

REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON OCTOBER 16, 2017 AT WILLISTON CITY HALL, 22 E. BROADWAY, WILLISTON, ND.

Chairman Aafedt called the meeting to order at 5:30pm. Roll Call was taken. A quorum was present.

MEMBERS PRESENT: Eynon, Hansen, Maristuen, Bauer, Aafedt

MEMBERS ABSENT: Long, Christensen

OTHERS PRESENT: Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Jeremy Miller, Staff Planner; Jordon Evert, Assist. City Attorney; Kelly Aberly, Building Dept.

PUBLIC HEARINGS:

NONE

UNFINISHED BUSINESS:

NONE

NEW BUSINESS:

- A. Special Permitted Use request for a hydraulic acid storage facility to be located on Sublot 7, SW Section 20, T154N, R100W, south of Highway 1804 and west of Stony Creek in the Stony Creek Rail Yard – Red River Supply

Commissioner Aafedt introduced public hearing item A (as above) and asked Miller to present. Miller explained that the applicant requests a special permitted use (SPU) to store hazardous materials on Sublot 7 in SW1/4 of Section 20, T154N, R100W, 13310 50th Rd NW

Miller stated that the storage of hazardous materials, subject to locally adopted Fire Code and State Building Code Regulations, are allowed by a special permitted use (SPU) pursuant to section 23(C)(2)(M) of the Williston Zoning Ordinance.

The applicant requested this SPU to allow for 10 storage tanks to store hazardous material. Each storage tank will have a 50,000 gallon capacity with a total storage capacity of 500,000 gallons.

The proposed containment area will be 43' x 100' (4,300 square feet) enclosed by a concrete wall. This containment area will have a containment capacity of 94,000 gallons.

This property was granted a similar SPU in June of 2014 to construct a tank farm for a liquid mud facility. No action was taken towards the construction of the approved tank farm within 3 years of the SPU being granted, making this previously approved SPU no longer valid.

The property has access to both city sewer and water services.

Miller said that Fire Marshal Bob Kiser had some initial concerns with how the hazardous materials would be stored and contained during transferring from the tank cars to the storage tanks and then to a truck to be transported off site. These concerns were addressed by Red River following the ad hoc meeting and the Fire Marshal has no further concerns with the SPU.

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. *The property will continue to take access from Highway 1804, and this use should not cause any changes to the current traffic patterns. Currently, 50th Road NW runs diagonal through the property and is currently in the process of being vacated. The City of Williston will reserve a utility and access easement in, on, over, and under the right-of-way to be vacated. Red River will maintain access to the vacated right-of-way and ensure the reserved utility and access easement remains unencumbered.*
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. *The property currently utilizes city water and sewer services that are along 50th Road NW. The city engineer stated that this SPU will have a minimal impact on these services, if any.*
5. Screening and buffering with reference to type, dimensions, and character. *Due to the fact that the vacation of 50th Road NW needs to be recorded prior to this SPU being recorded, the location of the proposed storage tanks will not be visible from any public right-of-way and will not require any 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. *Adjacent land uses to the north, south, and east are M-2: Heavy Industrial and A: Agricultural to the west.*

9. Use shall not impose a hazard to health or safety. *The application to store hazardous materials and the applicant's containment plan has been approved by the Fire Marshal.*

At the October 6, 2017, ad hoc there was a discussion regarding the vacation of 50th Road NW, which runs along the west side of Sublot 7 in the SW1/4 of Section 20, T154N, R101W. It was determined that the vacation had previously been through the public review process and that the city attorney will determine what else needs to be completed to finalize the vacation.

Currently, the city attorney has prepared easement agreements to fulfill the terms of the vacation. The applicant will need to sign them and they will need to be recorded prior to the SPU recordation.

Miller stated that the ad hoc committee recommended approval of this SPU and concluded his presentation.

Commissioner Aafedt asked what happened with the 50th Rd NW vacation. Assistant City Attorney Evert addressed the Commission and explained that the vacation (approved by the City Commission, 9/13/2016) was approved contingent on an easement being granted to Toni Axleson; the easement is ready and just needs signed. Evert said that the SPU, if approved, should be contingent on the applicant's signing the easement and recordation of the vacation documents. Evert added that if the easement hasn't been signed in by the meeting he would but this item on unfinished business and work to get it wrapped up. Signing and recordation of the 50th Road NW vacation document is part of the completion /recordation requirements listed by staff.

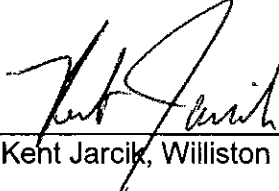
MOTION BY MARTISTUEN, SECOND BY HANSEN to approve the special use permit to store hazardous materials on Sublot 7 in SW1/4 of section 20, T154N, R100W, as presented, contingent on recordation of the suggested findings and completion of the recordation requirements. **AYES:** Eynon, Long, Hansen, Maristuen, Bauer, Aafedt. **NAYS:** None
ABSENT/NOT VOTING: Long, Christensen. **ABSTAINED:** None.

COMMITTEE REPORT:

NONE

DATE OF NEXT REGULAR MEETING: November 20, 2017

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director

APPENDIX TO THE OCTOBER 16, 2017, PLANNING & ZONING COMMISSION MEETING

- A. Special Permitted Use request for a hydraulic acid storage facility to be located on Sublot 7, SW Section 20, T154N, R100W, south of Highway 1804 and west of Stony Creek in the Stony Creek Rail Yard – Red River Supply