

Planning and Zoning Commission Minutes

January 14, 2019

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:01pm

Members present: Kathy Skarda, Gene Veeder, Butch Fleck, Jeremy Olson, Kenny Liebel, Bethany Devlin and Les Haugen.

Members absent: Paul Wisness

Staff present: Planning and Zoning Director Jim Talbert, Planner Peyman Kadir, Administrative Assistant Cindy Mecham, Planning Attorney Ari Johnson, Code Enforcement Todd Foster, GIS Bonnie Foster.

Motion to Approve December 10, 2018 minutes. Motion: Gene Veeder Second Kenny Liebel. Voice Vote: All Ayes.

Code Enforcement: Todd Foster stated there were several open cases he has been working on, these include:

1. Tumbleweed: This was a follow up on open cases. In violation with State Food and Lodging, all will need to have a 3rd party engineer give approval on the east building being occupied. No building permit has been issued. The deck walk way on both levels are separating from the building in some areas more than 4". RV's and buildings have been moved from the front parcel facing Hwy 85. Many more RV's in the southern parcels need to be moved. Still need to abate all services 2 feet below grade and remove remaining RV's and will need 3rd party approval on building.
2. Abelmann: (Smart Lease USA) Site has been out of compliance for some time, we are working with Legal to move forward.
3. Northwinds: Structure fire, we are working with them to rebuild.
4. Hanlon: (Bakken Base Camp) Case dates back to 2016, County won a legal case for the removal of everything onsite. We are working with Legal to move forward.

Others : see sign in sheet.

Unfinished Business:

NONE

Public Hearings:

Item# 0001-13 CUP Amendment Republic EES, LLC. Located : Approximately 131 Acres IT # 2342 PT N1/2 Section 1. Township 150-N, Range 96-W. **TABLED**

Planner Kadir stated the finding of the facts are:

1. **All requirements for public notifications have been satisfied.**
2. **Project is not in an organized township.**
3. **Staff has received letters from neighbors with concerns, please see attached letters.**

4. Most of the day to day operations will remain the same on site, same intake of materials.
5. There will be an increase in the height of the landfill, it will go from five (5) million cubic yards to seven (7) million cubic yards. The outside berms/slopes will get thicker and taller.
6. Final cover will go from three feet (3) to five feet (5). The cap design will be thicker and they will modify the base grading/floor of the landfill to drain water better.
7. There are directional signage on County Road 14, that needs to be updated.

Planner Kadir and Board Chairman Jeremy Olson then read letters in opposition from **Caleb Timmons, Ronald and Marvel Ritzke, Cindy Gilstad Rhodes, Kathy James, Doug Olson, Ross and Michelle Schoenwald.**

Kathy Skarda stated that on the CUP Criteria (a.) it states that the proposed Amended CUP would not be detrimental to or endanger the public health, safety, comfort or general welfare. I would like to know what data we have taken that concludes that statement.

Director Talbert stated they had no violations from the State Health Department however I fully understand that there are real problems in the area and I have no problems changing that in the staff report.

Kathy Skarda stated please note that it says (comfort) and that's one of the things that planning and zoning have decided that it is not detrimental to our comfort. I want to offer a full disclosure, I am a resident of McKenzie County and I am probably within a mile and a half from this facility so I will ask more questions. I want that fully disclosed. And it is obvious from reading the letters they do have more concerns.

Jeremy Olson asked if there was anything else from staff before he opened it up. We will now ask the applicant to come up and we can ask the applicant questions. We asked that you be respectful regardless which side you are on.

Audience, Representative, Committee and Board Comments:

Gary McCuistion stated he was representing the applicant Republic EES LLC, the application pretty well spells out the items we are changing, we are asking to change from 4.98 million cubic yards up to 7.05 million cubic yards so that would be an increase of 2.07 million cubic yards which would be all vertical with the final height being 175 feet. As far as the signage Republic bought Tervita and throughout the states as we get the properties we are changing the signage, in which we will do with this property as well.

Will Lynch the general manager for Republic stated that there is 900 tons per day being hauled by 20 to 30 trucks into the facility per day that volume would not increase. We had some grading easements, changing the drainage, it actually decreases the actual footprint by 2 acres, when you look at the State Permit and it's more of future planning, and how it would allow us to use the current land that we have. 99% of the waste is drill cuttings while the rest is spill clean-up.

Director Talbert asked if any of the runoff of the berms was contained on site, is there any allowed into the stream or the pond off the property. Also the complaints have mentioned the smell and health concerns due to that odor can you address that issue as well.

Will Lynch stated no it is all contained any run off that comes off the landfill is filtered into our storm water pond. And one of the things we have done on the south side is we have brought that up to grade and put an intermediate cap on it which consists of 3 feet of soil and as we continue to grade we will continue to cap it so that will help eliminate some of the odor. We have heard about those complaints and the State and County have come out, however there have been no violations given.

Director Talbert asked if they were required by the State to cover the top each day as you are filling.

Will Lynch answered, no the State does not require that.

Kathy Skarda asked if there are 1 or 2 roads into the facility in case of an emergency.

Gary McCuiston stated there is only 1 road into the facility.

Director Talbert said that the original CUP was approved in 2013, however an additional road could be a condition into the Amended CUP and that it was not an unreasonable request.

Larry Jones (Grail Township) Part of that road is Grail Township and shouldn't we have been notified since it's half our road, because I doubt the Township will want to put any money into that road being paved, and we have seen some un-tarped loads.

Jeremy Olson asked would it be a Township Road or County Road.

Director Talbert stated they normally notify the Townships when a facility is going to be located within that Township and that the County does maintain roads within the Townships as well. Director Talbert added that 108th Ave NW would be paved and the County would share the cost with the applicant, there would be no money asked from the Township for this road. And to add to this, if a truck arrives without a tarp it needs to be rejected or I would not be opposed to the State and or the County giving a five thousand dollar (\$5000.00) fine for an un-tarped load, you can bet they would tarp their loads, because it is unsafe due to debris, and we have had this problem at other facilities as well.

Audience, Representative, Committee and Board Comments:

Don and Bonnie Lovaas, Larry Jones, Paula Brown, Charlotte Willis, Liz Anderson, Dean Brown, Carol Kieson, Andy Mogen, and Caleb Timmons approached the board with the same concerns about the following which were also brought forward with the letters that were read earlier.

1. **Dust Control**
2. **Odor**
3. **Weed Control**
4. **Truck Speeding**
5. **Toxic/ Radiation Pollution, Benzine**
6. **Runoff/Drainage**
7. **Trucks Not Stopping at Stop Sign.**
8. **Fence**
9. **Road Maintenance**
10. **Not Tarping Loads**
11. **Soil/Water Testing**
12. **Not keeping up with original agreement with County.**

Director Talbert stated that the road has been very difficult to keep up with, and when it has been brought to our attention with complaints we have contacted them and they have been adding gravel to the road. Whatever it cost Republic is paying 50% of that cost for the road to be paved, that includes design, construction, paving at such a time it would be turned over to the County and the County would maintain it because it is a section line road.

Director Talbert continued saying County road 108 is used by many others such as Crestwood, and just today we met with another group that is looking to put in a facility in another part of the County and we told them that they would be required to pay the full amount for the road because they are the only ones using it.

Jeremy Olson commented that this involves more than just the resident's, it's an economic development issue too, this is part of the economy and Republic pays taxes there and they are bringing revenue into the County, so having an industrial road in an industrial area makes economic sense to the County rather than putting a bandage on it.

Director Talbert stated that the Sheriff department is responsible for the traffic on the road in regards to speed enforcement and I will say that per State regulations paved roads are allowed to go up to 55 and they can be posted less than that also.

Jeremy Olson stated the scope of this meeting and the scope of this meeting only is the vertical expansion of this cell. That's the scope of this meeting. And yes we are going to address with the applicant the dust issues and the neighbor's issue that have been brought up. What is being recommended before the board tonight is on the vertical expansion of the cell. As an Environmental Engineer a big part of the smell is from the rotting stuff on the top and the best way to deal with that is cover it, and as the applicant has talked in the last 6 months they have been capping allot more of the open space as they go, just from an engineering stand point that is how I would try and get the odor down now whether that is sufficient or not I can't answer that but I think that is the right step in moving forward.

Director Talbert said in regards to Benzine the acceptable level according to CBC Disease Control and World Health Organization is 1 part per million whether the facility has maintained that I don't know. I can tell you that the larger problem with Benzine is it comes from exhaust and cigarette smoke, and each day an average smoker consumes more than 3 times the Benzine level that is allowed by the Federal and World Heath Organizations. Again I cannot address if this facility is where those levels are, I haven't seen any they do test but it was a comment looking into and Benzine is a natural part of crude oil.

Jeremy Olson stated what is being brought in is 99% cuttings and that's what is regulated by the State, it doesn't change a whole lot from well to well, cutting are cuttings. That's what they are getting licensed through the State for.

Director Talbert continued that Benzine is carcinogenic whether this facility is putting out more than allowed I don't have that answer.

Jeremy Olson stated Benzine is airborne it breaks out of the liquid petroleum that's where most of the danger comes from, its broken out of the solution and is very volatile and has a high vapor point

to where it evaporates quickly, that is where the oil and gas workers have that concern, so they wear monitors on site but not on the drilling part.

Director Talbert said the State monitors all levels however I will check into that.

Gene Veeder We need to address whether this company has met the criteria of the Cup now in place, that is why we are here today. We have talked about the inert landfills at length in the commission and here as well I don't know if that's the topic we should be talking about here today, they have been granted a permit to do business and we need to determine if they are being good neighbors or not. That is what I am interested in hearing. I would like to consider whether or not the company has been a good enough neighbor to allow them to expand under the existing CUP. I just want to clarify that and I'm sure there haven't been some definite probably consistent violations of the CUP that they are going to have to meet in order for me to support an expansion, so I'd keep the conversation to that if we could and recognize that we have another governing agency and that is the State. We don't really have anything to say about what goes into an inert landfill that happens on the State level, whether we accept that in the county or not is the question. I just want to clarify that.

Butch Fleck I haven't heard anyone within a 2 mile radius in favor of it. I don't care if they have been to the state they have not been good neighbors.

Gene Veeder stated we can turn it down, however we are not here to close down this site, and we are taking this very seriously on whether or not this can be expanded. All input is valuable and we do hear you.

Director Talbert asked the applicant to explain the dust control.

Jeremy Olson asked the applicant to please come back up and answer some of the concerns.

Will Lynch stated watering the roads and seeding the caps the SE-SW cap we put on as we got it to the grade and we will continue to do that as we build out.

Director Talbert asked as far as air monitoring, I'm not talking odor here but do you have any regulations from the state you have to meet.

Gary McCuistion said there are not requirements at the facility for any specific air monitoring, without getting into a long explanation let's talk about environmental, when they develop the rules they evaluate both the EPA level and probably the State level develops the rules as to the types of waste you can take and things you do. They set those perimeters and those limits then they don't require that you get additional air monitoring.

Director Talbert asked as far as dust from the site, how often do you spray with water and knock down that dust. Is there a particular miles per hour that you might get out there more often.

Gary McCuistion stated that it is per required, it's not specific to miles per hour, it's specific to the blowing dust because it could be dry and have 5 mph wind and be dusty and as it dries out. It is supposed to be if there is visible dust.

Jeremy Olson asked would you say that you are accomplishing that goal considering what your neighbors have been saying.

Gary McCuistion said the perception here tonight is that we are not we need to look where all the dust is coming from and causing those areas and work at it harder. I will say that we have looked at dust in allot of areas and there is mention of the waste being moist so the dust is not going to come from the waste. It is an oily top waste and it does not dry out so we will have to work harder on our roads and surrounding areas and see what we can do in those areas.

Director Talbert stated there was a question about independent testing and so on, what are your requirements when you test material, I assume you have to send reports into the state, how often is that done and how do you go about that.

Gary McCuistion said clarification on that as we do our sample, our employees physically do a sample and it is tested at an independent lab, and those results are then sent to the state. So our employees are not physically testing the material.

Jeremy Olson asked so your sample is every 100th truck.

Will Lynch answered yes.

Director Talbert asked concerning reseeding, what is the life expectancy of the current facility as it is. Then maybe expand that if approved how much longer, the 2 million more cubic yards, what is the estimated time.

Will Lynch The footprint of the site is going to be 8 million tons which is just over 7 cubic yards, so our permanent time that we can take on an annualized basis is 500 thousand tons (500,000.00) tons. So this expansion does not change that whatever so ever and then if we take our current run rate call it 900 tons a day right now, we are just over 300 thousand tons per year annually that we are putting in the landfill.

Jeremy Olson at your current permitted amount what is your life expectancy.

Will Lynch as of right now at the end of 2018 we probably used 1.5 tons.

Gary McCuistion We estimate the life of a facility between 15 to 18 years total, so we would have to back off 3-4 years.

Jeremy Olson so this expansion would add 3-4 years of the life expectancy.

Gary McCuistion approximately based on the type of waste and action.

Director Talbert said and as far as capping and remediation.

Gary McCuistion stated there is a site plan that we have to turn into the state that shows what the plan will be once the facility reaches its capacity we close it. We have to go through the closure and we have to put up financial instruments to fund the closure and post closure monitoring of the facility.

Director Talbert Caleb Timmons had talked to us about the runoff and his fear is the run off from the site berms and so on is going down and getting into the creek.

Gary McCuistion stated if you look at the landfill area there are berms inside that collect any waste running off, those are designed and are cushion berms they are there to collect any runoff. Where he was talking about shouldn't be happening and if it is we need to fix that.

Director Talbert stated that there is also an issue with the fence you don't have a problem with fixing that do you.

Gary McCuistion said that the fence should be checked more often than annually. I believe the snow knocks it down and we are unable to get back there, but that is our responsibility and we will get back there and check that.

Director Talbert stated you have submitted a weed plan with the McKenzie County Weed Board tell us what you do to control weeds on sight.

Gary McCuistion stated that most of our control will be mowing to keep them down we are not only required to monitor surface but also ground water so we try not to introduce herbicides or pesticides to that area so that there is not anything that would contaminate our wells based on our ground water monitoring, so most of the weed control will be mowing and keeping them down in that area.

Jeremy Olson Yes you get a lot of Kochia weed there and it blows into the neighbors fields and causes allot of problems that needs to be addressed.

Director Talbert stated we heard again about trucks coming out of the facility would you object to additional signage and provide additional training to the truck drivers, they need to stop at the stop sign and follow those laws.

Gary McCuistion stated we are not opposed to that at all and would be willing to work with the sheriff's department to enforce that better. Also I'd like to comment about the radiation to show you that we are not completely self-monitoring. When the T Norm rule passed and the T Norm limits there were several landfills that got turned in to the state about possibly excepting T Norm waste and we actually had a surprise visit from the State and they came out and took random sample that they did not find any waste that exceeded anything other than what is required, so they do check and look at things so those things are addressed.

Les Haugen stated ns I have whether this CUP gets reprimanded or denied either direction let's say it gets denied, there are some problems with odor and I realize this is already in place, how do we handle that. I just want to bring that up because the dust and the traffic is a real public safety concern.

Jeremy Olson said these guys are on the radar right now and I think we want to make sure those issues are addressed. I think they do follow under the CUP that was originally issued.

Kenny Liebel asked if we deny this then the County does not have to pave the road correct.

Director Talbert stated correct the road will not get paved at this time.

Gene Veeder said I'd like to be able to defend the CUP they have a right to do business but they had some conditions also and they are not making it very easy for me to expand it given there are 5 or 6 considerable challenges we have, and that's not thinking about whether or not these landfills are a value to the community or not. It is there but I guess I have a problem expanding it if they are not

taking care of the issues. Our ability to enforce our CUP is probably one of the issues we have here, we got these rules on here and some of this is the result of doing business in a fast economy. I think we should Table this until we can get more information before we move forward. I would like the staff to collect and bring forth about soil testing, water, silt, Township, weed control, dust issues and do a visual inspection with the property owners.

Kathy Skarda asked also to somehow monitor the odor that makes me literally sick.

Gene Veeder commented he did not know of an odor benchmark however we say an existing CUP exist so if we can't prove there is more odor by expanding it then we almost have to approve it. So we have to be careful with that issues, we don't have a benchmark for the odor.

Les Haugen asked what year the old CUP done and dust control.

Todd Foster stated in 2013.

Les Haugen continued saying he would like to know if they are a good neighbor, policy is what I am interested in, have they been doing what needs done.

Motion to Table: Gene Veeder, Second: Butch Fleck , Voice Vote: Roll Call Ayes: Bethany Devlin, Kenny Liebel, Butch Fleck, Gene Veeder. Naves: Les Haugen, Kathy Skarda.

Meeting was adjourned at approximately: 7:28 PM

Planning and Zoning Commission Minutes

February 11, 2019

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:01pm

Members present: Butch Fleck, Jeremy Olson, Kenny Liebel, Bethany Devlin and Les Haugen, Paul Wisness

Members absent: Kathy Skarda, Gene Veeder.

Staff present: Planning and Zoning Director Jim Talbert, Planner Peyman Kadir, Planning Attorney Ari Johnson, Code Enforcement Todd Foster, GIS Bonnie Foster.

Motion to Approve: January 14, 2018 minutes. Motion: Butch Fleck , Second: Les Haugen Voice Vote: All Ayes.

Code Enforcement: Todd Foster stated there were several open cases he has been working on, these include:

Tumbleweed RV Park: Removal of all the remaining RV'S all above ground utilities, and any plumbing removed or abandoned 2' below grade. They are moving the RV's out, they have missed all 3 complete by dates that they agreed to, but are moving slowly. Issued notices of violations so far to get the RV's and associated utilities removed or abandoned 2' below grade. They have missed all 3 complete by dates.

Tumbleweed Motel (East Building): Multiple fire and building code violations on the east building, several stop work orders have been issued, building without permits, continuing construction after stop work order issued. Alexander Fire Dept. issued a Stop Work due to structural building and fire code violations in August 2018. During the pre-open inspection on 11/06/2018 with State Food and Lodging there were additional major building and fire code violations. At that time issued another Stop Work and told them that we would need a 3rd party structural engineer to sign off on safety-construction before we allowed construction to continue. On 11/13, County Building Inspector was contacted by Tumbleweeds architect for a meeting, when Scott arrived he noticed that the entire upper walkway, stairs and lower deck had been removed and replaced with new material. Tumbleweed continually disregarding any Stop work that has been issued.

Multiple locations that have had RV's being lived in that were not associated to company use-not insulated, skirted or storing more than allowed in a manner that would look as though they were or could be lived in.

All so far have been receptive and complying with what has been asked of them. Two (2) of them companies that were working out of state and were given time to either have someone come and disconnect them, remove the structures that were attached to them or move when they return.

Bakken Water Exchange:

A Waste Water Facility that had a grandfather status that was broken by construction a second holding pond. They were contacted late in 2017 informing them of this, since then they have submitted an incomplete CUP application that was returned asking for everything that was required. There has been no more contact from them.

Several notices have been posted on location and through mail to contact me.

Bakken Base Camp:

This is the man camp that is on the east side of the Patriot Truck Stop. A court order was issued to remove everything from the property over 2 years ago. To date the only thing I can tell that has been moved was the restaurant, and that was only moved to the south side of the property.

Benz Oil:

Has several large volume Haz-mat storage tanks located too close to Hwy-Roadway, multiple fire code violations with location and tanks, no CUP for business operations. Was directed to stop work until a meeting happened with P&Z.

Had a formal meeting with myself and Mr. Talbert explaining violations and the need for a CUP.

Has since put hazardous material into the storage tanks on 2 separate occasions after meeting occurred.

A second Stop Work has been issued.

Ari Johnson stated there are 2 paths we can go, we can file a lawsuit and ask for an injunction to seize the violation and we get to the end the court will issue that if we are entitled to it. The other path is a preliminary injunction that is more of an emergency measure and we've taken the approach that unless it's truly like a clear and present danger, that's suddenly come or some other immediately urgent situation, we don't do that because the courts don't like those, the fewer of those we bring, the more seriously they get taken. I don't know this situation well enough to know if it justifies that or not. I haven't been involved in any of these yet to discuss the process, new staff always means a learning curve and we are trying to operate efficiently hopefully we can get them all rolling in the future, actually hopefully we don't need to.

Others : see sign in sheet.

Unfinished Business:

A. Republic EES, LLC **TABLED**

Public Hearings:

Item# 001-19 CUP Ferus Natural Gas Fuels (CNG), LLC

Location: Co-Located at the Caliber Midstreams Hay Butte Gas Plant located at 13849 24th St NW. IT# 2510 PT SW 1/4SE1/4 Section 36, Township 150-N, Range 101-W McKenzie County ND

Jeff Skaare with Caliber Midstream stated that they have shared the maintenance with Triangle formerly known as 9 Point of 138th which includes snow removal, repaired pot holes adding

gravel as needed. So on that stretch on both sides we have 138th, short stretch, and the majority of maintenance we do is on 24th street east and west.

Jeremy Olson said so basically that stretch to where the pavement ends to Caliber it has been maintained at no cost to the county.

Jeff Skaare replied I'm not aware that the county has spent money I know that between Triangle and Caliber whenever we sent out a grader to do the work on 24th and for a long time we rented one of our own graders and had it on site, we maintained that road on a pretty regular basis for winter conditions to make sure that we get could people through.

Jeremy Olson stated I have driven that road a couple weeks ago and it's in pretty good shape.

Peyman Kadir asked if that clarified the road.

Jeremy Olson stated yes and I was just wondering what entity had the jurisdiction over it, so they are not essentially a County jurisdiction they are joint Township, Arnegard, Alexander and then Antelope.

Director Talbert said he talked to Kirk in Arnegard and he had said the Township does not claim 138th at all and that the County does maintain 138th.

Director Talbert stated that these are basically fractionators that we are taking gas, they are splitting it into usable product and they are trucking it out. It is brought in on a skid and taken out on a skid.

Audience, Representative, Committee and Board comments:

Tim Hermanson asked if there would be any new construction and what their drain for the water outlet would be.

John Vertz representative for Ferus Natural Gas stated we are putting it in place on a well pad to capture the gas from the flares we truck it all out instead of traditional pipeline. We end up with 3 products, (1) Oil, (2) Butane/Propane, (3) Ethanol. We will not be expanding or doing any new development on the pad. The water will drain on the south east side.

Motion to Approve: Butch Fleck, Second: Kenny Liebel, Voice Vote: All Ayes

Item # 002-19 CUP Ferus Natural Gas Fuels (CNG), LLC

Located at the Caliber Midstreams Hay Butte Gas Plant located at 13849 24th St NW. IT#2510 PT SW1/4SE1/4 Section 36, Township 150-N, Range 101-W McKenzie County ND.

Audience, Representative, Committee and Board comments: None

Motion to Approve: Kenny Liebel, Second: Paul Wisness, Voice Vote: All Ayes

Meeting was adjourned at approximately: 5:57 PM

Planning and Zoning Commission Minutes

March 11, 2019

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:00pm

Members present: Butch Fleck, Jeremy Olson, Les Haugen, Kathy Skarda, Gene Veeder.

Members absent: Paul Wisness, Kenny Liebel, Bethany Devlin

Staff present: Planning and Zoning Director Jim Talbert, Planner Peyman Kadir, Administrative Assistant Cindy Mecham, Planning Attorney Ari Johnson, Code Enforcement Todd Foster.

Motion to Approve: February 11, 2018 minutes. Motion: Les Haugen, Second: Kathy Skarda Voice Vote: All Ayes.

Code Enforcement: Todd Foster stated there were several open cases he has been working on, these include:

Violations

Sondrol Scoria Pit

- **Set back violation.**
 - Mitch Sondrol has 3 CUP's for scoria pits located near HWY 85 and Spring Creek Rd. The one that is located next to HWY 85 has been mining to close to the HWY. Set back requires 100 feet from the road easement line, they have been mining within 15 feet from the easement line.
 - Letter has been sent asking that someone contact me by 3/25.

Raven Drilling / Abraxxas

- **No permit for current operation**
 - Currently has 4 skid shacks being lived in several RV's and oilfield service equipment.
 - No one available onsite during a site visit, a letter has been sent asking them to contact me

Jason Lund / Storage Yard

- **Unpermitted pipeline storage yard / Anhydrous tank storage on HWY 23**
 - Currently has several miles worth of poly pipe, and other assorted pipeline construction material set up.
 - At time of visit, there were 36 Anhydrous trailers being stored on soite as well.
 - Letter has been sent asking them to contact me

Big Mountain Homes

- **Operating without a CUP / RV set up to live in Corner of County RD 31 and HWY 85**
 - Broke Grandfather status by expanding operations
 - RV in front yard appears to be connected to utility's and is skirted for winter weather
 - Operating a business without a permit.
 - Letter was sent back in January asking to contact us.

Steve Connell

- **8 Unoccupied mobile homes and 4 abandoned vehicles**
 - Property is located on 133rd south of CR 30. 10 acres currently zoned Agricultural
 - Letter was sent on 2/04/2019 asking them to contact us
 - Sent a second notice letter out today

Benz Oil

There has been no attempt thus far by Benz to remove the tanks that are in violation or contact us letting us know a plan of action.

- Letter was sent on 3-7-19 asking Mark Benz to contact me by 4-01-2019 so we can discuss removing the tanks from the property.

Bakken Water Exchange

- We have moved forward with legal action

Bakken Base Camp

- Estimating the cost to have everything moved

Others see sign in sheet:

Unfinished Business:

- A. **Republic EES, LLC **TABLED****

Public Hearings:

Item#1, 004-19 CUP April Szostak **TABLED**

Item#2, CUP 005-19 Northwinds Of Wyoming, Location: IT 930-PT NE1/4 12.47 Acres Section 12, Township 149-N, Range 99-W. 12612 23RD St, NW McKenzie County, ND

Audience, Representative, Committee and Board comments:

Director Talbert read a letter from the neighbor, Joel and Emily Brown who directly border the property of Northwinds on the south side. Their concerns were (1) if any employees would be convicted sexual offenders how would they know. (2) Dogs that reside with potential employees particularly breeds with higher tendencies towards aggression because of the proximity of the RV's and my property I anticipate would trespass on their property and potentially endangering life or property. (3) Accurate counting during the 2020 census.

David Gunter representative of Northwinds stated the company does do background checks on all employees and there will be no dogs there. The employees are on a schedule of 1 week on 1 week off.

Planner Kadir stated that in the conditions it does state that if they have dogs they will need to put up a fence.

Jeremy Olson asked if Mr. Gunter was okay with the conditions on the CUP, Mr. Gunter stated yes.

Motion to Approve: Gene Veeder, Second: Kathy Skarda, Voice Vote: All Ayes

Item#3, COMP ZC Targa Badlands, LLC. Location: On the East side of the Highway 85 in Section 7, Township 149-N, Range 98-W.

Audience, Representative, Committee and Board comments: None

Motion to Approve: Butch Fleck, Second: Les Haugen, Voice Vote: All Ayes

Discussion & Possible Vote:

1. Forty (40) contiguous acres or quarter section minimum to build a residential home in Agricultural District in McKenzie County.

Audience, Representative, Committee and Board comments: **Jeff Prince, Lynn Hovde, Tim Transtrom, Craig Nelson, Nevin Dahl, Don Moberg, Jay Olson, Rick Lawlar, Leah DeLisle, Jerry Defoe, Jamey Jellesed.**

Jeremy Olson said I see kind of a trend here to 2013-2014 when the 40 acres was implemented we did what we thought was right at the time. The situation is different now than it was then, I'm not opposed to lowering it we did the right thing with what we had at the time.

Director Talbert stated we have a very balanced mix, with everyone here in agreement with 10 acres, 5 acres and 1 acre. Does this board have a feeling of the size you think is better or worse.

Ari Johnson commented in the agricultural section 3.4.3 Item#1 is for a conditional use so far a single family dwelling and accessory structures that are not allowed under the 40 acre requirement what that means is you can have 1/3 of an acre or any parcel what so ever practically speaking it would never be less than 1 acre because you won't have the city septic system. But to my knowledge we have never had a CUP application for a single family dwelling to be built on less than a 40 acre parcel. While this is an issue that remains important to the people of the county as they turn out and as the board knows we all tried to be fair and we have tried in the past to be fair, we have changed this requirement and we are at 40 acres and with this CUP as an option.

The smaller parcel CUP allows the board to have conditions such as access to fire trucks, having 911 on address assigned to the house before it is built. It allows you to look at each parcel to come before you to decide what level of service you can provide and what level of cooperation you need from the homeowners in order to provide necessary services. The fact that we did this, I can't remember when but I do recall this exact same discussion at that time, and I do recall us adding the CUP opportunity as kind of a free for all and too restrictive of development restrictions. So when we have this in the book and no one has ever applied for it my question is are there actual instances in which our 40 acre requirement has prevented something from

happening or is this just a passionate issue from everyone but not a present and actual issue to be solved. Is there really a problem that we need to fix?

Jeremy Olson asked if Jay Olson wanted to buy 5 or 10 acres from Lawlar he could use this CUP as a method to get a 10 acre parcel.

Ari Johnson stated yes they could have a purchase agreement upon clearing the title and also clearing zoning to get the CUP. It's a transaction cost to be sure as it could have a burden on the people pursuing these opportunities but at the time we added this CUP opportunity we discussed all zoning decisions are to strike a balance.

Jeremy Olson stated so we basically have a rule here not very well known.

Ari Johnson said we need to address the problems that exist and not create new problems. We are talking about using land that is zoned for agriculture but not being used for agriculture how to fairly and efficiently allow that use. We are talking about building a residential house on an agricultural district land and what requirements are fair to ensure orderly development and adequate provisions of public services without necessarily burdening the people that want to do that.

Gene Veeder stated we are a planning and zoning board the public has said they want a set of rules in some way because if we don't have that then business owner will say I shouldn't have to have rules for my business, so we have to be careful. There are a set of public accepted rules involved. I'd like to collect some information on this and if the homes can reasonably be mortgaged and I think we should have a full board before decisions are made. We are not going to walk away with no rules. I think that it is pretty clear that we want to reduce this 40 acre thing and if people don't feel that way they should be getting in touch with the Commissioners.

Jeremy Olson I think we need a boiler plate full of conditions, what can be expected, what's reasonable and with that knowledge can any one person go and purchase 10 acres. Also would an FHA loan be applicable or denied.

Meeting was adjourned at approximately: 6:54 PM

Planning and Zoning Commission Minutes

April 15, 2019

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:00pm

Members Present: Butch Fleck, Jeremy Olson, Les Haugen, Kathy Skarda, Gene Veeder, Paul Wisness, Kenny Liebel.

Members Absent: Bethany Devlin

Staff Present: Planning and Zoning Director Jill Helmuth, Planner Peyman Kadir, Planning Attorney Ari Johnson.

Motion to Approve: March 11, 2019 minutes. Motion: Kathy Skarda , Second: Gene Veeder, Voice Vote: All Ayes.

Code Enforcement: Mr. Foster had an emergency and had to leave the meeting. **Tabled**

New Business: Candidates for Planning & Zoning Board Position

1.Terry Moe, 2.John Irwin, 3.Chris Olheiser, 4.Jamie Lane, 5.Lance Powell.

The Board recommended votes: Jeremy Olson – Terry Moe, Kathy Skarda- John Irwin, Butch Fleck- John Irwin, Les Haugen- John Irwin, Kenny Liebel- Terry Moe, Paul Wisness- John Irwin, Gene Veeder- John Irwin. **Total Votes John Irwin (5), Terry Moe (2).**

Item#1, ZC 001-19 Jesse Bennett

Location: IT #2589 PT of SW 1/4NE1/4 of Section 19, T149-N,R98-W 2.65 ACRES Parcel number #630009456, IT #2590 PT of SW1/4NE1/4 of Section 19, T149-N, R98-W 2.61 acres Parcel #630009457.

Audience, Representative, Committee and Board comments:

Jesse Bennett stated there is an old single wide on the property and he would like to take it out and put his family residence there.

Motion to Approve: Gene Veeder, Second Kenny Liebel: Voice Vote: All Ayes

Item#2,CUP 006-19 Stenehjem Holdings, LLC

Location: SE1/2SE1/4 in Section 13, Township 150-N, Range 100-W Parcel #030005300

Planner Kadir stated that the Arnegard Township recommends approval for this CUP.

Jeremy Olson commented he was on the Arnegard Township Board and that this would be a layflat line, which means piped in and piped out.

Audience, Representative, Committee and Board comments:

Kyle Hartel stated there would be no trucks.

Jeremy Olson asked if Mr. Hartel had any issues with the conditions, Mr. Hartel replied that he had not seen the conditions however Brady Bertram from the audience stated no, they did not have any issues with the conditions.

Motion to Approve: Gene Veeder, Second: Butch Fleck, Voice Vote: All Ayes

Discussion: Tabled (Amendment to the Zoning Ordinance)

3. Amendment to the Zoning Ordinance for clarifications & corrections for residential Conditional Use Permit and conditions for gravel & scoria pits.

Jeremy Olson stated that this allows the staff of the county to look at that on the map and make sure no one is doing a back door development.

Ari Johnson stated part of this administrative approval is possible if certain requirements are met, so you come into the Planning and Zoning Office with your application and it doesn't even have to go before this board if it meets all those standards and if there are any questions about those standards then it goes to this board to decide. You never let the Planning and Zoning director deny any applications, only approve it or put it on the agenda so those are the options here and most of these would be approved.

We have made this an irrevocable CUP, which means we can't revoke it and that is mainly for the bank so you can build a nice home and you won't get the rug pulled out from under you just because you missed one of the conditions. However, we can go to court and a judge can order you to follow the conditions. We want to help people finance their homes on a rural lot.

Planner Kadir said any violation would be an ordinance violation not a CUP violation.

Kenny Liebel stated the 2 ½ acres is far more doable than 10 acres for the young guy with a family.

Jeremy Olson commented we are looking for a compromise.

Audience, Representative, Committee and Board comments: **Kyle Hartel, Sherry Lervick, Brooks Kummer, Nevin Dahl, Dan Richmond, Jeff Prince, Jesse Bennett, Mitch Sondrol, Don Moberg. 2 ½ acres, 5 acres, 10 acres.**

Concerns:

1. Rural Water Availability
2. Cost of Paving Road
3. Septic System

4. Weeds
5. Road Maintenance
6. Affordability of Land/House
7. Bank Financing
8. Power

Gene Veeder stated we are looking at reducing acreage and to determine what that acreage is, I think we are ready to make a move at the next meeting.

Unfinished Business:

1. **Republic EES, LLC 0001-13 Amended CUP, Location: approximately 131 Acres IT #2342 N1/2 Section 1, Township 150-N, Range 96-W.**

Jeremy Olson stated this is before us to expand the current landfill.

Planner Kadir commented that denying this application will not make the current landfill go away, this proposal will increase in size vertically, intake will stay the same it will just increase the life of the landfill. Also the concern in regards to the stop sign has been resolved, Republic put up a solar sign that is lite. Soil/water has been tested by Carlson and McCain and the results came back below or at normal range. This landfill has been there since 2014. Number 10 of the conditions that the applicants are agreeing to with McKenzie County Engineer's department is to pay half of the design and the development of 108th Ave NW from County Road 14 to the southern border of their property. The County will present costs and the applicant shall pay 50% of that cost to pave the road.

Kathy Skarda stated that not only the roads and truck traffic is a concern but the Benzine smell and it's not right that we who have lived out there for all of our lives basically have to put up and shut up, or like one guy told me move away if you don't like it. We were there first and I know we all have the oil industry for the betterment of lots of people, but those of us that live in that area do have to breath that stench and it is not healthy.

Gary McCuistion from Republic stated so a couple of things to add on the smell of diesel and I believe the State, Todd and Kim Butler the manager went out and took an infrared monitor wand walked the site and the only emissions they had was the exhaust coming from the dozer. Kim Butler physically looked through the monitor as well and there are absolutely no BOC emissions coming from the landfill. There have been other complaints from time to time and have been investigated by the State and the County and none of them have been verified, not saying that people don't smell things, we had the soil and water tested and the Benzine came back to laboratory levels. I'm sure you are getting odors, but from the landfill all the inspections we have done of Benzene, we have never had a violation. We can only speak to know what we know.

Audience, Representative, Committee and Board comments: **Gary Skarda, Ron Ritzke, Paula Brown, Marco Pelton, Jim Kirkland.**

Concerns:

- 1. Road Maintenance/Cost**
- 2. Odor**
- 3. Benzene**
- 4. Health**
- 5. Truck Traffic**

Kathy Skarda said it may be meeting every standard in every State book but for the people living there, it's not meeting their standard.

Jeremy Olson directed his question to Gary McCuiston you stated you were just starting to cover the area.

Gary McCuiston said yes we are closing an area and putting soil over parts of it, ½ of the south end of the perimeter going northeast. As we continue to fill we do go back and continue to cover it. There were 2 reports, the 1st report was Carlson McCain and throughout all the samples there is a chain of custody in this report. The other report we thought we would provide as we went back and pulled all the analysis and sampling events that had been happened and been reported to the State since 2012 even before the landfill took place. There was what is called DRO Diesel Range Organics and those were actually showing up off site of the landfill and before the landfill started construction or taking waste. DRO is prevalent in the area for water reasons, one of our consultants said they were found in coal seams in that area. So we wanted to provide you with that background what those sampling results were and we have been taking offsite sampling since that time and we are not showing any of those indicators were present offsite.

Ari Johnson stated that in the Planning and Zoning ordinance 4.4.1 which provides that such a facility must be located at least (1) mile from a residential zone unless written approval is obtained from the owners of any resident with in that area. The permit cannot be approved unless all property owners within 1 mile of that location are notified of the public hearing in regards to that application for the permit. So at the time of the CUP application they must have met all the requirements in order to be here, and there are no other setbacks in our ordinance from an occupied resident. The Health Department may have a setback but we don't deal with that.

Gene Veeder stated that he has gone out to the facility several times and did a walk through and saw the sightings of these testing's and the tests that I see here don't show any significant damage to the environment, so we have to be respectful to the company and their right to do business there. It makes it difficult because they have met the perimeters that we have asked them for, we can't change them as we move along, the only one that seems to be up in the air is the smell and we have not found a way to monitor that properly so what makes this different than any other property, any other owner that lives next to a pump station, gas plant or any of those things that could create issues for us, but that's the part of doing business. I didn't see any red flags in this report.

Butch Fleck said don't you think the odor is a big problem for the area.

Gene Veeder commented it's a big problem but this area has smelled like sulfate since 1952 so I think it's hard to identify what's what, is it the flares. I'm not saying there isn't a problem but they have not been able to identify it.

Motion To Approve: Gene Veeder, Second: Paul Wisness. Voice Votes: Opposed Les Haugen, Kathy Skarda, Butch Fleck. Ayes: Gene Veeder, Paul Wisness, Kenny Liebel, Jeremy Olson.

Meeting was adjourned at approximately: 8:02 PM

Planning and Zoning Commission Minutes

May 13, 2019

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:00pm

Members Present: John Irwin, Jeremy Olson, Les Haugen, Kathy Skarda, Paul Wisness, Kenny Liebel, Bethany Devlin

Members Absent: Gene Veeder, Butch Fleck

Staff Present: Planning and Zoning Director Jill Helmuth, Planner Peyman Kadir, Planning Attorney Ari Johnson, Administrative Assistant Cindy Mecham, Code Enforcement, Todd Foster. Planner II Dana Roff

Motion to Approve: April 15, 2019 minutes. Motion: Les Haugen , Second: Paul Wisness, Voice Vote: All Ayes.

Code Enforcement:

Violations

4/15/2019

Sondrol Scoria Pit

- Set back violation.
 - Started reclamation on 4/02 expected to take 6 to 8 weeks
 - Agreed to be complete by 8/30

Big Mountain Homes

- Operating without a CUP / RV set up to live in Corner of County RD 31 and HWY 85
 - 2 certified letters have been signed for, both with a contact by date that has passed.
 - First scheduled meeting was a no show, has scheduled another for later this week

Jeremy Olson said Todd should consult with Planning Attorney Ari Johnson to proceed with legal action. Jason Lund / Storage Yard.

- Unpermitted pipeline storage yard / Anhydrous tank storage on HWY 23
 - Having issues making contact. Letters sent have come back

Kenny Liebel stated that he knew the person in charge of the yard and suggested Todd get in touch with (Brady), said he would give Todd his number.

Bakken Base Camp

- 2 units have been removed, was able to speak with onsite maintenance Jeremy Kelly who stated that the new owner George Satterfield is trying to sell all the units. I tried to contact George by phone with no luck. I asked Jeremy to have George contact me.
- Debris all over field from removing the 2 units and other work not associated with moving
- Has rented the Quonset Hut out to a trucking company

Jeremy Olson said Todd should consult with Planning Attorney Ari Johnson to proceed with legal action.

Benz Oil

- Issues:
 - No CUP, Location of LP storage tank (set back) location of hazmat tanks next to power sources, no placards; current zoning does not allow their intended use. Stop Work was issued until corrected, product was placed into tanks after stop work was issued. (has been removed)
 - Had several meetings with Mr. Talbert, myself, Mr. Benz and his contractor explaining what was needed and guidance.

Les Haugen asked Todd Foster if he had been in contact with John Harris to make it right.

Todd Foster stated No.

Planner Kadir stated that the applicant has applied for 2 CUP's, however the application has never sent in a completed application with the list of requirements. The applications have been sent back.

Jeremy Olson said to invite Mr. Harris into office and help with the application.

Les Haugen stated he would call John Harris and have him get in touch with Todd Foster.

Curtis Johnson :

- Unpermitted laydown yard for pipeline company
- Planning is currently assisting them with CUP Application

Unpermitted Lagoon

EP1 LLC

- No current permit from county for sewer lagoon
- Has all permits from the state
- Was developed after code adoption, sometime after 8/2013

Turned and Burned Cafe

- Abandoned for longer than 180 days
- Owner is planning on moving the building to the back of the property when ground conditions are more favorable. I asked that it be completed no later than 7/15.

Fire Investigation:

OASIS Compressor Station Permit# 008-15

- One of the compressors had a leak and subsequent release that caused an explosion on 4/08, this is the 3rd incident since permit was approved in 2015, 2 of those explosions caused minor damage to nearby homes.
- Oasis sub contracts out both ownership of 3 compressors on that site and the operators that handle the day to day operations of the facility. Operators work under the direction of an area supervisor that is employed by Oasis
- 1st incident was a mechanical malfunction of equipment. Equipment safety redundancies stopped the spread of fire/damage. No injury's reported
- 2nd and 3rd incidents were operator caused. An Arch Rock employee was injured in the 3rd incident. In both incidents, Oasis's policy for mechanical operation were disregarded by 3rd party operator (Arch Rock).
- While investigating I noticed that several of the required conditions of the CUP have not been met
 - No signage on facility
 - No landscaping in place
 - Weed control has not been met
 - Several large pieces of equipment not painted earth tone

Corrective Actions Discussed:

Issued my report to Oasis and had a meeting with the local supervisor over this regions facilities and the head of Oasis's safety program. I stressed the need to make sure any contracted or employee is following all SOP's created and that all that enter these sites are trained to the min requirement according to OSHA and IFC.

I also asked that they provide me with a few things moving forward:

- A copy of all of the SDS sheets related to the facility's operation. (IFC Requirement) this will be passed along to the FD and SD
- A copy of their internal report on the explosion

WILL BE HANDING OFF TO LEGAL:

TUMBLEWEED MOTEL & TUMBLEWEED RV PARK.

BIG MOUNTAIN HOMES, BAKKEN BASE CAMP.

Public Hearings:

Item#1, 001-13 Amended CUP Republic EES, LLC TABLED

Item#2, 007-19 CUP Sinclair Oil & Gas Company 007-19 CUP TABLED

Unfinished Business:

Discussion: Amendment to Zoning Ordinance

1. Amendment to the Zoning Ordinance for clarifications & corrections for residential Conditional Use Permit and conditions for gravel & scoria pits.

Audience, Representative, Committee and Board comments:

Zoning Ordinance: 2.16 SKID UNIT PERMIT FEE

Director Helmuth stated the Zoning Ordinance was one of the last things Jim Talbert did before he left, so he did a lot of the adjustments to this, so if you look through the ordinance you have, anything in red are things Jim added or tweaked or adjusted. So the ordinance was much smaller before. There are (3-4) things we did want to talk about, start off with some discussions and things that need to be voted on and then the entire adjustment to the ordinance needs to be voted on.

I want to start with page (39) in the ordinance called Skid Unit Permit Fee (2.16) if you remember Less Hurley came to the County Commissioner meeting last week to talk about this, and the County Commissioners sent it back to us. This is something that Mr. Hurley contacted our office about because he owns some skid units that he rents out for offices, some are at sites some come back within the same year some never leave the yard. So Mr. Hurley is concerned if you read this (2.16) that is the Skid Unit Permit Fee, that fee is charged whether the units leave his yard or not. It's an inventory of all the units they have and it's paid basically in lieu of property tax because they are not permanent buildings. Mr. Hurley would like it changed to only if the skid units are not in his yard.

Todd Foster said Mr. Hurley has 52-53 skid units and the fee would be approximately \$1100.00 per unit whether they were in his yard or on a job site in McKenzie County. It is required to be paid annually per the ordinance. Each unit that has been accounted for has a tag in the window.

Director Helmuth stated that Mr. Hurley is noting he is based out of McKenzie county and he is saying that units that are based out of other counties are coming into this county and we are not out looking at every site seeing if the tags are in the window and then they are moving them out of the county and they never pay for it. Mr. Hurley states because he lives in the county he pays the fee and it is easy to track him because he is right here in the county. He feels it is being unfair to him. He would like to see it when they leave his yard and go out onto a site. But how do we keep track of that, we are not proposing anything to vote tonight but we wanted to bring it up and discuss it tonight, Mr. Hurley asked the County Commissioners to discuss it so the County Commissioners sent it back to you guys.

John Irwin stated they had to inventory these when the boom was here, so okay they are sitting on his lot and you go through there and you are going to nail him for them sitting on his lot, then guess what they aren't going to come back to the lot, instead they'll be scattered all over out there.

Kenny Liebel stated if you are a rental company you would know if it was taken to a site and when it was brought home my suggestion is if it's not in use Mr. Hurley can prove it.

Director Helmuth said we can add some verbiage to this and it would still be an annual fee, then at the end of the year and they can tell us which units were not used and we can refund a portion of their fee or discount it for the next year. We will sort it out before we bring it to the board.

The following verbiage has been changed in the codes as follow:

4.17 CONDITIONAL USE PERMIT FOR SINGLE-FAMILY ON LOT LESS THAN 40-ACRES.

4.17.1 Intent

The Intent of this conditional use permit is to provide guidelines for approval for a lot that is less than (40) acre specified in section 3.4.3 of this ordinance.

This conditional use permit is irrevocable once a building permit has been issued and construction has begun on a permanent residential structure.

4.17.2 Requirements for Approval

- 1. The minimum lot size is 5 acres.**
- 2. Lot must have access to a County maintained road at the time of application.**
- 3. Approved approach permit to serve the lot.**
- 4. Acknowledgement from the appropriate rural fire department concerning the serviceability of the access road and structure.**
- 5. Setbacks as outlined in the Agricultural District shall be indicated on a plan drawn to scale.**
- 6. Setbacks for building/structures from roads, section lines, and other structures shall be as outlined in this ordinance.**
- 7. No variances shall be allowed for setbacks or lot size.**
- 8. A commercial business may not be run or maintained from a lot that has a residential CUP.**
- 9. One (1) animal per full acre as described in the N.D.C.C. Cha. 11-33-02. 1 is allowed.**

4.18 GRAVEL AND SCORIA OPERATIONS AND PITS

4.18.1 Purpose

Gravel and scoria operations and pits are necessary for many types of projects including oil and gas projects as well as road construction and maintenance. The transportation and delivery of the material poses safety and maintenance issues that must be addressed in conditional use permits and strictly adhered.

4.18.2 Conditional Use Permit Requirements

1. Post the address/project identification on site with a 4x8 sign that is clearly visible from the road.
2. Maintain weed control as approved by the McKenzie County Weed Control Officer.
3. Adhere to all State and Federal laws, regulations and conditions for the operation of the proposed facility and the transportation of the material.
4. 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.
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. Failure to do this can result in revocation of the permit.
6. 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 (6) inches on all disturbed areas and planted with appropriate grasses as approved by the Planning Director. The bond shall name the County as the beneficiary.
7. Dust control requirements shall be by the magnesium chloride or other approved product, all substitutions must be approved by the county Road Superintendent. Dust control must be applied to 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. The Planning Director with the County Engineer will specify where the dust control is to be applied, typically it shall be from the point of operations to the nearest paved road.
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 roads.
10. Trucks exiting a gravel or scoria pit shall not exceed weight standards. Failure to do this can result in revocation of the permit.

Director Helmuth said they will add the changes and present them to the board at the June meeting.

Jeremy Olson stated their needs to be a vote for a vice chairman of the board and would like someone to appoint a member of this board Paul Wisness said that he would be interested in the position.

Motion to Approve: Kenny Liebel, Second: John Irwin, Voice Vote: All Ayes

Meeting was adjourned at approximately: 6:55 PM

Meeting was adjourned at approximately: 6:55 PM

Planning and Zoning Commission Minutes

June 10, 2019

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:00pm

Members Present: John Irwin, Jeremy Olson, Les Haugen, Kathy Skarda, Paul Wisness, Kenny Liebel, Gene Veeder

Members Absent: Butch Fleck, Bethany Devlin

Staff Present: Planning and Zoning Director Jill Helmuth, Planning Attorney Ari Johnson, Administrative Assistant Cindy Mecham, Code Enforcement Todd Foster, Planner II Dana Roff

Others see sign in sheet:

Motion to Approve: May 13, 2019 minutes. Motion: Kathy Skarda, Second: Kenny Liebel, Voice Vote: All Ayes.

Code Enforcement: Violations

J&N Field Services

- Tenants have lost the business and left, currently owned by bank.
- Several house trailers flipped over from storm
- Debris from lot blown across road and into hay field
- Abandoned vehicle's

Dixon PUD #002-16 PUD

- PUD issued in 2016
- Major erosion control issues
- Did not follow submitted site plan to include 5 retention ponds
- Bond expires in 2 months

Jerry Shae

- Has a CUP for holding pond
- Has not met requirement of fencing location. At time of approval, he asked if he could have an additional 6 months to put up fencing

Edward Shilke

- Land on 22 M street. Does not have a CUP for multiple operations

Edward Thompson

- Property on 85 just east of Youngquest on south side of 85
- Operating a repair shop has multiple commercial vehicle's being worked on openly in the yard

Grant Contractors

- Currently have 3 RV's set up to be lived in behind their shop.

Arnegard TWP

- Has not met the fencing requirement for the lagoons

Unfinished Business: None

Public Hearings:

Item# 1 First Reading Amendments to the Zoning Ordinance

2.16 SKID UNIT PERMIT FEE

Pursuant to N.D.C.C. Ch. 57-02.4 the County imposes an annual fee of \$1.50 per square foot of all skid units that are kept in the county. The fee shall be for all units as defined in N.D.C.C Ch. 57-02-04.

The fee shall be for units used for housing or a place of business on a temporary or permanent basis. The fee shall be placed in the County's general fund to offset the cost of services provided including but not limited to: policing, road maintenance and construction, social services, and general services.

The fee imposed on the units whether or not they are occupied stored in the county. The fee is due on January 1st of each year the unit is in the county.

The full fee is due for any part of the year the unit is in the county and the fee can be pro-rated for partial years. Inventory is to be submitted at the end of the year for any pro-rated credit.

Audience, Representatives, Committee and Board comments:

Vess Hurley stated that he as a McKenzie County resident and business owner felt that he was being taxed 3 times and that with the ordinance the way it is now he could not afford to pay the fee, have the county roll over the fee at the end of the year for the following year. He said it would be cheaper for him to go to Yellowstone Township buy property and not have to pay the fees. But he didn't want to do that because he prides himself in being a taxpayer and resident of the county, he stated he has given allot to the community as well as the recent flood victims. He would like a resolution that would literally not put him out of business.

Gene Veeder said the board would take this into consideration and see if there were other avenues.

4.17 CONDITIONAL USE PERMIT FOR SINGLE-FAMILY ON A LOT LESS THAN 40 ACRES.

4.17.1 Intent.

The Intent of this conditional use permit is to provide guidelines for approval for a lot that is less than (40) acre specified in section 3.4.3 of this ordinance.

This conditional use permit is irrevocable once a building permit has been issued and construction has begun on a permanent residential structure.

4.1.7.2 Requirements for Approval

- 1. The minimum lot size is 5 acres**
- 2. Lot must have access to a County maintained road at the time of application.**
- 3. Approved approach permit to serve the lot.**
- 4. Acknowledgement from the appropriate rural fire department concerning the serviceability of the access roads and structure.**
- 5. Setbacks as outlined in the Agricultural District shall be indicated on a plan drawn to scale.**
- 6. Setbacks for building/structures from roads, section lines, and other structures shall be as outlined in this ordinance.**
- 7. No variances shall be allowed for setbacks or lot size.**
- 8. A commercial business may not be run or maintained from a lot that has a residential CUP.**
- 9. One (1) animal per full acre as described in the N.D.CC. Cha. 11-33-02. 1 is allowed.**

4.18 GRAVEL AND SCORIA OPERATIONS AND PITS

4.18.1 Purpose

Gravel and scoria operations and pits are necessary for many types of projects including oil and gas projects as well as road construction and maintenance. The transportation and delivery of the material poses safety and maintenance issues that must be addressed in conditional use permits and strictly adhered.

4.18.2 CONDITIONAL USE PERMIT REQUIREMENTS

- 1. Post the address/project identification on site with a 4x8 sign that is clearly visible from the road.**
- 2. Maintain weed control as approved by the McKenzie County Weed Control Officer.**
- 3. Adhere to all State and Federal laws, regulations and conditions for the operation of the proposed facility and the transportation of the material.**
- 4. 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.**
- 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. Failure to do this can result in revocation of the permit.**
- 6. 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 at least (60) inches on all disturbed areas and planted with**

appropriate grasses as approved by the Planning Director. The bond shall name the County as the beneficiary.

7. Dust control requirements shall be by the magnesium chloride or other approved product, all substations must be approved by the county Road Superintendent. Dust control must be applied to 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. The Planning Director with the County Engineer will specify where the dust control is to be applied, typically it shall be from the point of operations to the nearest paved road.
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 roads.
10. Trucks exiting a gravel or scoria pit shall not exceed weight standards. Failure to do this can result in revocation of the permit.

Everything was approved to move forward except 2.16 Skid Unit Permit Fee.

Motion to Approve: Gene Veeder, Second: Kathy Skarda. Voice Vote: All Ayes

Item#2, Republic EES, LLC ~~CANCELLED BY APPLICANT~~ 0001-13 Amended CUP

Item#3 Sinclair Oil& Gas Company 007-19 CUP, Location IT #2761 PT NE1/4 Section 9, Township 147-N, Range 98-W. 123456 Long X RD. South of Little Missouri River, East of Highway 85 and the Long X Bridge.

Audience, Representatives, Committee and Board comments:

Jeremy Olson asked Mr. Robert Taylor if he had any objections to the conditions.

Robert Taylor stated No.

Motion to Approve: Kenny Liebel, Second; Gene Veeder. Voice Vote: All Ayes

Item#4 Lydia Stubbs 008-19 CUP, Location Parcel # 010009790 , 140TH Ave Nw, SE1/4 NE1/4 of Section 22, Township 150 N, Range 101W.

Audience, Representatives, Committee and Board comments:

Lydia Stubbs stated that she was requesting a CUP for Employee Housing to offer housing for drivers and mechanics that will be working in the shop that is directly north of this parcel.

Jeremy Olson asked if she had any problems with the conditions.

Lydia Stubbs stated no.

Motion to Approve: Gene Veeder, Second: Kenny Liebel, Voice Vote: All Ayes

Item#5 Eric Sorenson-Sorenson Pond 008-19 CUP, Location NE1/4SW1/4 Section 13. Township 150-N, Range 98-W.

Audience, Representatives, Committee and Board comments:

Motion to Approve: Kenny Liebel, Second: Kathy Skarda. Voice Vote: All Ayes

Item#6 Stenhjem Holdings LLC 0006-19 CUP, Location SE1/2SE1/4 in Section 13, Township 150-N, Range 100-W (Parcel #030005300).

Audience, Representatives, Committee and Board comments:

Mr. Stenhjem stated he was not happy with the amount of bond he was required to pay for the CUP, he stated that when he was done with the pond he would use it as stock water in the future or irrigation.

Jeremy Olson said that because he was issued this CUP with that condition required the board could not vary from that, he would be required to provide a bond as stated.

Kenny Liebel agreed to help Mr. Stenhjem research for a bond.

No vote was required on this item.

Director Helmuth asked the board for a vote in regards to deleting the recorded board minutes once the minutes have been approved.

Motion to Approve: Paul Wisness, Second: Gene Veeder. Voice Vote: All Ayes

Meeting was adjourned at approximately: 6:38 PM

Meeting was adjourned at approximately: 6:55 PM

Planning and Zoning Commission Minutes

July 8, 2019

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:00pm

Members Present: Butch Fleck, Jeremy Olson, Kathy Skarda, Paul Wisness, John Irwin, Bethany Devlin,

Members Absent: Gene Veeder, Les Haugen, Kenny Liebel

Staff Present: Planning and Zoning Director Jill Helmuth, Planning Attorney Ari Johnson, Code Enforcement Todd Foster, Planner II Dana Roff

Others see sign in sheet:

Motion to Approve: June 10, 2019 minutes. Motion: Kathy Skarda, Second: John Irwin , Voice Vote: All Ayes.

Code Enforcement: Violations

7/08/2019

Bakken Western Services (Keene 10692 35th st)

- Had a CUP, voided due to no activity for several years
- Several thousand yards of contaminated soil inside and outside of building
- Stockpile of used filter socks, possibly radioactive

Pre 2013 Subdivision (arnegard/watford CR 30 & 21st E St 6 miles W of 85)

- All zoned ag
- Multiple homes operating a business from their home
 - commercial trucking operations causing significant damage to roadways

Jerome Hutchinson (grassy butte, 549 125th & Lone Butte)

- Unsafe structure's
- Has 3 RV's on property and 2 mobile homes
- All 5 structures unsafe to occupy due to deteriorated condition and what appears to be vandalism
- Unknown when there was anyone living or on property does not appear to be any recent activity.

5K Real Estate (grassy butte 706 main st)

- Operating without a CUP
- Multiple RV's on property

Select Energy (Keene, Curtis Anderson property on 104th NW

- Has a CUP issued in 2013
- No fence around 2 large holding ponds
- Approach has not been upgraded

Thomas Lindvig (14039 40th St North of Watford on CR 29)

No CUP for water pit

Unfinished Business:

Public Hearings:

Item#1: First Reading Amendments to the Zoning Ordinance:

2.16 Skid Unit Permit Fee **TABLED**

4.17 CUP For Single Family Home On Lot's Less Than 40 acres (5 acres).

4.18 Gravel and Scoria Operations and Pits.

Motion to Approve: Butch Fleck, Second: Kathy Skarda, Voice Vote: All Ayes

Item#2: 0119-15 Amended CUP Dakota Access Pipeline LLC, Location: IT 2899 portion of the E1/2NW1/4 of Section23, TS 150N, R96W, McKenzie County, ND.

Audience, Representatives, Committee and Board comments:

Kathy Skarda asked how do they give notice to the surrounding 10 families that live less than a mile in the event of an explosion or fire, which also includes grassland pasture and cup land.

Peter Manstrom stated that when they organized this facility they researched and found a company that utilizes nitrogen foam delivery system which smothers fires and there is no water so it cannot freeze in the winter, so if a fire happened it would more than likely be from a lightning strike, which is very uncommon. Notification wise we would notify EMS in the county as well as the volunteer fire department, all of those individuals are in our plan. The only place that can burn is around the rim of the tank, and we have a floating roof design. This is vapors that are actually burning, there is smoke but it's not like a fire that can be carried away, we also have containment areas if the liquid does escape the tank as well as skimmer ponds so the liquids would not be able to leave the site.

Motion to Approve: Butch Fleck , Second: Bethany Devlin Voice Vote: All Ayes

Item#3: 010-19 Blue Flame Propane Inc TABLED

Item#4: 004-19 Variance, ROJDK LLC, Location: 14196 26th St NW Alexander, ND 58831, Section21, TS 150N, R 101W Parcel# 013803200

Audience, Representatives, Committee and Board comments:

Motion to Approve: John Irwin, Second Kathy Skarda; Voice Vote: All Ayes

Item#5 002-19 ZC Douglas Hernberg, Location: Section 25, TS 150. R100, IT# 2453, Part of the SE1.4, NW1/4, Parcel#030010135.

Audience, Representatives, Committee and Board comments:

Director Helmuth stated this was transferred from the Arnegard Township.

Jeremy Olson said Arnegard Town Ship had its own zoning light industrial and agricultural, when we saw the big wave coming, rather than try and fit and define different zones with the county we made it all agricultural with the understanding that the county would honor the intent what the zoning was at the time. Two (2) large areas in the township Section 25 and Section 2 we would like to see as light industrial instead of having it checker boarded across the whole area, Section 25 might be zoned agricultural but the comp plan is zoned light industrial so just to give you what the intent was.

Motion to Approve: Kathy Skarda, Second: Butch Fleck, Voice Vote: All Ayes

Item#6 003-19 CUP Rhino Ready Mix, Location: IT#2616 PT SW1/4, Section 34, TS 150, R98, McKenzie County.

Audience, Representatives, Committee and Board comments:

Brian Amburgy stated this plant is from an existing batch plant it has power, water, septic, road access is 20 feet wide, we will agree to all conditions.

Director Helmuth stated that the road (County 37) to this plant was going to be paved by the county.

Ronald Broderon stated he lived along County road 37 and drives by that piece of land daily, we've had general problems when the original plant went in, such as no engineering went into the approach, they just dozed dirt into the ditch. I have had to make a trench every spring so that the water goes into the ditch instead of down the middle of the road. The previous owners left allot of garbage and it needs weed control.

Jeremy Olson stated that they have added those concerns in the new CUP conditions and that they add #17. Applicant is to receive approval by the County Engineer for Ingress and Egress due to heavy loads and discuss turn in/out lanes onto County Road 37. A report of findings-requirements are to be delivered to the Planning/Zoning Office before a CUP will be granted.

Butch Fleck asked if they had any objections to the conditions.

Brian Amburgy stated no.

Motion to Approval: Butch Fleck, Second: Kathy Skarda. Voice Vote: All Ayes

**Item#7 005-19 Variance Patrick Ragains, Location: Section 12, TS 149, R99, 12643 22nd St. NW
Watford City, ND 58854**

Audience, Representatives, Committee and Board comments:

Jeremy Olson stated the intent is for Mr Ragains granddaughter to live on the property as his caregiver.

Kathy Skarda stated the prior buildings were before Planning/Zoning.

Jill Helmuth said there will be a new septic system in place and approved.

Todd Foster commented that Mr. Ragains has lived here his whole life and has followed the rules.

Motion to Approve: Kathy Skarda, Second: Bethany Devlin, Voice Vote: All Ayes

Discussion: Stenehjem letter of credit in lieu of bond.

Motion to Approve: Paul Wisness, Second: Kathy Skarda, Voice Vote: All Ayes

Meeting was adjourned at approximately: 7:11 PM

Planning and Zoning Commission Minutes

August 12, 2019

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:00pm

Members Present: Butch Fleck, Jeremy Olson, Kathy Skarda, John Irwin, Gene Veeder, Les Haugen, Kenny Liebel,

Members Absent: Paul Wisness, Bethany Devlin.

Staff Present: Planning Attorney Ari Johnson, Code Enforcement Todd Foster, Planner II Dana Roff, Administrative Assistant Cindy Mecham

Others see sign in sheet:

Motion to Approve: July 8, 2019 minutes. Motion: Butch Fleck, Second: Kathy Skarda, Voice Vote: All Ayes.

Code Enforcement: Violation 8/12/2019

Chet and Kelly Johnson

(13296 19th P Street ½ mile south of 133rd and CR 30)

- Operating a business without a CUP
- Taxed as residential
- Currently zoned as ag land
- Hazardous materials being stored on location several residential homes within 300 feet

Kenneth Hartog

(2117 129th W AVE NW Subdivision (pre ordinance) on the south side of Longview Subdivision)

- Operating without a CUP
- Keeping commercial vehicles on property
- Zoned ag
- Taxed as residential
- Business is causing significant damage to roadway

Rolfson Farm and Ranch LLP

(12152 30th ST NW, Watford City)

- Operating a business without a CUP
- Pipeline company with several RV's being lived in
- Commercial vehicles and heavy equipment coming in and out of property affecting road
- Taxed as residential
- Zoned as ag land

Powder River Development

(13255 25TH M ST NW Arnegard TWP)

- **Operating without a CUP**
- **Unpermitted workforce housing**
- **Zoned as ag**

City of Arnegard Waste Lagoon

(Located ½ mile west of the city of Arnegard on HWY 85)

- **Discussion/Update**

Gun Range

- **Concerns with building and site development **TABLED****

Unfinished Business: Ordinance Change-Skid Unit Permit Fees 2.16 **TABLED**

Public Hearings:

Item#1: 012-19 CUP DMB Properties LLC/Benz Oil co, Inc. Location: Irregular tract 2892 in the SW1/4, Section 30, Township 149N, Range 98W, 1939 Spring Creek Road.

Audience, Representatives, Committee and Board comments:

John Harris stated they agreed with all the conditions.

Motion to Approve: Gene Veeder , Second: Kenny Liebel , Voice Vote: All Ayes

Item#2: 03-19 CUP/ZC Watford Arnegard Treatment Environmental Reservoir LLC, Complete Sewage Disposal, Location: Section 25, Township 150, Range 100 Tax Parcel #32000200, 13287 25th M Street Arnegard ND 58835

Audience, Representatives, Committee and Board comments:

Steve Ortiz stated they agreed to all the conditions.

Motion to Approve: Les Haugen, Second: Kathy Skarda Voice Vote: All Ayes

Item#3: 010-19 Blue Flame Propane Inc, Location: 14136 26th V Street NW Alexander, ND 58831, IT #2616 PT SW1/4,Section 21, Township 150, Range 101W, Parcel# 12400700

Audience, Representatives, Committee and Board comments:

Motion to Approve: Kenny Liebel , Second: Gene Veeder; Voice Vote: All Ayes

Item#4: 011-19 CUP/ZC Russ Williams, Location: Section 29, Township 149N, Range 99W, Parcel# 650015110, 13022 20th Street NW Arnegard, ND.

Audience, Representatives, Committee and Board comments:

Planner Dana Roff stated that the applicant was seeking Zone Change for the property that has been in use since 2013, applicant wishes to recognize the existing light industrial operation and associated workforce housing units by changing the zoning to correlate its continued use.

Ari Johnson stated that it had been grandfathered in.

Motion to Approve: Butch Fleck , Second Kathy Skarda; Voice Vote: All Ayes

Item#5:004-19ZC James R. Joyce, Location Section 2, Township 150N, Range 100W, Parcel# 030001555, IT#2518, 2947 133rd J Ave NW Arnegard, ND

Audience, Representatives, Committee and Board comments:

Jeremy Olson stated that Mr. Joyce had gotten approval from the Arnegard Township when he first applied and that he has always been very compliant.

Motion to Approve: Gene Veeder, Second: John Irwin, Voice Vote: All Ayes

Discussion: Road Permit/Excavation **TABLED**

Meeting was adjourned at approximately: 5:41 PM

Planning and Zoning Commission Minutes

September 9, 2019

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:00pm

Members Present: Butch Fleck, Jeremy Olson, Kathy Skarda, John Irwin, Gene Veeder, Les Haugen, Paul Wisness

Members Absent: Kenny Liebel, Bethany Devlin.

Staff Present: Planning Director Curt Huus, Planning Attorney Ari Johnson, Code Enforcement Todd Foster, Planner II Dana Roff, Administrative Assistant Cindy Mecham

Others see sign in sheet:

Motion to Approve: August 12, 2019 minutes. Motion: Butch Fleck , Second: Kathy Skarda ,Voice Vote: All Ayes.

Jeremy Olson introduced Curt Huus as the new Director of Planning and Zoning.

Code Enforcement; Violations 9/09/2019

West Dakota Water Permit # 10-18

They did not follow 4 of the 9 conditions on the CUP, built to different specifications than was filed with application, has not provided a Bond.

West Dakota Water (Large pump for pipeline located ½ of a mile west of the water pit)

Large pump mounted on a trailer which is accessible to anyone. There is no protection in place from vehicle damage or within county road easement.

Tervita/Newalta Permit 36-14 (10980 28th St NW and Hwy 23)

They have not met all CUP conditions, no fence and have not submitted a Weed Plan.

City of Arnegard Waste Lagoon (Located ¼ of a mile west of the City of Arnegard on Hwy 85)

They did not follow the conditions, no fence and their access road is in wrong location.

Discussion/Update

Gun Range

Site development is at 85% excluding any buildings, there are no buildings on the property at this time. Kirby Engineering has pulled his stamp off the plans and is no longer working with MCSC. Jeff Prince is also no longer working with MCSC. The documents that were required to be turned in and reviewed prior to Construction Plan, Stamped Drawings, Operations Plan, and Safety Plan have not been turned in. We

also required a hold harmless agreement to be put in place prior to opening the facility and a design of what has been built does not match the designed specifications.

Gene Veeder suggested we elect a committee consisting of Director Curt Huus, John Irwin, Les Haugen, Jeremy Olson, and Todd Foster to do a more in depth review of the progress and see where it's at since some of the funding was provided by Game and Fish and Public Money.

Motion to Approve: Gene Veeder, Second: Butch Fleck, Voice Vote: All Ayes.

Unfinished Business: None

Public Hearings:

Item#1:016-19 CUP CKC Oilfield Services, Location: Township 149, Range 100, Section 25, 13296 19P Street NW Arnegard, North Dakota

Planner Dana Roff stated the applicant is seeking a CUP to store secondary containment supplies at this location so they do not have to drive 2 hours back to their shop and get them when they need them. They would store some steel wall parts, rolls of geotextile felt, and a few drums of spray in bed liner material, all materials are non-hazmat materials. There is a house located on the property. The Comp plan is Rural Residential and the Zoning is Agricultural and does not support a CUP for this business.

Code Enforcement Todd Foster said that he has received complaints from the neighbors stating that it is a residential area and the applicant is running a business, it is an eye sore and could be hazardous per the chemicals involved. Pictures were provided and it appears to be operating as an oilfield service company. This use does not meet current zoning allowed uses. There is small equipment that he is using and other equipment that he is storing.

Audience, Representatives, Committee and Board comments:

Chet Johnson stated he is the applicant and that he bought the property about a year ago from a trucking company so he assumed that it was ok to have some equipment and miscellaneous materials on site. Mr. Johnson continued stating there were drums on the property from the previous owner. He stated that he had never heard from a neighbor and that if he had heard of the complaints prior to this meeting he could have addressed them. He stated the house is a work force residence for his workers. They leave in the morning and come home at night, often times pulling trailers. He is willing to get rid of all the equipment and materials that is not allowed on the property. He can take it back to his shop. It is an inconvenience but he wants to be a good neighbor. But he wants to know if workforce housing is an allowed use of the property. There is no production work on the property. He may change the oil in a vehicle but major work is done at his shop.

Jeremy Olson said this is a living area and we don't want to see heavy industrial use on the property. The business portion including storage of hazardous or other materials is not acceptable. Work force housing however is not a problem.

Todd Foster stated that we could reject this application and he could reapply for work force housing permit that would be done administratively.

Motion to Deny: Gene Veeder, Second: Kathy Skarda, Voice Vote: All Ayes

Item#2:02-19 COMP/ZC Rockies Midstream LLC, Location: Parcel# 05514000, NW ¼, Section 20, Township 151N, Range 96W, 11242 33RD Street NW, Keene , North Dakota.

Planner Dana Roff stated that the applicant is requesting a Zone Change from Agricultural to Industrial and a Comprehensive Plan change from Agricultural to Heavy Industrial to comply with the County Zoning needs.

Kathy Skarda said Planning and Zoning needs to make sure we have a policy and procedure to put in the file that the County is getting the appropriate property tax payments.

Audience, Representatives, Committee and Board comments:

Motion to Approve: Butch Fleck, Second: John Irwin Voice Vote: All Ayes

Item#3:018-19 COMP/ZC Knife River Corporation-North Central, Location SE1/4,Township 150N, Range 99W, Section 28, Parcel# 110013650. TABLED

Planner Dana Roff said the applicant is seeking a Comprehensive Plan Adjustment and Conditional Use Permit for property located along highway 85. Knife Rive Corp-North Central intends to purchase this property and develop it to operate an asphalt hot mix plant, ready mix concrete plant, crushing operation, and stockpiling.

Todd Foster stated the proposed location is across the street from the new proposed fair grounds.

Kathy Skarda asked how far it was from the neighbors.

Luci Snowden Representative of Knife River said she was not sure how far the neighbors were but they do currently hold an air quality permit with the North Dakota Department of Environmental Quality so we are in good standing with that.

Todd Foster stated it is (½) mile or 3008 feet from the nearest residential neighbor.

Luci Snowden said this plant will be ongoing and we will be moving the current plant in Watford City to this location, The Hot Mix Plant will move in and out depending on the work load, The Ready Mix Plant will be permanent, the Crushing Operations will operate approximately one (1) time per year based on stock piling.

Les Haugen asked if the landowners had been notified.

Todd Foster answered that notification only goes out to 300 feet so the landowners beyond 300 feet have not been notified.

Gene Veeder said he would like to see that the landowners within 1 mile will be notified.

County Attorney Ari Johnson stated that the County has a highway bypass corridor overlay district that has design standards and I believe this does apply, so the application complies with that.

Jeremy Olson said we should hold off until the landowners are notified and vote to Table this until that has been done.

Audience, Representatives, Committee and Board comments:

Motion to TABLE: Gene Veeder, Second: Les Haugen; Voice Vote: All Ayes

Discussion: Certarus (USA) 006-19 Comp/Zone

Planner Dana Roff stated the applicant wishes to construct a bulk natural gas compression station that will produce 10mcf of gas per day and can displace an estimated 72,000 gallons of diesel per day on the property. They request a Comprehensive Plan Amendment from Agricultural to Heavy Industrial and wish to rezone up to 9,466 acres from Agricultural to Heavy Industrial. This application did not meet the legal notice time requirements and therefore would have to move forward to the County Commission Meeting on September 17, 2019 for approval.

Jeremy Olson said Dana had talked to him about this before without the board and he gave her the ok. It's not a fault of the applicant, it's more administrative error and we are trying to do the right thing for the applicant. We will not be voting on this as it will go straight to the County Commissioners Meeting on September 17th. This is just information for this board. The property is bordering right up to the Oneok plant so it's not out in the middle of no where, it is adjacent to currant Oneok plant which is heavy industrial zone.

Planner Dana Roff said they are working with the adjacent Oasis salt water disposal to share an access road so a new approach onto 30th St NW will not be necessary.

Jeremy Olson stated that this would not be voted on at this meeting.

Meeting was adjourned at approximately: 6:28 PM

Planning and Zoning Commission Minutes

October 14, 2019

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:00pm

Members Present: Butch Fleck, Jeremy Olson, Kathy Skarda, Kenny Liebel, Gene Veeder, Les Haugen, Paul Wisness, Bethany Devlin

Members Absent: John Irwin.

Staff Present: Planning Director Curt Huus, Planning Attorney Ari Johnson, Code Enforcement Todd Foster, Planner II Dana Roff, Administrative Assistant Cindy Mecham

Others see sign in sheet:

Motion to Approve: September 9, 2019 minutes. Motion: Gene Veeder, Second: Butch Fleck Voice Vote: All Ayes.

Code Enforcement: Violations

To keep this short, he only be presented 1 violation this month and then bring the P&Z board members up to speed on where we are at with the Sportsman's Club Gun Range.

Blue Flame Propane Inc. Permit # 010-19CUP

Blue Flame came to P&Z asking for a permit to store up to 60K gallons of propane in 2 separate 30K tanks with plans to store an additional 30K gallons at a later date.

On August 20th of this year the county commissioners approved with conditions set forth by the P&Z Board a CUP for Blue Flame to continue as applied. That same week he met with a representative from Blue Flame and went over the conditions of the permit and explained that they needed to schedule a pre construct meeting with both the Alexander FC and him to go over the IFC and NFPA requirements for construction and safeguarding. He also explained that they will need to set up an additional meeting with him for a final walk through prior to operations.

Approximately 2 weeks ago he was made aware that Blue Flame had set up 3 30K tanks on location. This was the initial violation by not setting up a pre-construction meeting with the Alex FC and him.

When he went to the location he noticed that all 3 tanks were full of LP, this is violation # 2, no meeting prior to operations and permit not valid until P&Z sign off.

He also noticed that there was no fence constructed around the tanks to safeguard, violation # 3

He was also made aware that Blue Flame was now operating their business out of a building nearby. This was violation #4.

Violation #5. Blue Flame was working on their trucks inside a building not classified or constructed to handle the hazards associated with LP.

This facility required a reclamation bond be on file within 60 days of approval. To his understanding, there was one just submitted but was sent back due to being incorrect.

Alexander FC has written a letter rescinding the fire districts approval for the facility. This is based on a clear disregard of policy and conditions set forth by this board.

He has attached the application, the approval letter, the staff report, the minutes from the PZ meeting and a letter from the Alexander FD rescinding their approval of the facility. When notice went out to the officials of the county, Alexander FD had some concerns with it. This concern was eliminated by adding in conditions #12 and # 21.

Sportsman's Club

He is going to use this time to inform the P&Z board of where this project is at currently. His understanding is that the gun club may have their attorney present to answer any questions. Todd updated the Board members as to where we are with the Gun Club.

Unfinished Business: Knife River Corporation-North Central #018-19 COMP/CUP

Director Curt Huus stated Knife River is seeking a Comprehensive Plan Amendment and CUP Permit with the intentions of purchasing this property located along Highway 85. Knife River Corp-North Central will develop it to operate an asphalt hot mix plant, ready mix concrete plant, crushing operation, and stockpiling.

This was tabled at our last meeting so that notification of property owners at a farther distance than what was originally required could be made. Notification was sent to property owners up to 1 mile away and notified the residence on September 27th and October 9th. We did receive two (2) letters from Shaun Mayne and one from Laura Dahl in opposition.

My name is Shaun Mayne. My family and I own a home in Nevin's development, to which our children and grandchildren are present on a near daily basis. It has come to my attention that Knife River has plans to relocate their facility within one mile of our home. I am not pleased with this choice or location, as the affects may be too detrimental to our home and community that is trying to expand. I have many concerns that include; health, noise, increased traffic and devaluation of our area just to name few. I plan on attending the council meeting this evening that I feel lacked in the necessary notification, as I have not received any type of notice to this concern until today. I feel their needs to be serious discussion with ample notification to any and all citizens, especially the ones located in our area.

Todd, Please pass along my concerns regarding the Knife River facilities proposed to be built next to our subdivision, Countryside Estates. I would echo the same health and noise concerns that have been raised with its current location in the city. I am against Knife River relocating to this proposed site. Thank you. Nevin and Laura Dahl, Puma Properties/Kirk Wold.

Audience, Representatives, Committee and Board comments:

Kirk Wold stated he was part of a subdivision which is ½ mile or 2500 feet away and this plant would produce concrete dust, fly ash, and with the northwest winds this would affect his property. He is trying to sell lots and houses and his concern is all the dust.

Director Curt Huus stated Staff recommends approval of Comprehensive Plan Amendment and Conditional Use Permit #018-19 Comp/CUP Knife River Corporation-North Central, to the County Commission to change the Comprehensive Plan to Light Industrial and the Conditional Use Permit to develop the property to operate an asphalt hot mix plant, ready mix concrete plant, crushing operation, and stockpiling. Adopt findings and conditions as provided in the staff report.

Motion to Approve: Butch Fleck, Second: Gene Veeder. Voice Votes: All Ayes, 1 Nay

Jeremy Olson said we need to do a Roll Call vote: **Nay: Kathy Skarda, Aye: Paul Wisness, Kenny Liebel, Les Haugen, Butch Fleck, Bethany Devlin, Gene Veeder.**

Public Hearings:

Item#1:020-19 CUP Cherry Creek Water, LLC. Location: Section 8, TS 149N, Range 97W. Parcel# 580002300

Director Huus states applicant is requesting to build a 430 acre ft ground storage reservoir to store treated non-portable water for use in hydraulic fracturing. The holding pond would be earthen, and lined with an earthen berm around the pond.

Jeremy Olson said we will go ahead with the motion to approve 43 acre feet as discussed regarding the pond size assumed a mistake was in the application and that the pond should be 43 acres feet not 430 acre feet.

Director Curt stated Staff recommends approval of the Conditional Use Permit #020-19CUP, Cherry Creek Water, LLC to the county Commission to allow the construction of a freshwater containment pond not exceeding 43 acre feet. Adopt the findings and conditions as provided in the staff report.

Audience, Representatives, Committee and Board comments:

Motion to Approve: Gene Veeder, Second: Kenny Liebel, Voice Vote: All Ayes

Item#2: 021-19CUP Ames Savage Pond, Location: Section 33, TS 149N, R100W .Parcel# 350014600

Director Huus stated the applicant plans to install a 30.2 acre-feet fresh water storage pond for frac water storage. There would be two (2) pick-ups accessing the area daily to maintain the location.

Director Curt Huus stated Staff recommends approval of Conditional Use Permit #021-19CUP to the county Commission to allow the freshwater holding pond. Adopt the findings and conditions as provided in the staff report.

Audience, Representatives, Committee and Board comments:

Motion to Approve: Gene Veeder , Second: Kenny Liebel Voice Vote: All Ayes

Item#3:#001-19SUB/ZC Murex Petroleum Corporation, Location: Section 8, TS151N, R101W, Hwy 85 and 34th St Nw.

Director Huus stated the applicant is requesting approval of a minor subdivision & zone change from Agricultural to Residential 2, to allow the north 11 acres to be subdivided from the remaining 25.02 as it consists of 5 manufactured homes with rural water and separate septic system.

Kyle Ledbetter Representative for Murex stated that the double wide mobile homes with garages were on 11 acres and they would like to sell that acreage but retain the other property they have as a pipe yard.

Director Curt Huus stated Staff recommends approval of the proposed minor subdivision plat & Zone Change from Agricultural to R-2 #001-19 Murex Minor Subdivision to the County Commission. Adopt the findings as provided in the staff report.

Audience, Representatives, Committee and Board comments:

Motion to Approve : Kathy Skarda, Second: Paul Wisness; Voice Vote: All Ayes

Item#4: 024-19CUP Goodnight Midstream Bakken, LLC Jorgenson Yard. Location: Section 11, TS151,R97. Parcel#590004650.

Director Huus stated the applicant is requesting a CUP to use the property as a pipe storage yard for a period exceeding 1 year.

Audience, Representatives, Committee and Board comments:

Director Curt Huus stated Staff recommends approval of Conditional Use Permit 0024-19 Goodnight Midstream Bakken LLC to the County Commission to allow the development of a pipe storage lay yard for use exceeding 1 year. Adopt the findings and conditions as provided in the staff report.

Motion to Approve: Gene Veeder, Second: Kenny Liebel; Voice Vote: All Ayes

Item#025-19CUP Goodnight Midstream Bakken, LLC Kirkland Yard. Location: Section 27,TS150,R96.Parcel#690013300.

Director Huus stated the applicant is requesting a CUP to use the property as a pipe storage yard for a period to exceed one year.

Director Huus stated Staff recommends approval of Conditional Use Permit #025-19, Goodnight Midstream Bakken LLC, to the County Commission to allow the development of a pipe storage lay yard for use exceeding one year. Adopt the findings and conditions in the staff report.

Audience, Representatives, Committee and Board comments:

Motion to Approve: Butch Fleck, Second: Kathy Skarda. Voice Vote: All Ayes

Discussion: Bonds-Tracking & Tablets for P&Z Board

Director Huus stated that we are in the process of tracking bonds and have found expired bonds. He consulted with Ari Johnson and drafted a letter that we will send out in regards to compliance with the bonds and we gave them the information and what they must do to be in compliance and should they not follow through then the letter states they will have to come before this board next month November 18th for revocation hearing. They must give us the reason why they are not providing the bond we need and revocation will be considered.

Director Huus stated that Kathy Skarda had asked at the October Board Meeting how we are tracking improvements on a CUP and if the valuation is getting applied to it. Director Huus said he has been doing some research and in talking with Katie from the Tax/Recorders Office she has a program that shows her any changes on a property through Arial photos done once a year. He said we will do also send her the staff reports that we send the board so she can keep informed as well.

Director Huus said that the County Commissioner are utilizing tablets currently and he would like to introduce and purchase Tablets for the Plan/Zoning Board Meetings in the future. You would be able to take home and we would have it set up so this board can review the agendas instead of having to make the paper book that we supply now. It has been approved and we have a budget line for them, I would recommend a motion so that it is on record.

Motion to Approve: Paul Wisness, Second: Bethany Devlin.

Director Huus said that he is researching Wind and Solar Energy and will discuss with Ari how we move forward should we ever get a request for those permits.

Meeting adjourned at 6:43PM

Planning and Zoning Commission Minutes

November 18, 2019

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:00pm

Members Present: Butch Fleck, Jeremy Olson, Kathy Skarda, Gene Veeder, Les Haugen, Paul Wisness, John Irwin.

Members Absent: Kenny Liebel, Bethany Devlin

Staff Present: Planning Director Curt Huus, Planning Attorney Ari Johnson, Code Enforcement Todd Foster, Planner II Dana Roff, Administrative Assistant Cindy Mecham

Others see sign in sheet:

Motion to Approve: October 14, 2019 minutes. Motion: Butch Fleck , Second: Gene Veeder; Voice Vote: All Ayes.

Code Enforcement

Knife River Batch Plant /Berg/Kenneth & Milana (3551 131 Ave NW)

This location has a batch plant currently operating on it. This is in Ag land and would require a CUP to operate as it is currently. This is a site that has had several violations over the past 5 years.

McKenzie Electric (10986 34th St NW)

This is a 4.5 acre site that has an electric substation on it and 2 mobile homes. It appears that it is being rented out to someone other than McKenzie Electric based on the several semi-trucks and trailers that he seen there with different names on the doors. This is zoned as ag land and would require a variance to allow for the homes, a workforce housing permit for the workers and also a CUP to park/operate the commercial vehicles. This is not a grandfathered property.

S.A.S Development (131 Highway 85 N)

Has two 5th wheel RV's pushed together and a mud room built onto it. After a conversation with the owner on 4/08/19, they agreed to separate the 2 RV's by 7/31/19. He noticed on 11/15 that they have not been moved yet. He issued a notice to remove or correct the issue within 30 days or legal action will be the next step. Both occupants and park owner have been given notice.

Blue Flame

He would like to move forward following the Codes from board at last meeting. Blue Flame met with State Fire Marshall and was given approval, they want to utilize the third tank and they will apply through the County. Blue Flame will isolate 3rd tank until the County Board approves. There are no hazards to neighbors.

Unfinished Business: None

Public Hearings:

Item#1: 029-19 CUP Ames Construction, Location: 12583 Long X Road Watford City, ND Parcel #400001100 Lots 4-5-7-8-9, NE1/4SW1/4 EX6.68 A RW 232.84 Acres.

Director Huus stated the applicant would like to install 3 trailers which are to be used for site operations for Ames, NDDOT and a laboratory for the State to test materials for the Long X Bridge Construction. There is no running water at this site, only portable toilets. The lease agreement with the Lessor, Dixon Badlands Trust is for a term until August 15, 2021. They have 3 buildings on the site that are not allowed uses on the Agricultural Zoning so they needed to apply for a CUP process.

Audience, Representatives, Committee and Board comments:

Director Huus stated Staff recommends approval of the Conditional Use Permit #029-19CUP, Ames Construction Long X Bridge Offices to the County Commission to install 3 trailers which are to be used for site operations for Ames, NDDOT and a laboratory for the State to test materials for the Long X Bridge construction. There is no running water at this site, only portable toilets.

Motion to Approve: Gene Veeder , Second: Kathy Skarda , Voice Vote: All Ayes

Item#2: 028-19 CUP Certarus USA Ltd. Location: Section 35, Township 151N,Range 98W, Parcel#640017150 McKenzie County (USA) LTD.

Director Huus stated the applicant proposes construction of the Watford City Compressed Natural Gas (CNG) fill station located approx. 5.5 miles northeast of Watford City. Hazardous materials on-site at any given time may include natural gas, diesel, and lubricants for on-site machinery. The station will have no on-site natural gas storage beyond the mobile trailers coming in and out of the station which will utilize existing roads. Several trucks will visit the site daily at scheduled times to not interfere with traffic or create additional noise. All permanent, on site equipment will be electric, and the noise level from the compression equipment will be minimalized. Dust suppressants are used to help control dust. On start-up, the station will provide full-time employment for one to two employees with additional support from three to six additional part-time employees and/or contractors. Comprehensive Plan Amendment and Zone Change requests #006-19 were granted by the McKenzie County Commission on September 17, 2019.

Audience, Representatives, Committee and Board comments:

Kathy Skarda asked if there were any turn out lanes due to the traffic.

Jacob Barraza Regional Manager for Certarus stated there would be two to three trucks coming off the site and they would be coming onto Highway 1806.

Gene Veeder stated the County was doing a traffic study and this area will need to come up for discussion due to being industrial and high traffic. Director Huus will follow up with the Engineering Department and get input on that.

Director Huus stated Staff recommends approval of Conditional Use Permit #028-19CUP Certarus (USA) LTD Watford City CNG Terminal to the County Commission to allow the Compressed Natural Gas (CNG) facility to be located at Section 35, Township 151N, Range 98W. Parcel #640017150. 12191 30th St NW in McKenzie County, ND. Adopt the findings as provided in the staff report.

Motion to Approve: Kathy Skarda, Second: Butch Fleck ; Voice Vote: All Ayes

Item#3 :020-19 CUP Cherry Creek Water, LLC Johnson Reservoir

Director Huus stated the applicant is requesting to build a 430 acre ft ground storage reservoir to store treated non-potable water for use in hydraulic fracturing. The holding pond would be earthen, and lined with an earthen berm around the pond. The state water commission has classified it as a low hazard pond. We also received a letter from the Johnson family approving the reservoir to be built on their land.

This application was **TABLED** at the October 14th, 2019 County Commission meeting due to landowner concerns regarding the proposed size. Since then the landowner has granted approval.

Audience, Representatives, Committee and Board comments:

Grant Slick Engineer with AE2S stated they have been working with the State permitting process and they have given the low hazard classification, they have submitted a final grading plan that they are going to sign off on within the next two weeks, so all the preliminary approvals have been received and the water district also had the opportunity to look through the applications. The nearest neighbor (Johnson) is one mile south. There will be no truck traffic except the initial start of the project and after that is completed it would only be for light maintenance.

Director Huus stated Staff recommends approval of the Conditional Use Permit #020-19 CUP, Cherry Creek Water, LLC to the County Commission to allow the construction of a freshwater containment pond not exceeding 430 acre feet. Adopt the findings and conditions as provided in the staff report as well as all other requirements as given in the McKenzie County Zoning Ordinance.

Motion to Approve : Butch Fleck, Second: Gene Veeder ; Voice Vote: All Ayes

Item#4: 023-19CUP Goodnight Midstream Bakken, LLC Johnson Pipe Yard

Director Huus stated the applicant is requesting a CUP to use the property as a pipe storage yard for a period to exceed 1 year or for the duration of the project.

Audience, Representatives, Committee and Board comments:

Gene Veeder stated that he would like an added condition #10 to the CUP stating what is defined as allowed use on the property, pipe and pipe appurtenances only. Any storage or salvage items shall be removed from the site within thirty (30) days.

Director Huus stated Staff recommends approval of Conditional Use Permit #023-19 Goodnight Midstream Bakken LLC Johnson Pipe Yard to the County Commission to allow the development of a pipe storage lay yard for use exceeding 1 year. Adopt the findings and conditions as provided in the staff report, also add a condition #10 which defines the use permitted, allowed uses.

Motion to Approve: Gene Veeder, Second: Les Haugen; Voice Vote: All Ayes

Item#5: 030-19CUP White Horse Water LLC, Rolla Pond TABLED

Director Huus stated the applicant is requesting a CUP to build an underground freshwater pipeline with an above ground storage pond from existing infrastructure. The freshwater pipeline will be primarily built underground except for two above ground riser structures for lay-flat hose attachments.

Audience, Representatives, Committee and Board comments:

Kathy Skarda asked if the applicant was compliant with other CUPS.

Director Huus stated no that they have 2 other CUP'S that are not in good standing, they have not provided Reclamation Bonds for CUPs permitted in 2018 and are on the list for revocation of those CUPS at the December 9th meeting. They have been in contact with a local bank and are in the process of providing those.

Ari Johnson stated we can require them to be in full compliance with other CUPs that are held by the same person and add that as a condition before this CUP is permitted.

Director Huus stated Staff recommends approval of Conditional Use Permit #030-19, White Horse Water LLC, Rolla Pond to the County Commission to allow the construction of a freshwater containment pond not exceeding 49.98 acre ft and underground freshwater piping system. Adopt the findings and conditions as provided in the staff report as well as other applicable requirements as given in the McKenzie County Zoning Ordinance. We will add a condition for approval based upon his compliance with past CUPs in his name.

Motion to Table: Paul Wisness, Second: Gene Veeder ; Voice Vote: All Ayes

Discussion:

1. 2020 P&Z Meeting Schedule (attached)

Director Huus went over the meeting dates for the upcoming new year and changes to the dates of Planning/Zoning Meetings due to conflict with other meetings.

2. City Of Arnegard Inspections Agreement;

Director Huus stated that the City of Arnegard have provided a Mutual Aid Contract that will be voted on by the County Commissioners on November 19th, 2020. The contract is asking the County Building Inspector and County Fire Inspector to conduct the inspections within the City. The City will pay \$75.00 per hour for each inspection.

3. CUP Revocations:

Director Huus stated that we have reduced the number of Bonds that were not in compliance and the next step will be to send a certified letter to the CUP owners and advise them their Bonds will be up for Revocation in the December 9th meeting. We will in the future be tracking all Bonds and request renewal updates yearly.

4. Bridger 16" Crude Oil Pipeline:

Director Huus stated he just wanted to share that we have a pipeline coming through our County starting at Johnsons Corner and ending at the end of the SW corner of McKenzie County, he stated that pipelines are in our ordinance to require a CUP. It would also enable us to let surrounding land owners aware that it is possibly coming through or close to their land.

Ari Johnson stated that it also gives us the opportunity to talk to the operator and protest if we don't like the way it is being done.

Meeting adjourned at 7:00 PM

Planning and Zoning Commission Minutes

December 9, 2019

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:00pm

Members Present: Butch Fleck, Jeremy Olson, Kathy Skarda, Gene Veeder, Les Haugen, John Irwin, Kenny Liebel

Members Absent: Bethany Devlin, Paul Wisness

Staff Present: Planning Director Curt Huus, Planning Attorney Ari Johnson, Code Enforcement Todd Foster, Planner II Dana Roff, Administrative Assistant Cindy Mecham

Others see sign in sheet:

Motion to Approve: November 18, 2019 minutes.

Motion: Kathy Skarda, Second: Gene Veeder : Voice Vote: All Ayes.

Code Enforcement: Todd Foster

Violations

12/09/2019

Robert and Amber Van Zee

CR 30 ½ mile east of CR 27

Unpermitted laydown yard in agricultural district. It has been there to my knowledge since 2015. He said it seems simple nothing major.

Melissa Benson

129th U AVE NW

He stated there is a man living in a RV and operating a trucking company in a subdivision that was developed before zoning, property is zoned as agricultural. There are currently (4) semi -trucks in the subdivision. There is a gentleman who owns one of the properties and owns (3) three semi - trucks that he operates and a mini house that he occupies which has never been permitted. Owner is combative and stated it was a commercial property when he bought it and that is how it is taxed. I don't know how to fix this as it was done before zoning.

Ari Johnson stated that due to grandfather and non-conforming status there is nothing we can do about those properties, however we can rezone the subdivision so that in the

future we can monitor what is allowed and not allowed should they sell or the other properties sell. We would need to give notice to all the area landowners and it would need to come before the board.

QST Properties LLC

He stated this property owner was operating a business without a CUP, it is zoned as agricultural the property has several abandoned RV's on property. He had not been able to get in touch with the owner but it appears to be a squatter staying on the property and has been bringing in trucks and equipment for maintenance in the shop. He stated the property is vacant now and cleaned up and believes it was due to sending a notice to the landowner.

Raymond Morken Jr.

No address assigned yet, on 125th just north of Indoor RV Park
Operating a business without a permit, large pile of used tires, 3 RV's
Zoned as Agriculture. He is attempting to get in touch with the landowner.

Unfinished Business: Bloom Properties Bond

Todd Foster stated there is a \$37,000.00 Cash Bond for the property which is in an account held by the Auditors Office. The property sold and the site work needs completed, he submitted an invoice to Erica at the Auditors Office but she stated she would like more information before she releases the money. Director Huus stated he would meet with Erica in regards to what she needed.

Public Hearings:

Item#1:

Item#1: 030-19CUP White Horse Water LLC, Rolla Pond/ Sand Creek **TABLED**

Director Huus stated the Board voted at the November 18th, 2019 to Table this to give the applicant time to obtain his Bond, however at this date it still has not been done so we have the option to Table it once again.

Audience, Representatives, Committee and Board comments:

Director Huus stated Staff recommends Tabling until Reclamation Bonds for CUP #0007-19, and 0008-19 are obtained and approved.

Motion To **Table: Gene Veeder, Second: Kathy Skarda. Voice Vote: All Ayes**

Discussion:

1. CUP Revocations

Director Huus stated that certified letters were sent to the CUP Applicant and the Landowners of the property and advised them of the Revocation Hearing to be held on January 13th, 2019. We posted (2) legal notices in the paper prior to the hearing as required.

2. Ordinance Revisions:

Director Huus stated that he and the Planning/Zoning Attorney Ari Johnson have met and have been working on some changes they are as follows.

Preamble: Some Conditional Use Permits allow the construction of earthworks or other landscaping that will be useful to the landowner even if the conditionally allowed use is later terminated. This amendment would allow for waivers of the requirement to have and maintain reclamation bond for those portions of the conditionally allowed use which the landowner desires to remain after the use itself has terminated. Such waivers will be limited to earthworks and landscaping.

Amendment: New subsection 9 of Section 5.6 of the McKenzie County Zoning Ordinance is hereby enacted, as follows:

9) The requirement for a reclamation bond may be waived as to portions of the conditionally allowed use which consist entirely of earthworks and landscaping. The waiver request must be signed by the owners of all interest in the surface of the land where the use will be located and submitted with the CUP Application. The public notice of the public hearing for the conditional use permit must state that a reclamation bond waiver is requested.

Gene Veeder stated with this amended ordinance this would be a relief for the landowner to use the pond after the CUP has expired or vacated. Someday they hope to do irrigation with these ponds and the freshwater line so he doesn't want to take that away from the landowner and have it administratively impossible for the landowner in the future. He would like to see an Ordinance that allows that and it is not unreasonable.

Ari Johnson I wrote it this way for ponds, in regards to the scoria pits it can be expanded. We have to consider the landowners right to use their property but not if it's a detriment to their neighbors. So add a Hold Harmless agreement with the landowners and that would come into play once the CUP expired.

3. Manufactured Housing Inspections

Director Huus stated he was doing some research in regards to permitting used manufactured homes so that his department can keep track of those coming into the County.

Ari Johnson stated they have a program in place with the Records Office and Auditors Office and suggested Director Huus follow up with them.

NDIC

Director Huus stated that he and Code Enforcement Todd Foster will be traveling to Bismarck to meet with the NDIC members and establish some communication in regards to some overlapping and gray areas.

Meeting adjourned at 6:30PM

