

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON FEBRUARY 25TH, 2019, AT WILLISTON CITY HALL, 22 E. BROADWAY, WILLISTON, ND.

Vice-Chairman Gjovig called the meeting to order at 5:30pm. Roll Call was taken. A Quorum was present.

MEMBERS PRESENT: Gjovig, Long, Bauer, Hansen, Eynon

MEMBERS ABSENT: Christensen, Aafedt

OTHERS PRESENT: Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Jeremy Miller, Staff Planner; Mark Schneider, Development Services Director; Bob Hanson, and David Wicke, City Engineering.

DISPOSITION OF MINUTES:

A. Approval of minutes of the January 28th, 2019, Planning Commission Meeting.

MOTION BY EYNON, SECOND BY BAUER to approve the January 28th, 2019 minutes, as presented. **ABSENT/NOT VOTING:** Christensen, Aafedt **CARRIED ON VOICE CALL**

COMMUNICATIONS:

A. Planning Article

PUBLIC HEARING:

A. Short Plat of 7 Townhome Lots, Rearrangement of Part of Plot 2 & Plot 4, Homecroft Addition, NE1/4 of Section 24, T154N, R101W- River Manor Townhomes II/JMAC Resources

Vice Chairman Gjovig introduced the first public hearing item (as above) and asked Miller to present. Miller stated that this is a short plat to rearrange a condominium association on the S 136.5' of Plot 2 & E 50' of Plot 4 Less DD of the Homecroft Addition. This rearrangement will create seven individual lots from a seven-unit condominium association.

These proposed lots do all meet the lot requirements for properties in the R-3: Lowrise Multifamily and Townhouse zoning district.

Patrick McGarry stated that the current property owner, Pronghorn, LLC, intends to establish a Home Owner's Association (HOA) to establish exterior maintenance standards and quality. Once 60-80% of the lots have been sold to other owners, Pronghorn, LLC intends to hand over control and responsibilities of the HOA to those property owners. Included in the HOA document will need to be the access and maintenance easement agreements for the shared access, common parking area, and the common water/sewer lines.

The residential off-street parking requirement of two spaces per dwelling is met with the individual unit's garages and common parking area. Due to the fact that these townhomes share a common parking area and access, an access and maintenance agreement for the common parking area will need to be recorded, as noted above.

Each individual unit has its own curb stop. The multi-unit structure has its own set of common water and sewer service lines and each unit's services lines branch off from these common service lines. A maintenance and easement agreement for these services lines will need to be recorded, as noted above.

Each unit must meet Building Code to be split onto their own lot. The Building Department is currently working to inspect these units to ensure they meet Building Code or address how they can come into compliance with the code.

At the Development Review Committee, there was a discussion regarding the area north of the shared parking area that appeared to be gravel. It was determined that this area, if not already paved, would need to be paved or have vegetation planted.

Miller finished his presentation and Commissioner Gjovig opened the public hearing and asked for any comment. There were none. After calling twice more for public input and hearing none he closed the public hearing and called for discussion or motion from the Commission.

MOTION BY LONG, SECOND BY BAUER, to recommend approval of the short plat to rearrange the S 136.5' of Plot 2 & E 50' of Plot 4 Less DD of the Homecroft Addition, as presented, contingent on the completion of the recordation requirements listed above. **AYES:** Long, Hansen, Bauer, Eynon, Gjovig. **NAYS:** None **ABSENT/NOT VOTING:** Christensen, Aaftedt. **ABSTAINED:** None.

B. Short Plat of 19 Townhome Lots, Rearrangement of Lot 2R, Nokota Ridge Addition Rearrangement, SE1/4 of Section 10, T154N, R101W- River Manor Townhomes III/JMAC Resources

Chairman Gjovig introduced the second public hearing item (as above) and asked Miller to present. Miller explained this is a short plat to rearrange a condominium association on Lot 2R, Block 1 of the Nokota Ridge Addition. This rearrangement will create 19 individual lots from a 19-unit condominium association.

All proposed lots meet the minimum lot requirements for two-story townhomes in the R-3: Lowrise Multifamily and Townhouse zoning district.

Patrick McGarry stated that the current property owner, Pronghorn, LLC, intends to establish a Home Owner's Association (HOA) to establish exterior maintenance standards and quality. Once 60-80% of the lots have been sold to other owners, Pronghorn, LLC intends to hand over control and responsibilities of the HOA to those property owners. Included in the HOA document will need to be the access and maintenance easement agreements for the shared access, common parking area, and the common water/sewer lines.

The residential off-street parking requirement of two spaces per dwelling is met with the individual unit's garages and common parking area. Due to the fact that these townhomes share a common parking area and access, an access and maintenance agreement for the common parking area will need to be recorded, as noted above.

Each individual unit has its own curb stop. The multi-unit structure has its own set of common water and sewer service lines and each unit's services lines branch off from these common

service lines. A maintenance and easement agreement for these services lines will need to be recorded, as noted above.

Each unit must meet Building Code to be split onto their own lot. The Building Department is currently working to inspect these units to ensure they meet Building Code or address how they can come into compliance with the code.

At the Development Review Committee, there was a discussion regarding the diagonal lot lines. It was explained, by Rachel Laqua, that these lot lines are setup this way so that each lot can meet the lot requirements for the zoning designation.

Vice Chairman Gjovig asked the Commission if there were any questions. Commissioner Long asked if the Building Inspector have inspected any of these units. Miller explained the Building Inspector has inspected 2-3 units per property and have found a few improvements that will need to be made and assumes each unit will need the same improvements. Laqua stated that any requirements found by the Building Inspector will need to be completed before this short plat will be recorded.

City Engineer, Hanson asked for clarification why there were diagonal lot lines. Miller explained it was solely to make the property compliant of the minimum lot size requirements in R-3: Low-rise Multifamily Townhouse. He explained the back-parking area is concrete so there would be no need for the owners to fence off the areas of their property, so the diagonal lot lines would not make an impact for each property owner. Commissioner Eynon asked if the lot lines will cause the property owners to have disagreements of parking in each other's parking area. Miller explained there will be a maintenance and access agreement for the common parking area.

Vice Chairman Gjovig opened the public hearing and asked for any comment. Patrick McGarry, a representative of JMAC Recourses and the Applicant, Jon McCreary spoke. He stated that when the Building Inspector met with their maintenance employee the inspector did find some blocking that was missing in the crawl spaces between the units. An inspection was done several years ago but they had missed this as part of that inspection. The applicant is moving forward with correcting this issue.

After calling twice more for public input and hearing none, Vice Chairman closed the public hearing and called for discussion or motion from the Commission.

MOTION BY LONG, SECOND BY BAUER, to recommend approval of the short plat to rearrange Lot 2R, Block 1 of the Nokota Ridge Addition, as presented, contingent on the completion of the recordation requirements listed above. **AYES:** Long, Hansen, Bauer, Gjovig. **NAYS:** Eynon **ABSENT/NOT VOTING:** Christensen, Aafedt. **ABSTAINED:** None.

C. Short Plat of 6 Townhome Lots, Rearrangement of Lot 5, Pleasant View Addition, NE1/4 of Section 24, T154N, R101W- River Manor Townhomes IV/JMAC Resources

Commissioner Gjovig introduced the third public hearing. Miller explained that this is a short plat to rearrange a condominium association on Lot 5 EX W 152.2' of the N 50' of the Pleasant View Addition. This rearrangement will create seven individual lots from a six-unit condominium association. There will not be a structure on Lot 5.

All proposed lots meet the minimum lot requirements for two-story townhomes in the R-3: Lowrise Multifamily and Townhouse zoning district.

Patrick McGarry stated that the current property owner, Pronghorn, LLC, intends to establish a Home Owner's Association (HOA) to establish exterior maintenance standards and quality. Once 60-80% of the lots have been sold to other owners, Pronghorn, LLC intends to hand over control and responsibilities of the HOA to those property owners. Included in the HOA document will need to be the access and maintenance easement agreements for the shared access, common parking area, and the common water/sewer lines.

The residential off-street parking requirement of two spaces per dwelling is met with the individual unit's garages and common parking area. Due to the fact that these townhomes share a common parking area and access, an access and maintenance agreement for the common parking area will need to be recorded, as noted above.

Each individual unit has its own curb stop. The multi-unit structure has its own set of common water and sewer service lines and each unit's services lines branch off from these common service lines. A maintenance and easement agreement for these services lines will need to be recorded, as noted above.

Each unit must meet Building Code to be split onto their own lot. The Building Department is currently working to inspect these units to ensure they meet Building Code or address how they can come into compliance with the code.

At the Development Review Committee, there was a discussion regarding Lot 5, as this lot has no structure built on it and is the primary access to the common parking area behind the structures. It was determined that a restriction would need to be placed on Lot 5 to prohibit the construction of a structure. This restriction will need to be detailed in the Home Owners Association documents.

Miller finished his presentation and Vice Chairman Gjovig opened the public hearing and asked for any comment. There were none. After calling twice more for public input and hearing none he closed the public hearing and called for discussion or motion from the Commission.

MOTION BY BAUER, SECOND BY HANSEN, to recommend approval of the short plat to rearrange Lot 5 EX W 152.2' of the N 50' of the Pleasant View Addition, contingent on the completion of the recordation requirements listed above. **AYES:** Hansen, Bauer, Eynon, Long, Gjovig. **NAYS:** None. **ABSENT/NOT VOTING:** Christensen, Aafedt. **ABSTAINED:** None.

D. Zone Change from A: Agriculture to R-5: Mobile Home Court, NE1/4 of Section 30, T155N, R100W- Northern Improvement

Commissioner Gjovig introduced the fourth public hearing. Laqua explained that Northern Improvement is requesting three approvals from the Planning and Zoning Commission and City Commission. She will explain each of them at once, stating the Commission can discuss and vote on each item separately. These items are:

1. A zone change to change a 9.93 acre parcel (Lot 3) created by the requested short plat to R-5: Mobile Home Court from A: Agriculture
2. A short plat to split the east half of the northeast quarter of Section 30, T155N R100W (Pherrin Township) into three lots.
3. A Special Use Permit (SPU) to allow an RV Park on the 9.93 acre lot once it is zoned R-5.

The SPU is contingent on both the short plat and the zone change. The zone change and short plat are contingent on each other, as the 9.93 acre parcel is too small for an Agriculturally zoned parcel, which is required to be a full 10 acres. The approval of this application would turn an existing crew camp RV Park into a compliant public RV park. Staff has evaluated this using the same methodology as all other crew camp conversion requests, which involves evaluating and requiring all development standards as would be needed for a green development.

5D. ZONE CHANGE FROM A: AGRICULTURE TO R-5: MOBILE HOME PARK

For the Zone Change from A: Agriculture to R-5: Mobile Home Park case, based on the location in the Extra Territorial Jurisdiction, staff evaluated the current zoning, zoning of the surrounding area, and the Future Land Use Plan. Staff also evaluated the City's future growth plan and areas.

The current zoning of the property is A: Agricultural, as is the surrounding area to the north, south, and west, including the Northern Improvement Gravel Mine to the west of the proposed R-5 lot.

The future land use plan shows this area as previously developed (grey), and doesn't have a future land use assigned, so no amendment to this plan is required. A residential use in this area is consistent with the surrounding zoning. A component of Agricultural zoning is residential use. The residential use in the area is established. R-5 is a low density residential use. A public RV park in an agricultural area would be fairly common. Based on this, staff analysis is that this current agricultural district is not an inconsistent place for an RV Park to be located and it would fit the surrounding area, zoning, and future land use.

This area is not an established industrial park. The land use plan shows that this area is developed because of past and current usage. The land use plan does not show it expanding into an industrial area. In addition, several of the industrial uses in the area involve natural resource mining which will eventually cease. At that time, the land will be reclaimed and available for additional residential development, again in alignment with the Comprehensive Plan and Future Land Use Plan.

This area of Pherrin Township is not part of the City's main growth area. That area is to the west and northwest of the City. Since this is not in an annexed area and not in the future growth area, it is something that could be contained on an independent septic system. This independent septic system usage is an allowable use for an RV Park in the R-5 district and in the land use plan for this area.

In the growth area in the ETJ, this would not be an appropriate use because it does not meet the parameters on the future land use plan. In the annexed area of the city, in a residential area allowable by the future land use plan, a similar application may be considered but would have additional requirements such as hooking into the city sewer system. In non-residential areas in the ETJ or city limits, this application would most likely not be an appropriate use and staff would recommend denial. In particular, in industrial zones, this would not be an appropriate use.

In this area, however, this use as a green development meets the evaluation requirements of zoning, Comprehensive Plan and Future Land Use Plan.

The zone change of Lot 3 must be heard in a public hearing by the City Commission.

5E. SHORT PLAT

This short plat would split the two current parcels into three, allowing a 9.93 acre parcel for Lot 3, which is proposed for the zone change to R-5 and the SPU for the RV Park. There are several minor redlines, but no additional concerns from staff.

The short plat must be reviewed by the City Commission.

8A. SPU FOR RV PARK IN R-5: MOBILE HOME PARK

The RV park is allowable stand-alone use in R-5 with an SPU.

The development standards involved for a green R-5 RV Park include meeting all health, fire and building codes. In this area, this means meeting all Department of Health requirements. The RV park has had their septic system inspected and approved by the Upper Missouri District Health Unit. (A larger RV park is applying north of Ray, but this is too large for a similar septic system and will require either extension of Ray's sewer system or a pump out tank system). The Health Department has reviewed the RV park plan and has approved it contingent on receipt of the plumbing and electric certificate. The Health Department has also reviewed the water system, which is provided by rural water. The next step in this process is a pre-operational inspection, but the Health Department has approved the current configuration and facilities with the contingencies noted above.

The fire department will need to inspect and approve the RV park.

A landscaping buffer will be required on the west side of the property. a landscaping buffer already exists on the east side of the property.

Laqua stated that the SPU has 8 items which must always be considered, which can be found in the packet. As a note, there is a typo in number 8 – the adjacent properties are NOT zoned M-2 as stated. The only items specifically called out in this SPU are that a requirement for an additional landscaped buffer of evergreen trees must be added on the west side of the RV Park.

SPECIAL USE PERMIT CONSIDERATIONS

As part of the review for a special use permit, the following items are required to be considered:

1. *Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.* This property will take access from County 9, using existing approved access points. These will not change.

2. *Off-street parking and loading areas where required, with particular attention to the items in "1" above and the economic, noise, glare, or odor effects of the special permitted use on adjoining properties and properties generally in the district.* This SPU requires no additional parking.
3. *Refuse and service areas, with particular reference to the items in "1" and "2" above.* This use will not affect the current refuse and service areas.
4. *Utilities, with reference to locations, availability, and compatibility.* This site will utilize state and Upper Missouri District Health Unit approved utilities.
5. *Screening and buffering with reference to type, dimensions, and character.* An additional landscaped buffer of evergreen trees matching the east buffer will need to be added on the west side. Buffering currently in place must be maintained.
6. *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.* No additional signs are proposed. In the future, if a sign shall be used, it must be in compliance with Ordinance 1062, or any amendments thereto.
7. *Required yards and other open spaces.* No yards or open spaces are required by the zoning ordinance; must be in compliance with State Department of Health Regulations.
8. *General compatibility with adjacent properties and other property in the district.* The adjacent properties are zoned A: Agriculture and M-2: Heavy Industrial. Based on the future land use plan and Comprehensive Plan, the residential nature of this use is compatible with the surrounding area and is in line with the area, since the Comprehensive Plan indicates this area as a developed land use designation. If this was a proposal outside of the developed area in a very low density designation on the Future Land Use Plan, this item may not be determined to be consistent with the Future Land Use Plan .
9. *Use shall not impose a hazard to health or property.* This SPU will not impose any hazards to health or property.

What follows is an excerpt from the minutes of the Development Review Committee:

Bauer wanted to mention that he felt it was one of the cleanest RV Parks he has seen. He has had to drive past in once a week for the last two years and mentioned that especially in the summers when it is fully occupied that it is well maintained.

Klug wanted the applicant, Sande, to clarify if it were a public RV Park where the public could pull their own RV into the park. Sande replied yes, as it is a zoning requirement. Klug stated it seemed like they were only extending their man camp and their nearby competitors, such as Knife River have found other options other than extending their man camp ability. Klug asked if that is really the applicants' intentions. Sande responded by saying, it was not as they are trying to continue using this part of the property and their investment. They understand that the RV Park will now be public as that is the zoning requirement.

Laqua stated that following their analysis and being it is already a developed area they have found in their evaluation it to be an allowable use. However, if the Commission feels it is not an allowable use we can certainly note that in the minutes.

Jarcik explained the staff analyzes this very closely as they try to use the same legal guidelines as they have with every previous crew camp/work force housing that have had past ordinance on them. They try to give the same analysis every time, as well as discuss this with Evert, the City Attorney. However, the staff finds it difficult as the developed area in a court case does not give specific directions or language as other land use designations. They approach this with what they think will win in litigation. An example would be if a neighboring property owner saw it was approved but they were not, they may want to litigate.

Laqua gave an example of the Four-mile corner area is shown in the Future Land Use Plan as Industrial, so it would be very clear a proposed application like Northern Improvements would not be something the staff would consider as it is not already developed or surrounded by residential. She also wanted to make a note that even though Bauer has mentioned in the past this has been a very clean RV Park, we would want to not look at the history of its conditions and evaluate it as a green use. The Commissioners understood and stated they agreed.

Hanson mentioned there are some redlines things that will need to be checked with the County's regulations. Such as, there are no approaches on County Road 9, the County would like to have access off the road onto your property. He's wondering if the other 75 ft right of way easement is sufficient but assumed so. Sande mentioned if the right of way was extended might have some conflict with the overhead power pole. Laqua mentioned we would work with the applicant if the County needs any additional right of way. Evert stated that they may need an additional right of way and it would be referenced in an easement document. Laqua stated that in this case it is a separate document the applicant would file and

record with the County. This is not something we can do via the plat because it is not signed by the County.

Klug asked if for example, Knife River wanted to do the same thing as Northern Improvement, would they be allowed to do? Laqua explained that would be more difficult as it is zoned M:1 Light Industrial. Klug asked if they could change it to R-5: Mobile Home Court or if MDU wanted to put a public RV Park then more than likely it could happen? Jarcik clarified that MDU would technically fall into the County's jurisdiction. Klug stated that the County could approve that plan if the City approved other applications such as this one. He wants to make a point that the City is not ok with Man Camps. The city has been through a lot of litigation regarding this and is worried this will only open it up to more issues and litigation over applications such as this.

Jarcik explained this was a tough situation. On the Future Land Use Plan Knife River is shown as developed and the property is zoned M-1: Light Industrial. The analysis to the west of County Road 9 is zoned A: Agriculture, Residential is a component of A: Agriculture and is established for low-density Residential independent systems. On the east side of County Road 9, they're zoned M-1: Light Industrial so residential is not a component of M-1: Light Industrial. They are in an enigma of being developed with no direction to what that means so it will come down to what the court would say. In those situations, our staff would not make recommendation of approval, being that it does not fit in that situation because they are in a developed area zoned M-1: Light Industrial for industrial use.

Evert explained he cannot predict what a court would do with the circumstances. However, going from an Industrial to a Residential zone would be more inconsistent than going from A: Agriculture to R-5: Mobile Home Court, Jarcik's assessment would be correct. In this situation it is more consistent with Northern Improvement than Knife River, even though they are literally across the street. Using the same analysis that would be utilized in other properties would not prevent litigation.

Gjovig stated he understands but from Klug's perspective would we want to make it more difficult to prevent back door man camps and opening up these possible litigation issues. Evert explained this will be a public hearing at the Commission meetings so the public and their neighbors will have a chance to open a discussion and express their thoughts and concerns on this issue. That will have some influence on the Commission when they are making their decision. Evert is unsure what other additional restrictions you would put on it other than this is a developed area and you do not feel this

is appropriate for previous reasons stated on the City Commissions direction on crew camps.

Gjovig asked what does it exactly mean to be a public RV Park. For example, could they make it "public" but rent out the entire park to a specific entity for 3 years. Klug mentioned they could also leave a couple of spots open and charge \$1,000 a night because it is their rules. Evert stated he has not analyzed details such as that. Klug stated he feels we know that it is not exactly a public RV Park, he feels it is still Northern Improvements housing unit. Sande stated he has notified their insurer of the anticipated public status as soon as this goes through and has cleared that from an insurance prospective.

Bauer stated that this will be brought to the other commissioners for their opinions and recommendations but will send a recommendation of approval. Gjovig agreed.

**The above excerpt were minutes from the Development Review Meeting that were not said during the Planning and Zoning Commission meeting.*

Laqua summarized the above, noting that the minutes from the February 4th Development Review committee Meeting are in the packet. They're fairly long, but I would like to highlight several points:

1. The County may require additional Right of Way. This is something that will be handled by the County before the plat or zone change would be recorded.
2. The mayor was in attendance and wanted to note that the City is not ok with man camps. The city has been through litigation regarding this and is worried about more issues over applications such as this.
3. This will be a public RV park. There was additional comment that a commissioner felt that even though the RV Park would be public, they would not necessarily be "open to the public". Northern Improvement noted that they were not trying to extend the crew camp but were trying to continue using this part of the property and understand that it will be public from now on. On this item, the City Commission has directed staff to work with facilities to repurpose or rework sites as appropriate based on zoning code and future land use guidelines. In this case, a Public RV park would fit.
4. Staff has analyzed this using the same legal guidelines as with all other previous crewcamps and looked at it as if it were a green property.
5. Staff and the DRC discussed the four mile corner area, noting that it is shown in the Future Land Use Plan as Industrial, so it would be clear that a proposed application like Northern Improvement would not be something the staff would recommend as it is not already developed or surrounded by residential.

Laqua stated that the Commissioners at the Development Review Committee recommend approval, noting that the public would have a chance to discuss at the Planning Meeting as would the rest of the two boards. The Commissioners wanted the discussion in the factsheet and highlighted tonight to be brought up for the board's discussion.

Laqua finished her presentation and Vice Chairman Gjovig asked the Commission if there were any questions or discussion pertaining to the Zone Change application. Commissioner Eynon asked for clarification of the procedure and asked if the Commission could vote on the Special Permit Use application after the Zone Change and Short Plat application were brought to City Commission for approval. Laqua explained because the only reason to do the Zone Change would be because of the Special Permitted Use. It would make more sense to approve or deny the Special Permitted Use since it is contingent on the Zone Change being approved. Otherwise the city would not know if they should approve this since they all go together, there is no reason to do one without the other.

Commissioner Eynon voiced a concern that there is a similar RV Park presentation in the County, north of Ray that had certain stipulations and conditions. Since this property is also in the county, they want to stay consistent with the way RV Parks are being developed.

Laqua responded to his comment and stated that the staff has discussed the RV Park in Ray with the County Planning and Zoning Department and found that because they are not the same and how large the RV Park in Ray is compared to the one being discussed today, they would not have requested the same requirements. In this case, the requirements that we have looked at and applied are appropriate for the size of it and meet the requirements of others that have been done with in the city limits. The staff has not applied any requirements that are above and beyond compared to similar RV Park applicants of this size with in the City of Williston. As well as Williams County, according to the County Planning and Zoning Department.

Vice Chairman Gjovig opened the public hearing and asked for any comment. There were none. After calling twice more for public input and hearing none he closed the public hearing and called for discussion or motion from the Commission.

MOTION BY BAUER, SECOND BY HANSEN to approve the zone change from A: Agriculture to R-5: Mobile Home Court for Lot 3 of the proposed short plat, contingent on completion and recordation requirements as listed above. **AYES:** Hansen, Bauer, Long, Gjovig. **NAYS:** Eynon **ABSENT/NOT VOTING:** Christensen, Aafedt. **ABSTAINED:** None.

E. Short Plat, NE1/4 of Section 30, T155N, R100W- Northern Improvement

Vice Chairman Gjovig asked the Commission if there were any questions or discussion. There were none. Vice Chairman Gjovig opened the public hearing and asked for any questions or comments. There were none. After calling twice more for public input and hearing none he closed the public hearing and called for discussion or motion from the Commission.

MOTION BY LONG, SECOND BY HANSEN to approve the short plat for the NENE Section 30, T155N R100W, contingent on completion and recordation requirements as listed above. **AYES:** Bauer, Eynon. Long, Hansen, Gjovig. **NAYS:** None. **ABSENT/NOT VOTING:** Christensen, Aafedt. **ABSTAINED:** None.

COMMITTEE REPORTS:

A. NONE

UNFINISHED BUSINESS:

A. NONE

NEW BUSINESS:

- A. Application for a Special Permitted Use for a RV Park in R-5: Mobile Home Court, NE1/4 of Section 30, T155N, R100W- Northern Improvement**

Vice Chairman Gjovig asked the Commission if there were any questions or discussion for the item above. There were none.

MOTION BY BAUER, SECOND BY HANSEN to approve the SPU for RV Park in R-5: Mobile Home Park on proposed Lot 3, contingent on completion and recordation requirements as listed above. **AYES:** Eynon, Long, Hansen, Bauer, Gjovig. **NAYS:** None. **ABSENT/NOT VOTING:** Christensen, Aafedt. **ABSTAINED:** None.

- B. Application for a Special Permitted Use for Storage of Indoor Explosives in M-1: Light Industrial, Lot 3 & 4, Block 3, Jim Bridger Subdivision, T162N, R89W - Evolution Completions**

Vice Chairman Gjovig introduced the item (as above). Laqua explained the applicant, Evolutions Completions, requests a special permitted use (SPU) to store explosives indoor in the M-1: Light Industrial zoning district. This use is an enumerated SPU in M-1.

The applicant shows two explosives storage units with no more than 50 lbs total of explosives stored indoors. The magazines are placed according to ATF and Fire restrictions and have been preliminarily approved by both departments.

There was a question at Development Review regarding the distance from a daycare to the west. Because this application is for indoor storage, there are no outdoor distance requirements, as the building meets the secondary containment requirements for an ATF application.

This property is zoned M-1: Light Industrial, as are the surrounding uses. The surrounding properties are used for similar uses, and there are other explosives stored in the area, in the same ATF and Fire approved manner.

As part of the review for a special use permit, the following items are required to be considered:

1. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe. This property will utilize the existing accesses.
2. Off-street parking and loading areas where required, with particular attention to the items *in "1" above and the economic, noise, glare, or odor effects of the special permitted use* on adjoining properties and properties generally in the district. This SPU requires no additional parking.

3. Refuse and service areas, with particular reference to the items in "1" and "2" above. This use will not affect the current refuse and service areas.

4. Utilities, with reference to locations, availability, and compatibility. This use will not affect the current utility usage.

5. Screening and buffering with reference to type, dimensions, and character. This use will not require additional buffering or screening.

6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district. No additional signs are proposed.

7. Required yards and other open spaces. No yards or open spaces are required by the zoning ordinance.

8. General compatibility with adjacent properties and other property in the district. The abutting properties are all zoned M-1: Light Industrial. The ATF and Fire Department inspect the explosives storage on an annual basis and do so for other explosives stored in the area.

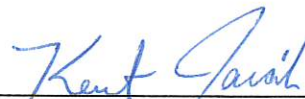
9. Use shall not impose a hazard to health or property. This SPU will not impose any hazards to health or property. Explosives are required to be in compliance with ATF and Fire Department regulations at all times.

Laqua finished her presentation and Vice Chairman Gjovig asked the Commission if there were any questions or discussion. There were none.

MOTION BY LONG, SECOND BY HANSEN to approve the Special Use Permit to store indoor explosives no more than 50lbs on Lots 3 & 4, Block 3, Jim Bridger Subdivision, contingent on ATF approval and on completion and recordation requirements as listed above. **AYES:** Long, Hansen, Bauer, Eynon. **NAYS:** None. **ABSENT/NOT VOTING:** Christensen, Aafedt. **ABSTAINED:** Gjovig.

DATE OF NEXT REGULAR MEETING: Monday, March 18th, 2019.

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director

APPENDIX TO THE February 25th, 2019, PLANNING & ZONING COMMISSION MEETING

- A. Application for a Special Permitted Use for a RV Park in R-5: Mobile Home Court, NE1/4 of Section 30, T155N, R100W- Northern Improvement
- B. Application for a Special Permitted Use for Storage of Indoor Explosives in M-1: Light Industrial, Lot 3 & 4, Block 3, Jim Bridger Subdivision, T162N, R89W - Evolution Completions