Planning and Zoning February 12, 2024

Meeting was held at the McKenzie County Courthouse County Commission Boardroom in Watford City, ND and called to order at approximately 4:00 PM.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Members Present: Butch Fleck, Cody Knetzger, Craig Hystad,

John Irwin, Kathy Skarda, Lance Renville

Members Remote: Tim Transtrom

Members Absent: Matt Beard

Staff Present: Director Kimpel, Planning Attorney Ari Johnson, Planner Candy Lundgren, Code Enforcement Officer Raul Sanchez, Building Permit

Specialist Cindy Jensen, Administrative Assistant Brooke Simons

For others, see sign in sheet at end of minutes.

ELECT NEW CHAIRPERSON & VICE CHAIR

<u>Motion to nominate Butch Fleck for Chairperson; Motion by John Irwin; Second by Craig Hystad</u>

Butch Fleck accepts nomination. Voice Votes: All Ayes; Motion to nominate Butch Fleck for Chairperson passes.

<u>Motion to nominate Cody Knetzger for Vice Chair; Motion by Craig Hystad; Second by Kathy Skarda</u>

<u>Cody Knetzger accepts nomination. Voice Votes: All Ayes;</u> <u>Motion to nominate Cody Knetzger for Vice Chair passes.</u>

APPROVE AGENDA

Motion to approve January 8, 2024 meeting Agenda as presented; Motion by Kathy Skarda; Second by Jim Jeske; Voice Votes: all Aves.

Motion to approve January 8, 2024 agenda as presented passes

CODE ENFORCEMENT

Nothing was presented

UNFINISHED BUSINESS

Nothing was presented

PUBLIC HEARINGS

#01-24CUP Central Specialties

Candy Lundgren We have 01-24 CUP for Central Specialties applicant is wishing to provide temporary workforce housing sites for their employees. The comprehensive plan used is transitional. The zoning is currently heavy industrial. The findings of fact on that our public notification has been satisfied staff has received no comment from the general public or adjacent land owners' property is not located within an organized Township. The original facility was built in 2012 with workforce housing as a permanent fixture. Applicant is in good standing with the Northwest Secretaries of State. The applicant is the landowner. Workforce/RV housing is conditionally allowed in light and heavy industrial. All conditional uses in light industrial are also conditional in heavy industrial. Workforce housing/RV spots may be approved as a conditional use in agriculture, commercial, light industrial and industrial districts. Per 4.8 of the County Ordinance workforce housing is sometimes necessary to support cycles of industrial growth without building excessive housing for the reasonable long-term needs of the County's population. The applicant is in consultation with neighboring land owners to make improvements to the road. The applicant has made the required notifications to food and lodging, the weed department, NDIC, and the North Dakota Department of Health. The applicant will obtain the reclamation bond for section 2.13 of the ordinance.

A discussion was held regarding CUP #01-24.

Staff reports attached at the end of these minutes.

Motion to approve #01-24CUP Central Specialties, Inc Motion by Kathy Skarda; Second by Cody Knetzger; voice votes: All Ayes.

Motion to Approve As Amended Passes.

#02-24CUP Basin Electric Power Cooperative

Candy Lundgren 02-24CUP Basin Electric Powered COOP. The proposed project is a 300 and 345 KV transmission line with approximately 10.9 miles in McKenzie County. Starting at Dunn County Parcell ID 40010600 belonging to the Natural Resources Department, Three Affiliated Tribes and ending at Parcel ID 690011250, owned by Basin Electric near Johnson's Corner. The comprehensive plan use is agriculture, the zoning is agriculture. The finding of facts on this are

all public notifications from McKenzie have been made. Staff has received no comment from the general public or adjacent land owners. The applicant intends to construct this electrical transmission line. Applicant has permission from all except 3 Landowners. This line in McKenzie County will extend 10.9 miles. The project does not go through any organized townships. Electrical transmission lines are conditional use in the Agriculture District per. 3.4.3 #1. Electrical transmission lines are PSC regulated. However, the applicant is wishing to be a good neighbor and obtain county.

A discussion was held regarding CUP #02-24

Staff reports attached at the end of these minutes.

Motion to approve #02-24CUP Basin Electric Motion by Kathy Skarda; Second by Craig Hystad; voice votes: All Ayes.

Motion to Approve As Amended Passes.

01-24ZC Hess ND Pipeline

Candy Lundgren 01-24ZC Hess North Dakota pipeline. It's for a compressor station and this is going to be a zone change. As you see the current land is agriculture, the current land is agriculture. What they'd like to do is make it heavy industrial as compressor stations are conditional use and heavy industrial. They are looking to purchase almost 58 acres to. Put this on. There is already a compressor station on the other 22 acres. The findings of fact for this are all requirements for public notification have been made. No public comments have been received. However, we did receive a call from one person who was going to call. In during this meeting. Is there anyone on the line? Applicant is not the property owner at this time, but has owner permission. Applicant has commissioned a survey to purchase approximately 58 acres for the compressor station. Property is not in an organized Township per 3.8.2. It is the purpose of heavy industrial to provide for the development of the mineral and agricultural resources of McKenzie County to provide for the refining and processing of unfinished and partially finished resources and products; and to isolate industrial activities and locations where conflicts with other uses will be minimized. Energy conversion facilities are an allowed use in the heavy industrial zone. Per the McKenzie County land use designation, industrial is consistent with the current Ag zone. Applicant is proposing an electric driven compressor station so as to reduce noise, emissions, and improve reliabilities. Compressor Stations are regulated by PSC; however, applicant is wishing to be a good neighbor. While technically considered spot zoning, there is already a gas processing plant on an adjacent property along with numerous oil wells in the vicinity. This compressor station is required to comply with NDIC flaring targets for the surrounding area. This proposed use will not impede the normal, orderly development of the surrounding area and the approval for the proposed use shall conform to all applicable regulations of the County and State

A discussion was held regarding ZC #01-24.

Staff reports attached at the end of these minutes.

<u>Motion to approve #01-24ZC Hess ND Pipeline Motion by Kathy Skarda; Second by Jim</u> Jeske; voice votes: All Ayes.

Motion to Approve As Amended Passes.

Administrative Approvals

Items were presented

Adjournment

The meeting adjourned at 4:40 PM. Motion to Adjourn by Craig Hystad; Second by Jim Jeske

Motion to Adjourn passes.

The next meeting of the McKenzie County Planning and Zoning Board will be held on Monday, March 11, 2024 at the McKenzie County Courthouse, 201 5th Street NW, County Commission Boardroom at 4 PM.



Meeting Sign-In Sheet			
Meeting Date:			
Name: (Please print name legible)	Phone #:	Agenda Item #:	
Brent Lohnes	701-240-3198	3	
	326-491-6634	1	
Shane Carlberg Paul Franklin	701-340-6160	3	
Jared Adams	701-240-9634	3	
Bonjie Toss	701-570-496A	3	
Ryan King	701-426-9469	2	
Bob Nessat	701 210-7943	Z	
JOHN CARRYS			
Karl Aaker	701-444 -6741	Z	

Planning and Zoning Commission



01-24CUP Central Specialties Inc

Application:	January 5, 2024	
Hearing Date:	February 12, 2024	
Description:	12566 Zoe Road, PID 633000900 McKenzie County, ND	
Owner(s)/Applicant:	Central Specialties Inc	
Reason for Request:	Applicant wishes to provide temporary workforce housing sites for their employees.	

Comprehensive Plan Land Use: Transitional	
Zoning: Heavy Industrial	

Findings of Fact:

- 1. Public notification has been satisfied.
- 2. Staff has received no comment from the general public or adjacent landowners.
- 3. Property is not located within an organized township.
- 4. Original facility was built in 2012 with workforce housing as a permanent fixture.
- 5. Applicant is in good standing with the ND Secretary of State.
- 6. Applicant is the Landowner.
- 7. Workforce / RV housing is conditionally allowed in Light Industrial.
- 8. All Conditional uses in Light Industrial are also conditional in Heavy Industrial.
- 9. Work force housing / RV spots may be approved as a conditional use in Agricultural, Commercial, Light Industrial and Industrial districts.
- 10. Per 4.8 of the County Ordinance Work force housing is sometimes necessary to support cycles of industrial growth without building excessive housing for the reasonable long-term needs of the County's population.
- 11. Applicant is in consultation with neighboring landowners to make improvements to the road.
- 12. Applicant has made the required notifications to Food and Lodging, the Weed Dept. NDIC and ND Dept of Health.
- 13. Applicant will obtain a Reclamation Bond per Section 2.13 of the Ordinance.

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.

EMS and Fire have given approval and an emergency egress is planned.

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 there is workforce housing to the west and RV Parks to the east and north.

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 area as it is all industrial with housing.

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

Utility, roads, and drainage are already in place on the property from the previous owners.

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 will have the area at the 2nd gate cleaned up prior to occupation by employees so it can be used as another egress in an emergency.

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 Light & Heavy Industrial district.

Comprehensive Plan Consistency:

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

Staff Recommendation:

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

Suggested motion: ""Staff recommends approval of Conditional Use Permit #01-24CUP 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) 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 must work with the GIS Dept and the 911 Coordinator for proper/correct addressing.
- 3) Applicant shall post a sign with the name and address and contact information of the on-site manager.
- 4) Unit spacing shall be a minimum of fifteen (15') feet between units.
- 5) Applicant shall maintain an On-site security plan.
- 6) Applicant shall maintain a Fire and Emergency evacuation plan.
- 7) Per Section 2.13 of the county ordinance the applicant shall post a bond based on engineers estimate and approved by the Planning Director to reclaim the site to its predevelopment appearance. The bond amount shall be 150% of the engineers estimate. The bond shall name the county as the beneficiary. Bond must be submitted to the County Planning and Zoning office within 60 days.
- 8) Parking requirements and standards shall follow section 2.11. of the ordinance.
- 9) A copy of the closure plan needs to be turned into the Planning and Zoning dept. within 60 days of Approval.
- 10) Applicant agrees that this will be temporary housing, and will be in use only during active construction when CSI has work in the area.
- 11) Construction of any addition to a recreational vehicle or trailer is strictly prohibited.
- 12) Any permanent structures shall require a building permit.

PID # 633000900 S-07,T-149N,R-98W

Vicinity MAP



PID # 633000900 S-07,T-149N,R-98W

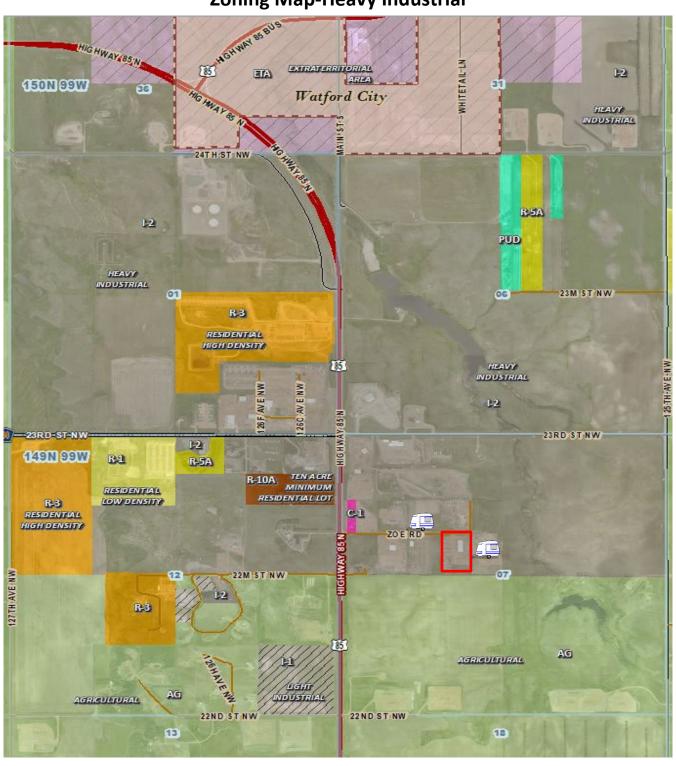
Comprehensive Plan Map-Transitional



PID # 633000900

S-07,T-149N,R-98W

Zoning Map-Heavy Industrial



PID # 633000900

S-07,T-149N,R-98W

SITE MAP



Planning and Zoning Commission



02-24CUP Basin Electric Power Coop

Application:	January 12, 2024	
Hearing Date:	February 12, 2024	
Description:	T-149N R-95 To T-150N R-96 From Approximately Johnson's Corner to the McKenzie/Dunn County Line.	
Owner(s)/Applicant:	Basin Electric Power Coop	
Reason for Request:	The Proposed project is a 345 KV transmission line with approximately 10.9 miles in McKenzie County, starting at the Dunn - McKenzie County Line PID 040010600 belonging to the Natural Resources Dep Three Affiliated Tribes ending at PID # 690011250 Owned by Basin Electric near Johnson's corner.	

Comprehensive Plan Land Use: Agriculture	
Zoning: Agriculture	

Findings of Fact:

- 1. All public notifications for McKenzie County have been made.
- 2. Staff have received no comments from the general public or adjacent landowners.
- 3. Applicant intends to construct a 345KV electrical transmission Line.
- 4. Applicant has permission from all except 3 landowners.
- 5. The line in McKenzie County will extend 10.9 miles.
- 6. The project does not go thru any organized townships.
- 7. Electrical Transmission lines are a Conditional use in the Agriculture District per 3.4.3 (11
- 8. Electrical transmission lines are PSC regulated however applicant is wishing to be a good neighbor and obtain County approval.

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, and operation of the conditional use shall be beneficial to the safety and comfort of the General public.

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 diminish the value and enjoyment of the property.

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

The proposed use will enhance the normal orderly development of the surrounding property.

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

All necessary site improvements will be provided to accommodate the conditional use of the property.

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.

Access roads will be provided as necessary in cooperation with the McKenzie County Road and Bridge department.

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 McKenzie County and the State.

Comprehensive Plan Consistency:

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

Staff Recommendation:

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

Suggested motion: "Staff Recommends approval of Conditional use permit 02-24CUP. Adopt the findings and conditions as provided in the Staff Report.""

Conditions:

Condition of approval for electrical transmission lines shall include but not limited to:

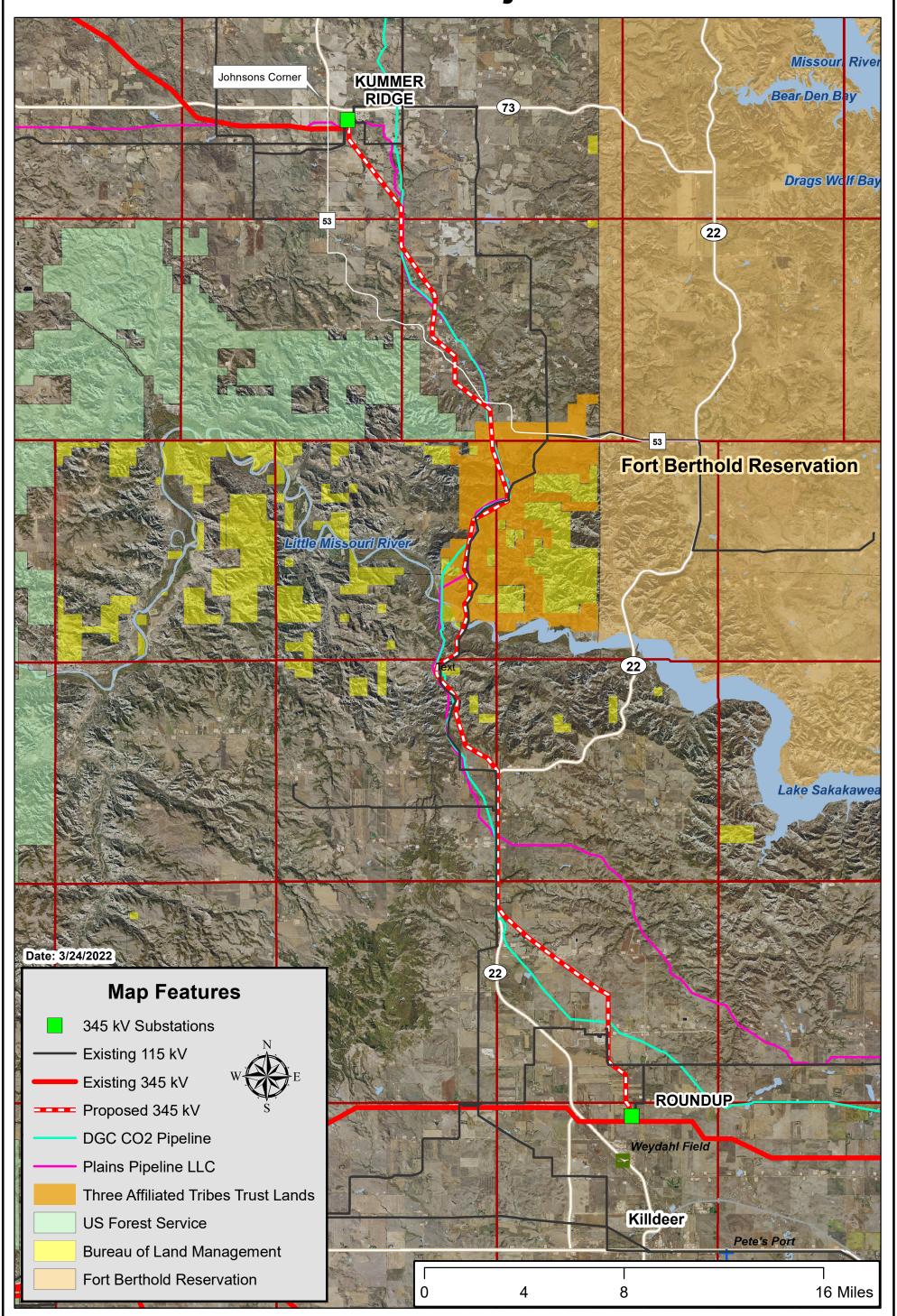
- 1) The applicant shall obtain a permit from the McKenzie County Road and Bridge Department for any transmission line that is within a section easement or road right-of-way.
- 2) The applicant shall limit sediment runoff from the site by use of perimeter controls on downslope portions of the site (e.g. silt fence) and limit channelized erosion in ditches, swales, and adjacent natural

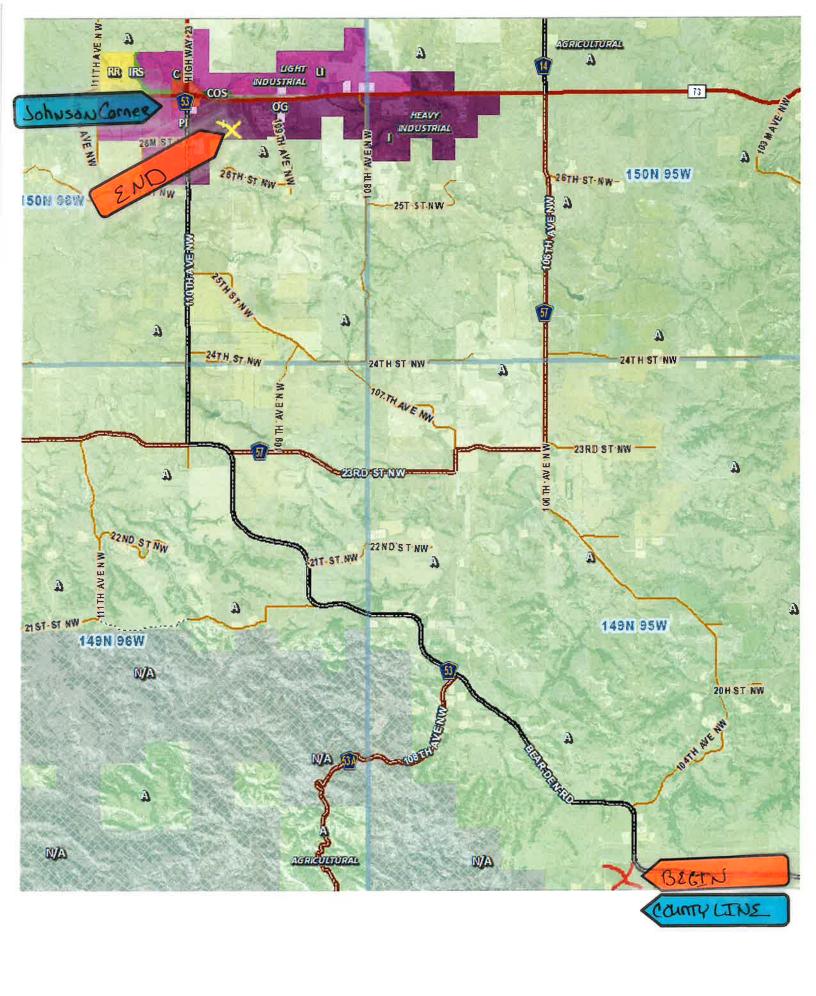
water bodies. The site shall be restored and stabilized to pre-project conditions.

- 3) All above ground structures shall be painted earth tones to blend into the surrounding environment, wood and galvanized poles and structures do not need to be painted.
- 4) The applicant shall maintain garbage control during construction.
- 5) The applicant shall maintain weed control per the Weed Control Plan filed with the McKenzie County Weed Department.
- 6) The applicant shall reseed all disturbed areas with appropriate grass mixture to minimize erosion throughout the easement area after installation of transmission line.
- 7) Applicant will obtain an building permit from the McKenzie County Building Dept. for any structures.

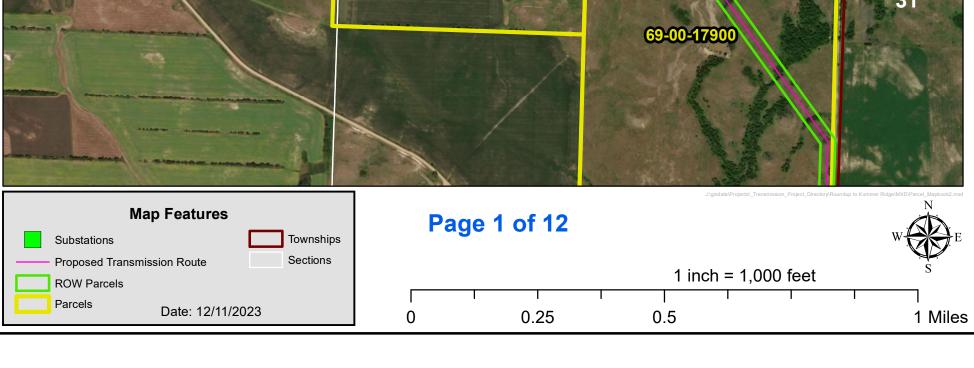
Proposed Roundup to Kummer Ridge 345 kV Transmission Project







BASIN ELECTRIC POWER COOPERATIVE Roundup to Kummer Ridge **345kV Transmission Project** A Touchstone Energy® Cooperative KUMMER RIDGE 345 **69-00-11250** 69-00-11100 24 23 69-00-10900 **69-00-12900** 69-00-12100 26 T150N-R96W **69-00-12300** T150N-R95W 69-00-17700 36 35



Roundup to Kummer Ridge BASIN ELECTRIC POWER COOPERATIVE **345kV Transmission Project** A Touchstone Energy® Cooperative 36 69-00-17900 T150N=R95W T150N-R96W 04-00-12000 04-00-11400 04-00-11900 04-00-02100 T149N-R96W 04-00-02550 T149N-R95W 04-00-02600 04-00-02500 04-00-0275 04-00-02400 13 **Map Features Page 2 of 12** Substations Townships Sections **Proposed Transmission Route** 1 inch = 1,000 feet **ROW Parcels** Parcels Date: 12/11/2023 0 0.25 0.5 1 Miles

Roundup to Kummer Ridge BASIN ELECTRIC POWER COOPERATIVE **345kV Transmission Project** A Touchstone Energy® Cooperative 04-00-06150 18 T149N±R95W 04-00-07050 04-00-06700 **Map Features Page 3 of 12** Townships Substations Sections Proposed Transmission Route 1 inch = 1,000 feet **ROW Parcels** Parcels Date: 12/11/2023 0.25 0 0.5 1 Miles

Roundup to Kummer Ridge BASIN ELECTRIC **POWER COOPERATIVE 345kV Transmission Project** A Touchstone Energy® Cooperative 04-00-09450 04-00-09500 04-00-09100 T149N-R95W 04-00-10850 32 04-00-11000 04-00-10600 04-00-10900 **End Mckenzie County** T148N-R96W T148N+R95W 011692000 012178000 **Map Features Page 4 of 12** Substations Townships Sections Proposed Transmission Route 1 inch = 1,000 feet **ROW Parcels** Parcels

Date: 12/11/2023

0

0.25

0.5

1 Miles



Planning and Zoning Commission

01-24ZC Hess North Dakota Pipelines LLC

Reason for Request:	Applicant is requesting a zone change to Heavy Industrial to accommodate a PSC regulated compressor station.	
Hearing Date:	February 12, 2024	
Location:	S1/2 of SW 1/,4 S-14, T-149N R-100W Tract 1	
Owner(s)/Applicant:	Hess North Dakota Pipelines LLC	

Existing:		Proposed:	
CP Land Use:	Agriculture	CP Land Use:	Agriculture
Zoning:	Agriculture	Zoning:	Heavy Industrial
Setbacks:	25 Ft. Front 25 Ft. Back 25 Ft. Sides	Setbacks:	50 Ft. Front 25 Ft. Side 50 Ft. Back
Lot Area:	57.64 Acres	Lot Area:	57.64 Acres



Finding of Fact:

- 1. All requirements for public notification have been made.
- 2. No Public comments have been received, However we received a call from one person who wants to call in during the meeting to comment.
- 3. Applicant is not the property owner, but has owner permission.
- 4. Applicant has commissioned a survey to purchase approximately 58 acres for the compressor station.
- 5. Property is not in an organized township.
- 6. Per 3.8.2 It is the purpose of Heavy Industrial to provide for the development of the mineral and agricultural resources of McKenzie County; to provide for the refining and processing of unfinished and partially finished resources and products; and to isolate industrial activities in locations where conflicts with other uses will be minimized.
- 7. Energy Conversion Facilities are an allowed use in the Heavy Industrial Zone
- 8. Per the McKenzie County Lands use Designation, Industrial is consistent with the current Ag Zone.
- 9. Applicant is proposing an Electric Driven Compressor station so as to reduce noise, emissions and improve reliability.
- 10. Compressor Stations are regulated by the PSC, however applicant is wishing to be a good neighbor.
- 11. While technically considered Spot Zoning there is already a gas processing plant on an adjacent property along with numerous oil wells in the vicinity. This Compressor Station is required to comply with NDIC flaring targets for the surrounding area.
- 12. This proposed use will not impeded the normal orderly development of the surrounding area.
- 13. The proposed use shall conform to all applicable regulations of the County and State.

Growth Management Plan Consistency:

Per the McKenzie County Lands use Designation, Industrial is consistent with the Growth Management plan.

Suggested Motion:

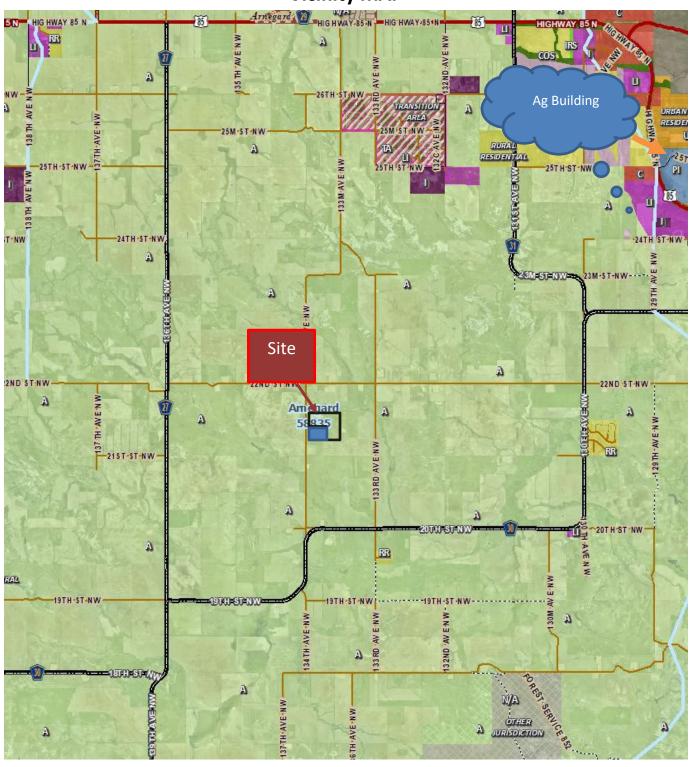
Recommend approval of Zone change Request of #01-24ZC Hess ND Pipeline to the County commission to allow the Zone Change from Agriculture to Heavy Industrial. Adopt the findings provided in the staff report.

#01-24ZC

PID # 350006800/6700

S-14,T-149N,R-100W

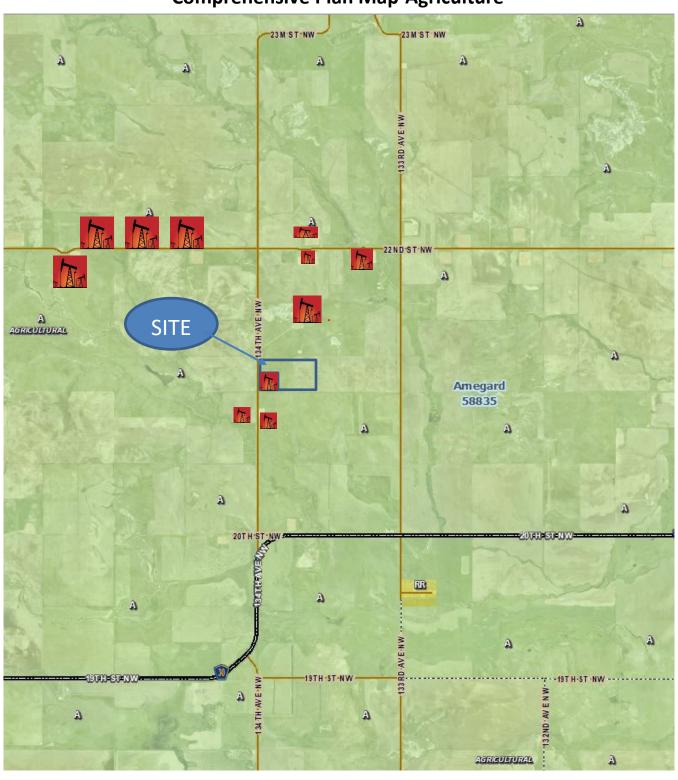
Vicinity MAP



#01-24ZC

PID # 350006800/6700 S-14,T-149N,R-100W

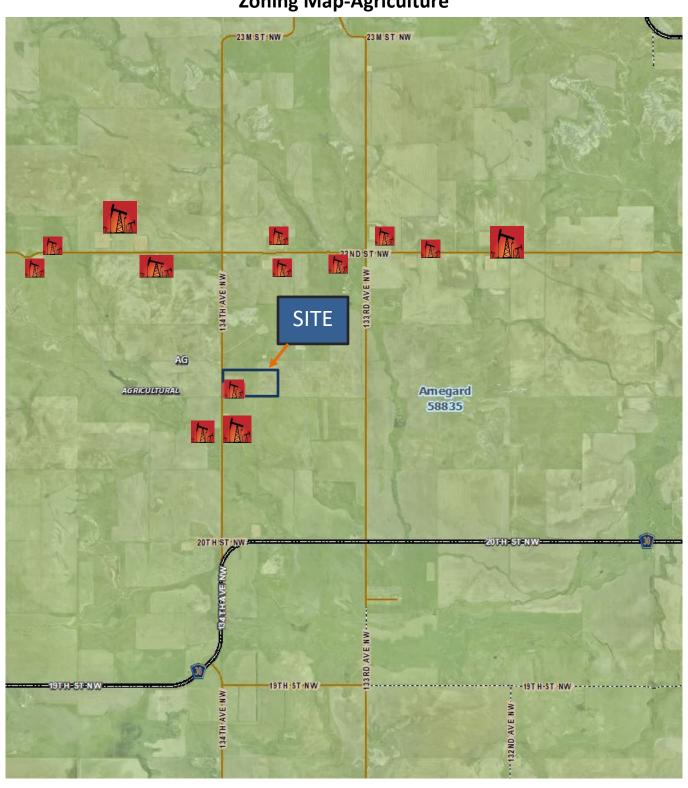
Comprehensive Plan Map-Agriculture



#01-24ZC

PID # 350006800/6700 S-14,T-149N,R-100W

Zoning Map-Agriculture



#01-24ZC PID # 350006800/6700 S-14,T-149N,R-100W



