

SPECIAL MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON July 29, 2016 IN THE COMMISSION ROOM AT CITY HALL IN WILLISTON, NORTH DAKOTA.

Chairman Aafedt called the meeting to order at 12:00 P.M. Roll Call was taken. A Quorum was present.

MEMBERS PRESENT: Christensen, Hansen, Bauer, Long, Aafedt

MEMBERS ABSENT: Boyeff, Maristuen

OTHERS PRESENT: Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Josephine Ching, Staff Planner; Jordon Evert, Assist. City Attorney; Howard Klug, City Commission.

DISPOSITION OF MINUTES:

- NONE

COMMUNICATION:

- NONE

PUBLIC HEARINGS:

- A. Ordinance 1050 to update closing dates, removal dates and reclamation dates of temporary workforce housing in the City of Williston and the extra-territorial jurisdiction to the City of Williston – City Attorney

Aafedt introduced Item A of Public Hearings (as above) and asked Evert to introduce. Evert explained that he would be asking the Planning and Zoning Commission to make a recommendation to the City Commission. As background he reminded the Commissioners that as a result of court action regarding Ordinance 1026, enacted in November 2015, the Federal Court issued a preliminary injunction staying any action under Ord. 1026. The Judge in that case indicated that Ord. 1026 may not have been properly adopted.

Evert explained that if more than 20% of affected land owners protested the ordinance it would require a super majority vote of the City Commission. The City Commission, made up of five members, only passed Ord. 1026 by a 3-2 vote; a super majority would have required at least a 4-1 vote. Because protests were received late the day of the final City Commission meeting, it could not be determined whether the protests exceeded the 20% threshold at that meeting.

At the July 14, 2016, City Commission meeting Evert asked the Commission for direction on how to move forward under the assumption that Ord. 1026 was invalid. All special use permits for temporary workforce housing that were permitted under Ordinance 925 expired on December 31, 2015. Ordinance 1026 was designed to allow the crew camps an extended permit to remain occupied until July 1, 2016. Evert stated that essentially, if Ord. 1026 is invalid, all crew camps operating after December 31, 2015, are operating as non-permitted uses and subject to enforcement of violation remedies. The City Commission directed the City Attorney's office to prepare an updated version of Ord. 1026 to include amendments that were proposed but not adopted because of the presumed invalidity of Ord. 1026.

Evert stated that proposed Ordinance 1050 has all the provisions of Ord. 1026 in that it amends the sections Agriculture, M-1:Light Industrial and M-2:Heavy industrial zones to create a temporary permitted use for these facilities to remain in those zones. Temporary workforce housing would be a limited permitted use with the following termination dates:

Occupancy – all occupancy of structures must cease on or before Sept 1, 2016;

Removal – all housing structures would need to be removed on or before May 1, 2016; and

Reclamation – all housing sites would need to be reclaimed on or before August 1, 2018.

Evert stated that the application process is outlined for clarity but that all requirements of the application process had previously been met (by all companies still in operation) to comply with Ord. 1026. Some of the items would need to be updated to comply with additional provisions of Ord. 1050. Any failure to meet the requirements will result in a camp not being granted an extension and they will be considered a non-conforming use and subject to enforcement of violation remedies.

Provisions of proposed Ord. 1050 would apply to all temporary workforce housing camps within the City limits or the extra-territorial jurisdiction with the exception of Northern Improvements and McCody Concrete camps in the ETJ which were granted conditional use permits by Williams County prior to coming under the City's ETJ; those permits do not expire until 2018 and 2019 and will be honored by the City of Williston.

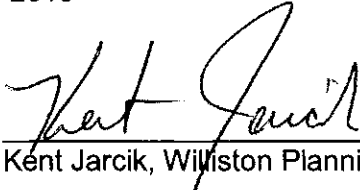
Evert concluded his presentation. Aafedt opened the public hearing and asked for any public input. After calling three times for public input, and hearing none, she closed the public hearing and asked for questions, comments, discussion or a motion from the Commission.

Commissioner Aafedt asked about the October 1 deadline for signing updated acknowledgement agreements in light of the Sept. 1, 2016 deadline to cease occupancy. Her concern is asking them to agree to a timeline with the first deadline already having lapsed. Evert stated that with the late introduction of Ord. 1050 and the required two readings in front of the City Commission that the soonest this ordinance could be passed is just more than a week before the Sept. 1 deadline. With required advertising and need to get new agreements out for signature a sooner required date would be nearly impossible. Evert explained that the ordinance is very clear about the Sept.1, 2016 end date for occupancy whether the agreements are signed by that time or not.

MOTION BY CHRISTENSEN, SECOND BY HANSEN, to recommend to the City Commission approval of Ordinance 1050 to update closing dates, removal dates and reclamation dates of temporary workforce housing in the City of Williston and the extra-territorial jurisdiction to the City of Williston. AYES: Bauer, Long, Christensen, Hansen, Aafedt. NAYS: None. ABSENT/NOT VOTING: Maristuen, Boyeff. ABSTAINED: None.

DATE OF NEXT REGULAR MEETING: August 15, 2016

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director