

## **January 9, 2023**





There are no staff reports for this meeting as there were no Public Hearings held

# McKENZIE COUNTY

## Planning and Zoning Commission

### #01-23Var McKenzie County Water District

<b>Reason for Request</b>	Applicant is requesting a Variance to subdivide 1 acre of Agriculture land. Ordinance 3.4.7 states that the minimum subdivision area is 40 acres, however the applicant does not wish to purchase more than is needed for the project, and the applicant has no need for 40 acres.
<b>Hearing Date:</b>	February 13, 2023
<b>Location</b>	SE 1/4 of T149N, R102W, S31 PID # 380016300
<b>Owner(s)/Applicant:</b>	McKenzie County Water District

<b>Existing:</b>		<b>Proposed:</b>	
<b>CP Land Use:</b>	 Agriculture	<b>CP Land Use:</b>	Agriculture 
<b>Zoning:</b>	 Agriculture	<b>Zoning:</b>	Agriculture 
<b>Setbacks:</b>	Front 25 Feet Back 25 Feet Side 25 Feet	<b>Setbacks:</b>	Front 25 Feet Back 25 Feet Side 25 Feet
<b>Lot Area:</b>	1 Acre	<b>Lot Area:</b>	1 Acre

# McKENZIE COUNTY

**Finding of Fact:**

1. All public notification requirements have been met.
2. Staff has received no comments regarding this Variance Request.
3. McKenzie County Water Resource has started the purchase process for one acre.
4. The property has an existing ingress and egress for the property off of Highway 68.
5. The proposed use is highly compatible with the existing communications center.
6. A Variance is an exception from the terms of this Ordinance where such variance will not be contrary to the public interest and where a literal enforcement of the ordinance would result in unnecessary and undue hardship.
7. With purchase of this property being publicly funded, MCWR has an obligation to be prudent with public money.
8. Public Water Utilities (3.2) shall be allowed in all districts and shall require no other zoning permit.
9. Utilities are permitted in all districts, however there is no special district for public/institutional uses with reasonable lot standards.
10. The literal interpretation of these portions of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the district.
11. The proposed use is a necessary public improvement.
12. The water reservoir is being put here to support existing infrastructure.

**Growth Management Plan Consistency**

The Current Zoning and the Comprehensive plan Zoning are Agriculture. The property is compatible with all zones in the county and with the adjacent land use.

**Suggested Motion:**

McKenzie County Planning and Zoning must legally recommend denial of this variance based purely on 3.4.7 of the Ordinance, which states: Minimum Subdivision area for any use other than agriculture purposes shall be 40 acres, however Utilities are an allowed use in all zones. It is only the size of the property needed that is in question and staff would recommend approval if their decision was not based on 3.4.7. Adopt the findings and conditions as provided in the Staff Report.

#01-23VAR  
PID # 380016300  
T149N,R102W,S31  
Vicinity MAP



#01-23VAR

PID # 380016300

T149N,R102W,S31

**Comprehensive Plan Map-Agriculture**



#01-23VAR  
PID # 380016300  
T149N,R102W,S31  
Zoning Map-Agriculture

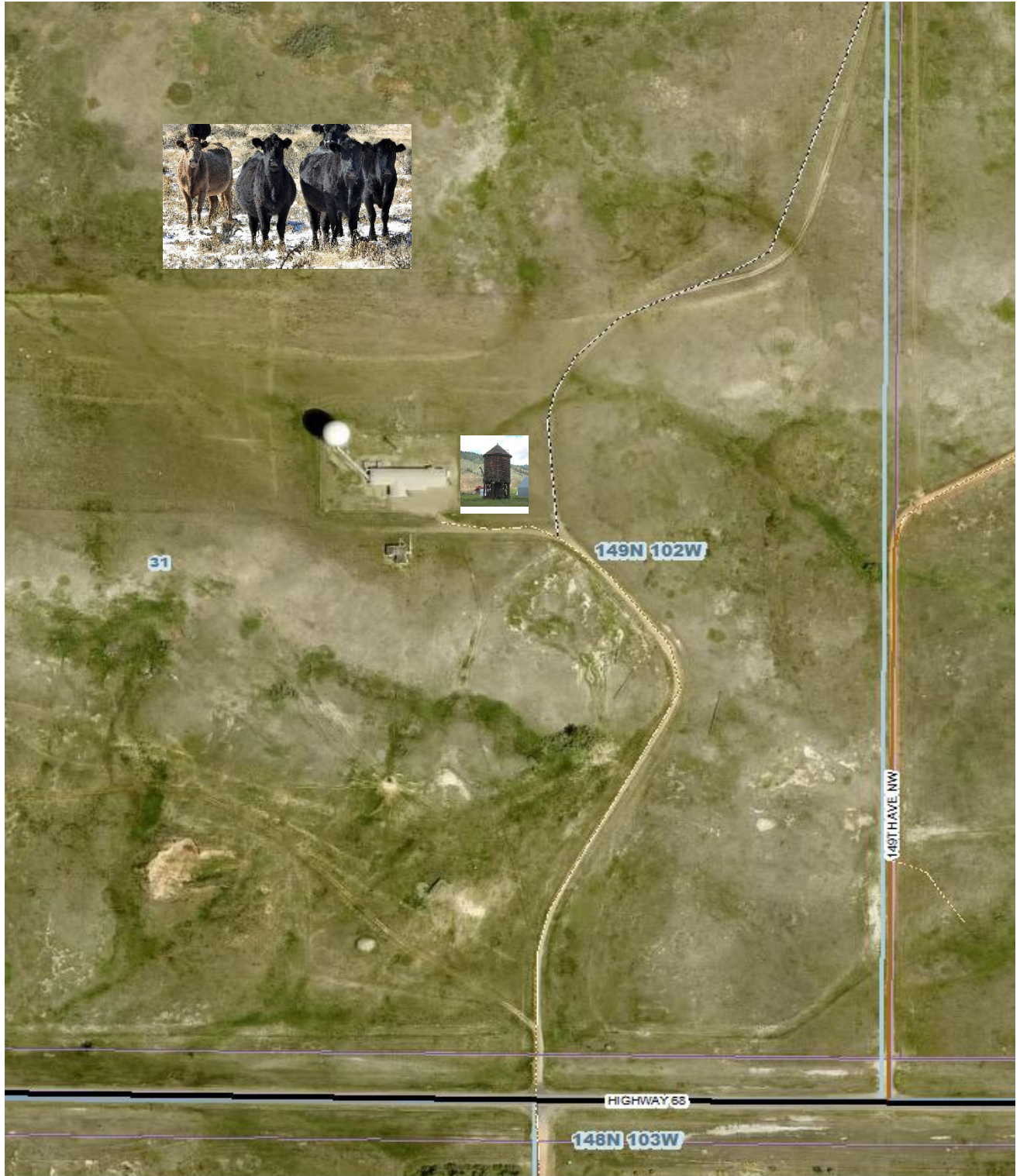


#01-23VAR

PID # 380016300

T149N,R102W,S31

**SITE MAP**



# McKENZIE COUNTY

## Planning and Zoning Commission

### #01-23CUP Matt Duguay

<b>Application:</b>	January 26, 2023
<b>Hearing Date:</b>	March 13, 2023
<b>Description:</b>	13317 7th St. NW, Grassy Butte, ND 58634 PID #440003650--T147N,R100W S25 --IT 3281, NE 1/4
<b>Owner(s)/Applicant:</b>	Matt Duguay
<b>Reason for Request:</b>	Applicant is requesting a Conditional Use Permit to bring his property, per Ordinance 3.4.3 (1 a single family dwelling and accessory structures on a lot less than 40 acres but more than 5 acres, into compliance per the provisions of McKenzie County Ordinance 4.17.

**Comprehensive Plan Land Use: Agriculture**

**Zoning: Agriculture**

#### Findings of Fact:

1. Public notification has been satisfied.
2. Staff has received no comments from the public regarding the permit.
3. Property is not located within an organized township.
4. Property was purchased and recorded on April 23, 2022.
5. Property is 5.01 acres.
6. There is a Right of Way and Easement to use existing road across sellers property for access to the tract.
7. There is a Right of Way and Easement from the county road across the sellers property for a waterline.
8. Applicant does not need an approach permit as it is a private lease road with access to a county maintained road.
9. Surrounding property is agriculture with National Grasslands Approx. 1/4 mile to the north.
10. Surrounding properties are owned by the seller.
11. Rural Fire has been notified and has given consent.
12. No Variances are needed for lot size or setbacks.



**Conditional Use Permit Criteria::**

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.**

This 5.01 acre property with a home and shop will not be detrimental or endanger public health, safety, or comfort.

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

The proposed use will not diminish the value or enjoyment of the area.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

The proposed use will not impede development in 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.**

Adequate utilities, access roads, drainage and all other necessary improvements have been made.

**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.**

Ingress and Egress have already been provided and will not cause undue hardship to other traffic in the area.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The proposed conditional use conforms to all applicable regulations.

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Agriculture.

**Staff Recommendation:**

Staff recommends **Approval** for this Conditional Use Permit.

Suggested motion: "Recommend approval of Conditional Use Permit #01-203CUP Matt Duguay to have a home and shop on 5.01 acres to bring the property into compliance with the County Ordinance. Adopt the findings and conditions as provided in the staff report"

**Conditions:**

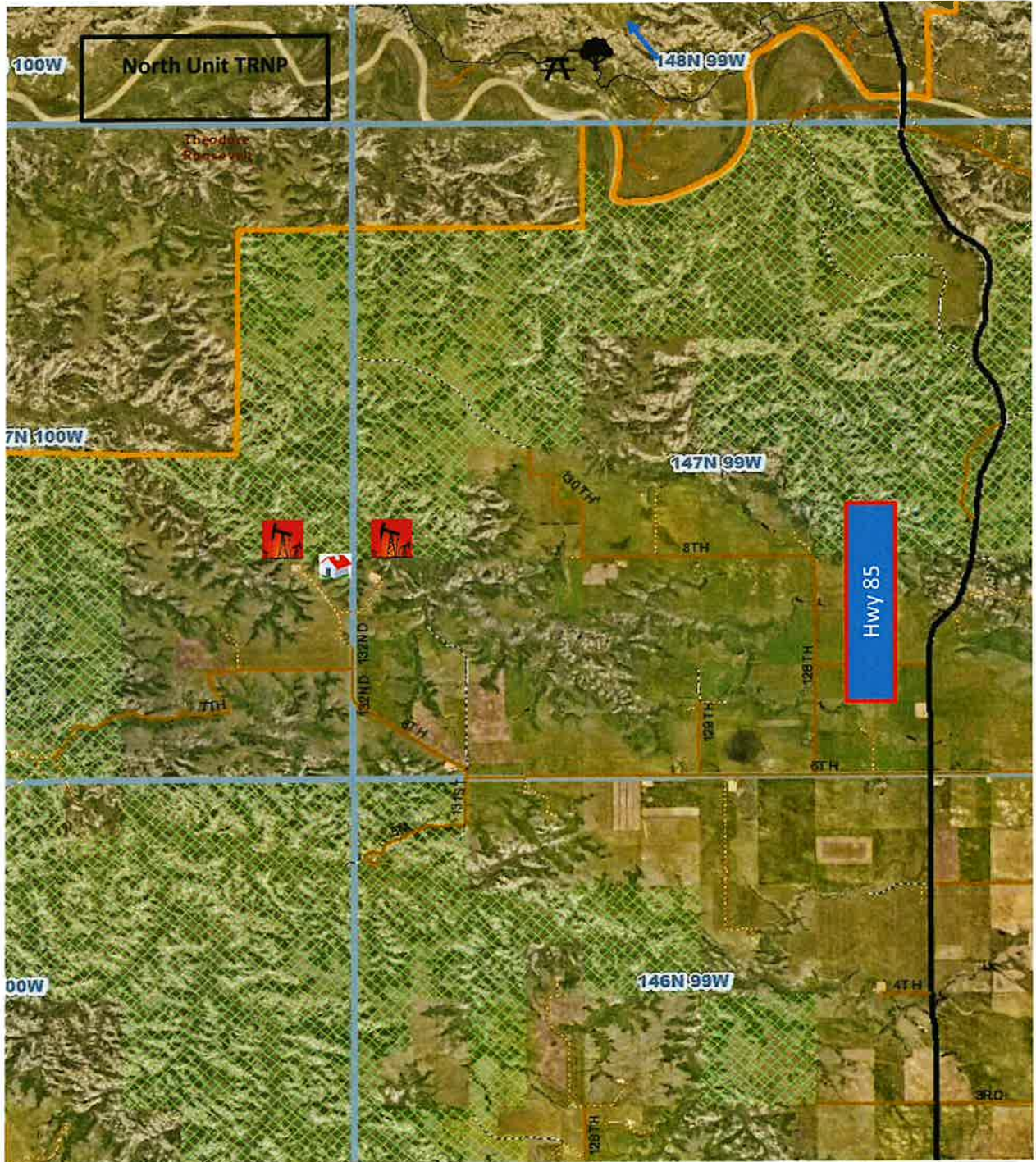
1. The applicant shall adhere to noxious weed containment plan as submitted to the County Weed Control officer.
2. Applicant shall apply for building permits for any further construction.
- 3 Applicant shall allow County personal to inspect the current buildings to check for safety.
4. Any changes in use shall require an amendment to the existing Conditional Use Permit per section 5.8.5 of the McKenzie County Ordinance.
5. Site must be kept clear of trash and rubble.
6. Applicant must maintain 25 ft. setbacks from front, sides and back of all structures to the property line.
7. Applicant may not have more than 1 full animal unit per acre per NDCC CH. 11-33-02.1
8. No commercial business may be run from a property with a residential CUP.

# #01-23CUP

PID # 440003650

T147N,R100W,S25

## Vicinity MAP

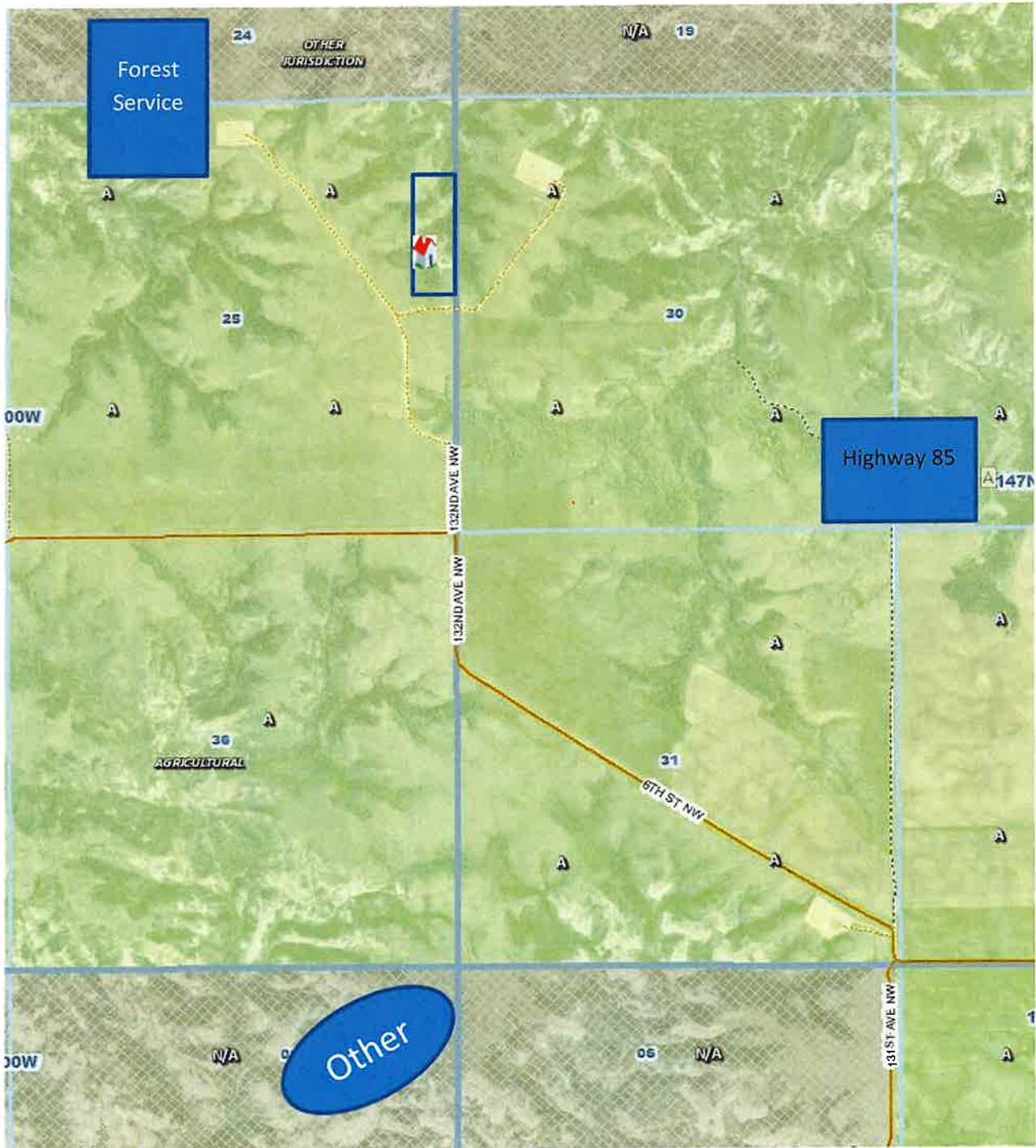


# #01-23CUP

PID # 440003650

T147N,R100W,S25

## Comprehensive Plan Map-Agriculture

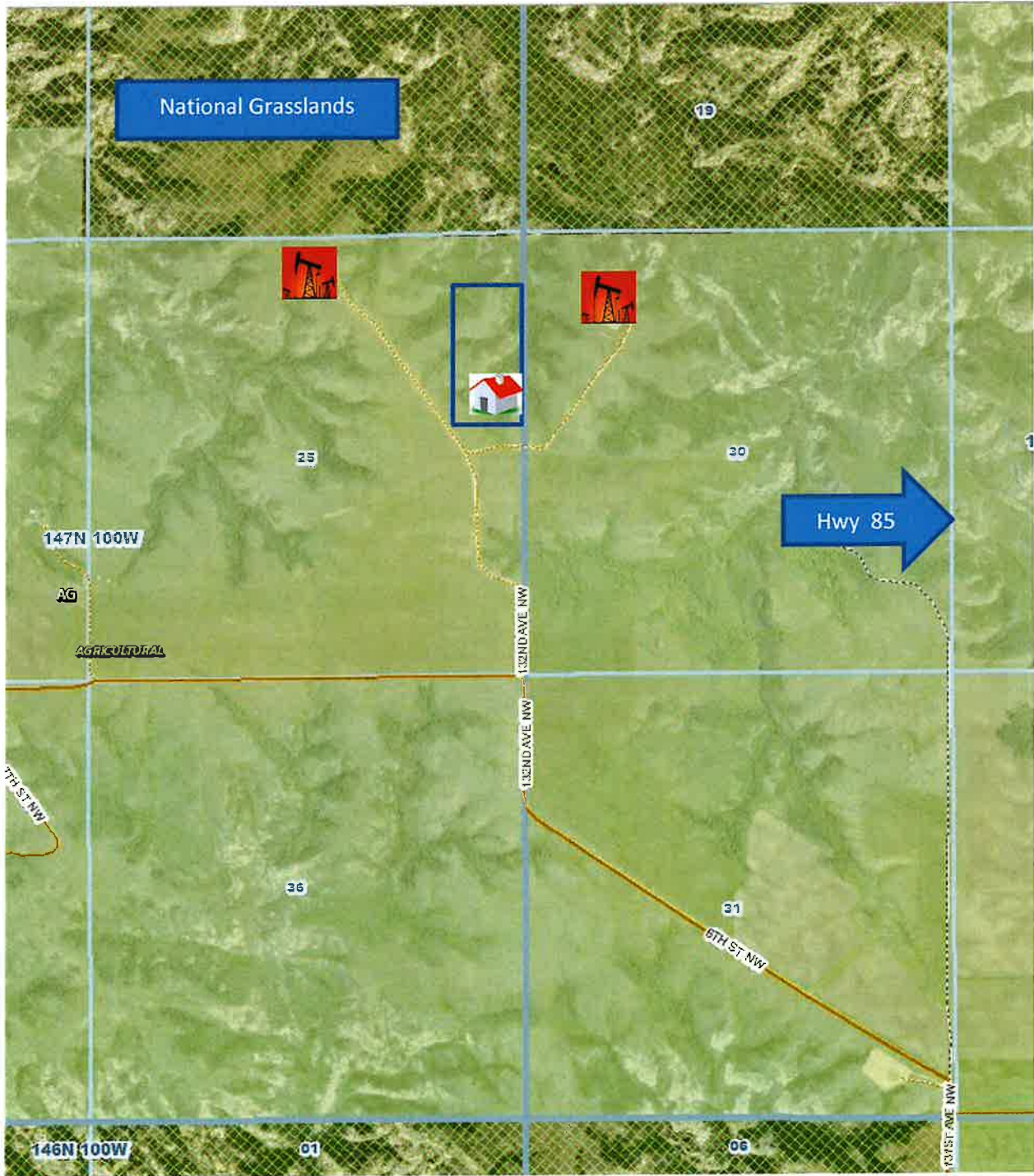


# #01-23CUP

PID # 440003650

T147N,R100W,S25

## Zoning Map-Agriculture

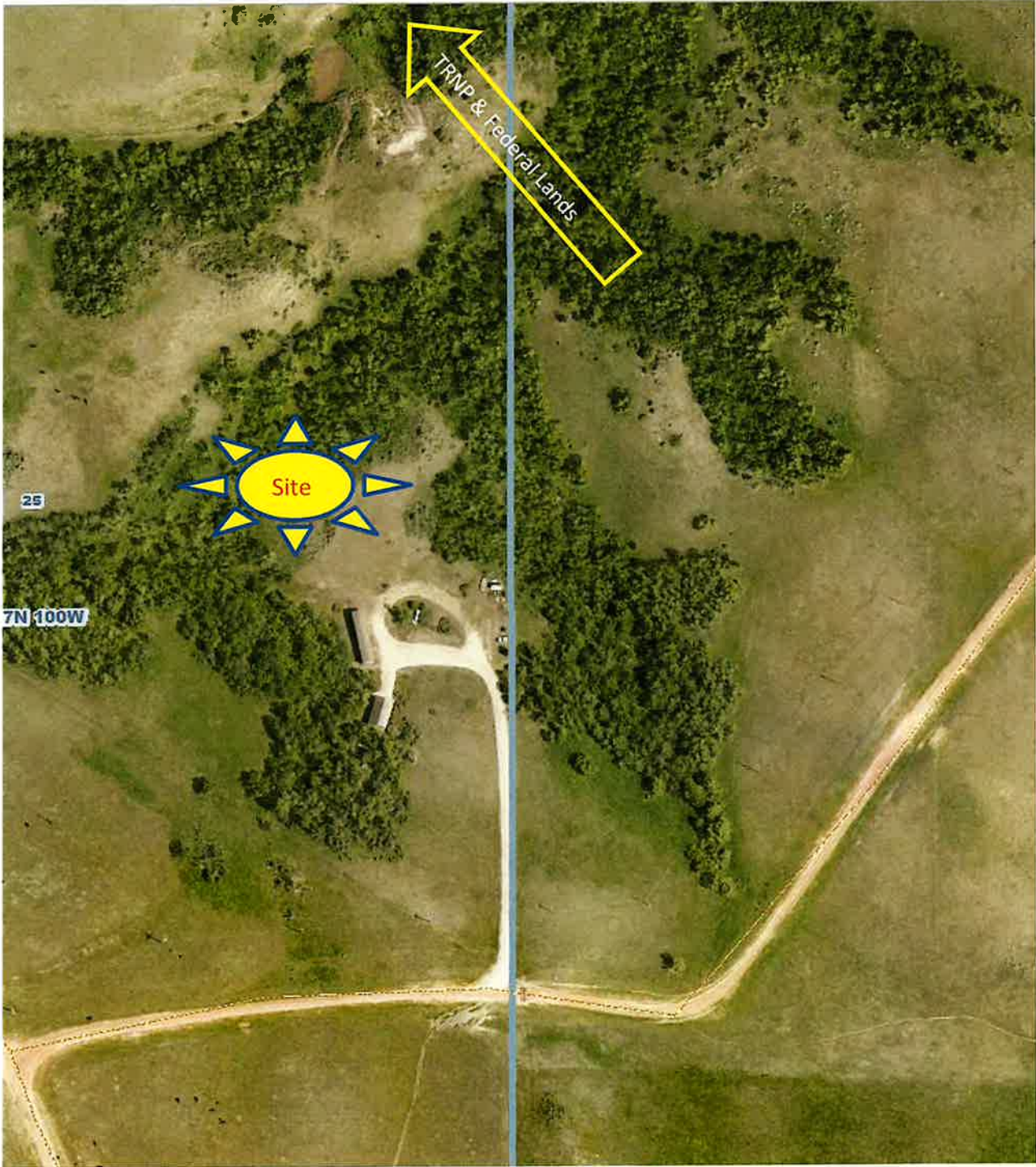


**#01-23CUP**

PID # 440003650

T147N,R100W,S25

**SITE MAP**





# McKENZIE COUNTY

## Planning and Zoning Commission

### #02-23CUP DC Aggregate, LLC

<b>Application:</b>	March 10, 2023
<b>Hearing Date:</b>	April 10, 2023
<b>Description:</b>	W1/2 SW 1/4 T150N, R96, S5 PID # 690002810
<b>Owner(s)/Applicant:</b>	DC Aggregate, LLC
<b>Reason for Request:</b>	Application to bring a current Scoria Pit which has been in operation since 2020 into compliance.

<b>Comprehensive Plan Land Use: Agriculture</b>
<b>Zoning: Agriculture</b>

<b>Findings of Fact:</b>
<ol style="list-style-type: none"> <li>1. The proposed use is conditionally allowed in the agricultural district.</li> <li>2. All Public notifications have been made.</li> <li>3. No Public comment either for or against has been received.</li> <li>4. No Comment from Adjacent landowners has been received.</li> <li>5. Scoria Pit Was first established in 2020</li> <li>6. Scoria Pit currently covers 20 acres in T150N, R96, S5.</li> </ol>

<b>Conditional Use Permit Criteria::</b>
<p>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:</p> <p><b>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.</b></p> <p>The establishment, maintenance or operation of the conditional use shall not be detrimental to or endanger public health, safety, comfort or general welfare, as this is an existing Scoria Pit.</p> <p><b>b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.</b></p> <p>The proposal will temporarily impact the agricultural viability of the project area. However, the site will be conditioned to include reclamation at the end of mining activity. At such time, the area will be restored to its pre mining condition for agricultural use.</p>



**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

Once the scoria pit is no longer in use, the land will be remediated back to its agricultural state and will not impede the normal development of surrounding properties. Agricultural use adjacent to the project will not be impeded with conditions that require dust control onsite and along the access route to the project site

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

A storm water permit for drainage and site improvements are in progress.

**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.**

An Approach has been developed and permit #DCA230314DB has been approved.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The proposed conditional use is an allowed use in the agricultural district.

**Comprehensive Plan Consistency:**  
The subject land area is designated in the land use plan as Agricultural.

**Staff Recommendation:**  
Staff recommends **Approval** for this Conditional Use Permit.  
  
Suggested motion: “Staff recommends approval of Conditional Use Permit #02-23CUP, to bring an existing Scoria Pit into compliance. Scoria Pits are an approved use in the Agricultural Zone. Adopt the findings and conditions as provided in the staff report.”

- Conditions:**
1. The applicant shall mark the site with address/project identification (4’x8’ sign) visible from the road.
  2. The applicant shall maintain weed control as approved by the McKenzie County Weed Control Officer.
  3. The applicant shall adhere to all State and federal laws, regulations, and conditions for the operation of the proposed facility and the transportation of the material.
  4. Applicant shall have a 100’ knock off zone on site, the knock off zone shall include a cattle guard or other approved method to remove debris from the tires of the trucks. Knock off zone design shall be approved by the Building and Planning Director prior to design.

5. All loads exiting a gravel or scoria operation area must be tarped and or otherwise covered. It is the responsibility of the applicant to insure the tarping of all loads.
6. Applicant shall post a sign at the knock off zone stating "All Loads must be Covered".
7. The applicant shall post a bond based on engineers estimate and approved by the Planning Director to reclaim the site to a natural condition. The bond amount shall be 150% of the estimate. Reclamation shall include the removal of all structures, grading of the site, top soil must be applied to a depth of at least six (6) inches on all disturbed areas and planted with native grasses as approved the Planning Director. The bond shall name the county as the beneficiary. Bond must be submitted to the County Planning and Zoning prior to operations.
8. The applicant shall provide adequate dust control for all haul roads to and within the site. Dust control requirements shall be by magnesium chloride or other approved product, all substitutions must be approved by the county Road Superintendent. Dust control must be applied a minimum of two (2) times per year, once in the month of May and again in the month of August. The applicant shall provide the Planning Director proof of application. Failure to provide dust control or proof of application may result in revocation of the permit.
9. Trucks shall adhere to any and all state and local road restrictions.
10. Trucks exiting a gravel or scoria pit shall not exceed weight standards.
11. The applicant shall maintain adequate garbage control.
12. The applicant shall provide the County Planning Department with all Federal and State approvals or denials along with any violations relating to the project for the entire duration of the project.
13. All security lighting must be downward facing and shall not glare on adjacent property owners or the public travel way.
14. Trucks must obey all speed requirements as posted be federal state county or township agencies, but at no time shall speeds on gravel or dirt roads exceed 35 mph.
15. All open pit operations shall be setback a minimum of one hundred (100') feet from the ROW or road easement line or one hundred thirty three (133') feet from a section line whichever is greater, per section 2.10 of the McKenzie County Ordinance. Property line setbacks shall be twenty-five (25') feet.
16. The applicant shall shall not deposit snow or water onto neighboring properties and shall dispose of storm water onsite through an approved engineering method.
17. The conditional use permit will be reviewed annually to ensure compliance with the listed conditions.

# #02-23CUP/ DC Aggregates

PID # 690002810

T150N,R96W,S5

Vicinity MAP

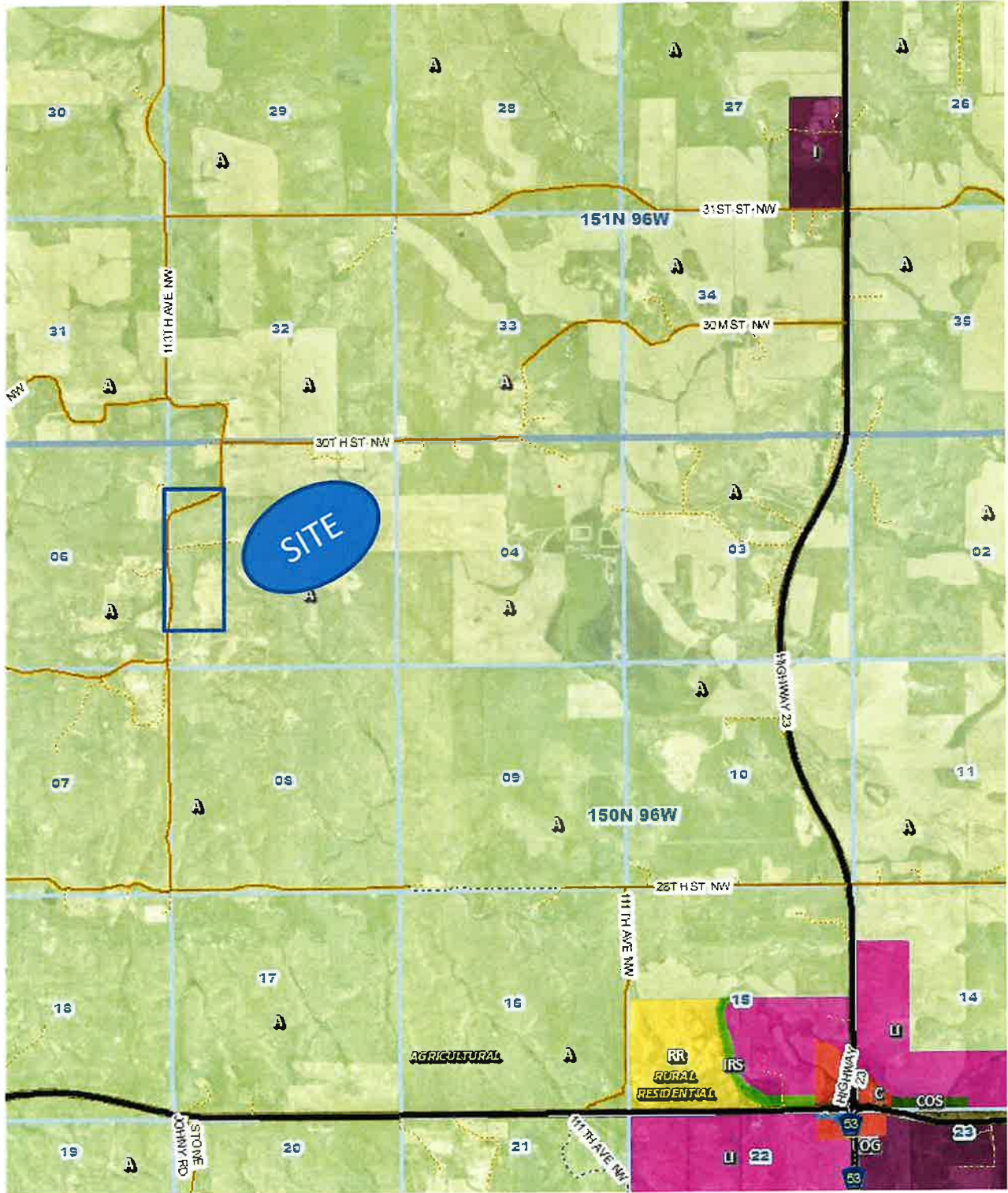


# #02-23CUP/ DC Aggregates

PID # 690002810

T150N,R96W,S5

## Comprehensive Plan Map-Agriculture

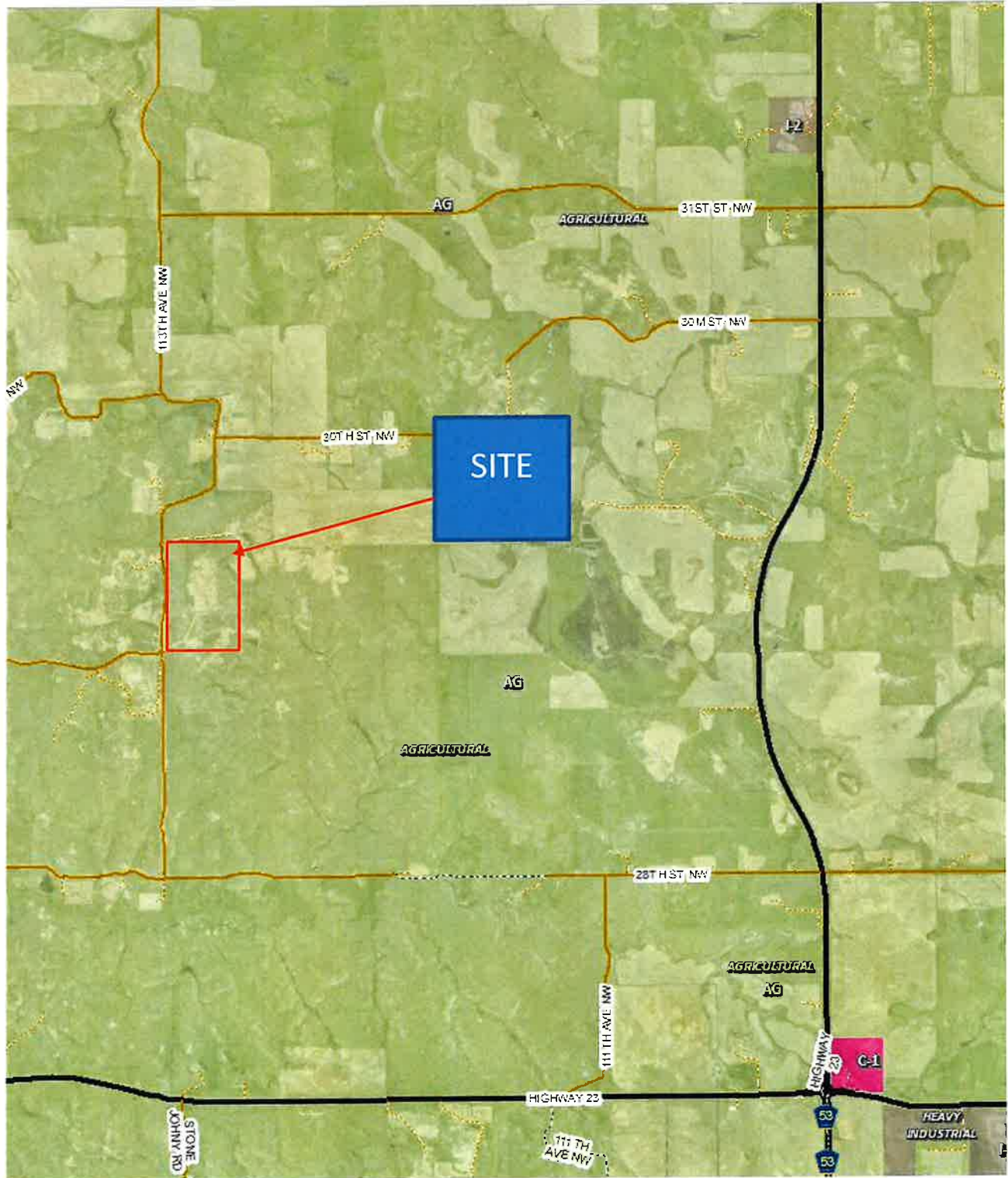


# #02-23CUP/ DC Aggregates

PID # 690002810

T150N,R96W,S5

## Zoning Map-Agriculture



# #02-23CUP/ DC Aggregates

PID # 690002810

T150N,R96W,S5

SITE MAP



# **MCKENZIE COUNTY**

## **Planning and Zoning Commission**

### **01-23 Admincup Mary and Randy Judd**

<b>Application:</b>	03/14/2023
<b>Hearing Date:</b>	05/08/2023
<b>Description:</b>	SW 1/4 SE 1/4 T152N, R102W, S34 PID 150032025 14625 36th St. NW
<b>Owner(s)/Applicant:</b>	Mary and Randy Judd
<b>Reason for Request:</b>	Applicant would like to split 10 acres off of sons 40 acre property, to put a home on. This is an Administrative permit for a family member, but due to concerns must be heard by the Planning and Zoning Board.

**Comprehensive Plan Land Use: Agriculture**

**Zoning: Agriculture**

#### **Findings of Fact:**

1. All required public notifications have been made.
2. Staff has received no comment from the general public either for or against.
3. Property owner is the son of the Applicant.
4. Tri Township has issued a conditional approval, provided the landowners hold the township harmless and agree that property cannot become a subdivision.
5. Alexander Fire Dept will not approve due to inadequate water supply and no good access.
6. EMS will not approve due to poor road quality that will not allow emergency vehicles to access the site. Wants applicant to fix the driveway.
7. Per Applicant, they have already purchased a home to be moved onto the property.
8. Both homes on the property will share the same well.
9. The property owner is requesting an oil company build a road in exchange for a no contest agreement, for a location on a neighboring property.
10. Property owner has given permission for the split.

#### **Conditional Use Permit Criteria::**

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.**

This is for a Private home on 10 acres, and will not be detrimental.

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

This is to split 10 acres off of a 40 acre parcel for a family member and will not impair others in the area.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

Tri Township has said no subdivision in 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.**

Adequate utilities, and other site improvements will be provided once the house is set per property owner.

**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.**

A driveway extends from 146th via an easement to the existing house and will extend past owners home up to applicants home.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The proposed conditional use shall conform to all applicable regulations of the agricultural district.

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Agricultural.

**Staff Recommendation:**

Staff recommends **Disapproval** for this Conditional Use Permit.

Suggested motion: "Recommend Denial of Administrative Conditional Use Permit-01-23AdminCup, lot split to the County Commission for Parcel #150032025 due to denial by Fire and EMS and only a conditional yes from Tri-Township. Adopt the findings as provided in the Staff Report."

**Conditions:**



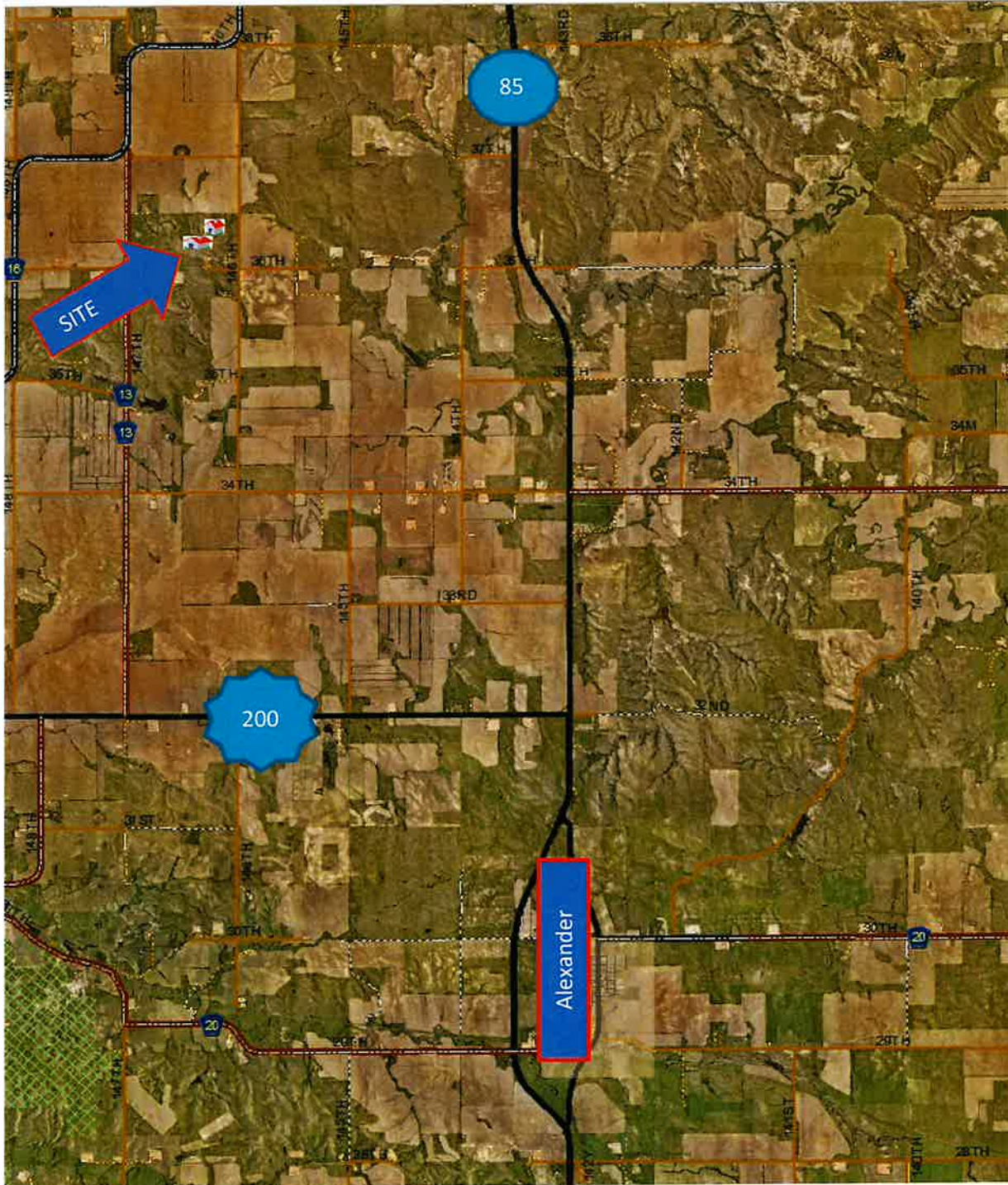
1. Driveway must be built to a standard that will accommodate emergency vehicles.
2. Both homes must have address posted at the entrance to the Driveway on 146th Ave NW. and at the homes themselves for 911 purposes.
3. Applicant must obtain a building permit prior to beginning work for the home.
4. Setbacks must be 25 feet from the parcel lines.
5. Applicants must reach reasonable accommodation with local Fire Department, EMS and Tri Township.

# #01-23ADMINCUP

PID # 150032025

NW ¼ SW ¼ SE ¼ T152N,R102W,S34

## Vicinity MAP



# #01-23ADMINCUP

PID # 150032025

NW ¼ SW ¼ SE ¼ T152N,R102W,S34

## Comprehensive Plan Map-Agriculture

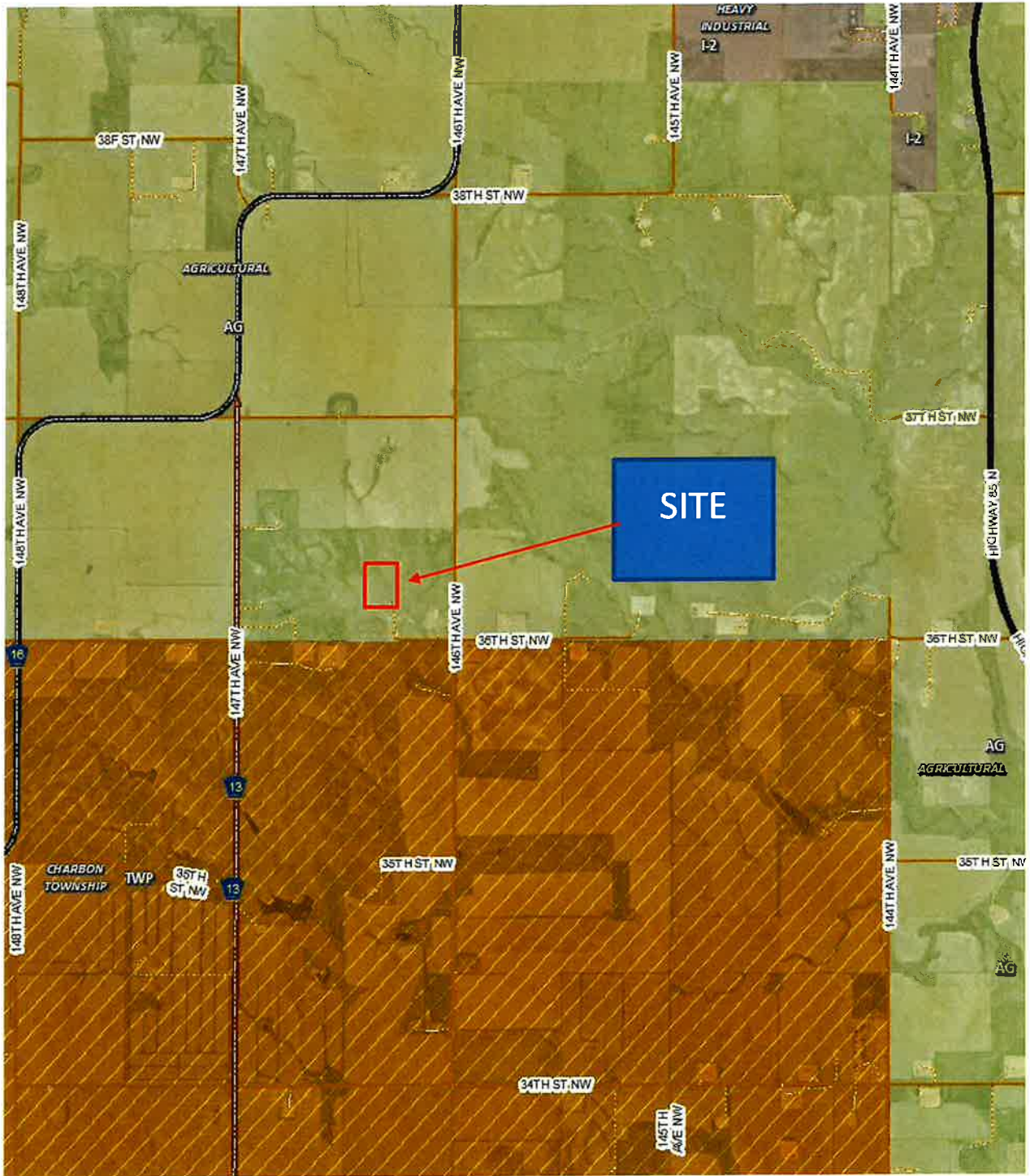


# #01-23ADMINCUP

PID # 150032025

NW ¼ SW ¼ SE ¼ T152N,R102W,S34

## Zoning Map-Agriculture

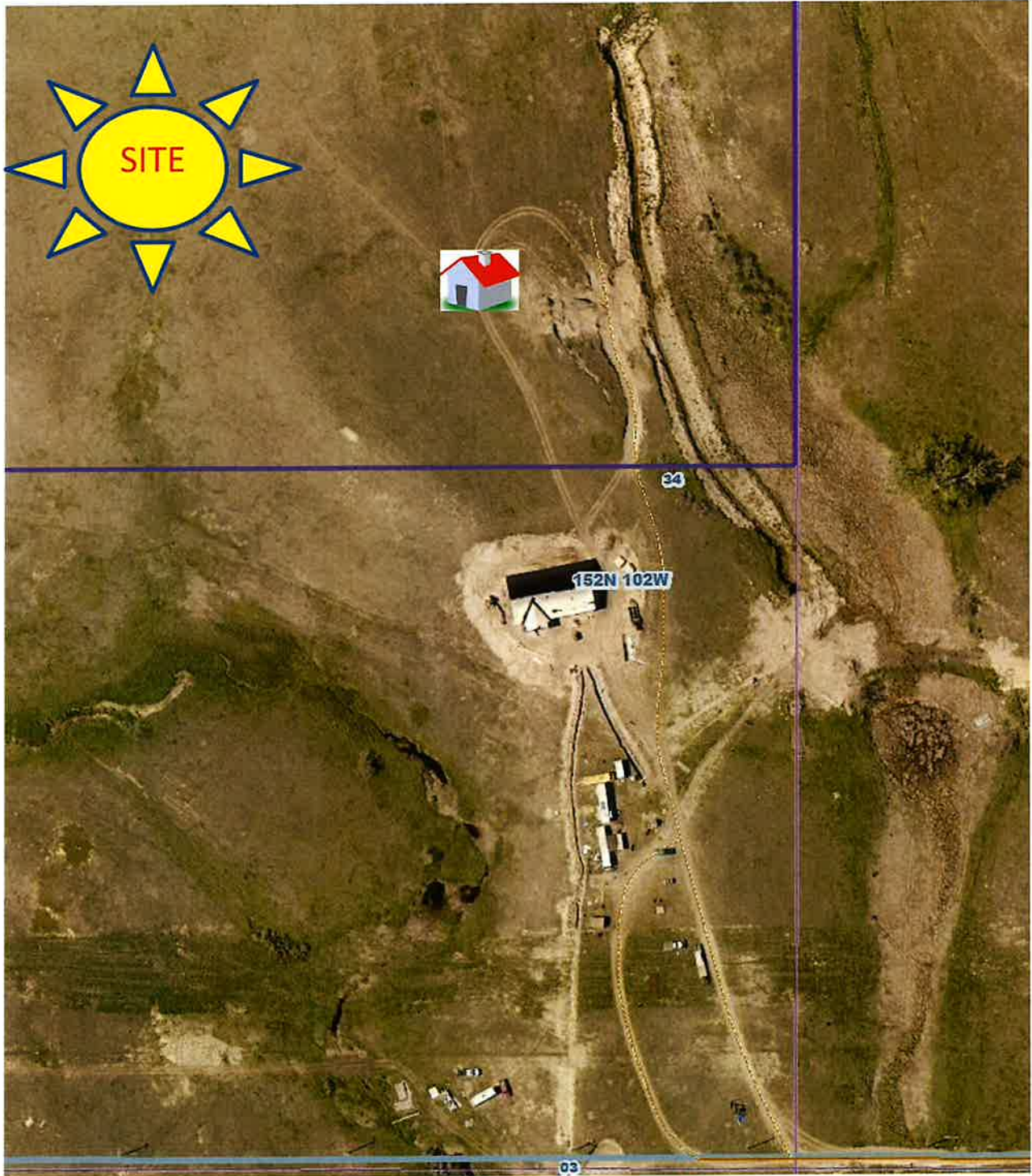


# #01-23ADMINCUP

PID # 150032025

NW ¼ SW ¼ SE ¼ T152N,R102W,S34

## SITE MAP



# **McKENZIE COUNTY**

## **Planning and Zoning Commission**

### **#03-23CUP Limerock Resources**

<b>Application:</b>	April 4, 2023
<b>Hearing Date:</b>	May 8, 2023
<b>Description:</b>	NW 1/4 of T150N,R97W,S26, 2568 Beaver Creek Road, McKenzie County, ND PID# 130012600
<b>Owner(s)/Applicant:</b>	Limerock Resources
<b>Reason for Request:</b>	Applicant is requesting a Conditional Use Permit to bring a freshwater pond that was built by a previous owner in late 2014 early 2015 into Compliance.

**Comprehensive Plan Land Use: Agriculture**

**Zoning: Agriculture**

#### **Findings of Fact:**

1. All Requirements for public notification have been made.
2. Pond was constructed by a previous owner.
3. Applicant is the property owner.
4. The pond is less than 50 acre feet.
5. Per ND Water Resources pond does not need a construction permit.
6. Freshwater Ponds are a conditional use in the Agriculture District per 3.4.3 (16).
7. Pond is enclosed with a 4 strand barbed wire fence.
8. Property is not in an organized township.
9. Applicant has provided a Certificate of Good Standing from the State of ND.
10. Applicant has provided an approved State Water permit.
11. Applicant has an Approved SWPPP from the State and Approved Approach and Weed permits from the county.

**Conditional Use Permit Criteria::**

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.**

The pond is fenced with a 4 strand barbed wire fence.

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

Pond is existing and operation of the pond is intermittent, based on industry demand and will not diminish property values or enjoyment of other property in the area.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

The surrounding use is Agricultural so the pond will not adversely affect the surrounding area.

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Utilities, road access and other necessary improvements have been made.

**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.**

Applicants have an approved approach permit #LR220712BV.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

Freshwater Ponds are an Conditional Use in the Agricultural district per 3.4.3 (16

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Agriculture.

**Staff Recommendation:**

Staff recommends **Approval** for this Conditional Use Permit.

Suggested motion: "Approve Conditional Use Permit # 03-23CUP to the County Commission. Adopt the findings and conditions as provided in the staff report. "

**Conditions:**

1. The applicant shall mark the site with a (4' x 8') sign visible from the road per McKenzie County Ordinance Section 4.10 with the following information. Address/project identification, emergency

contact name and phone number, this must be completed within thirty (30) days from County Commission approval.

2. The applicant shall adhere to the noxious weed containment plan as submitted to the County Weed Control Officer.
3. The applicant shall allow the local Fire Departments access to water in case of emergencies.
4. The applicant shall adhere to all Federal, State and Local Laws, Regulations, and Conditions for the operation of the proposed facility.
5. The applicant shall provide the County Planning Department with all Federal and State approvals or denials, along with any violations relating to the project for the duration of the project including NDSWC approvals, conditions, violations and expirations.
6. Per McKenzie County Ordinance Section 4.10, line item number 2, the applicant shall fence around the holding pond with a 4-strand barbed wire fence to be completed prior to reservoir storing measurable water. This has already been done, Applicant must keep the fence for the life of the pond. applicant has submitted a fence plan.
7. This site through this Conditional Use Permit shall not be used as a truck depot.
8. The applicant shall maintain a site free of garbage, from within the site and from outside sources.
9. Any changes in area or volume will require an amendment to the existing Conditional Use Permit per Section 5.8.5 of the McKenzie County Zoning Ordinance.
10. Ingress/egress for the site will be completed to the satisfaction of the County Engineering Department. Ingress/egress will not impede public roadway.
11. Access on the private roadway into the site must be maintained for 911 purposes.
12. Dust control shall be maintained on roads accessing the site. Magnesium Chloride will be applied one quarter (1/4) mile in each direction of all access points to any pipeline staging areas. The magnesium chloride will be applied before construction begins and each year prior to May 31st and again prior to August 31st. The applicant shall provide the Planning Department of receipts of the dust control showing compliance.
13. The applicant shall limit sediment runoff from the site by use of perimeter controls on down slope portions of the site (e.g. silt fence) and limit channelized erosion in ditches, swales, and adjacent natural water bodies. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted if required by State or Federal regulations. The site shall be restored and stabilized to pre-project conditions.
14. A RECLAMATION BOND EQUAL TO 150% AN ENGINEERS ESTIMATE SHALL BE PROVIDED TO THE PLANNING DEPARTMENT within sixty (60) days of Board of County Commissioners approval. The reclamation bond shall be per the standards set forth in section 2.13 of this Ordinance, unless a waiver is applied for and granted.
15. Provide approved and final construction plans and storm water management as per NDSWC.
16. The Site shall be inspected annually to ensure compliance.

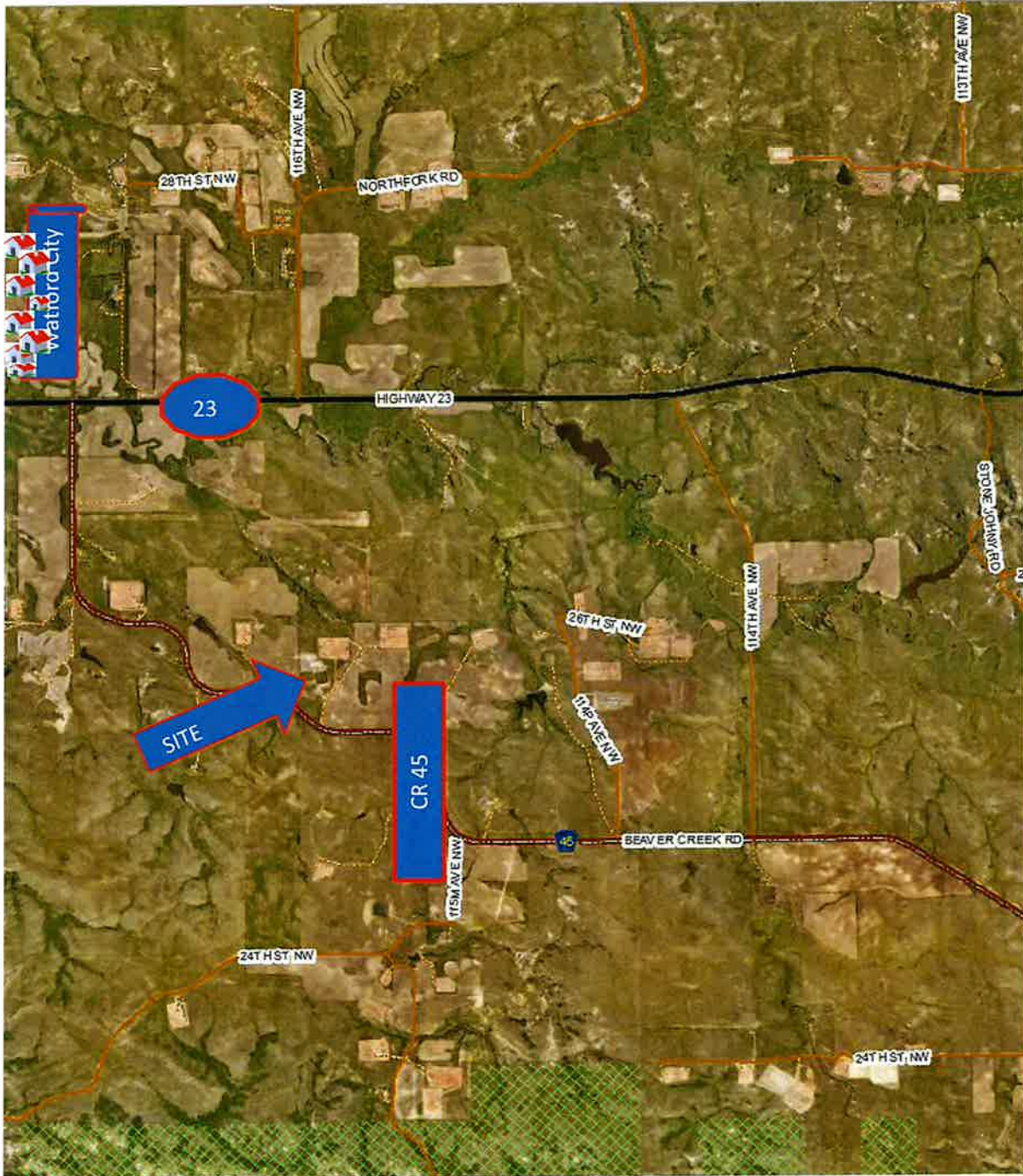


#03-23CUP

PID # 130012600

T150N,R97W,S26

Vicinity Map

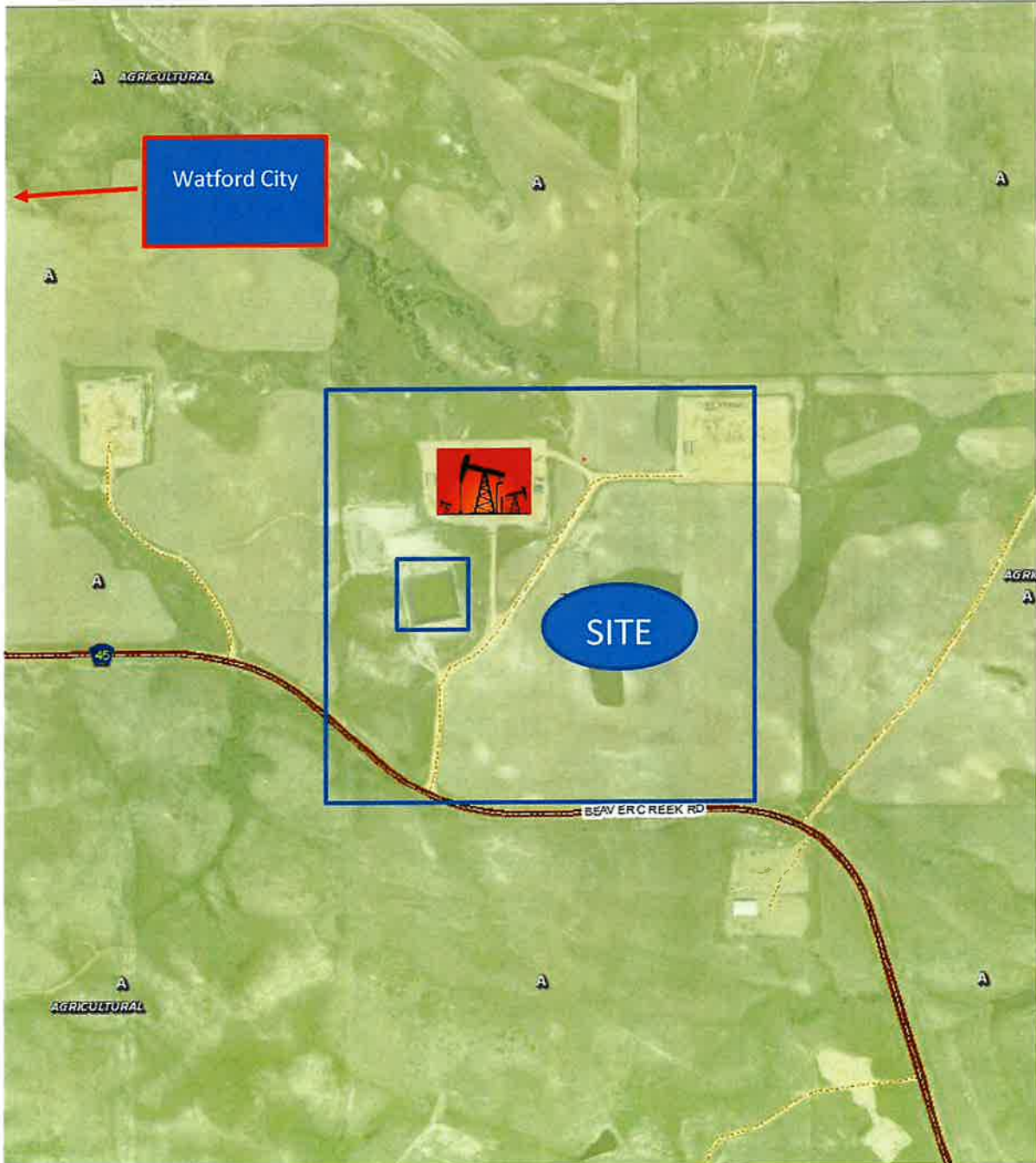


#03-23CUP

PID # 130012600

T150N,R97W,S26

### Comprehensive Plan Map-Agriculture



#03-23CUP

PID # 130012600

T150N,R97W,S26

**Zoning Map-Agriculture**

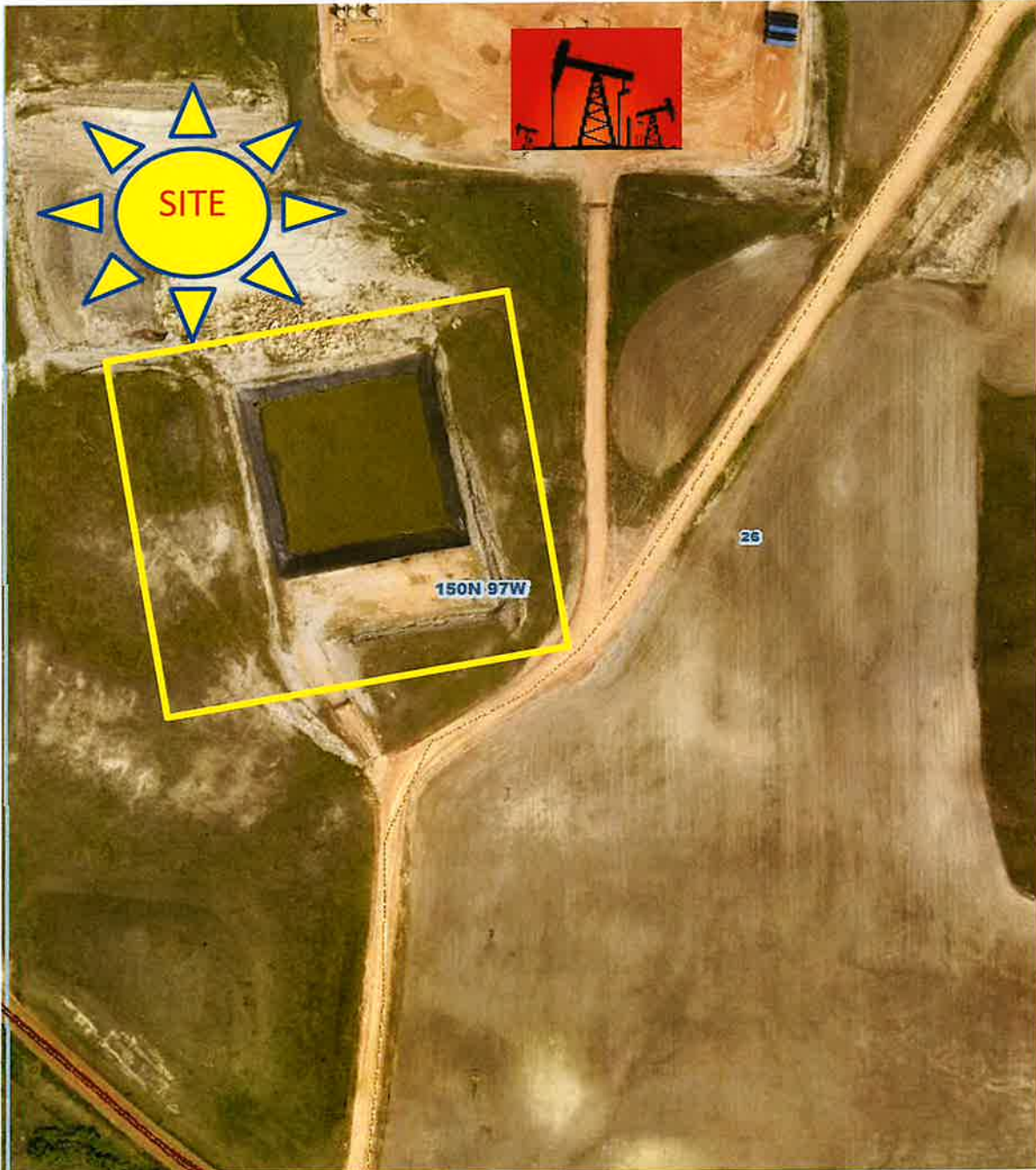


#03-23CUP

PID # 130012600

T150N,R97W,S26

Site Map





# **McKENZIE COUNTY**

## **Planning and Zoning Commission**

### **#04-23CUP Central Specialties Inc**

<b>Application:</b>	April 3, 2023
<b>Hearing Date:</b>	May 8, 2023
<b>Description:</b>	PID #630014475 1944 Spring Creek Road, McKenzie County ND, W1/2 of W1/2 of T149N, R98W,S30, IT 3290
<b>Owner(s)/Applicant:</b>	Central Specialties Inc
<b>Reason for Request:</b>	Applicant would like to permit a Temporary Asphalt plant for the Hwy 85 Project. Plant will be in use spring, Summer and fall of 2023 and Spring, Summer fall of 2024.

<b>Comprehensive Plan Land Use: Agriculture</b>
<b>Zoning: Agriculture</b>

<b>Findings of Fact:</b>
<ol style="list-style-type: none"> <li>1. All requirements for public notification have been met.</li> <li>2. No comments for or against the Asphalt Plant have been received.</li> <li>3. Asphalt plants are a conditional use in the Ag District per 3.4.3(19)</li> <li>4. Applicant has an approved approach permit # WBI221202KE</li> <li>5. Applicant is not the owner but does have an agreement with the Landowner to apply for the CUP and to use the site.</li> <li>6. Applicant will transform the land to the specifications set forth by the landowner when the job is over per their contract.</li> <li>7. Plant is Temporary, Spring Summer and Fall of 2023 and 2024.</li> <li>8. Applicant has an Approved Weed control plan on file with the County Weed Department</li> <li>9. Applicant has an approved SWPPP from DEQ #NDR112222 for Hwy 85.</li> <li>10. Property is not located within an organized Township.</li> <li>11. Applicant had provided a Certificate of Good Standing from the State of North Dakota.</li> </ol>

<b>Conditional Use Permit Criteria::</b>
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.**

This temporary facility will not be detrimental or endangering to the public health, safety, comfort or general welfare. Property will be reclaimed when project is over.

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

The temporary Conditional Use will not diminish or impair the value and enjoyment of other property in the area. The location is accessed via Highway 85 and Spring Creek Rd .The project will cause some inconvenience with traffic control, odor and dust but will be mitigated since the use is temporary the inconvenience will be short lived.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

The proposed Conditional Use is located off of Hwy 85 on Spring Creek Rd and will 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.**

Adequate Utilities, access roads drainage and all other necessary site improvements have or are being provided.

**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.**

Applicant has an Approved Approach Permit, WBI221202KE, to access the property off of Spring Creek Rd.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The proposed temporary use is conditionally allowed in the Agriculture District. Conditions are required to be met during the life of the project.

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Agriculture.

**Staff Recommendation:**

Staff recommends **Approval** for this Conditional Use Permit.

Suggested motion: "Approve Conditional Use Permit #04-23CUP to the County Commission. Adopt the findings and conditions as provided in the Staff Report."

**Conditions:**

1. The applicant shall submit a Reclamation Bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the use is not planned to be utilized any further. The bond shall be in to the County Planning & Zoning department within (60) days of County Commission approval and shall be kept current and up to date. No work shall commence until the bond is presented to the Planning & Zoning Department.
2. The applicant shall follow all Federal, State and Local Laws, Regulations and Conditions for the operation of the proposed facility.
3. The applicant shall share all final approvals and continuing approvals/reviews with 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.
4. The entire site shall be free of trash from within the site and/or outside sources.
5. Adhere to the noxious weed containment plan as submitted to the County Weed Control Officer.
6. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method.
7. The applicant shall adhere to Sign Ordinance 4.2-4.2.8 and apply for a permit, post the address and emergency contact information clearly onsite.
8. All security lighting on site shall be downward facing and shall not glare on adjacent property owners or the public travel way.
9. Any changes in area, volume, extended use or current permitted use will require an amendment to the existing Conditional Use Permit per Section 5.8.5 of the McKenzie County Zoning Ordinance.
10. No trailers or workforce housing is allowed on this site.
11. Any trailers or workforce housing utilized for this project shall require an additional permit.
11. This Conditional Use Permit will remain in force, but can be placed before the County Commission for revocation if there are violations or changes of the approved conditions.
12. Dust Control mitigation shall be utilized whenever conditions warrant.

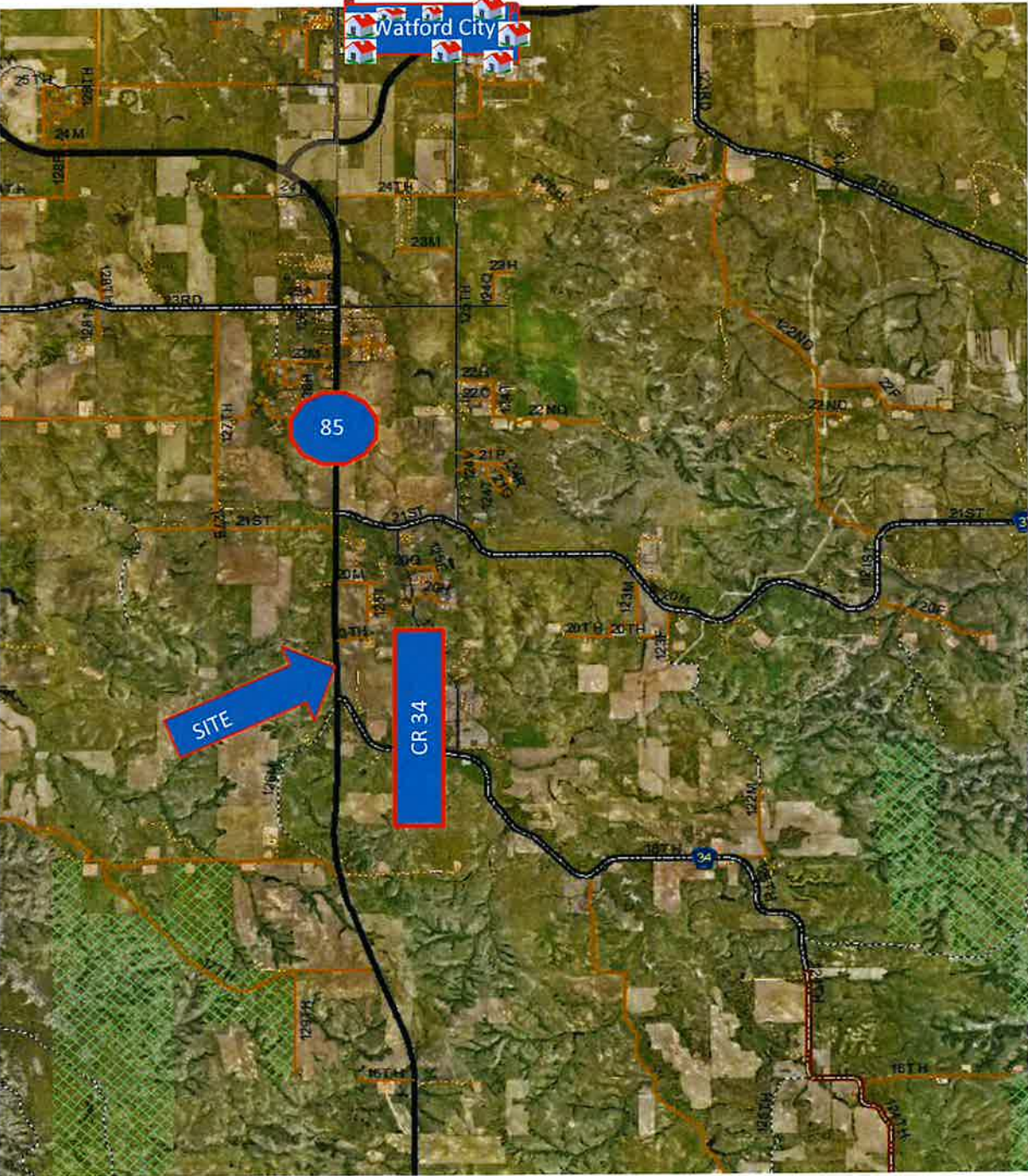


#04-23CUP

PID # 630014475

T149N,R98W,S30

Vicinity Map

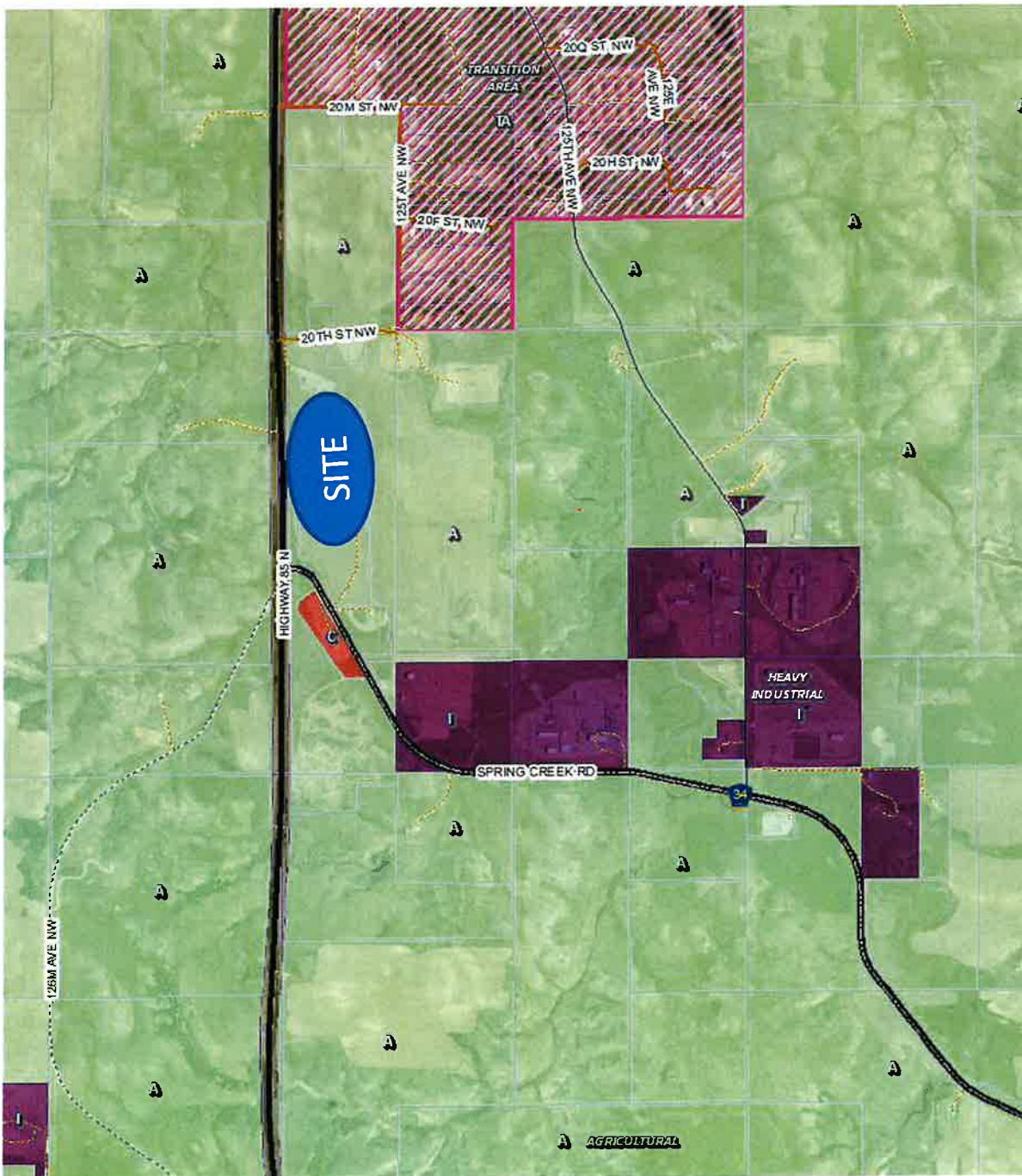


#04-23CUP

PID # 630014475

T149N,R98W,S30

### Comprehensive Plan Map-Agriculture

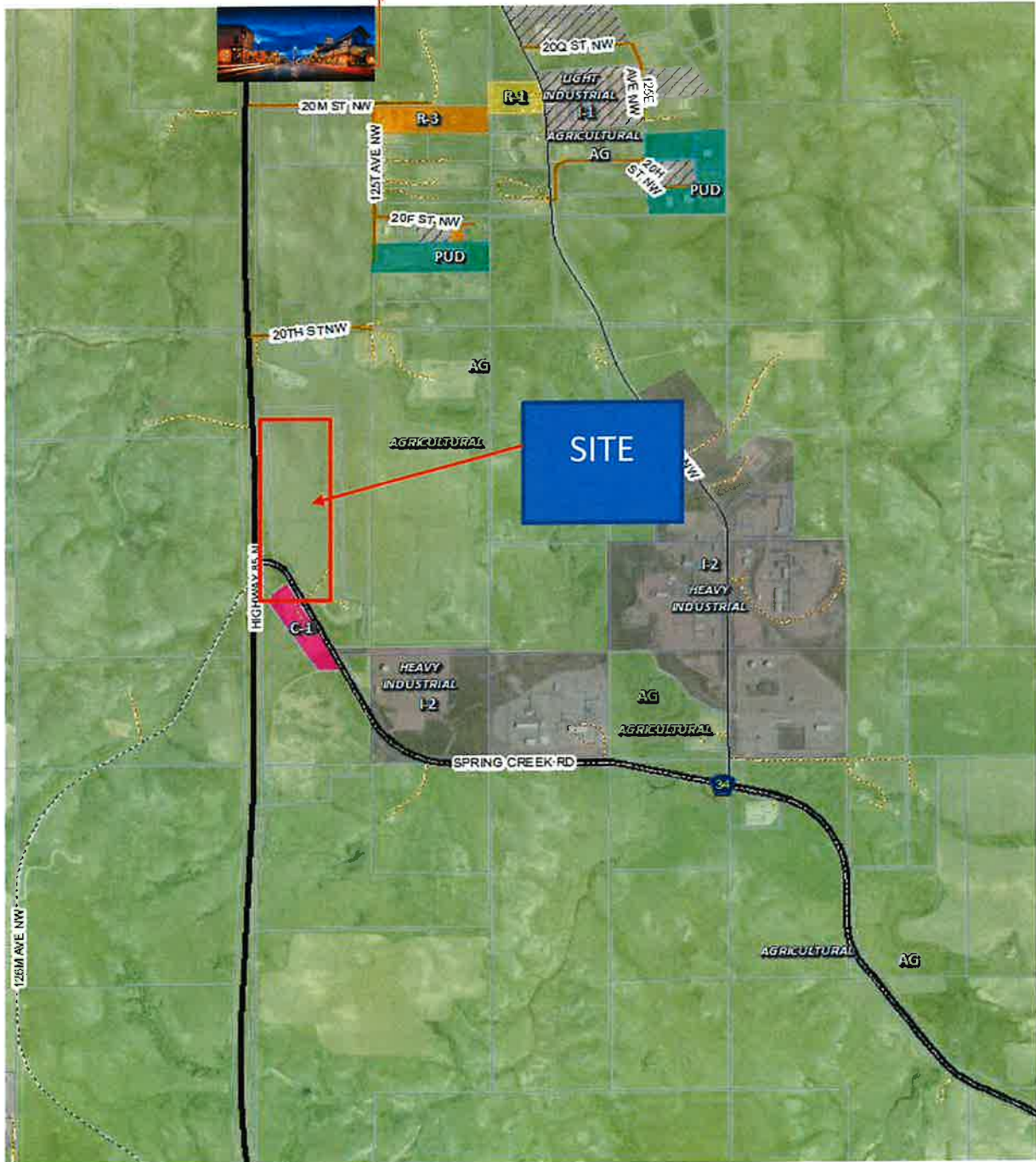


#04-23CUP

PID # 630014475

T149N,R98W,S30

### Zoning Map-Agriculture

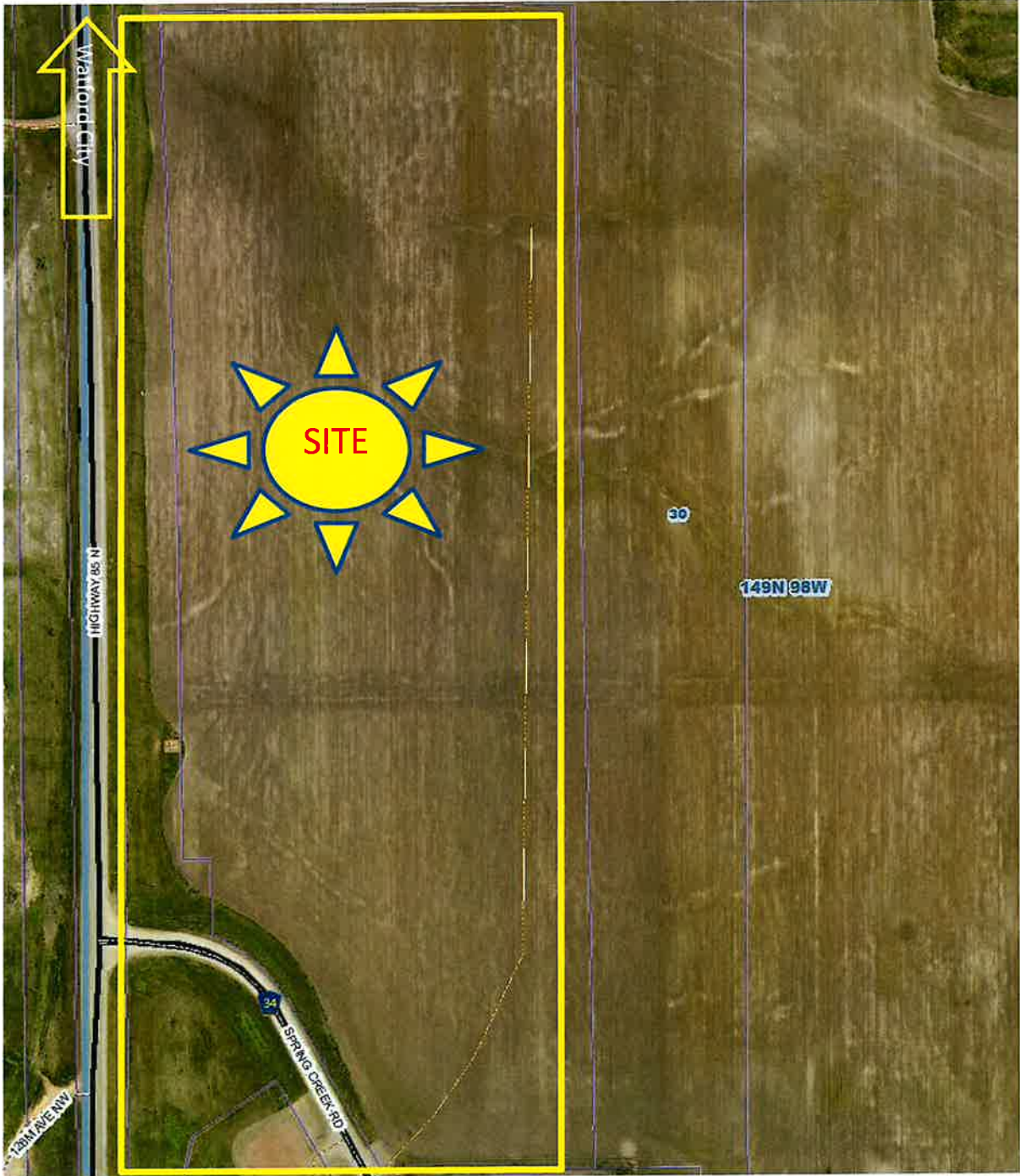


#04-23CUP

PID # 630014475

T149N,R98W,S30

Site Map



### 03-23CUP-RBW Limerock Resources

<b>Application:</b>	April 5, 2023
<b>Hearing Date:</b>	June 12, 2023
<b>Description:</b>	NW 1/4 of T150N,R97W,S26, 2568 Beaver Creek Road, McKenzie County, ND PID # 130012600
<b>Owner(s)/Applicant:</b>	Limerock Resources Inc.
<b>Reason for Request:</b>	"On May 16, 2023, applicant Limerock Resources was granted #03-23CUP Conditional Use permit for the property at 2568 Beaver Creek Road. #03-23CUP included a Reclamation Bond Requirement. Applicant is requesting waiver of the Reclamation Bond Requirement based on McKenzie County Zoning Ordinance 4.10 Regulation of Freshwater Depots, Pipelines, and Ponds (11)."

**Comprehensive Plan Land Use: Agricultural**

**Zoning: Agricultural**

**Findings of Fact:**

1. All requirements for public notification have been satisfied.
2. Staff have not received any public comments regarding this proposal.
3. Applicant is the property owner. All reclamation costs shall be the responsibility of the property owner.
4. Property is not in an organized township.
5. Pond was constructed by a previous owner.
6. Pond is used for industrial use as well as fire suppression for emergency services.
7. Pond is fenced with a barb wire fence.
8. Site is clean and weed free.
9. #03-23CUP was originally approved by the BOCC on May 16th, 2023.
10. Applicant is applying for a bond Waiver as the pond has been in existence for several years and is on the owners property.
11. All Conditions from the original Conditional Use Permit will remain in effect except the Requirement for a Reclamation Bond Waiver, and are listed below.

**Conditional Use Permit Criteria::**

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.**

The pond is fenced with a barb wire fence and as such will not be detrimental to anyone.

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

Pond is existing and operation of the pond is intermittent, based on industry demand, and will not diminish property values in the area.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

The surrounding use is Agricultural so the pond will not adversely affect the surrounding area

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Utilities, Road access and other necessary site improvements have been made.

**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.**

Applicants have an Approved Approach Permit # LR220712BV.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

Freshwater ponds are a Conditional Use in the Agricultural District.

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Agricultural.

**Staff Recommendation:**

Staff recommends **Approval** for this Conditional Use Permit.

Suggested motion: "Staff Recommends Approval for this Reclamation Bond Waiver. Suggested Motion: Recommend approval of Conditional Use Permit-Reclamation Bond Waiver to the County Commission to allow the Reclamation Bond Waiver #03-23CUP-RBW. Adopt the findings and conditions as provided in the staff report."

**Conditions:**

1. The applicant shall mark the site with a (4' x 8') sign visible from the road per McKenzie County Ordinance Section 4.10 with the following information. Address/project identification, emergency contact phone number.
2. The applicant shall adhere to the noxious weed containment plan as submitted to the County Weed Control Officer.
3. The applicant shall allow the local Fire Departments access to water in case of emergencies.
4. The applicant shall adhere to all Federal, State and Local Laws, Regulations, and Conditions for the operation of the proposed facility.
5. The applicant shall provide the County Planning Department with all Federal and State approvals or denials, along with any violations relating to the project for the duration of the project including NDSWC approvals, conditions, violations and expirations.
6. Per McKenzie County Ordinance Section 4.10, line item number 2, the applicant shall fence around the holding pond with a 4-strand barbed wire fence to be completed prior to reservoir storing measurable water.
7. This site through this Conditional Use Permit shall not be used as a truck depot.
8. The applicant shall maintain a site free of garbage, from within the site and from outside sources, during and after construction.
9. Any changes in area or volume will require an amendment to the existing Conditional Use Permit per Section 5.8.5 of the McKenzie County Zoning Ordinance.
10. Ingress/egress for the site will be completed to the satisfaction of the County Engineering Department. Ingress/egress will not impede public roadway.
11. Access on the private roadway into the site must be maintained for 911 purposes.
12. Dust control shall be maintained on roads accessing the site. Magnesium Chloride will be applied one quarter (1/4) mile in each direction of all access points to any pipeline staging areas. The magnesium chloride will be applied before construction begins and each year prior to May 31st and again prior to August 31st. The applicant shall provide the Planning Department copies of receipts for the dust control showing compliance.
13. The applicant shall limit sediment runoff from the site by use of perimeter controls on down slope portions of the site (e.g. silt fence) and limit channelized erosion in ditches, swales, and adjacent natural water bodies.
14. The Site will be inspected periodically to ensure compliance.

## Reclamation Bond Waiver Application for Ponds / Reservoirs

A Signed and **Notarized** Hold Harmless Agreement to indemnify and hold harmless the County of McKenzie and all its agents, departments, successors and assigns for all claims, liabilities, costs and attorney's fees arising from or related to the pond. **Owners signature must be Notarized.**

**This application is NOT valid without the attached Property Owner Acknowledgement signed and Notarized.**

This application is to amend an existing Conditional Use Permit to release the applicant of the reclamation bond requirement as required by the McKenzie County Planning and Zoning Ordinance 2.13.2. Please read the attached Zoning Ordinance Amendment 4.10 section 11 related to reclamation bond waiver requirements. Also include initialed, signed and notarized Property Owner Acknowledgement.

Applicant Signature:  Date: 4/15/2023



## McKenzie County Zoning Ordinance

### 4.10 REGULATION OF FRESHWATER DEPOTS, PIPELINES, AND PONDS

The conditions of approval of a Freshwater Storage Pond Reclamation Bond Waiver, must meet at a minimum the following:

**(11)** For Freshwater Storage Ponds, the requirements of subsections (8), (9), and (10) may be waived if, along with the application, the applicant submits written consents of all persons with a record interest in the ownership of the surface of the land where the project is located. Such written consents shall include acknowledgement from the Planning and Zoning Department that they understand the implications of the waiver to them. The Board of County Commissioners shall consider each request for a waiver individually and determine whether a waiver is appropriate in the circumstances. No waiver may be granted unless:

**A.** The applicant demonstrates that all landowners entitled to notice of the application have been specifically notified of the waiver request. DB initial

**B.** The liner of the pond, if any, will have a service life of no less than 20 years. DB initial

**C.** The applicant and owners of the land sign an agreement to indemnify and hold harmless the County of McKenzie and all of its agents, departments, successor and assigns for all claims, liabilities, costs, and attorney fees arising from or related to the pond. DB initial

**[SIGNATURES APPEAR ON NEXT PAGE]**

## Reclamation Bond Waiver Property Owner Acknowledgement

Property Owner understands that they will be solely responsible for the following items:

- A sign as required by the Original Conditional Use Permit shall be maintained. DB initial
- Fence maintenance per the conditions listed on the Original Conditional Use Permit. DB initial
- Water Permits may or may not continue based on approval by the North Dakota State Water Commission and existing and/or future water rights. This could affect the availability of water to supply the pond. DB initial
- Maintenance of weed and garbage control. DB initial
- Maintenance of sediment and erosion control measures to limit site erosion and sediment runoff from the property. DB initial
- Maintenance of either earth lined or artificially lined pond water containment system. DB initial

IN WITNESS WHEREOF, the parties have caused this Acknowledgement to be effective as of the Amended Conditional Use Permit Approval Date.

By: [Signature]

Print Name: Lime Rock Resources V-A, L.P. (Daniel Busch - Sr. Regulatory Analyst)

Its: Owner

Date: 4/5/2023

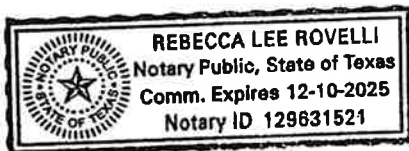
### Property Owner Acknowledgement

State of Texas )

)ss:

County of Harris )

On the 5<sup>th</sup> day of April, 2023, before me, personally appeared Daniel Busch, and acknowledged under oath that he/she is the person/officer named in the within instrument, and that he/she executed the same in his/her stated capacity as the voluntary act and deed of the Owner for the purposes therein contained.



[Signature]

Notary Public: \_\_\_\_\_

## INDEMNIFICATION AGREEMENT

This Indemnification Agreement ("Agreement") is made and entered into by and between the applicant, Lime Rock Resources V-A, L.P. and landowner, Lime Rock Resources V-A, L.P. (hereinafter referred to as "Lime Rock") and McKenzie County, North Dakota (hereinafter referred to as "McKenzie County").

### Recitals

WHEREAS, Lime Rock obtained McKenzie County CUP # 03-23 ("CUP") for the construction of the North Ravin Pond on Parcel #(s) 13-00-12600; Legal description T150N-R97W, 6th P.M., McKenzie County, ND, Section 26: W/2

WHEREAS, Lime Rock has submitted an application for waiver of the Reclamation Bond required by the CUP; and

WHEREAS, Lime Rock and McKenzie County desire to enter into this Agreement to ensure that McKenzie County will not be subject to any actions, which may arise arising from or related to the North Ravin Pond.

### Agreement and Release

NOW, THEREFORE, based on the foregoing recitals, Lime Rock and McKenzie County hereby agree as follows:

1. Lime Rock hereby releases and agrees to protect, defend, indemnify and hold McKenzie County and all of its agents, departments, successors and assigns harmless from and against any and all claims, liabilities, demands, causes of action, damages, costs and attorney fees arising from or related to the North Ravin Pond.
2. Lime Rock further covenants and agrees that it, its employees, agents, representatives, successors or assigns will not make any claim or institute any suit or action at law or in equity against McKenzie County arising from or related to the North Ravin Pond.

Dated this 5th day of April, 2023

[SIGNATURES APPEAR ON NEXT PAGE]

**INDEMNIFICATION AGREEMENT SIGNATURE PAGE**

**(Applicant Name)**

By: Daniel Busch  
Its: Senior Regulatory Analyst for Lime Rock Resources  
Date: 4/5/2023

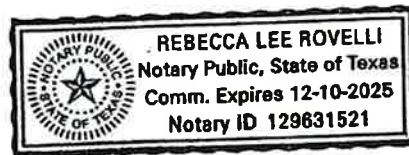
**(Owner Name)**

By: Daniel Busch  
Its: Senior Regulatory Analyst for Lime Rock Resources  
Date: 4/5/2023

State of Texas )  
County of Harris )ss:

On the 5<sup>th</sup> day of April, 20<sup>23</sup>, before me, personally appeared Daniel Busch, and acknowledged under oath that he/she is the person/officer named in the within instrument, and that he/she executed the same in his/her stated capacity as the voluntary act and deed of the Owner for the purposes therein contained.

Rebecca Lee Rovelli  
Notary Public: \_\_\_\_\_



**McKenzie County**

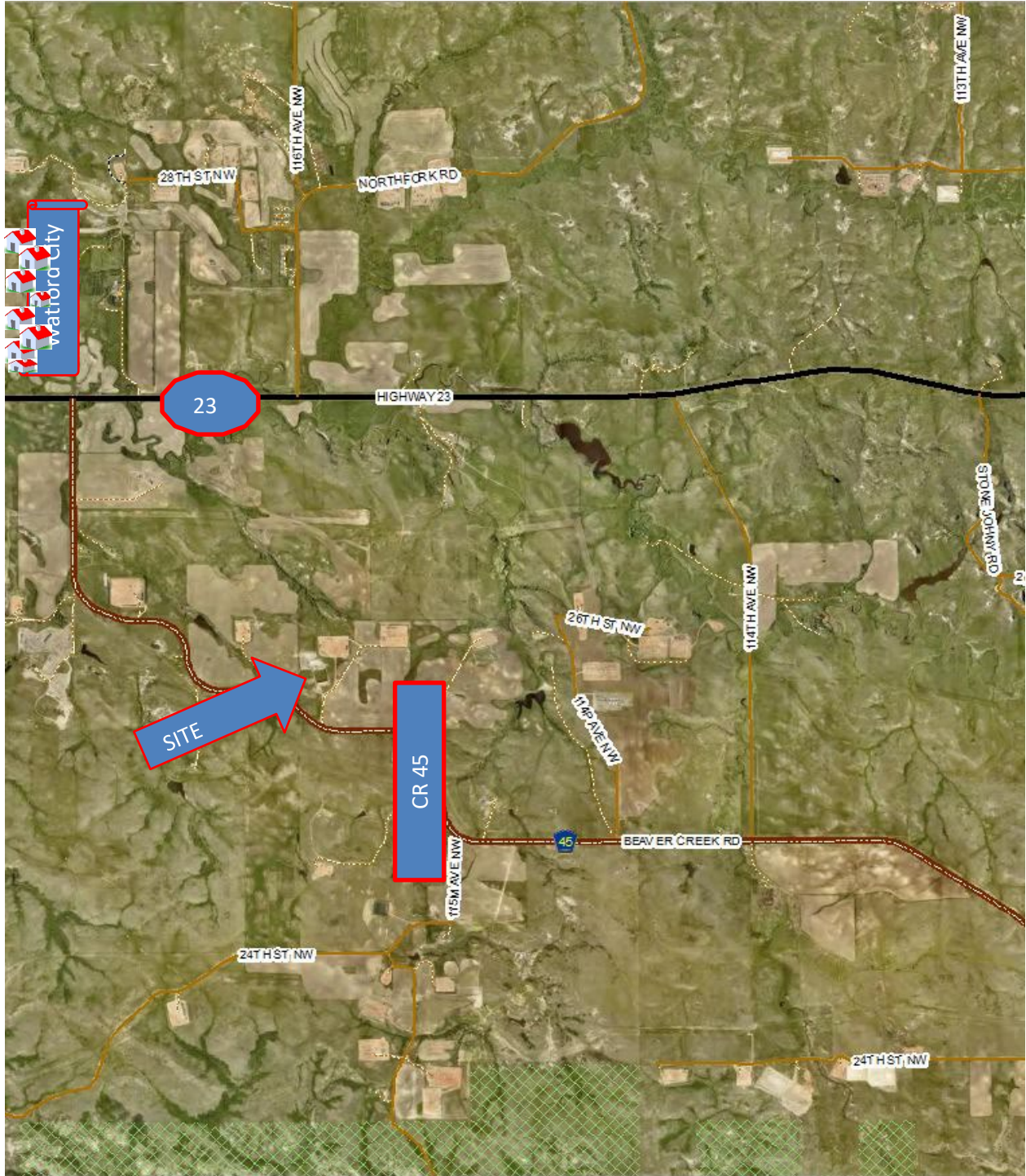
By: \_\_\_\_\_  
Its: \_\_\_\_\_  
Date: \_\_\_\_\_

#03-23CUP

PID # 130012600

T150N,R97W,S26

Vicinity Map

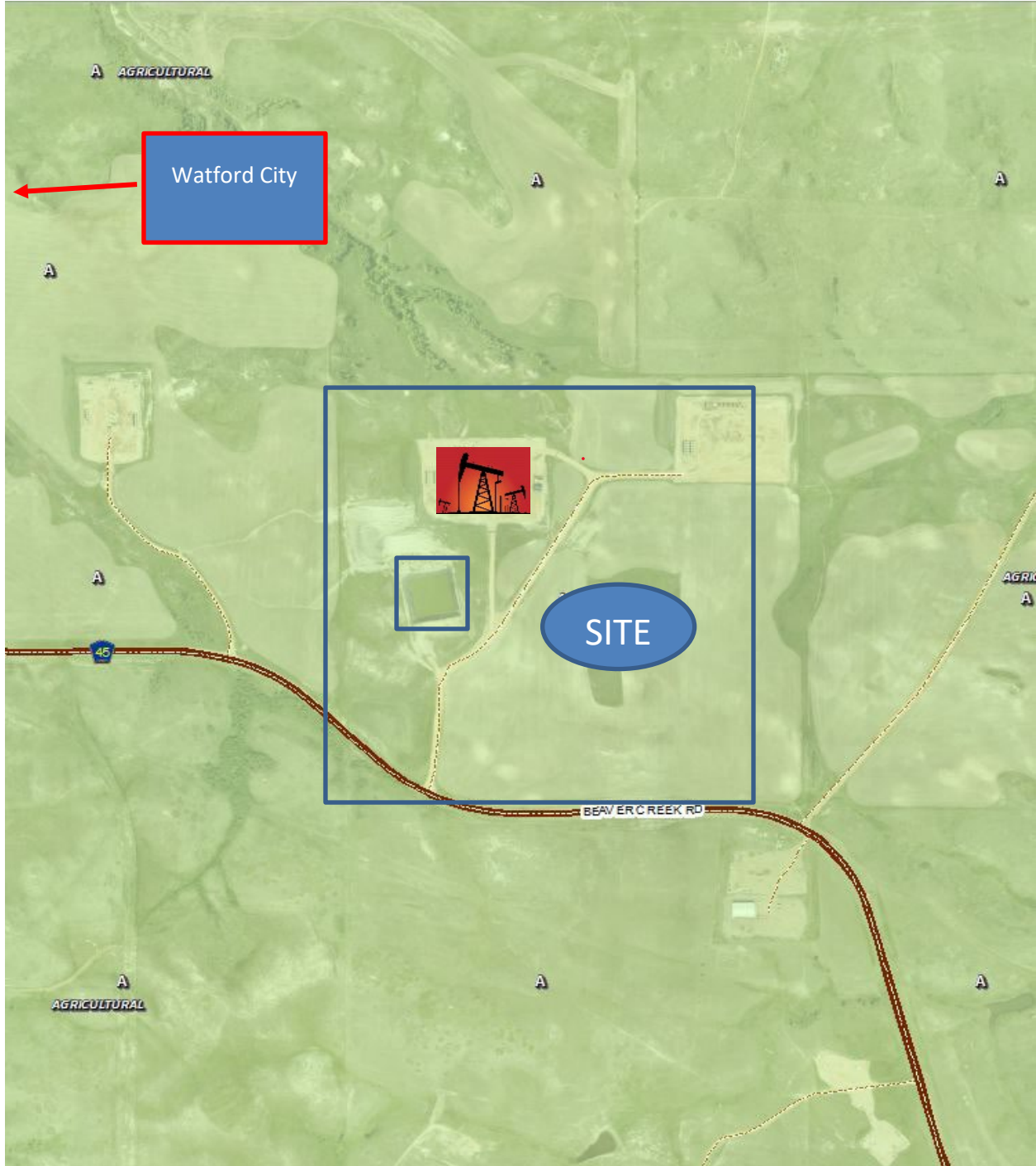


#03-23CUP

PID # 130012600

T150N,R97W,S26

### Comprehensive Plan Map-Agriculture



#03-23CUP

PID # 130012600

T150N,R97W,S26

**Zoning Map-Agriculture**

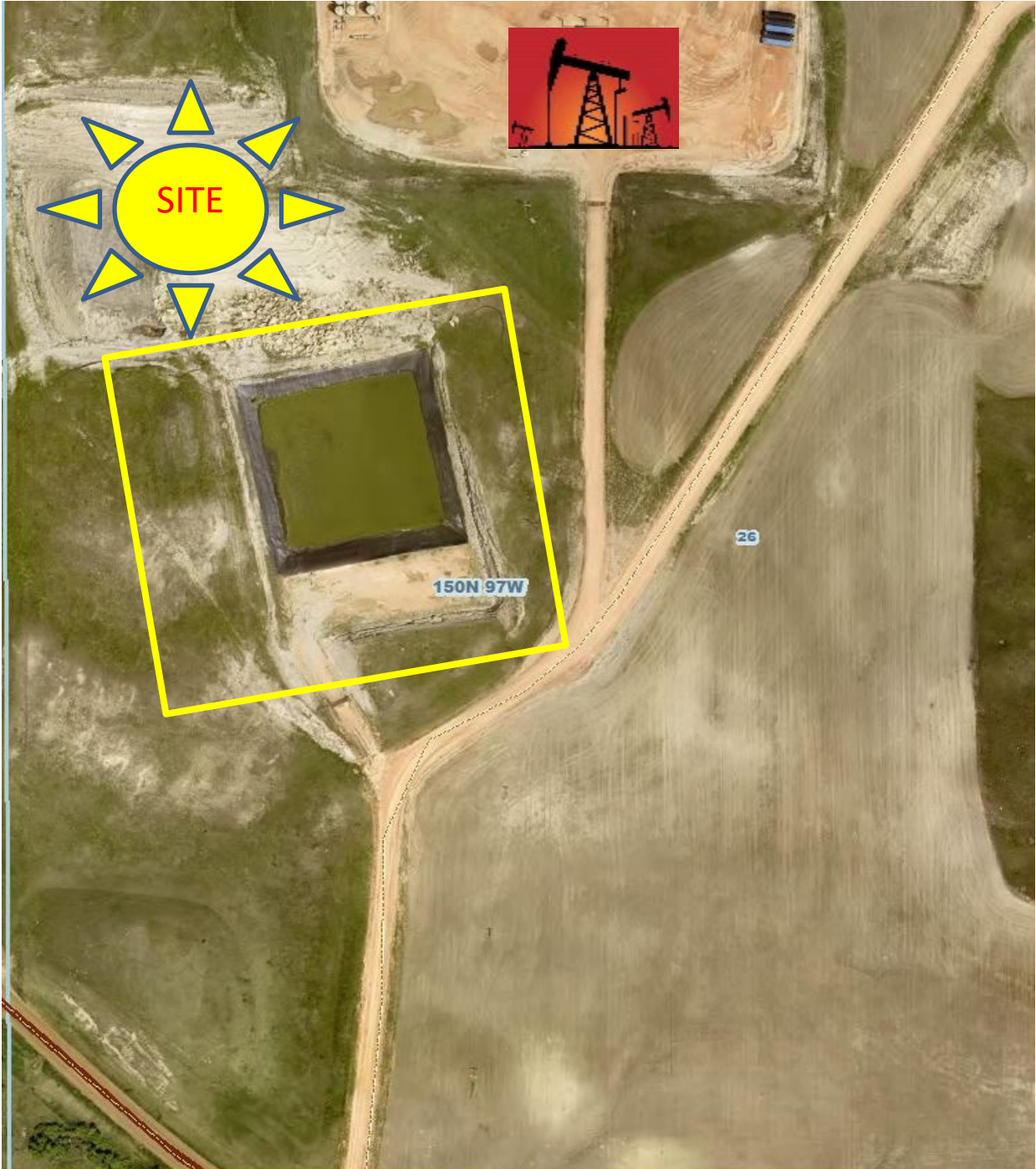


#03-23CUP

PID # 130012600

T150N,R97W,S26

Site Map





### 08-22Amend-Cup Todd And Nanette Edmondson

<b>Application:</b>	May 5, 2023
<b>Hearing Date:</b>	June 12, 2023
<b>Description:</b>	NW 1/4 S12,T145N,R98W, PID #180002800, 12052 Charlie Bob Creek Road
<b>Owner(s)/Applicant:</b>	Sue Powers Hartman (Owner)/ Todd And Nanette Edmondson (Applicant)
<b>Reason for Request:</b>	Applicant wishes to build a less than 12.5 acre foot diversion/ Settling pond to use for filling their industrial use pond and amend the fence plan to include both the large and small ponds.

<b>Comprehensive Plan Land Use: Agricultural</b>
<b>Zoning: Agricultural</b>

<p><b>Findings of Fact:</b></p> <ol style="list-style-type: none"> <li>1. All Requirements for public notification have been made,</li> <li>2. Staff has received public comment regarding this proposal.</li> <li>3. Applicant has written permission from the property owner to apply for this Permit.</li> <li>4. The pond is proposed to be less than 12.5 Acre feet.</li> <li>5. ND Dept of Water Resources conducted an onsite inspection and gave approval for the additional pond, and said they will not need a construction permit.</li> <li>6. Freshwater Ponds are conditionally allowed in the Agriculture District.</li> <li>7. Pond area is enclosed with a 4 strand barbed wire fence.</li> <li>8. Property is not in an organized township.</li> <li>9. Pond will be lined with a Geomembrane liner.</li> <li>10. Applicant has provided a Certificate of Good Standing.</li> <li>11. Applicant has a current State Water Permit.</li> <li>12. Applicant has previously applied for conditional use permits for industrial water use. In 2015 application #0080-15CUP for an Industrial Pond was Denied. In 2016 application #045- 16Cup for 5 (five) Frac Tanks was tabled and ultimately Approved in 2017. Tanks were never installed on the property. CUP #08-22CUP for an Industrial Pond which was Approved on Nov 15, 2022</li> </ol>
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**Conditional Use Permit Criteria::**

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.**

The pond will be fenced with 4 Strand barbed wire to limit access, weed control will be maintained and a sign has been installed

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

Operation of the pond would be intermittent, based on industry demand and is not expected to impair or diminish the value and enjoyment of other property in the area.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

The surrounding property is agricultural so the pond will not adversely affect the surrounding area.

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Utilities, roads, drainage and other necessary site improvements will be done to accommodate the proposed conditional use.

**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.**

Applicants have an approved approach permit #E1220912JJ

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

A pond is Conditionally allowed in the Agricultural district.

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Agricultural.

**Staff Recommendation:**

Staff recommends **Approval** for this Conditional Use Permit.

Suggested motion: "Staff recommends approval of Conditional Use Permit #08-22AMEND-CUP to the County Commission. Adopt the findings and conditions as provided in the staff report."

**Conditions:**

1. The applicant shall mark the site with a (4' x 8') sign visible from the road per McKenzie County Ordinance Section 4.10 with the following information. Address/project identification, emergency phone number, this must be completed within thirty (30) days from County Commission approval.
2. The applicant shall adhere to the noxious weed containment plan as submitted to the County Weed Control Officer.
3. The applicant shall allow the local Fire Departments access to water in case of emergencies.
4. The applicant shall adhere to all Federal, State and Local Laws, Regulations, and Conditions for the operation of the proposed facility.
5. The applicant shall provide the County Planning Department with all Federal, State and Environmental approvals or denials, along with any violations relating to the project for the duration of the project including NDSWC approvals, conditions, violations and expirations.
6. Per McKenzie County Ordinance Section 4.10, line item number 2, the applicant shall fence around the holding pond with a 4-strand barbed wire fence to be completed prior to reservoir storing measurable water.
7. This site through this Conditional Use Permit shall not be used as a truck depot.
8. The applicant shall maintain a site free of garbage, from within the site and from outside sources, during and after construction.
9. Any changes in area or volume will require an amendment to the existing Conditional Use Permit per Section 5.8.5 of the McKenzie County Zoning Ordinance.
10. Ingress/egress for the site will be completed to the satisfaction of the County Engineering Department. Ingress/egress will not impede public roadway.
11. Access on the private roadway into the site must be maintained for 911 purposes.
12. Dust control shall be maintained on roads accessing the site. Magnesium Chloride will be applied one quarter (1/4) mile in each direction of all access points to any pipeline staging areas. The magnesium chloride will be applied before construction begins and each year prior to May 31st and again prior to August 31st. The applicant shall provide the Planning Department of receipts of the dust control showing compliance.
13. The applicant shall limit sediment runoff from the site by use of perimeter controls on down slope portions of the site (e.g. silt fence) and limit channelized erosion in ditches, swales, and adjacent natural water bodies. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted if required by State or Federal regulations. The site shall be restored and stabilized to pre-project conditions.
14. A RECLAMATION BOND EQUAL TO 150% AN ENGINEERS ESTIMATE SHALL BE PROVIDED TO THE PLANNING DEPARTMENT within sixty (60) days of Board of County Commissioners approval. The reclamation bond shall be per the standards set forth in section 2.13 of this Ordinance, unless a waiver is applied for and granted.
15. Provide approved and final construction plans and storm water management as per NDSWC.

16. The Site will be inspected periodically to ensure compliance.

# **PUBLIC COMMENT**

**From:** [MERLE FOSS](#)  
**To:** [Candy Lundgren](#); [MERLE FOSS](#)  
**Subject:** Quries on Public Notice  
**Date:** Friday, June 2, 2023 7:53:13 AM  
**Attachments:** [CandhL.odt](#)

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Good Morning Candy -

Attached is a letter we wrote to you in anticipation of the Public Hearing on June 12. I read between the lines that the local ranchers most affected by any changes in the flowage of water down stream in Charlie Bob creek are not so concerned since the required permits have been obtained. You might say, if this is true than why should we worry? But we do since water is such a valuable resource in this very dry country. We need our Montross Spring water for our cattle. As we are sure other ranchers do from Charlie Bob

So the responsibility falls on your Planning Commission to safeguard what really belongs to all of us as landowners / taxpayers in McKenzie County. We trust you will continue to make good decisions with regard to the "larger picture" for the general good of all. The people, the land, the environment, the domestic and wild animals, and still more unknowns!.

All best wishes in your decision making process.

Sincerely, Merle and Peggy Foss

Native Son and Daughter of NoDak and Montana

June 1, 2023

**TO: Candy Lundgren, Planner 1  
McKenzie County Planning and Zoning Dept  
1300 12<sup>th</sup> St SE Ste #214  
Watford City, ND 58854**

**FROM: Merle L and Peggy J. Foss Family Trust  
Ann Arbor, MI  
Landowners: SW1/4 of Section one (1), T145 North,  
R98 W of the 5<sup>th</sup> principal meridan in McKenzie County  
North Dakota**

Thank you for the PUBLIC NOTICE you mailed to us which we received on May 24, 2023.

The content was very informative but awakened memories going back to 2015. In summary, that was a stressful experience when we were alerted that unauthorized and illegal excavation was taking place at our Montross Spring.

Since this natural spring held special sentimental value (going back 4 generations), practical value (provides fresh water for cattle being raised by our local renters) and was clearly defined by property line fences established by survey, we felt a need to protect our historic site by strong actions. The McKenzie County Sheriff suggested we post no trespassing signs and that I alert the North Dakota Water Commission in Bismarck as to the exact location of the digging. We did that!

Our understanding now is that this Public Hearing is about a closely related but different concern which gives us more peace. For us to better understand the process, we would appreciate the following queries being answered via return E-mail (mfosmdnh@comcast.net).

1. What is the complete written content of the Amendment to a Conditional Use Permit (#08-22 CUP)?
2. What is meant by less than 12.5 acre foot? (a measure with which we are not familiar)?
3. More specifically, where will the freshwater pond be constructed?
4. Will all landowners surrounding the site and having a run off from their springs be compensated in dollars for their water contributions to the pond?
5. What type of compensation formula will be in place based on water pumped from the pond into tanker trucks and on to the oil fields?

Thanks for getting back to us on this request. Following our detailed reading, we will respond in kind to you via E-mail.

Sincerely,

**Merle L. Foss, Ph.D  
Peggy J. Foss, Ph.D  
Phones: 734-663-1359 (h)  
734-277-1688 (c)**

**From:** [Andrew Steck](#)  
**To:** [mfossmdnh@comcast.net](mailto:mfossmdnh@comcast.net)  
**Cc:** [Candy Lundgren](#)  
**Subject:** Answers to questions about amendment for #08-22CUP  
**Date:** Friday, June 2, 2023 12:09:50 PM

---

Hello Merle and Peggy-

Here are the answers to the questions that you attached to your email.

1. What is the complete written content of the amendment to a conditional use permit (#08-22CUP)?
  - a. The conditions were unchanged from the original CUP
  - b. The amendment is to build a small settling pond near the main pond
  - c. If you cannot make it to the meeting, you can follow the livestream online by [clicking this link](#)
2. What is meant by less than 12.5 acre feet?
  - a. An acre-foot measures the volume of a unit of water that has an area of one acre and a depth of one foot
  - b. An acre-foot is equal to 43,560 cubic feet of water, which is roughly 325,000 gallons
  - c. The state of North Dakota does not require a construction permit for any pond that is fewer than 12.5 acre-feet of water
3. More specifically, where will the freshwater pond be constructed?
  - a. It will be constructed on parcel 18-00-02800, near the existing pond
4. Will all landowners surrounding the site and having a run-off from their springs be compensated in dollars for their water contribution to the pond?
  - a. Compensation for private ventures is not in any way the county's prerogative and would need to be discussed directly with the builders of the pond
5. What type of compensation formula will be in place based on water pumped from the pond into tanker trucks and on to the oil fields?
  - a. See previous answer

Hope this helped!

Andrew Steck, Ph.D. Code  
Enforcement Officer  
Planning and Zoning  
McKenzie County, ND  
701-444-7185

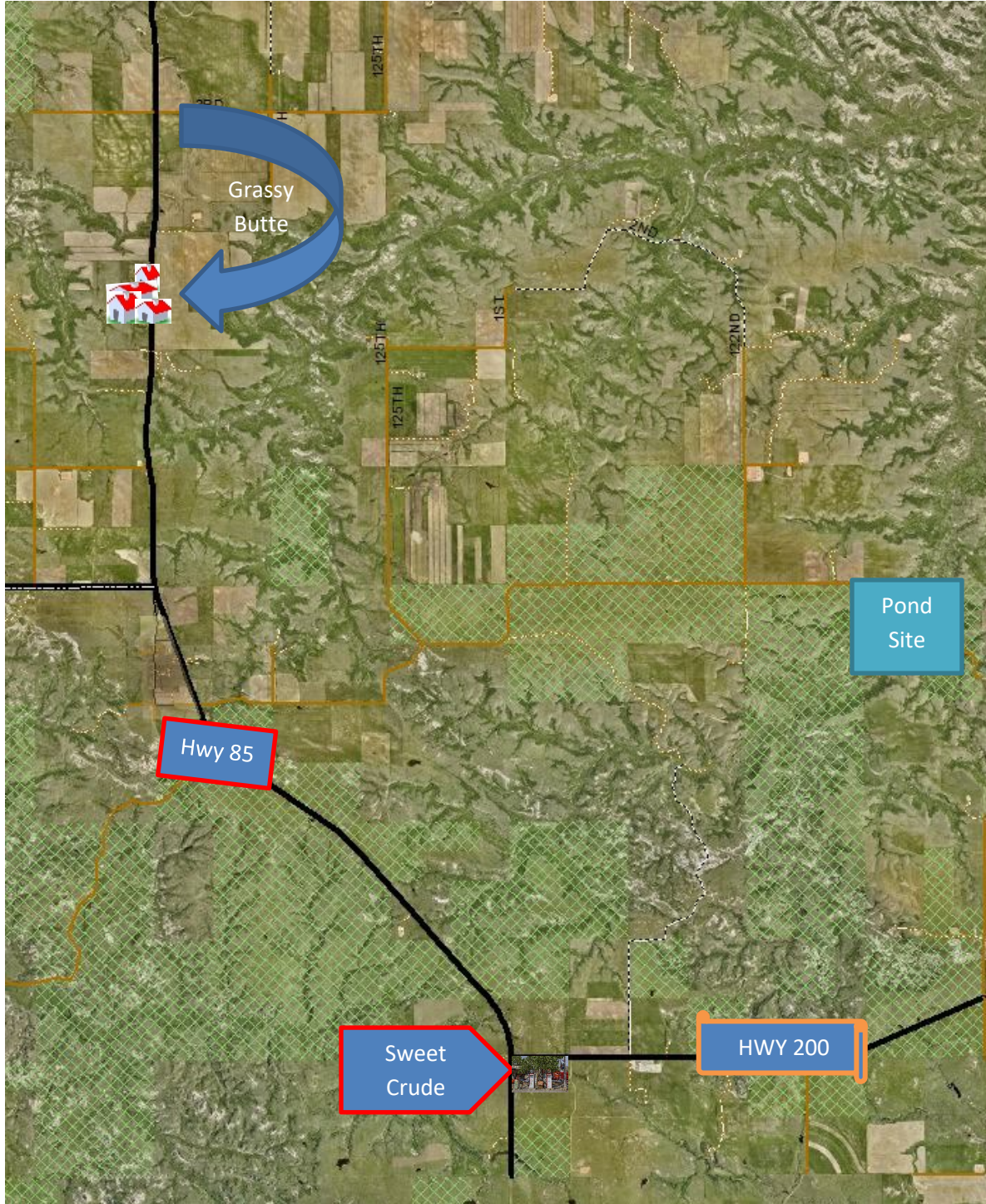


# #08-22Amend-Cup

PID # 180002800

T145N,R98W,S12

## Vicinity MAP

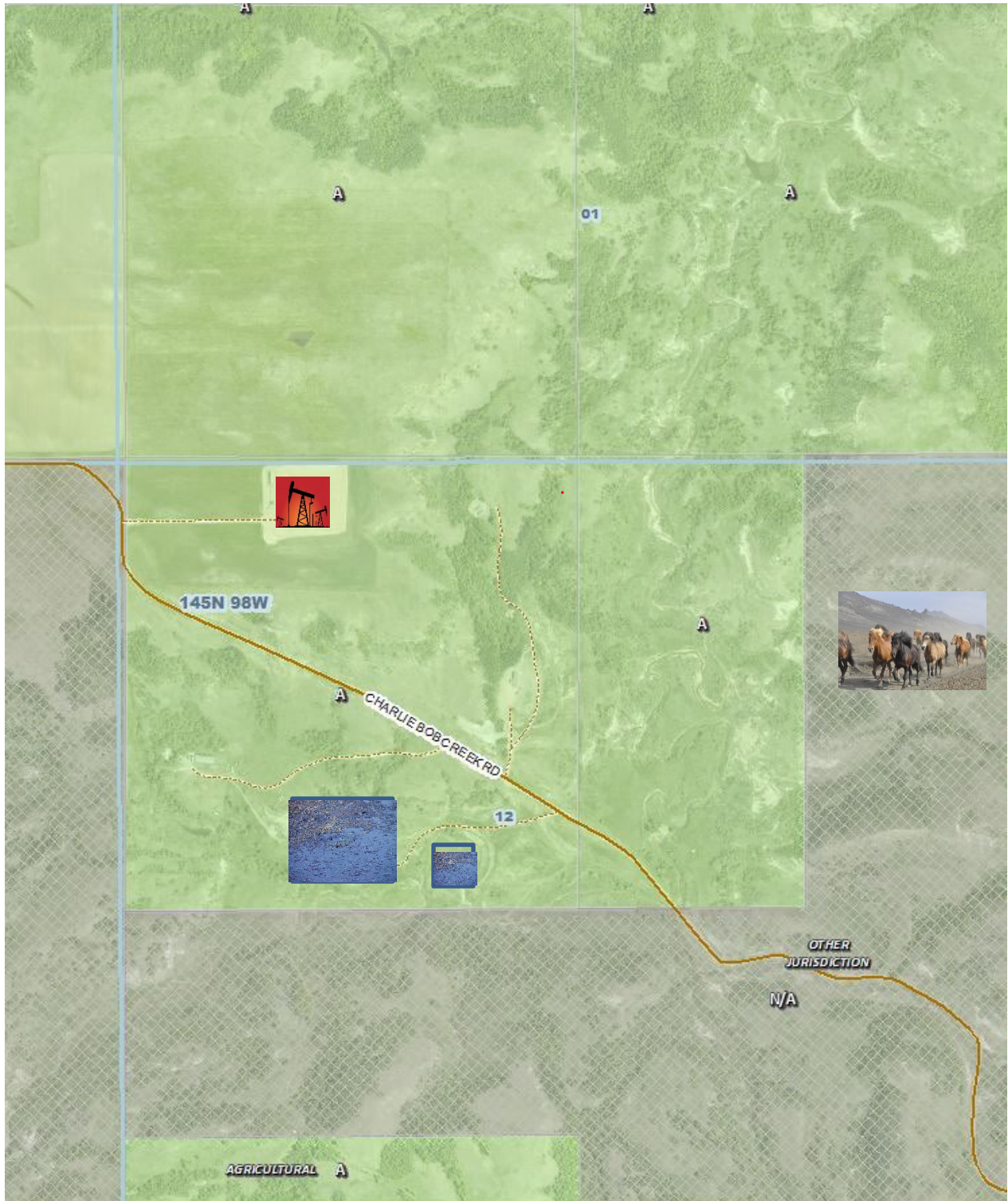


# #08-22Amend-Cup

PID # 180002800

T145N,R98W,S12

## Comprehensive Plan Map-Agriculture

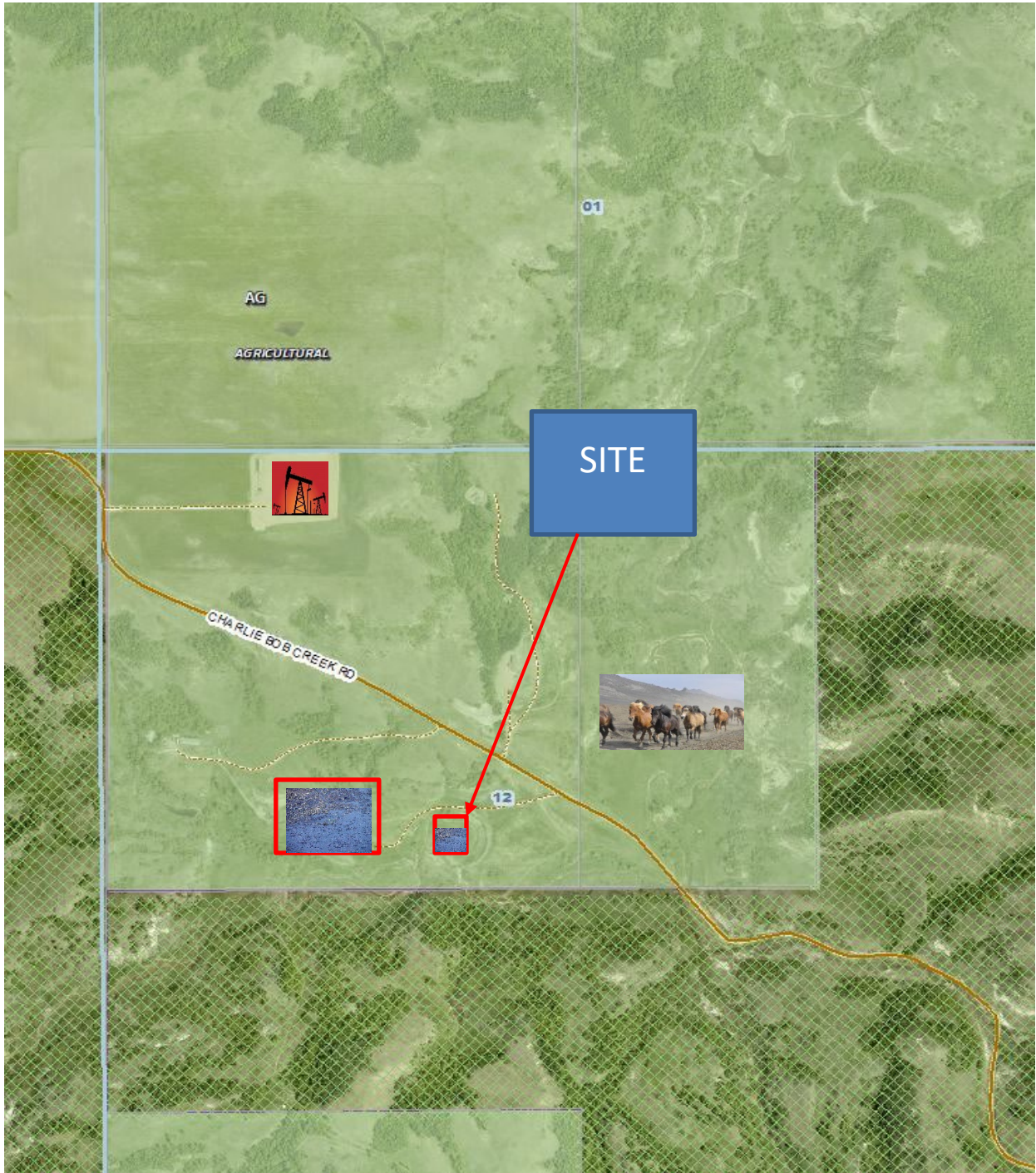


# #08-22Amend-Cup

PID # 180002800

T145N,R98W,S12

## Zoning Map-Agriculture

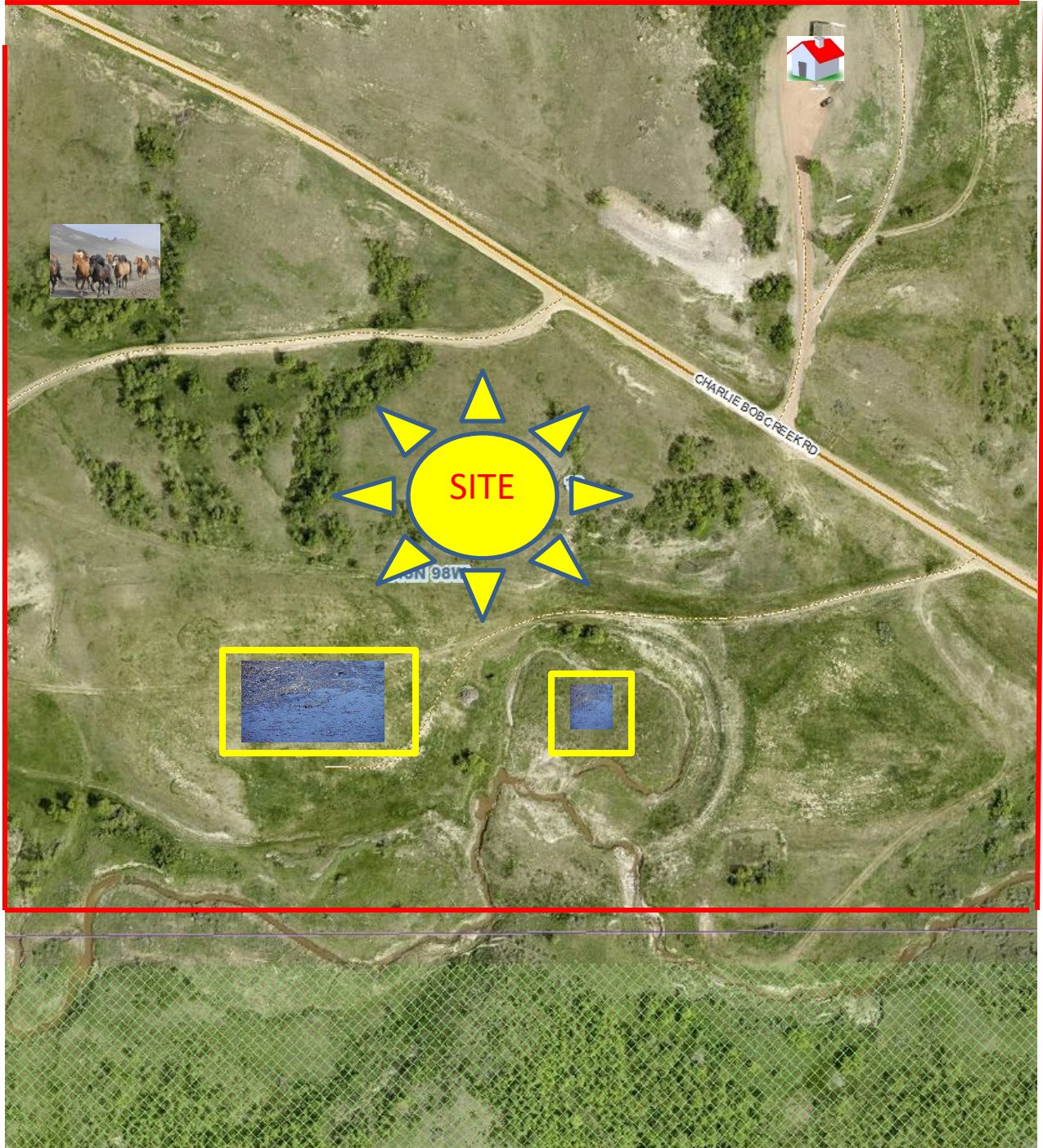


# #08-22Amend-Cup

PID # 180002800

T145N,R98W,S12

## SITE MAP





site Plan for Ponds & fence

# McKENZIE COUNTY

## Planning and Zoning Commission

### #07-23CUP Northern Lights Lodge

<b>Application:</b>	5/15/2023
<b>Hearing Date:</b>	7/10/2023
<b>Description:</b>	12637 23RD ST NW, Watford City, ND 58854; PID #65-02-00300; SW1/4SE1/4 of S01, T149N, R99W
<b>Owner(s)/Applicant:</b>	Northern Lights Lodge
<b>Reason for Request:</b>	Applicant is requesting a Conditional Use Permit to bring an existing workforce housing facility into compliance with Ordinance 3.8.2.1.

<b>Comprehensive Plan Land Use: Transitional</b>
<b>Zoning: Heavy Industrial (I-2)</b>

<b>Findings of Fact:</b>
<ol style="list-style-type: none"> <li>1. Public notification has been satisfied.</li> <li>2. Staff has received no public comments regarding the permit.</li> <li>3. No comments from adjacent landowners.</li> <li>4. Property is not located within an organized township.</li> <li>5. Facility was established before the foundation of Planning and Zoning in 2013, but under the name of Watford City Star Motel.</li> <li>6. Former facility shuttered in 2019, leading to the lapse of grandfather status.</li> <li>7. Applicant also working with North Dakota Food and Lodging to obtain their license.</li> <li>8. Applicant is in good standing with the ND Secretary of State.</li> <li>9. Applicant has landowner permission to apply for this permit.</li> </ol>

<b>Conditional Use Permit Criteria::</b>
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:
<b>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.</b>

The establishment, maintenance, or operation of the conditional use shall not be detrimental to or endanger the public health, safety, comfort or general welfare as the facility has existed on this site for over a decade.

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

The proposed conditional use shall not impede the normal orderly development of the surrounding property as it is zoned similar to surrounding parcels.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

The proposed conditional use shall not impede the normal orderly development of the surrounding property as it is zoned similar to surrounding parcels.

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Utility permits, roads, and drainage have been completed.

**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.**

Applicant has an approved approach permit under number #CI030113BR.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The proposed conditional use is allowed in the Heavy Industrial district.

**Comprehensive Plan Consistency:**  
The subject land area is designated in the land use plan as Transitional.

**Staff Recommendation:**  
Staff recommends **Approval** for this Conditional Use Permit.  
  
Suggested motion: "Staff recommends approval of Conditional Use Permit #07-23CUP to bring an existing workforce housing facility into compliance. Workforce housing is an approved use in the Heavy Industrial district. Adopt the findings and conditions as provided in the staff report."

**Conditions:**  
1. The applicant will mark the site with an address identification sign visible from 23RD ST NW.  
2. The applicant will maintain weed control as approved by the McKenzie County Weed Control

Officer.

3. The applicant will adhere to all state and federal laws, regulations, and conditions for the operation of the proposed facility.
4. Per ordinance 4.8.2, there will be no mix-use housing on the site. All occupied units must be of a homogeneous nature (for example, no workforce housing cabins with RVs)
5. The applicant will post a reclamation bond based on an engineer's estimate and approved by the Planning Director to reclaim the site to a natural condition. The bond amount will be 150% of the estimate. Reclamation will include the removal of all structures, grading of the site, top soil must be applied to all disturbed areas and planted with native grasses as approved by the Planning Director. The bond will name the county as the beneficiary. Bond must be submitted to the Planning and Zoning department within sixty (60) days of the permit's approval.
6. Applicant will maintain adequate garbage control.
7. Applicant will provide the county Planning Department with all federal and state approvals or denials, along with any violations relating to the project for the entire duration of the project.
8. All lighting must be downward facing and will not glare onto surrounding properties.
9. The applicant will not deposit any snow or water onto the neighboring properties and dispose of storm water on site through an approved engineering method.
10. Any changes in use or volume will require an amendment to the existing CUP. Any changes to number of cabins will require additional building permits.



#07-23CUP

PID #650200300

T149N,R99W,S01

Vicinity MAP

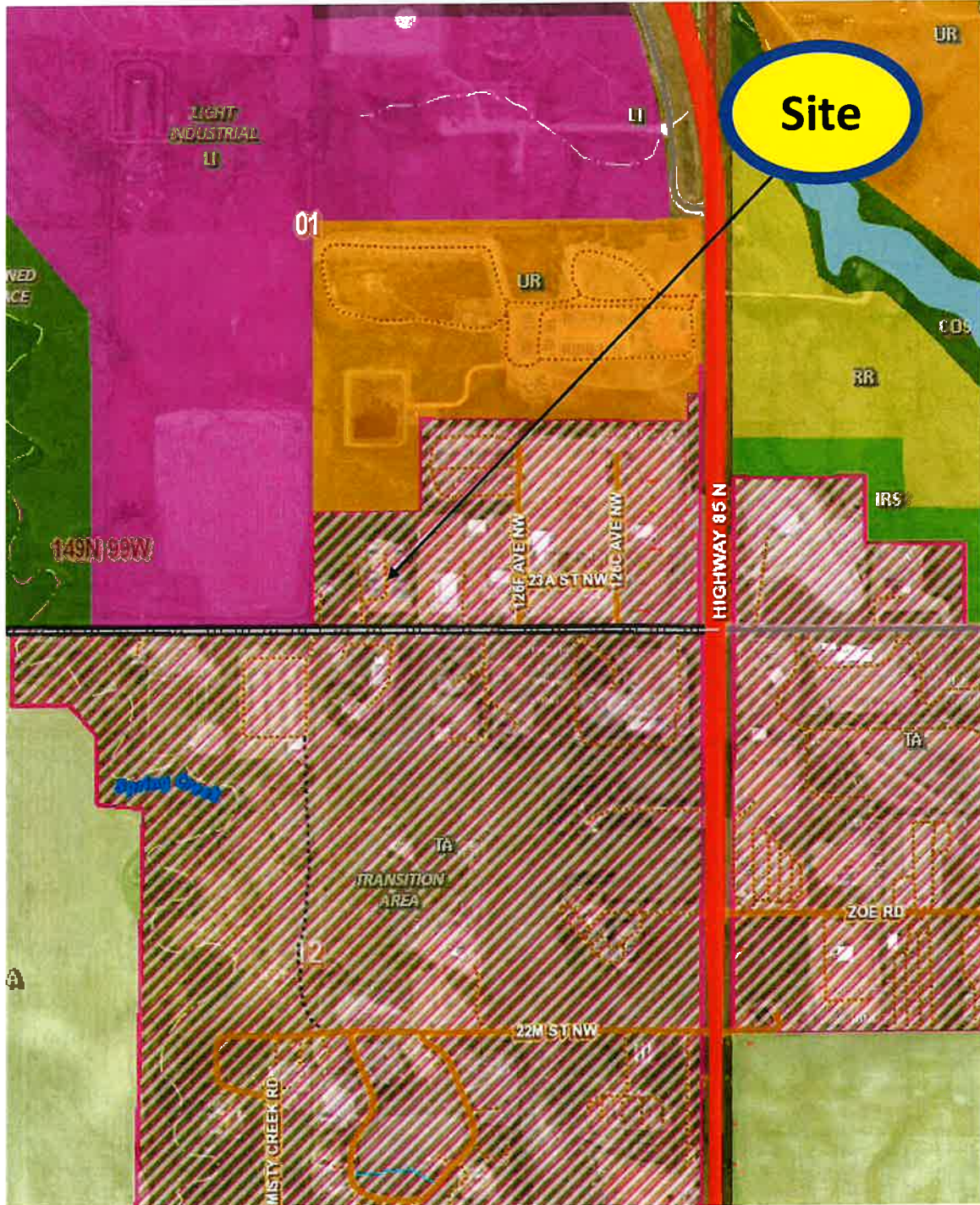


#07-23CUP

PID #650200300

T149N,R99W,S01

### Comprehensive Plan Map-Transition Area

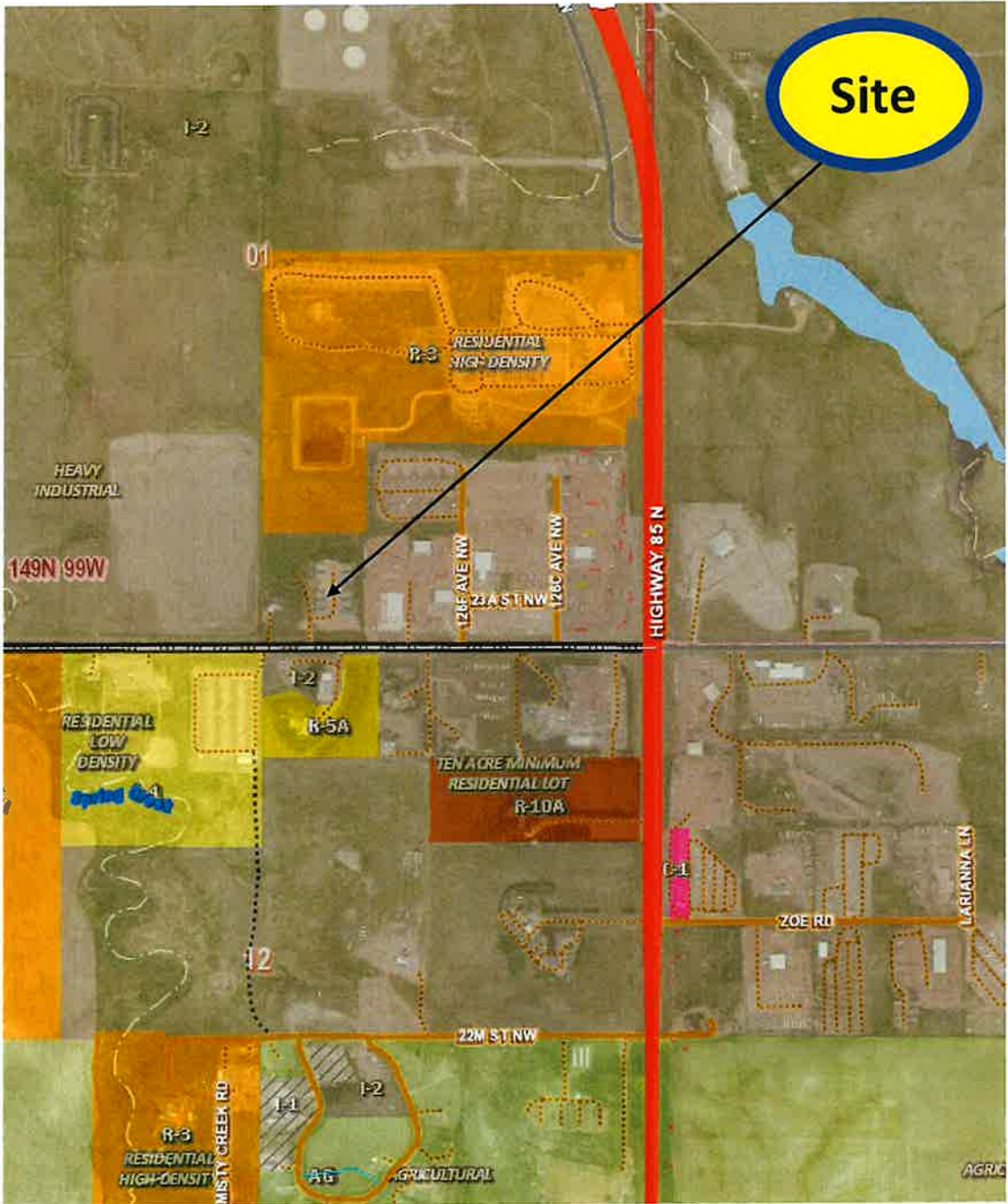


#07-23CUP

PID #650200300

T149N,R99W,S01

Zoning Map-Heavy Industrial



#07-23CUP

PID #650200300

T149N,R99W,S01

SITE MAP



# **McKENZIE COUNTY**

## **Planning and Zoning Commission**

### **#08-23CUP Jacks Redimix**

<b>Application:</b>	June 12, 2023
<b>Hearing Date:</b>	July 10, 2023
<b>Description:</b>	IT #2616 T150N, R98W, S34 PID #200023275, Address 12256 23rd St NW Watford City, McKenzie County, ND 58854
<b>Owner(s)/Applicant:</b>	Jacks Redimix
<b>Reason for Request:</b>	Applicant would like to open a Mobile concrete Ready Mix Plant to provide ready mix on an intermittent, as needed basis to the surrounding area as well as others as needed.

**Comprehensive Plan Land Use: Industrial**

**Zoning: Agriculture**

#### **Findings of Fact:**

1. All Requirements for public notification have been made
2. Staff has not received any comments on this application.
3. Project is not in an organized township
4. Applicant has an approved approach permit #RK022213RK.
5. Applicant has owner approval for project.
6. This is a Portable Batch plant and may not be in use or on site year round. .
7. Concrete Plants are a conditional use in the Agricultural District per 3.4.3 (19
8. Site has adequate space for plant and materials.
9. A Cup #03-19 was applied for and granted to Rhino Ready Mix for this site, #03-19CUP expired due to lack of activity on the site.

#### **Conditional Use Permit Criteria::**

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.**

This Conditional Use will not diminish or impair the value and enjoyment of other property in the area. The location is accessed via CR 37. Dust control mitigation shall be used when necessary.

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

The site for this conditional use has been used historically as a concrete plant.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

The conditional use shall not impede the normal orderly development of the surrounding property due to the historical and intermittent nature of the use.

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Site has adequate utilities, an access road and all other site improvements have been made by previous companies or will be done by Jacks RediMix.

**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.**

Ingress and Egress was established when the previous batch plant was located here.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The proposed temporary use is conditionally allowed in the Agriculture District. Conditions are required to be met for this CUP request to be granted.

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Industrial .

**Staff Recommendation:**

Staff recommends **Approval** for this Conditional Use Permit.

Suggested motion: “Recommend Approval of Conditional Use Remit # 08-23CUP to the County Commission to allow a Concrete Batch Plant. Adopt the Findings and Conditions as provided in the staff report. ”

**Conditions:**

1. The Applicant shall adhere to the noxious weed containment plan as submitted to, and approved by, the County Weed Control officer.

2. The Applicant shall keep the site free of garbage, from within the site and outside sources.

3. Applicant shall follow all state federal and local laws, regulations and and conditions for the operation of the proposed facility.
4. Applicant shall obtain a building permit for all buildings.
5. The applicant shall not deposit any snow or water onto the neighboring properties and dispose of storm water onsite through an approved engineering method.
6. The applicant shall adhere to Sign Ordinance 4.2-4.2.8 and apply for a permit, post the address and emergency contact information clearly onsite.
7. This CUP shall be reviewed annually for compliance with the conditions of approval.
8. This Conditional Use Permit will remain in force, but can be placed before the County Commission for revocation if there are violations of the approved conditions.
9. Any changes in area, volume, extended use or current permitted use will require an amendment to the existing Conditional Use Permit per Section 5.8.5 of the McKenzie County Zoning Ordinance.
10. Applicant shall share all all final approvals and continuing approvals /reviews with County/ State/ Federal Agencies as they are obtained, along with any violations as it relates to this conditional use approval.
11. All security lighting shall be downward facing and shall not glare an adjacent properties.
12. The applicant shall submit a Reclamation Bond equaling 150% of an engineer's estimate to remediate/reclaim the site when the use is not planned to be utilized any further. The bond shall be in to the County Planning & Zoning department within (60) days of County Commission approval and shall be kept current and up to date. No work shall commence until the bond is presented to the Planning & Zoning Department.
13. No trailers or workforce housing are allowed on this site.
14. Dust Control mitigation of access required when necessary.

#08-23CUP  
PID # 200023275  
T150N,R98W,S34  
Vicinity MAP



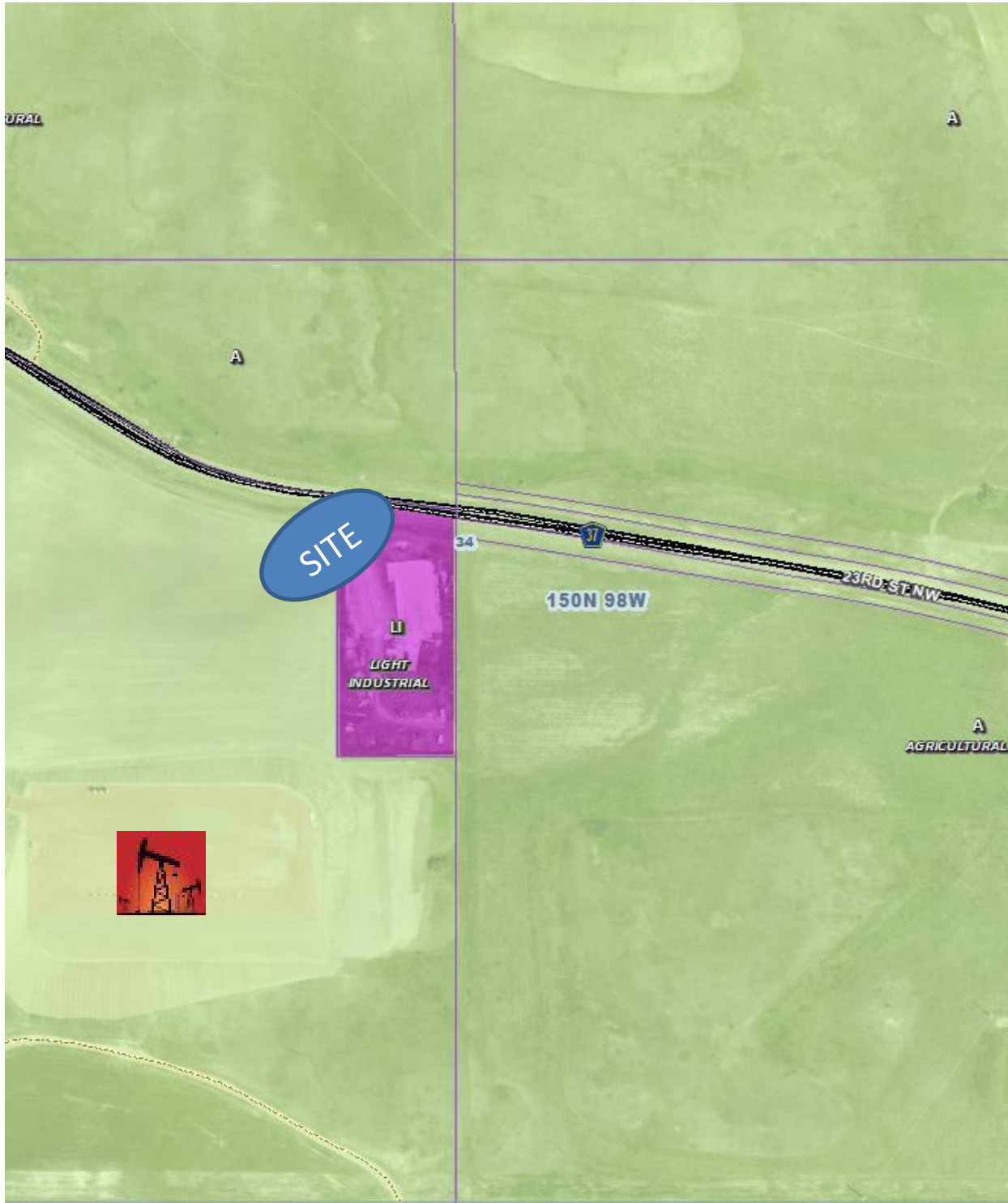


#08-23CUP

PID # 200023275

T150N,R98W,S34

### Comprehensive Plan Map-Light Industrial



#08-23CUP

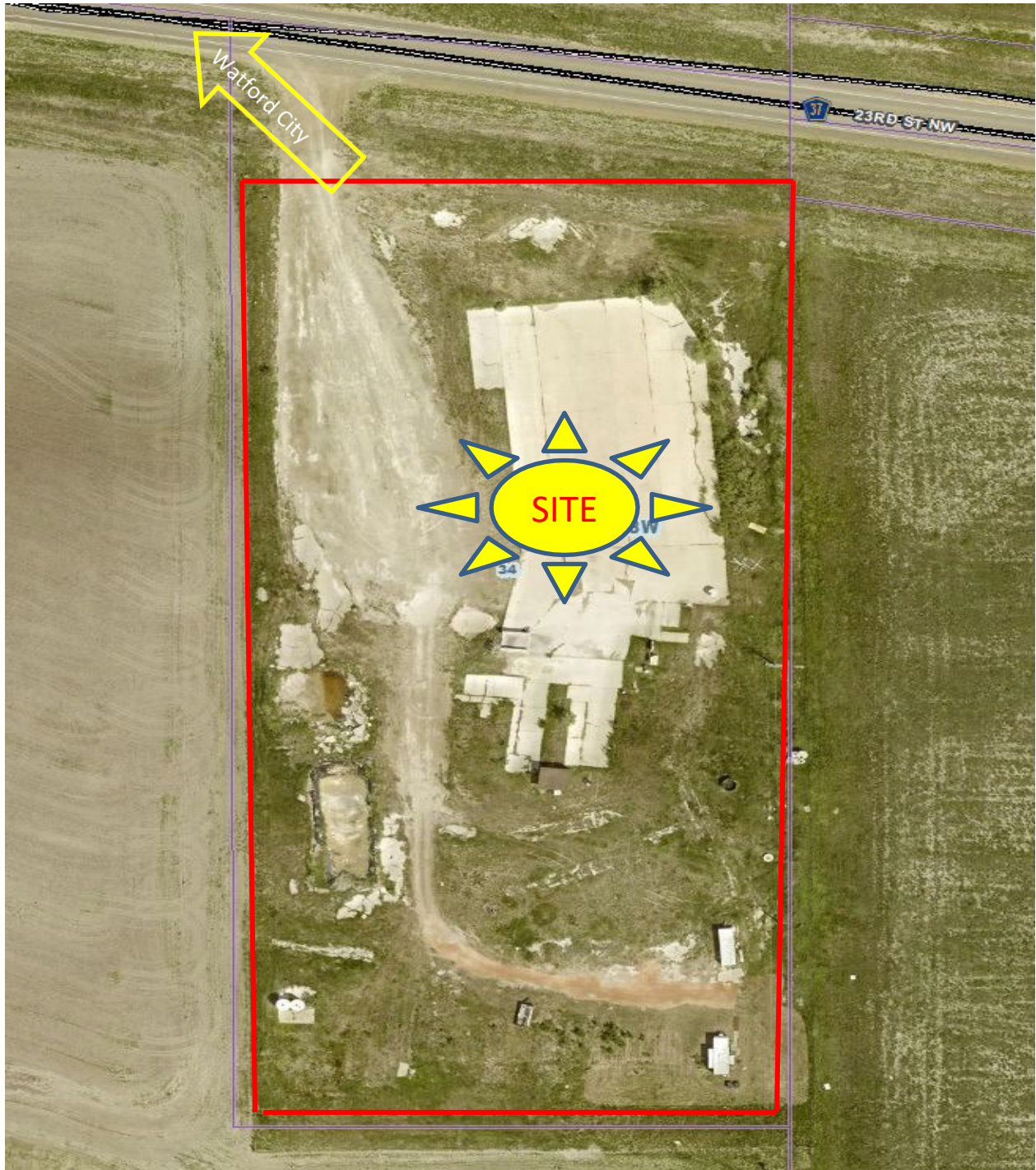
PID # 200023275

T150N,R98W,S34

### Zoning Map-Agriculture



#08-23CUP  
PID # 200023275  
T150N,R98W,S34  
**SITE MAP**



# **McKENZIE COUNTY**

## **Planning and Zoning Commission**

### **# 09-23CUP Rough Rider Operating**

<b>Application:</b>	June 07, 2023
<b>Hearing Date:</b>	July 10, 2023
<b>Description:</b>	SE 1/4 of T151N R99W S5 13021 35th St NW, Arnegard, McKenzie County, ND. PID#660002150
<b>Owner(s)/Applicant:</b>	Rough Rider Operating
<b>Reason for Request:</b>	Applicant is requesting a Conditional Use Permit to bring an existing freshwater pond that was built by a previous owner in 2017 into Compliance.

**Comprehensive Plan Land Use: Agriculture**

**Zoning: Agriculture**

#### **Findings of Fact:**

1. All Requirements for public notification have been made.
2. No public comments have been received.
3. Applicant is not the property owner but has the Property Owners permission to apply for the permit.
4. The pond is less than 50 acre feet.
5. Per the state Applicant does not need a construction permit.
6. Freshwater Ponds are a conditional use in the Agriculture District.
7. Pond is enclosed with a chain link fence.
8. Property in not in an organized township.
9. Applicant has provided a Certificate of Good Standing from the State of ND.
10. Applicant has an Approved weed Permit from the McKenzie County weed Dept.
11. Applicant did not build this pond, this was built in 2017 by a previous owner.
12. Applicant has a Current State Water Permit.

#### **Conditional Use Permit Criteria::**

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.**

The pond is fenced with a Chain Link fence.

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

This pond is existing and operation is intermittent, based on industry demand and will not diminish property values or enjoyment of other property in the area.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

The surrounding use is Agricultural so the pond will not adversely affect the surrounding area.

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Utilities, road access and other necessary improvements have been made.

**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.**

Applicants have an approved approach permit #OM170706KW.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

Freshwater Ponds are an Conditional Use in the Agricultural district.

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Agriculture.

**Staff Recommendation:**

Staff recommends **Approval** for this Conditional Use Permit.

Suggested motion: "Recommend approval of Conditional Use Permit #9-23CUP to the County Commission. Adopt the findings and conditions as provided in the staff report. ""

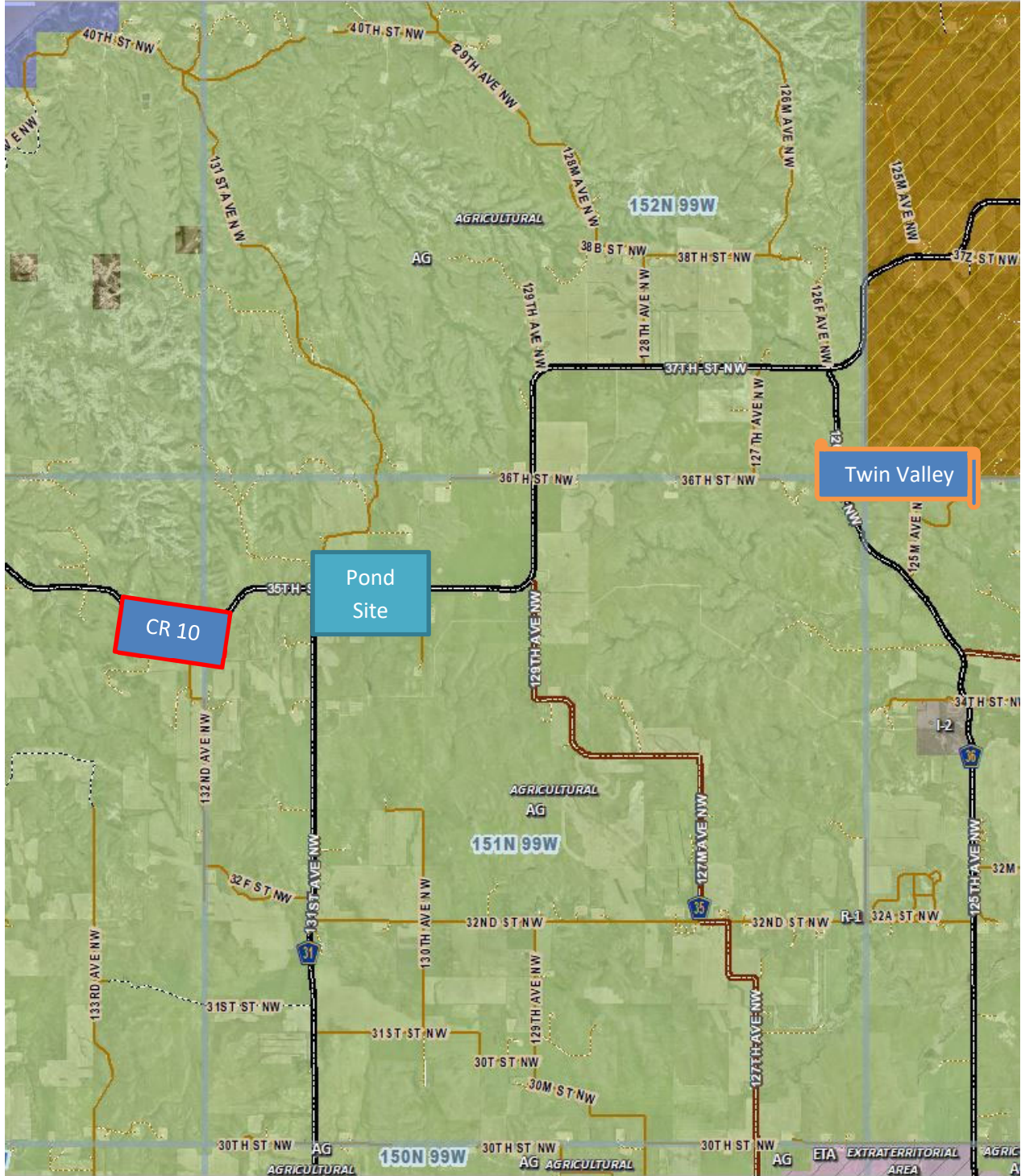
**Conditions:**

1. The applicant shall mark the site with a (4' x 8') sign visible from the road per McKenzie County Ordinance Section 4.10 with the following information. Address/project identification, emergency

contact name and phone number, this must be completed within thirty (30) days from County Commission approval.

2. The applicant shall adhere to the noxious weed containment plan as submitted to the County Weed Control Officer.
3. The applicant shall allow the local Fire Departments access to water in case of emergencies.
4. The applicant shall adhere to all Federal, State and Local Laws, Regulations, and Conditions for the operation of the proposed facility.
5. The applicant shall provide the County Planning Department with all Federal and State approvals or denials, along with any violations relating to the project for the duration of the project including NDSWC approvals, conditions, violations and expirations.
6. Per McKenzie County Ordinance Section 4.10, line item number 2, the applicant shall fence around the holding pond with a Chain Link fence to be completed prior to reservoir storing measurable water.
7. This site through this Conditional Use Permit shall not be used as a truck depot.
8. The applicant shall maintain a site free of garbage, from within the site and from outside sources.
9. Any changes in area or volume will require an amendment to the existing Conditional Use Permit per Section 5.8.5 of the McKenzie County Zoning Ordinance.
10. Ingress/egress for the site will be completed to the satisfaction of the County Engineering Department. Ingress/egress will not impede public roadway.
11. Access on the private roadway into the site must be maintained for 911 purposes.
12. The applicant shall limit sediment runoff from the site by use of perimeter controls on down slope portions of the site (e.g. silt fence) and limit channelized erosion in ditches, swales, and adjacent natural water bodies. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted if required by State or Federal regulations. The site shall be restored and stabilized to pre-project conditions.
13. A RECLAMATION BOND EQUAL TO 150% AN ENGINEERS ESTIMATE SHALL BE PROVIDED TO THE PLANNING DEPARTMENT within sixty (60) days of Board of County Commissioners approval. The reclamation bond shall be per the standards set forth in section 2.13 of this Ordinance, unless a waiver is applied for and granted.
14. The Site shall be inspected annually to ensure compliance.
15. Applicant will provide dust control when necessary on Ingress and Egress.
16. Applicant will keep their State Water Permit current.

#09-23CUP  
PID # 660002150  
T151N,R99W,S5  
Vicinity MAP

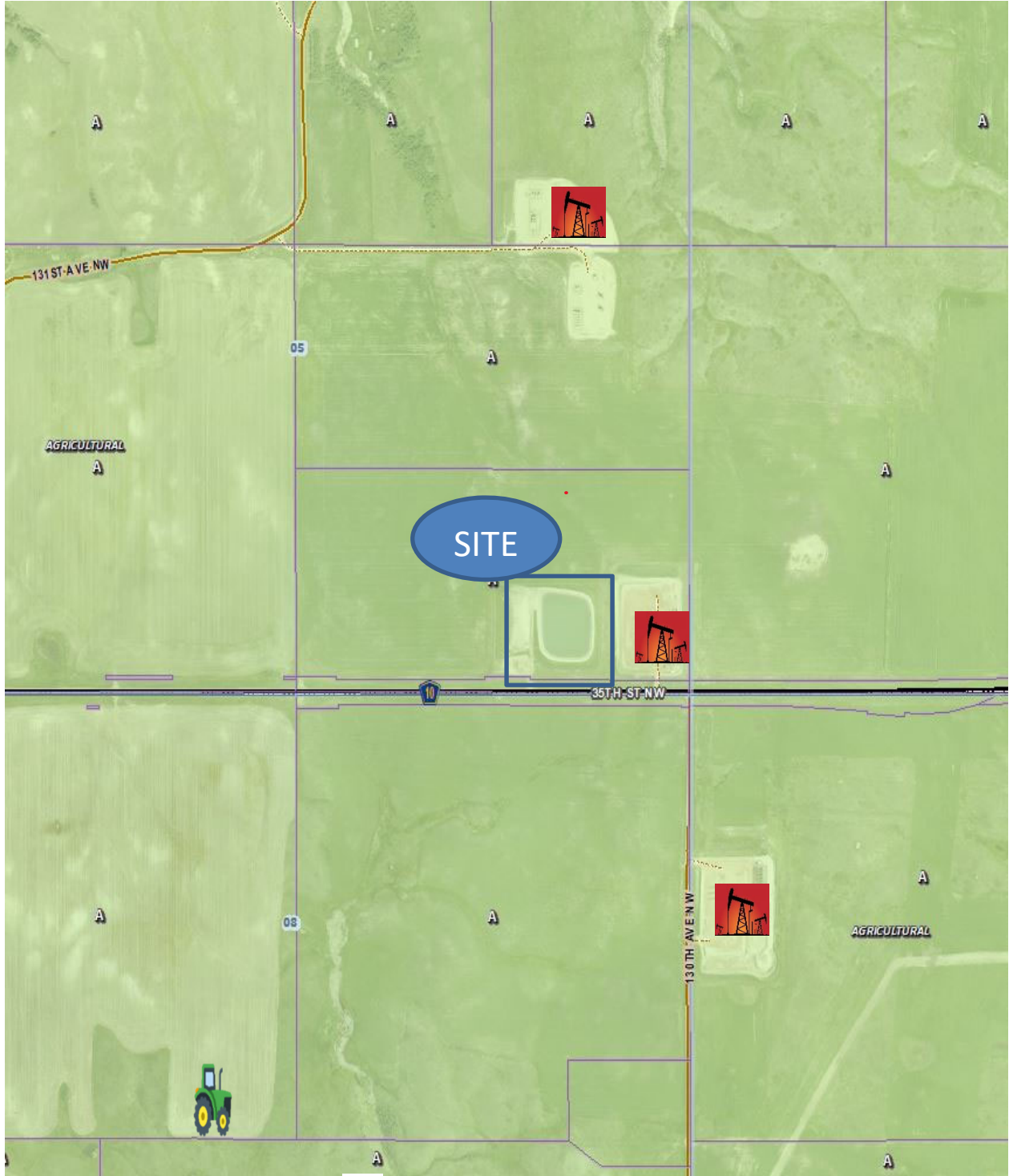


#09-23CUP

PID # 660002150

T151N,R99W,S5

**Comprehensive Plan Map-Agriculture**



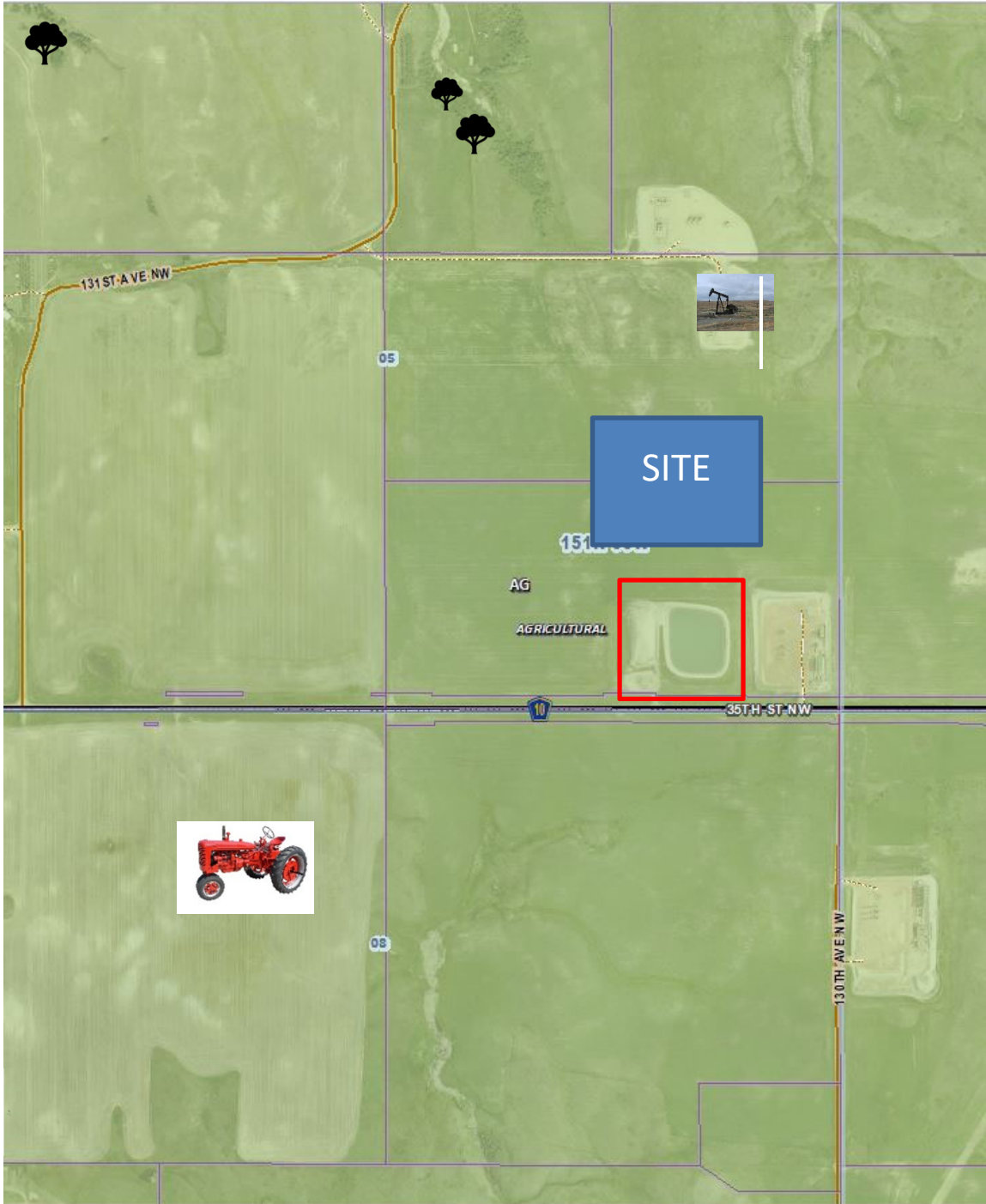


#09-23CUP

PID # 660002150

T151N,R99W,S5

Zoning Map-Agriculture

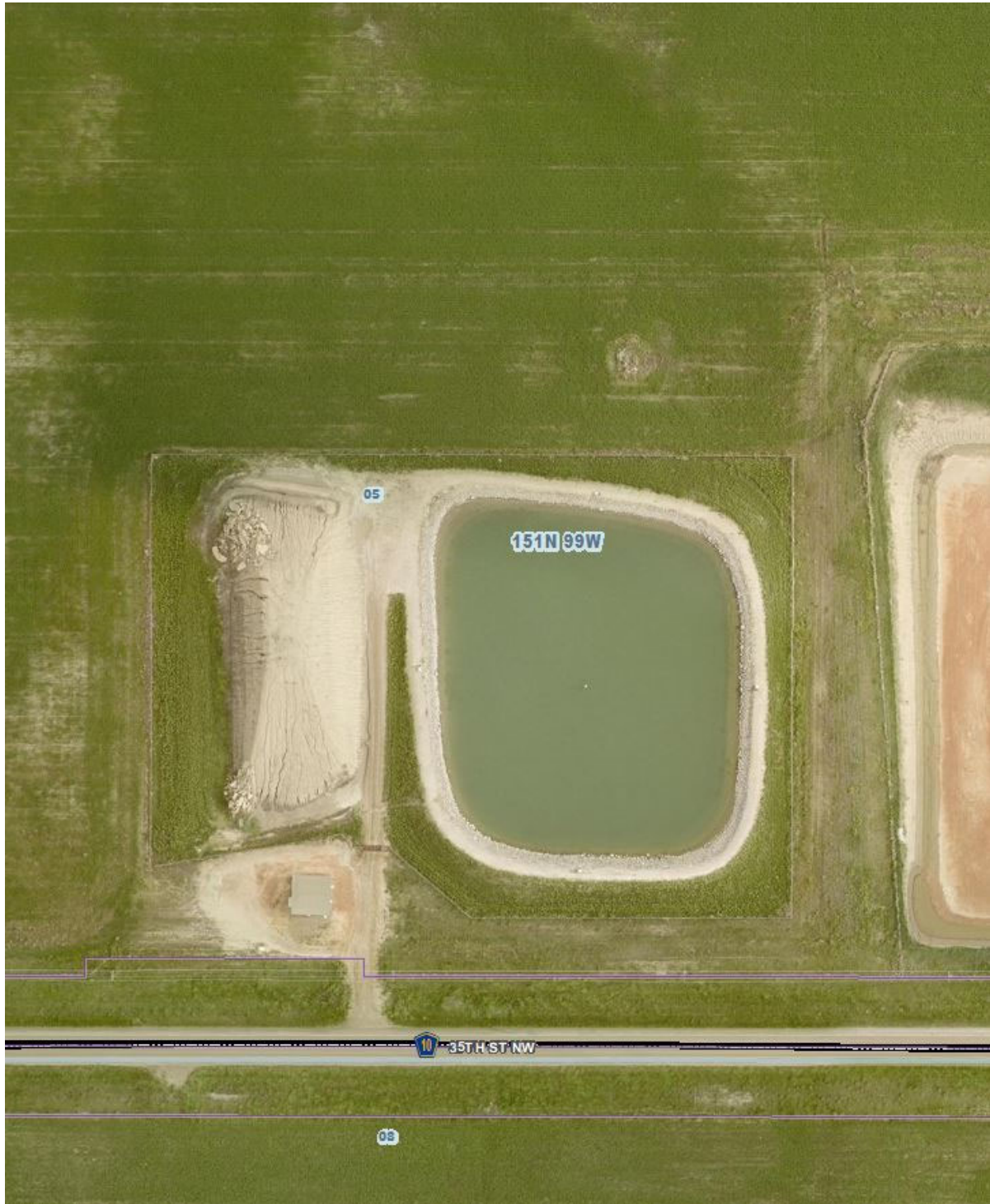


#09-23CUP

PID # 660002150

T151N,R99W,S5

**SITE MAP**



# **McKENZIE COUNTY**

## **Planning and Zoning Commission**

### **# 10-23CUP ND State Water Commission**

<b>Application:</b>	June 14, 2023
<b>Hearing Date:</b>	July 10, 2023
<b>Description:</b>	T145N, R99W, S11 PID 180009400 Main St. Grassy Butte, McKenzie County, ND
<b>Owner(s)/Applicant:</b>	ND State Water Commission
<b>Reason for Request:</b>	Install new Riser/ Booster Station on existing Freshwater pipeline.

**Comprehensive Plan Land Use: Rural Residential**

**Zoning: Agricultural**

#### **Findings of Fact:**

1. All Required public notifications have been made.
2. No public comment has been received.
3. Applicant is not the owner but has owner permission.
4. Applicant has a Permanent Easement with the owner.
5. Applicant has an Approved Approach permit AP2023-029
6. Project is not in an Organized Township.
7. Certificate of Good Standing is not required from a State Agency
8. Per Section 2.13.1 of the Ordinance pipelines are exempt from the Bond requirement, This exemption includes the portions of the pipeline that are brought to the surface for valves maintenance or other necessary uses.

#### **Conditional Use Permit Criteria::**

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.**

the Riser will be designed and operated with proper control to monitor for leaks or issues, therefore the pipeline/riser will not be detrimental to McKenzie County or its residents.

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

The Riser/Booster station will have a 4-strand barbed-wire fence with a 16' access gate.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

This conditional use shall not impact normal and orderly development of the surrounding properties.

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Adequate utilities and drainage have been provided, and an approach permit has been obtained.

**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.**

Approach permit AP2023-029 has been obtained and a permanent approach will be constructed.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

This use shall conform to all applicable regulations.

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Rural Residential.

**Staff Recommendation:**

Staff recommends **Approval** for this Conditional Use Permit.

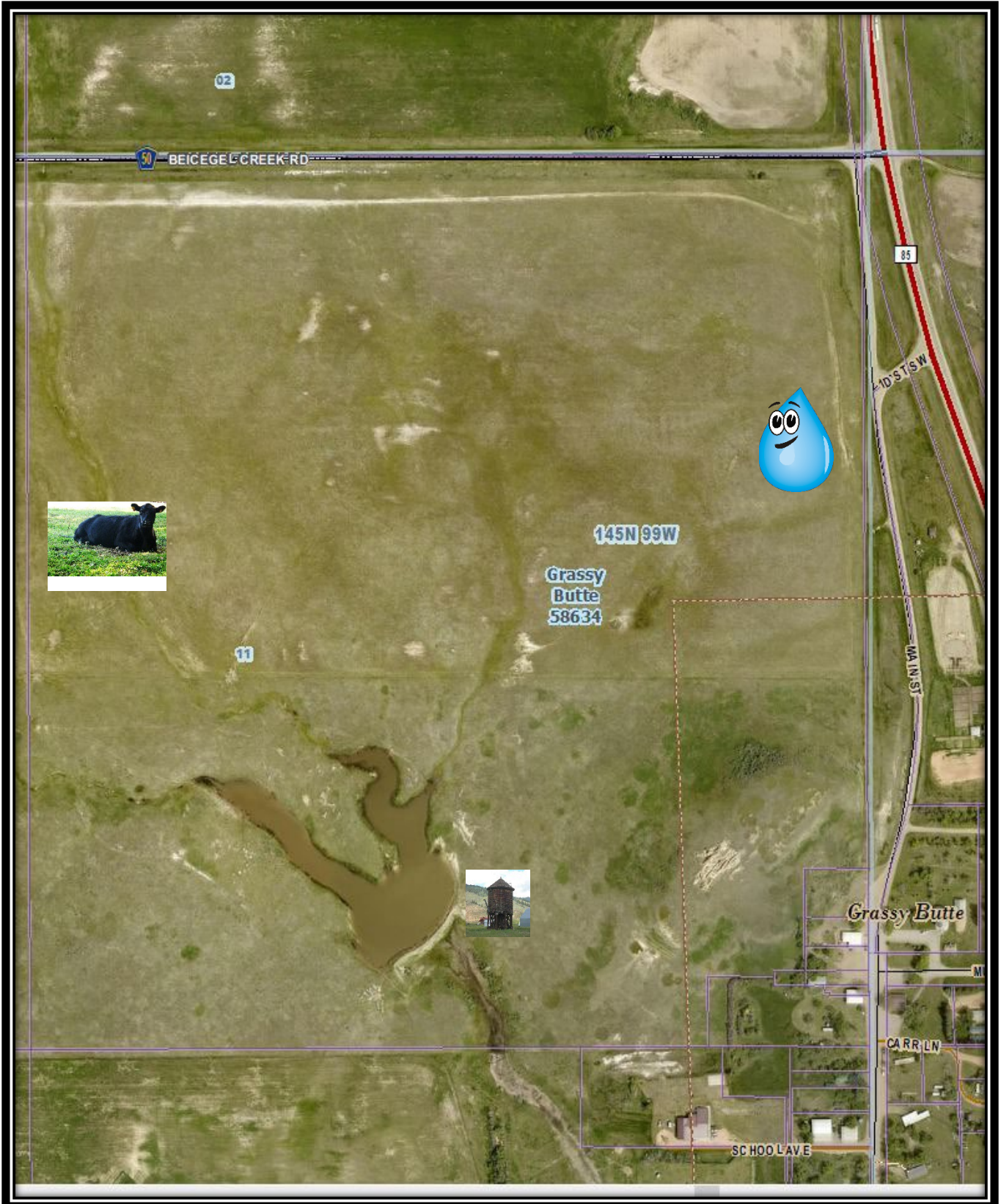
Suggested motion: "Staff Recommends Approval of CUP 10-23 to the County Commission. Accept the findings and conditions as provided in the Staff Report."

**Conditions:**

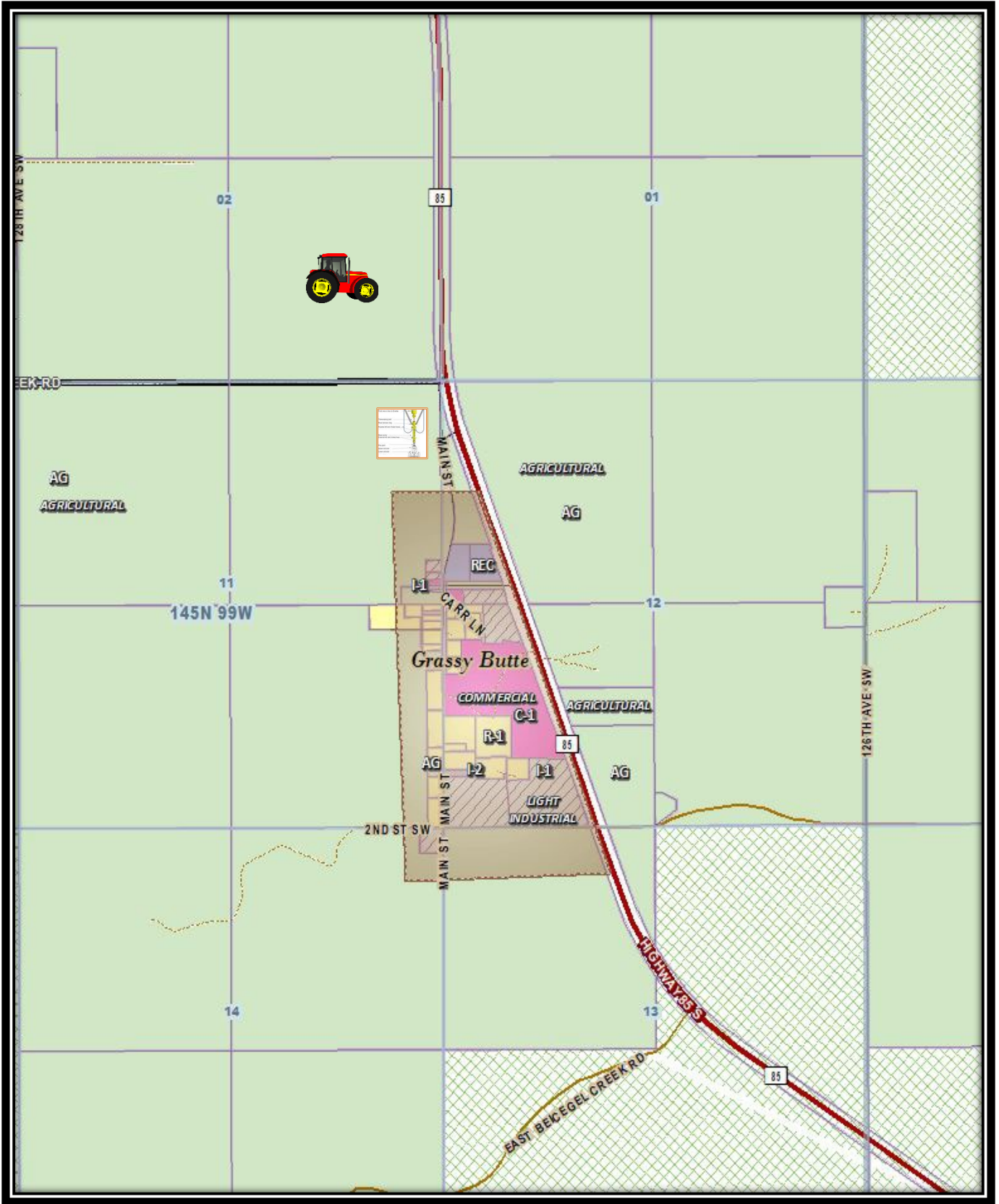
1. The applicant shall adhere to the noxious weed containment plan as submitted to County Weed Department.
2. The applicant shall adhere to all Federal, State and Local laws, regulations and Conditions.
3. The applicant shall maintain a site free of garbage from within the site and from outside sources during and after construction.
4. Ingress and Egress for the site will be completed to the satisfaction of the County Engineering Dept.
5. Ingress and Egress shall not impede the public roadway.

6. During Construction the operator of the site shall maintain dust control on all roads accessing the construction area.
7. Access to the site must be maintained for 911 purposes.
8. Site must be marked and location documented according to industry and/or state standards.

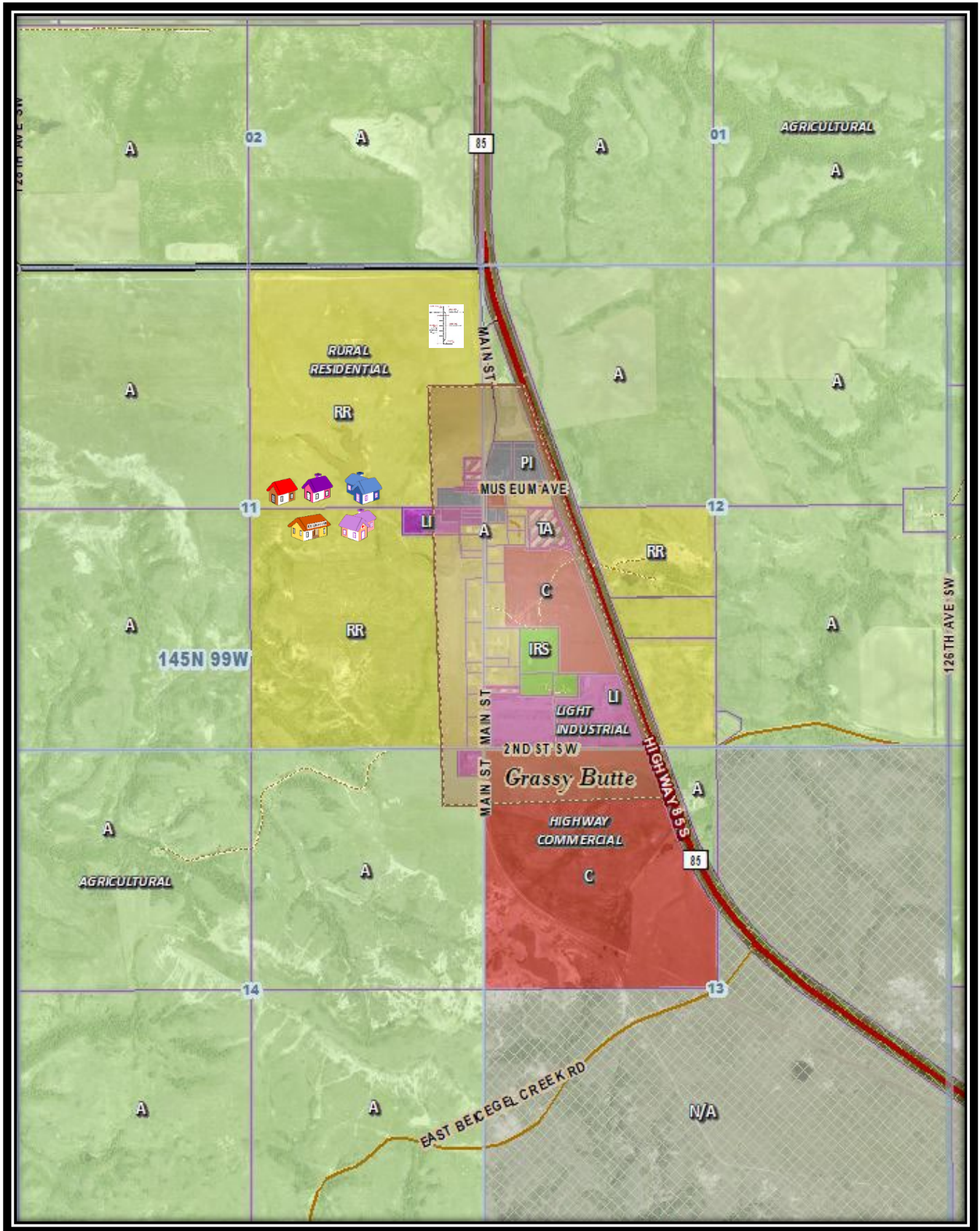
#10-23CUP NDSWC  
PID 180009400  
T145N, R99W, S11  
SITE MAP



#10-23CUP NDSWC  
PID 180009400  
T145N, R99W, S11  
ZONING MAP - AGRICULTURAL

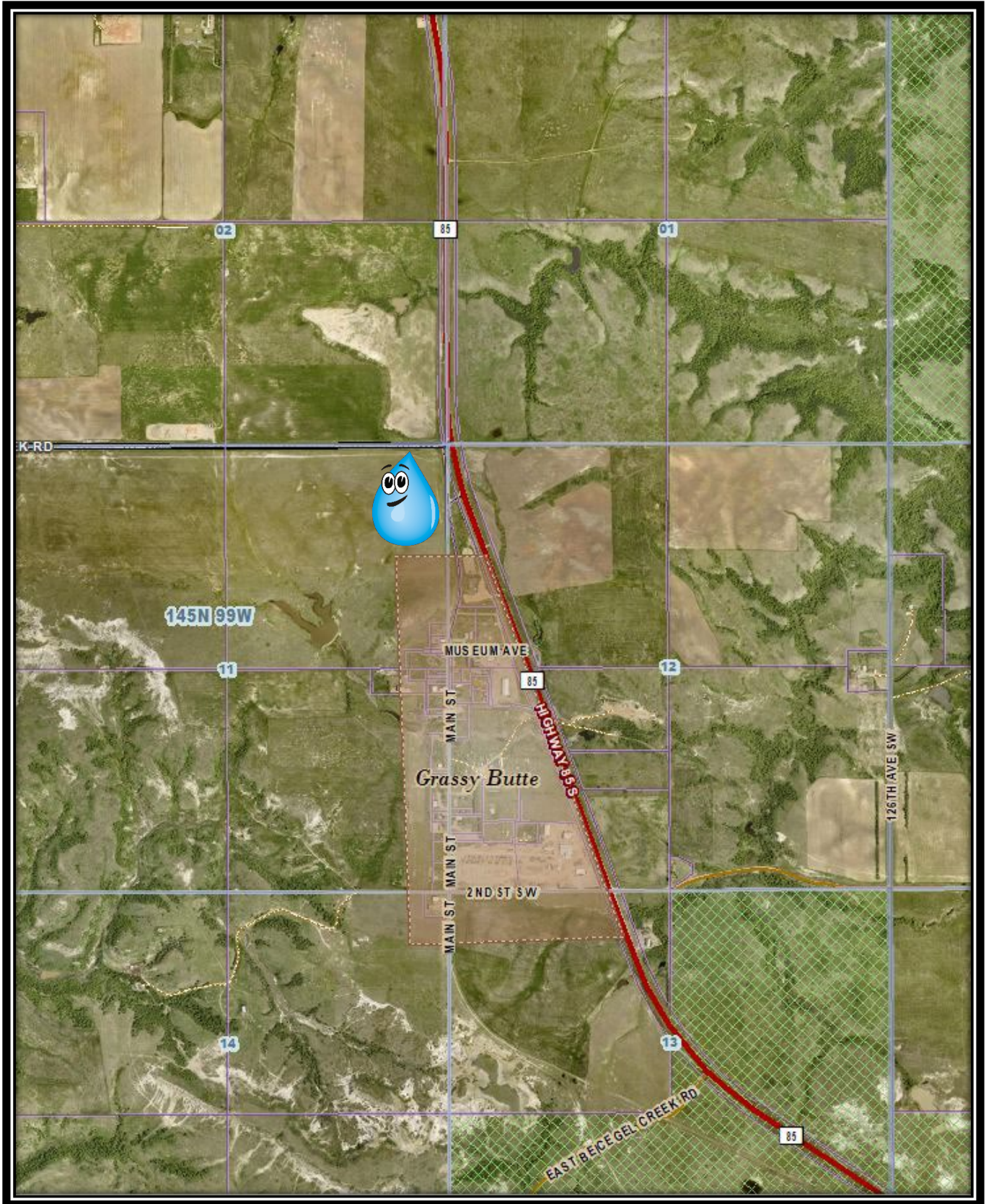


#10-23CUP NDSWC  
PID 180009400  
T145N, R99W, S11  
COMPREHENSIVE MAP - AGRICULTURE





#10-23CUP NDSWC  
PID 180009400  
T145N, R99W, S11  
VICINITY MAP



*August 8, 2023*

*No Public Hearings*

### #05-23CUP White Horse Water

<b>Application:</b>	May 5, 2023
<b>Hearing Date:</b>	June 12, 2023 / Postponed to July 10, 2023 / Postponed to Aug 8, 2023 / Postponed to September 11, 2023
<b>Description:</b>	S9,T147N R101W, 1082 Red Wing Rd, Arnegard, McKenzie County, ND PID #450000300
<b>Owner(s)/Applicant:</b>	White Horse Water
<b>Reason for Request:</b>	Applicant wishes to build a 260-acre foot freshwater pond for Industrial use.

<b>Comprehensive Plan Land Use: Agriculture</b>
<b>Zoning: Agriculture</b>

<b>Findings of Fact:</b>
<ol style="list-style-type: none"> <li>1. All Requirements for public notification have been made.</li> <li>2. No comments from the public have been received.</li> <li>3. Property is not in an Organized Township.</li> <li>4. The pond will be 260-acre feet.</li> <li>5. Freshwater Ponds are a conditional use in the Agriculture District per 3.4.3 (16).</li> <li>6. Pond will be enclosed with a 4-strand barbed wire fence.</li> <li>7. Applicant has provided a Certificate of Good Standing from the State of ND.</li> <li>8. Applicant has provided a Current State Water permit.</li> <li>9. Applicant has an Approved SWPPP #NDR112139 from the DEQ</li> <li>10. Applicant has an Approved Approach Permit #WHW200706DS and An Approved Weed permit from the county.</li> <li>11. Applicant is not the property owner but has signed permission to build the pond from the owner.</li> <li>12. Applicant has a State Construction permit #2715.</li> <li>13. Pond will be lined with an earthen liner.</li> </ol>

<b>Conditional Use Permit Criteria::</b>
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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.**

The Pond will be on private land with no public access.

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

The pond will be built in an existing arroyo (dry creek) with minimal disturbance to the area.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

The surrounding property is National Grasslands and State School Land or owned by the applicant.

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

All improvements as required are being provided.

**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.**

There will be no ingress or egress to the pond. A riser with hose connections will be on a lower pond for industrial use.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The use and construction of the pond will conform to all regulations for the Agricultural district.

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Agriculture.

**Staff Recommendation:**

Staff recommends **Approval** for this Conditional Use Permit.

Suggested motion: "Approve Conditional Use Permit #05-23CUP to the County Commission. Adopt the findings and conditions as provided in the Staff Report"

**Conditions:**

1. The applicant shall mark the site with a (4' x 8') sign visible from the road per McKenzie County Ordinance Section 4.10 with the following information. Address/project identification, emergency

contact name and phone number, this must be completed within thirty (30) days from County Commission approval.

2. The applicant shall adhere to the noxious weed containment plan as submitted to the County Weed Control Officer.

3. The applicant shall allow the local Fire Departments access to water in case of emergencies.

4. The applicant shall adhere to all Federal, State and Local Laws, Regulations, and Conditions for the operation of the proposed facility.

5. The applicant shall provide the County Planning Department with all Federal and State approvals or denials, along with any violations relating to the project for the duration of the project including NDSWC approvals, conditions, violations and expirations.

6. Per McKenzie County Ordinance Section 4.10, line item number 2, the applicant shall fence around the holding pond with a 4-strand barbed wire fence to be completed prior to reservoir storing measurable water, applicant has submitted a fence plan.

7. This site, through this Conditional Use Permit, shall not be used as a truck depot.

8. The applicant shall maintain a site free of garbage, from within the site and from outside sources.

9. Any changes in area or volume will require an amendment to the existing Conditional Use Permit per Section 5.8.5 of the McKenzie County Zoning Ordinance.

10. Ingress/Egress for the site will be completed to the satisfaction of the County Engineering Department if applicable.

11. Access on the private roadway into the site must be maintained for 911 purposes.

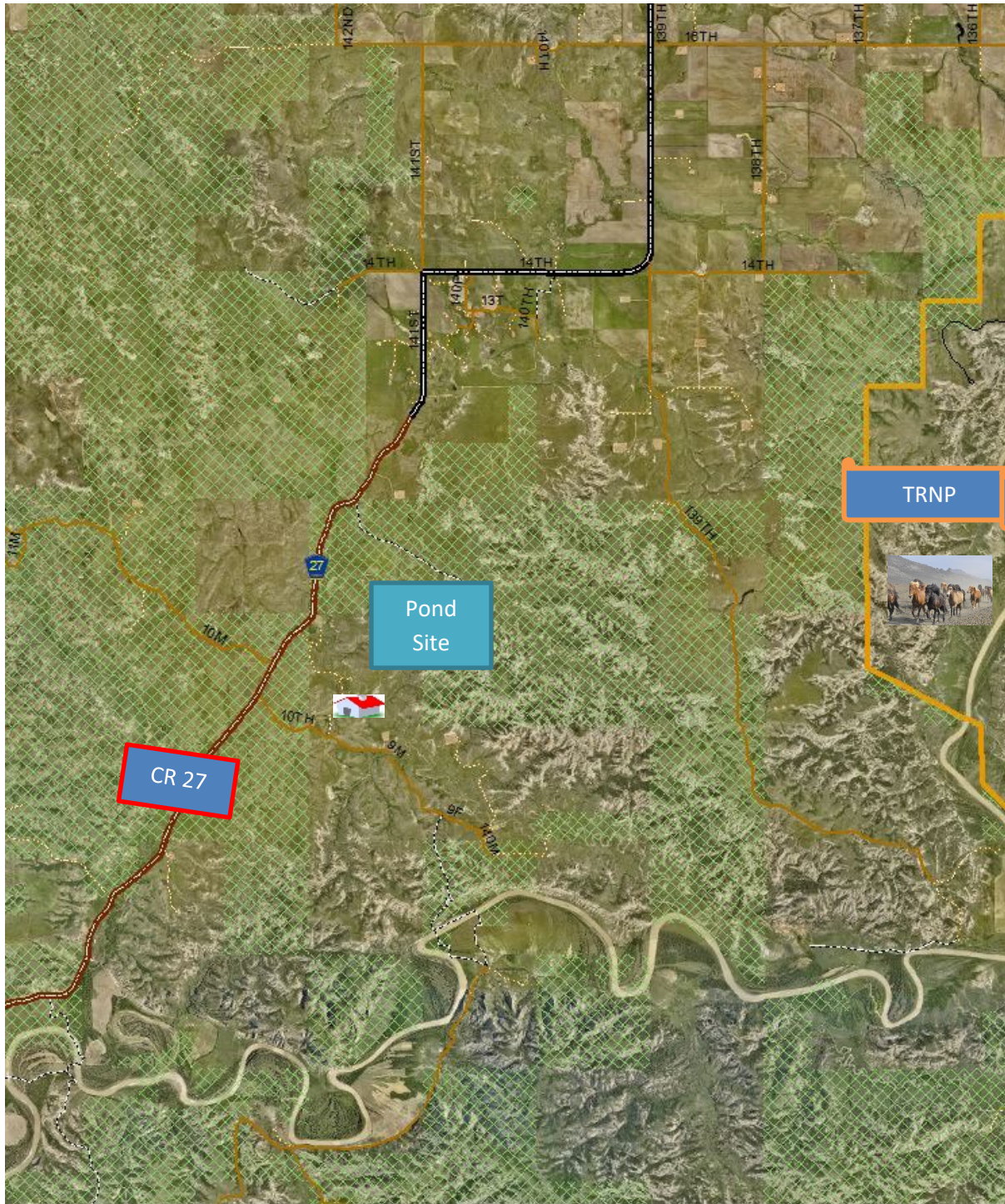
12. Dust control shall be maintained on roads accessing the site.

13. The applicant shall limit sediment runoff from the site by use of perimeter controls on down slope portions of the site (e.g. silt fence) and limit channelized erosion in ditches, swales, and adjacent natural water bodies. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted if required by State or Federal regulations. The site shall be restored and stabilized to pre-project conditions.

14. A RECLAMATION BOND EQUAL TO 150% AN ENGINEERS ESTIMATE SHALL BE PROVIDED TO THE PLANNING DEPARTMENT within sixty (60) days of Board of County Commissioners approval. The reclamation bond shall be per the standards set forth in section 2.13 of this Ordinance, unless a waiver is applied for and granted.

15. The Site shall be inspected annually to ensure compliance.

#05-23CUP  
PID # 450000300  
T147N,R101W,S9  
Vicinity MAP

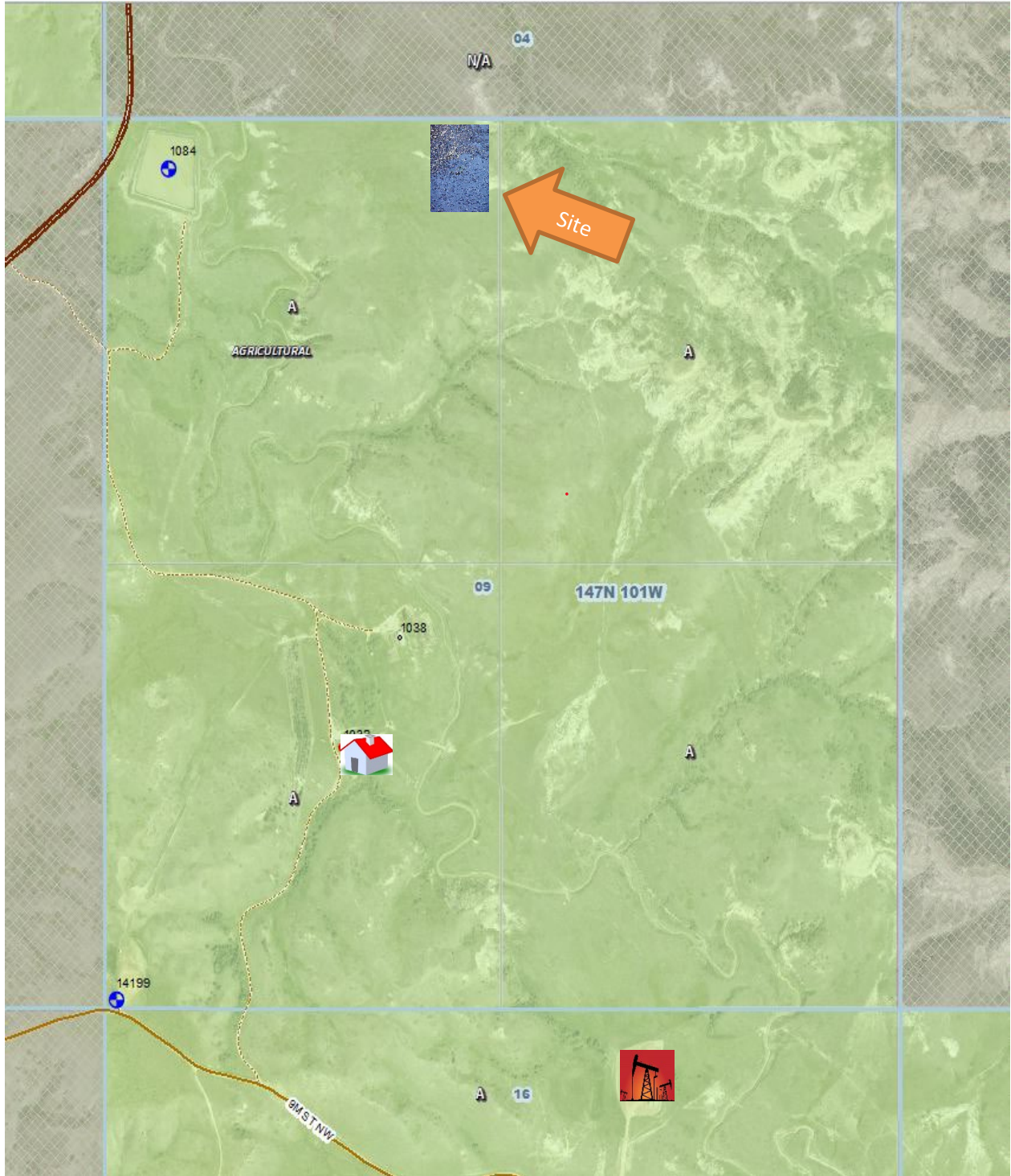


#05-23CUP

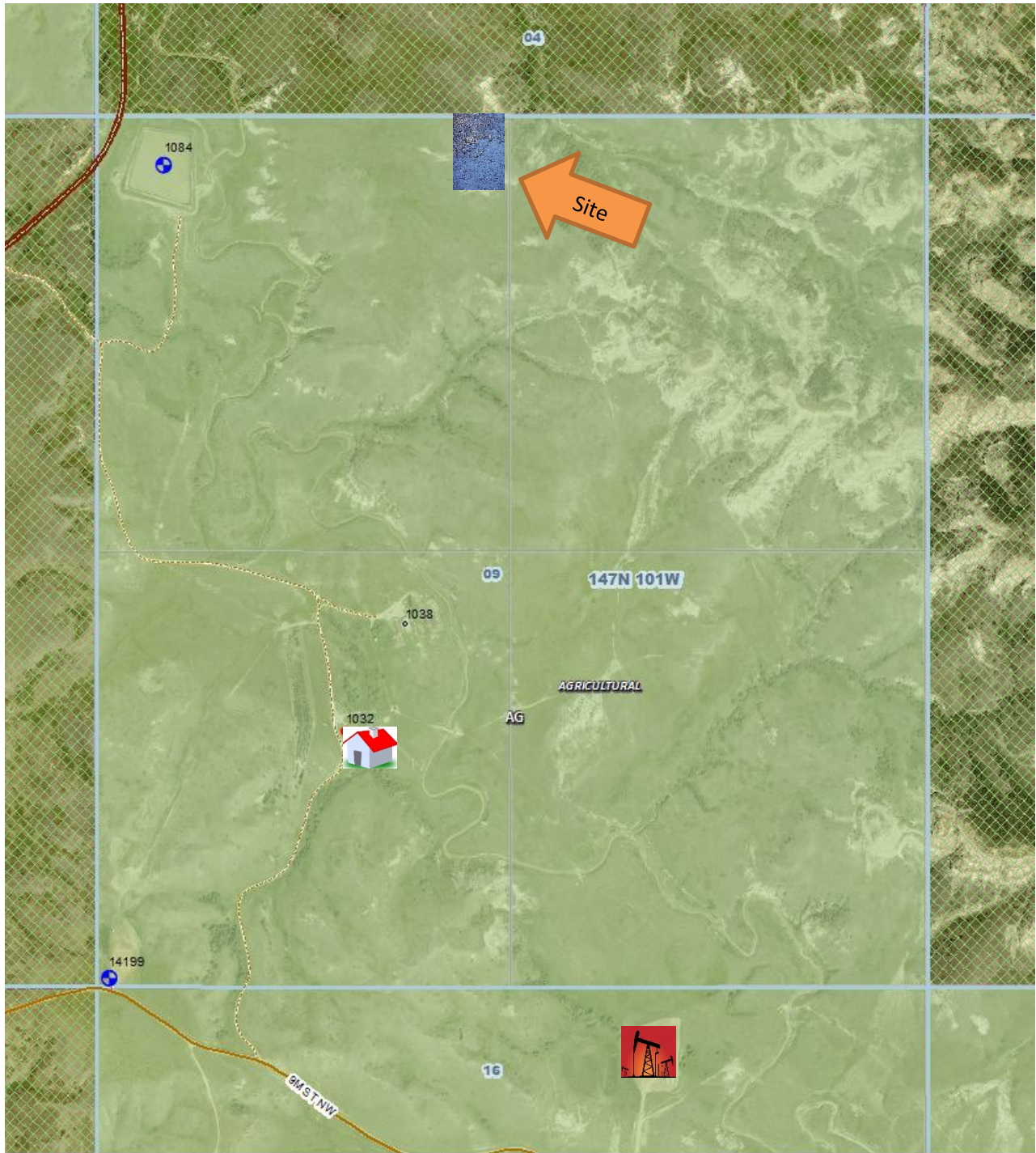
PID # 450000300

T147N,R101W,S9

### Comprehensive Plan Map-Agriculture



#05-23CUP  
PID # 450000300  
T147N,R101W,S9  
**Zoning Map-Agriculture**



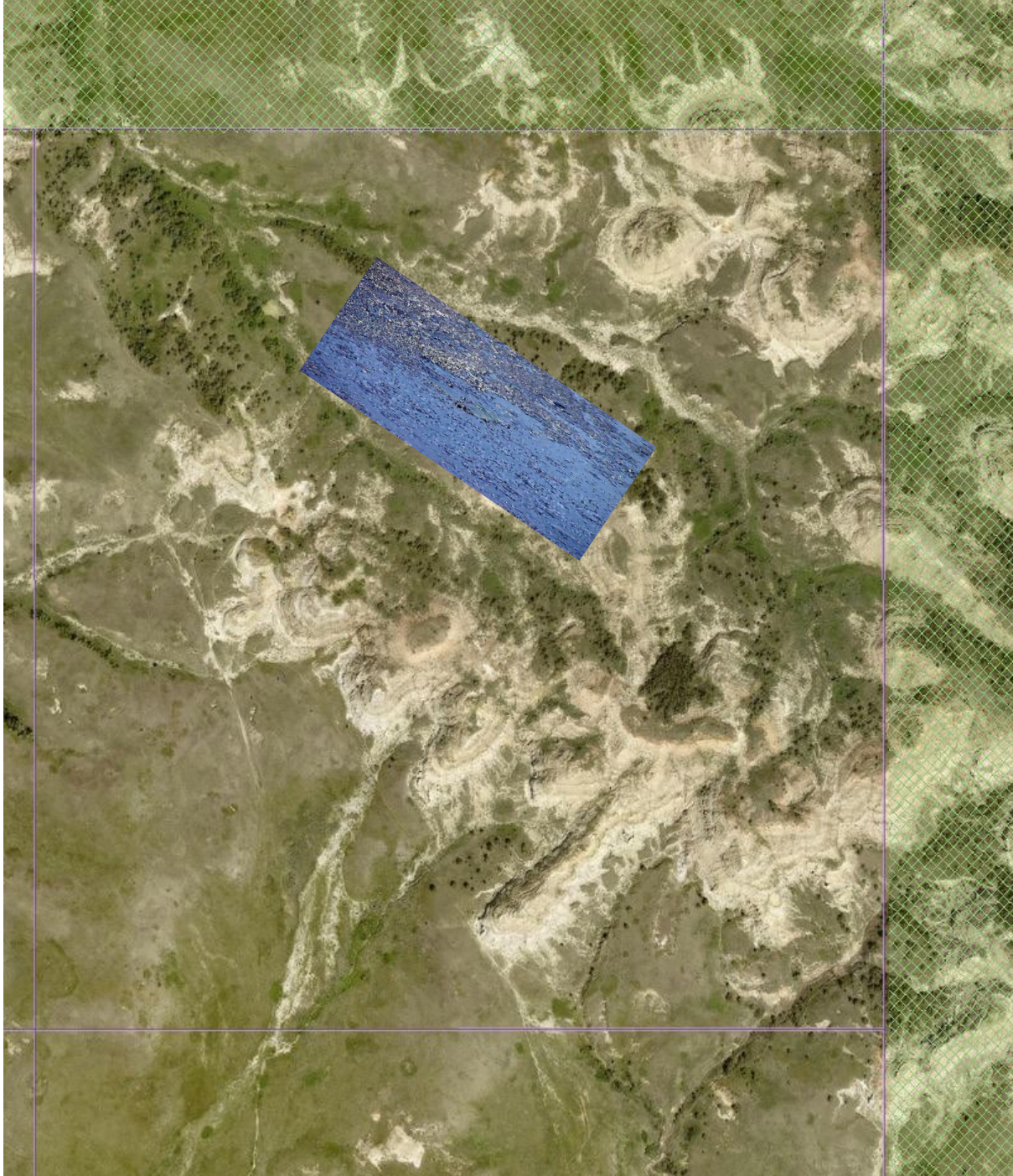


#05-23CUP

PID # 450000300

T147N,R101W,S9

**SITE MAP**



### #11-23CUP Rough Rider Operating

<b>Application:</b>	August 1, 2023
<b>Hearing Date:</b>	September 11, 2023
<b>Description:</b>	SE T152N, R101W, S10 / NWN T152N, R101W, S15 PIDs 150004400 & 150005850, 14025 40th St NW Alexander ND 58831
<b>Owner(s)/Applicant:</b>	Rough Rider Operating
<b>Reason for Request:</b>	Applicant is requesting a Conditional Use Permit to bring an existing freshwater pond that was built by a previous owner in 2014/2015 into Compliance.

<b>Comprehensive Plan Land Use: Agriculture</b>
<b>Zoning: Agriculture</b>

<b>Findings of Fact:</b>
<ol style="list-style-type: none"> <li>1. All Requirements for public notification have been made.</li> <li>2. No public comments have been received.</li> <li>3. Applicant is not the property owner but has the Property Owners permission to apply for the permit.</li> <li>4. The pond is less than 50 acre feet.</li> <li>5. Per the state Applicant does not need a construction permit as the pond is less than 50-acre feet.</li> <li>6. Freshwater Ponds are a conditional use in the Agriculture District.</li> <li>7. Pond is enclosed with a chain link fence.</li> <li>8. Property is in an organized township and has Township Approval.</li> <li>9. Applicant has provided a Certificate of Good Standing from the State of ND.</li> <li>10. Applicant has an approved weed permit from the McKenzie County Weed Dept.</li> <li>11. Applicant did not build this pond, this was built in 20104/2015 by a previous owner.</li> <li>12. Applicant has a Current State Water Permit # 6729</li> <li>13. Applicant has an approved Approach Permit # RR220615BP</li> </ol>

**Conditional Use Permit Criteria::**

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.**

The pond is fenced with a Chain Link fence.

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

This pond is existing and operation is intermittent, based on industry demand and will not diminish property values or enjoyment of other property in the area.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

The surrounding use is Agricultural so the pond will not adversely affect the surrounding area.

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Utilities, road access and other necessary improvements have been made.

**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.**

Applicants have an approved approach permit #RR220615BP

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

Freshwater Ponds are a Conditional Use in the Agricultural district.

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Agriculture.

**Staff Recommendation:**

Staff recommends **Approval** for this Conditional Use Permit.

Suggested motion: "Recommend approval of Conditional Use Permit #11-23CUP to the County Commission. Adopt the findings and conditions as provided in the staff report. "

**Conditions:**

1. The applicant shall mark the site with a (4' x 8') sign visible from the road per McKenzie County Ordinance Section 4.10 with the following information. Address/project identification, emergency contact name and phone number, this must be completed within thirty (30) days from County Commission approval.
2. The applicant shall adhere to the noxious weed containment plan as submitted to the County Weed Control Officer.
3. The applicant shall allow the local Fire Departments access to water in case of emergencies.
4. The applicant shall adhere to all Federal, State and Local Laws, Regulations, and Conditions for the operation of the proposed facility.
5. The applicant shall provide the County Planning Department with all Federal and State approvals or denials, along with any violations relating to the project for the duration of the project including NDSWC approvals, conditions, violations and expirations.
6. Per McKenzie County Ordinance Section 4.10, line item number 2, the applicant shall fence around the holding pond with a Chain Link fence to be completed prior to reservoir storing measurable water.
7. This site through this Conditional Use Permit shall not be used as a truck depot.
8. The applicant shall maintain a site free of garbage, from within the site and from outside sources.
9. Any changes in area or volume will require an amendment to the existing Conditional Use Permit per Section 5.8.5 of the McKenzie County Zoning Ordinance.
10. Ingress/egress for the site has been completed to the satisfaction of the County Engineering Department. Ingress/egress will not impede public roadway.
11. Access on the private roadway into the site must be maintained for 911 purposes.
12. The applicant shall limit sediment runoff from the site by use of perimeter controls on down slope portions of the site (e.g. silt fence) and limit channelized erosion in ditches, swales, and adjacent natural water bodies. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted if required by State or Federal regulations. The site shall be restored and stabilized to pre-project conditions.
13. A RECLAMATION BOND EQUAL TO 150% AN ENGINEERS ESTIMATE SHALL BE PROVIDED TO THE PLANNING DEPARTMENT within sixty (60) days of Board of County Commissioners approval. The reclamation bond shall be per the standards set forth in section 2.13 of this Ordinance, unless a waiver is applied for and granted.
14. The Site shall be inspected annually to ensure compliance.
15. Applicant will provide dust control when necessary on Ingress and Egress.
16. Applicant will keep their State Water Permit current.

# #11-23CUP

PID # 150004400 & 150005850

T152N,R101W,S15 & 10

## Vicinity MAP

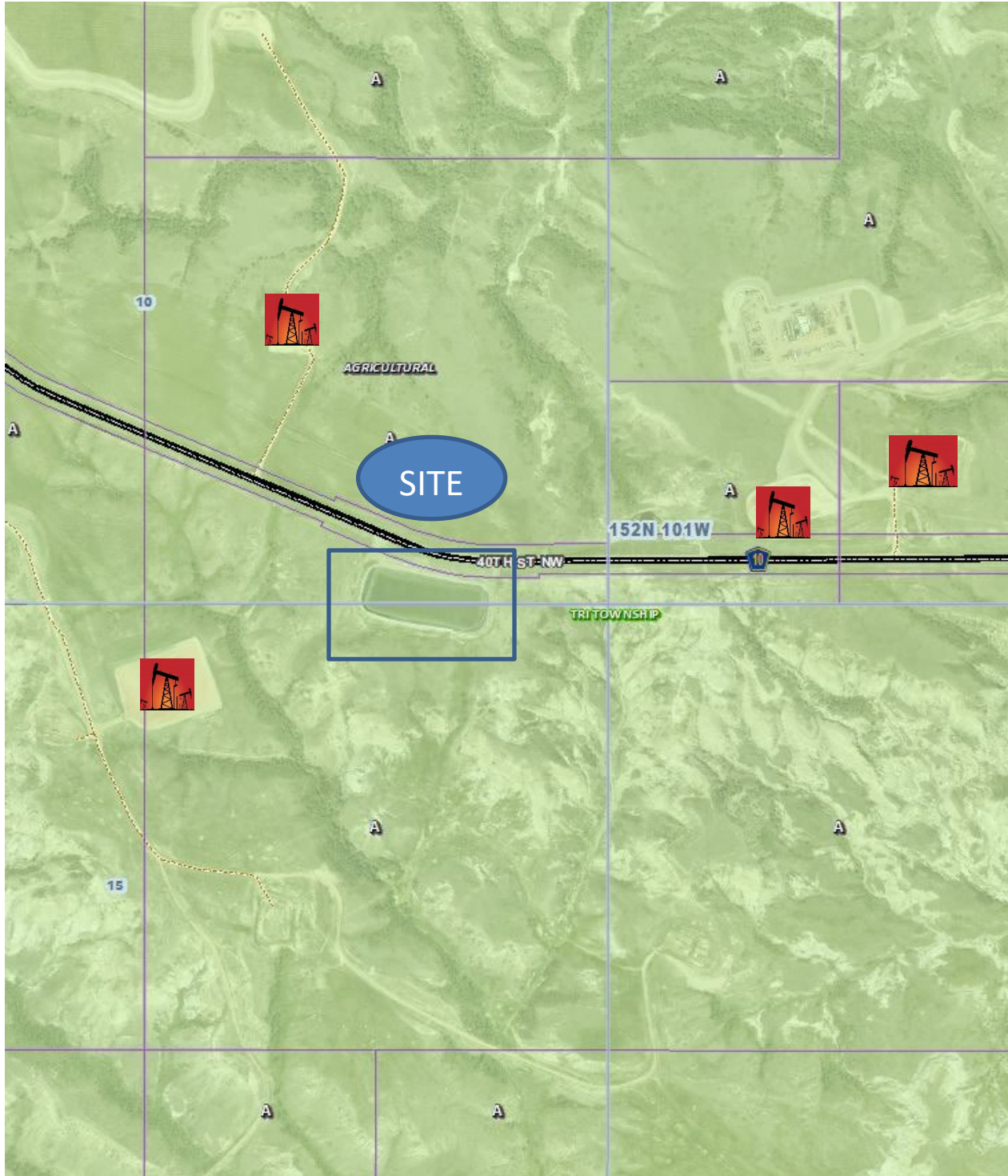


# #11-23CUP

PID # 150004400 & 150005850

T152N,R101W,S15 & 10

## Comprehensive Plan Map-Agriculture

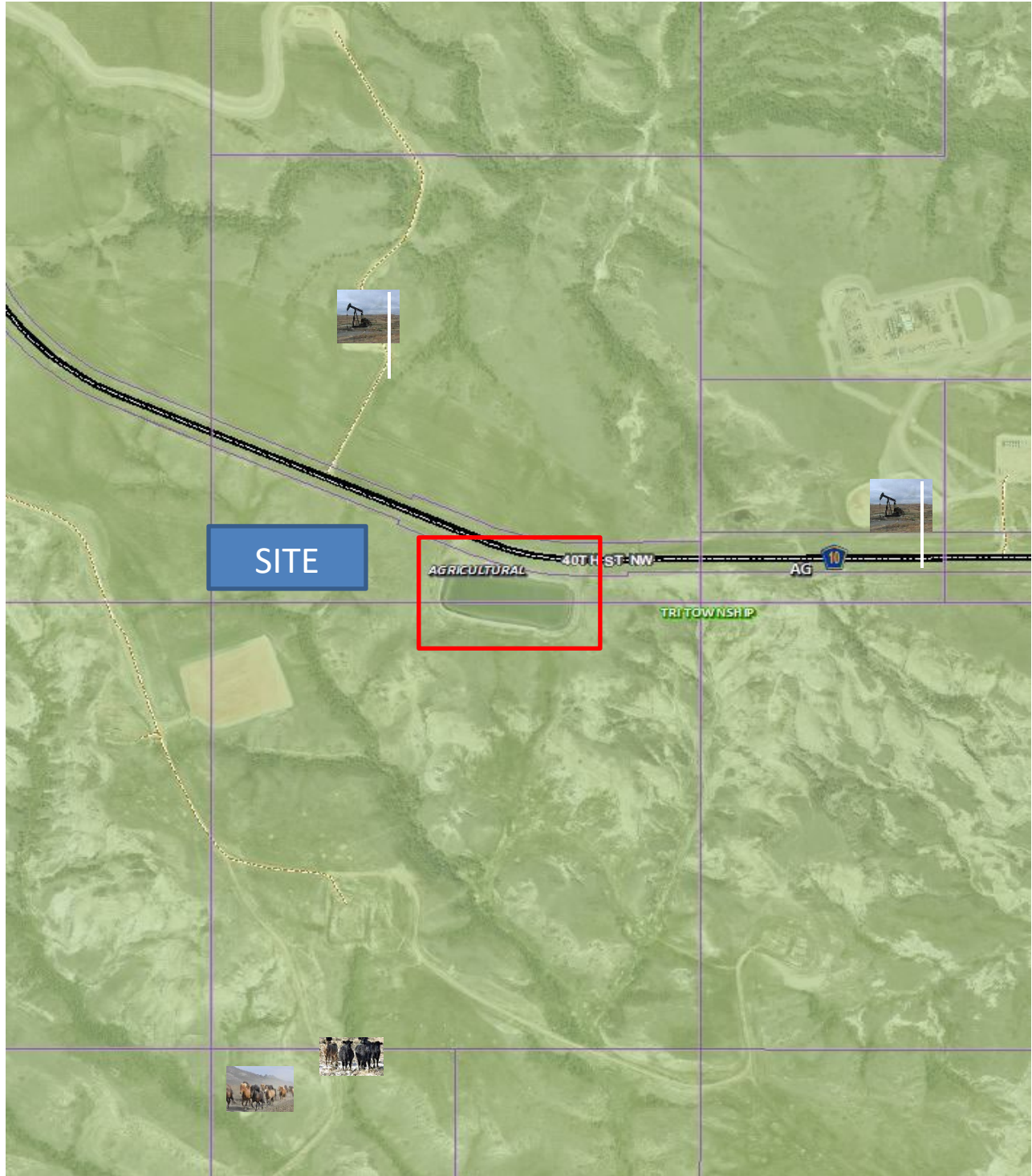


# #11-23CUP

PID # 150004400 & 150005850

T152N,R101W,S15 & 10

## Zoning Map-Agriculture

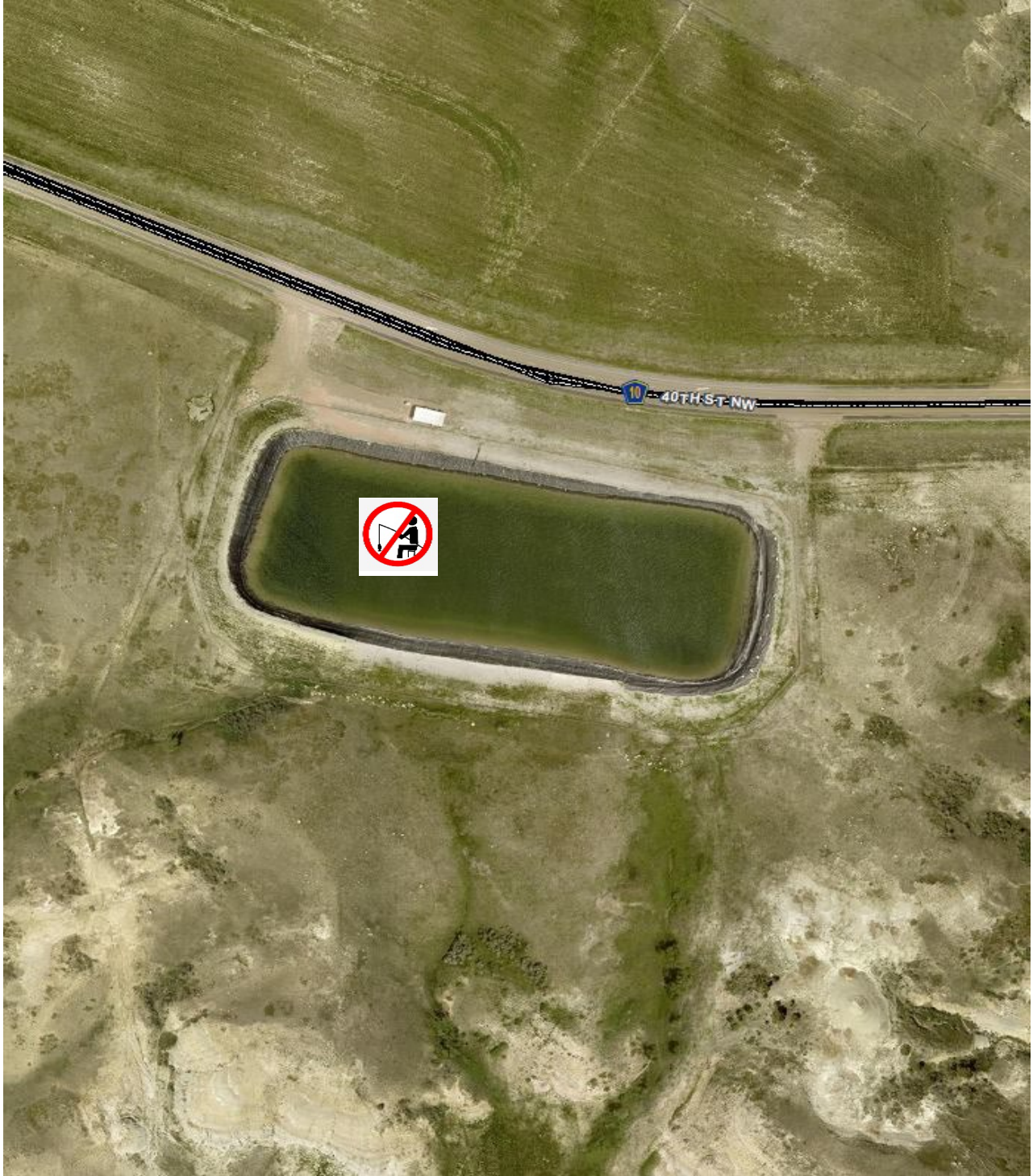


# #11-23CUP

PID # 150004400 & 150005850

T152N,R101W,S15 & 10

## SITE MAP







Fence Is IN RED

# McKENZIE COUNTY

## Planning and Zoning Commission

### # 01-23ZC Robert Eye

<b>Reason for Request:</b>	The applicant is requesting a Zone change from Agricultural to Light Industrial to accommodate a future business and better align with the historical use of the property.
<b>Hearing Date:</b>	October 9, 2023
<b>Location:</b>	T150N, R100W, S02 PID 030000105 IT 2486 13317 29F St NW Arnegard, ND
<b>Owner(s)/Applicant:</b>	Robert Eye

<b>Existing:</b>		<b>Proposed:</b>	
<b>CP Land Use:</b>	Transistional	<b>CP Land Use:</b>	Transistional
<b>Zoning:</b>	Agriculture	<b>Zoning:</b>	Light Industrial
<b>Setbacks:</b>	Front 25' Side 25' Back 25'	<b>Setbacks:</b>	Front 50' Side 25' Back 25'
<b>Lot Area:</b>	5 Acres	<b>Lot Area:</b>	5 Acres

# **McKENZIE**

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# **COUNTY**

**Finding of Fact:**

1. All requirements for public notification have been made.
2. No Public comments have been received.
3. Applicant is the property owner.
4. Property is not in an organized township.
5. Applicant has Arnegard Township Approval.
6. Surrounding land use is in a mix of Light Industrial and Agriculture.
7. Property has historically been used as industrial.
8. Surrounding property is a mix of Light Industrial and Agriculture.

**Growth Management Plan Consistency:**

The Zone Change is consistent with Comprehensive Plan for the area which is transitional.

**Suggested Motion:**

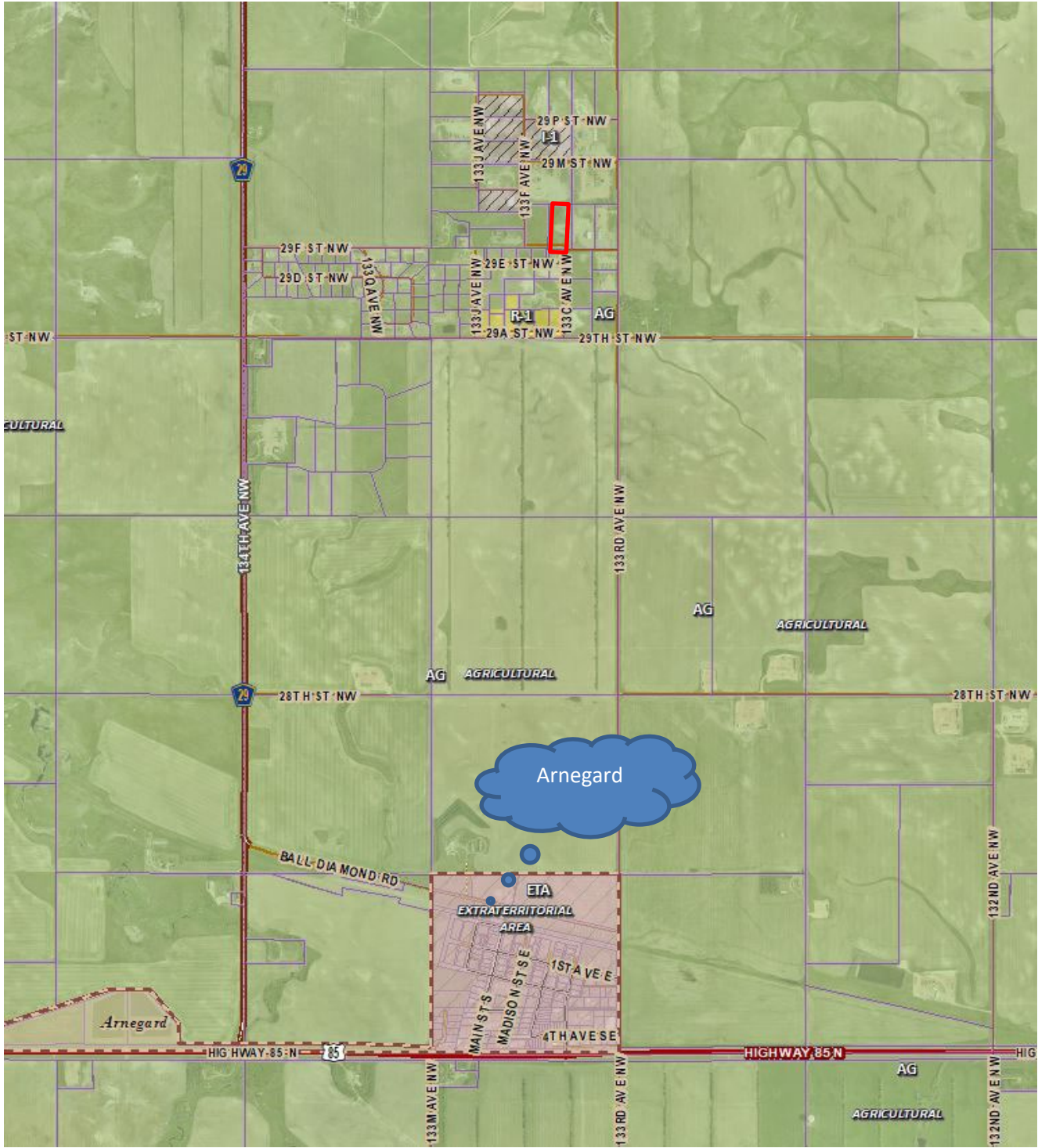
Recommend approval of the Zone Change request 01-23ZC-Robert Eye to the County Commission to allow the Zone Change from Agriculture to Light Industrial. Adopt the findings as provided in the report.

#01-23CUP

PID # 030001050

T150N,R100W,S2

Vicinity MAP

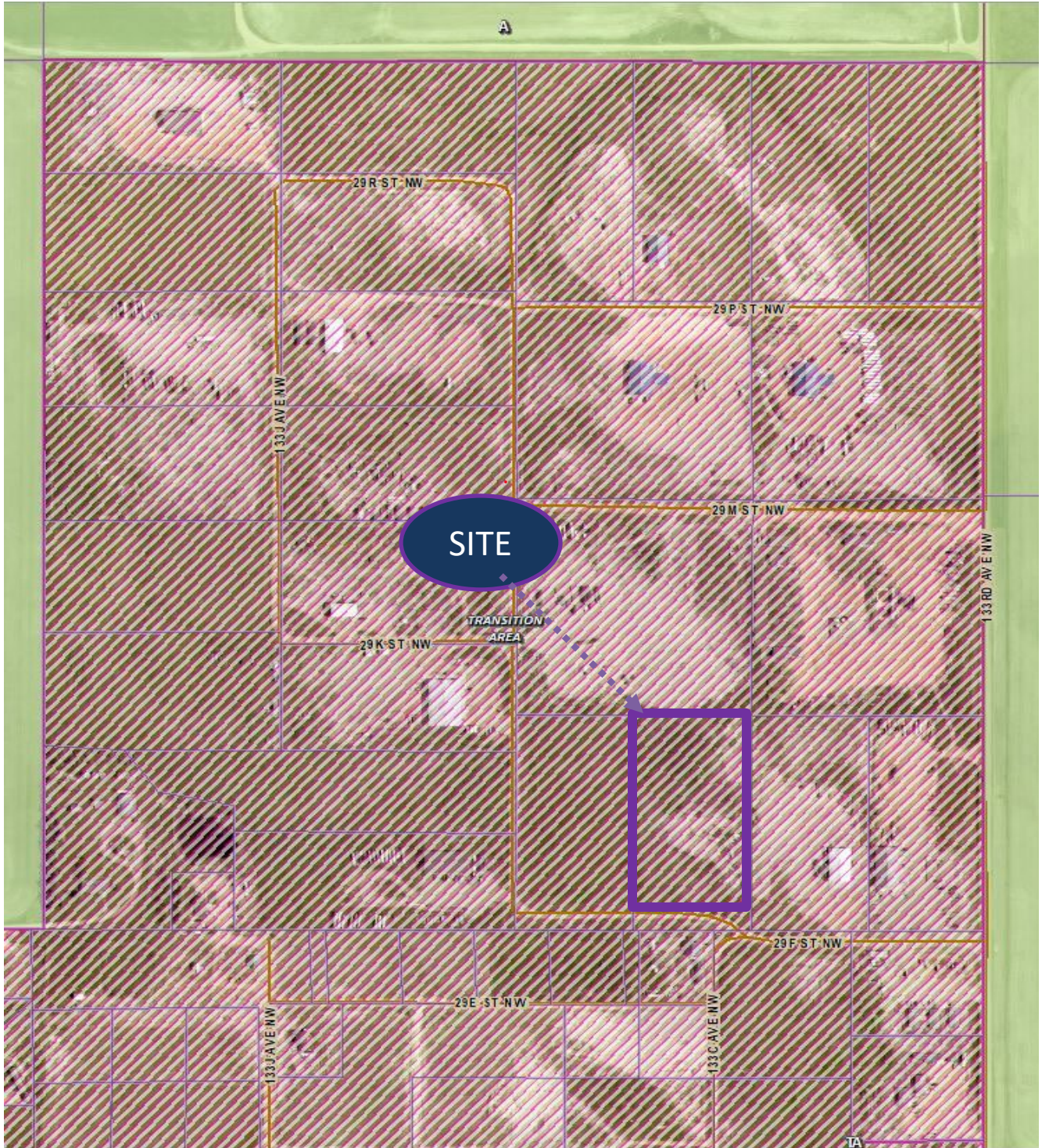


#01-23CUP

PID # 030001050

T150N,R100W,S2

### Comprehensive Plan Map-Agriculture

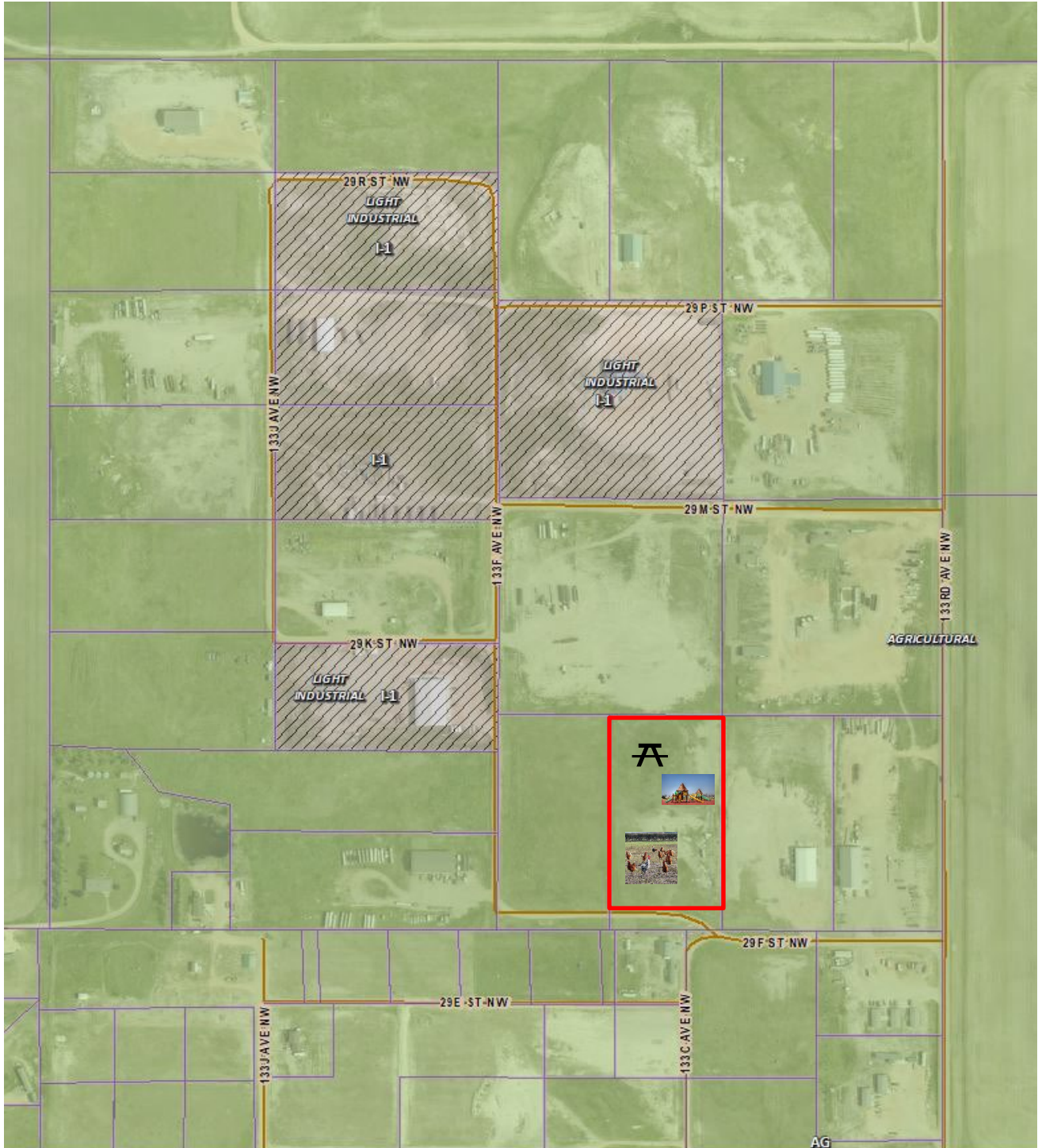


#01-23CUP

PID # 030001050

T150N,R100W,S2

### Zoning Map-Agriculture



#01-23CUP

PID # 030001050

T150N,R100W,S2

**SITE MAP**



# McKENZIE COUNTY

## Planning and Zoning Commission

### # 02-23ZC Chas and Kory Ophus

<b>Reason for Request:</b>	The applicant is requesting a Zone change from Commercial to Agricultural to be able build a home as homes are not allowed in Commercial Districts.
<b>Hearing Date:</b>	October 9, 2023
<b>Location:</b>	SW1/4NW1/4 T150N, R101W, S22 PID 010009555 141st Ave NW Alexander, ND
<b>Owner(s)/Applicant:</b>	Chas and Kory Ophus

<b>Existing:</b>		<b>Proposed:</b>	
<b>CP Land Use:</b>	Transitional	<b>CP Land Use:</b>	Transitional
<b>Zoning:</b>	Commercial	<b>Zoning:</b>	Agriculture
<b>Setbacks:</b>	Front 30' Side 10' Back 25'	<b>Setbacks:</b>	Front 25' Side 25' Back 25'
<b>Lot Area:</b>	40 Acres	<b>Lot Area:</b>	40 Acres



# **McKENZIE**

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# **COUNTY**

**Finding of Fact:**

1. All requirements for public notification have been made.
2. No Public comments have been received.
3. Applicant is the property owner.
4. Property is in an Alex Township.
5. Applicant has received Township approval.
6. Surrounding property is a mix of Industrial, Agriculture and Commercial
7. Property has historically been used as Agriculture.

**Growth Management Plan Consistency:**

The Zone Change is consistent with Comprehensive Plan for the area which is Agricultural.

**Suggested Motion:**

Recommend approval of the Zone Change request 02-23ZC-Chas and Kory Ophus to the County Commission to allow the Zone Change from Commercial to Agriculture. Adopt the findings as provided in the report.

#02-23ZC

PID # 010009555

T15N,R101W,S22

Vicinity MAP

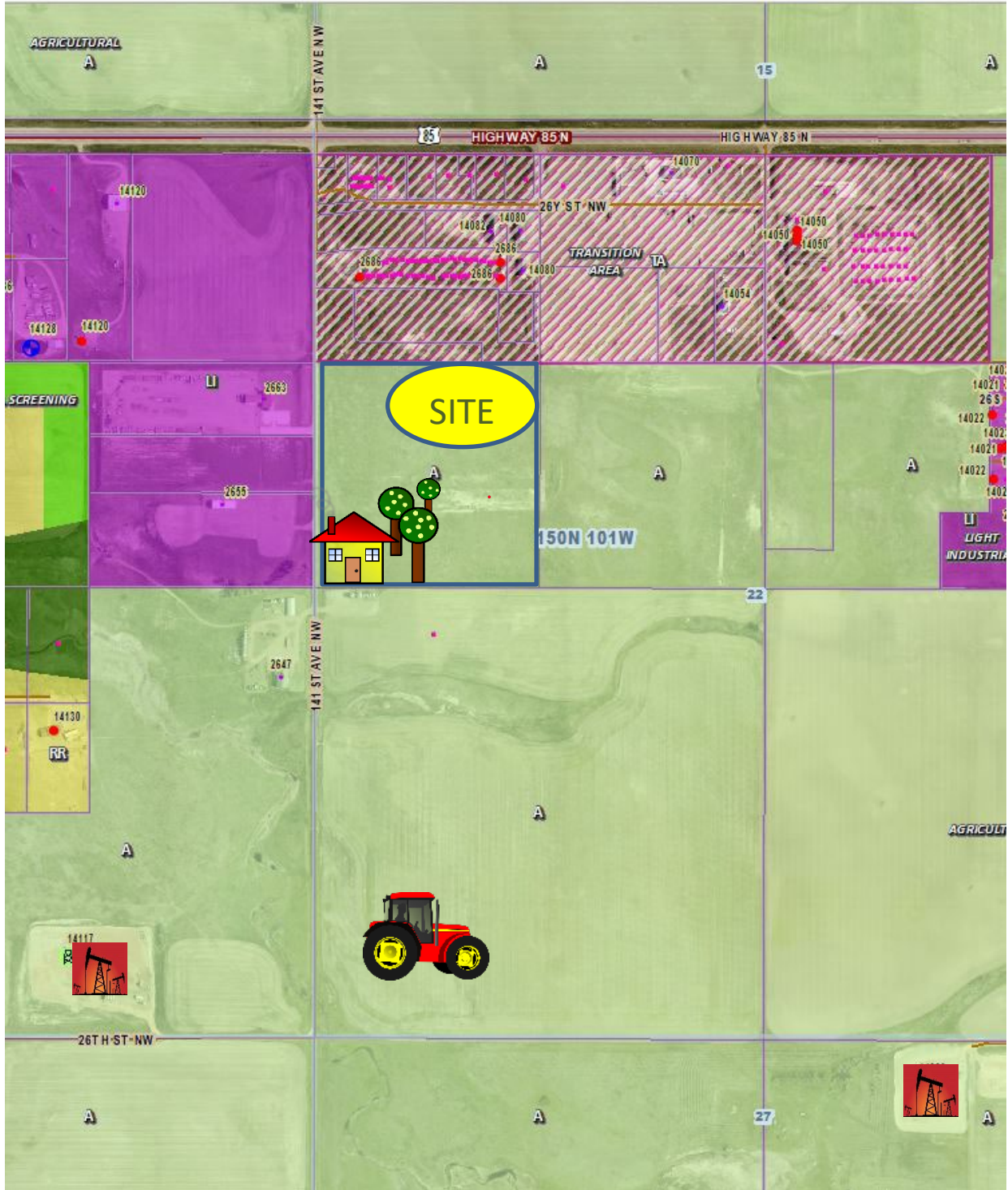


#02-23ZC

PID # 010009555

T15N,R101W,S22

### Comprehensive Plan Map-Agriculture

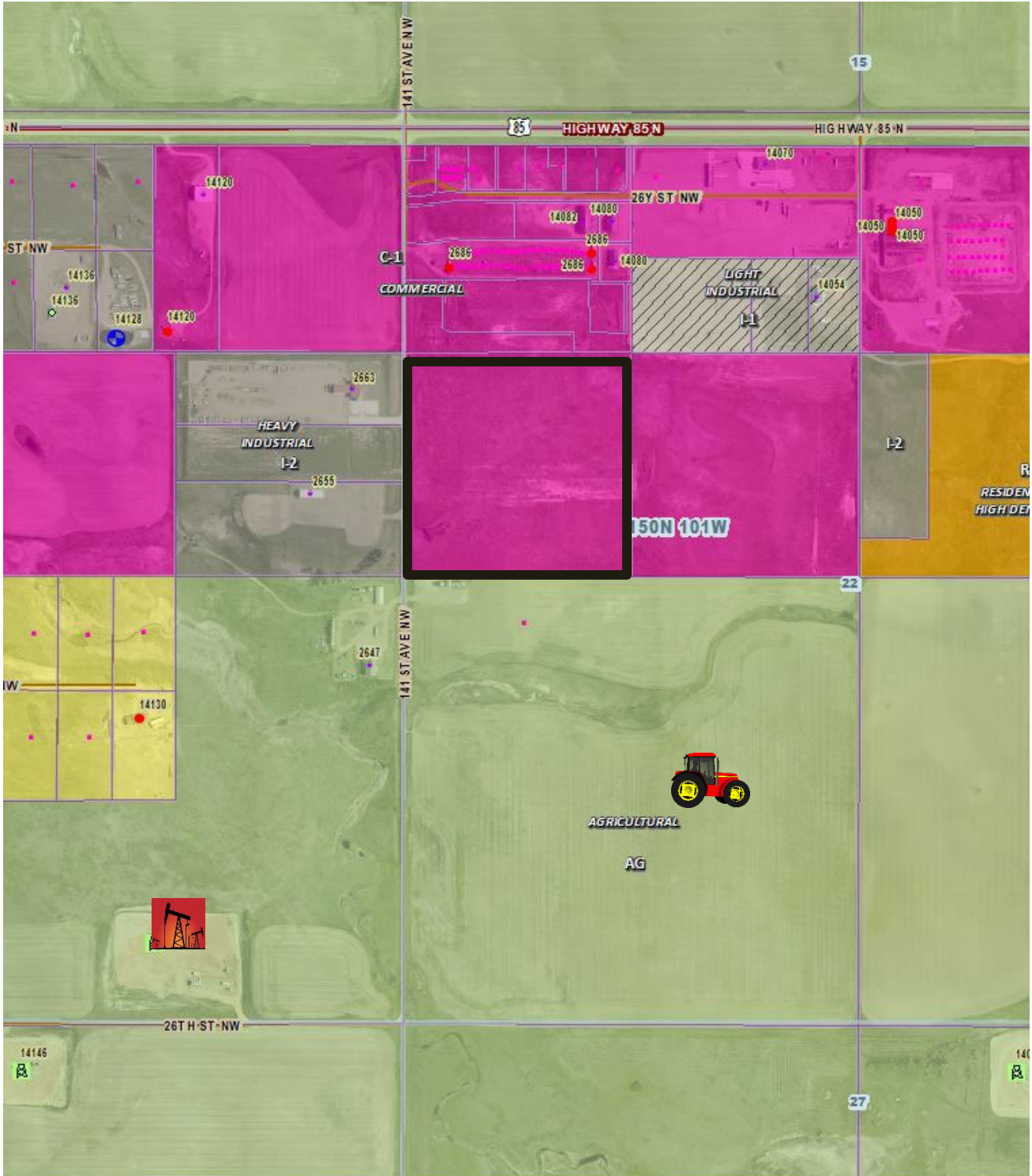


#02-23ZC

PID # 010009555

T150N,R101W,S22

Zoning Map-Agriculture



#02-23ZC

PID # 010009555

T150N,R101W,S22

**SITE MAP**



### 05-23CUP-RBW White Horse Water

<b>Application:</b>	May 5, 2023
<b>Hearing Date:</b>	Oct 9, 2023
<b>Description:</b>	NE 1/4 of S9,T147N, R101W, 1082 Redwing Road, Arnegard McKenzie County, ND PID 450000300
<b>Owner(s)/Applicant:</b>	White Horse Water / Kit James
<b>Reason for Request:</b>	On Sept 19, 2023 applicant White Horse Water was granted #05-23CUP for the property at 1082 Redwing Road. #05-23CUP included a Reclamation Bond Requirement. Applicant is Requesting a waiver of the Bond Requirement based on McKenzie County Zoning Ordinance 4.10 Regulation of Freshwater Depots, Pipelines and Ponds (11). Applicant is not the owner but the owner has given permission to apply for the waiver and understands that he will be responsible should anything happen.

**Comprehensive Plan Land Use: Agriculture**

**Zoning: Agriculture**

**Findings of Fact:**

1. All Requirements for public notification have been made.
2. No comments from the public have been received.
3. Property is not in an Organized Township.
4. The pond will be 260-acre feet.
5. Freshwater Ponds are a conditional use in the Agriculture District per 3.4.3 (16).
6. Pond will be enclosed with a 4-strand barbed wire fence.
7. Applicant has provided a Certificate of Good Standing from the State of ND.
8. Applicant has provided a Current State Water permit.
9. Applicant has an Approved SWPPP #NDR112139 from the DEQ
10. Applicant has an Approved Approach Permit #WHW200706DS and An Approved Weed permit from the county.
11. Applicant is not the property owner but has signed permission to request the waiver from the owner.
12. Applicant has a State Construction permit #2715.
13. Pond will be lined with an earthen liner.

**Conditional Use Permit Criteria::**

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.**

The Pond will be on private land with no public access.

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

The pond will be built in an existing arroyo (dry creek) with minimal disturbance to the area.

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

The surrounding property is National Grasslands and State School Land or owned by the applicant.

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

All improvements as required are being provided.

**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.**

There will be no ingress or egress to the pond. A riser with hose connections will be on a lower pond for industrial use.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The use and construction of the pond will conform to all regulations for the Agricultural district.

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Agriculture.

**Staff Recommendation:**

Staff recommends **Approval** for this Conditional Use Permit.

Suggested motion: “Approve Conditional Use Permit #05-23CUP-RBW to the County Commission. Adopt the findings and conditions as provided in the Staff Report””

**Conditions:**

1. The applicant shall mark the site with a (4’ x 8’) sign visible from the road per McKenzie County Ordinance Section 4.10 with the following information. Address/project identification, emergency contact name and phone number, this must be completed within thirty (30) days from County

Commission approval.

2. The applicant shall adhere to the noxious weed containment plan as submitted to the County Weed Control Officer.
3. The applicant shall allow the local Fire Departments access to water in case of emergencies.
4. The applicant shall adhere to all Federal, State and Local Laws, Regulations, and Conditions for the operation of the proposed facility.
5. The applicant shall provide the County Planning Department with all Federal and State approvals or denials, along with any violations relating to the project for the duration of the project including NDSWC approvals, conditions, violations and expirations.
6. Per McKenzie County Ordinance Section 4.10, line item number 2, the applicant shall fence around the holding pond with a 4-strand barbed wire fence to be completed prior to reservoir storing measurable water, applicant has submitted a fence plan.
7. This site, through this Conditional Use Permit, shall not be used as a truck depot.
8. The applicant shall maintain a site free of garbage, from within the site and from outside sources.
9. Any changes in area or volume will require an amendment to the existing Conditional Use Permit per Section 5.8.5 of the McKenzie County Zoning Ordinance.
10. Ingress/Egress for the site will be completed to the satisfaction of the County Engineering Department if applicable.
11. Access on the private roadway into the site must be maintained for 911 purposes.
12. Dust control shall be maintained on roads accessing the site.
13. The applicant shall limit sediment runoff from the site by use of perimeter controls on down slope portions of the site (e.g. silt fence) and limit channelized erosion in ditches, swales, and adjacent natural water bodies. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted if required by State or Federal regulations. The site shall be restored and stabilized to pre-project conditions.
14. The Site shall be inspected annually to ensure compliance.

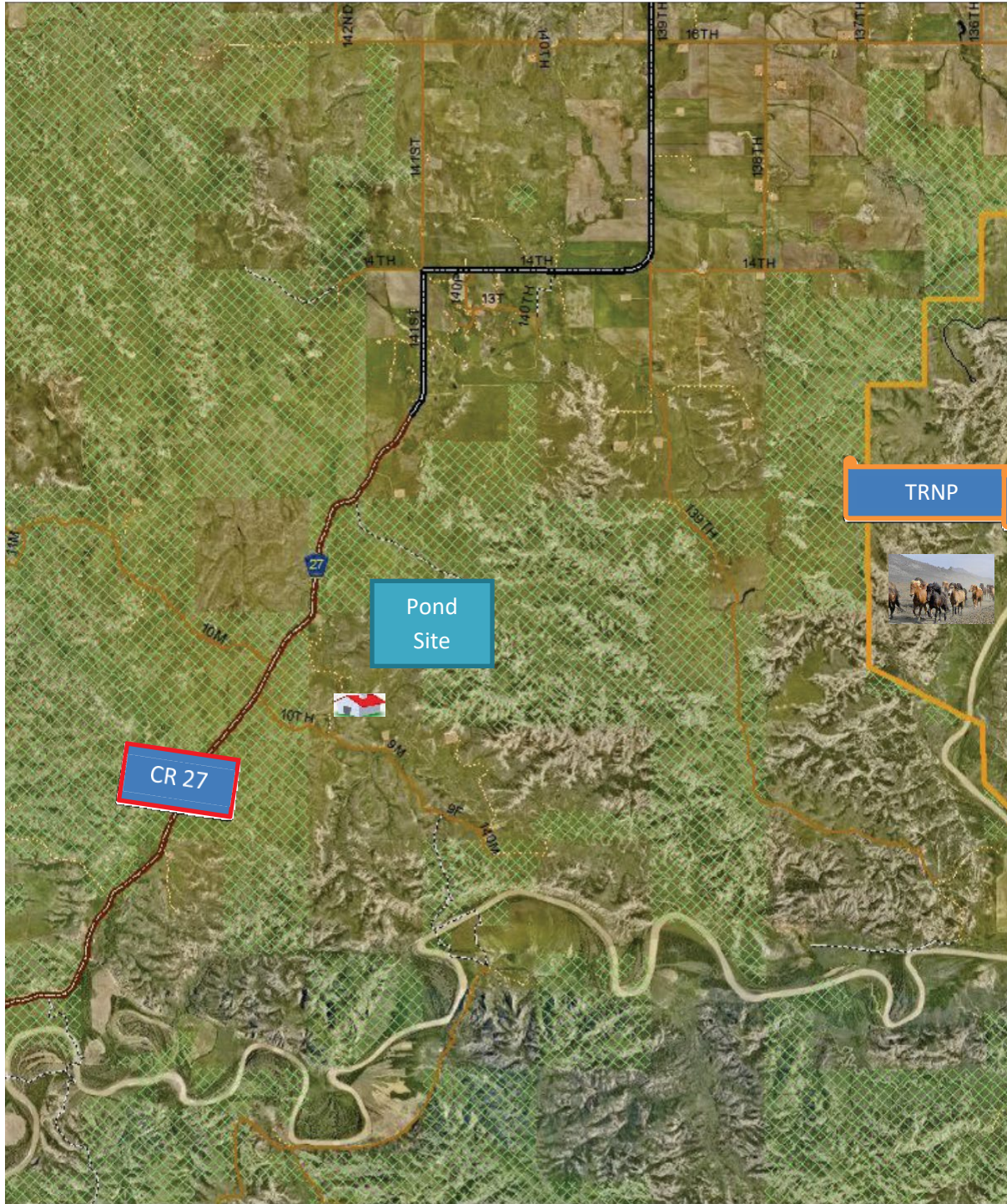


# #05-23CUP-RBW

PID # 450000300

T147N,R101W,S9

## Vicinity MAP

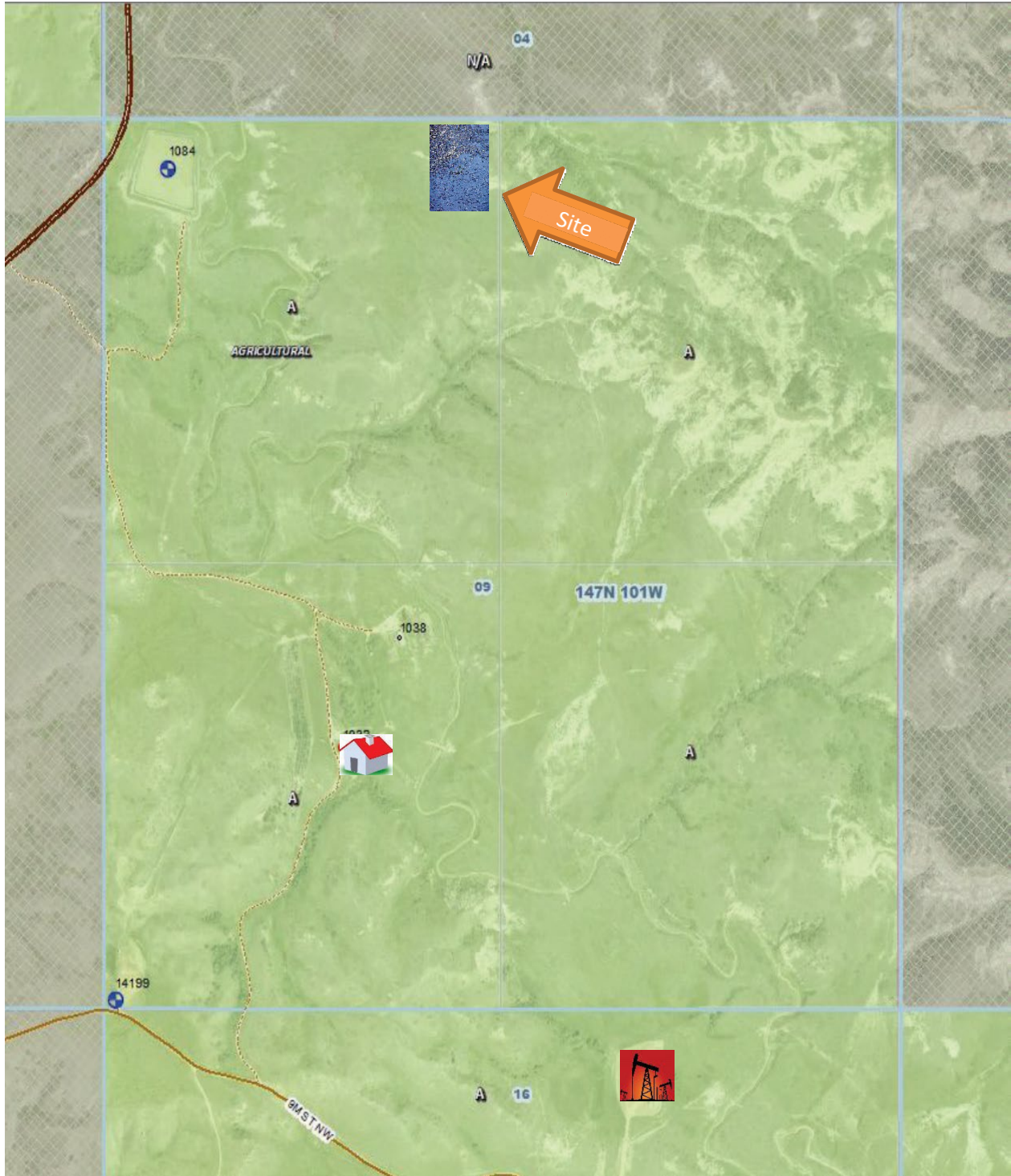


#05-23CUP-RBW

PID # 450000300

T147N,R101W,S9

**Comprehensive Plan Map-Agriculture**

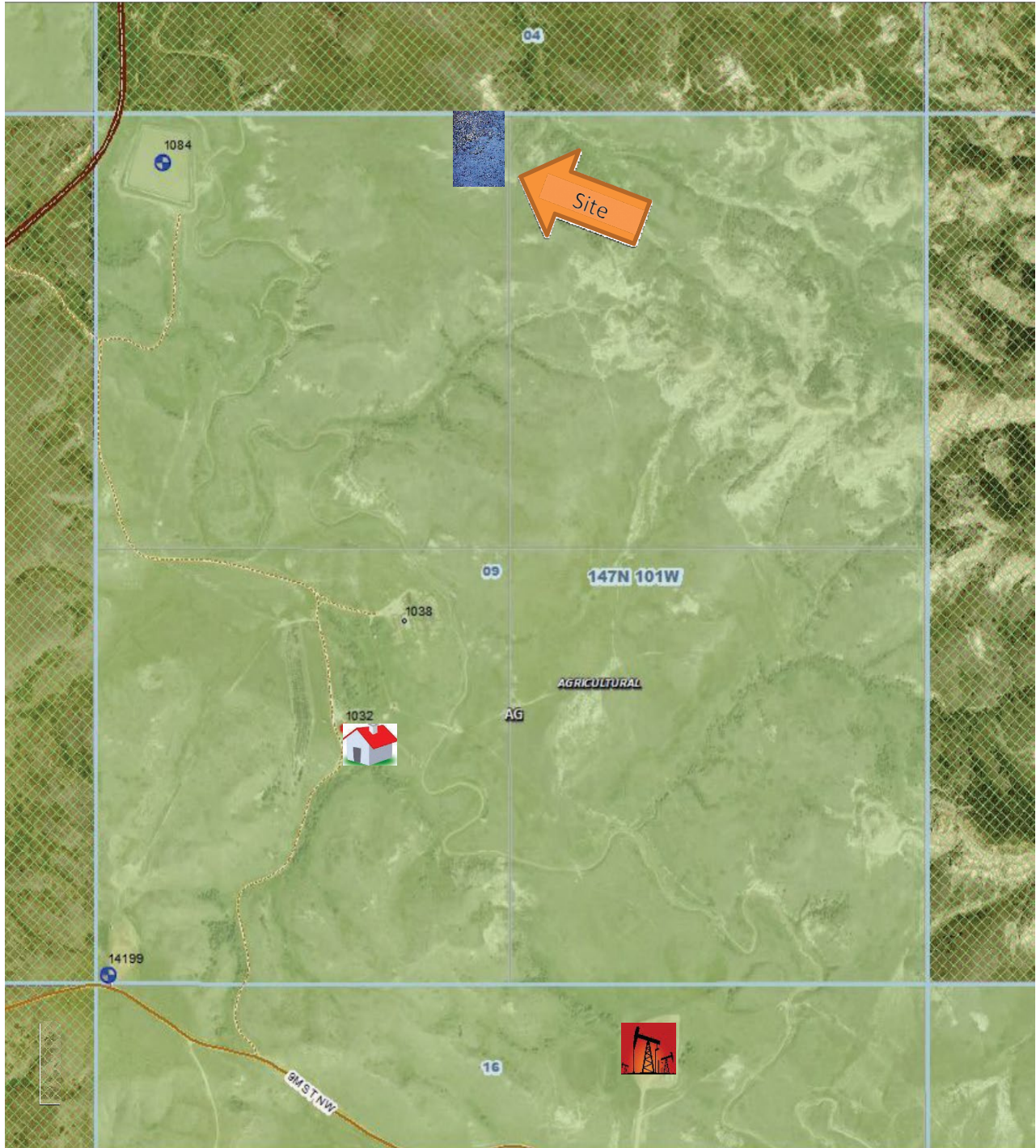


#05-23CUP-RBW

PID # 450000300

T147N,R101W,S9

Zoning Map-Agriculture

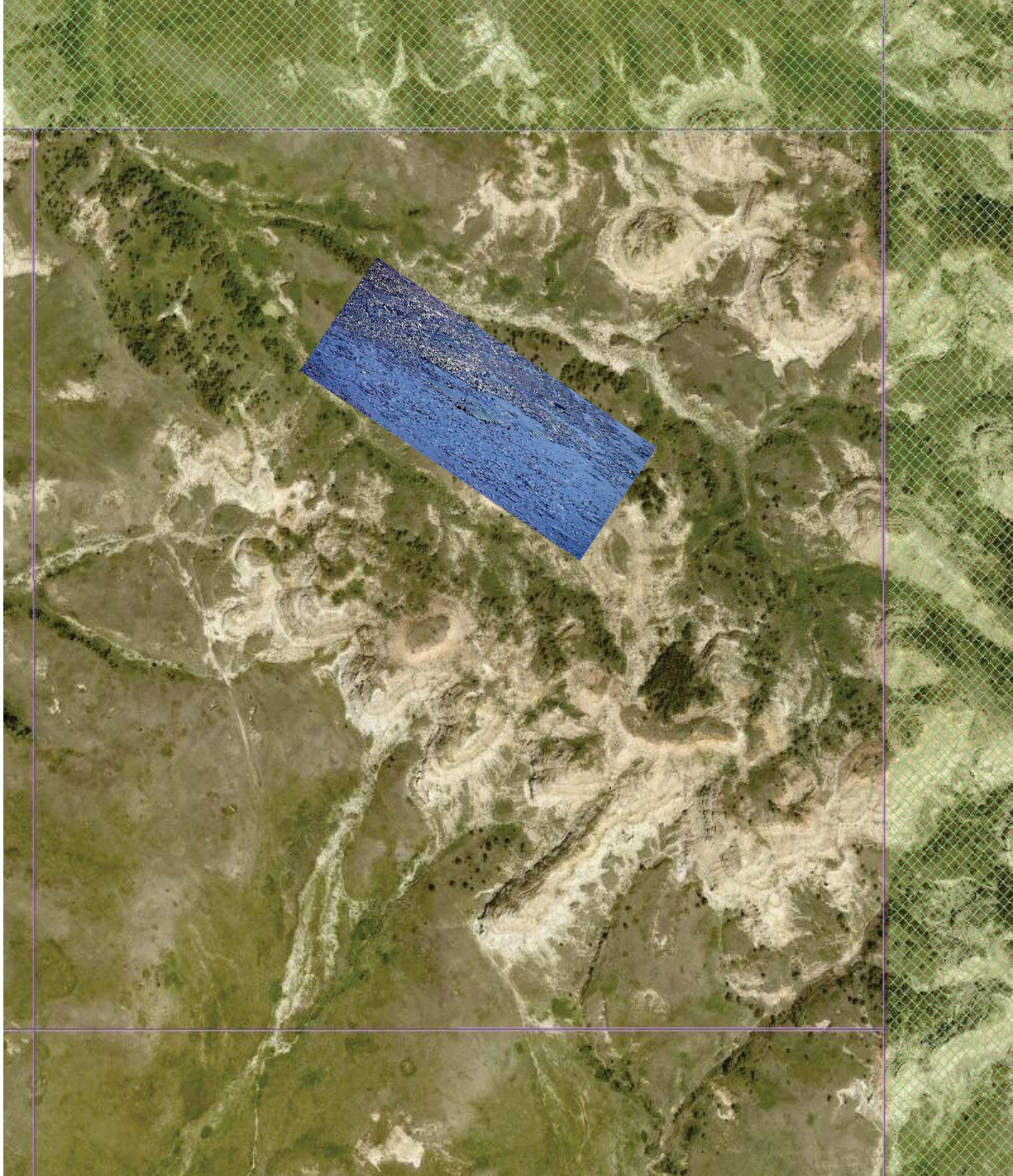


#05-23CUP-RBW

PID # 450000300

T147N,R101W,S9

**SITE MAP**



# McKENZIE COUNTY

## Planning and Zoning Commission

### 03-23 VAR United Quality Cooperative

<b>Application:</b>	September 15, 2023
<b>Hearing Date:</b>	November 13, 2023
<b>Description:</b>	S-2, T-151N, R-96W PID 050002100 Keene, ND 58847 Blue Buttes Township
<b>Owner(s)/Applicant:</b>	United Quality Cooperative
<b>Reason for Request:</b>	Applicant is requesting a variance to place two mobile homes on one 1.23 acre lot in Keene

**Comprehensive Plan Land Use: Light Industrial**

**Zoning: Residential Low Density**

#### Findings of Fact:

1. All legal notices have been mailed.
2. No public comment has been received
3. Property is not in an organized township.
4. Property is in the City of Keene.
5. Applicant has provided a very good site map.
6. Applicant wants to provide localized housing to to eliminate and excessive commute.
7. Applicant has Township approval.

#### Variance Criteria:

No Variance 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 Variance shall not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The establishment of this housing area will add to the health, safety comfort and General welfare of the public.

**b. The proposed Variance shall not substantially impair or diminish the value and enjoyment of other property in the area.**

This variance will enhance the value and enjoyment of the property.

**c. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed Variance.**

All improvements are being done to accommodate the two homes.

**d. 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.**

Applicant has received the okay from Road and Bridge to create driveways.

**e. The proposed Variance shall conform to all applicable regulations of the district within which it is located.**

A site plan with the setbacks has been provided.

**Comprehensive Plan Consistency:**

The subject land area is designated in the land use plan as Light Industrial.

**Staff Recommendation:**

Staff recommends **Approval** Variance

Suggested motion: "Recommend approval of 03-23 Variance request to the County Commission. Adopt the findings as provided in the report. A Variance is "An exception from the terms of this Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant or the applicant's predecessors-in-interest, where a literal enforcement of this ordinance would result in unnecessary and undue hardship to United Quality Coop.""

**Conditions:**

No conditions are placed on variances

#03-23VAR  
PID # 050002100  
S-02,T-151N,R-96W  
Vicinity MAP



#03-23VAR

PID # 050002100

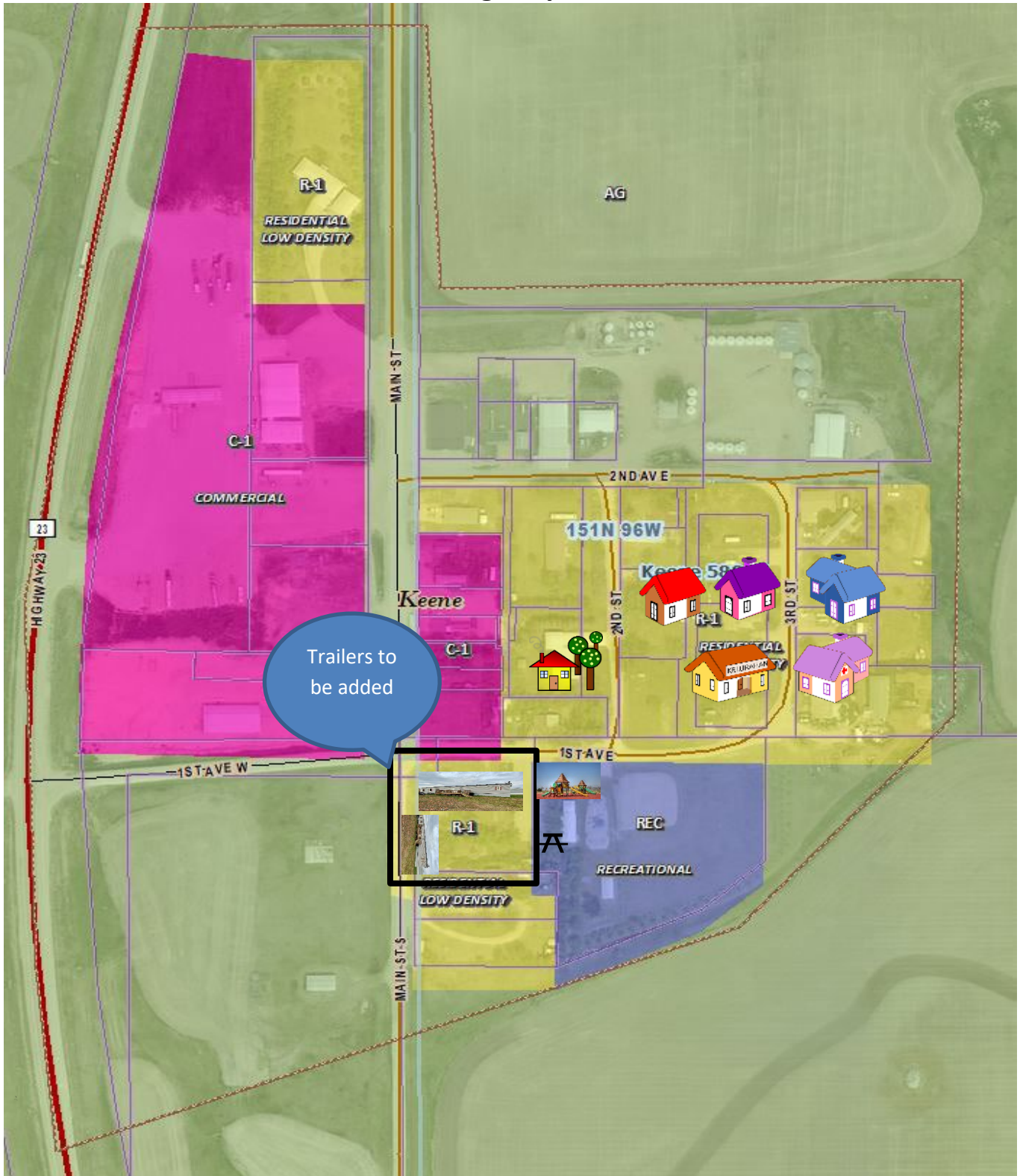
S-02,T-151N,R-96W

### Comprehensive Plan Map-Light Industrial



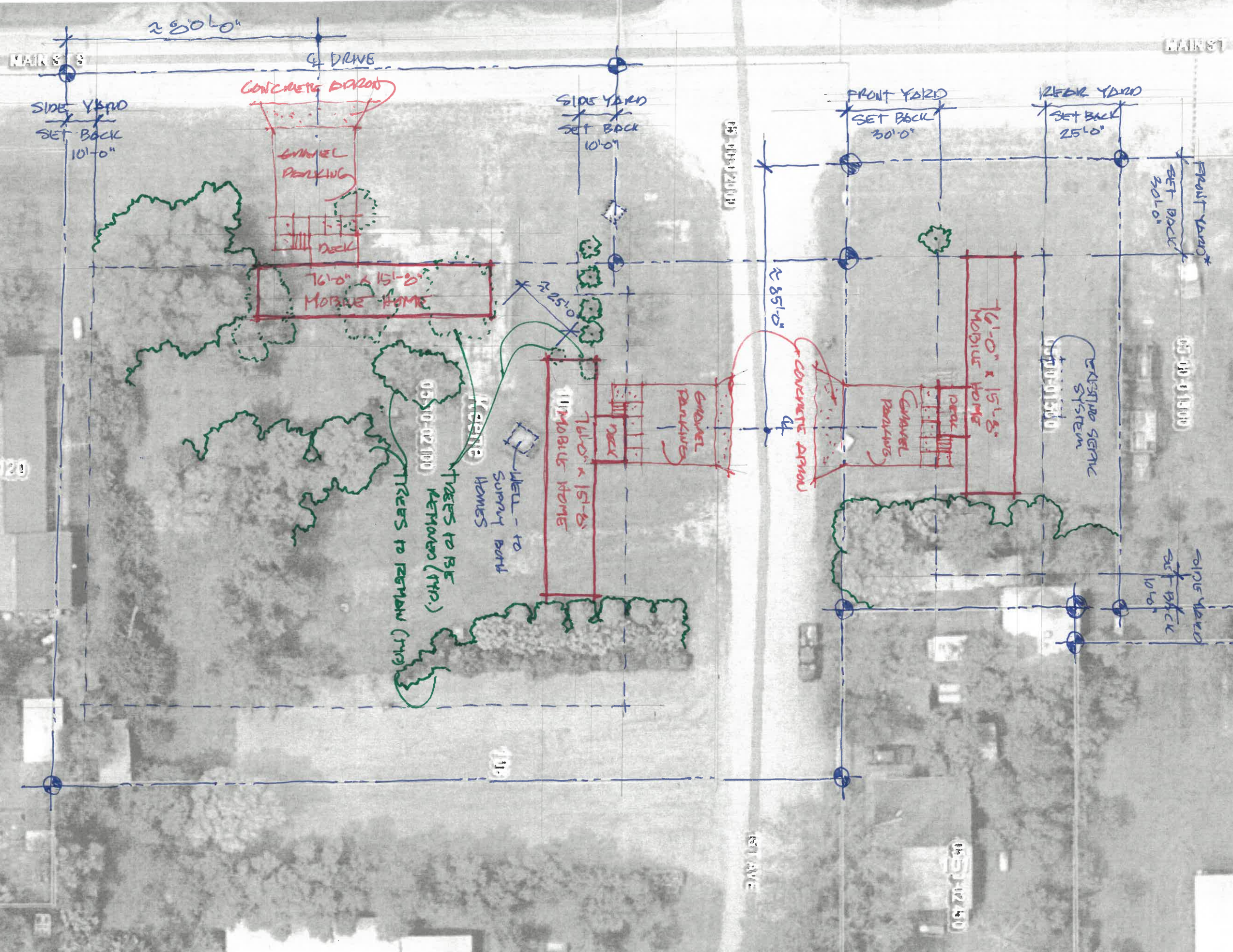


#03-236VAR  
PID # 050002100  
S-02,T-151N,R-96W  
Zoning Map-R-1



#03-23VAR  
PID # 050002100  
S-02,T-151N,R-96W  
SITE MAP





UNITED SUBURBAN COOPERATIVE - KEENE SITE PLAN

9.12.2023

ESPOCH ENGINEERS & ARCHITECTS ENGINEERS



# **McKENZIE COUNTY**

## **Planning and Zoning Commission**

### **12-23CUP United Quality Cooperative**

<b>Application:</b>	October 13, 23
<b>Hearing Date:</b>	November 13, 2023
<b>Description:</b>	Section2, T-151N, R-96W PID 050001500 Main ST, Keene, ND 58847
<b>Owner(s)/Applicant:</b>	United Quality Cooperative
<b>Reason for Request:</b>	United Quality Cooperative operates the Cenex Fuel and Convenience facility in Keene. In an effort to attract and retain qualified employees to operate their facility, they are in need of localized housing to eliminate the an excessive commute by their employees

**Comprehensive Plan Land Use: Light Industrial**

**Zoning: Commercial**

#### **Findings of Fact:**

1. All public notices have been sent.
2. No public comment has been received.
3. Property is in the City of Keene
4. Property is in Blue Buttes Township.
5. Applicant has Blue Buttes approval.
6. Applicant is not the owner but has owner approval.
7. Applicant has a Permit from the County Weed Department
8. Applicant has a permit from Road and Bridge for the driveways
9. Applicant has Approval from the 911 coordinator and from Keene Fire.
10. Applicant has approval from EMS
11. Applicant wants to provide localized housing to eliminate an excessive commute.

#### **Conditional Use Permit Criteria::**

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.**

The foundation, support, or activity of the restrictive use will not be unfavorable to or jeopardize the general wellbeing, security, solace or general welfare

**b. The proposed conditional use shall not substantially impair or diminish the value and enjoyment of other property in the area.**

The proposed restrictive use will not significantly weaken or reduce the worth and satisfaction in other property nearby

**c. The proposed conditional use shall not impede the normal orderly development of the surrounding property.**

The proposed contingent use will not block the ordinary methodical improvement of the encompassing property.

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Sufficient utilities, access streets, seepage or other important site enhancements have been or alternately are being given to oblige the proposed restrictive use

**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.**

Satisfactory measures will be taken to give entrance and departure to the property without unfavorable impacts on the connecting properties and gridlock in the public road.

**f. The proposed conditional use shall conform to all applicable regulations of the district within which it is located.**

The proposed contingent use will adjust to all relevant guidelines of the area inside which it is found.

**Comprehensive Plan Consistency:**


The subject land area is designated in the land use plan as Light Industrial.

**Staff Recommendation:**

Staff recommends **Approval** for this Conditional Use Permit.

Suggested motion: "Staff Recommends Approval of 12-23CUP to the County Commission to allow the Conditional Use. Accept the Findings and Conditions as provided in the report."

**Conditions:**

1. This is a new manufactured home and will need a new address.
2. Applicant shall require tenants to keep the property neat and free from all debris and garbage.'
3. Applicant shall conform to all relevant guidelines of the area.
-  4. All Security lighting shall be downward facing.
5. Applicant shall conform to all state regulations regarding new manufactured homes.
6. Applicant shall provide a copy of their state permit to the P & Z department for its file.
7. Applicant shall provide a P & Z with their new and/or verified address.
8. Any changes or additions to the space will require an amendment to the conditional use permit.
9. Applicant will not place any additional structures on the property.

#12-23CUP

PID # 050001500

S-02,T-151N,R-96W

Vicinity MAP



#12-23CUP

PID # 050001500

S-02,T-151N,R-96W

### Comprehensive Plan Map-Light Industrial



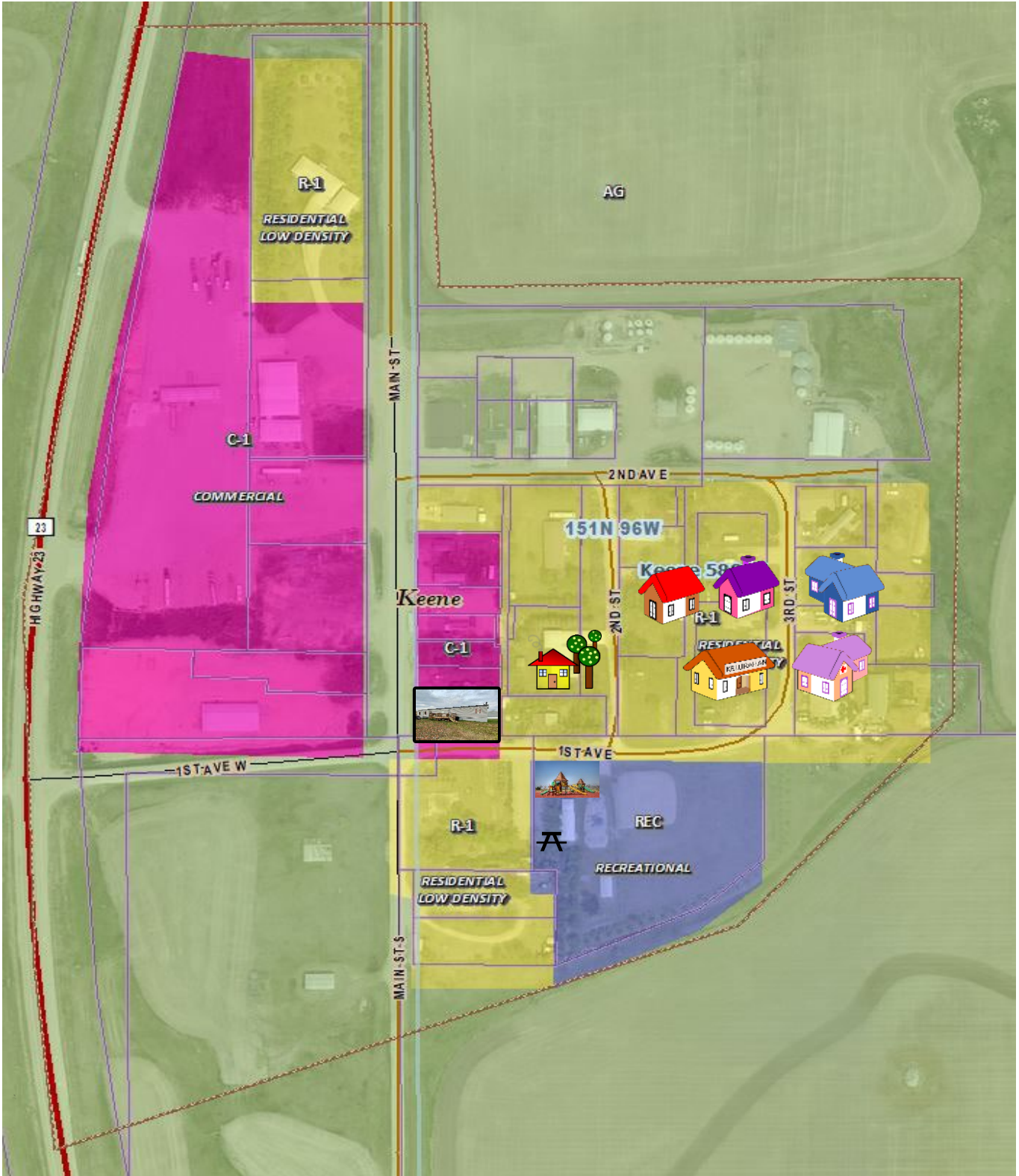


#12-23CUP

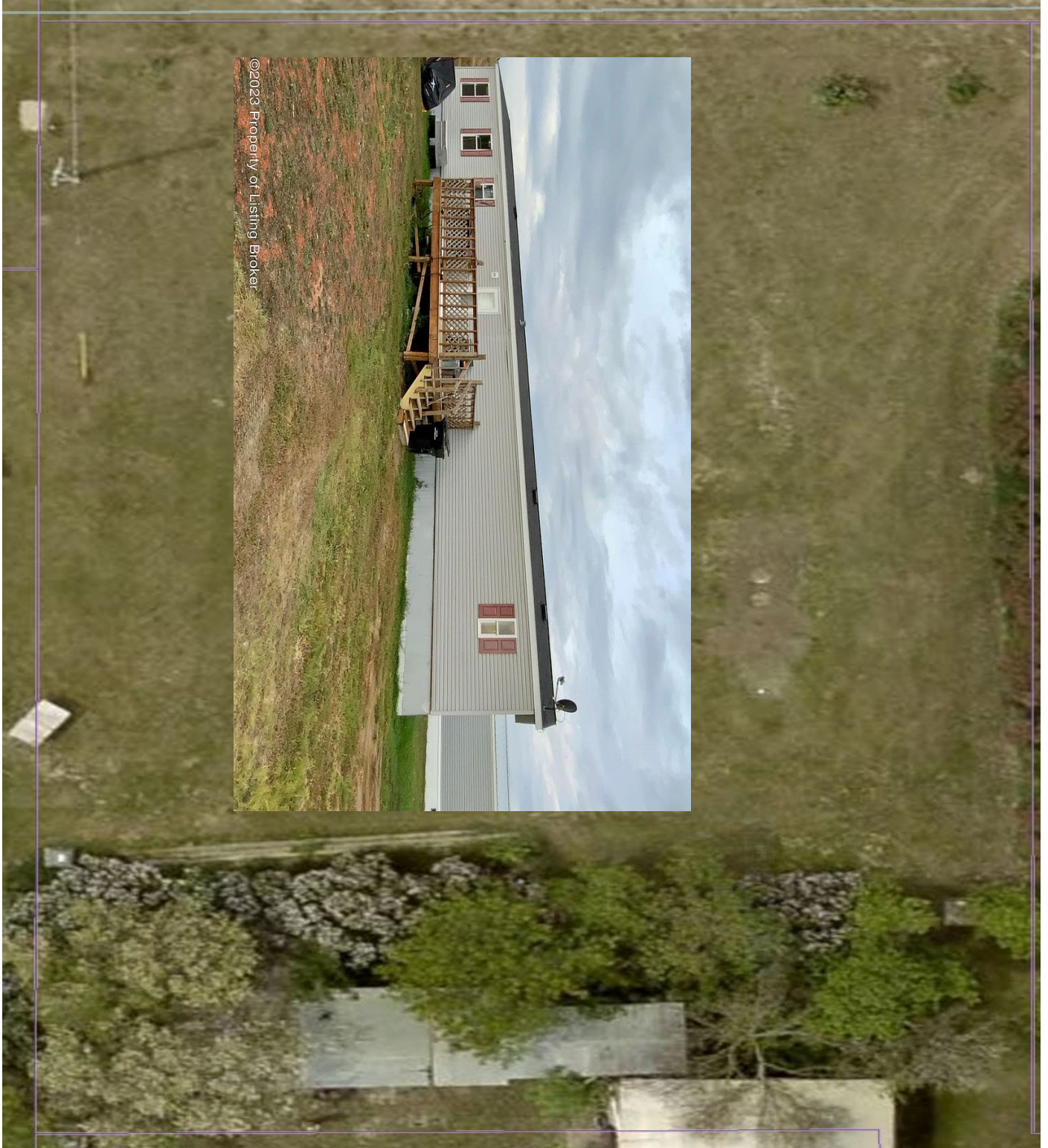
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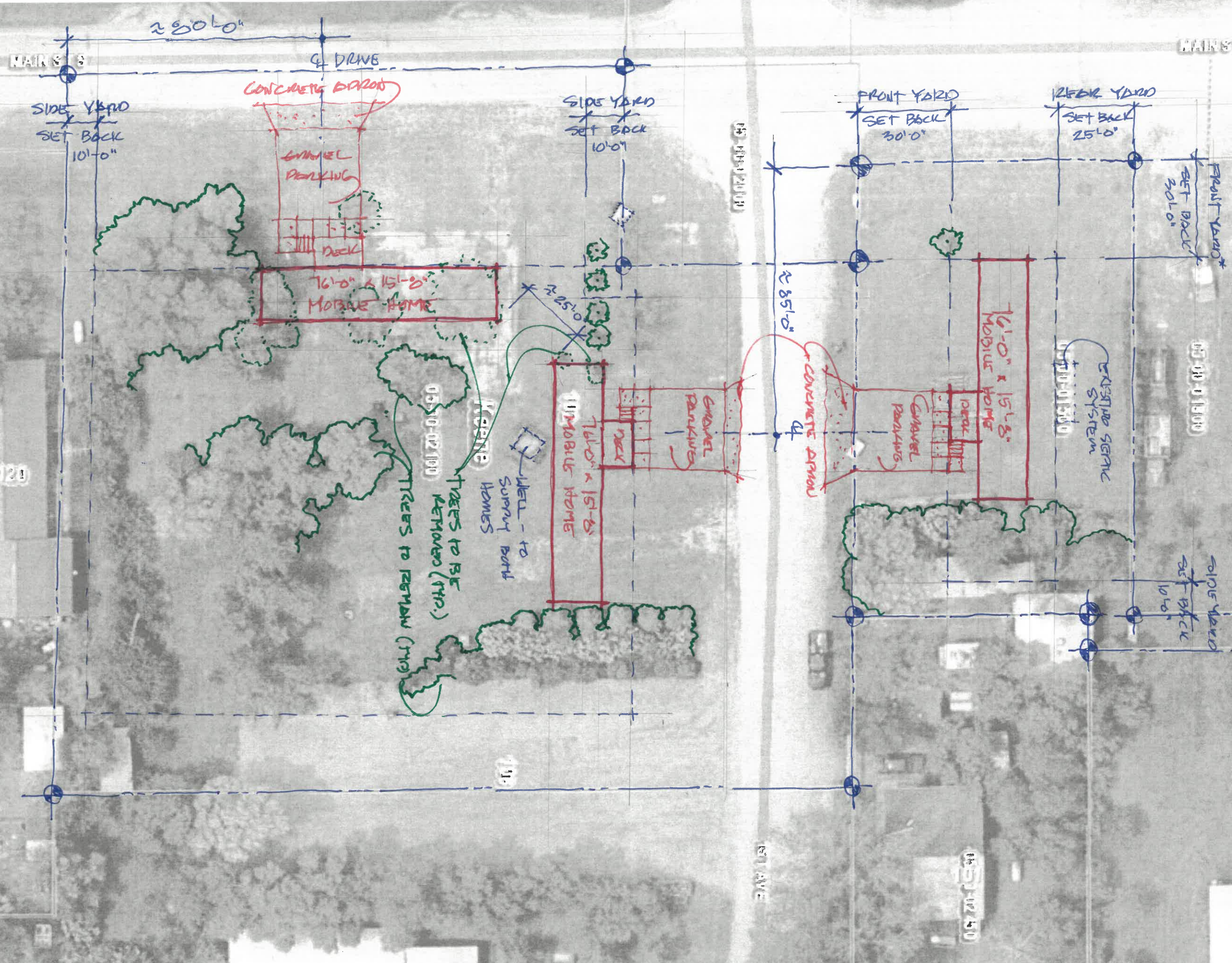
S-02,T-151N,R-96W

Zoning Map-Commercial



#12-23CUP  
PID # 050001500  
S-02,T-151N,R-96W  
**SITE MAP**





UNITED SUBURBAN COOPERATIVE - KEENE SITE PLAN

8.12.2023

ESPOCH ENGINEERS & ARCHITECTS ENGINEERS



# **McKENZIE COUNTY**

## **Planning and Zoning Commission**

### **12-23CUP United Quality Cooperative**

<b>Application:</b>	October 13, 23
<b>Hearing Date:</b>	November 13, 2023 / Postponed to December 11, 2023
<b>Description:</b>	Section2, T-151N, R-96W PID 050001500 Main ST, Keene, ND 58847
<b>Owner(s)/Applicant:</b>	United Quality Cooperative
<b>Reason for Request:</b>	United Quality Cooperative operates the Cenex Fuel and Convenience facility in Keene. In an effort to attract and retain a qualified manager to operate their facility, they are in need of localized housing to eliminate the need for an excessive commute.

**Comprehensive Plan Land Use: Light Industrial**

**Zoning: Commercial**

#### **Findings of Fact:**

1. All public notices have been sent.
2. No public comment has been received.
3. Property is in the Community of Keene
4. Property is in Blue Buttes Township.
5. Applicant has Blue Buttes approval.
6. Applicant is not the owner but has owner approval.
7. Applicant has a Permit from the County Weed Department.
8. Applicant has a permit from Road and Bridge for the driveway.
9. Applicant has Approval from the 911 coordinator and from Keene Fire.
10. Applicant has approval from EMS.
11. Applicant wants to provide localized manager housing to eliminate an excessive commute.

#### **Conditional Use Permit Criteria::**

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The proposed contingent use will not block the ordinary methodical improvement of the encompassing property.

**d. Adequate utilities, access roads, drainage or other necessary site improvements have been or are being provided to accommodate the proposed conditional use.**

Sufficient utilities, access streets, seepage or other important site enhancements have been or alternately are being given to oblige the proposed restrictive use.

**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.**

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**Comprehensive Plan Consistency:**


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**Staff Recommendation:**

Staff recommends **Approval** for this Conditional Use Permit.

Suggested motion: "Staff Recommends Approval of 12-23CUP to the County Commission to allow the Conditional Use. Accept the Findings and Conditions as provided in the report."

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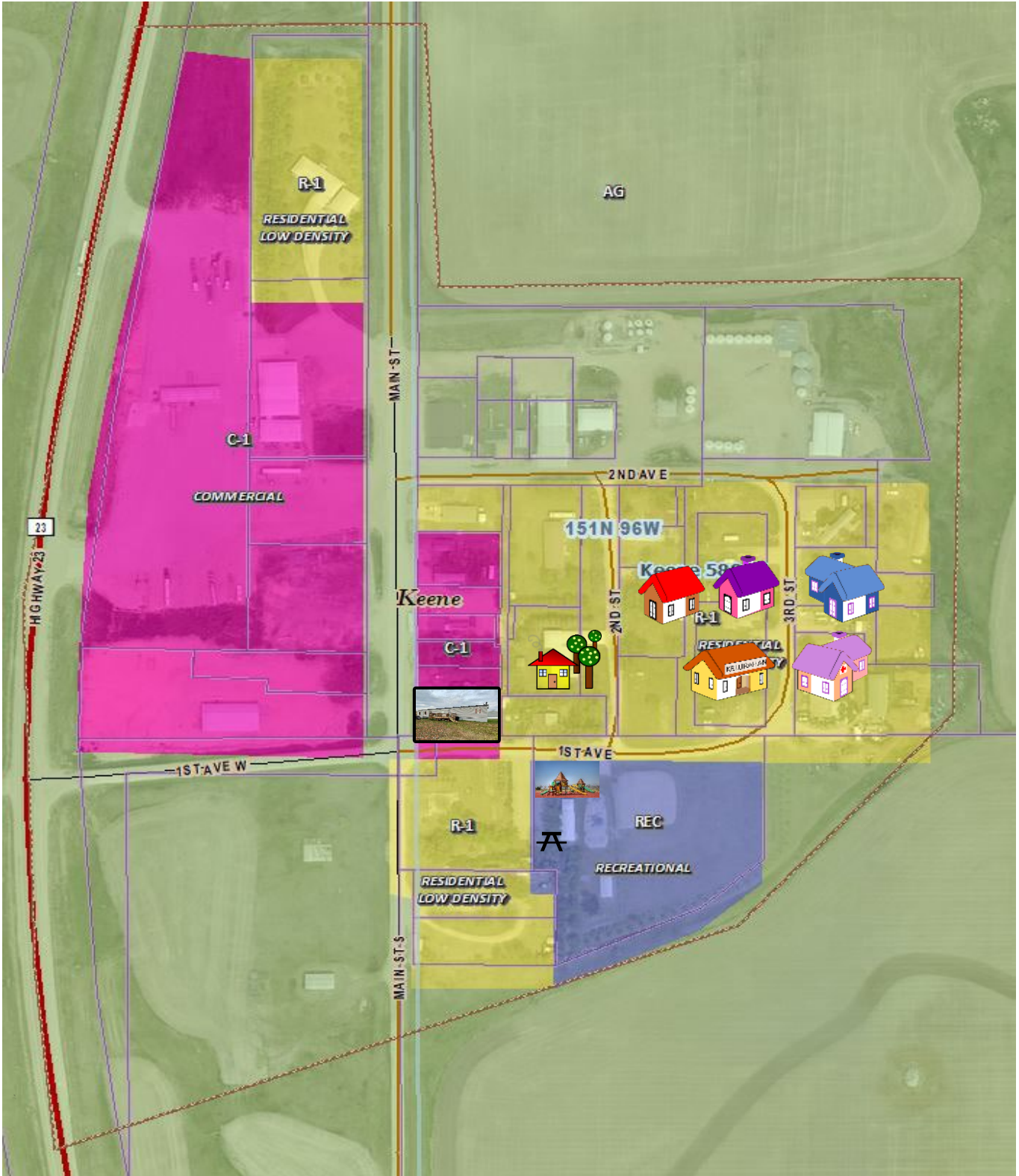


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**SITE MAP**

