

Stark County Planning and Zoning Commission Minutes

November 14, 2017
9:00 AM

Chairman Russ Hoff called the meeting of the Stark County Planning and Zoning Commission to order. Chairman Russ Hoff, Scott Decker, Jay Elkin, Kurt Froelich, Daneen Dressler, and Byron Richard were present, and absent were Sue Larsen, Duane Grundhouser and Klayton Oltmanns. Also present were County Planner Steve Josephson, State's Attorney Tom Henning, and Nicole Roberts of the Auditor's office.

Jay Elkin moved to approve the minutes from the October 11, 2017 meeting. Scott Decker seconded. All voted Aye and motion carried.

Chairman Hoff opened the public hearing on a request from **OIT-Bakken LLC**. The request is for a conditional use permit for a special waste disposal facility, on a parcel located at 3942 125th Avenue SW in the West ½ of the SW ¼ of the NW ¼ of Section 20, Township 139, Range 98 on approximately 13.3 acres.

Chairman Hoff asked anyone to speak either for or against the conditional use permit for OIT-Bakken LLC. Chairman Hoff closed the public hearing.

Patrick Kuylen and Ryan Jilek spoke for the conditional use permit for OIT-Bakken LLC. Lori Solberg, Diane Procive, Dennis Streitz, and Roger Ashley spoke against the conditional use permit for OIT-Bakken LLC.

Jay Elkin moved to recommend to the Stark County Board of Commissioners the approval for the conditional use permit for OIT-Bakken LLC following staff recommendations. Scott Decker seconded. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed conditional use based upon the following findings:

1. The location of the proposed project should not adversely impact the existing uses in the vicinity; and
2. The conditional use shall be limited through the inclusion of the following conditions:
 - a. **Development shall be limited to a special waste recycling facility to treat soils contaminated with petroleum, oils and lubricants, as well as other non-hazardous wastes.**
 - b. **Development shall be in accordance with the application material received by Stark County dated October 10, 2017 and the site plan dated October 16, 2017.**
 - c. **No Technically Enhanced Naturally Occurring Radioactive Material (TENORM) shall be brought to, processed, or stored at the facility.**
 - d. **Development of the special waste recycling facility shall be performed in accordance with Chapters 5.7 and 6.4 of the Stark County Zoning Ordinance as adopted on October 2, 2012 and as subsequently amended as well as with all applicable County, State and Federal rules and regulations.**
 - e. **Haul routes to and from the facility shall be as designated in the application materials received by Stark County on October 10, 2017.**
 - f. **The developer shall enter into a road maintenance agreement with the Stark County Road Department to ensure that all County roads shall be repaired or restored to a condition at least equal to the road condition prior to operation of the project.**

- g. Prior to the project's development, the developer shall contact the County Road Superintendent and request an inspection of the haul routes.
- h. The developer shall contact the County Road Superintendent no later than November 1 of each year to request a subsequent inspection of the haul routes.
- i. The developer shall be responsible for dust control along the haul routes and shall provide the County Road Superintendent with a dust control plan.
- j. The developer shall work in concert with law enforcement and emergency responders to facilitate public safety. Prior to the issuance of any building permits, the applicant shall provide proof of having contacted all law enforcement and emergency providers that would serve the facility.
- k. Prior to the issuance of any building permits, copies of all approved required State and/or federal permits shall be submitted to Stark County.
- l. Prior to the issuance of any building permits, a copy of the reclamation bond required by the State of North Dakota Industrial Commission shall be submitted to Stark County.
- m. The developer shall report to the Zoning Administrator should the termination or abandonment of the facility occur. Removal of contaminated material as required by the North Dakota Industrial Commission reclamation bond shall be completed within 180 days of termination or abandonment of the facility.
- n. Any proposed change of the conditional use permit, including location of the facility, shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.
- o. The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.

Chairman Hoff opened the public hearing on a request from **Ron and Shirley Buckman**. The request is for a temporary use permit for the following:

- Storage of equipment and material related to oil exploration and production; and
- Limited activities associated with an oil service business.

The subject property is located at 12205 Highway 10 located in the East ½ of the Southeast ¼ of Section 3, Township 139, Range 98 containing approximately 79.5 acres. The actual area subject to the temporary use is approximately 2.5 acres.

Chairman Hoff asked anyone to speak either for or against the temporary use permit for Ron and Shirley Buckman.

Diane Procive spoke against the temporary use permit for Ron and Shirley Buckman.

Chairman Hoff closed the public hearing.

Byron Richard moved to recommend to the Stark County Board of Commissioners the approval for the temporary use permit for Ron and Shirley Buckman with the following amendment to the staff recommendations:

- g. **No oil rigs, enclosed trailers, oil tanks, and/or bumper hitch trailers shall be stored within 200 100 feet of adjacent property boundaries.**

Scott Decker seconded the motion. Roll call vote. All voted Aye and the motion carried.

STAFF RECOMMENDATION: Approval of the proposed temporary use permit, as described in the application received on October 9, 2017 as well as in the supplemental information received on October 10, 2017, based upon the following findings:

1. Through the inclusion of the following conditions, the location of the proposed project should not adversely impact the existing agricultural uses in the vicinity.
 - a. **The temporary use permit shall be limited to the following:**
 - **Storage of oil rigs, enclosed trailers, oil tanks, and bumper hitch trailers; and**
 - **The following activities associated with an oil service business:**
 - **Indoor maintenance of equipment;**
 - **Daily fueling of pickup trucks associated with the business;**
 - **Occasional outdoor service of oil rigs; and**
 - **Monthly safety training sessions for the applicant's employees;**

No other non-agricultural activities shall occur on the site, and no other non-agricultural materials shall be stored on the site.
 - b. **The duration of the temporary use permit shall be November 7, 2017 through November 6, 2017. Renewal of the temporary use permit shall require a public hearing before the Stark County Planning and Zoning Commission and approval by the Stark County Commission.**
 - c. **The temporary use shall expire should ownership of the property change.**
 - d. **The storage of oil rigs, enclosed trailers, oil tanks, and bumper hitch trailers associated with the temporary use permit shall be restricted to the area shown on the map submitted with the application dated October 9, 2017. No gravel, scoria, concrete, asphalt or similar materials shall be spread on top of the storage area.**
 - e. **Transport of oil rigs, enclosed trailers, oil tanks, and bumper hitch trailers shall be restricted to daylight hours.**
 - f. **Outdoor service of oil rigs shall restricted to daylight hours.**
 - g. **No oil rigs, enclosed trailers, oil tanks, and/or bumper hitch trailers shall be stored within ~~200~~ 100 feet of adjacent property boundaries.**
 - h. **All oil rigs, enclosed trailers, oil tanks, and bumper hitch trailers shall be cleaned and free of chemicals and other toxic materials prior to storage on the site.**
 - i. **No chemicals or toxic and/or flammable materials shall be stored on the site.**
 - j. **No washing of nonagricultural structures, vehicles, equipment or material shall occur on the site.**
 - k. **No additional permanent structures shall be erected on the site.**
 - l. **No other non-agricultural structures, vehicles, equipment or materials shall be stored on the site.**
 - m. **Access points serving the subject property shall be determined in accordance with Stark County regulations.**
 - n. **The developer shall be responsible for all maintenance associated with the temporary use permit.**
 - o. **Any proposed change of the temporary use permit, including location of the storage of the oil rigs, enclosed trailers, oil tanks, and bumper hitch trailers shall require a hearing before the Stark County Planning and Zoning Board and approval from the Stark County Commission.**

- p. The permit may be revoked by the County Commission anytime the applicant is in non-compliance with any of the conditions set by the Planning and Zoning Board or the County Commission for the issuance of the permit.**
- q. Storage of the oil rigs, enclosed trailers, oil tanks, and bumper hitch trailers shall be performed in accordance with all applicable County, State and Federal rules and regulations.**

The proposed request complies with the requirements of Chapter 6.30 and Chapter 8.5 of the Stark County Zoning Ordinance.

The request is consistent with the following objective of the Stark County Comprehensive Plan:

- LAND USE-Avoid conflicts between land uses.

Chairman Hoff opened the public hearing on the Proposed Amendments to Article V of the Stark County Zoning Ordinance as adopted on October 2, 2012 to add an Airport Overlay District.

Chairman Hoff asked anyone to speak either for or against the Proposed Amendments to Article V of the Stark County Zoning Ordinance as adopted on October 2, 2012 to add an Airport Overlay District.

Chairman Hoff closed the public hearing.

Scott Decker moved to recommend to the Stark County Board of Commissioners the approval for the Proposed Amendments to Article V of the Stark County Zoning Ordinance as adopted on October 2, 2012 to add an Airport Overlay District following staff recommendations dated November 14, 2017. Jay Elkin seconded. Roll call vote. All voted Aye and the motion carried.

Kurt Froelich moved to adjourn, Scott Decker seconded.