

CITY OF WATFORD CITY

P.O. BOX 494

WATFORD CITY, NORTH DAKOTA 58854

AGENDA

January 25, 2016

PLANNING COMMISSION

Heritage Room in City Hall @ 6:00 P.M.

- **Call to Order Public Hearing**

1. Public Hearing to hear comment on Zone Change Application submitted by Kirk Wold for property at 404 Main St North, Lot 7 Block 2 of Aarhus Addition. Application requests a zoning change from R1 Single Family Residential to CB Central Business to facilitate retail business on Main Street.
2. Public Hearing to hear comment on Zone Change Application submitted by Kirk Wold for property at 404 11th Ave SE, IT # 1912 portion of IT # 876. Application requests a zoning change from AG Agriculture to C1 Commercial Business to bring property into compliance with city zoning ordinances and current use.
3. Public Hearing to hear comment on Conditional Use Permit Application submitted by Dakota Access, LLC for Curtis Sorenson for property located:
Section 28 679.770 acres
SE ¼ SE ¼ Section 29, T150 R98W
For Bypass Properties, LLC located:
NW ¼ SW ¼ Section 31, T 150N, R98W Lot 3, McKenzie County, ND. Application is for CUP to allow for crude oil transmission pipeline to transport liquid hydrocarbon products for public commerce in/through Agriculture Zoned property.

- **Close Public Hearing**

- **Call to Order Regular Meeting**

- **Approve Minutes:** December 29, 2015 Meeting

- **Old Business:**

- **Final Plat Applications:**

- **New Business:**

- **Review Permits:** Attached

- **Adjournment**

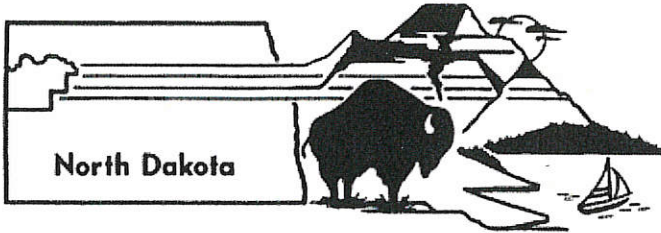


Mildred Williams, Asst. City Planner

1.

Zone Change Application

Kirk Wold: 404 Main St N.



North Dakota

LAND USE APPLICATION

City of Watford City Planning Department

GRAY AREA FOR STAFF USE ONLY

ZONE CHANGE	STAFF:	P&Z: 1-25-15
CONDITIONAL USE	FEE: \$300.-	CC: 2-8-15 2-1-16
VARIANCE	RECEIPT #: pd chk # 1521	ADVERTISE DATE: 1-13-16 + 1-20-16
STREET NAME	SECTION/TOWNSHIP/RANGE: Receipt # 154569	

FINAL ACTION MEMORANDUM MAILED:

DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Kirk Wold

APPLICANT: Kirk Wold

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Kirk Wold

ADDRESS: PO Box 1109

CITY: Watford City STATE: ND ZIP CODE: 58854

TELEPHONE: 701-770-5521 EMAIL: kwold@pantherppt.com

ASSESSOR'S PARCEL NUMBER(S): 82-10-02200

LEGAL DESCRIPTION: Lot 7, Block 2, Aarhus Addition to Watford City

PROPERTY ADDRESS AND NEAREST CROSS STREETS: 404 Main Street North, 4th Avenue NE

GROSS/NET ACREAGE: 0.16 Acres PRESENT ZONE CLASSIFICATION: R1

DESIRED ZONE CLASSIFICATION: CB CURRENT LAST USE: Existing House

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS (USE ADDITIONAL PAGES IF NEEDED)

Use an existing house currently zoned R1 for a Thrift Store Retail Business

DESCRIBE THE SOURCE OF WATER/SEWER: City - Existing Do you have a will serve letter YES NO

LAND USE APPLICATION pg. 2

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the *Watford City Planning Department and its designee*, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

Kirk Wold
Property Owner Signature

Kirk Wold
Print of Type Owner Name

NOTARY

State of North Dakota
County of McKenzie

This instrument was acknowledged before me on 1-15-16 by Kirk Wold
Date Name of Person

BECKY O'NEILL
 Notary Public
 State of North Dakota
 My Commission Expires Jan. 1, 2021

Becky O'Neill
Signature of Notarial Officer

Required Documents for Land Use Application

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	*.pdf/*.dwg	Supplemental Info.	Application Fees
Conditional Use Permit ❖	1	1	1	1 ⁹	1 ⁸	1 ¹¹	1 ¹²	1	1 ¹⁴	\$525 + publishing costs
Zone Change	1	1	1	1 ⁹	1 ⁸	1 ¹¹	1 ¹²	1	1 ¹⁴	\$300
Variance	1	1	1		1 ⁸	1 ¹¹		1		\$300
Street Name Change*	1	1	1			1 ¹¹		1		Refer to Fee Schedule

- ❖ Site Development Plan Application is required on all Conditional Use Applications.
- ❖ Only completed applications shall be accepted for filing.
- ❖ Review the Summary of Required Reviews or Hearings for your application type. ATTENDANCE AT ALL SCHEDULED MEETINGS IS HIGHLY SUGGESTED, you may assign an agent to speak on your behalf. Failure to appear at any meeting may result in delays.
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- ❖ The Planning Commission and City Council has the authority to impose conditions, restrictions, safeguards and date of expiration on any land use application that is granted to ensure the health, safety and welfare of the neighborhood. Failure to comply with such conditions shall be deemed as a violation. Any such person who knowingly continues the violation after receiving written notification of the violation is guilty of misdemeanor.



**ZONE CHANGE REQUEST
WATFORD CITY, NORTH DAKOTA**

**A TRACT BEING LOT 7, BLOCK 2, AARHUS ADDITION
TO WATFORD CITY, MCKENZIE CO, ND**

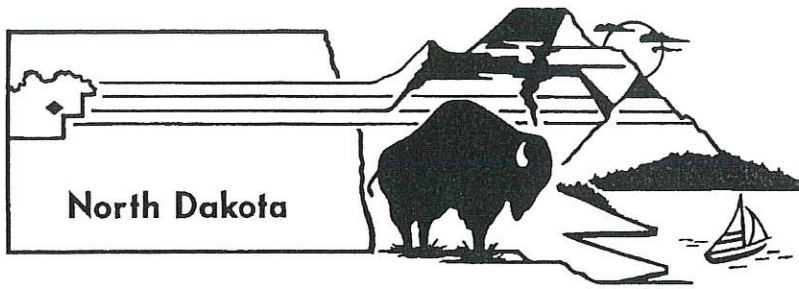


tdhengineering.com
GREAT FALLS-BOZEMAN-KALISPELL-SHELBY
SPOKANE MONTANA
LEWISTON WASHINGTON
WATFORD CITY IDAHO
NORTH DAKOTA

DRAWN BY:	CJS
DESIGNED BY:	
QUALITY CHECK:	
DATE:	01/18/2016
JOB NO.	W15-036
CAD NØV15-036 TRACT LOCATIONS	

FIGURE

X



City of Watford City

213 2nd St. NE / PO Box 494
Watford City, ND 58854
Ph. 701-444-2577
Fax 701-444-3000
watford.mckenziecounty.net

January 14, 2016

STAFF REPORT
ZC-01-2016 ZONE CHANGE

Applicant
Kirk Wold
PO Box 1109
Watford City, ND 58854

Property Owners
Kirk Wold

Property Address: 404 Main St N

Zone Change Requested: Request Zone Change from R-1 to C-B

Reference: Watford City Municipal Code Chapter XV – Article XXVI, Amendments

Discussion: Article XXVI, Section 1 of the Watford City Zoning Ordinance states that “A proposal for an amendment or a change in zoning may be initiated by the City Council, by the Planning Commission, or upon application of the owner of the property affected.”

The property is located on Main Street on the east side north of the Carquest Auto Parts store. The property is **zoned R-1 Residential**. The applicant is **asking for a rezoning of the property to C-B Central Business District to operate a business at this site.**

The site is within City corporate limits, and therefore within the jurisdiction of the Watford City Planning and Zoning Commission.

The City of Watford City mailed the property owners that hold an interest in the property and the adjoining property owners a notice regarding the city’s zone change request.

In granting a zone change, the Planning Commission must satisfy itself, from the evidence heard before it that the granting of the zone change is in the best long-term interests of the City of Watford City and the other affected properties. The Planning Commission shall also find that the zone change, if granted, is in harmony with the intended spirit and purpose of the zoning ordinance and does not constitute “spot zoning” so as to allow a land use that would otherwise not be permitted. Under no circumstances shall the Planning Commission recommend a zone change not permissible under the terms of this ordinance.

Surrounding Land Use Inventory:

West:	Zoning -	R-1, Watford City
	Use -	Single Family Residential
South:	Zoning -	C-1 Watford City
	Use -	General Commercial
North:	Zoning -	R-1, Watford City
	Uses -	Single Family Residential
East:	Zoning -	R-1, Watford City
	Uses -	Single Family Residential

Comprehensive Zoning Plan and Zoning Comparison:

The commission must exercise prudence when evaluating this request. All of the possible uses that could occur on this property and the possible effect on surrounding properties must be considered when evaluating whether this zone change should be approved. The zone requested by the applicant for CB is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area. It is also important to keep people living and visiting this district.

Site Development

Access: The property is accessible from Main St.

Sewer: There is currently existing city sanitary sewer service at this property.

Water: There is currently existing city water service to the property.

Analysis: The proposed zoning of CB for this property fits well with the intended Commercial Corridor the city plans to maintain on Main Street, and perhaps expand to 6th Ave NE.

Recommendation:

Planning staff recommends the Watford City Planning Commission **approve** a zone change contingent on the following conditions:

1. If no action within one (1) year, the zoning for this property reverts to R-1 Single Family Dwelling.
2. A complete site plan shall be submitted before beginning building improvements.
3. Building must comply with the building code (ICC) as specified by the Watford City Building Inspector.

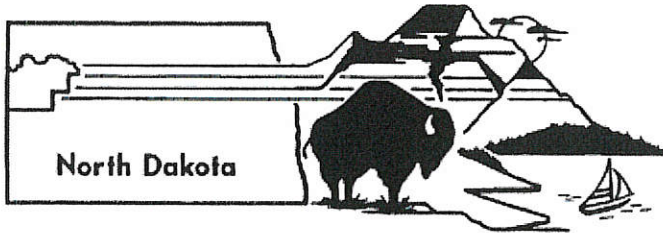
Contact:

Chris York
Assistant City Planner
cyork@nd.gov
701.580.5354

2.

Zone Change Application

Kirk Wold: 404 11th Ave SE



North Dakota

LAND USE APPLICATION

City of Watford City Planning Department

GRAY AREA FOR STAFF USE ONLY

ZONE CHANGE	STAFF:	P&Z: <u>1-25-15</u>
CONDITIONAL USE	FEE: <u>\$ 300.-</u>	CC: 2-8-15 <u>2-1-16</u>
VARIANCE	RECEIPT #: <u>Pt. Check # 3300</u>	ADVERTISE DATE: <u>1-13-16 + 1-20-16</u>
STREET NAME	SECTION/TOWNSHIP/RANGE: <u>Receipt # 154568</u>	

FINAL ACTION MEMORANDUM MAILED:

DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: Kirk Wold
 APPLICANT: Kirk Wold

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Kirk Wold
 ADDRESS: PO Box 1109
 CITY: Watford City STATE: ND ZIP CODE: 58854
 TELEPHONE: 701-770-5521 EMAIL: kwold@pantherppt.com
 ASSESSOR'S PARCEL NUMBER(S): 20-00-13000 & 20-00-13010
 LEGAL DESCRIPTION: IT #1912 Pt of IT #876, & IT 876 EXCEPT IT 1912
 PROPERTY ADDRESS AND NEAREST CROSS STREETS: 404 11th Avenue SE, Main Street South
 GROSS/NET ACREAGE: 0.26 Acres = 1.22 PRESENT ZONE CLASSIFICATION: AG
 DESIRED ZONE CLASSIFICATION: C-1 CURRENT LAST USE: Existing Shop

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS (USE ADDITIONAL PAGES IF NEEDED)

Bring this property and adjacent sliver of land not currently properly labeled in tax assessor's mapping system into compliance with current use. Currently the property and surrounding area is zoned AG. This request is to rezone these two properties to C-1.

DESCRIBE THE SOURCE OF WATER/SEWER: City - Existing Do you have a will serve letter YES NO

LAND USE APPLICATION pg. 2

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the *Watford City Planning Department and its designee*, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.



 Property Owner Signature

Kirk Wold


 Print of Type Owner Name

NOTARY

State of North Dakota
 County of McKenzie

This instrument was acknowledged before me on 1-15-16 by Kirk Wold
Date Name of Person

BECKY O'NEILL
 Notary Public
 State of North Dakota
 My Commission Expires Jan. 1, 2021



 Signature of Notarial Officer

Required Documents for Land Use Application

APPLICATION TYPE	Application	Conceptual Site Plan	Site Plans	Deed	Legal Description	Justification Letter	Traffic Impact Analysis	*.pdf/*.dwg	Supplemental Info.	Application Fees
Conditional Use Permit ❖	1	1	1	1 ⁹	1 ⁸	1 ¹¹	1 ¹²	1	1 ¹⁴	\$525 + publishing costs
Zone Change	1	1	1	1 ⁹	1 ⁸	1 ¹¹	1 ¹²	1	1 ¹⁴	\$300
Variance	1	1	1		1 ⁸	1 ¹¹		1		\$300
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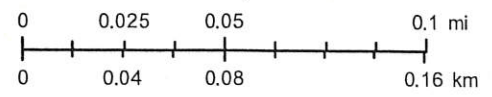


January 13, 2016

1:3,009

Street Centerlines

Lot Lines



Place Names

Cherry Creek

Watford City Limits

Parcels from McKenzie County

Extra-Territorial Area (ETA)

GIS, Watford City, AE2S
Furgo Geospatial Inc.



ZONE CHANGE REQUEST
WATFORD CITY, NORTH DAKOTA

A TRACT BEING IT #876 & IT #1912, LOCATED IN GOV.
LOT 4 OF SECT. 19, T150N, R98W, 5TH PM, MCKENZIE CO, ND

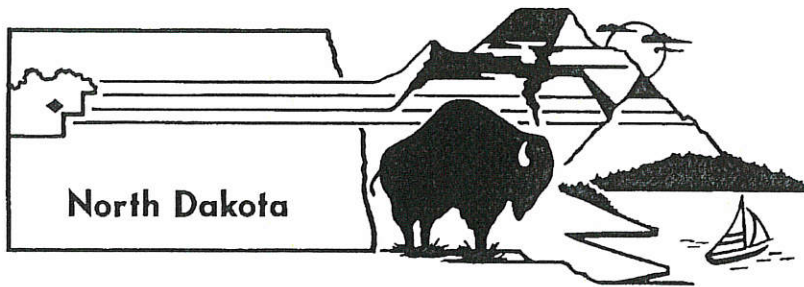


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 GREAT FALLS-BOZEMAN-KALISPELL-SHELBY MONTANA
 SPOKANE WASHINGTON
 LEWISTON IDAHO
 WATFORD CITY NORTH DAKOTA

DRAWN BY:	CJS
DESIGNED BY:	
QUALITY CHECK:	
DATE:	01/18/2016
JOB NO.	W15-036
CAD N015-036 TRACT LOCATIONS	

FIGURE

X



City of Watford City

213 2nd St. NE / PO Box 494

Watford City, ND 58854

Ph. 701-444-2533

Fax 701-444-3004

watford.mckenziecounty.net

January 14, 2016

STAFF REPORT

ZC-02-2016 ZONE CHANGE

Applicant

Kirk Wold

PO Box 1109

Watford City, ND 58854

Property Owners

CKW Properties, LLP

Property Address: 404 11th Ave SE

Zone Change Requested: Request Zone Change from AG (McKenzie County) to C-1

Reference: Watford City Municipal Code Chapter XV – Article XXVI, Amendments

Discussion: Article XXVI, Section 1 of the Watford City Zoning Ordinance states that “A proposal for an amendment or a change in zoning may be initiated by the City Council, by the Planning Commission, or upon application of the owner of the property affected.”

The property, made of two lots totaling 1.22 acres, is located on 11th Ave SE south of Teddy’s Residential Suites and the Little Missouri Inn & Suites. The property is **zoned AG Agricultural (McKenzie County)**. The applicant **asked for a rezoning of the property to C-1 General Commercial District to operate a business at this site.**

The site is within City corporate limits, and therefore within the jurisdiction of the Watford City Planning and Zoning Commission.

The City of Watford City mailed the property owners that hold an interest in the property and the adjoining property owners a notice regarding the city’s zone change request.

In granting a zone change, the Planning Commission must satisfy itself, from the evidence heard before it that the granting of the zone change is in the best long-term interests of the City of Watford City and the other affected properties. The Planning Commission shall also find that the zone change, if granted, is in harmony with the intended spirit and purpose of the zoning ordinance and does not constitute “spot zoning” so as to allow a land use that would otherwise not be permitted. Under no circumstances shall the Planning Commission recommend a zone change not permissible under the terms of this ordinance.

Surrounding Land Use Inventory:

West:	Zoning -	AG, McKenzie County
	Use -	Agricultural
South:	Zoning -	AG, McKenzie County
	Use -	McKenzie County Shop
North:	Zoning -	C-1, Watford City
	Uses -	General Commercial/Hotels
East:	Zoning -	AG, McKenzie County
	Uses -	Workforce Housing

Comprehensive Zoning Plan and Zoning Comparison:

The commission must exercise prudence when evaluating this request. All of the possible uses that could occur on this property and the possible effect on surrounding properties must be considered when evaluating whether this zone change should be approved. The zone requested by the applicant for C-1 is intended for the purpose of allowing basic retail, service, and office uses. This district also includes business uses needing large floor areas, particularly those of a service nature and certain industrial uses that do not create obnoxious sounds, glares, dust, or odor.

Site Development

Access: The property is accessible from 11th Ave SE.

Sewer: There is a septic tank system for waste.

Water: There is well for water service.

Analysis: The proposed zoning of C-1 for this property fits well with the commercial developments to the north, and a zone change helps expand the commercial corridor south along Main Street.

Recommendation:

Planning staff recommends the Watford City Planning Commission **approve** a zone change contingent on the following conditions:

1. If no action within one (1) year, the zoning for this property reverts to the AG Agricultural zone.
2. A complete site plan shall be submitted for all building improvements.
3. Building must comply with the building code (ICC) as specified by the Watford City Building Inspector.
4. A CUP is necessary to have a house on a commercial lot for employee housing.
5. If the zone change is approved, and the lot becomes a commercial one, the owner needs a commercial grade septic system, or connect to City sanitary sewer.

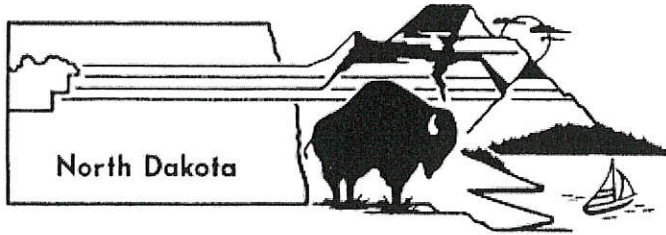
Contact:

Chris York
Assistant City Planner
cyork@nd.gov
701.580.5354

3.

Conditional Use Permit

Dakota Access, LLC.



North Dakota

LAND USE APPLICATION

City of Watford City Planning Department

GRAY AREA FOR STAFF USE ONLY

ZONE CHANGE	STAFF: <i>MW</i>	P&Z: <i>1-25-16</i>
CONDITIONAL USE	FEE: <i>\$525.00</i>	CC: <i>2-1-16</i>
VARIANCE	RECEIPT #: <i>Check # 4622</i>	ADVERTISE DATE: <i>1-13-16 + 1-20-16</i>
STREET NAME	PROPERTY OWNERS NOTIFIED: <i>y</i>	
SECTION/TOWNSHIP/RANGE:		

FINAL ACTION MEMORANDUM MAILED:

DOES THIS USE CONFORM TO THE MASTER PLAN?

(CLEARLY PRINT ALL INFORMATION USING INK OR TYPE)

PROPERTY OWNER: 1) Curtis M. Sorenson; 2) Bypass Properties, LLC

APPLICANT: Dakota Access, LLC

ALL MAIL FOR THIS APPLICATION SHOULD BE ADDRESSED TO

NAME: Fredrikson & Byron c/o Lawrence Bender

ADDRESS: 1133 College Drive, Suite 1000

CITY: Bismarck STATE: North Dakota ZIP CODE: 58501

TELEPHONE: 701-221-8700 EMAIL: lbender@fredlaw.com

ASSESSOR'S PARCEL NUMBER(S): See spreadsheet

LEGAL DESCRIPTION: See spreadsheet

PROPERTY ADDRESS AND NEAREST CROSS STREETS: See spreadsheet

GROSS/NET ACREAGE: See spreadsheet PRESENT ZONE CLASSIFICATION: Agricultural

DESIRED ZONE CLASSIFICATION: Agricultural CURRENT LAST USE: Agricultural

DESCRIBE YOUR REQUEST IN DETAIL. YOU MUST CITE ANY RELEVANT CODE SECTIONS, WAIVERS, OR CONDITIONAL USE PERMITS (USE ADDITIONAL PAGES IF NEEDED)

Dakota Access, LLC is submitting this land use application seeking a conditional use permit as allowed under Article XXV of the Zoning Ordinance for the City of Watford City, North Dakota for the proposed Dakota Access Pipeline Project. The Project is defined as a transmission facility as set forth in Article VII, Section 2(73) of the Zoning Ordinance for the City of Watford City, North Dakota because it is a crude oil transmission pipeline capable of transporting liquid hydrocarbon products for public commerce. The Project route is located in an Agricultural Zoned area, which allows for a transmission facility as a conditionally permitted use in the district. See Chapter XV, Article IX (see attached documents and Justification Letter for additional information).

DESCRIBE THE SOURCE OF WATER/SEWER: N/A Do you have a will serve letter YES NO

LAND USE APPLICATION pg. 2

(I, We), the undersigned swear and say that (I am, We are) the owner(s) of record on the tax rolls of the property involved in this application, or (am, are) otherwise qualified to initiate this application under Watford City Code; that the information on the plans and drawings attached hereto, and all of the statements and answers contained herein are in all respects true and correct to the best of my knowledge and belief, and the undersigned understands that this application must be complete and accurate before a hearing can be conducted. (I, We) also authorize the *Watford City Planning Department and its designee*, to enter the premises of the property subject to this application for the purposes of gathering information for the purpose of advising the public of the proposed application.

[Handwritten Signature]

 Applicant Signature

Lawrence Bender, as Attorney for Applicant, Dakota Access, LLC

 Applicant Representative Information

NOTARY

State of North Dakota
 County of Burleigh

This instrument was acknowledged before me on January 6, 2016 by Lawrence Bender
 Date Name of Person

SHEILA A. LONG
 Notary Public
 State of North Dakota
 My Commission Expires April 3, 2018

[Handwritten Signature]





 Signature of Notarial Officer

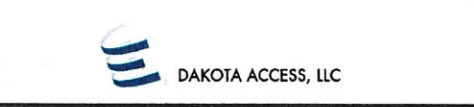
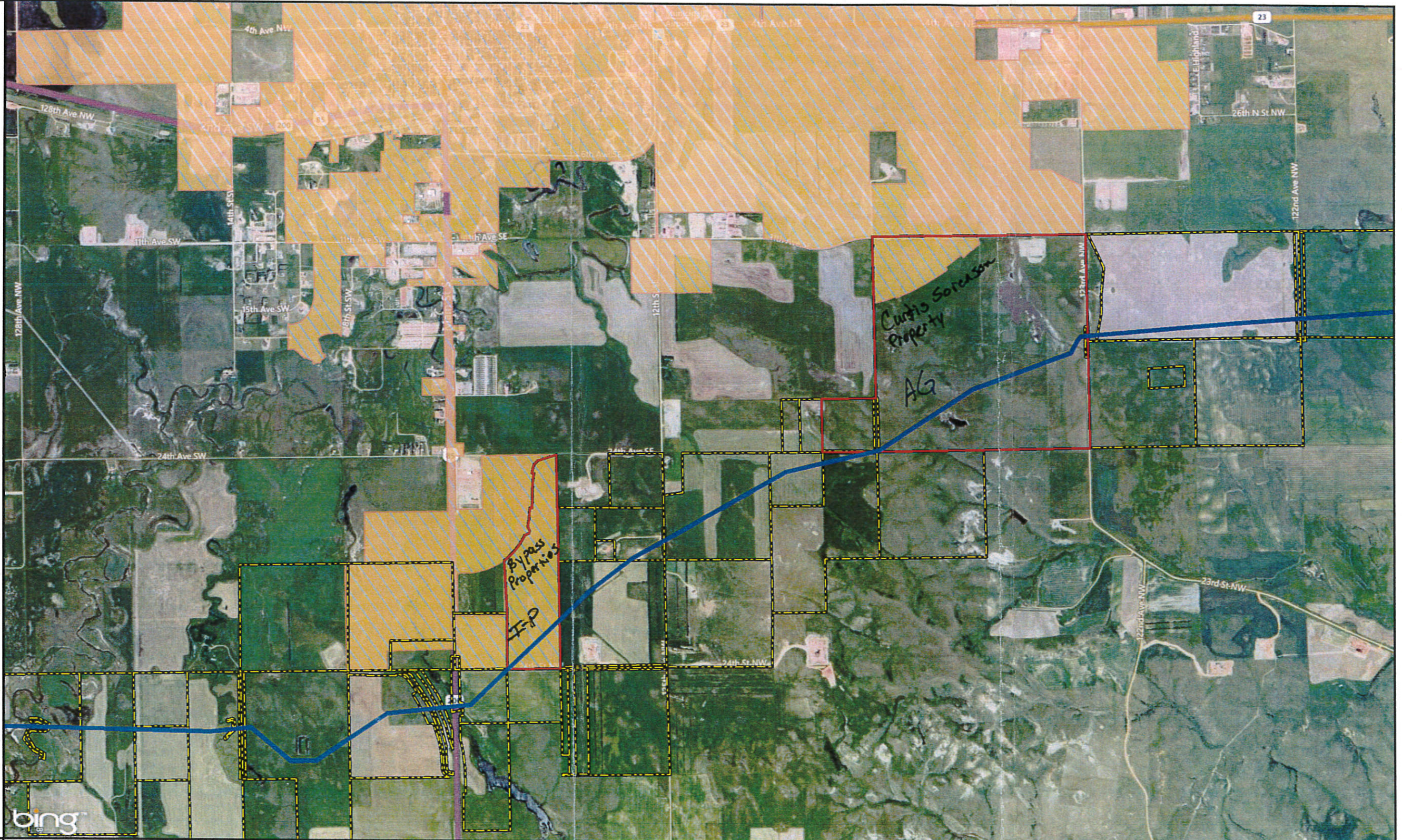
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Legend

-  CUP ROUTE
-  AFFECTED TRACTS
-  TRACTS
-  WATFORD CITY JURISDICTION



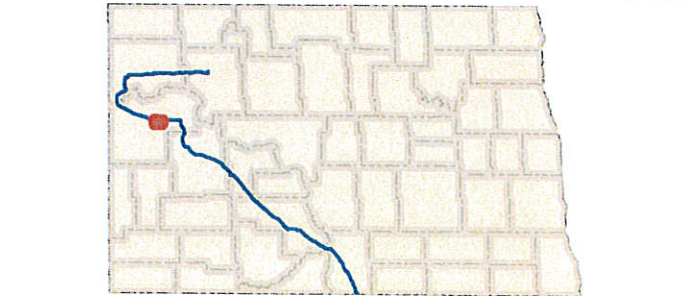
NORTH DAKOTA DAPL ROUTING

REVISIONS

NORTH DAKOTA - MCKENZIE COUNTY
CONDITIONAL USE PERMITTING ROUTE

CONTRACT LAND STAFF LLC.
TEXAS DRIVE STE. 200
PRAIRIE LAND, TEXAS 77479

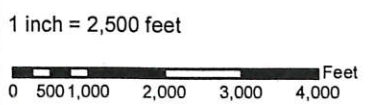
GIS DEPARTMENT
CLIENT: DAKOTA ACCESS LLC
PROJECT: DAKOTA ACCESS PIPELINE

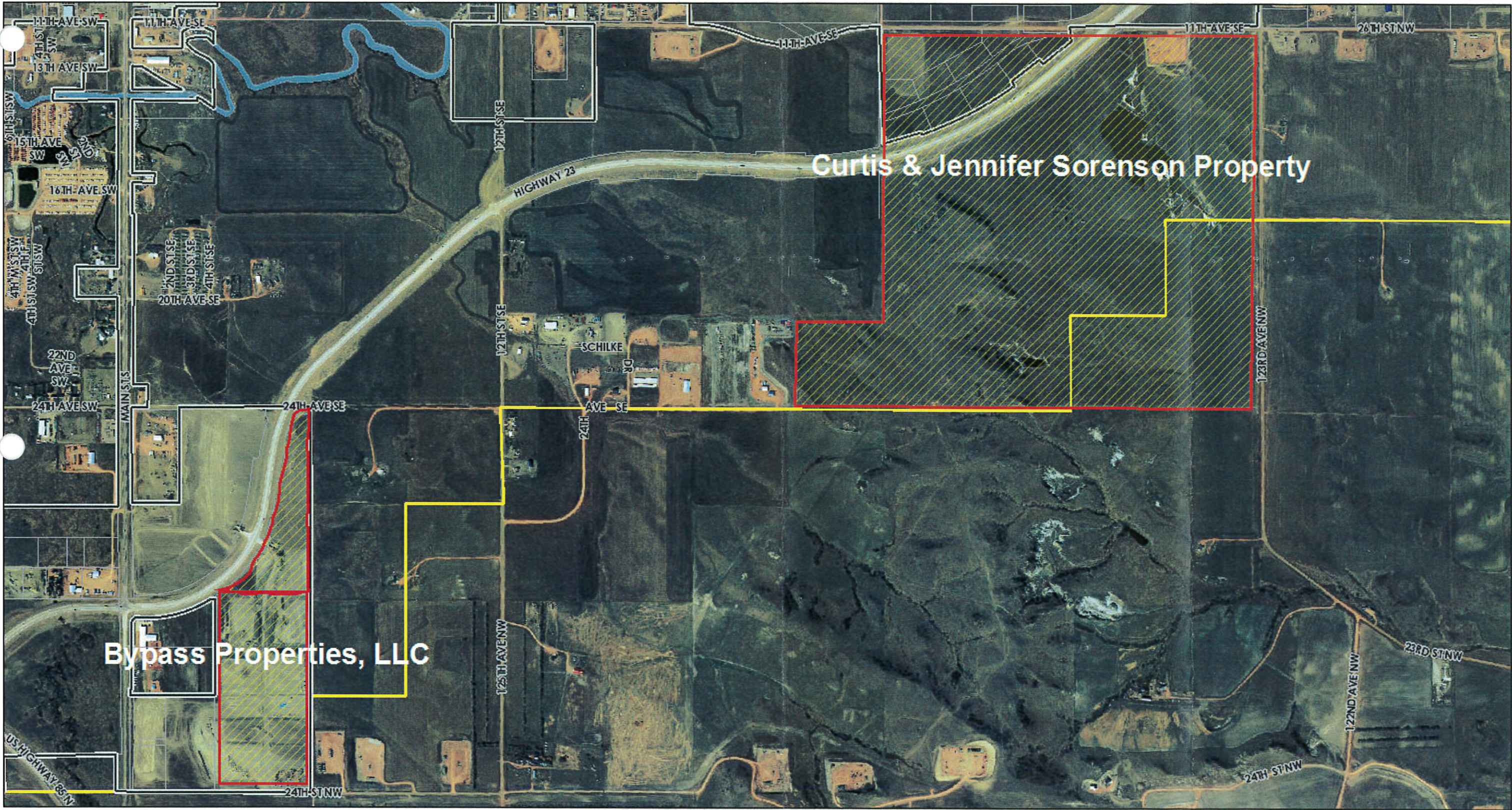


DESCRIPTION	DATE
CUP ROUTE	12/30/2015

PROJECTION: USA CONTIGUOUS ALBERS EQUAL AREA CONIC






THIS IS NOT A SURVEY PRODUCT. DISTANCES IN THIS MAP ARE APPROXIMATIONS ONLY AND SHOULD NOT BE USED FOR AUTHORITATIVE DEFINITION OF LEGAL BOUNDARY OR PROPERTY TITLE. THIS INFORMATION IS NOT INTENDED FOR RECORDATION.

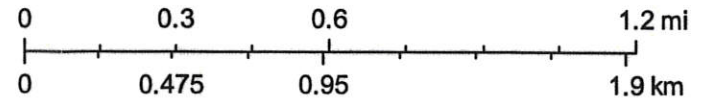




January 27, 2016

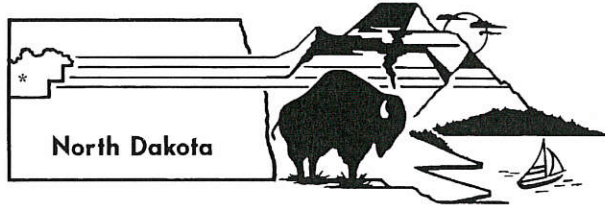
1:23,663

-  StreetCenterlines
-  Watford City Limits
-  Extra-Territorial Area (ETA)
-  Lot Lines
-  Cherry Creek



GIS, Watford City, AE2S
Furgo Geospatial Inc.

Watford City



City of Watford City
 213 2nd St., NE
 PO Box 494
 Watford City, ND 58854
 Ph. 701-444-2533
 Fax 701-444-3004
www.watford.mckenziecounty.net

January 14, 2016

STAFF REPORT

CU-01-2016 Conditional Use Permit

Applicant

Dakota Access, LLC
 C/o Fredrikson & Byron
 Attn: Lawrence Bender
 1133 College Drive, Suite 1000
 Bismarck, ND 58501

Property Owners

Curtis M. Sorenson
 Bypass Properties, LLC

Property Address: T150N, R98W, Sec. 28, SE ¼ SW 1/4 (Sorenson)
 T150N, R98W, Sec. 31, NW ¼ SW ¼, Lot 3 (Bypass Properties, LLC)

Zone: A-1 Agricultural District (Sorenson)
 I-P Industrial Park District (Bypass Properties, LLC)

Conditional Use Requested: 30” crude oil transmission line to transport oil from the Bakken/Three Forks production areas to Illinois.

Reference: Watford City Municipal Code Sec. XV – Article XXV, Conditional Uses & Article VII, Rules and Definitions

Discussion: This application was filed for placing a 30” crude oil transmission line in the ground to transport oil from the Bakken and Three Forks production areas in North Dakota to Patoka, Illinois. Sixty miles of the pipelines crosses McKenzie County, and a small portion of the pipeline crosses through the Watford City Extra Territorial Area. .

The properties where the pipelines crosses the City’s jurisdiction are owned by 1) Curtis & Jennifer Sorenson, at T150N, R98W, Sec. 28, SE ¼ SW ¼; and 2) Bypass Properties, LLC, at T150N, R98W, Sec. 31, NW ¼ SW ¼, Lot 3.

The Sorenson property is zoned A-1 Agricultural District and is undeveloped. The Bypass Properties, LLC property is zoned I-P Industrial Park, and is only in the first stages of development, mostly earthwork. Neither site has access to city water or sanitary sewer. Access to the Sorenson property is from 123rd Ave NW, and Bypass Properties, LLC is accessed via ND Hwy 23, and 24th St NW. The sites is in the Extra Territorial Area (ETA) and therefore falls within the jurisdiction of the Watford City Planning and Zoning Commission.

The City of Watford City mailed the property owners that hold an interest in these propertie, and the adjoining property owners, a notice regarding this Conditional Use Permit application.

Surrounding Land Use Inventory:

West: Zoning - C-1, Watford City
 Uses - General Commercial
 South: Zoning - AG, McKenzie County

North: Uses - Agricultural
Zoning - C-1, Watford City
Uses - General Commercial
East: Zoning - A-2, McKenzie County
Uses - Agricultural

A Conditional Use Permit may be granted following compliance with the procedure set forth in this section if the conditional use is one set forth in the District Regulations, provided that no application for a conditional use shall be granted unless all of the following conditions are found to be present:

1. The conditional use will not be detrimental to or endanger the public health, safety or general welfare;
2. The existing permitted uses in the neighborhood will not in any manner be substantially impaired or diminished by the establishment of the conditional use;
3. The conditional use will not impede the normal and orderly development of the surrounding property for uses permitted in the district;
4. Adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided;
5. Adequate measures have or will be taken to provide access and exit so designed as to minimize traffic congestion in the public streets; and
6. The conditional use shall conform to all special provisions of the district in which it is located. The Conditional Use Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the Permit and periodic review may be required to determine if the conditional use has any detrimental effects on neighboring uses or districts. The Permit shall be granted for a particular use and not for a particular person or firm.

Site Development:

Access: The properties are accessed from Hwy 23, 24th St NW, and 123rd Ave NW.
Sewer: Sorenson property has no access to city sanitary sewer; Bypass Properties property has sanitary sewer infrastructure that is not connected to the City's sanitary sewer system.
Water: Sorenson property does not have access to city water; Bypass Properties property has water service infrastructure that is not connected to the City's water system.

Analysis: The Sorenson property has only agricultural related developments, including an access road. The Bypass Properties, LLC property has water, sewer, curb & gutter, and lighting installed but no further development; it is the responsibility of Bypass Properties, LLC and Dakota Access, LLC, the pipeline owner, to resolve any infrastructure conflicts.

A 30" commercial pipeline used for transporting crude oil is an allowable use with a Conditional Use Permit in an A-1 district. The I-P district does not explicitly allow for a transmission facility. The intent of the I-P district is to allow certain industrial land uses in park-like atmosphere that are compatible with adjoining dwelling and commercial land uses. This CUP application is for an underground pipeline that is compatible with nearby dwelling and commercial land uses. Planning staff think it is appropriate to install this pipeline in the I-P district.

Recommendation:

Staff recommends *approval* of the conditional use subject to the following conditions:

1. The conditional use permit is appropriate for Transmission Facilities.
2. The pipeline is a private commercial enterprise for transporting crude oil so a conditional use permit is appropriate for this project.
3. The Conditional Use Permit shall be reevaluated after one (1) year.

Contact:
Chris York
Assistant City Planner
cyork@nd.gov

January 6, 2016

Watford City Planning Department
213 2nd St. NE
PO Box 494
Watford City, North Dakota 58854

**Re: Dakota Access Pipeline Project
Conditional Use Permit Justification Letter**

Dear Watford City Planning Department:

This justification letter is being submitted on behalf of Dakota Access, LLC, 1300 Main, Houston, Texas 77002, in conjunction with the Conditional Use Permit Application for a portion of the Dakota Access Pipeline Project, which is within the jurisdiction of the City of Watford City.

The Dakota Access Pipeline Project consists of approximately 1,169 miles of new pipeline that will transport crude oil from receipt points in the Bakken/Three Forks production areas in North Dakota to Patoka, Illinois. Approximately 358 miles of the Project will be located in North Dakota. Approximately 60 miles of the Project will be located in McKenzie County. A portion of the Project will cross lands within Watford City jurisdiction, as noted above and depicted on map and spreadsheet accompanying the Conditional Use Permit Application. The portions of the Project requiring a conditional use permit from Watford City utilize 30-inch diameter pipe. The wall thickness for the 30-inch diameter pipe is 0.429-inches.

As noted in the Land Use Application, this application for a Conditional Use Permit is requested because the proposed use is conditionally allowed in the existing agricultural zoning district. Granting of the conditional use for the transmission pipeline associated with the Project will not be detrimental to or endanger the public health, safety, or general welfare of the citizens of Watford City or the State of North Dakota as is currently being reviewed by the North Dakota Public Service Commission ("PSC"). The PSC is charged with protecting the environment and ensuring the safety of the citizens of North Dakota with respect to transmission facilities such as the Project. The following information has been submitted to the PSC for the Certificate of Corridor Compatibility and Route Permit application required for the Project.

Attorneys & Advisors	Fredrikson & Byron, P.A.
main 701.221.8700	1133 College Drive, Suite 1000
fax 701.221.8750	Bismarck, North Dakota
www.fredlaw.com	58501-1215

The purpose of this Project is to deliver reliable supplies of crude oil from the Bakken/Three Forks production areas in North Dakota to refining markets in the Midwest region and also to the Gulf Coast region of the United States. Crude oil production in North Dakota has substantially increased in the last five years rising from 245,000 barrels per day in December 2010 to over 1,185,000 barrels per day in 2014. North Dakota has become the second largest oil producing state in the nation. Projections for crude oil production from the Bakken and Three Forks Formations alone by 2016 range up to 1.6 million barrels per day.

Currently there are limited options for refineries in the Midwest and Gulf Coast regions that use pipeline transportation to transport crude from the Bakken and Three Forks production areas. In order for crude oil from North Dakota to travel by pipelines to refineries in the Midwest and Gulf Coast, oil must travel via multiple pipeline systems, with limited capacity. As a result of insufficient transportation by pipeline, most of the crude oil produced in North Dakota is now transported by train. Pipelines are the safest mode of transportation of crude oil.

In an attempt to avoid expanding population centers, Dakota Access routed the pipeline around the cities of Williston and Watford City, and only a small portion of the Project is located within the jurisdiction of the City of Watford City.

The Environmental Construction Plan for the Project contains information regarding pipeline construction procedures which will be implemented for clearing and grading, erosion control, topsoil removal and storage, pipe trenching, trench dewatering, lowering in and backfilling of the pipeline, and hydrostatic testing. It also includes details regarding soil decompaction, clean up, and final grading following pipeline installation. In addition, the Environmental Construction Plan includes restoration procedures such as seed and bed preparation, planting methods, seed mixtures and planting. The plan also includes details regarding post construction monitoring. Dakota Access will monitor all areas where stabilization techniques have been implemented. A monitoring program will identify remedial measures that will be considered to mitigate any degradation if the initial treatments are not effective in achieving reclamation objectives. Successful reclamation performance will be based on revegetation success (e.g. cover, frequency and diversity), the presence of weeds or invasive plants, stability of the construction right of way, waterbody bed and bank stability, and returning hydrology in wetlands.

Dakota Access will retain independent construction, safety, agricultural and independent environmental inspectors to monitor contractors' compliance with all construction and environmental requirements. These inspectors will be on location during construction of the Project.

The right of way will primarily consist of a 50-foot-wide easement. During construction, an additional 35 to 100 feet in width of temporary work space will be necessary for a total of 85 to 150 feet of construction right-of-way. Additional temporary workspaces (generally 50 feet

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wide by 100 to 150 feet long along the right-of-way) will be needed at specific locations to facilitate crossings of features such as road ways, water ways, rail roads, third party utilities, etc.

Dakota Access will incorporate the Project into an existing operations control center to coordinate all operations throughout the Project, including flow rate, pressure, and opening and closing of valves. The operations control center will monitor devices that alert operators to changes in operating parameters, providing a detection mechanism for response to emergency conditions. Satellite and telecommunication links will connect the operations control center with Project facilities to ensure rapid response and constant monitoring of pipeline conditions.

An advanced Supervisory Control and Data Acquisition ("SCADA") system will be utilized to constantly monitor sensing devices placed on the pipeline to track pressure, temperature, density, and flow of liquid petroleum under transport and display each movement status to operators at the control center. Through these systems, the pipeline operators can maintain the pipeline within established operating parameters, and can remotely shut down pump stations and isolate pipeline segments when abnormal conditions are observed or if safety parameters are exceeded.

In addition to remote control operations, local automated control operations and manual overrides will be in place to control or operate the pipeline should remote communications fail. Field operations personnel will be located in close proximity to facilities that are controlled remotely from the operations control center. Field personnel will be trained to respond to abnormal conditions and manually oversee equipment.

During installation and decommissioning, the pipeline will be subjected to careful inspection and testing to verify its integrity in compliance with regulatory standards and contract specifications. Testing will include checking coating integrity, examining by non-destructive testing 100% of field welds, which is above the 10% required by federal regulation, internally inspecting the entire length of the line by using an inline inspection tool, and hydrostatically testing the pipeline.

Detailed maintenance procedures will be established which will include regular inspections and surveillance of the pipeline, which will also include detailed analysis of navigable waterways which is required by regulations of PHMSA, 49 CFR Part 195.

The pipeline will be patrolled and inspected by air every ten days, weather permitting, but at least every three weeks and not less than 26 times per year.

Emergency response equipment will be located in Epping, Williston, Watford City, and Bismarck, North Dakota. The pipeline operator and qualified contractors will maintain emergency response equipment and personnel at the points identified, and will train personnel to respond to pipeline emergencies. Additionally, contracts will be in place with oil spill response

companies that have the capability to mobilize and support cleanup and remediation efforts in the event of a pipeline release.

The pipeline will be equipped with a cathodic protection system to prevent external corrosion. In addition, a fusion bonding epoxy coating will be applied to the exterior of the pipe to prevent corrosion.

In addition, Dakota Access will utilize the Leak Warn system to monitor the pipeline for leaks. Leakwarn is a state-of-the-art computational pipeline monitoring tool that features a real-time transient model that is based on pipeline pressure, flow and temperature data.

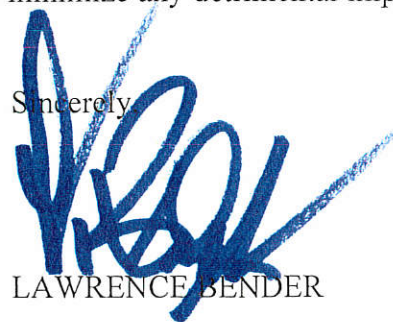
Dakota Access will coordinate with local emergency responders and train local authorities in preventing and responding to any pipeline related concern. These activities will include conducting and hosting, over a period of time, emergency response drills both with Dakota Access employees and local emergency responders along the pipeline route. In addition, Dakota Access will conduct public education outreach programs, including damage prevention programs, that meet or exceed industry and federal requirements such as those adopted by the American Petroleum Institute Recommended Practice 1162 and established at 49 CFR 195.440, regarding public awareness of pipelines and pipeline safety matters.

Dakota Access will mark the pipeline with signage and warnings pursuant to federal regulations at road and highway crossings, navigable rivers, and other required locations to alert the public to the presence of underground lines and to provide information, contact numbers, and emergency data.

Dakota Access will participate in the 811 one-call system, being a nationally recognized system to prevent third party damage to underground facilities.

Based on the above detailed Project information, the Project is consistent with the standards set forth by the Zoning Ordinance for the City of Watford City, North Dakota and illustrates the significant steps that will be taken to minimize any detrimental impacts caused by the Project.

Sincerely,



LAWRENCE BENDER

LB/dmk

Minutes

PLANNING & ZONING COMMISSION MEETING MINUTES

December 29, 2015

The regular monthly meeting of the Watford City Planning & Zoning Commission was held on Tuesday December 29, 2015 at 6:00 p.m. at City Hall in the Heritage Room. In attendance: Chairman Glen Beard, Commission Members: William Carlson, Rick Holm, Jesse Lawrence, and Jason Taylor. Also present: Assistant City Planner Chris York, Planning Assistant Becky Smith, Building Inspector Steven Williams and City Attorney Wyatt Voll. Absent: Assistant City Planner Mildred (Mili) Williams, and City Planner Curtis Moen, Commission Members: Cory Johnson and Shane Homiston.

With the above mentioned present, the Public Hearing was called to order at 6:13 p.m. by Chairman Glen Beard.

Under consideration were the following:

1. Public Hearing to hear comment on considering a Renewal of Conditional Use Permit application submitted by Sand Draw LLC on property located Section 29, T150W, and R98W, Lot 2 / 2004 12th St SE Watford City, ND. In consideration of an application renewal for a Conditional Use Permit to allow for employee housing located at the described property.

Assistant City Planner Chris York explained that this Conditional Use Permit is for employee housing and up for renewal. At this time there is one single wide mobile home on the property being used for employees of Sunland Field Services. Sunland leases the property from Sand Draw. Their current lease is set to expire in April. Whether or not Sunland will renew their lease is unknown. If the lease is renewed, the CUP will still need to be in place. If not, the CUP will be terminated.

MOTION by J. Lawrence, SECOND by R. Holm to recommend APPROVAL to City Council to Renew the Conditional Use Permit for Employee Housing on C1 zoned property. Approval is contingent upon the following recommendations set forth in the Planning Department Staff Report:

1. The Conditional Use Permit will allow only factory manufactured campers and DOT approved recreational vehicles or Housing and Urban Development (HUD) approved manufactured housing. No non-factory housing shall be permitted.
2. The Conditional Use Permit allows for one (1) single wide mobile home.
3. The Conditional Use Permit shall be specific as to the number of parking spaces to be provided. A minimum of 2 off-street parking spaces per site shall be provided.
4. A dust palliative should be required to be applied to parking areas from May through October.
5. Parking areas shall be surfaced with a minimum of 6" of crushed aggregate, not scoria. Scoria may be used as a base course for the final surfacing.
6. Conditional Use Permit will expire after 6 month if no action is taken.
7. Conditional Use permit shall be reevaluated after 1 year.

**Roll Call Vote: Ayes; W. Carlson, R. Holm, J. Lawrence, J. Taylor, G. Beard
Nays; None.**

MOTION Carried.

2. Public Hearing to hear comment on considering a Renewal of Conditional Use Permit application submitted by Tomahawk Pipeline Construction SE ¼ Section 8, T150N, R98W / 1920 17th Ave NW. In consideration of an application renewal for a Conditional Use Permit to allow for employee housing located at the described property.

Assistant City Planner Chris York explained this is another Conditional Use Permit for employee housing up for renewal. The property owners had originally submitted for a Zone Change and CUP at the same time back in 2012 but never added employee housing. It is Planning Staff's recommendation to terminate this CUP since it is not being used.

MOTION by J. Taylor, SECOND by J. Lawrence to recommend TERMINATION to City Council of the Conditional Use Permit for Employee Housing. Termination is based on the following recommendations set forth in the Planning Department Staff Report:

1. The business never developed employee housing at this site.
2. The initial CUP expired after 6 months if there was no action to develop employee housing.
3. Staff discussed with the applicant the need for a CUP for employee housing via telephone. There is no plan to build employee housing at this site; business has slowed over the past year, and most employees have returned to their permanent homes.
4. Applicant stated that if the need for employee housing arises in the future, the company would apply for a new CUP.

**Roll Call Vote: Ayes; W. Carlson, R. Holm, J. Lawrence, J. Taylor, G. Beard
Nays; None.**

MOTION Carried.

3. Public Hearing to hear comment on considering a Renewal of Conditional Use Permit application submitted by SSID, LLC / Robert Trupe for property located 118 11th Ave SW (formerly 1005 Main St South) Watford City, ND. In consideration of an application renewal for a Conditional Use Permit to allow for employee & manager housing located at the described property.

Assistant City Planner Chris York explained that this is another CUP renewal for employee housing. The property currently has a single wide mobile home which consists of 2 units, one at each end, and a common area with kitchen in the middle. The site appears to be well-kept and the need for employee housing is still apparent. Building Inspector Steven Williams commented that the trailer, deck, and foundation had been inspected when initially installed and were approved; followed all building codes.

MOTION by R. Holm, SECOND by J. Taylor to recommend APPROVAL to City Council to Renew the Conditional Use Permit for Employee & Manager Housing. Approval is contingent upon the following recommendations set forth in the Planning Department Staff Report:

1. The Conditional Use Permit will allow only factory manufactured campers and DOT approved recreational vehicles or Housing and Urban Development (HUD) approved manufactured housing or commercial coaches (skid units) are permitted. No non-factory housing shall be permitted.
2. The Conditional Use Permit is based on the number of spaces shown on the submitted site plan and shall not be expanded nor the intensity increased unless by Conditional Use Permit.
3. The Conditional Use Permit shall be specific as to the number of parking spaces to be provided. A minimum of 2 off-street parking spaces per site shall be provided.
4. A dust palliative should be required to be applied to parking areas from May through October.
5. Parking areas shall be surfaced with a minimum of 6" of crushed aggregate, not scoria. Scoria may be used as a base course for the final surfacing.
6. Conditional Use Permit will expire after 6 months if no action is taken.
7. Conditional Use Permit shall be reevaluated after 1 year.
8. Williams County standards for temporary housing will be required.

**Roll Call Vote: Ayes; W. Carlson, R. Holm, J. Lawrence, J. Taylor, G. Beard
Nays; None.**

MOTION Carried.

4. Public Hearing to hear comment on considering a Renewal of Conditional Use Permit application submitted by Shane McKinney for Watford Express Laundry for property located 302 11th St SE / Section 19, T150N, R98W, Lot 1 & 2. In consideration of an application renewal for a Conditional Use Permit to allow for employee & or manager housing located at the described property.

Assistant City Planner Chris York explained that this property also has a CUP for employee housing up for renewal. The property has 2 trailers and a garage which is used for the business. The property appears to be well kept. Commission members questioned lot size: 1.2 acres. Only 1 trailer is allowed per acre. Are 2 trailers on property? Original CUP was applied for back in 2013 to allow for 1 trailer. Property consists of 2 lots. Commission members discussed recommending approval to renew for just the 1 trailer and for staff to investigate status of second trailer.

MOTION by R. Holm, SECOND by J. Taylor to recommend APPROVAL to City Council to Renew the Conditional Use Permit for Employee and/or manager housing. Approval is contingent upon the following recommendation set forth by the Planning & Zoning Commission Members:

- a. Approval is for Conditional Use Permit renewal of 1 mobile home only. The status of the possible second trailer located on the property shall be investigated.

Approval is contingent upon the following recommendation set forth by the Planning Department Staff Report:

1. The Conditional Use Permit will allow only factory manufactured housing-HUD approved. No non-factory housing shall be permitted. RVs currently on site will be removed.
2. The Conditional Use Permit is for ONE (1) mobile home based on the lot size and shall not be expanded nor the intensity increased.
3. The Conditional Use Permit shall be specific as to the number of parking spaces to be provided. A minimum of 2 off-street parking spaces per site shall be provided.
4. A dust palliative should be required to be applied to parking areas from May through October.
5. Parking areas shall be surfaced with a minimum of 6" of crushed aggregated, not scoria. Scoria may be used as a base course for the final surfacing with clearly marked spaces in accordance with ordinance; handicap and regular.
6. Conditional Use Permit shall expire after 6 months if no action is taken.
7. Conditional Use Permit shall be reevaluated after 1 year.

**Roll Call Vote: Ayes; W. Carlson, R. Holm, J. Lawrence, J. Taylor, G. Beard
Nays; None.**

MOTION Carried.

5. Public Hearing to hear comment on considering a Renewal of Conditional Use Permit application submitted by Heggen Equipment for property located 805 Main St South / Section 24, T150N, R99. In consideration of an application renewal for a Conditional Use Permit to allow for employee housing located at the described property.

Assistant City Planner Chris York explained this permit renewal is also for employee housing. The property has 3 trailers on same site as commercial business. The City has not heard of any issues or received any complaints.

MOTION by J. Taylor, SECOND by J. Lawrence to recommend APPROVAL to City Council to Renew the Conditional Use Permit for Employee Housing. Approval is contingent upon the following recommendations set forth in the Planning Department Staff Report:

1. The Conditional Use Permit will only allow factory manufactured campers and DOT approved recreational vehicles. No non-factory housing shall be permitted.
2. The Conditional Use Permit is based on the number of spaces allowed per the lot size and shall not be expanded nor the intensity increased.
3. The Conditional Use Permit shall be specific as to the number of parking spaces to be provided. A minimum of 2 off-street parking spaces per site shall be provided.
4. A dust palliative should be required to be applied to parking areas from May through October.
5. Parking areas shall be surfaced with a minimum of 6" of crushed aggregate, not scoria. Scoria may be used as a base course.
6. Conditional Use Permit will expire after 6 months if no action is taken.
7. Conditional Use Permit shall be reevaluated after 1 year.
8. A site plan must be submitted showing the lot orientation and placement of the proposed units as well as parking, drive aisles, and utility connections per the ordinance.

**Roll Call Vote: Ayes; W. Carlson, R. Holm, J. Lawrence, J. Taylor, G. Beard
Nays; None.**

MOTION Carried.

6. Public Hearing to hear comment on considering a Renewal of Conditional Use Permit application submitted by McKenzie Building Center for property located 1504 4th Ave NE / Section 17, T150n, R98W IT # 845. In consideration of an application renewal for a Conditional Use Permit to allow for employee housing located at the described property.

Assistant City Planner Chris York explained that this CUP renewal is also for employee housing. However, the property owner ended up acquiring housing off site and never added employee housing to this property after the original application. It is Planning Staff's recommendation to terminate.

MOTION by J. Taylor, SECOND by R. Holm to recommend TERMINATION to City Council of the Conditional Use Permit for Employee Housing.

**Roll Call Vote: Ayes; W. Carlson, R. Holm, J. Lawrence, J. Taylor, G. Beard
Nays; None.**

MOTION Carried.

7. Public Hearing to hear comment on considering a Renewal of Conditional Use Permit application submitted by JDM Development Group, LLC / Michael Jelsing for property located 324 3rd St NW. In consideration of an application renewal for a Conditional Use Permit to allow for temporary dental office in home located at the described property.

Assistant City Planner Chris York explained this Conditional Use Permit was to allow a dental office to temporarily operate from a single family residence. The dental office has since relocated to a permanent location on Main Street. Since this CUP is no longer needed, Planning Staff recommends termination.

MOTION by W. Carlson, SECOND by J. Taylor to recommend TERMINATION to City Council of the Conditional Use Permit to allow for a temporary dental office to operate within an R1 Residential home.

**Roll Call Vote: Ayes; W. Carlson, R. Holm, J. Lawrence, J. Taylor, G. Beard
Nays; None.**

MOTION Carried.

8. Public Hearing to hear comment on considering a Renewal of Conditional Use Permit application submitted by Joseph & Margaret Girard Family Trust and US Forest Service for property located 1901 Main St South / Section 25, T150, R99 IT# 827. In consideration of an application renewal for a Conditional Use Permit to allow for employee housing located at the described property.

Assistant City Planner Chris York explained that this renewal is for employee housing. The property currently has trailers located behind the Ranger Station. The trailer area is fenced in. The Forest Service is also working on converting their old Ranger Station into apartment units for more employee housing. We are unsure of the total number of employees or current need for housing. Owners plan to keep the trailers even when the additional apartment units are finished. We don't know for sure but all of the housing could possibly be needed as seasonal, mostly occupied during summer for the Rangers.

MOTION by J. Taylor, SECOND by W. Carlson to recommend APPROVAL to City Council to renew the Conditional Use Permit for Employee Housing. Approval is contingent upon the following recommendations set forth in the Planning Department Staff Report:

1. Employee housing at this site is limited to the old Ranger Station office being renovated for employee housing and the six (6) existing mobile homes currently being used for employee housing.
2. Two parking spaces shall be provided per dwelling unit.
3. A dust palliative shall be required on unpaved parking areas and drive aisles May through October.
4. Parking areas shall be surfaced with a minimum of 6" of crushed aggregate, not scoria. Scoria may be used as a base course for the final surfacing.
5. The Conditional Use Permit shall be reviewed after one year.

**Roll Call Vote: Ayes; W. Carlson, R. Holm, J. Lawrence, J. Taylor, G. Beard
Nays; None.**

MOTION Carried.

9. Public Hearing to hear comment on considering a Renewal of Conditional Use Permit application submitted by Precision Well Service, Inc. for property located 2000 2nd Ave SW / Lot 1 Block 8 Watford City Courtyard Addition. In consideration of an application renewal for a Conditional Use Permit to allow for 10,000 gallon bulk fuel storage located at the described property.

Assistant City Planner Chris York explained that this Conditional Use Permit is for a bulk fuel storage tank. The City has not been made aware of any problems and has not received any complaints. The original permit was approved in 2012. The site is well kept and safety measures and containment for the storage tanks are in place. Chairman Glen Beard commented that he drives past this property every day and never see any problems. They even have a fire extinguisher outside.

MOTION by J. Taylor, SECOND by W. Carlson to recommend APPROVAL to City Council to Renew the Conditional Use Permit for bulk fuel storage. Approval is contingent upon the following recommendations set forth in the Planning Department Staff Report:

1. Conditional Use Permit will expire after 6 months if no action is taken.
2. Conditional Use Permit shall be reevaluated after 1 year.
3. The method of installation of the tank must meet all state requirements and approval must be granted by the local Fire Chief for its use.

**Roll Call Vote: Ayes; W. Carlson, R. Holm, J. Lawrence, J. Taylor, G. Beard
Nays; None.**

MOTION Carried.

10. Public Hearing to hear comment on considering a Renewal of Conditional Use Permit application submitted by Craig & Julie Nelson for property located 1112 11th Ave SE / Section 19, T150, R98 IT # 1320. In consideration of an application renewal for a Conditional Use Permit to allow for managers quarters located at the above described property.

Assistant City Planner Chris York explained that this Conditional Use Permit is up for renewal to allow employee housing on commercial property. Neighbor, Warren Hovland, in attendance mentioned he received notice of this renewal for employees to live on site but has concerns and doesn't think it is safe for anyone to live where this type of work is taking place. Warren mentioned he had a water well recently dug and his water is unusable. The water is somehow being contaminated. His water even kills his grass and trees when used for watering. He recently had water samples taken. Warren presented his water sample result report from Astro-Chem Lab to the Commission. Results show high levels of contaminants such as chloride. Warren is unsure of the source causing contamination but knows property owner Craig Nelson has made a containment pond for waste concrete to be dumped. They had been doing a good job with dust control but they used what was pumped from the containment pond to treat driveway for dust. Warren is also concerned that since his home sits further towards the back of his property and right up next to Nelsons', he has noticed a recent increase in traffic and noise from a driveway being used as a roadway all hours, day and night. He also noted that a crusher has been working again which he knows was shut down years ago for not following regulations. Work and noise is occurring at all hours of day and night. Warren mentioned that he has never had any issues with Craig Nelson or his business and has not directly discussed this with him, but still does not think it is a safe place for anyone to live. Assistant City Planner Chris York commented that the City has ordinances designating specific times for work/noise which could help with the one issue. However, Warren's concerns can certainly be taken into consideration especially if they violate #1 of the CUP compliance: "The Conditional Use will not be detrimental or endanger the public health, safety or general welfare". At the time the Planning Department Staff report had been written, the City had not been notified of any problems or received any complaints. Staff had recommended Approval. Planning Commission Members discussed tabling this CUP renewal until further investigation of the health and safety of the employee(s) allowed to be living on site can be verified.

MOTION to TABLE the Conditional Use Permit Renewal allowing managers' quarters on C1 Commercial property due to health and safety concerns.

**Roll Call Vote: Ayes; W. Carlson, R. Holm, J. Lawrence, J. Taylor, G. Beard
Nays; None.**

MOTION Carried.

~~11. Public Hearing to hear comment on considering a Renewal of Conditional Use Permit application submitted by Badlands Cellular of ND, d/b/a Verizon Wireless & Fraternal Order of the Eagles #3543 for property located 1904 Main St South / Section 30, T150, R98 IT# 860, Lot 3 In consideration of an application renewal for a Conditional Use Permit to allow for temporary cell site trailer on wheels to provide additional wireless capacity for up to two years until a permanent facility can be installed at the above described property.~~

~~NO MOTION. Application Pulled.~~

CLOSE PUBLIC HEARING: 6:56 PM

CALL TO ORDER REGULAR MEETING: 6:56 PM

MINUTES: November 30, 2015

No Comments from Commission.

MOTION by J. Lawrence, SECOND by J. Taylor to APPROVE the Minutes as presented.

Roll Call Vote: Ayes; W. Carlson, R. Holm, J. Lawrence, J. Taylor, G. Beard

Nays; None.

MOTION Carried.

REVIEW PERMITS:

Permits were reviewed as presented. No discussion from Commission.

New/Old Business:

1. Commission member Rick Holm raised concern about parking violations near OK Implement corner off of Main Street. Cars are parking too close to curb. There are no "No Parking" signs posted. Building Inspector, Steven Williams mentioned that the curbs are painted yellow and violations of cars parking in that area is more of a police issue.
2. Commission member Rick Holm also raised concern about the curb sticking out at the new JL Beers. He mentioned he has had to run the curb over trying to make the turn. Assistant City Planner Chris York replied that the design had been engineered and approved by our City Engineer Todd Kelly and Public Works Superintendent Justin Smith. The extended curb was intended to allow for protection of the new parking spaces being provided for the business. Building Inspector Steven Williams mentioned that the site is still under construction so once equipment, barricades, scaffolding, etc. are removed it might be easier.

Adjournment at 7:02 PM

MOTION by R. Holm, SECOND by J. Lawrence.

The next regularly scheduled Planning & Zoning Commission Meeting will be held on
MONDAY JANUARY 25, 2016 at 6:00 p.m.

Glen Beard
Planning Commission Chairman

Becky Smith
Planning & Zoning Assistant

Permits

2016 PERMITS

Permit #	Type	Month	Issue Date	Property Owner	Contractor	Project Address	Lot / Block	Parcel # / Subdivision	Description of Work	Value	Permit Fee	Payment
3391	RENEW	January	1/4/2016	Watford McKenzie Village Apartments	Powers West LLC	202 Fox Hills Parkway N	Lot 10 Block 4	Fox Hills Village	30 Unit Apartment Building with garages	\$	201.00	Card
3431	RENEW	January	1/4/2016	Watford McKenzie Village Apartments	Powers West LLC	118 Fox Hills Parkway N	Lot 9 Block 4	Fox Hills Village	30 Unit Apartment Building with garages	\$	201.00	Card
3577	Blg & WS	January	1/4/2016	Koosman Construction Company	Koosman Construction Company	2208 5th Ave NE	Lot 10 Block 2	Rolling Hills Golf Estates	3032 SqFt Single Family home -Stratford Plan	\$ 341,554.80	8,240.78	Check #29162
3578	Blg & WS	January	1/4/2016	Koosman Construction Company	Koosman Construction Company	2213 5th Ave NE	Lot 11 Block 2	Rolling Hills Golf Estates	2892 SqFt Single Family home -Fletcher Plan	\$ 292,214.11	7,920.08	Check #29162
3579	Blg & WS	January	1/4/2016	Koosman Construction Company	Koosman Construction Company	2217 5th Ave NE	Lot 12 Block 2	Rolling Hills Golf Estates	3000 SqFt Single Family home -Cheyenne Plan	\$ 337,950.00	8,217.38	Check #29162
3580	Blg & WS	January	1/4/2016	Koosman Construction Company	Koosman Construction Company	2221 5th Ave NE	Lot 13 Block 2	Rolling Hills Golf Estates	3100 SqFt Single Family home -Lancaster Plan	\$ 349,215.00	8,200.57	Check #29162
3581	Blg & WS	January	1/4/2016	Koosman Construction Company	Koosman Construction Company	2214 5th Ave NE	Lot 16 Block 2	Rolling Hills Golf Estates	3316 SqFt Single Family home -Fenwick Plan	\$ 373,547.40	8,448.73	Check #29162
3582	Blg & WS	January	1/4/2016	Koosman Construction Company	Koosman Construction Company	2210 5th Ave NE	Lot 17 Block 2	Rolling Hills Golf Estates	3100 SqFt Single Family home -Lancaster Plan	\$ 349,215.00	8,200.57	Check #29162
3280	RENEW	January	1/6/2016	MC16, LLC	Consolidated Construction Co	1218 Main St N	Blg #4	Madison Heights	35 Unit Apartment Building	\$	201.00	Card

2015 - 2016 PERMIT COMPARISONS

January
1/20/16

2015	
Month	# of Permits Issued
January	14
February	10
March	20
April	40
May	31
June	76
July	52
August	35
September	25
October	25
November	14
December	19
YEAR TOTAL	361
January YTD	14

2015	
Month	Value
January	\$585,000.00
February	\$14,071,200.00
March	\$6,886,622.00
April	\$4,734,086.61
May	\$1,164,739.41
June	\$55,468,577.00
July	\$15,749,439.94
August	\$1,303,339.48
September	\$35,375,541.45
October	\$3,653,756.00
November	\$732,874.88
December	\$401,310.98
YEAR TOTAL	\$ 140,126,487.75
January YTD	\$ 585,000.00

2016	
Month	# of Permits Issued
January	9
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	
2016 YTD	9

2016	
Month	Value
January	\$ 2,043,696.31
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	
2016 YTD	\$ 2,043,696.31

2015 Residential Permits			
Type	# of Units	# of Buildings	Value
Single Family Home	44	44	\$ 7,845,551.00
Duplex	20	10	\$ 2,260,000.00
Apartment 3-4 Units	40	10	\$ 4,000,000.00
Apartment 5+ Units	173	7	\$ 10,250,577.50
YEAR TOTAL	277	71	\$ 24,356,128.50
Units		Buildings	Value
January YTD	3	3	\$ 545,000.00

2016 Residential Permits			
Type	# of Units	# of Buildings	Value
Single Family Home	6	6	\$ 2,043,696.31
Duplex			
Apartment 3-4 Units			
Apartment 5+ Units			
2016 YTD	6	6	\$ 2,043,696.31
Units		Buildings	Value
2016 YTD	6	6	\$ 2,043,696.31

2016 Residential Permits			
Type	# of Units	# of Buildings	Value
Single Family Home	6	6	\$ 2,043,696.31
Duplex			
Apartment 3-4 Units			
Apartment 5+ Units			
2016 YTD	6	6	\$ 2,043,696.31
Units		Buildings	Value
2016 YTD	6	6	\$ 2,043,696.31

YTD : Year To Date