



# Planning and Zoning Commission

## 02-23AmendCup DC Aggregate, LLC

<b>Application:</b>	March 6, 2024
<b>Hearing Date:</b>	April 8, 2024
<b>Description:</b>	2902 113th Ave NW PID# 690002800 T-150N, R-96W, S-5, W1/2SW1/4
<b>Owner(s)/Applicant:</b>	DC Aggregate, LLC
<b>Reason for Request:</b>	Applicant would like approval to extend an existing permitted Scoria pit into an adjacent parcel to continue mining for scoria to sell the public.

<b>Comprehensive Plan Land Use: Agriculture</b>
<b>Zoning: Agricultural</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. Original Scoria Pit Was first established in 2020.</li> <li>6. Scoria Pit currently covers 20 acres in T150N, R96, S5.</li> <li>7. Applicant has an approved Weed permit.</li> <li>8. Applicant is not the owner but has owner permission.</li> <li>9. Applicant has an approved permit from the Dept of Environmental Quality.</li> <li>10. Applicant is in Compliance with all conditions of 02-23CUP per inspection performed on February 28, 2024</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 public health, safety, comfort or general welfare, as this is an existing Scoria Pit.

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

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.

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.

**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.**

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

**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.**

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 roadway as the approach is already existing.

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

The proposed use is conditionally allowed 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: "Staff recommends approval of Conditional Use Permit #02-23CUPAmendCUP to the County commission , to allow the expansion of an existing Scoria Pit into an adjacent parcel. Scoria Pits are a conditional use in the Agricultural Zone. Adopt the findings and conditions as provided in the staff report."

**Conditions:**

## ORIGINAL CONDITIONS OF 02-22CUP

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 Federal, State and local 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 by 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 shall be reviewed annually to ensure compliance with the listed conditions.

All original conditions for the Amended CUP remain in effect.

Additional conditions for 02-23AmendCup

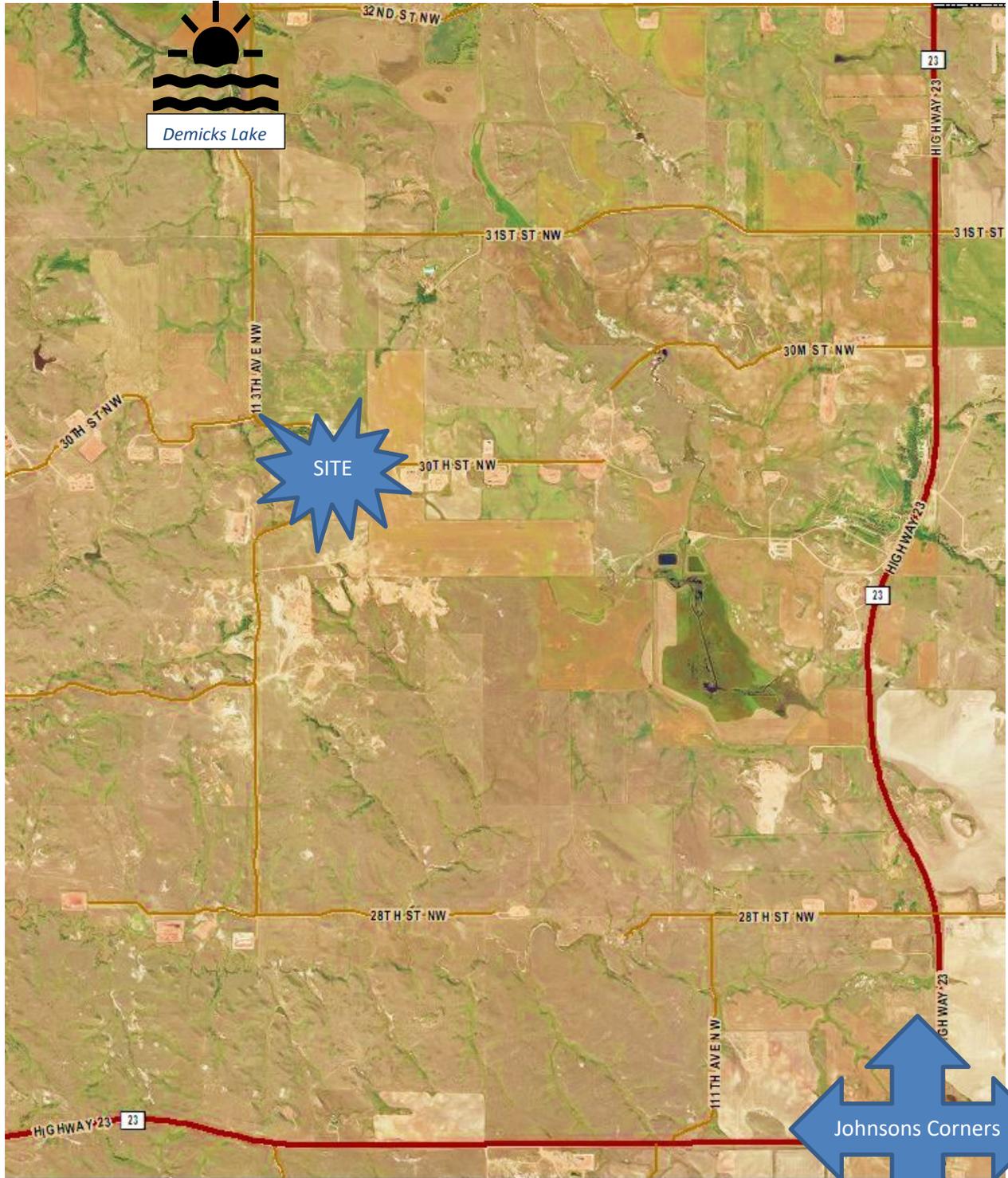
Applicant must provide an updated Bond Estimate to include the additional site.

# #02-23AmendCUP DC Aggregate, LLC

PID # 690002800

S-5,T-150N,R-96W

## Vicinity MAP

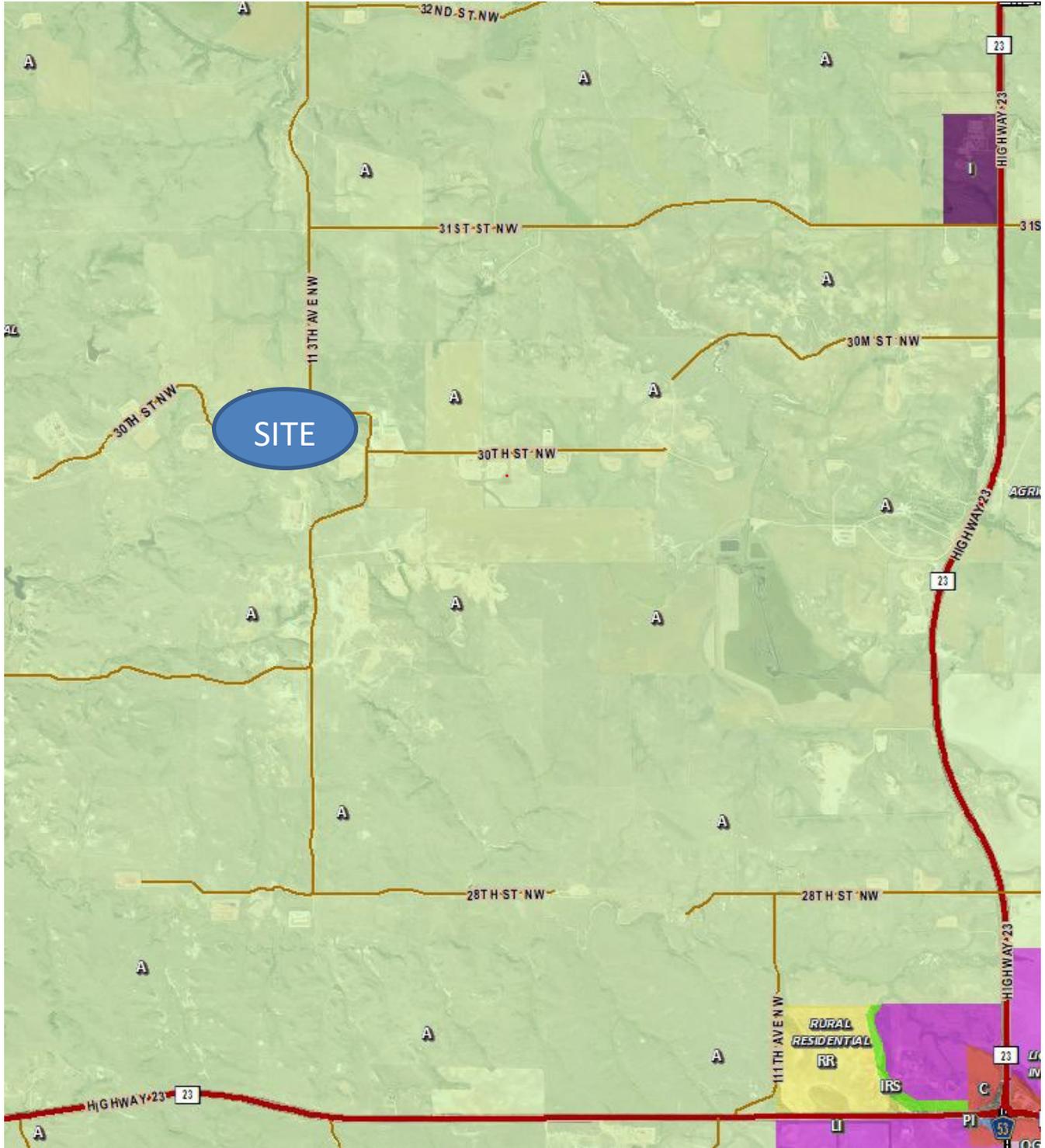


# #02-23AmendCUP DC Aggregate, LLC

PID # 690002800

S-5,T-150N,R-96W

## Comprehensive Plan Map-Agriculture

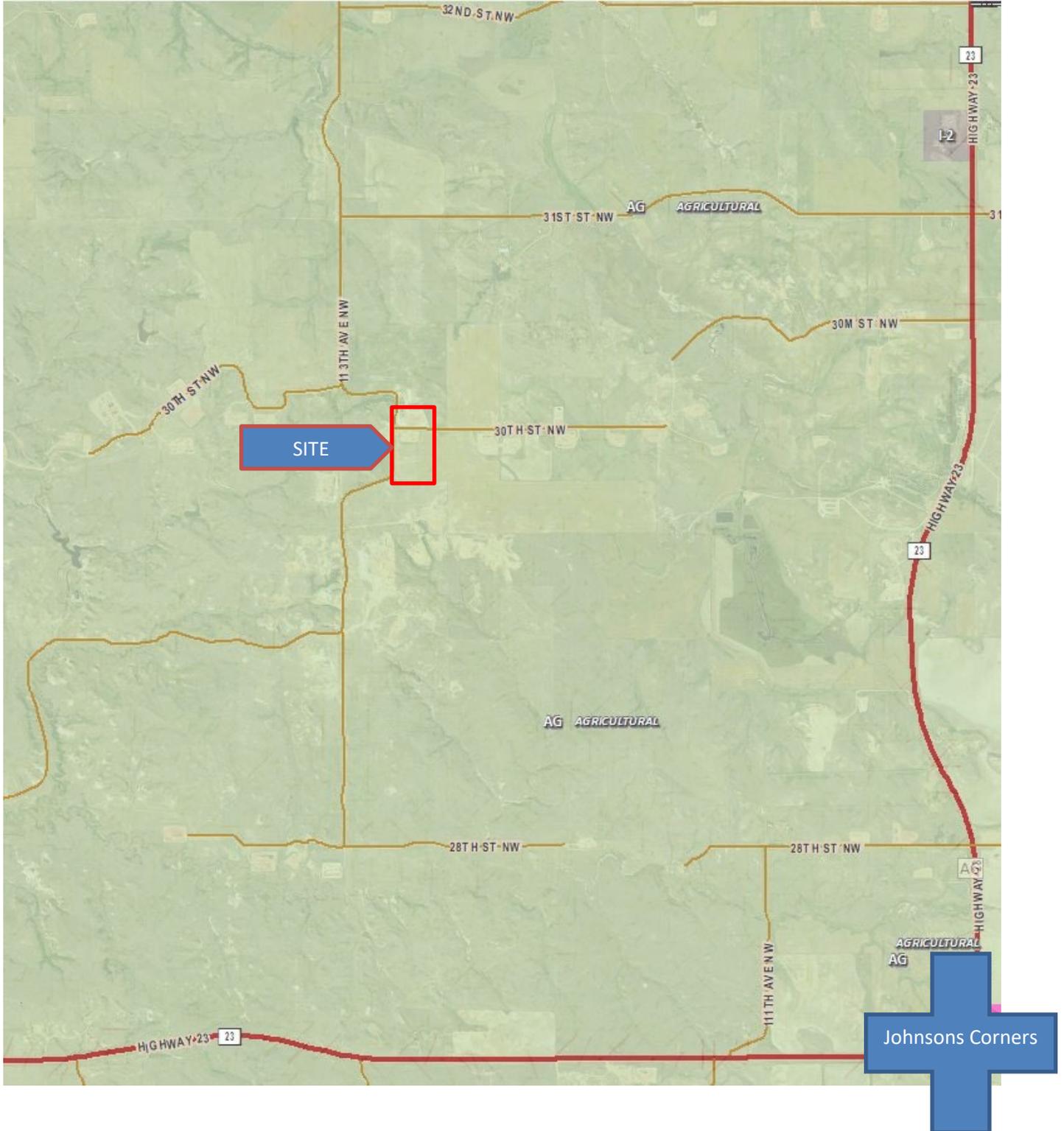


# #02-23AmendCUP DC Aggregate, LLC

PID # 690002800

S-5,T-150N,R-96W

## Zoning Map-Agriculture

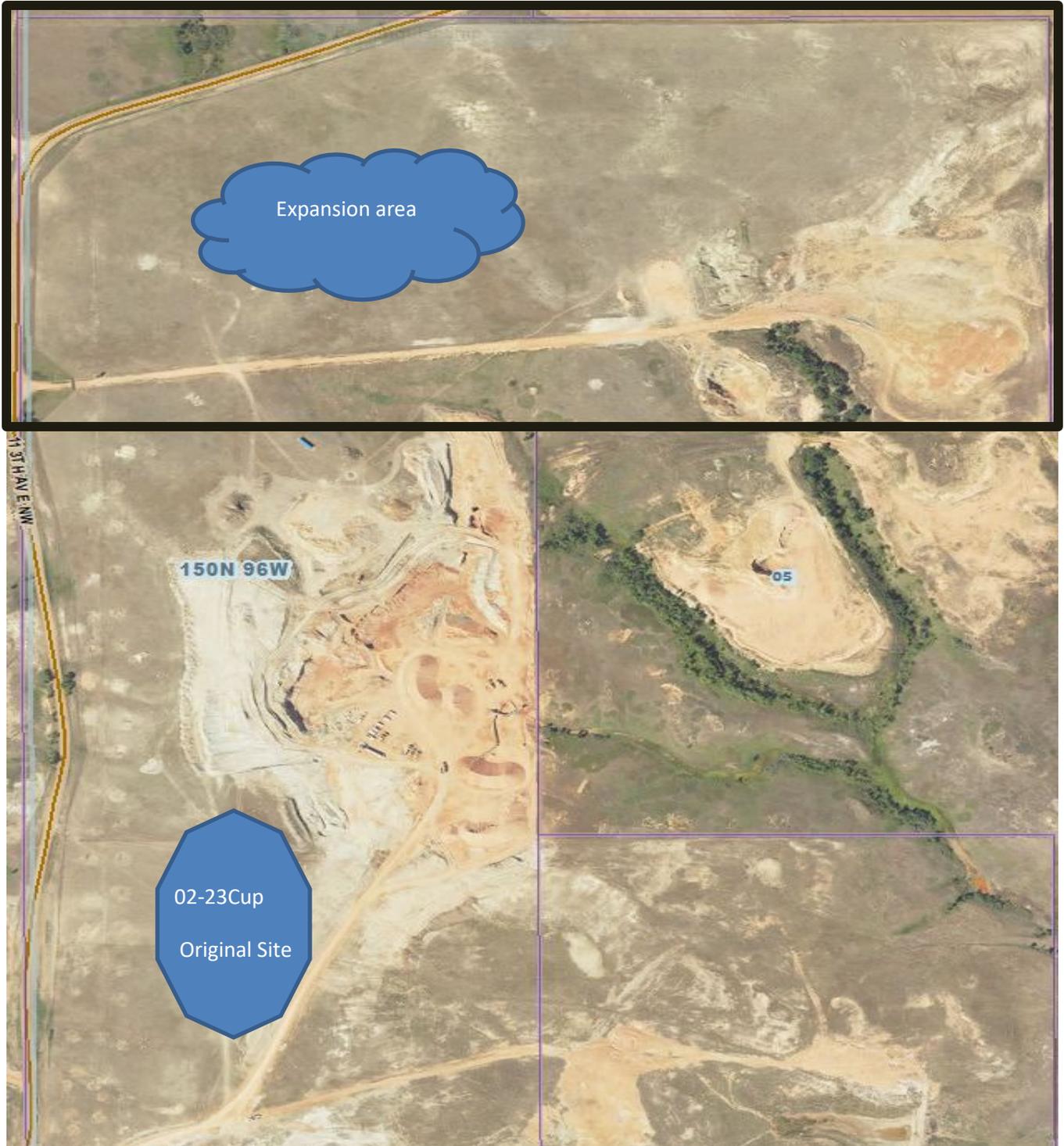


# #02-23AmendCUP DC Aggregate, LLC

PID # 690002800

S-5,T-150N,R-96W

## SITE MAP





### 05-24CUP Juan Ruiz

<b>Application:</b>	February 5, 2024
<b>Hearing Date:</b>	April 8, 2024
<b>Description:</b>	12636 23rdST NW T149N R99W S123.639 acres, #PID 651101100
<b>Owner(s)/Applicant:</b>	Juan Ruiz / Ruiz Properties
<b>Reason for Request:</b>	Applicant would like to bring 7 existing workforce housing units into compliance with the Ordinance.

**Comprehensive Plan Land Use: Transitional**

**Zoning: Heavy Industrial**

**Findings of Fact:**

1. All public notifications have been made.
2. Staff has received no comments.
3. 6 of these units were here before 2013
4. Food and Lodging had permitted 6 units.
5. In Late 2018 early 2019 2 more units were added by a pervious owner
6. All units are currently occupied.
7. Applicant has contacted an engineering company about a bond.
8. Applicant has provided a site plan.
9. Applicant has been in touch with Food and Lodging and is currently working on licensing.
10. Applicant will be removing the one unit, per Road and Bridge Conditions.
11. Applicant has an approved weed plan.
12. Applicants has already received addressing from the GIS Department.
13. Road and bridge will be redoing the approach during road construction this summer.

**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 workforce housing is existing and will enhance the health, safety, comfort and general welfare of the companies employees.

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

There is existing workforce housing in the surrounding area.

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

Several of the properties in this area already have existing work force housing.

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

The existing approaches along CR 30/23rd St will be improved with the CR 30 reconstruction project.

**e. Adequate measures will be taken to provide ingress and egress to the property without adverse effects on the adjoining properties and traffic congestion in the public street.**

The existing approaches along CR 30/23rd St will be improved with the CR 30 reconstruction project.

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

Per 3.8.2.2 Work force housing is a Conditional Use in the Heavy Industrial District and as such will follow all the conditions listed.

**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 # 005-24CUP to the county commission. Adopt the findings and conditions as provided in the Staff Report.""

**Conditions:**

1) Per Ordinance 4.8.1#1 Applicant must provide a description of the units together with an emergency 911 approved numbering system. Example 12566 Zoe Rd. units A, B, C ETC

2) Applicant shall post a sign with the name and address and contact information of the on-site manager. It

is the applicant's responsibility to keep the Planning Department informed at all times who the current on-site manager is and a 24/7 emergency contact number

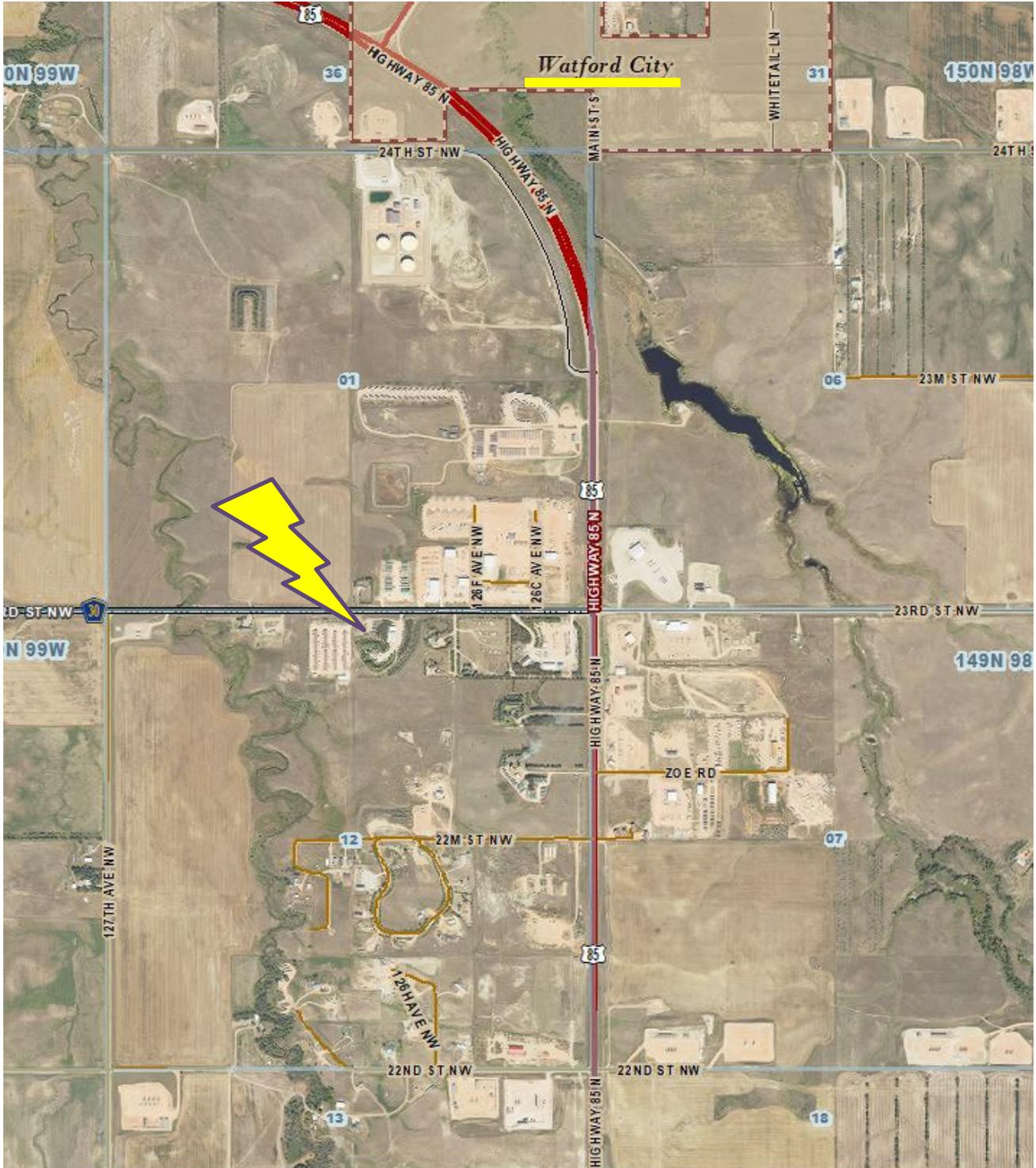
- 3) Applicant shall maintain an On-site security plan.
- 4) Applicant shall maintain a Fire and emergency evacuation plan.
- 5) Applicant shall provide a copy of the closure plan.
- 6) All work force housing developments shall post a reclamation bond per the standards set forth in section 2.13 of this Ordinance. The bond shall be for one hundred and fifty (150%) percent of a licensed engineers estimate of the cost to remove all above ground structures, all underground structures to a depth of four (4') feet, including but not limited to: pipes, wires and concrete, and to remove gravel, scoria, or other ground cover or fill from the site, re-grade the site so it has a predevelopment appearance, and re-seed the site with native grasses and vegetation.
- 7) Parking requirements and standards shall follow section 2.13 of this Ordinance.
- 8) Provide any additional information deemed necessary.
- 9) Per 4.8.2 There shall be no mixed housing types in a work force housing facility.  
Any Further housing units approved for this facility shall be of a homogeneous nature.
- 10) Applicant shall maintain weed control as approved by the McKenzie County Weed Control Officer.

# #05-24CUP Ruiz Properties

PID # 651101100

S-12,T-149N,R-99W

## Vicinity MAP

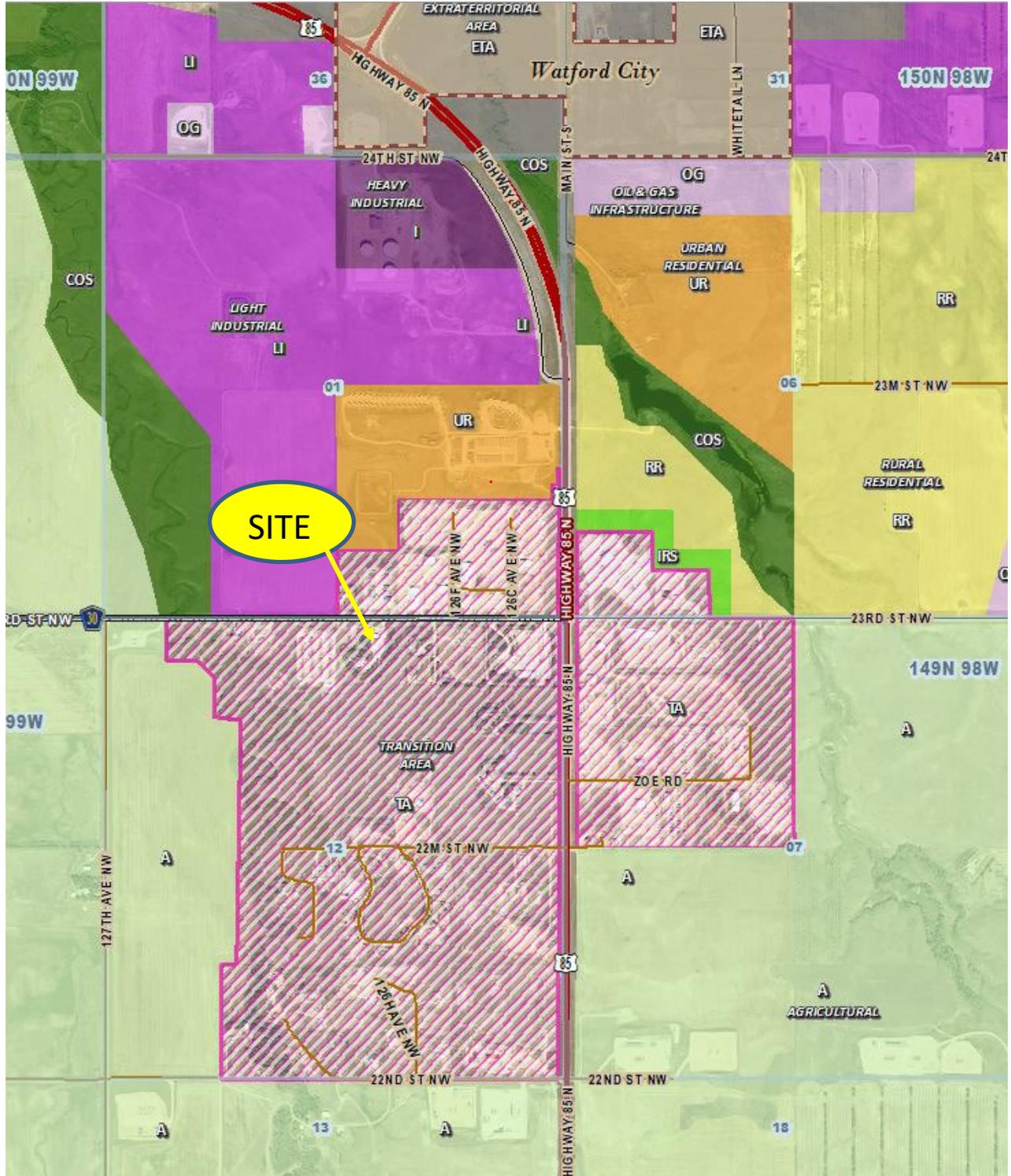


# #05-24CUP Ruiz Properties

PID # 651101100

S-12,T-149N,R-99W

## Comprehensive Plan Map-Transition Area





# #05-24CUP Ruiz Properties

PID # 651101100

S-12,T-149N,R-99W

## SITE MAP

