

# **McKENZIE COUNTY**

## **Planning and Zoning Commission**

### **#03-24CUP - Blue Buttes Aggregate LLC**

|                            |  |
|----------------------------|--|
| <b>Application:</b>        | February 14, 2024  |
| <b>Hearing Date:</b>       | March 11, 2024   |
| <b>Description:</b>        | S-32, T-151N, R-97WNW1/4SE1/4, S1/2NE1/4, NE1/4SW1/4, PID 59-00-15300 S-32, T-151N, R-97NW1/4SW1/4, NW1/4NW1/4, S1/2NW1/4, PID 59-00-15350 |
| <b>Owner(s)/Applicant:</b> | Blue Buttes Aggregate LLC  |
| <b>Reason for Request:</b> | Applicant wishes to open a Scoria Pit in parts of two adjacent parcels, This will encompass approximately 60 Acres.                        |

**Comprehensive Plan Land Use: Agriculture**

**Zoning: Agriculture**

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

1. The proposed use is conditionally allowed in the agricultural district.
2. All Public notifications have been made.
3. Staff has received comments from the public.
4. Applicant does not own the property but has owners permission.
5. Applicant has a storm water permit valid February 14, 2024.
6. Applicant has an approved Weed Plan.
7. Applicant has received an approved approach permit # AP2024-020.

#### **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 establishment, maintenance or operation of the conditional use shall not be detrimental to or endanger public health, safety, comfort 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 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 is required to be returned to its pre-construction condition.

**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.**

Adequate utilities, access roads, drainage or other necessary site improvements have been provided 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.**

Ingress and Egress will be off of 31st NW thru an approved approach.

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

Applicant shall follow all state and local 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: "Staff Recommends Approval of Conditional Use Permit #03-24CUP to the BOCC. Accept the findings and conditions as presented 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. Maintain weed control as approved by the McKenzie County Weed Control Officer
3. The applicant shall adhere to all State laws, regulations, and conditions for the operation of the proposed facility.

4. A RECLAMATION BOND 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.
5. 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.
6. 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. Failure to do this can result in revocation of the permit.
7. 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.
8. Trucks may only travel on pre-approved routes and roads.
9. Trucks must obey all speed requirements as posted by federal, state, county or township agencies, but at no time shall speeds exceed 35 mph on gravel or dirt road.
10. The conditional use permit will be reviewed annually to ensure compliance with the listed
11. Access on the private roadway into the site must be maintained for 911 purposes.
12. 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.
13. The applicant shall maintain a site free of garbage, from within the site and from outside sources, during and after construction.
14. 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.

## Candy Lundgren

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**From:** Kathy Skarda  
**Sent:** Thursday, March 7, 2024 9:13 PM  
**To:** Candy Lundgren; Sandee Kimpel  
**Subject:** Fwd: Screenshot 2024-03-07 at 8.05.24 PM

Sent from my iPhone

Begin forwarded message:

**From:** Dewey Frick <deweyfrick82@icloud.com>  
**Date:** March 7, 2024 at 8:13:08 PM CST  
**To:** Kathy Skarda <kskarda@co.mckenzie.nd.us>  
**Cc:** sullys1@restel.com  
**Subject:** Screenshot 2024-03-07 at 8.05.24 PM

Kathy, here is a route that would divert the heavy truck traffic away from all three places on 31st street. The route is marked in yellow. North south stretch is an existing road to the wells and Murray's scoria pit. The yellow line running east west would have to be constructed to join the two existing lease roads up. Approximately 3/4 mile of construction.

I am not trying nor asking to shut down the scoria pits just asking for help with the heavy truck traffic from the pits and wells out here. Call me anytime if you have questions.

Thanks  
Duane



TeraFlex Pit

31st St NW

LEASE RD

NORTH ROAD

118m Ave NW

700 m



Thanks for the info. Nice chatting with you Kathy. Please let Candy Lundgren our issues please.

Kevin Sullivan long time resident and neighbor to Sivertson:

It looks like a new company out of Williston, Teraflex Group LLC with Dave Kablonsky as contact.

my concerns are the extra traffic by the house and not abiding by posted speed limit.

Looks like existing pit that Martin Construction was hauling out of before.

I'm sure there was a possibility of them tired of dealing with Jason also.

I will definitely have concerns if start opening pits close to the house.

Thanks again

Looks like another company we will have to visit with.

One other thing is noxious weeds especially Canada Thistle.

I have had the weed board and sprayed about every other year and just keep doing it.

Would like to see someone monitor this and check these pits for noxious weeds and hold them to there permit.

Reclaim pits that have not been used for years would probably resolve that problem. Enough venting

Dewey will probably send you an updated wells and access routes on Monday.

He also mentioned the same thing about through road for oil activity especially. Thanks 🙏

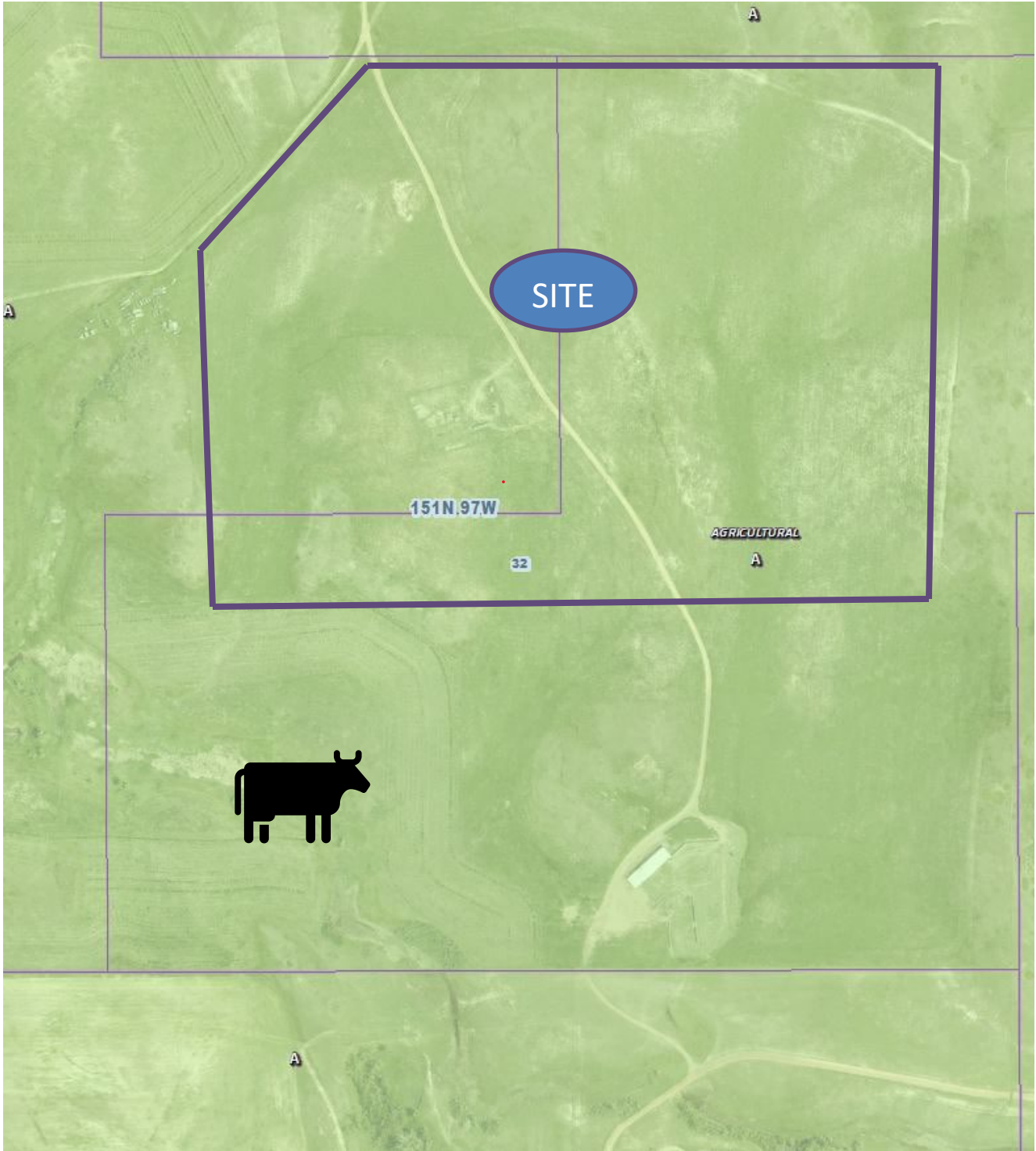


#03-24CUP

PID # 590015300/590015350

S-32,T-151N,R-97W

Comprehensive Plan Map-Agriculture



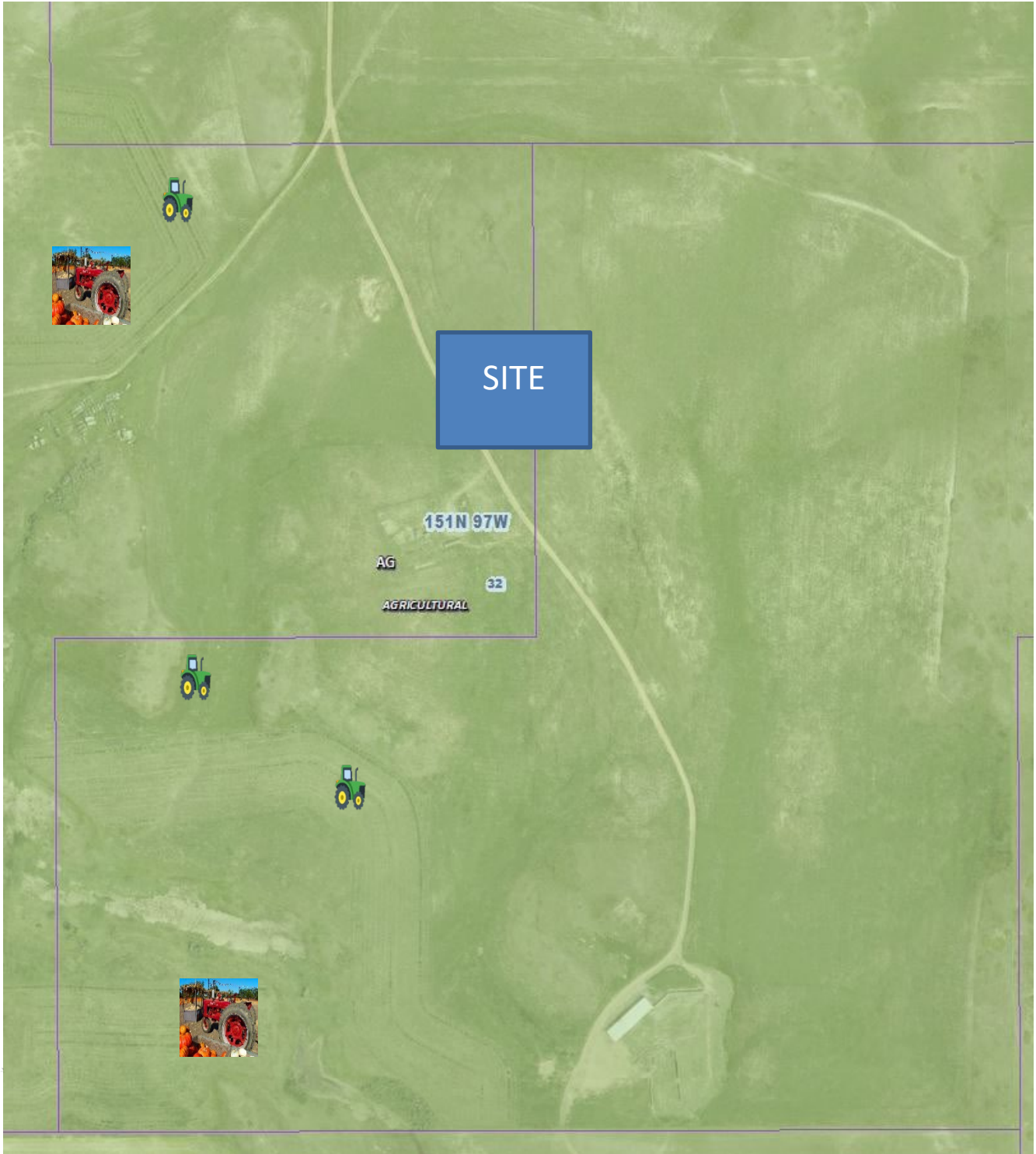


#03-24CUP

PID # 590015300/590015350

S-32,T-151N,R-97W

Zoning Map-Agriculture



#03-24CUP

PID # 590015300/590015350

S-32,T-151N,R-97W

**SITE MAP**



# McKENZIE COUNTY

## Planning and Zoning Commission

### #03-24ZC-Robert Chapa

|                            |   |
|----------------------------|---|
| <b>Reason for Request:</b> | Applicant wishes to develop the property to supply energy services for the oil and gas company. This will include non-hazardous dry bulk storage manufacturing and fabrication. |
| <b>Hearing Date:</b>       | March 11, 2024  |
| <b>Location:</b>           | IT# 2348 PT NW1/4, PID 030010110<br>S-25,T-150N,R-100   |
| <b>Owner(s)/Applicant:</b> | Robert Chapa / Precision Companies  |

| <b>Existing:</b>    |                                   | <b>Proposed:</b>    |                                   |
|---------------------|-----------------------------------|---------------------|-----------------------------------|
| <b>CP Land Use:</b> | Transitional                      | <b>CP Land Use:</b> | Transitional                      |
| <b>Zoning:</b>      | Agriculture                       | <b>Zoning:</b>      | Light Industrial                  |
| <b>Setbacks:</b>    | 25'-Front<br>25'-Side<br>25'-Rear | <b>Setbacks:</b>    | 50'-Front<br>25'-Side<br>50'-Rear |
| <b>Lot Area:</b>    | 10 Acres                          | <b>Lot Area:</b>    | 10 Acres                          |

# **McKENZIE**

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# **COUNTY**

**Finding of Fact:**

1. All public notifications have been made.
2. No Comment has been received from the public.
3. Applicant is the property owner.
4. Property is in Arnegard Township and has Township approval.
5. Per the McKenzie County Lands use designation, Industrial is consistent with the current Ag zone.
6. The proposed site will not impede the normal orderly development of the area, as the planed use is allowed per Ordinance # 3.8.1.1 #s 4 and 5.
7. The property has historically been used as industrial.
8. Surrounding Land use is a mix of Light industrial and Agriculture.
9. Surrounding land use is all Transitional in the Comprehensive Plan.
10. Applicant has an approved Weed plan from the County Weed Dept.
11. Applicant has an approved Approach from the Road and Bridge Dept.

**Growth Management Plan Consistency:**

This Zone Change is consistent with the Comprehensive plan for the area which is transitional.

**Suggested Motion:**

Recommend approval of the Zone Change request #03-24ZC-Robert Chapa to the County Commission to allow the Zone Change from Agriculture to Light Industrial. Adopt the findings as provided in the report.

#03-24ZC

PID # 030010110

S-25,T-150N,R-100W

Vicinity MAP



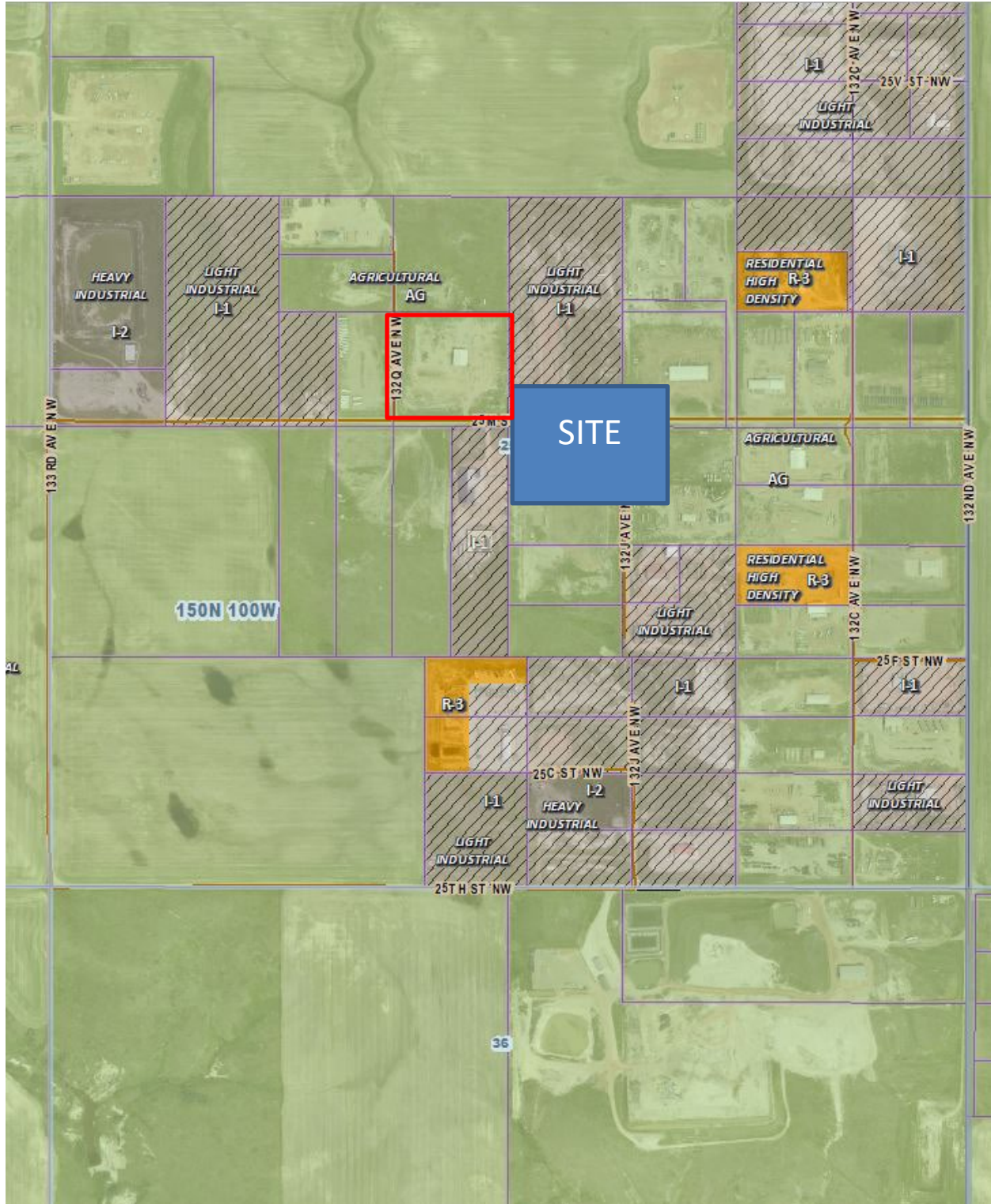


#03-24ZC

PID # 030010110

S-25,T-150N,R-100W

### Zoning Map-Agriculture



#03-24ZC

PID # 030010110

S-25,T-150N,R-100W

**SITE MAP**





# **McKENZIE COUNTY**

## **Planning and Zoning Commission**

### **#01-24VAR McKenzie County Ag Expo**

|                            |   |
|----------------------------|---|
| <b>Reason for Request:</b> | Applicant, McKenzie County AG Expo, is requesting a variance to put up an electronic billboard that will be 1008 Square Feet with changing advertisements on it South of the Entrance to the AG Expo Building, along Hwy 85. Ordinance 4.2.5 #12 only allows for 750 square feet. |
| <b>Hearing Date:</b>       | March 11, 2024  |
| <b>Location:</b>           | Southwest of the expo Center along Hwy. 85<br>PID 110012700 in a PUD NW1/4 OF 34-150-99 12880 25th St NW  |
| <b>Owner(s)/Applicant:</b> | McKenzie County   |

| <b>Existing:</b>    |                              | <b>Proposed:</b>    |                              |
|---------------------|------------------------------|---------------------|------------------------------|
| <b>CP Land Use:</b> | Public/ Institutional        | <b>CP Land Use:</b> | Public/ Institutional        |
| <b>Zoning:</b>      | PUD/Planned Unit Development | <b>Zoning:</b>      | PUD/Planned Unit Development |
| <b>Setbacks:</b>    | 100 feet from Right of way   | <b>Setbacks:</b>    | 100 feet from Right of way   |
| <b>Lot Area:</b>    | 211.67 acres                 | <b>Lot Area:</b>    | 211.67 acres                 |

# McKENZIE COUNTY

**Finding of Fact:**

1. All public notice requirements have been met.
2. Staff has received no comment either for or against
3. Applicant works for the owner of the property and has received permission from the from the owner to apply for this sign.
4. The proposed use shall conform to all other county and state regulations.
5. Advertising signs are not allowed in any road right-of-way or road easement and shall be placed a minimum of ten (10') feet beyond said right-of-way or easement. per Ordinance #4.2.5(#5
6. Billboards are allowed within 2 miles of Watford City ETA. per Ordinance #4.2.5(#13
7. Billboards along state and federal highways shall be separated a minimum of one thousand (1,000') feet and shall be a maximum of seven hundred and fifty (750) square feet. per Ordinance 4.2.5 (#12
8. Placement of signs shall be subject to the setback requirements of the zoning district in which they are located. per Ordinance 4.2.5 (#15 and must abide by DOT requirements.
9. Billboards with changing messages shall have a fifteen (15) second delay between messages per Ordinance 4.2.5 (#16
- 10 Applicant is working on a permit to be submitted to the ND DOT.

**Growth Management Plan Consistency:**

This variance does not go against the Growth management plan of the county.

**Suggested Motion:**

Staff recommends approval of this variance based on the findings of the staff report.

#01-24VAR  
PID # 110012700  
S-27,T-150N,R-99W  
Vicinity MAP

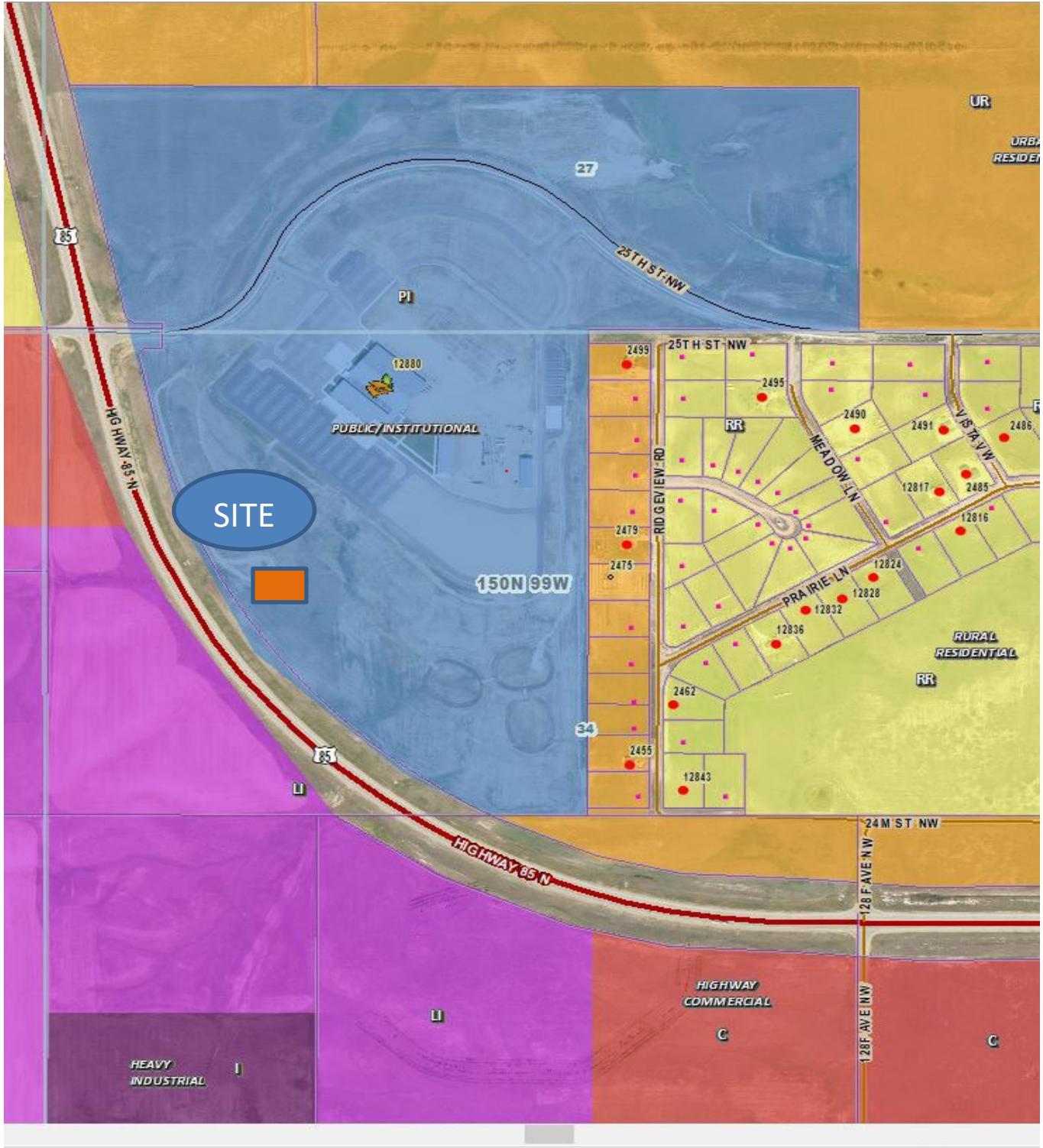


#01-24VAR

PID # 110012700

S-27,T-150N,R-99W

### Comprehensive Plan-Public/Institutional

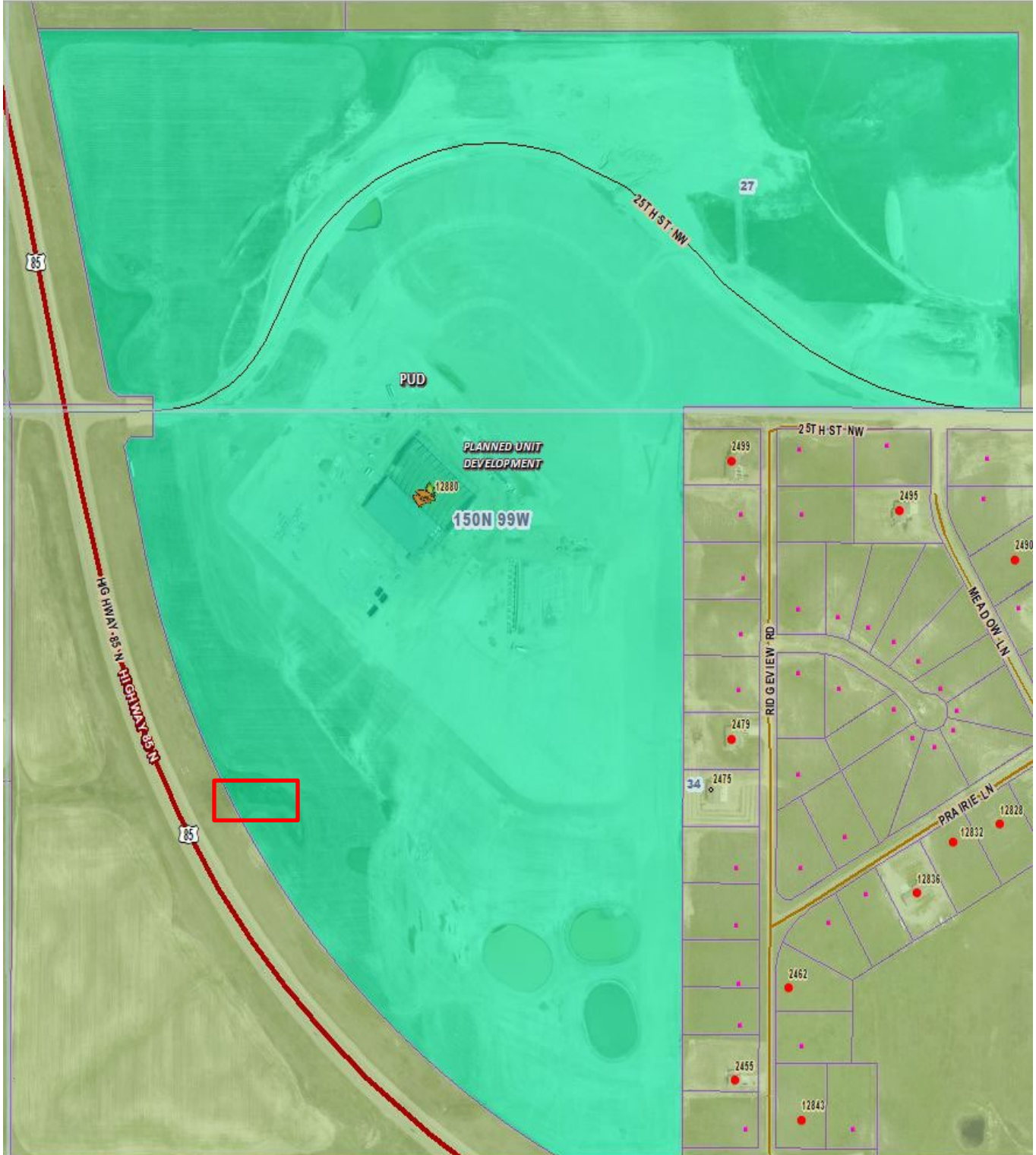


#01-24VAR

PID # 110012700

S-27,T-150N,R-99W

Zoning Map-Planned Unit Development



#01-24VAR  
PID # 110012700  
S-27,T-150N,R-99W  
SITE MAP

