: All Aye.

Item 11: West Dakota Water- The applicant is requesting a Conditional Use Permit to connect to an already constructed and approved freshwater pipeline.

Jim Talbert mentioned that he wasn't sure if condition number 5 "To control dust and tracking during construction and operation on site, the applicant shall provide Mag Chloride treatments monthly at all access points off of State and County Roads and/or staging areas. Documentation of treatment shall be provided to the County Planning Department" needed to be applied here.

Commissioner Best stated that we don't want mag chloride in a field. She also asked WDW if they had any issues with the other conditions.

Drew Poeckes, representing WDW, stated they don't have a problem with any of the other conditions.

Move to APPROVE with removing condition number 5: Gravos, Second: Haugen, Voice Vote: All Aye.

Item 12: Melgarrd- The applicant is requesting a Conditional use permit to construct gravel pit for industrial use.

Jim Talbert said he would like this one to be tabled to gather some more information on it.

Move to TABLE: Nordby, Second: Wisness, Voice Vote: All Aye.

Item 13: Border States Paving- The applicant is requesting Conditional use permit to set up a temporary asphalt plant.

Jim Talbert, planning director, mentioned that Border States Paving is helping the county with the construction of County Road 12.

Deb Hagen, neighbor of the site, stated she is opposed to this CUP because there are 6 families within a half mile of the site. She mentioned that batch plants are known to blow up. She also mentioned that she had a friend that lived 6 miles from one and they had horrible breathing problems when they walked outside their house along with their eyes burning. She said there are many small children around the area and she also has nonsmoking lung cancer and this can only make it worse.

Commissioner Haugen asked if there was a more remote area they could put the batch plant.

Deb Hagen mentioned there was 12 miles they could look at that aren't around families.

Jason Wettels, representing Border States Paving, mentioned that they will be bringing in 20000 tons of asphalt a week. He also mentioned that this site is temporary and it will only be used for 2-3 months but the site will not be cleaned up until next spring.

Commissioner Best asked how they came up with that location.

Jason Wettles stated that Delmer Rink owns the land and they have worked together in the past and he picked the site.

Commissioner Best asked if there was any other reason why this site was picked.

Jason Wettles stated that other reasons why they picked the site were because this site would be closer to where our trucks are coming from so it would be less trucking on the county roads.

Commissioner Haugen stated that the health of the people come before the county roads.

Jason Wettles mentioned that there would be water trucks there all hours of the day to spray the site down.

Ralph Coleman, a neighbor of the site, stated that he is opposed to this CUP. He also stated that further east there is areas that are not heavy populated like this site its.

Larry Nelson, a neighbor of the site, stated that Rink Construction and Border States Paving have buddied up through this process. There are miles and miles east with no people.

Jim Talbert asked Border States Paving if they have an issue with moving.

Jason Wettles stated that the timing of the next meeting and we don't have another site.

Commissioner Haugen asked why they haven't looked at another site.

Jason Wettles said because they have never had opposing residence before so they didn't think to look for another site.

Commissioner Wisness stated that they should have had a backup plan.

Motion to TABLE: Nordby, Second: Haugen, Voice Vote: All Aye.

Item 14: Kent Lilyerd- The applicant is requesting a Conditional use permit to operate a mobile Food Unit(restaurant).

Commissioner Nordby stated that the reason we have the planning and zoning board is to make the county look better.

No Audience Comments.

Motion to DENY: Nordby, Second: Best, Voice Vote: All Aye.

Item 15: Comp Plan 2025

Jim Talbert stated that they looked at the Johnson Corner area a lot.

Scott Harmstead, representing the comp plan, stated that the appendix is online.

Commissioner Fleck stated that there were a lot of people that didn't know about this.

Jim Talbert stated that it was published in the paper, radio and on our county website.

Scott Harmstead stated that they also had 4 public meetings, two in Watford and two in Alexander. He also mentioned that in the survey they did they received 318 responses. We also worked with applicants in many different ways.

Larry Nelson, an audience comment, asked if this would change the way they get taxed.

Jim Talbert stated that taxes have nothing to do with the way it is zoned; taxes are based on the land use.

Motion to APPROVE: Nordby, Second: Gravos, Voice Vote: All Aye.

Discussion Items:

Item 1: International Fire Code

Item 2: Administrative authority to allow underground lateral waterlines that are off an approved mainline as long as the lateral line is less than 1 mile.

Adjourned at 9:50

Planning and Zoning Commission Minutes

July 11th, 2016

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:06pm.

Members present: Paul Wisness, Vawnta Best, Butch Fleck, Aaron Gravos, Doug Nordby, Les Haugen, Kris Mracheck, Jeremy Olson, Bethany Devlin

Absent:

Staff Present: Planner and Code Enforcement Officer, Jennifer Peglau; Planner, Shari Buck; Administrative Assistant, Brittany Cook; Building and Planning Director, Jim Talbert;

Others: See sign in sheet.

Minutes of June 13th, 2016 were presented. **Motion to APPROVE minutes: Olson, Second: Fleck: Voice Vote: All Ayes**

Code Enforcement:

Item 1: Violations.

Three Forks RV Park

Jennifer Peglau, Planning and Zoning code enforcement, stated that the owner and she have been in contact. They had a meeting here in the office to talk about the violations that were present and how to become compliant by applying for a CUP. He was given a 30 day stop work order to remove all the trash and add-ons to the RVs. The 30 days were up on July 8th when Evan the owner asked for the weekend to finish the project. She stated that on July 11th after the weekend he then asked for another week. She asked the board for their suggestion on turning their power off.

Commissioner Olson asked if all the tenants of the park knew the power was going to be shut off.

Jennifer stated only the tenants with the add-ons know there is a possibility of the power being shut off.

Commissioner Nordby stated that we only have a short window where turning off the power is an option because of winter.

Commissioner Best stated that she agrees with Commissioner Nordby. She feels this is a good way to let people know we are serious.

Chairman Mracheck excused himself from voting for having contact with the land owner.

Motion to APPROVE: Olson, Second: Best, Voice Vote: All Ayes

All Clear

Jennifer Peglau, Planning and Zoning code enforcement, showed the board a picture of an abandoned oil cleaning facility. She stated that there is oil coming up through the boards and seeping up out of the ground. She mentioned that she had gone out there with Karolin Jappe and turned it over to her. She stated that she was looking for a good direction to go with this site.

Rick Hyce, audience comment, stated he believes there is a rotten liner because they couldn't have received a license without a liner.

Commissioner Best asked if we had any information about this site.

Jennifer, planning and zoning code enforcement, stated that we don't because it is controlled by NDIC.

Commissioner Nordby stated that Karolin and Jerry should deal with stuff like this.

Commissioner Best stated we should still ask for inspections that have been done on this place.

Unfinished Business

Item 1: ND27 LLC- The applicant is requesting a Zone Change from Agriculture to Light Industrial to establish land use. The Conditional Use permit application is tabled until County zoning land use definitions are revised.

Shari Buck , Planner, stated that she had spoken with Carole Freed and Carole had given her permission to state her comments in tonight's meeting. Carole Freed stated to Shari that she is in favor of the Zone Change. Carole and ND27 have worked out their differences and they have come to an agreement.

Alan Crockett, representing ND27 LLC, stated that ND27 has resolved the conflict with Carole Freed. He stated that he had asked Jim Talbert what kind of things they could do to make the project more compliant with things the board and county would like to see. Since then they have worked on the road in the project, they have taken care of the weed problem. They also have removed some of the slope.

Commissioner Best stated that if they hard zoned it then they will have no control over what you do with the land. She stated that she is not comfortable turning it over in the position it is in.

Alan Crockett stated that after it gets hard zoned they will continue to work with the county.

Jim Talbert, Planning Director, suggested that we go with a PUD. A PUD allows us to still zone it to Light Industrial and put conditions on the property. A PUD is to work with existing developments.

Commissioner Gravos asked if erosion control and road requirements come with a road permit.

Jim stated that in the subdivision ordinance we address the roads. In a PUD we can put that as a condition and it is zoned correctly. The only thing that we don't do is review it annually.

Commissioner Best asked if there could be a bond in place because of the erosion control. The falling debris comes down onto the neighbor.

Jim suggested we do a PUD with standards and have a bond in place.

Commissioner Nordby asked what a PUD stands for.

Jim stated a PUD stands for Planned Unit Development.

Commissioner Olson asked if he were to sell this property in the future how could he advertise it.

Jim stated he would advertise it as a PUD with a light industrial use. He also stated that a PUD is more common than just straight hard zoning.

Andrea Lundberg, audience comment, asked when you drive into the lots can you see the erosion.

Commissioner Best said that you can see the erosion and it can be a problem.

Andrea stated that the problem isn't on their property.

Commissioner Best stated that there is not erosion control.

Andrea asked Commissioner Best if she knows where the road is.

Commissioner Best stated that she was out there today and it has nothing to do with the roads it has to do with the lots.

Andrea stated that she doesn't understand how they can hold his permit when it is the middle lot that has a problem with erosion not his property.

Commissioner Best stated that they are dealing with this application.

Motion to DENY and move it back to staff for the PUD application; Nordby, Second: Olson Voice Vote: All Aye.

Public Hearings:

Item 1: Targa Badlands LLC- The applicant is requesting a Zone Change from Agricultural to Industrial, and a revision to the Comprehensive plan. No plans submitted at this time for development. This is in compliance with the new Comprehensive Plan.

Shari Buck, Planner, stated that one resident, Ms. Rosalie Veeder who lives 4200 feet away wants this application denied.

Melissa Kilde, Representing Targa, stated that they are just buying this for future development.

Commissioner Olson asked if this property was already bought for this type of production.

Melissa answered Commissioner Olson's question stating yes.

Commissioner Haugen asked if they have no plans for construction then why are we zone changing it.

Commissioner Olson stated that the Comp Plan shows this type of zoning and in the future when they want to develop something it will already be zoned correctly.

Jim Talbert stated that after talking to residents, we changed the North of this land to Light Industrial and the South to Heavy Industrial.

Commissioner Best asked Melissa is they have talked to Ms. Veeder about her concerns.

Melissa stated that they have had an ongoing working relationship with Ms. Veeder but she has not come to them with any conflicts.

Commissioner Wisness asked how can we say no if the Comp Plan shows what they are asking for.

Motion to APPROVE: Gravos, Second: Haugen, Voice Vote: All Aye.

Item 2: North Star Water- The Applicant is requesting a Conditional use permit to construct a 2500 foot underground freshwater pipeline. This will extend and existing freshwater pipeline to connect to oil pad onsite facilities.

Commissioner Gravos asked if this is an existing pipeline.

Jim Talbert stated that it is. He also stated that the board will see on the 25th about their concerns.

No Audience Comments.

Motion to Approve: Gravos, Second: Olson, Voice Vote: All Ayes

Item 3: Westwood Business Park- The applicant is requesting a Zone Change and Comprehensive Plan Revision from Agricultural to R-1. This is an existing subdivision. This is in compliance with the new Comprehensive Plan.

Shari Buck stated that this already exists; they are just trying to bring it into compliance with the correct zoning. The zone change fits the Comp Plan. The township does recommend approval as well as the staff.

Jim Talbert stated that they are 5 acre lots. When we changed the ordinance to the 40 acres they were still zoned AG.

Marilyn Noonan was there to represent Westwood.

No board comments.

No audience comments.

Motion to APPROVE: Olson, Second: Best, Voice Vote: All Ayes

Item 4: Caliber Midstream- The applicant is requesting a Conditional Use Permit request to construct a 10"-12" steel oil pipeline roughly 6.5 miles connecting to the Dakota Access Pipeline.

Shari Buck stated that this pipeline will connect to a Dakota Access Pipeline.

Jeff Skarre, representing Caliber Midstream, stated that this is a PFC regulated line and one of their conditions is to have county approval. They have easements or are in agreement with all landowners.

Commissioner Best wanted to add condition number 11 stating If any easements are obtained through eminent domain, the applicant shall appear before the Planning and Zoning board, and County Commission for re-approval of those easements obtained through eminent domain. She asked if they had any problem with added that condition or any of the other conditions.

Jeff stated they were perfectly fine with all conditions.

Motion to APPROVE: Haugen, Second: Wisness, Voice Vote: All aye.

Item 5:Youngquist Brothers Oil & Gas N.D- The applicant is requesting a zone change to a Planned Unit Development. This Development will include a mixed use of Light Industrial, R-1 and R-3 Zoning. This request is in compliance with the Comprehensive Plan, which allows for mixed use in the Arnegard Transition Area.

Shari stated that they have moved the housing away from the industrial part of the property bringing the industrial part into compliance. They have also submitted plans for landscaping. They plan on adding 2 more units in for managers. She also stated that the housing is strictly for employees.

Commissioner Olson asked If there was a condition stating that the housing is for employees only.

Jennifer stated that they have been great to work with and they have worked really fast to get into compliance and turn in everything we needed.

Commissioner Nordby asked why we are having R-1.

Jim stated that a PUD is to legitimize existing areas. The R-1 zoning is away from the industrial part.

Shari stated that we are not allowing anymore units to be added in the R-3 side besides the 2 units for the managers.

Commissioner Wisness asked Commissioner Olson if it had gone through the Arnegard Township.

Commissioner Olson stated that it did and the township approved it.

Brett Youngquist was there to represent the Youngquist Brothers.

Motion to APPROVE: Olson, Second: Devlin, Voice Vote: All Ayes

Item 6: Komron Hakabachi- The applicant is requesting a variance to allow a construction of a home on 2.20 acres.

Jennifer Peglau stated that Komron bought the 2.2 acres in 2014. It is in the middle of an industrial subdivision. Two of the industrial companies have stated that they believe it is not safe for a house to be put in an industrial subdivision.

No audience comment.

Motion to DENY: Olson, Second: Haugen, Voice Vote: All Ayes.

Adjourned at 7:00

Planning and Zoning Special Meeting

July 25, 2016

The meeting was held July 25th 2016 at the McKenzie County Courthouse in Watford City, ND and called to order at 5:07 pm

Members present: Paul Wisness, Vawnita Best, Butch Fleck, Aaron Gravos, Doug Nordby, Les Haugen, Kris Mracheck, Jeremy Olson, Bethany Devlin

Absent:

Staff Present: Planner and Code Enforcement Officer, Jennifer Peglau; Planner, Shari Buck; Building and Planning Director, Jim Talbert;

Others: See sign in sheet

Item 1: Discussion of Proposed Zoning Ordinance

Jim Talbert, McKenzie County Planning and Zoning Director, explained that small changes, spelling corrections, grammar, punctuation are all part of the proposed zoning ordinance. Substantive Changes will be highlighted.

Article I: Additional definitions. No substantive changes in definitions. Added definition for TENORM. Dannette Walsh from ONEOK suggested a change in the definition of "Oil and Gas Transmission Line" .

Article II

Section 2.6: Greater clarification of non-conforming definition

Section 2.10: Setback clarifications. Jeff Skaare from Caliber Midstream, suggested adding "from" to the bottom of page 22 to 23.

Section 2.11: Parking Standards: Completely new. Standardized from across the country. Commissioner Nordby suggested we should work with the city so we are not any different.

Commissioner Graves asked on landscaping standards if we were thinking about grass? Mr. Talbert said "we call it ground cover. We also require a landscape plan"

Mr. Talbert also explained that screening and buffering was simplified. We were finding requirements in Light, Heavy and Medium buffering was onerous. Section 2.12.5, you will see that most has been reduced to a light or medium buffering.

Commissioner Mrachek commented that he's notices a lot of fences and trees going up, so it has been nice.

Miles Fisher (Kinder Morgan) passed out a version of landscaping. He says, in the Comp plan you can see McKenzie County has buffering between Industrial and R-1. Chapter 11-33-03 of the Century Code say zoning regulations should be what the Comp Plan says. We don't want trees around Industrial because of the fire hazard. Commissioner Nordby said it helps soften he landscape. When you come in to Bismarck you see it soften the landscape. There is room and it can be done nicely.

Section 2.12.7: Mr. Talbert explained that there are changes in wording to allow 4 strand barb wire fencing.

Section 2.13: Bonds. Not any changes, according to Mr. Talbert, but giving a greater explanation of what bond is to cover; regulations with application. They give us a bond estimate and the bond is given no later than 30 days after approval. We are closing the loophole. A definition given to Reclamation, Construction and Violation Bonds.

Commissioner Mrachek asked if a violation bond is given instead of an easement? Mr. Talbert: No a bond is still required. There should be a cover letter so they know what the violation is; to prevent someone from saying they are not going to change it. An Easement is strictly so we can go on site. An easement should have an end, and a cover letter also.

Commissioner Olson: What is the difference between a Reclamation Bond and a Violation Bond? Mr. Talbert: A violation bond is to stop violations. Reclamation bond is different and should be in place.

Jeffrey Skarre from Caliber Midstream: I will bring information and verbiage. There are bonds filed with the State— if overlapping, it would be nice to have relief.

Mr. Talbert: Century Code says if the State is requiring for the same purpose, we can't do it. We want to look at what the State requires.

Commissioner Nordby: Can we set in motion to access the bond. If it's a dual bond, we should have access to it (PSC)

Dannette Walsh , ONEOK: On the Reclamation bond, how does it apply to transmission lines?

Mr. Talbert: On Oil and Gas Transmission lines, we are not going to require a bond. PSC does. Reclamation bond--- we are looking for structures, pipes that come out of the ground.

Commissioner Wisness: If a scoria pit is dormant, do they have to keep a bond?

Mr. Talbert: They have to restore it to the original state or keep a bond on it. If it goes beyond a year of not being used, we should look at it. `

Section 2.16 Skid Fee: Jim Talbert: We are allowed by State to impose fee. 2013 McKenzie County had \$1.50 per sq ft fee. It's for all skid units whether they are being used or not. Ari (Johnson) is Okay with working but it can be improved by shortening.

Commissioner Mrachek: Does it include skids on Oil Pad sites? We are not charging.

Article III

Section 3.2: Transmission Lines are a Conditional Use

Section 3.42: Agricultural District: Allowed uses.(1) 3 additional houses on 40 acres, subdivided and sold to a direct family member.

Commissioner Fleck: What happens if some family member sells to someone who is not a family member?

Mr. Talbert: If we see abuse we will address it.

Commissioner Best: Williams County entertains a VAR for family members.

Commissioner Olson: What if it was kept as a whole parcel?

Mr. Talbert: Because you have to own land to get a loan.

Commissioner Mrachek: Why 3 houses?

Mr. Talbert: Because that is what is in a minor subdivision. Should we take it out of AG and put it in a subdivision?

Commissioner Wisness: We are still the land of the free—and a variance is a way to allow the flexibility.

Darwin Williamson: Sheridan Wyoming had the same deal. They should be able to do what they want with their land. They allow nothing smaller than 5 acres.

Mr. Talbert: A Variance makes the most sense.

Commissioner Nordby: There should be a reason why they can't do the 40 acres.

Under Subdivision Heading: Mr. Talbert: We should have a mechanism in place to maintain standards (long-term compliance)

PUD Additional Language: Darwin Williamson: On PUD for Section 25, a mechanism, when we get that, depending on use. When we get a PUD we will not have a CUP.

Mr. Talbert: Regardless of zoning, we'll make sure things are staying compliant.

Darwin Williamson: We have formed a CO-OP. Questions asked are if the CUP stays on.

Mr. Talbert: There is a check and balance with a PUD. This board will tell you what they would like in a PUD.

Randy Hedrick: Question: Specifically for maintenance, how do I make everyone adhere to the rules in area 25?

Mr. Talbert: I think we need a mechanism where monies are going I to take care of needs.

Amick Davis: Do you envision people coming before you with a PUD application and we work on this together? Do you see workforce housing as a PUD?

Mr. Talbert: You hire the experts to help you put together your plan (engineers, etc)

Article IV

Commissioner Nordby: We shouldn't be approving any billboards out in the middle of the prairie. Burley, Star, Minot County.

Mr. Talbert: Would you like to limit it to Industrial?

Commissioner Mrachek: rather than outside of town?

Commissioner Nordby: Size?

Commissioner Mrachek: Brightness?

Miles Fisher, Kinder Morgan: The state has outdoor advertising specs. It has to be within 500 ft of Industrial.

Mr. Talbert: Signs: Billboards should be a Conditional Use.

Mr. Talbert: TENORM: Technically Enhanced, Naturally Occurring Radiological Material.

Commissioner Nordby: We haven't got any limits.

Mr. Talbert: This is the time to do it. The State is at 50 picocuries. Do you wish to have a limit?

Commissioner Nordby: If it is above 5 we should have a say.

Mr. Talbert: TENORM: anything above 5 picocuries has to have a CUP?

Section 4.5

Commissioner Nordby: Will we license mobile home parks?

Mr. Talbert: No, the State still licenses them. Mobile homes are Conditional Uses in R-3, Commercial etc. WE can look at licensing Mobile home parks if you wish.

Ben Ashram, Kinder Morgan: You could have 10,000 gallon water tanks out of reach in a fire.

Section 4.16

Mr. Talbert: Recreational Vehicles: I've gone back and forth to find happy medium where roads are being maintained. Discussions about not having RV's being lived in in winter. That route didn't make the most sense. I added a section for RV's that are here between Nov. and March. Added requirements of insulation etc.

Commissioner Best: I would like to make sure there is garbage pick-up weekly.

Karolin Jappe: Trash barrels burning are not allowed.

Mr. Talbert: No additions allowed on RV's. A detached deck is allowed.

Section 4.17 Noise:

Jim Talbert: There is a concern about noise—Flares with a jet engine sound. Tri Town has a pump associated with a salt water depo that measured 67 decuples at a nearby home. 40 to 50 decuples is standard. The State does not have a noise ordinance. We've tried to address that.

Commissioner Graves: How do we implement this?

Mr. Talbert: The State has to take care of it. Or we have to have the expertise and equipment to measure, that would hold up in court.

Commissioner Best: How do we deal with this without having to have a whole new chapter of ordinance?

Mr. Talbert: The odor ordinance is easier to measure. I am concerned with the county having to have the equipment. The State does not have a level for noise. The State can measure. WE are trying to come up with an acceptable level.

Commissioner Best: Cost?

Mr. Talbert: No additional cost.

Article V: Fire Code

Mr. Talbert: This is something we need to include in our ordinance. We have approved it but it was kicked back by the County Commission. State Fire Marshal said we have to adopt it all or not at all, with the exceptions of 5 small sections. This plan would adopt IFC 2012 and the 5 sections we can change as listed here.

Chris Nelson, Fire Marshal from Williams County is an expert witness.

Ben Anderson, Kinder Morgan.: Thank you Jim for sitting down with us. A workable solution. We support it as is.

Mr. Talbert: We would adopt it as 2012 per State Fire Marshal because the recent additions are not in public domain.

Commissioner Fleck: I have concerns. We don't know exactly what this will do. As farmers, we now have to get permits.

Mr. Talbert: That's strictly the State's requirements. I think the Fire Code is well respected throughout the World. This IFC goes hand and glove with IB code. To make sure our buildings remain safe going forward. It's a move that should have been taken together. . There is an added section for County Fire Marshal with duties. Worked with Chris Nelson. If we adopt the Fire Code, logical step is that we hire a Fire Marshal. We have a couple of options. Williams County Joint Powers agreement. Good way to start. In the long-term, we could have a deputy Fire Marshal that would be accountable to Chief Fire Marshal.

Commissioner Nordby: The Plan and Cost..bring it in at the same time.

Commissioner Best: When we've had these discussions—I've contacted Chris and it became evident it would be a high level experience position. I visited Williams County. Determined that there was a capacity for sharing.

Chris Nelson: A lot of feedback from different petroleum Companies.

Article VI: Subdivision Ordinance

Mr. Talbert: The previous ordinance was hard to follow. Most of the standards came from the ordinance, but now we have a step by step process. I also received ideas from the County Engineer. The developer must prove that the development is not pre-mature. Minor subdivision, up to 4 lots. Major subdivision would have a pre-meeting, prepare preliminary plat, and follow the procedure outlined.

Meeting adjourned at 8:45 pm.

Planning and Zoning Commission Minutes

August 8th, 2016

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:05pm.

Members present: , , Paul Wisness, Vawnita Best, Butch Fleck, Doug Nordby, Les Haugen, Kris Mracheck, Doug Bolken, Jeremy Olson

Absent: Aaron Gravos, Bethany Devlin

Staff Present: Planner and Code Enforcement Officer, Jennifer Peglau; Planner, Shari Buck; Administrative Assistant, Brittany Cook; Building and Planning Director, Jim Talbert; GIS Coordinator, Aaron Chisholm; Building official, Scott Twogood; Planning Attorney, Ari Johnson.

Others: See sign in sheet.

Minutes of June 25th, 2016 were presented. **Motion to APPROVE Minutes: Olson, Second: Best: Voice Vote: All Ayes**

Unfinished Business:

Item 1: Melgaard Construction- The applicant is requesting a Conditional use permit request to construct gravel pit for industrial use.

Shari stated that Trey McCurley was new to the company and came to us to legitimize the scoria pit. She also stated that this pit is out in the middle of nowhere.

Commissioner Olson asked if they came to us.

Shari conformed that they did come to us.

Commissioner Fleck asked about the weeds on site.

Trey McCurley, representing Melgaard, stated that the county has already sprayed for the weeds.

Jim stated that the Conditional Use Permit requires a weed management plan.

Scott, building official, asked if we require archeological permits. I know it's a DOT standard.

Jim stated that we have not required that in the past.

Motion to APPROVE: Nordby, Second: Olson, Voice Vote: All Ayes

Public Hearings:

Item 1: ND27, LLC- The applicant is requesting a zone change to a Planned Unit Development. This development consists of Light Industrial Uses, and is in compliance with the Comprehensive Plan. The PUD is approximately 16 acres.

Shari stated that their PUD permit is not for workforce housing. They can come back in the future to amend that condition. They have an erosion control plan. They do have to have a construction bond.

Alan Crocket, representing ND27, LLC, stated that we have done everything we have been asked to do.

Jim stated that they have been great to work with.

Motion to APPROVE: Olson, Second: Best, Voice Vote: All Ayes.

Item 2: Caliber Bear Den Interconnect, LLC- The applicant is requesting a Conditional Use Permit to construct two truck off load facilities.

Shari stated that one of the sites is in a rural area. The other site is right by the Dakota Access DAPL plant.

Jim stated that the board approved the pipeline last month. This is just for the truck off load facilities.

Commissioner Nordby stated that he would like to have them pave their access if we decide to pave the road in the future.

Commissioner Best asked if they plan on using County road 30.

Jeff Skaare, representing Caliber Midstream, stated that they do plan on using County Road 30.

Commissioner Best asked Jeff if he knew that County Road 30 had a weight restriction.

Jeff Skaare asked what the weight restriction was.

Aaron Chisholm stated that it was 80,000 pounds right now.

Kris Mracheck asked how many trucks would be running a day.

Jeff Skaare stated that there would be anywhere from 5-15 trucks a day.

Commissioner Best stated that she wants two conditions added in the CUP. One being they will have to pave their access if they decide to pave road in the future. Another one being that they have to follow the weight restriction on the road.

Motion to APPROVE with those two conditions added: Best, Second: Haugen, Voice Vote: All Ayes

Item 3: Sacagawea Pipeline Co.- The applicant is requesting a Conditional Use Permit to construct the Johnson's Corner to Dakota Access Pipeline that will be approximately 2 miles in length. The pipeline will be 16" in diameter.

Shari stated that there were no comments for the public for or against this pipeline.

Kathleen Spilman, representing Sacagawea, stated that 2 miles of the pipeline is an already approved pipeline.

Commissioner Best asked if they had all permits and easements.

Kathleen stated they do have all of them. This was the last permit they need.

Motion to APPROVE: Fleck, Second: Wisness, Voice Vote: All Ayes

Item 4: Plote Contracting LLC- The applicant is requesting a Zone Change from Commercial to Light Industrial to support current land use. Applicant is requesting a conditional use permit for the employee housing. Employee housing will be occupied in summer months with the exception of one year around for security purposes.

Jennifer stated that this is a nice facility, they have their Certificate of Occupancy, and the site is fenced. She stated that they just want to bring this site into compliance.

Commissioner Nordby asked what type of business this is.

Larry Plote, representing Plote Contracting LLC, stated that this is a construction business, this spot is basically a shop for storage and the housing is strictly for employees.

Commissioner Wisness asked how many units there were.

Larry stated that he has 4 units now totaling 8 people. He wished to have a total of 5 units totaling 10 people.

Jennifer stated that he does have a bond in place at this moment.

Commissioner Wisness stated that the Alexander Township did approve this.

Motion to APPROVE: Wisness, Second: Olson, Voice Vote: All aye.

Item 5: Justice Oilfield Water Service- The applicant is requesting a Zone Change from Agriculture to Light Industrial to support current land use. Applicant is requesting a conditional use permit for the employee housing and diesel tank on-site.

Jennifer stated that this shop and land was sold to them with the employee housing. They were not aware that their Certificate of Occupancy did not support the employee housing. They are willing to make it safe for their employees to move back in. They will be installing a sprinkler system and whatever else Scott requires them to have. They have not received any comments about this site from the public. Arnegard Township did recommend approval.

Commissioner Best stated asked if the entire parcel has a weed plan not just the part they are asking for the CUP.

Jennifer stated that the entire parcel will have weed control.

Tracey Justice and Tina Wirholm were present to represent Justice Oilfield Services.

No audience Comments.

Motion to APPROVE: Nordby, Second: Olson, Voice Vote: All Ayes

Item 6: April Szostak- The Applicant is requesting a conditional use permit to legitimize an impound/sales lot.

Jennifer stated that they did have a comment from a neighbor Mr. Brown stating that his grandson lives in his home close to this proposed impound lot and he wants this area to stay a nice place for them. He does not want this to be approved. April told me that they would only have a 24 car limit.

Chairman Mracheck asked if the trees are used has a buffer.

April Szostak stated that they do go all around the fenced in yard. She also stated that she believed Mr. Brown is thinking of a different parcel that she is also worried about.

Joel Brown, concerned neighbor's grandson, stated that he would like a mat under every car that is placed in the yard in case if it starts leaking something in the future. He also would not like the security lighting to be on his property. He stated that there are more than 30 cars in the lot right including pull behind campers and trailers. He asked if the property will only be inspected once a year or more often than that.

Jim stated that the property is normally inspected once a year unless someone calls with a complaint or we just happen to be driving by.

Commissioner Nordby asked if their intent was to get rid of the cars that are put in the impound lot.

April stated that that was their intention to crush the cars that came in there.

Chairman Mracheck asked if the crushing is done there.

April stated that the crushing was done there.

Brian Szostak stated that the crushing will not be done there. They will be put on a semi and taken away.

Jim asked if this will be used as a salvage yard.

Brian stated that this will not be used as a salvage yard, but he is not opposed to sell a part or a whole car to someone. You can also store your camper for \$50 a month here.

Jim asked if they have more than 30 vehicles here.

Brian stated that there will only be 24 CARS on the lot at a time not including campers, pull behinds, or other things.

Jennifer asked when they would turn people away.

Brain stated that was a grey area, they haven't even thought about that.

Jennifer stated they don't want this to get out of control.

Brian stated that's why they have a fence.

Commissioner Haugen asked how long the cars stay there.

Brian stated after 30 days if someone doesn't claim it or come get the vehicle or camper they file for a lost title and then sell it or crush it.

Commissioner Best asked if they have a state license.

April stated they do have all their permitting through DOT.

Commissioner Best asked if DOT requires a liner beneath the cars.

April stated that they do not.

Motion to TABLE: Nordby, Second: Olson, Voice Vote: All Aye

Item 7: Three Forks RV Park – The Applicant is requesting a conditional use permit to legitimize the existing RV Park.

Jennifer stated that our Building Official Scott gave them a 30 day stop work order. The stop work order was for them to remove the Add-ons. She stated that she gave them 30 days to remove the trash and abandoned RVs that are in the park. They did not remove the add-ons so we then placed 24 hour power shut off notices to all RVs. She stated that the state has also had problems with this park. They are recommended denial due to no one working with the office.

Chairman Mracheck removed himself from the vote and conversation due to knowing the landowner.

Commissioner Nordby asked if they have been working with us.

Jim Talbert stated that Evan has worked with us a little bit.

Commissioner Olson asked if we should have to ask someone to clean something up like this.

Commissioner Haugen asked if they got the violation done within the 30 days.

Evan Ingram, representing Three Forks, stated that he is not making excuses just trying to explain why the park is the way it is today. When he was notified about the violations he was not able to get the add-ons taken down within the 30 days. The residents were not working with me in removing them. I asked for a 3-4 day extension and asked my lawyer if I was able to just tear it down myself. He said that I could. After the 24 hour power shut off notice was given I had the add-ons removed that evening. He stated that he should have kept up with the property.

Jim asked why we should continue to let this violation happen.

Evan stated that they should allow this because they have his word to keep it up to their standards. He also has a lot of money into this park.

Commissioner Best stated that his word isn't good enough because as a business owner you should want to keep this up. If this place has got this way because of money then what does adding more conditions will not help your cause.

Commissioner Olson asked if this would have broken their grandfather clause.

Jim stated that yes their grandfather clause is broken.

Evan stated that this place has not always looked this. This park use to look very nice. We need to step up and put a little more money into it. He stated that he is willing to meet all the conditions.

Commissioner Best said they built workforce housing for over a 100 drilling wells. WE will not see that again so we don't need all these RV parks.

Evan stated that we wouldn't need to see that for them to recuperate.

Ari stated that they have been in his office for previous violation.

Evan stated that the previous violation was for the skid units they placed there. They payed about \$12,000 for those skid units.

Jim stated that the fee they paid was a tax not a violation fee.

Commissioner Fleck asked if all the units on the property lived in.

Evan stated that all of them but one unit is being lived in.

Commissioner Best asked if they are removing the units and taking them to a permitted junk yard.

Evan stated that he has taken the abandoned units to the junk yard on highway 85.

Commissioner Fleck asked if we don't give him a CUP will they have to remove everything.

Jim stated that they question is do we what this kind of business in our county.

Commissioner Haugen asked if we have had any contact with the landowner.

Jennifer stated that we have not had any contact with the land owner.

Evan stated that they have had problems with the landowner before. The problems were the same concerns as the counties.

Jim asked if they were okay with all the conditions that were placed.

Evan said he was willing to do anything.

Jennifer stated that Brittany was out to the site Saturday and there was a lot of trash still on site. It looked like a RV pulled out and left all kinds of trash and junk behind. What would be a time frame on how soon you would be able to get that cleaned up?

Evan stated he would be able to have it all cleaned within 48 hours.

Motion to DENY: Best, Second: Haugen2, Voice Vote: All Ayes.

Item 8: Zoning Ordinance

Jim read the letters from the Oil industry. Jim stated that most to these concerns were in the ordinance from day one. The new ordinance actually simplifies their process.

Commissioner Best asked who sent the concerns.

Jim stated that Ron Ness with the petroleum council and many others with the council.

Commissioner Olson asked if all the letters were the same.

Jim stated that they were all basically the same, Copy and paste. They may have added a line or two. Jim stated that they have tabled the Radioactive Waste and odor ordinance at this time.

Rob Linberg, audience comment, stated they need more time to look at the changes. He is asking if this can be tabled one more meeting.

Josh Moore, audience comment, stated they need more time as well, they wish to have it tabled one more time as well. He stated they are more than willing to sit down with staff with any concerns they come across.

Commissioner Best asked if we should make a timeline for the comments so Jim can get the changes made in time.

James Demorit, audience comment, stated he wants his concerns addressed.

Jim stated that August 24th was a good deadline.

Move to TABLE: Olson, Second: Best, Voice Vote: All Aye.

Move to move the September meeting the 13th: Norby, Second: Olson, Voice Vote: All Aye.

Adjourned at 8:03

Planning and Zoning Commission Minutes

September 13, 2016

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:01pm.

Members present: Paul Wisness (arrived 5:05pm), Vawnita Best, Butch Fleck, Doug Nordby (arrived at 5:05), Les Haugen (Left at 6:45pm), Kris Mrachek (arrived 5:26pm), Aaron Gravos, Jeremy Olson (left at 7:09), Bethany Devlin

Absent:

Staff Present: Planner and Code Enforcement Officer, Jennifer Peglau; Planner, Shari Buck; Administrative Assistant, Lacey Fink, Permit Coordinator, Brittany Cook; Building and Planning Director, Jim Talbert; GIS Coordinator, Aaron Chisholm.

Others: See sign in sheet.

Minutes of July 25th, 2016 were presented. **Motion to recommend APPROVAL of the Minutes: Best, Second: Gravos: Voice Vote: All Ayes**

Minutes of August 8th, 2016 were presented. **Motion to recommend APPROVAL of the Minutes: Fleck, Second: Gravos: Voice Vote: All Ayes**

Unfinished Business:

Item 1: April Szostak – Szostak Services- The applicant is requesting a conditional use permit to legitimize an impound/sales lot.

Jennifer stated the applicant has a total of 9.9 acres 4 of those are fenced off for the impound/sales lot. She stated there is a tree buffer around the fenced in area. She also stated this impound lot would help the county out with the abandoned car program. The max amount of days of abandoned/scrap cars is 30 days. The maximum amount of cars would be 100. Scrap cars would have a 30 day turn around to be removed and deposited of properly.

Commissioner Olson asked if this was the second time they have been before them.

Jim Talbert stated that there were still a few questions left unanswered the last time they were before you. Those questions have now been answered and we are recommending approval.

Jennifer stated since we will be working with her so closely, I will be reviewing her almost every month until I feel there is no longer a need.

Commissioner Best asked if the concerns with the concerned citizen have been resolved.

April Szostak, representing Szostak Services, stated they have been resolved.

Jim Stated the distance is far enough away they don't feel it will be an issue. The site is on County Road 30 and we feel this would be a good site for this type of business because the surrounding areas are industrial uses.

Commissioner Fleck stated that one of the concerns were the drippings from cars. He asked if that has been taken care of.

Jennifer stated there will be ground barriers underneath each vehicle..

April stated that they have organized the lot better and classified each area for sales, storage and/or salvage.

Commissioner Best asked if you have a solution for vermin problems.

April stated that they take of that weekly.

Commissioner Best asked if we could add that to the conditions. Also, asked if the applicant had any issues with that condition being added.

Motion to recommend APPROVAL to the County Commission with condition #11 added stating the applicant take care of any vermin nuisance : Fleck, Second: Best, Voice Vote: All Ayes

Public Hearings:

Item 1: Zoning Ordinance

Jim Talbert stated he met with all the representatives from the petroleum Council to receive their comments; he then took them into consideration and looked back at the zoning ordinance. 2 days ago the NDIC sent a letter stating that per the Century Code the land uses that NDIC has jurisdiction over and that they regulate to be excluded from the new zoning ordinance. Jeff Huber stated if we adopt the IFC (International Fire Code) then we either adopt everything the state did or we adopt nothing at all. Mr. Talbert also suggest we change anywhere in the IFC that states Fire Marshall to Fire Official. That way it gives us more flexibility on whether we hire a Fire Marshal or a Fire Inspector. The State Fire Marshal stated that his office would be willing to assist in the initial inspections as the County pursues applicants.

Commissioner Best asked if Jim would send a clean copy to the full email list you have been in contact with.

Jim stated that he will make the recommended changes and send a clean copy to the Commission and everyone that he has been corresponding with concerning the Ordinance.

Jeff Huber, State fire Marshall, stated that Jim has done a fantastic job.

Beth Skedsvold, audience comment, asked if they include notification rules in the ordinance regarding violations. She stated that she would have like to have been notified about a violation on their property. She stated that she feels the legal owner should be found and notified about something in violation on their property.

Jim stated that he apologized for any information that was not given to her. He further stated that the Department makes every effort to notify the owner and the violator.

Beth Skedsvold stated that all she received was an easement to sign that was very vague, stating that the county can come on the property and remove the violation.

Jim stated that we should include a cover letter explaining the violation and the procedure moving forward.

Commissioner Fleck asked if we vote for the zoning ordinance do we vote for the IFC.

Mr. Talbert said if he votes for the ordinance as it is written he would be also voting for the IFC as it is part of the ordinance.

Chairman Mrachek stated he is not going to vote since he came in late for the meeting and early parts of the discussion of the ordinance.

Motion to recommend APPROVAL to the County Commission with the changes: Nordby, Second: Gravos, Voice Vote: Commissioners Devlin, Wisness, Haugen, Best and Nordby vote Aye; Commissioner Fleck voting Nay.

Item 2: XTO - The applicant is requesting a Zone Change of a ten acre parcel from Agriculture to Light Industrial. The property is located in a Transition Area.

Shari stated that there are no plans at this time to develop the site or any specific plans for the site.

Commissioner Nordby stated he wanted to know what the Comprehensive Plan designation was for this site and said there would be a problem putting something industrial in this zone because of the proximity to the National Park. The Comp Plan is designed Agriculture.

Dan Collins representing XTO stated they have no plans for building at this time and if they ever did in the future it would be for light industrial. We want the zone change because we own the land.

Commissioner Nordby stated if you have no plans why are you asking for a zone change.

Dan stated nobody is farming on that property and that he is a representative for XTO and they are waiting to see how the market goes prior to making plans.

Commissioner Haugen stated if you have no plans why change it.

Dan stated I don't know, just for the future.

Aaron Chisholm stated it is currently designed Agriculture in the Comp Plan.

This discussion revolved around the question if this property was in the Transition Area of the Comp Plan. It was determined that it was not in the Transition Area. Commissioner Nordby thought development was too far south along Highway 85 and was not appropriate.

No audience comments.

Motion to recommend Denial to the County Commission: Olson, Second: Best, Voice Vote: All Ayes

Item 3: PXI, Inc. – The applicant is requesting a Zone Change of one parcel from Agriculture to Light Industrial.

Shari Buck stated that the property is located in Section 25 near the landfill and they have gone through the Arnegard process and they recommend approval of this zone change. PXI has zone- changed three other contiguous parcels to Light Industrial. For some reason, this parcel was left out of the earlier zonings.

Commissioner Best asked if this is a transition zone.

Aaron Chisholm stated yes, it's a transition zone.

No audience comments.

Motion to recommend APPROVAL to the County Commission: Olson, Second: Nordby, Voice Vote: All Ayes

Item 4: McKenzie County Sheriff – The applicant is requesting a Conditional Use Permit to construct a Law Enforcement Gun Range.

Shari Buck stated that this will be a supervised shooting range and that Arnegard approves and that the sheriff's department has done a good job and that this would be temporary for a few years. The only condition the Planning Staff is asking to change is to have an 8 foot chain link fence up before use.

Deputy Luhman stated that was okay to get the fence up and that they plan to have it for 25-50 years. Deputy Luhman stated it is temporary 25-50 years until the landfill need the space.

Commissioner Nordby asked if it's been excavated.

Deputy Luhman state it has not been. There are a few piles of dirt that forms a berm.

Commissioner Best stated if the area needs anything done with the weeds.

Jim Talbert stated that this area used to be a landfill and figured it's been scraped and has no weeds.

Deputy Luhman stated that they would have the shooting area mowed as needed.

Commissioner Olson stated to add weed control to a condition.

Commissioner Nordby asked is that the exact spot you told us when you came to the meeting.

Deputy Luhman stated yes.

Commissioner Best asked if the construction maintenance was already added in the budget.

Deputy Luhman stated when the Sheriff's staff has down time they will go maintain the property and the budget is out of the Sheriff's department budget.

Russ Howes, audience comment, asked if there were any restrictions on what they are shooting.

Deputy Luhman stated it is not open to the public. It is only open to law enforcement.

Deputy Luhman stated handgun caliber, 22 Cal to 45 ACP, 22 Caliber, 380 ACP, 38 Special, 357 Mag, 357 Sig, 9MM, 40 S&W, 45 ACP, Rifle Caliber, 22 cal, .223 Caliber, 5.56MM, 308 Win, 308 Win Mag, Shotgun, 12 gauge, Launcher, 37 MM and 40 MM. He stated they will be shooting to the south.

Commissioner Wisness asked what happens to the gun range if the gun range is needed for the dump.

Commissioner Nordby stated at some point the gun range will just go away.

Commissioner Best asked who designed the specifics for the gun range.

Deputy Luhman stated Suhail had one of the county engineers design it. He also stated the EPA had requirements for lead removal.

Commissioner Best asked who engineered the site.

Deputy Luhman stated Ulteig did the drawings.

Shari stated that they have to clean up the lead/shells after shooting.

Motion to recommend APPROVAL to the County Commission: Wisness, Second: Best, Voice Vote: All aye.

Item 5: West Dakota Water LLC – The applicant is requesting to construct a Fresh Water Pipeline that will connect to an already approved, under-construction line.

Shari Buck stated that it is connecting to an existing pipeline.

Commissioner Gravos asked if the shapefile has been filed with Aaron.

Jim Talbert stated a shapefiles are filed after the pipe has been laid.

Motion to recommend APPROVAL to the County Commission: Gravos, Second: Nordby, Voice Vote: All Ayes

Item 6: - Arrow Electric – The applicant is requesting a Zone Change to a more appropriate zoning for the use.

Shari Buck stated they are requesting approval to zone change to light industrial from Ag in this area and Arnegard township gave approval.

Jim Talbert stated light industrial would be the best zoning for what the area would consist.

Motion to recommend APPROVAL to the County Commission: Olson, Second: Gravos, Voice Vote: All Aye

Item 7: Rough Riders Propane - The applicant is requesting to store small propane tanks, and permit a propane filling station. The primary storage tank is 1000 gallons.

Shari Buck stated the CUP is for storage/filling tanks and transporting. They need to get an inspection from the state fire marshal and a few weeds still need to be cleaned up. She said they approve of the site of location and that there are no homes in the area and they have permission to drive into the area because the land owner owns both parcels.

Jim Talbert stated all state inspections and county requirements need to be met before operating the business.

Shelly Fleck – President of Badlands Integrity Group and representative for Rough Riders Propane stated she was thrown in when Jeff (the owner) got pulled over for too many tanks.

Commissioner Best stated that there are 25 conditions and wants to know why there is not a perimeter fence requested.

Jim stated that there is no fencing per request.

Shari stated that the tanks are locked in cages and not a lot of activity for a fence to be needed and that nobody will be coming into the site other than authorized personnel.

Jennifer Peglau asked do you weigh tanks when they are filled.

Shelly stated they only fill their 1,000 gallon tank to 800 gallons because of North Dakota summers and winters, with the possibilities of expansion of gases.

Jennifer stated she is asking about the cylinders that are being filled on site and then delivered.

Jeff Novak (owner) stated they have a meter scale on site.

Shelly stated they will have a fire extinguisher and a sign put up.

Jim stated before operation this site needs to be inspected by Kyle Shockley the State Deputy Fire Marshall and our office.

Shelly stated they will meet or exceed with any laws by us.

April Szostak, audience comment, asked when the tanks are bled off, are they being watched carefully so it is not leaking into the air.

Shari stated that is state regulated.

Shelly stated nobody is around for 300 feet and we also have no problem with bleeding off.

Motion to recommend APPROVAL to the County Commission Approve: Olson, Second: Haugen, Voice Vote: All Ayes.

Item 8: NST Express - The applicant is requesting laterals to interconnect into a previously permitted oil pipeline.

Shari Buck stated this CUP has been approved by Sioux Township with the stipulation that an easement must be in place before the line can be built on that land.

Jim Talbert asked what the length of these lines are going to be.

Paul Forsting-representative from NST Express stated they are a couple hundred feet.

Commissioner Haugen asked about the easements.

Paul Forsting stated the easements will be in place before the project is started.

Jim stated if they use eminent domain, they would have to come back before this board.

Paul stated he does not believe they will have to use eminent domain.

Commissioner Best asked if NST was fine with condition #10 added that if they take land over with eminent domain, they come back before this board.

Paul stated yes.

Motion to recommend APPROVAL to the County Commission with condition #10 added stating if they take over land with eminent domain they come before this board: Best, Second: Olson, Voice Vote: All Aye.

Item 9: Quaser Inv, LLC – The applicant is requesting a Zone Change from Agriculture to Commercial to support an existing motel use.

Shari stated the Arnegard Township approved the zone change from Agriculture to Commercial.

Karen George-representative for Quaser Inv. LLC stated she took ownership August 19th and within 21 days of ownership that they have already moved the illegal approach back 500 feet. She also stated they are currently operating under a grandfather status they would like to be zone changed to make improvements to the property.

Jim Talbert stated they were too close to Highway 85 and they did move back.

Commissioner Fleck asked if they were in good standing.

Jim stated yes they are and this is a good looking facility.

Motion to recommend APPROVAL to the County Commission: Fleck, Second: Wisness, Voice Vote: All Aye.

Item 10: Indian Hills Development

Tabled by applicant.

Item 11: Bloom Enterprises – The applicant has not met conditions on the CUP 0005-13 that was approved on September 17, 2013.

Jennifer Peglau asked if we could accept cash in lieu of bond because they have had trouble receiving a bond because they are in receivership. They have stated they have had some problems with funds. She also stated that they have no certificate of occupancy on the shop and that they are working with our building official to bring the shop into compliance so that they can receive a certificate of occupancy.

Marilyn Noonan– representative for Bloom stated they do not have any issues with funds now.

Jim Talbert asked how much are we asking for.

Jennifer stated \$37,500 for cash in lieu of bond.

Jim asked if we can have the cash within 30 days.

Marilyn stated yes, I'm assuming.

Jim stated if not we will bring the CUP back before the P&Z board for revocation.

Chairman Mrachek asked if we have to develop a process for this one time.

Jim stated we are working with attorneys to get a contract in place so both parties are protected,

Commissioner Best asked if there is any occupancy as of now.

Marilyn Stated no but there are people scheduled to move in the beginning of October.

Jim stated nobody can move in until everything has been taken care of.

Commissioner Fleck stated that if we take this money we will have something in case they decide to just leave it.

Commissioner Olson stated more than we have now.

Motion to recommend APPROVAL to the County Commission: The cash in lieu of bond: Nordby, Second: Fleck, Voice Vote: All Aye

Item 12: Williamson Properties LLC – The applicant has not met conditions on CUP 0044-13 that was approved on October 22nd, 2013.

Jennifer Peglau stated that the pictures presented to commissioners are a week old and he has been in the process of cleaning up and getting a bond.

Darwin Williamson – Representative for Williamson Properties stated they are still in the process of cleaning up, he has no excuses and expects to have it all cleaned up by the weeks end.

Jennifer asked if the appliances have been moved yet.

Darwin stated no, some of the appliances were out for repair.

Jennifer asked if there were any dumpsters on site for all the debris.

Darwin stated yes, in the process.

Commissioner Nordby asked what type of facility this is.

Jim stated this is a trailer park. He is trying to get things cleaned up. He stated he is in favor of tabling for 30 more days to have everything cleaned up or revoke it.

Commissioner Best stated that the pictures are very frustrating.

Jim requested to table the project for 30 days, at which time they must have a bond in place and have Darwin clean up the site to be in compliance. Once they are in compliance we will look at a PUD, or zone change to R-3.

Jennifer stated she's done a lot of research on section 25, needs to meet conditions with 2012 CUP from Arnegard. What we do with this one today needs to be consistent across the board with all the other properties we bring in front of you. She stated she is not very happy with the 30 more days.

Darwin stated that there has been a lot of rain lately and with that the weeds grow rapidly.

Chairman Mrachek stated that he's had over 3 years to clean up.

Commissioner Best stated the bar is low and disappointing. Also, we've been working with people and we shouldn't have to come to this, the staff tries to resolve problems before this.

Marlin Williamson (Darwin's brother) audience comment, stated it's been 3 ½ years and nothing has been enforced and weeds grow fast. You guys should be looking at what Darwin has done thus far, the pictures do not do justice for him.

Jim stated the conditions of the CUP have been in place since 2013. And that a bond should have been set in place 3 years ago. And that the staff/county has been very patient, 3 ½ years is hardly a rush to judgement. Mr. Talbert said he went out in the spring of this year and told Darwin what needed to be fixed and last week he went out again and it has not been improved.

Marlin stated this procedure should be done with other people as well.

Darwin stated it's taking 3 years to catch up, this is his whole life. He stated he works a 9-5 job just like we do and it is hard to keep up with his property.

Chairman Mrachek stated we understand your concerns, but your place needs to be clean and up to standards and follow the rules.

Motion to TABLE for 30 more days to get bond in place as well as clean up: Nordby, Second: Wisness, Voice Vote: Bethany Devlin, aye; Paul Wisness, aye; Vawnita Best, nay; Jeremy Olson, aye; Doug Nordby, aye; Aaron Gravos, aye; Butch Fleck, aye.

Item 12: Fee Schedule Updates

No Board comments

No audience comments

Motion to recommend APPROVAL to the County Commission: Nordby, Second: Gravos, Voice Vote: All Aye

Adjourned at 7:15

Planning and Zoning Commission Minutes

October 12, 2016

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 4:57pm.

Members present: Paul Wisness, Vawnita Best, Butch Fleck (excused himself at 6:10 pm), Doug Nordby, Les Haugen, Jeremy Olson, Bethany Devlin.

Absent: Kris Mrachek, Aaron Gravos

Staff Present: Planner and Code Enforcement Officer, Jennifer Peglau; Planner, Shari Buck; Administrative Assistant, Lacey Fink, Permit Coordinator, Brittany Cook; Building and Planning Director, Jim Talbert; GIS Coordinator, Aaron Chisholm.

Others: See sign in sheet.

Minutes of September 13, 2016 were presented.

Motion to recommend APPROVAL of the Minutes: Best, Second: Nordby: Voice Vote: All Ayes

Discussion Items:

Item 1: Code Enforcement

Unfinished Business:

Item 1: Williamson Properties- The applicant has not met conditions on CUP 0044-13 that was approved on October 22, 2013.

Jennifer Peglau stated she spoke to the Bonding agent regarding the reclamation bond for Williamson; they are in the process of completing it. It's a long process to receive a bond especially when you own 4 businesses like Williamson has; the Bonding agent has to look at everything. Jennifer says she is fine with this because the applicant is actively working with it.

Commissioner Doug Nordby asked if the property was looking better.

Jennifer stated yes, it's looking better and thinks we should table since Williamson is going in the right direction.

No Audience Comments.

Motion to Best, Second: Nordby, Voice Vote: All Ayes

Item 2: Indian Hills - The applicant is requesting an amendment to the current CUP 0027-13 to legitimize the mobile home trailer on location for employee living.

Jennifer stated the applicant is asking to allow a trailer on site for his personal living quarters. When she first talked to him there were 3 RV's and 1 trailer on sight and the 3 RV's have been removed since then. She stated the applicant should supply a bond if we go ahead with the approval with the trailer.

Commissioner Olson stated that the bond would allow some recourse if the property doesn't meet there conditions.

Jennifer stated the original conditions didn't include a bond therefore if we approve this we can ask for a bond.

Commissioner Best asked what the reasonable bond amount is.

Jennifer stated it just depends on the whole property and we would have to get an engineer's estimate.

Commissioner Olson asked what is a reasonable time frame for a bond to be set in place.

Jennifer stated with new applicants we need to explain the bond procedure more because they are tricky and could possible require a lot of money down- like this one for Williamson; I'd say 60 days would be a good time frame.

Commissioner Olson stated we need to adopt a formal underline for when an applicant needs a bond.

Jim Talbert stated that it was put in the new ordinance to take 30 days and if the applicant is actively working we will allow them more time if they have been actively working on it. The CUP is also not approved until we have the bond.

Jennifer stated the bonding company wants an approval letter stating they need a bond and how much they are requiring for a bond. When the applicant is not in violation it is easier for them to get a bond. When the bonding company knows they are in violation they have a harder time giving them a bond especially if they know we as staff are recommending denial.

Jim stated this particular bond will be small around most likely ten thousand dollars or less.

Commissioner Fleck asked if they knew how long it takes to get a bond.

Jennifer stated once we have them in place we are protected. A reclamation bond last forever, unless they get a letter from us stating that they no longer need a bond.

Commissioner Best asked if there were any thought to relocate the employee housing.

Rich Wilder, representative and 1 of 6 owners for Indian Hills, stated yes, but would like to have the trailer stay there as it is used as housing as it is already hooked up to water and sewer and decided to stay in it instead of leaving it vacant.

Commissioner Olson asked if it will cost the applicant ten thousand to get bond, worst case scenario. He asked the applicant would he rather move the trailer or get a bond and have to pay that much money.

Rich Wilder stated he doesn't have ten thousand dollars to do that right now.

Jim stated the bond in a whole would be \$10,000 and the applicant would have to pay a percentage of that \$10,000.

Jennifer stated there are a lot of factors in determining how much the applicant pays for the bond, they ask for down payments for collateral.

Rich Wilder stated he has someone who lives in the trailer while he leaves for a period of time to keep an eye on the property. He also stated that in the future he is looking at having a couple manage the apartments and they would need something bigger than a studio apartment.

Jim stated they have allowed in the past for 24 hour watchman or property manager have a trailer on site and doesn't seem out of reason.

Commissioner Best asked the applicant if he has an issue with getting a bond.

Rich Wilder stated no, I just hope I can afford it. He stated that Jennifer and Jim have been working with him and he will do anything they request.

Jim stated you have to commit to either removing the trailer or get the bond is what Commissioner Best is saying.

Rich Wilder stated that he will commit to having to get a bond set in place.

Motion to recommend APPROVAL to the County Commission with the condition of having 150% bond set in place: Best, Second: Nordby, Voice Vote: All Ayes

Public Hearings:

Item 1: Tesoro Great Plains

Tabled by applicant.

Motion to Table: Best, Second: Haugen, Voice Vote: All Ayes

Item 2: Watford Ridge LLC – The applicant is requesting a Zone Change from Agriculture to R-3.

Shari Buck stated the applicant is requesting a zone change from Agriculture to R-3, their property is very nice and we see no issue with going forward with the zone change. She also stated that they have been working with Jennifer for quite some time now. They would be getting rid of their CUP. Commissioner Olson asked if they are getting rid of their CUP.

Jennifer stated that the applicant is compliant with the CUP.

Jim stated that the applicant has cleaned up the area and this is a nice facility.

No Audience Comments.

Motion to recommend APPROVAL to the County Commission: Fleck, Second: Wisness, Voice Vote: All aye.

Item 3: Sue Powers-Hartman – Conditional Use Permit to allow a water depot.

Shari stated we have received 3 letters with objections from surrounding land owners – Duane and Cynthia Beckert, Kolleen Kubik and Lindsey Hovden. With the downstream of water coming through, we don't deal with water permits you can reference the state engineer letter for information.

Commissioner Olson stated that they are looking at the facility for planning and zoning only.

Shari stated the applicant is asking for 5 tanks with water storage.

Jim stated do your conditions have a bond to be set in place.

Shari stated the conditions didn't include having a bond but could add it.

Jim stated the state agreed the pond was illegal.

Nanette Edmondson, representative for Sue Powers-Hartman, put engineer on hold. Their temporary water permit is for 60 acres foot but the maximum rate of withdrawal has been reduced to 300 gallons per minute instead of 400 gallons per minute.

Commissioner Fleck asked if trucks were going to be hauling in and out of the area.

Nanette Edmondson stated she doesn't believe trucks will be hauling water from site, she can't imagine the road would be usable for truck access.

Jim stated that the roads out there are not prepared for trucks going in and out.

Commissioner Olson asked if the applicant is on the hook to remove the pond prior to approval of the CUP.

Jim stated we can add the conditions; he state that his understanding was that the pond was not being used and water was no longer being diverted into the pond.

Nanette Edmondson stated she would rather remove the pond the engineer is getting expensive.

Jim stated that we want the pond removed.

Commissioner Olson stated we are not permitted to approve a CUP where there's a violation with the pond.

Jim stated the applicant needs to bring the pond area back to its natural state, no more berms.

Commissioner Olson agreed to bring the pond back to normal.

Commissioner Best asked if the State engineer is concerned with it and if it's a safety hazard for the land owners downstream.

Nanette Edmondson stated the pond hasn't consistently produced – the diversion is what the state is worried about.

Commissioner Best stated they have to be in compliance and the state engineer's stop work order was still an issue.

Commissioner Haugen stated he is concerned with Charlie Creek and agriculture should be searched. .

Commissioner Olson asked if the Charlie Bob Creek was being pumped and how this affects downstream users of the water.

Jim stated that this is an ongoing question and problem with the State's permit policy. It appears to many that the State is allowing so much water to be pumped from streams and ponds that the livestock and ranchers downstream are being adversely affected.

Commissioner Best stated their permit was placed on administrative hold.

Commissioner Olson stated we can control the dirt not water so were on the same page.

Jim stated if it's unclear where the State stands on the permit that we should table this application and allow the applicant to get documentation from the State to show things are in compliance to make a confirmed decision.

Commissioner Fleck asked if the state says anything about the pond being used.

Nanette Edmondson stated 56 gallons a day was the agreement.

Jim stated if the State water permit expires at the end of Dec. 2016 and if this CUP for water tanks is approved, the CUP can be renewed and can be done administratively.

Nanette Edmondson stated it's not worth causing havoc with local landowners and was not compliant with the state engineer.

Commissioner Best asked what the hold is with the state engineering.

Nanette Edmondson stated the applicant is causing the hold because they do not want to spend seven thousand dollars to complete the engineering study. Financially she doesn't know if they want to do that or not. She stated that she thinks they would rather make the creek go back to its original course and put seed and grass over the spot to cover and hopefully bring in the 5 water storage tanks.

Merle Foss, audience attendee, stated his family goes back 4 generations just North of where this pond is located and wants the applicant to be dealt with fairly. He wrote a letter a year ago when the pond was created and the applicant wasn't compliant. He stated it's not so much with the pond, his property is above it but his property goes through Beaver Creek and for decades the cattle would come down to get water. He saw them trenching and that would speed the flow of the water. He was concerned with water coming off his beaver dam.

Motion to TABLE: Wisness, Second: Best, Voice Vote: All Ayes

Item 4: - Wolverine- Jonas Crump – The applicant has not met conditions on CUP 0013-13 that was approved on September 17, 2013.

Jennifer stated they are currently in violation, they added 4 Fema trailers which broke their CUP and their nonconforming use. The game plan is to subdivide the land, get a bond in set for the trailers so they can be compliant, and over the next year move the housing from Wolverine down to Stonegate and rezone that parcel.

Staff recommended to table it until next month.

Motion to Table: Nordby, Second: Best, Voice Vote: All Aye

Item 5: Eagle Rock Timber- The applicant has not met conditions on CUP 0043-15 that was approved on April 21, 2013.

Jennifer stated they never had a bond or CUP set.

Motion to Table by applicant: Nordby, Second: Fleck, Voice Vote: All Ayes.

Adjourned at 6:12 pm

Planning and Zoning Commission Minutes

November 14th, 2016

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:07pm.

Members present: Paul Wisness, Vawnita Best, Butch Fleck, Doug Nordby (arrived at 5:14 pm), Les Haugen, Aaron Gravos, Bethany Devlin.

Absent: Kris Mracheck, Jeremy Olson.

Staff Present: Planner and Code Enforcement Officer, Jennifer Peglau; Planner, Shari Buck; Administrative Assistant, Lacey Fink, Building and Planning Director, Jim Talbert; GIS Coordinator, Aaron Chisholm; Ari Johnson, County Attorney.

Others: See sign in sheet.

Minutes of October 12th, 2016 were presented.

Motion to recommend APPROVAL of the Minutes: Fleck, Second: Gravos: Voice Vote: All Ayes

Unfinished Business:

Item 1: Williamson Properties – The Applicant has not met conditions on CUP 0044-13 that was approved on October 22, 2013.

Jennifer Peglau stated that the applicant still has no bond in place but has done a lot of clean up since the last time, he still has a lot of work to go but he is working on it and working on the collateral for bond.

Darwin Williams stated the hold up with the bond has been with his accountants and having multiple businesses, he stated he was approved for the bond today but the bank wants letter of credit or \$44,000 collateral down to get the bond. He expects to have the bond by the end of this week.

Jennifer stated it's an irrevocable letter of credit and they are very hard to get. The bank has a board meeting this Wednesday to look it over.

Commissioner Nordby asked if Darwin is trying?

Jennifer stated yes.

No Audience Comments.

Motion to Table: Nordby, Second: Gravos, Voice Vote: All Ayes

Item 2: Sue Powers-Hartman – The water depot will contain 5 frac tanks for water storage/sales.

Shari Buck stated we recommend the applicant to be tabled because issues are still standing. As of today we received a letter from the office of state engineer and the applicant is in compliance with the office of state engineer. She stated she went out to location today and took new pictures of site. The staff recommends tabling this for the 5 frac tanks, there's a lot of reclamation work to re-store to the pre-existing conditions.

Jim Talbert stated the applicant has two regulations, the first is to meet with the state requirements concerned with the creek flowing naturally and second, the location needs to go back to its natural state, the applicant needs to add grading and at this time the applicant should be tabled. He also stated the applicant needs to have the site replanted to its natural state and to be reseeded. He recommends a bond be set in place for 2 ½ years for vegetation to hold and get back to how it was.

Commissioner Fleck stated it will be hard to get the site back to its vegetation and with the limited amount of water in the stream.

Commissioner Haugen asked if there has been any seeding done yet.

Jim stated not at this time and doesn't make sense to do it this late in the year.

Commissioner Haugen stated he's known people to seed this late in the year and has worked out.

Jim stated the location is not ready to be seeded that they should wait till spring and to cover that portion in the bond.

Shari stated she had 2 phone calls today from landowners next to location who have sent in written letters previously – Cynthia Beckert and Kolleen Kubik and they want to bring this back to its natural state and concerned with the amount of trees that were brought down and would like to see those replanted and reclaimed.

Nanette Edmonson-Representative stated they are finishing the grade and it will be done.

Jim stated the applicant should talk to the soil conservationist and have it restored.

Nannette Edmonson stated she doesn't have a problem doing this; they do it all the time.

Commissioner Fleck stated he has seen the applicants do some work.

Nanette Edmonson stated they have been doing work with the excavator.

No Audience Comments.

Motion to Table with additional information, applicant needs to be in compliance with health construction and environmental disturbances. Re-establish a vegetative cover as soon as possible to minimize erosion. Applicant needs to do more grading, the slope is too steep and to get in contact with the soil conservationist: Nordby, Second: Haugen, Voice Vote: All Ayes.

Public Hearings:

Item 1: Tesoro Great Plains Gathering and Marketing LLC – The applicant is requesting a Zone Change from Agriculture to Industrial.

Shari Stated the parcel was added to light industrial, and they do meet the requirements.

Adam Plunsky, representative for Tesoro stated the applicant has no construction plans currently that's it for future use only.

Commissioner Fleck asked if we had a similar situation awhile back.

Jim stated yes, part of their requirements and reasoning were different.

Adam Plunsky stated they are only requesting the zone change for any future expansion.

Commissioner Best asked if this will bring them to compliance.

Jim stated the small parcel is zoned as agriculture and it would be consistent with what's around them. He also stated they can't support the applicant unless a 2 acre minimum be picked up for additional land and they now have 2 acres.

Commissioner Haugen asked if the applicant owns the land between them.

Jim stated no.

Commissioner Best stated looking at 109th road, is that extensively traveled and do you know who owns it.

Adam stated the road is traveled on a lot and he does not know who owns it.

No Audience Comments.

Motion to recommend APPROVAL to the County Commission: Gravos, Second: Fleck, Voice Vote: All Ayes.

Item 2: McKenzie Electric – Shafer South – The applicant is expanding transmission lines to supply power.

Shari stated the applicant is adding 9 miles of transmission line and the staff is requesting approval.

Nick Cebulski – representative for McKenzie Electric stated they have re-submitted with approval letters from landowners and have 100% of the easements signed.

No Audience Comments.

Motion to recommend APPROVAL to the County Commission: Fleck, Second: Haugen, Voice Vote: All Ayes.

Item 3: Wildcow Subdivision Preliminary Plat: Tabled.

Item 4: Eagle Rock Timber: Cleared.

Item 5: Mark Gillette – The applicant is requesting a Zone Change from Agriculture to Light Industrial.

Jennifer stated there are two 5 acre parcels, one parcel has not been developed and the other has a shop. The parcels have a CUP and they are in compliance in Arnegard Section 2. Applicant wants a zone change from Agriculture to Light Industrial to support the current land use and surroundings. She also stated the applicant went in from of Arnegard Township and was approved.

Commissioner Best asked when do subdivisions trigger a zone change.

Jim stated it's already been subdivided into two 5 acre parcels and meets subdivision requirements and are requesting a zone change to what it should have been in the beginning – light industrial. One of the parcels is undeveloped and the other one is light industrial business.

Jennifer stated this is a transitions area in the comprehensive plan and the zone change would support this.

No Audience Comments.

Motion to recommend APPROVAL to the county Commission: Gravos, Second: Devlin, Voice Vote: All Ayes

Item 6: McKenzie Investments – The applicant is requesting a Zone Change from Agriculture to R-3.

Jennifer stated this is in the Arnegard Section 25; this is a transition area in the comprehensive plan. Applicant is requesting a zone change from Agriculture to R-3. R-3 would support their land use. They have subdivided their parcel with light industrial for their equipment and R-3 for the housing. With that being done we support the zone change.

Jim stated section 25 is one of these transitional areas we have approved light industrial and R-3.

Jennifer stated the amended zoning ordinance requires RV parks and mobile home parks to carry a reclamation bond; they have a bond in place already.

Jim stated this landowner has been jerked around with staff previously and the applicant has been working very hard to be in compliance and believes the applicant was treated unfairly.

Marilyn Noonan- representative for applicant stated the applicant has done a nice job out there and looks good.

No Audience Comments.

Motion to recommend APPROVAL to the county Commission: Nordby, Second: Gravos, Voice Vote: All Aye.

Item 7: CMG Oil and Gas – The applicant has not met conditions on CUP 0033-15 that was approved on January 20, 2015.

Jennifer stated she has been working with the applicant since October 20th and still no bond has been put in place. They were approved in January 2015 for a CUP to operate a scoria pit. They have had 3 CUP's and have not turned in one reclamation bond. They are not present today.

Commissioner Nordby asked if they're working on a bond.

Jennifer stated today they started working on the bond; they're not local but run businesses here.

Commissioner Nordby asked if they were up to date on stuff they are operating on.

Jennifer stated no, the applicant is not up to date and they are currently operating on one pit.

Commissioner Haugen asked if landowner was notified.

Jennifer stated she sent the landowner a public notice.

Commissioner Nordby stated they need to get a cease and desist to the applicant until they are compliant.

Commissioner Haugen stated they should try and call the landowner before sending a cease and desist.

Jennifer stated she only has addresses for contact information.

Commissioner Best stated she may have numbers to contact applicant.

No Audience Comments.

Motion to Instruct Jim to send a Cease and Desist letter to applicant: Nordby, Second: Gravos, Voice Vote: All aye.

Item 8: Hiland Crude: Cleared.

Item 9: Clean Harbors: Cleared.

Item 10: Bakken Base Camp: Tabled.

Item 11: Tervita

Jennifer stated she would just like a direction from the commissioners on how to move forward with their treatment facility. There is no bond set in place with their CUP that was issued. They came in to tell us they would not need their CUP any further due to be regulated by NDIC and the Health Department due to the acceptance of TNORM.

Jim stated we do have jurisdiction over TENORM.

Commissioner Best asked if a change of waste triggers the CUP.

Jim stated IHD took a similar stance and there was no recourse but there was talk regarding legal action.

Commissioner Best asked Jennifer how she found out applicant was hauling up to 50 picocuries.

Jennifer stated when they came in to withdraw their CUP they stated they in fact accept TENORM and it gets trucked out to Montana and the Johnsons corner location.

Commissioner Best stated we should send a written letter and follow up. She doesn't know any facility that can dispose 50 picocuries.

Jim stated the staff will investigate further, if they in fact accept higher than .05 picocuries we shall file a cease and desist.

Commissioner Nordby stated yes, that seems to be the only way to get through to these bigger companies such as the applicant.

Jim stated no one has been approved by the state to carry 50 picocuries. We have no jurisdiction under the NDIC.

No Motion was made, commissioners asked staff to investigate more: Olson, Second: Aaron, Voice Vote: All Aye

Adjourned at 6:17 p.m.

Planning and Zoning Commission Minutes

December 12, 2016

Meeting was held at the McKenzie County Courthouse in Watford City, ND and called to order at 5:01pm.

Members present: Paul Wisness, Vawnita Best, Butch Fleck, Kris Mracheck, Aaron Gravos, Bethany Devlin.

Absent: Les Haugen, Jeremy Olson, Gene Veeder.

Staff Present: Planner and Code Enforcement Officer, Jennifer Peglau; Planner, Shari Buck; Administrative Assistant, Lacey Fink, Building and Planning Director, Jim Talbert; GIS Coordinator, Aaron Chisholm; Ari Johnson, County Attorney

Others: See sign in sheet.

Minutes of November, 2016 were presented.

Motion to recommend APPROVAL of the Minutes: Fleck, Second: Gravos: Voice Vote: All Ayes

Unfinished Business:

Item 1: Williamson Properties – The Applicant has not met conditions on CUP 0044-13 that was approved on October 22, 2013.

Jennifer Peglau stated the applicant – Darwin has been working on getting his reclamation bond for a few months and we have tried many many options to receive approval for the reclamation bond for \$45,000 which he doesn't have right now.

Darwin Williams stated that he understands he's in violation and that it would've been easier if he had gotten his years ago when he first started but kept getting side tracked. He stated he would like the board to give him more time to continue to work on getting the bond in place. He thinks everything will change after the 1st of the year and that he is going through a financial hardship and he has no intent to leave, vacate or walk away from. He is just asking for more time and he will work on the bond. He stated all he has to offer is his word.

Jim Talbert asked Darwin how many people are currently in your RV Park that is paying rent and asked how many people would be there if it was full.

Darwin stated currently 20-25 but changes weekly and when it is full there are 90 people. The bank wants to see the occupancy at least 50%.

Jim stated and realistically, how long do you anticipate getting to that level, what is a time frame you want to give the board to get at least 50% full.

Darwin stated 3 months at the most.

Jim asked Ari the county attorney for any recommendations for revoking CUP.

Ari Johnson stated the board can table this until April, revisit and have the applicant make a new application, amend it or deny the approval today.

Jim stated my recommendation is not to table until April and would like Jennifer's opinion.

Jennifer stated she has gone above and beyond and doesn't want to shut him down but since 2013 he has had the chance to get the bond and would have been easier back then since he was full and receiving more income. She stated she is not trying to be hard on him but stated it is her job as a code enforcer and if we keep tabling this she doesn't understand why we need a code enforcer. She recommends we revoke applicants CUP, all options have been exhausted.

Commissioner Fleck stated that it's not fair to the ones who have obeyed the rules.

Jennifer asked applicant why he didn't submit a reclamation bond in 2013.

Darwin stated it was an oversight; he was more involved in the construction site and getting his business running.

Commissioner Fleck stated if we shut him down, we can't do anything until spring because we don't want to kick the people living there out in the middle of winter.

Ari stated there is adequate housing in the community; the applicant has been in violation for 3 years.

Commissioner Wisness asked if it would make any difference if we extended it for another month.

Darwin stated it is possible but with the holidays coming up it may be difficult, he stated at least February.

Commissioner Best asked the applicant if he has available collateral to put towards the cash for the bond.

Darwin stated not cash towards the bond, but there is collateral. He believes that since he is now working with the bank that has the mortgage, there is more of an interest to provide a bond.

Jim Talbert stated that we need to come up with a viable option to protect the county. I prefer to find a win/win when it is possible. Someone will lose, and I always prefer to side with people when we can. But we must protect the county.

Darwin said he had never made a lot of money because he was held up for 9 months by the county building inspection process. If you revoke my CUP it will force me into foreclosure. It will break me. I'm not going anywhere.

Ari stated that we don't need to be worried about setting a precedent. We must have reasonable discretion; be rational and have a reason for our vote one way or the other. As far as a bond, we can reward those who keep the rules, and discourage those who don't follow the rules. It is not a foregone conclusion that the county will have to clean this up. We have a great amount of flexibility within the confines of our zoning ordinance.

Commissioner Wisness stated that we write a lot of rules. A motion was made in favor of extending this until April.

Motion died for lack of a second.

Commissioner Fleck made a motion to revoke the CUP. Motion died for lack of a second.

Commissioner Best stated that we can't move forward hoping we are going to hit big oil. If you have a financial institution to back you, I would support an additional 30-60 days to get things lined up. I would move to table this until the February meeting, knowing we need to have this resolved.

Second by Commissioner Gravos.

Voice Vote held:

Wisness-No

Devlin- Yes

Best-Yes

Mrachek- No Vote

Gravos- Yes

Fleck- No.

Motion carried 3-2.

Adjourned at 5:43 p.m.