

Planning and Zoning Commission Minutes

March 11, 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, Jim Jeske, Kathy Skarda, Lance Renville, Tim Transtrom

Members Absent: John Irwin, Matt Beard

Staff Present: Director Kimpel, Planning Attorney Ari Johnson, Planner Candy Lundgren, Code Enforcement Officer Raul Sanchez, Administrative Assistant Brooke Simons

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

APPROVE AGENDA

Motion to approve March 11, 2024 meeting Agenda as presented; Motion by Craig Hystad; Second by Tim Transtrom; Voice Votes: all Ayes.

Motion to approve March 11, 2024 agenda as presented passes.

APPROVE MEETING MINUTES:

Motion to approve February 12, 2024 Meeting Minutes as presented; Motion by Jim Jeske; Second by Lance Renville; Voice Votes: all Ayes.

Motion to approve February 12, 2024 Meeting Minutes as presented passes.

CODE ENFORCEMENT:

Nothing was Presented

PUBLIC HEARINGS:

#03-24CUP Blue Buttes Aggregate, LLC

A discussion was held on #03-24CUP – Blue Buttes Aggregate, LLC. **Candy Lundgren** presented #03-24CUP. **Kathy Skarda** asked about making sure that the exact wording from the

ordinance about reclamation bonds be added. **Kathy Skarda** asked Blue Buttes Representative Daiton Poser what kind of program they have for weeds? **Daiton Poser** explained that he has them spray sterilant to control the weeds in their pits and said they do it every Spring. **Candy Lundgren** stated there were 2 comments received in Planning and Zoning by neighbors. **Kevin Sullivan** stated that his main concern was the posted speed limit be followed. There was a map provided for an alternate route for the Road by the neighbors. **Kevin Sullivan** suggested this might be a better option so traffic doesn't have to go in front of the house. **Craig Hystad** stated that it's not County Road, we cannot send traffic down a road that is not the Countys. **Kathy Skarda** asked if there was room for a bump out? **County Engineer Grace Demars** stated either way if you did do a bump out, you'd still have to go through the whole process of acquiring right away, and at this time the County, to my knowledge, does not have it on the Capital Improvement Plan to reroute the road in front of these houses. **Kevin Sullivan** asked about the scoria pits that were previously out in the area and who does inspection, to make sure they are up to compliance? **Director Kimpel** stated that is Code Enforcement Raul Sanchez. **Director Kimpel** stated motion to approve with changes on #4 in staff reports to reflect 4.18 #6 gravel and scoria reclamation bond and include trucks exiting gravel and scoria pit should not exceed standard weight limits.

Staff report, comment letters, and map attached at the end of these minutes.

Motion to approve #03-24CUP Blue Buttes Aggregate Motion by Kathy Skarda; Second by Craig Hystad; voice votes: All Ayes.

Motion to approve #03-24CUP Blue Buttes Aggregate as presented passes.

#03-24ZC Robert Chapa

A discussion was held on #03-24ZC Robert Chapa. Code Enforcement Officer **Raul Sanchez** presented #03-24ZC Robert Chapa. **Butch Fleck** stated surrounding land is zoned heavy industrial probably should look into this area and have it all zoned heavy industrial. Director Kimpel will have to put a meeting together like we did in Grassy Butte. **Kathy Skarda** asked Mr. Chapa is the red outline all your land? **Robert Chapa** stated yes and I also own the land to the North and will eventually zone that as heavy industrial as well. **Kathy Skarda** asked can you please ask what you mean by fabrication? **Robert Chapa** stated sometimes just putting pipes together, fixing oil field stuff, sometimes trucks, and mainly just oilfield stuff. **Lance Renville** asked what buildings were in the South West corner of the property. **Robert Chapa** stated it is a mobile home and it was there when I purchased the property. There are 11 spaces that are on the property for mobile homes. **Kathy Skarda** asked for workforce housing? Would you put workforce housing there? **Robert Chapa** stated yes, for workforce housing. If I get more work I would like to have 1. We used to have issues with materials getting stolen so, eventually I would like to have one person on site. **Jim Jeske** asked since he owns the property to the North can we rezone them at the same time? **Director Kimpel** stated since this was only advertised at this parcel, we should only do this parcel at this time. **Tim Transtrom** asked if later down the road say he does decide to put 3 mobile homes on this property what would it

have to be zoned as? **Director Kimpel** stated if you allow this zone change to light industrial it is a conditional use. If he chooses to have work force housing down the road he would be required to apply for a CUP and come before the board. When you drive out in this area a majority of the land is zoned as industrial. So, we actually should take a look at this area and see if it would be beneficial to do a County initiated zone change. So that we can get it zoned properly for what the properties are being used for.

Staff report and map attached at the end of these minutes.

Motion to approve #03-24ZC Robert Chapa as presented; Motion by Craig Hystad; Second by Tim Transtrom; Voice Votes: all Ayes.

Motion to approve #03-24ZC Robert Chapa as presented passes.

#01-24VAR McKenzie County Ag. Expo

A discussion was held on #01-24VAR McKenzie County Ag. Expo. **Candy Lundgren** presented #01-24VAR McKenzie County Ag. Expo. **Kathy Skarda** asked when this was approved at the County level, were you aware that there was a 17 foot minimum or maximum? **Director Kimpel** stated by the time that we actually saw this, this was the second sign she had seen. The first one I saw was the big cabinet one. So, you're asking him if they knew about the 750 square feet. I don't think they knew. **Kathy Skarda** stated I would have like to have stayed within our ordinance, because it kind of bothers me that we're going 250 feet bigger. **Jim Jeske** asked what is standard? **Kathy Skarda** asked so like the ones we see out in Alexander? **Chris Kubal** stated so we actually got a little bigger on ours because we've got a cabinet up there that's 7 feet by 48 feet that says McKenzie County Ag Expo all the time. So that put us over square footage wise as well. **Kathy Skarda** asked has the DOT approved this? **Chris Kubal** stated that the DOT has not approved and they are contingent on the County's Approval. **A concerned citizen** that lives in the area explained that people were having issues with light going into their house at night from the parking lot and was worried that the sign might be a problem as well. **Kathy Skarda** asked if the Code Enforcement Officer would be available to go look at the lights. **Director Kimpel** stated that it's the first she is hearing of this complaint and that Code Enforcement Officer Raul Sanchez could go out to look at the lights.

Staff report and map attached at the end of these minutes.

Motion to approve #01-24VAR McKenzie County Ag. Expo as presented; Motion by Tim Transtrom; Second by Jim Jeske; Voice Votes: all Ayes.

Motion to approve #01-24VAR McKenzie County Ag. Expo as presented passes.

WORKFORCE HOUSING

A request was made regarding workforce housing information and time frames of permits.

ADJOURNMENT

The meeting adjourned at 5:35 PM; Motion to Adjourn by Cody Knetzger; Second by Craig Hystad; Voice Votes: all Ayes.

Motion to Adjourn passes.

The next meeting of the McKenzie County Planning and Zoning Board will be held on Monday, April 8, 2024 at the McKenzie County Courthouse, 201 5th Street NW, County Commission Boardroom at 4 PM.

McKENZIE COUNTY

Planning and Zoning Commission

#03-24CUP - Blue Buttes Aggregate LLC

Application:	February 14, 2024
Hearing Date:	March 11, 2024
Description:	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
Owner(s)/Applicant:	Blue Buttes Aggregate LLC
Reason for Request:	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) of approval from the Board of County Commissioners. Per the McKenzie County Zoning Ordinance, section 2.13.2.2 the bond shall be for one hundred and fifty (150%) percent of a licensed engineer or the Planning Director 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. Per Ordinance 4.18.2.6 Reclamation shall include grading of the site, top soil must be applied to a depth of at least six (6) inches on all disturbed areas. The bond shall name the county as the beneficiary and must be submitted to the Planning and Zoning Department prior to any operations on the site.
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.
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

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

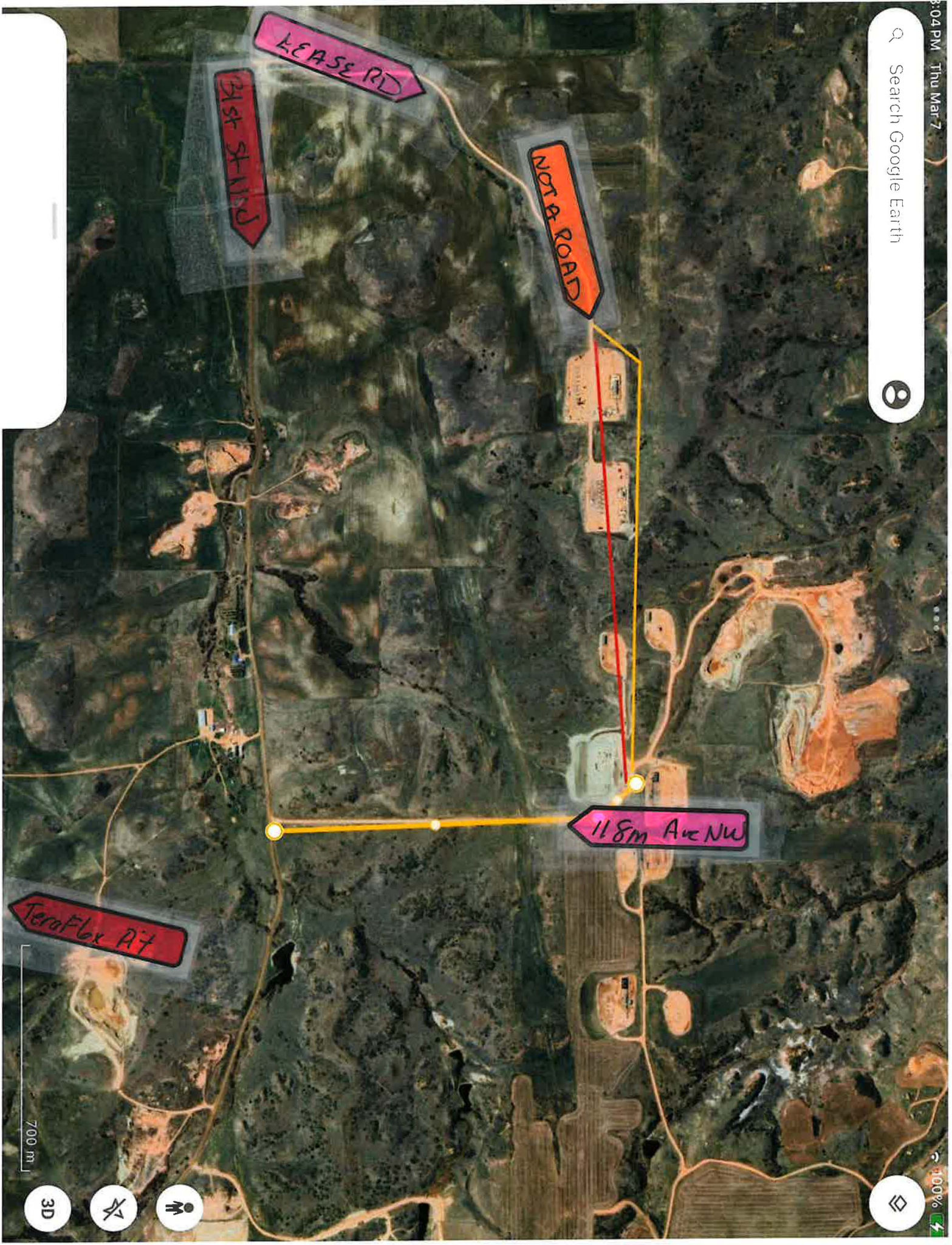
Begin forwarded message:

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



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.

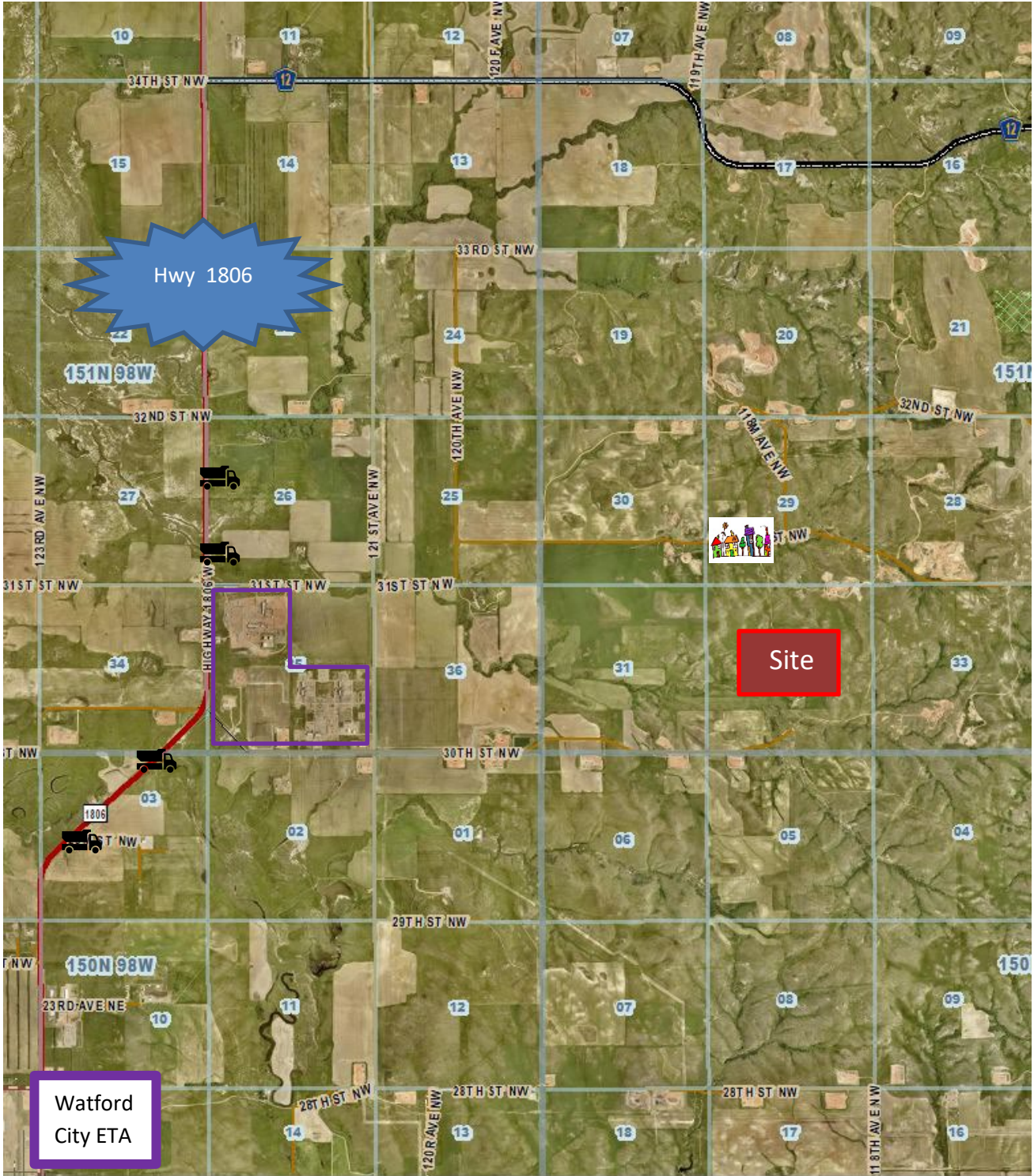
He also mentioned the same thing about through road for oil activity especially. Thanks 🙏

#03-24CUP

PID # 590015300/590015350

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

Vicinity MAP

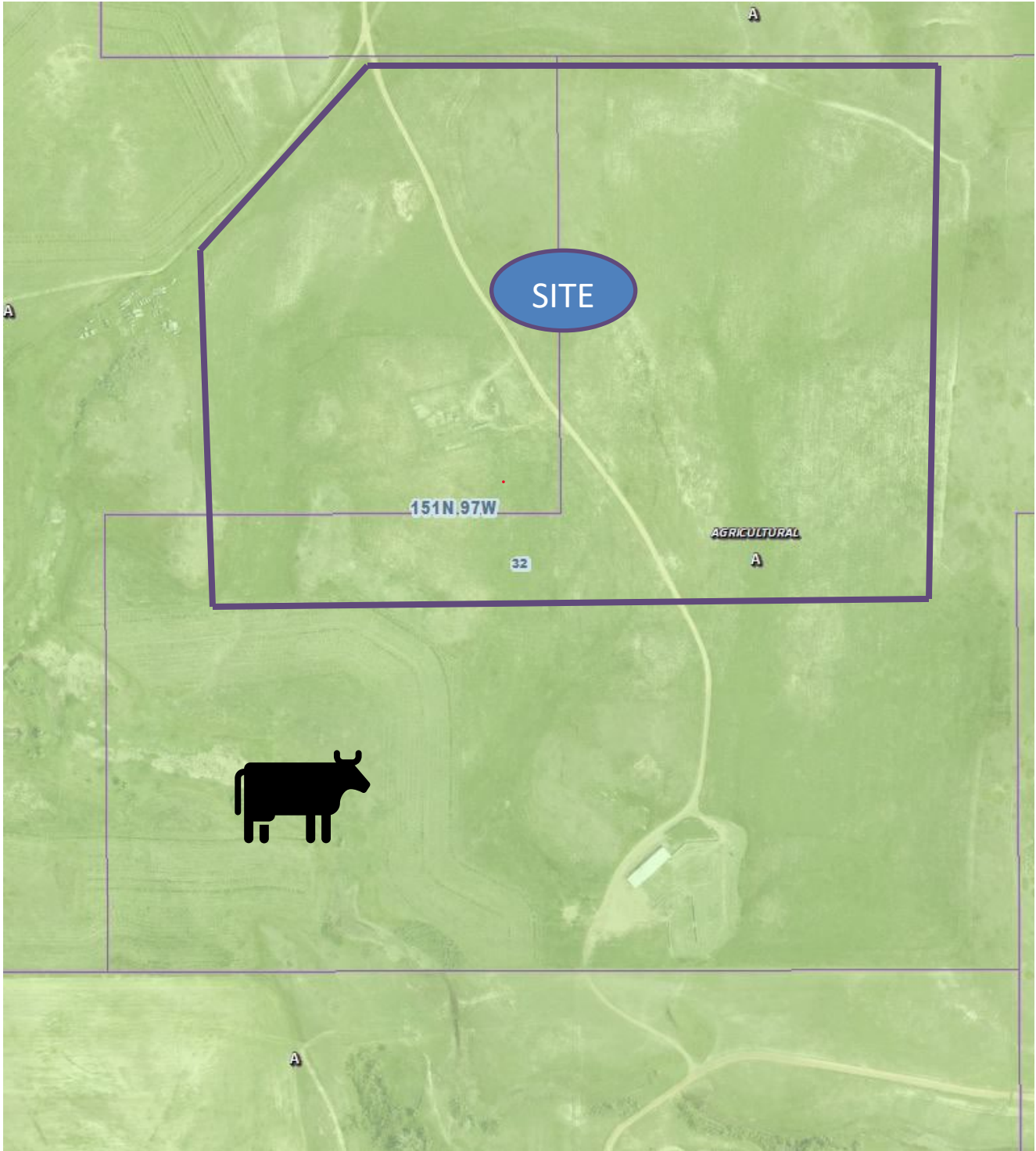


#03-24CUP

PID # 590015300/590015350

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

Comprehensive Plan Map-Agriculture

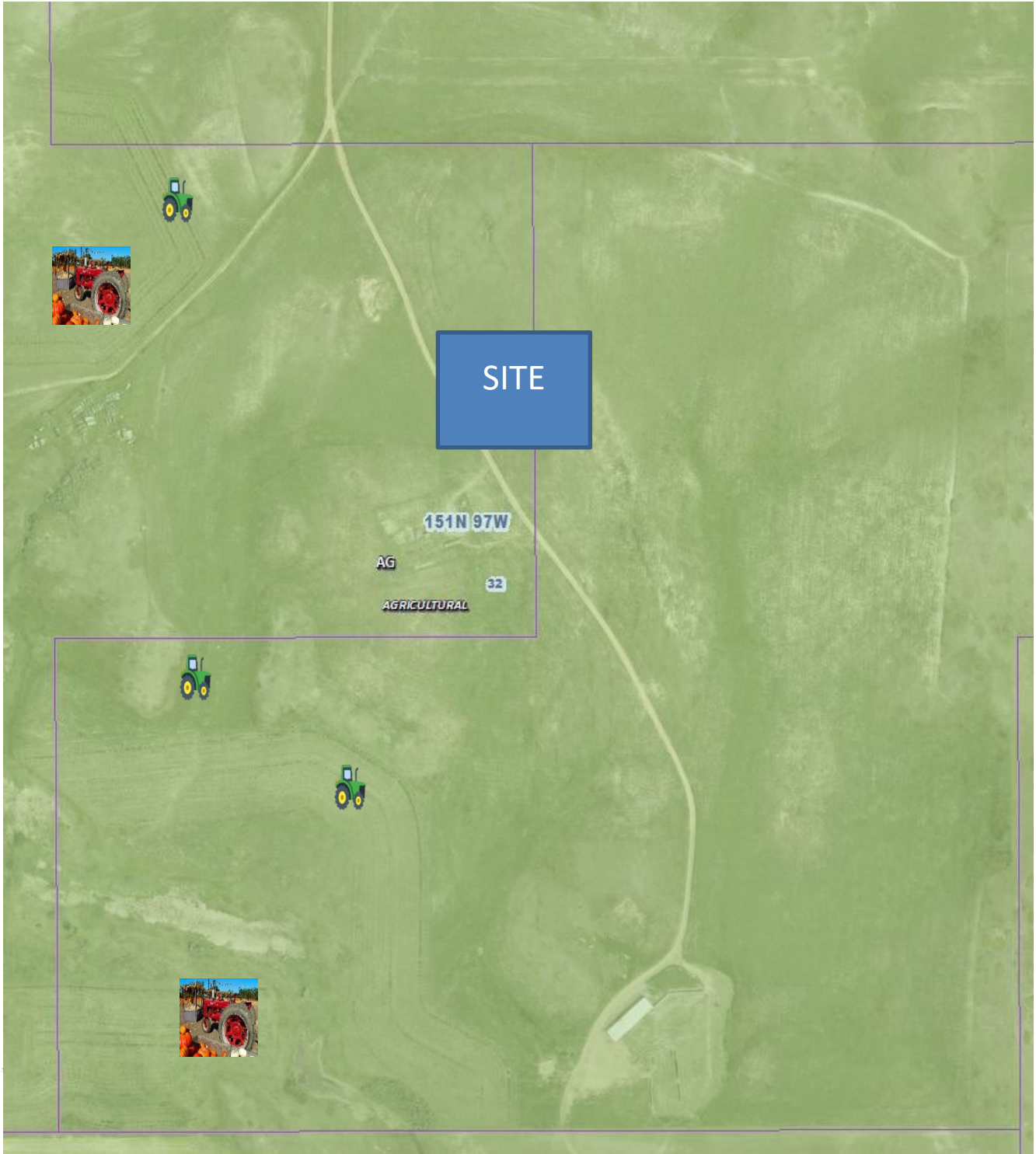


#03-24CUP

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

Reason for Request:	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.
Hearing Date:	March 11, 2024
Location:	IT# 2348 PT NW1/4, PID 030010110 S-25,T-150N,R-100
Owner(s)/Applicant:	Robert Chapa / Precision Companies

Existing:		Proposed:	
CP Land Use:	Transitional	CP Land Use:	Transitional
Zoning:	Agriculture	Zoning:	Light Industrial
Setbacks:	25'-Front 25'-Side 25'-Rear	Setbacks:	50'-Front 25'-Side 50'-Rear
Lot Area:	10 Acres	Lot Area:	10 Acres

McKENZIE

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

Comprehensive Plan Map-Transitional

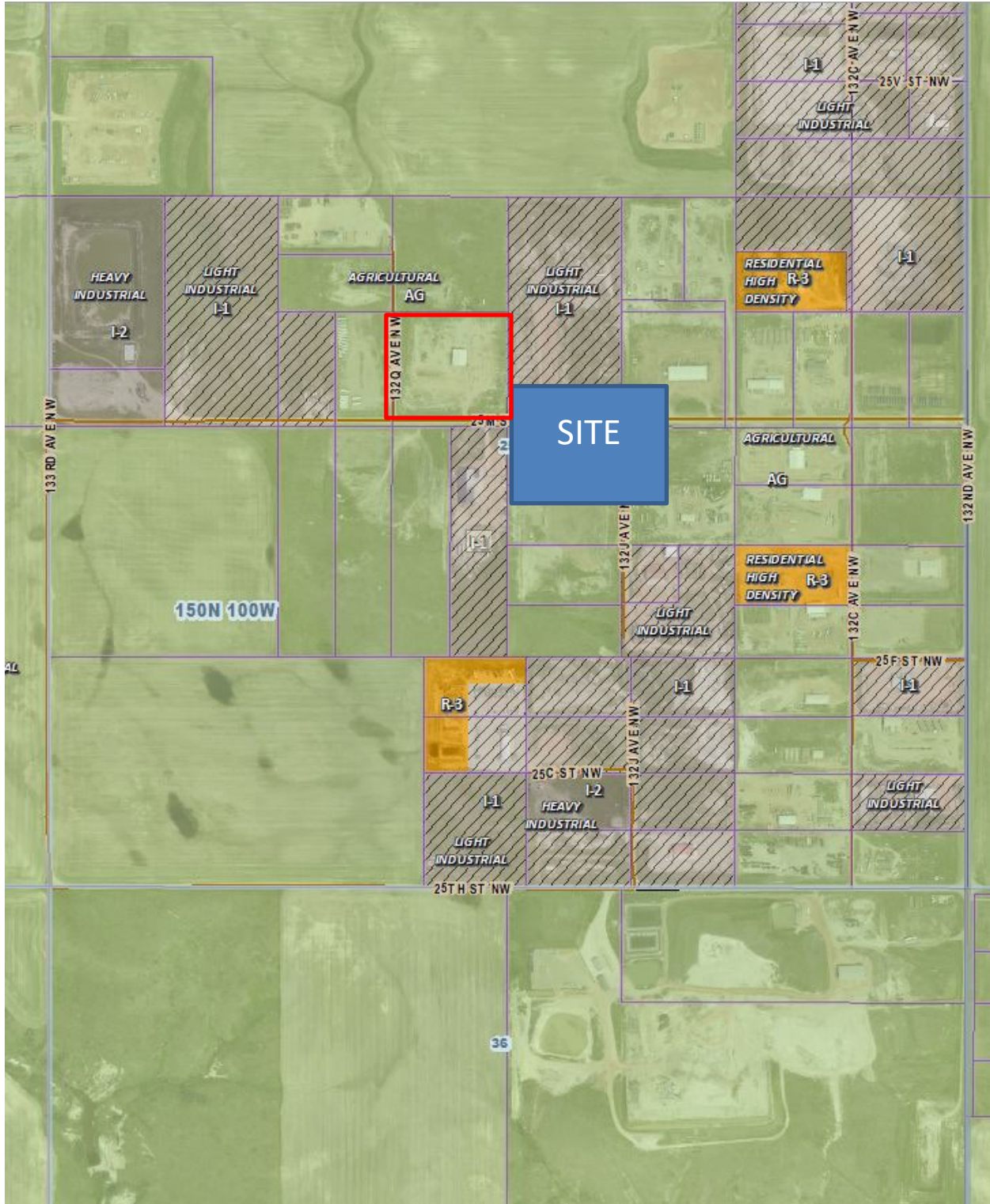


#03-24ZC

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

Reason for Request:	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.
Hearing Date:	March 11, 2024
Location:	Southwest of the expo Center along Hwy. 85 PID 110012700 in a PUD NW1/4 OF 34-150-99 12880 25th St NW
Owner(s)/Applicant:	McKenzie County

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

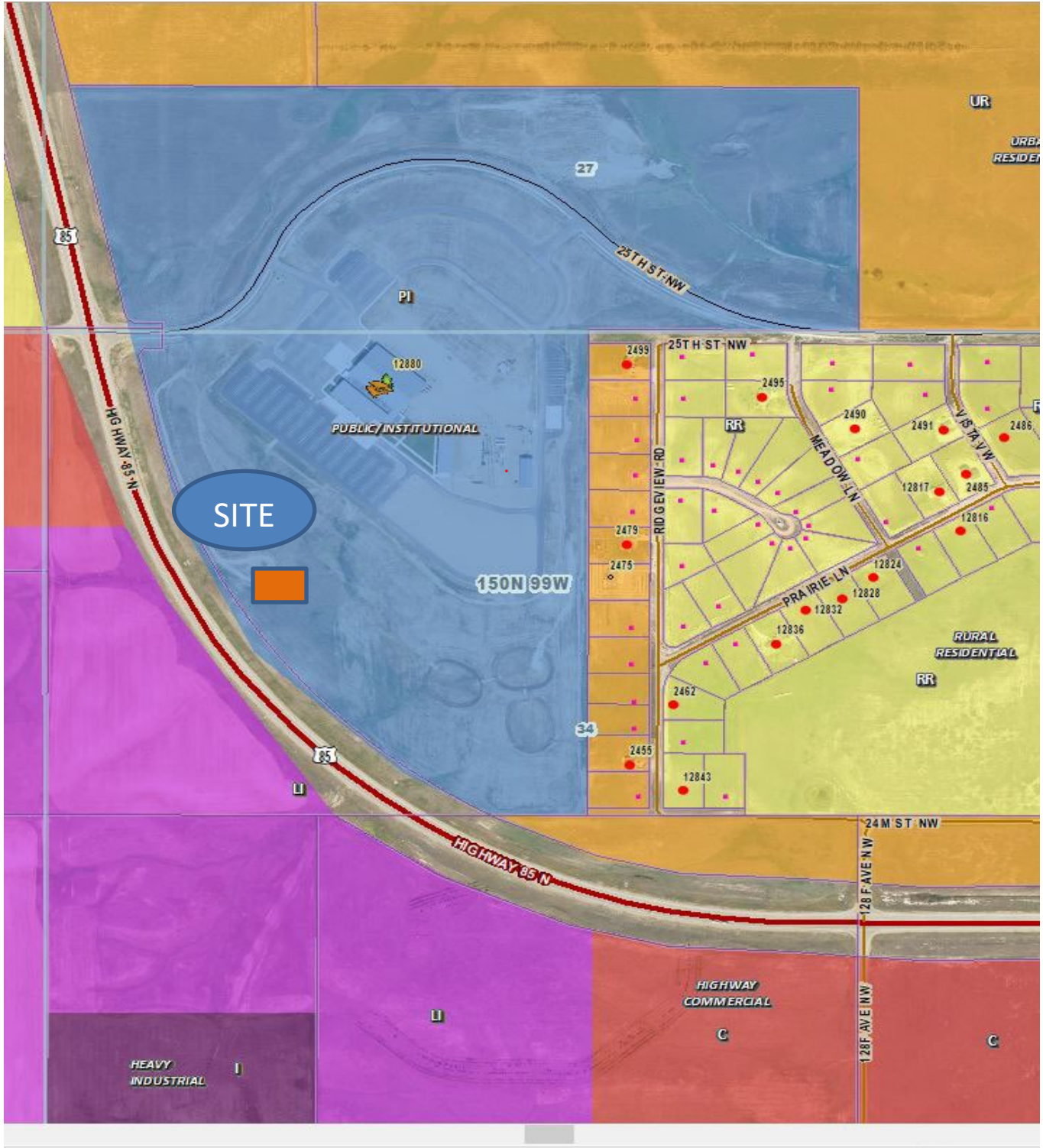


#01-24VAR

PID # 110012700

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

Comprehensive Plan-Public/Institutional

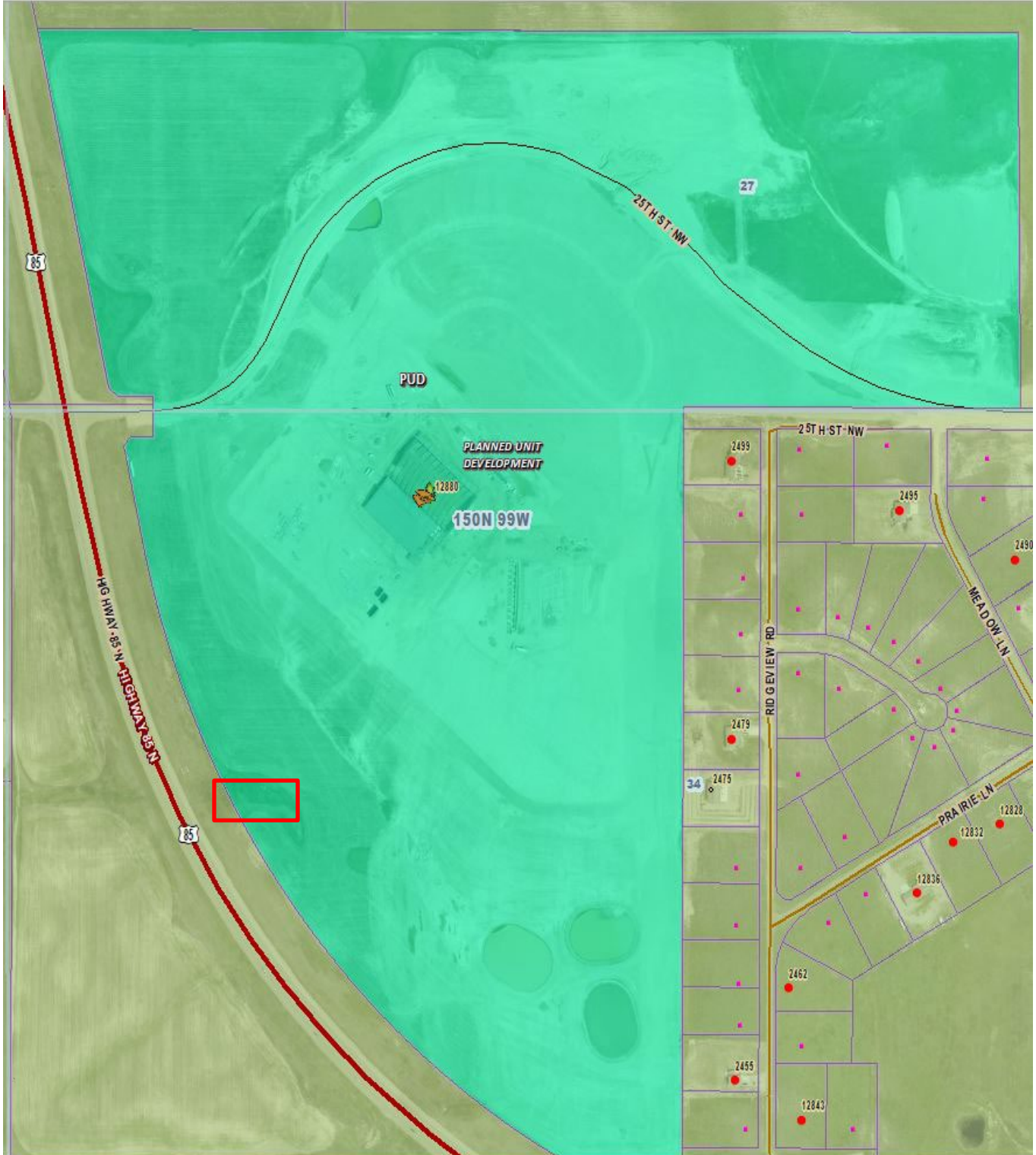


#01-24VAR

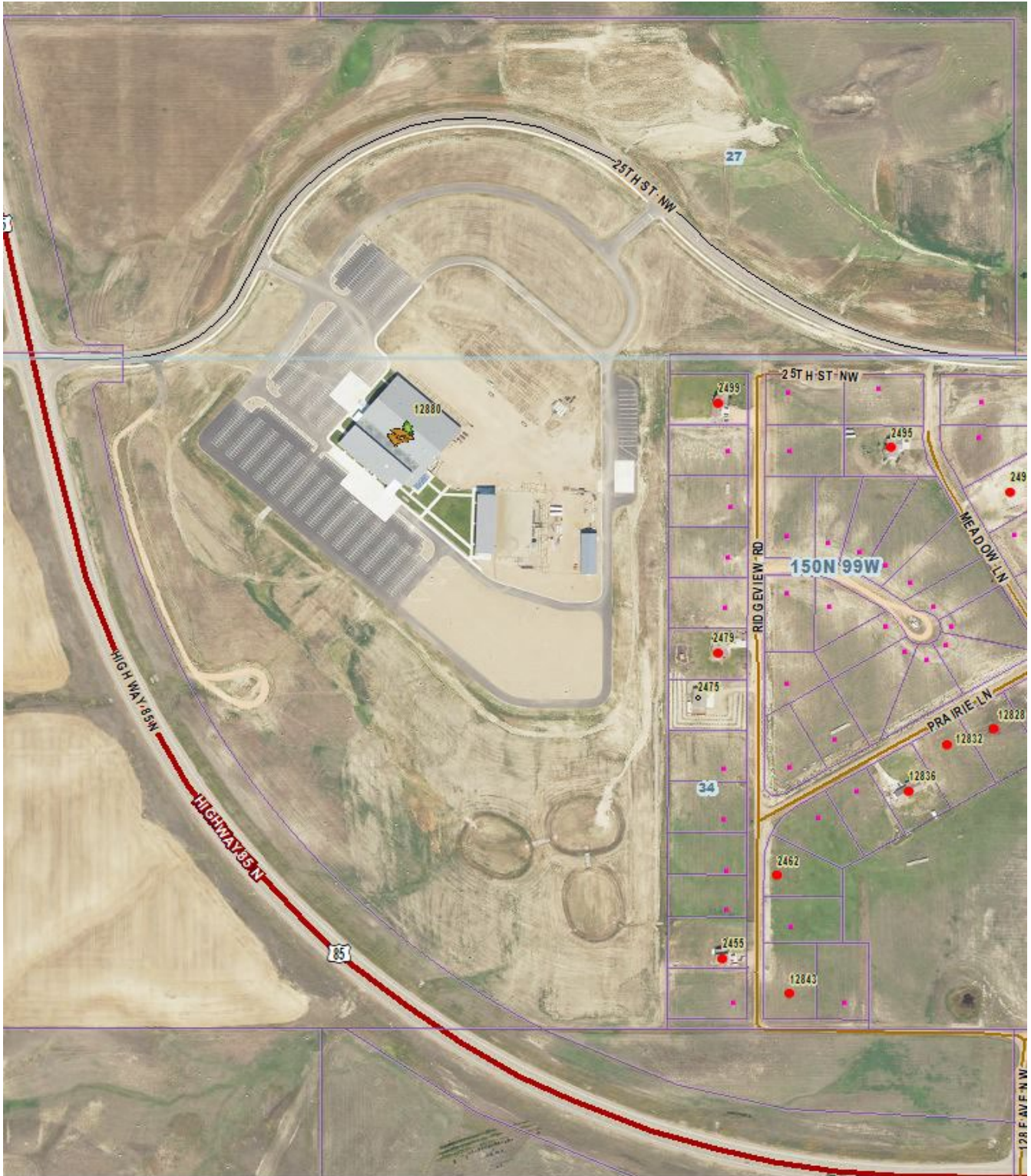
PID # 110012700

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

Zoning Map-Planned Unit Development



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



Drawing History

No.	Description	Date
1	BID PACKAGE 1	7-27-2021
2	ADDENDUM 2	8-11-2021
3	BID PACKAGE 2	10-04-2021
4	BID PACKAGE 2 - ADD. 1	10-18-2021
5	BID PACKAGE 3	2-28-2022
6	PROPOSAL REQUEST 10	3-21-2022
7	PROPOSAL REQUEST 11	3-21-2022
8	PROPOSAL REQUEST 12	3-21-2022

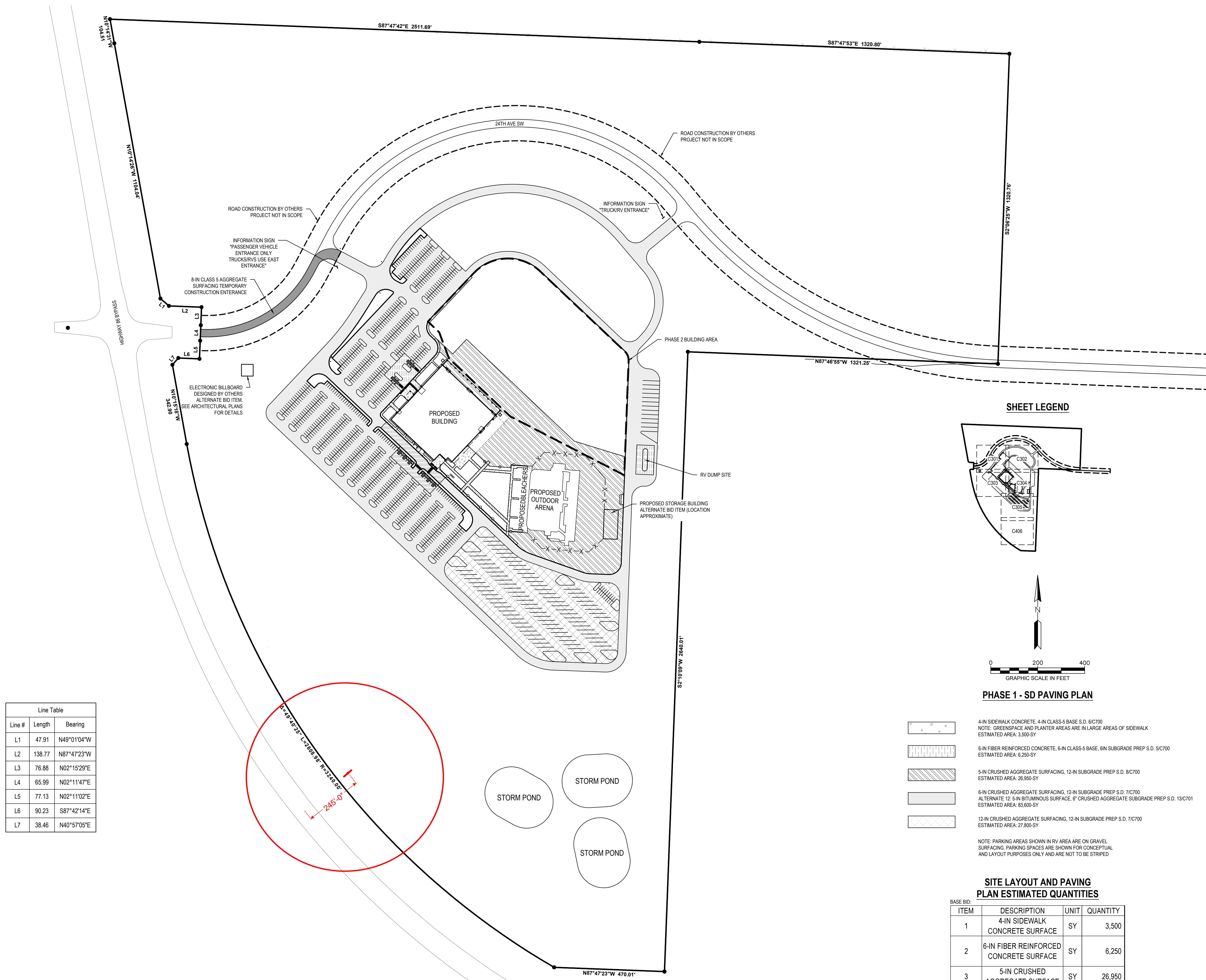
DRAWN BY: LMB JN: 19-035



SITE LAYOUT & PAVING PLAN OVERVIEW

SHEET

C300



Line #	Length	Bearing
L1	47.91	N49°01'04"W
L2	138.77	N87°47'23"W
L3	76.88	N02°15'29"E
L4	65.99	N02°11'14"E
L5	77.13	N02°11'02"E
L6	90.23	S87°42'14"E
L7	38.46	N40°57'05"E

SHEET LEGEND

PHASE 1 - SD PAVING PLAN

- 4-IN SIDEWALK CONCRETE, 4-IN CLASS-5 BASE S.D. 6/C700
NOTE: GREENSPACE AND PLANTER AREAS ARE IN LARGE AREAS OF SIDEWALK
ESTIMATED AREA: 3,500-SY
- 6-IN FIBER REINFORCED CONCRETE, 6-IN CLASS-5 BASE, 6-IN SUBGRADE PREP S.D. 5/C700
ESTIMATED AREA: 6,250-SY
- 5-IN CRUSHED AGGREGATE SURFACING, 12-IN SUBGRADE PREP S.D. 6/C700
ESTIMATED AREA: 26,950-SY
- 6-IN CRUSHED AGGREGATE SURFACING, 12-IN SUBGRADE PREP S.D. 7/C700
ALTERNATE 12: 5-IN BITUMINOUS SURFACE, 6" CRUSHED AGGREGATE SUBGRADE PREP S.D. 13/C701
ESTIMATED AREA: 83,600-SY
- 12-IN CRUSHED AGGREGATE SURFACING, 12-IN SUBGRADE PREP S.D. 7/C700
ESTIMATED AREA: 27,800-SY

NOTE: PARKING AREAS SHOWN IN RV AREA ARE ON GRAVEL SURFACING. PARKING SPACES ARE SHOWN FOR CONCEPTUAL AND LAYOUT PURPOSES ONLY AND ARE NOT TO BE STRIPPED.

SITE LAYOUT AND PAVING PLAN ESTIMATED QUANTITIES

BASE BID:			
ITEM	DESCRIPTION	UNIT	QUANTITY
1	4-IN SIDEWALK CONCRETE SURFACE	SY	3,500
2	6-IN FIBER REINFORCED CONCRETE SURFACE	SY	6,250
3	5-IN CRUSHED AGGREGATE SURFACE	SY	26,950
4	6-IN CRUSHED AGGREGATE SURFACE	SY	83,600
5	12-IN CRUSHED AGGREGATE SURFACE	SY	27,800
ALTERNATE 12:			
ITEM	DESCRIPTION	UNIT	QUANTITY
1	5-IN BITUMINOUS SURFACE	SY	83,600
2	PARKING STRIPING	LF	28,100

