

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON MONDAY, AUGUST 15, 2011 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.**

President Glenn Boyeff called the meeting to order at 5:30 p.m. Roll call was taken. A quorum was present.

**MEMBERS PRESENT:** Chris Brostuen, Deeann Long, Nick Haugen, Cynthia Aafedt, Jerry Fleck, Glenn Boyeff

**MEMBERS ABSENT:** Jon Maristuen

**OTHERS PRESENT:** Kent Jarcik, City Planner, Jessica Kaiser, Planner I, City Engineer, Monte Meiers, Doug Lalim, Building Official, Peter Furuseth, City Attorney.

**DISPOSITION OF MINUTES:**

MOTION BY BROSTUEN, SECOND BY HAUGEN, to approve the July 18, 2011 minutes as presented. MOTION CARRIED ON VOICE VOTE.

**COMMUNICATION:**

Boyeff informed the board that the ND Planning Conference this year will be held in Devils Lake on September 28-30, 2011 and asked if any of the members would be interested in attending, if so they should contact the planning office. He said the cost of attending would be paid for by the City.

**PUBLIC HEARING:**

**1. Proposed Amendment to the Future Land Use Classification from Parks/Open Space to Industrial and proposed Zone Change from A: Agricultural to M-1: Light Industrial for Sublot 10, Section 21, T154N,R101W, Williston Township/Basin/Erickson**

Boyeff indicated there are six public hearing this evening. The first one will be for an amendment to the future land use classification from Parks/Open Space to Industrial and zone change from A to M-1 for Sublot 10, Section 21, T154N,R101W, Williston Township requested by Basin Concrete/Robert Erickson. Boyeff opened the public hearing and asked Jarcik to present. Jarcik indicated the property (Basin Concrete/Trucking) is located west of the City, northwest of the intersection of 2/85 and west of 128<sup>th</sup> Avenue NW. He explained that in 2006 the area to the south (Sublot 11- 21.05 acres) was rezoned to M-1 and Sublot 10 (43.58 acres) remained agricultural. The township was not in favor of rezoning the property to the north on top of the hill because they felt it was better suited for residential uses.

Jarcik indicated the future land use has the area designation parks/open space. He indicated an ad hoc meeting was held where discussion took place regarding the changes that have occurred along with the future development plan. There is value in considering a commercial/residential transition for the area to the north and east. He indicated there is existing storage on the property containing 43+ acres (Sublot 10). Jarcik said the board may want to consider commercial buffering between the industrial and future developments to the east. Jarcik said the recommendation would be to allow for the future land use change and to consider a portion be industrial (north of the drainage area) and the remainder being left agricultural with a possible future change to commercial. He indicated the township may want to address the board. Fred Douglas, Williston Township Chairman, explained there was suppose to be tree buffering along the south (along the highway) and west side (along the residential) of Sublot 11, now zoned industrial. He indicated that never was done five years ago. Aafedt asked if there was suppose to be a tree buffer at the time of the sublots. Mr. Douglas said yes.

Kent Reierson, representing Robert and Cleo Erickson, addressed the board. He handed the board a fact sheet concerning the property. He indicated the owner operates Basin Trucking on Sublot 11 along HWY 2 & 85 which is immediately south of the subject property (Sublot 10), which is ideal for direct access to the state highway. Mr. Reierson said due to the expanding nature of the business, Sublot 10 has been used for tank storage and realizes the property is not in compliance with the agricultural zoning and is asking to allow a portion be zoned light industrial. He indicated there is a deep creek ravine running north to south in the western ¼ preventing access to the west edge. Mr. Reierson said the applicant plans to submit a subdivision survey showing the property NE of the drainage running of Sublot 10 to remain agricultural with the balance of the subplot being M-1 zoned. Mr. Reierson indicated that Mr. Erickson had trees planted along the east side of Sublot 11 but was washed out. Mr. Reierson said over time the applicant is looking at developing the east side of both Sublot 10 & 11 as commercial because of the future development being considered to the east.

Fleck asked how many acres are being considered for commercial located northeast of the coulee. Mr. Reierson said about 25% of the 40+ acres (8-10 acres). Aafedt asked for clarification of the proposed buffering. Mr. Reierson pointed out the area just east of the natural drainage to remain agricultural within Sublot 10 and that the proposed tree buffering was along the east and south side of Sublot 11, along the highway and 128<sup>th</sup> avenue NW.

Boyeff called for further public comment. Jenelle Loomer, adjoining property owner to the west, does not have a problem with the rezoning request and has no problem with Mr. Erickson's business and is in favor of the request to rezone the property. Boyeff called for public comment a second time, hearing none, closed the public hearing and asked for action from the board.

Aafedt asked again about the buffering requirements at the time of the previous platting. Mr. Erickson said it was required at the time of the Sublots approval, that tree buffering was to be along the south and east side of Sublot 11. He said those trees were planted but in the spring of the year, the snow melt caused the buffering to be washed out. Aafedt asked Mr. Douglas if tree buffering is important to the township. Mr. Douglas said it would be good to have some type of buffer between residential and industrial property. Aafedt asked if the same situation will happen, should it be required.

Mr. Erickson said the watershed will be a problem until larger culverts are installed under the approach. Mr. Douglas said the entire road needs to be re-built to provide proper drainage in the area. Mr. Erickson said until the land to the north is developed and more commercial uses happen, any tree planting will be washed out. Boyeff asked Engineer Meiers to comment about the situation. He said there has been a conceptual design considered for the area. Meiers indicated there is a real drainage/flood problem and is starting discussions with the water board to look at preliminary designs on how much right of way is needed and that within a year there will be further studies needed.

Mr. Reierson indicated that at the time of the future survey, those issues will be considered. Further discussion took place regarding the future commercial development to the east and need for buffering between the current industrial uses and the future commercial property.

Boyeff indicated the action needed by the board at this time is for the rezoning of a portion of Sublot 10 and leaving the remainder as agricultural at this time. The other consideration is for a Future Land Use Amendment from Parks and Open Space to Industrial.

**MOTION AMENDED BY BROSTUEN, SECOND BY FLECK** to recommend to the City Commission approval of Amendment to the Future Land Use classification from Parks/Open Space to Industrial for Sublot 10 (43.48 acres) located in the SE1/4 Section 21, T154N,R101W, Williston Township by Robert Erickson. AYES: Aafedt, Long, Brostuen, Fleck, Haugen, Boyeff. NAYES: None. ABSENT NOT VOTING: Jon Maristuen. **MOTION CARRIED.**

**MOTION BY BROSTUEN, SECOND BY FLECK** to recommend to the City Commission approval of the proposed Zone Change from A: Agricultural to M-1: Light Industrial for a portion of Sublot 10 being the area South and Southwest of the coulee located in the SE1/4 of Section 21, T154N,R101W, requested Robert Erickson AYES: Aafedt, Long, Brostuen, Fleck, Haugen, Boyeff. NAYES: None. ABSENT NOT VOTING: Jon Maristuen **MOTION CARRIED.**

Boyeff said the motion is that only a portion of Sublot 10 is to be rezoned to M-1 and the remainder will stay agricultural and a survey will be submitted at a later date.

**2. Proposed Amendment to the Future Land Use classification from Public Institutional to Industrial and Proposed Zone Change from A: Agricultural & R-5: Mobile Home Court to M-2: Heavy Industrial located in the NW1/4 of Section 29, T154N, R100W and SW1/4 of Section 20, T154N, R100W, less Sublot(s) 6&7 - Sundby**

Boyeff indicated the 2<sup>nd</sup> public hearing is for an amendment to the future land use classification from Public Institutional to Industrial and proposed zone change from A: Agricultural and R-5: Mobile Home Court to M-2: Heavy Industrial for property located in the NW1/4 of Section 29, T154N, R100W, and SW1/4, Section 20, T154N, R100W, Less Sublot(s) 6 and 7, Stony Creek Township, requested by Wade and Peggy Sundby. Boyeff opened the public hearing and asked Jarcik to present.

Jarcik pointed out the location of the property being east of the City in the one-mile jurisdiction, just west of Stony Creek School along 133<sup>rd</sup>. He said the two parcels being rezoned totaling approximately 264 acres. The majority is zoned agricultural and a portion being R-5: Mobile Home Court. He said the future land use indicated the north acreage for future industrial and the southern to be Public/Institutional for the possible extension of the City sewer plant. He said the proposal would be to rezone the entire 265 to M-2 and that the applicant is looking to sell the southern 160 acres to Weatherford for a facility to serve the oilfield industry and the northern portion to others for industrial development of the area. Mr. Jarcik indicated an adhoc meeting was held to discuss the future land use and the need for providing water and sewer to service the area, as well as annexation. The potential future uses for Weatherford would include an office building, truck parking, shop, truck wash, equipment storage, and uses requiring a special permitted use. He said the area surrounding the property is currently M-2, the old county highway, Vestal's property along 1804 and the east side being the Stony Creek School and larger residential lots along 133<sup>rd</sup>, past the school. Discussion regarding traffic safety and a secondary access from Vestal's property to 1804, retaining at least 40 acres for the opportunity for future sewer expansion and need for additional Corps of Engineers input. Jarcik said the adhoc recommended approval subject to a subdivision plat with development agreement, fire flow and City sewer extension, annexation, consideration for access and road realignment on the northern property (Vestal's property) allowing a second access point onto 1804 from old highway as approved by D.O.T., road safety standard considerations with the plat for traffic safety near the school, traffic engineering study for impacts of industrial development on 133<sup>rd</sup>, safety and proximity of the school and impacts on the intersection with 1804 and reserving the City an option for 40 acres for possible future sewer plant expansion. Jarcik indicated comments from the township indicates concern about the school being close to future truck traffic in the area and problems for school buses. Boyeff asked Mr. Sundby to speak to the issue.

Wade Sundby said he purchased this property about fifteen years ago which had a trailer court and cleaned the land up and that different companies have approached him recently, asking about residential homes and/or man camps. He said he now found a great company (Weatherford) asking for industrial use. He feels it would be the best use of the land being there are six oil wells around the property as well as corps land. Mr. Sundby felt residential would not be the best use of the land. Mr. Sundby asked the property to be zoned industrial. He indicated Rich Vestal is wanting to put a road along 1804 to the north and the southern property would be for Weatherford's facility whom he feels will provide a great facility and the best use of the property.

Carolyn Whaley, Real Estate Manager for Weatherford, spoke to the board about the potential layout for the buildings to be located on the southern part of Mr. Sundby's property. She indicated it would be an expansion of their current operation to provide for one location for their operations. Ms. Whaley said they are open to working with city regarding the 40 acres for possible sewer plant expansion. They are willing to work on annexation to provide for future water/sewer to the site here to answer any questions the board may have.

Boyeff asked for public comment from the audience. Greg McNary, Superintendent of School District #8, indicated the school facility has been at the current location since the 1950s and expressed his concerns about the traffic intersections from Highway 1804 and has real safety concerns for the 100+ students attending the school. He said he is speaking in opposition to the zone change. Mr. Sundby said there are going to be traffic concerns no matter what development takes place near the school.

Lisa Hendrick, concerned taxpayer, is not opposed to Weatherford's facility but her main concern is the increased traffic on 133<sup>rd</sup>, due to the width of the road. She would rather see an alternative access off 1804 then use of the road by the school. Ms. Whaley said they are willing to look at alternatives and are willing to pave 133<sup>rd</sup> to their future site. They plan to look at all possible accesses to the site. Boyeff said in adhoc it was talking about as to what D.O.T's plans are for the area. Chad Jackson, representing Weatherford, indicated they have made contact with the D.O.T. regarding possible plans for the area.

A short discussion took place regarding the traffic issues and what Weatherford has found out so far concerning the impact. They were unable to meet with D.O.T. but have received some correspondence but more contacts will be forthcoming and that the future traffic being generated by Weatherford will be an unknown until construction is completed on future building, which will take a year or more before full operation takes place. Fred Douglas, Williston Township Chairman, asked what the plans are for Weatherford, being they are asking for heavy industrial which can allow a number of uses compared to light industrial.

Ms. Whaley said Weatherford will be planning for pipe yards, silos, area for bunk houses for workers, a wire line division, allowing for a special permitted use for storage of explosives which would be over the required footage from the school and is monitored closely by the ATF and is highly regulated. Boyeff indicate that a portion of the area was reserved as depicted on the future land use for a possible sewer expansion should a portion of the property need to be reserved. Ms. Whaley says they are open to working with the City on that matter. Mr. Douglas asked, being the width of 133<sup>rd</sup> is probably 66ø if additional right of way can be requested to help to widen 133<sup>rd</sup>. Boyeff said there are contingencies being requested from adhoc, such as, subdivision plat, development agreement, and right of way, etc. Discussion took place regarding the future Wireline operation and how much regulations are required. A resident asked about the city's plans for a sewer.

Engineer Meiers indicated that about three years ago the City was beginning to deal with the increasing growth and with the Comprehensive Plan, it was determined that another cell for possible expansion (160 acres) was needed to be reserved. He said the study came back to try expand onto Corpland but they don't want the City by the levee; so it may force the need to look at other possibilities. Meiers said what needs to be built is a 24-hour mechanical discharge plant which are typically built on 30-40 acres near the river.

A lengthy discussion continues regarding the traffic congestion around the school, increased residential use along 133<sup>rd</sup>, need to assure the location of the future buildings are away from the school, safety of the children, busing, and possible access options. Boyeff asked for public comments. Heather Tipmann, concerned parent, was not opposed to the proposed zoning but would like to see an alternative roadway to prevent more traffic in front of the school for the safety of the children and school buses. Boyeff thanked those who commented about the traffic concerns and said the applicant is willing to provide for a traffic study and meeting with the Department of Transportation. Boyeff asked three times for public comment regarding the proposed zone change from Agricultural to Industrial, hearing none, he closed the public hearing.

Aafedt asked if there are plans to pave 133<sup>rd</sup> to the Weatherford facility. The Weatherford representative said the plan is to pave the road from Stony Creek School to the end of their property. Boyeff said there will need to be a subdivision plat, development agreement, city/water extension, annexation and a road re-alignment access to the property, second access point onto 1804 which were discussed in adhoc. He also said a traffic study is to be provided and possible set aside (40 acres) for the City, should expansion (sewer) be needed, which the applicant is willing to work with the City on those matters.

Haugen asked Meiers how the 40 acres would be handled and possible costs. Meiers said after meeting with the Corp, hopefully there would be a final decision as to whether the City can build out from existing location or if a new location needs to be found. He said it will take time dealing with Corp but something should be known by next year if there is need to acquire the 40 acres which will need to be negotiated if need be. Sundby said the City was never approached regarding the need for expansion and/or utilization of his property. Boyeff indicated that the future land use amendment will need to be dealt with along with the zone change. He feels conditions can be placed on any action the board will be recommending to the City Commission for final action.

MOTION BY BROSTUEN, SECOND BY LONG, to recommend to the City Commission approval of the zone change from Agricultural and R-5: Mobile Home Court to M-2: Heavy Industrial for the property in the NW1/4 of Section 29, T154N, R100W and SW1/4 of Section 20, T154N, R100W, less Sublot No 6 & 7 contingent upon submittal of a subdivision plat and development agreement. Adequate Fire flow protection, the City's water/sewer extended, annexation, and consideration with the plat/development agreement for access and road re-alignment and road safety standard consideration with the plat for traffic safety near the school (Traffic Engineering Impact Study) and to reserve option for 40 acres for possible future sewer treatment facility and to amend the future land use classification from public institutional to industrial. AYES: Aafedt, Long, Brostuen, Fleck, Haugen, Boyeff NAYES: None ABSENT NOT VOTING: Maristuen. MOTION CARRIED.

Brostuen commented that with the next steps for this project he would like to see that the end result would be to provide better traffic safety for the school than what is seen today and is hopeful that can be accomplished. Boyeff said the upcoming traffic study requirement would be valuable information for all concerned about the traffic safety (egress and ingress) will be handled in this area.

**3. Proposed Zone Change from R-3: Lowrise,Multi-Family and Townhouse Residential to R-4: Highrise,Multi-Family Residential for Block 6, Lot 19, Granite Peak Subdivison – Granite Peak/Bice Investments.**

Boyeff said the third public hearing is for a proposed zone change from R-3 to R-4 for Block 6, Lot 19, Granite Peak Subdivision requested by Granite Peak and Bice Investments. Boyeff opened the public hearing and asked Jarcik to present. Jarcik said this property is located in the Granite Peak Subdivision south of 23<sup>rd</sup> street containing approximately 5 acres. He said the proposal is for 144 unit apartment complex that in adhoc discussion took place regarding existing access. The parcel would be accessed on the west side by future 29<sup>th</sup> avenue on the west and 27<sup>th</sup> on the east.

Jarcik indicated that correcting has been made to the proposal in the packets relating to the parking, He said the committee discussed off-street parking, lot coverage and other development standards. Recommendation to the board was to approve contingent on the applicant meeting off-street parking standards, lot coverage and other development standards. Phil Darrow, representing Bice Investments, indicated the company is a family business with a long history of housing development in Illinois and Wisconsin.

Mr. Darrow said they have been working with Granite Peak regarding the 5 acre parcel as outlines. He said the R-4 title is high-rise, multifamily but will be meeting the standards for R-3 standards for height being 45' only. He alluded to the changes discussed in adhoc and hopes the board accepts the request allow for the change to the R-4 zoning for six buildings.

Boyeff said the off-street parking and lot coverage would be met. Darlene Slingsby, adjoining property owner (south), asked if there will be an alleyway and asked that future housing not be next to their property and does not want to give the City anymore property and was concerned about the water problems in the area. Boyeff said this area has already been platted. He said the only issue this evening is to look at the zone change and future site plan. Engineer Meiers explained the site plan shows a green space along the south side of the property to provide for tree buffering and private garages as a buffer between properties. Mrs. Slingsby said the buffering is fine but wants to see it completed and not put off like it has been in the past. Boyeff indicated that there are agreements in place from before regarding development requirements between the developers and neighbors, which will remain in place with this development of the 5 acres. Sarah Carlson, representing Halliburton whom owns 100 lots in the neighborhood and questioned what the traffic route will be for all the additional vehicles in this subdivision. Mr. Metzler with Granite Peak said traffic will be going up 27<sup>th</sup> and 29<sup>th</sup> and when Sand Creek is installed it will help move the traffic to 32<sup>nd</sup> street. He commented that the original plan was to include twin homes, which would have provided for 80 more families, so that factor will eliminate the amount of traffic. Fleck asked if 23<sup>rd</sup> will eventually tie into 32<sup>nd</sup>. Metzler said that is the intent and is looking like 32<sup>nd</sup> will be ready sooner than expected. Discussion continued regarding the increase in the density with the R-4 zoning, the problems with the traffic, and the watershed problems along 23<sup>rd</sup>. Meiers said there is need for a storm sewer in this area, which has been budgeted but how that gets paid for is another question but that there has always been drainage issues in the area. Boyeff said problems always arise whenever the development of open land takes place. Nyla Fretland, adjacent property owner, asked about the road running east/west and wondered if that would be where the garages would be placed. Mr. Metzler said that is correct.



Boyeff called three times for public comments, hearing none, he closed the public hearing and asked for the wishes of the board. He said the applicant appears to have met the contingencies mentioned in adhoc for the off-street parking, lot coverage and other development standards. Boyeff said, the original agreement between neighbors and the developer will be maintained since Granite Peak Subdivision was approved..

MOTION BY LONG, SECOND BY BROSTUEN, to recommend to the City Commission approval of the zone change from R-3 to R-4, Block 6, Lot 19 in Granite Peak Subdivision, contingent upon meeting the off-street parking, lot coverage and other development standards.

Fleck asked if the developer needs to work out an agreement with the adjacent owners to the south regarding buffering. He wants to assure that the developer agrees to work with landowners. Boyeff said that assure remains in place as was agreed upon previously. Mr. Metzler concurred.

AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Boyeff. NAYES: None. ABSENT NOT VOTING: Maristuen. MOTION CARRIED.

**4. Proposed Zone Change from A: Agricultural to R1A: Rural Residential for two unplatted parcels in the SE1/4, Section 18, T154N, R100W, Stony Creek Township and Preliminary Plat for Bar Nothing Third Subdivision - Lee**

Boyeff said the fourth public hearing is for a proposed zone change from Agricultural to R1A for two unplatted parcels (15+ acres) and proposed preliminary plat for Bar Nothing Estates Third Subdivision and two unplatted parcels in the SE1/4, Section 18, T154N, R101W, Stony Creek Township requested by Raymond Lee. Boyeff opened the public hearing and asked Jarcik to present.

Jarcik said the property is located to the east of the Bar Nothing Estates Second Subdivision which will be the third addition to the Bar Nothing Subdivision totaling 31 acres. The development will create 11 additional lots containing 1+ acre lots for single family homes which is located in the City's One-Mile jurisdiction. The existing access to County Road 9 will be utilized. Jarcik said there has been no objection to completion of this third subdivision and recommended approval.

Tim Lee, representing Raymond Lee, asked that the board consider approving the rezone and the preliminary plat for the Bar Nothing Third Subdivision which will be rearranging the larger block and providing for additional lots on the unplatted property to finish developing the area. Boyeff indicated there would need to be two motions regarding this request.

Boyeff asked for further public comments three times, hearing none closed the public hearing and asked for the Board's recommendation.

MOTION BY BROSTUEN, SECOND BY AAFEDT to recommend to the City Commission approval of the rezone from A to R1A for two unplatted parcels in the SE1/4 Section 18, T154N, R100W, Stony Creek, containing 15+ acres. AYES: Brostuen, Fleck, Haugen, Aafedt, Long Boyeff. NAYES. None. ABSENT NOT VOTING: Maristuen. MOTION CARRIED.

MOTION BY LONG, SECOND BY HAUGEN to recommend to the City Commission approval of the preliminary plat for Bar Nothing Third Subdivision and two unplatted parcels of land located in the SE1/4, Section 18, T154N R100W, Stony Creek Township, contingent upon a title opinion, final plat requirement, and non-protest annexation. AYES: Fleck, Haugen, Aafedt, Long, Brostuen, Boyeff NAYES: None. ABSENT NOT VOTING: Maristuen. MOTION CARRIED.

#### **5. Proposed Zone Change from A: Agricultural to R-3: Lowrise, Multifamily, Townhouse Residential for Section 1, T154N, R101W, City of Williston - Branson**

Boyeff said the 5<sup>th</sup> public hearing is for a zone change from A to R-3 for property in Section 1, T154N, R101W, City of Williston requested by Dale Branson. Boyeff opened the public hearing and asked Kaiser to introduce the request.

Kaiser pointed out the location of the 8+ acre parcel to be rezoned, which is south of 53<sup>rd</sup> Street East across from the fairgrounds. She indicated that the applicant wants to build two 42-unit apartment complexes for company employees. Kaiser indicated that an adhoc did meet and discussion took place regarding the fact that water and sewer lines are not yet in the vicinity. She said future plans are underway to service the future Bakken Industrial Park to the North within the next year. The applicant proposes to connect to those future lines, Kaiser stated that the adhoc committee recommended approval of the zone change to R-3 contingent upon having access to water and sewer lines and a preliminary plat.

Dale Branson, owner/developer, plans to build two apartment units on the 8+ acres. One to be built this winter and the second one in the spring. He said a sewer line is being proposed to run past his property to the north ( Granite Peak's development). He said everything that surrounds the property is agricultural and the fairgrounds are across the road to the north. Boyeff asked for public comment. Chris Burling, adjoin property owner, asked about the future parking for the apartments. He said the traffic along 53<sup>rd</sup> street is already busy and now with this project cars are already parked along the road. He said because of the racetrack, there is lots of traffic that will need to be monitored and wondering how that would be handled with the added traffic.

Boyeff said in adhoc it was discussed there are plans to develop the entire area which when those plans are put in place a roadway to the south is being considered to help with future traffic flow. In addition, he indicated that Mr. Branson would need to meet all off-street parking requirements for the apartment complex. Discussion took place regarding the need to extend University Avenue. Engineer Meiers said until the City sees a plat there is no right of way unless that property is purchased or condemned, there is no place to build. He said until the property is developed further to the south, he does not see anything happening but does envision the possibility of extending University to the Fairgrounds. He indicated that utility easements have been acquired for the extension of the sewer and that further discussion will result once a plat is provided. Dr. Robert Olson, adjoining property owner, spoke to the issue regarding the need to extend University Avenue which will provide a significant corridor and expressed his belief that the city should make that a priority before approval of a complex of this size. Further discussion took place regarding the traffic, connecting to existing water, building a complex before roads are being built and the need to extend University north. Boyeff called for public comments three times, hearing none, closed the public hearing and asked for the wishes of the board.

MOTION BY FLECK, SECOND HAUGEN to recommend approval of the proposed zone change from Agricultural to R-3: Lowrise, Multifamily & Townhouse Residential, contingent upon having access to water and sewer lines and a plat. AYES: Haugen, Long, Brostuen, Fleck, Boyeff. NAYES: Aafedt. ABSENT NOT VOTING: Maristuen. MOTION CARRIED.

**6. Proposed Zone Change from A: Agricultural to C-2: General Commercial for unplatted parcel (25+acres), SW1/4,SE1/4, SECTION 2, T154N, R101W – Zavanna**

Boyeff indicated the last public hearing is for a rezone from Agricultural to C-2 for an unplatted parcel (25+ acres) in the SW1/4, SE1/4, Section 2, T154N, R101W, requested by Zavanna/Erickson. Boyeff opened the public hearing and asked Kaiser to present.

Kaiser indicated that the property is located along the north side of 42<sup>nd</sup> Street and West of the Wal-Mart property. She indicated that the applicant is asking for a zone change from agricultural to commercial to provide for an oilfield office building. Kaiser said previously the applicant had requested light industrial; however, that designation conflicted with the future land use plan so a new application has been sought for the commercial zoning which will be consistent with the land use plan. She stated that an adhoc did meet regarding the zoning and recommended approval contingent upon a subdivision application and plat with a development agreement and to meet with the airport board of adjustments regarding the future development of the 25+ acres.

Craig McIvor, representing Orville Erickson, said the owner is in favor of the commercial zoning and plans to lease the property to Zavanna for a portion of the acreage being approximately 4 acres but wishes to include the remainder of the property in the rezone request. Tom Reed, developer, indicated that the building department has several conditions needing to be met before receiving a building permit for the project. Mr. Reed said one was the need for a minimum of 33' easement along the west boundary for a future roadway. Secondly would be another 7' along 42<sup>nd</sup> street. He stated preliminary plat has been completed and will be receiving approval from Mr. Erickson to go forward with the project. Boyeff said issues regarding providing necessary easements will be dealt with at the time of the platting process. Engineer Meiers asked about the need for additional water/sewer easement along the northern portion of the property. Boyeff asked if that issue could be dealt with at the time of the plat review. Meiers agreed. A short discussion took place regarding the rural water line and the need for final negotiations with the city to assure future water use for Zavanna's office building. Engineer Meiers said that question can also be addressed at the time of the platting.

Boyeff called for public comments three times, hearing none, closed the public hearing. Boyeff asked about the need to contact the Airport Board of Adjustments. Lalim indicated that at the time of the building permit contact with the airport will be made to address any concerns they may have about the future building.

MOTION BY HAUGEN, SECOND BY FLECK to recommend approval to the City Commission for the zone change from A to C-2 for approximately 25 acres located in the SW1/4, SE1/4 in Section 2, T154N, R101W, subject to a subdivision application and plat with a development agreement and meeting with the Airport Board of Adjustments for the future development. AYES: Aafedt, Long, Brostuen, Fleck, Haugen, Boyeff. NAYES: None. ABSENT AND NOT VOTING: Jon Maristuen. MOTION CARRIED.

### **NEW BUSINESS:**

#### **1. Special Permitted Use of the Storage of Hazardous Materials - Oasis Petroleum**

Boyeff indicated the next item is to allow for the Storage of Hazardous Materials by Oasis Petroleum. He asked Kaiser to present. Kaiser indicated the location for a future facility is in the City's one-mile jurisdiction north of Williston along County Road 7 in Missouri Ridge Township. She indicated the facility would be an 80'x100' building and will store approximately 50,000 gallons of chemicals.

Kaiser said the property is zoned heavy industrial and that an adhoc meeting was held and the commissioners present were in favor of the proposal, contingent on the applicant meeting the building and fire code regulations and providing the County with an emergency response plan. He indicated that the applicant, Fabian Kjorstad is available, should the board have any questions.

Fabian Kjorstad, representing Oasis Petroleum, spoke to the board about the future facility for the purpose of storing chemicals similar to Halliburton and Sanjel. . He indicated the chemicals are in separate totes but are also within the building. He said the building will be 50% heated and 40% cold storage. The building will need to meet all code requirements and that they are working on providing water to the facility. He said the water driller has said there is a good source of water but will probably need to put a storage tank inside the building with a pump in order to meet the fire code or to utilize a dry system as a possible option. Mr. Kjorstad said they are working with the fire department and will provide whatever they prefer.

Mr. Kjorstad said in adhoc they required an emergency response plan which is being worked on and have supplied the departments with MSDS sheets. The storm water plan is in place with a retention pond (100 year) and drainage along the property. He said notification to adjoining owners was completed. Discussion took place regarding the need to tie into the City's water in the future, issues regarding rural water hookups in the 1-mile, need to file the emergency response plan, spill prevention plan, fire codes and building codes requirements. Boyeff reviewed the criteria necessary to allow the use, no concerns were expressed by the board. Mr. Kjorstad said a road is being built to accommodate the company's truck traffic and a spill prevention plan will be required as part of the emergency response plan. Aafedt said it appears that proper preventions will be met to assure safety.

MOTION BY BROSTUEN, SECOND BY LONG approved the Special Permitted Use for a chemical storage building (80'x100') located on Sublot 11, Section 34, T154N,R101W, as requested by Oasis Petroleum ,contingent on meeting building and fire code requirements and an emergency response plan be submitted to the County. AYES: Long, Brostuen, Fleck Haugen, Aafedt, Boyeff. NAYES: None. ABSENT NOT VOTING: Maristuen. MOTION CARRIED.

## **2. Final Plat review for Ironwood Industrial Park Subdivision – Ironwood Development/Owan**

Boyeff indicated the last item this evening is for a final plat for Ironwood Industrial Park Subdivision for Julien Morice and Mark Owan. Boyeff asked Jarcik to review the request.

Jarcik indicated the property is located along the north side of 49<sup>th</sup> Street and east of the future Saddle Ridge Subdivision within the one-mile of the City. He said the applicant will be using individual water wells and septic systems and that signed agreements regarding a non-protest annexation and a non-protest for street improvement on 49<sup>th</sup> Street will need to be met.

Jarcik said the roads need to be built to City/County specifications and that no park dedication will be necessary being the property is industrial. The recommendation is to approve the final plat contingent on a final development plan, non-protest annexation agreement, non protest future street improvements, final approval by the attorney regarding the title opinion and any necessary plat corrections.

Julien Morice with Ironwood Development asked if the board had any questions. Boyeff asked Meiers if he has any concerns. Meiers said the plat closes properly and just needs to check on the roads. Mr. Morice said he would be getting that information submitted.

MOTION BY AAFEDT, SECOND BY FLECK recommended approval of the final plat to the City Commission subject to the development agreement, a non-protest future annexation agreement, non-protest future street improvement/street assessment, final approval of the title opinion by the City Attorney and necessary plat corrections. AYES: Long, Brostuen, Fleck, Haugen, Aafedt, Boyeff. NAYES: None. ABSENT NOT VOTING: Maristuen. MOTION CARRIED.

Meeting adjourned. Next Meeting is set for September 19, 2011

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Kent Jarcik, City Planner