

**REGULAR MEETING OF THE PLANNING AND ZONING COMMISSION WAS HELD ON AUGUST 21, 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, Bauer, Christensen, Maristuen, Aafedt

**MEMBERS ABSENT:** Hansen, Long

**OTHERS PRESENT:** Kent Jarcik, Planning Director; Rachel Laqua, Principal Planner; Josephine Ching, Staff Planner; Jeremy Miller, Staff Planner; Jordon Evert, Assist. City Attorney.

**PUBLIC HEARINGS:**

Nabors' representatives appearing via phone, Orlando Romero and Lance McCarthy.

Chairman Aafedt introduced the first unfinished business item (as above) and asked Laqua to present. Laqua explained that this application by Nabors Drilling requests to re-zone Lots 7 & 8, Block 3, Missouri Ridge Commercial Park to C-2: General Commercial in order to repurpose the existing, vacant workforce housing into a hotel property.

Laqua said the workforce housing complex on the property was permitted by Williams County and was brought into the ETJ in the beginning of 2015. The property was rezoned to M-1: Light Industrial in April 2016, as part of the larger ETJ rezone. The surrounding area was also rezoned to M-1: Light Industrial, in keeping with the County's future plans for the area as an "employment zone". M-1: Light Industrial was most consistent with the County commercial zoning in place when the ETJ was created.

Surrounding properties are all zoned M-1: Light Industrial and have industrial uses on them. There is also an SPU for explosives that was recently granted in the same subdivision.

Laqua explained that this requested zone change would also require a change to the Future Land Use Plan. As part of the review for a land use plan amendment, the City would consider the following:

- a. Is the proposed land use compatible with existing land uses, existing zoning designations, or approved subdivisions? *No, the surrounding land uses and zoning designations are all light industrial in nature.*
- b. Is the proposed change compatible with surrounding future land uses, or does it result in the need for other land use plan changes to bring about future land use compatibility? If so, have those changes been included in the proposed amendment? *No, it is not compatible with surrounding future land uses. The Comprehensive Plan discusses the majority of the Missouri Ridge Commercial Park as building out as light industrial uses, which followed the original County Employment plan for the area. The only exceptions to that are laid out in the Comprehensive Plan as the possibility that properties directly along the highway frontage would be considered for commercial zoning. Based on the*

*comprehensive plan and the build out of the surrounding area, this would not be an appropriate place for a commercially zoned property. It would be a single commercial lot among light industrial properties. The lot could be sold in the future for use of any of the permitted uses in the C-2: General Commercial District.*

- c. Does the proposed change result in the need for changes to streets and roadways to bring about existing or future continuity and connectivity? If so, have those changes been included in the proposed amendment? *The streets in this subdivision are gravel roads. There is no current proposal to pave them.*
- d. Can the proposed change be accommodated by the surrounding infrastructure (roadways and utilities)? *The proposal would have to meet all required Building and Fire codes, which include hooking up to rural water and installing needed measures for fire suppression and septic disposal.*
- e. Is the proposed change consistent with the goals and objectives of the comprehensive plan and with other adopted plans and policies of the city? *No, the comprehensive plan discusses the majority of the Missouri Ridge Commercial Park as building out as light industrial uses, following the original County Employment Plan for the area. Based on the comprehensive plan, this would not be an appropriate area for a commercial zoned property. The lot could be sold in the future for use of any of the permitted uses in the C-2: General Commercial District.*

Laqua stated that the applicant proposes to connect to a 6" Rural Water line located along 58<sup>th</sup> St NW. They would also provide water tanks with the required capacity for fire suppression, and install fire hydrants.

The applicant also proposes to remediate the existing un-permitted sewage lagoon into a storm water detention site, and install a septic system at the northwest corner of the property. They would connect the existing lift stations into the new septic system.

Laqua said that the roads in this area are not paved; the applicant proposes to place a commercial use on a gravel road.

The building(s) would need to meet all required building codes, and would be evaluated as if they were new buildings. This includes updating the foundation. The Building Department noted "A plan of the existing structures as well as a proposed plan for those structures will need to be submitted for permitting review. A review of the proposed buildings will address any 2015 IBC code requirements."

The building(s) would need to meet all required fire codes, and would be evaluated as if they were new buildings. This includes installing a fire suppression system and several other requirements. The Fire Department has noted that the plan is "feasible".

The property would need to meet all site plan requirements that are standard to any new development, including providing parking spaces as required by code, paving all required parking with concrete or hot mix asphalt, and landscaping the property

The Township has been notified of this proposal. Laqua explained that the Township comment was, "The zoning should remain the same. The property sits right in the middle of industrial and

heavy commercial which makes it difficult. We are trying to start a paving district to help with the flow of traffic on 58th but are not getting the required signatures to move forward at this time. The township does do some grading and graveling on 58th but on account of funding the township is limited on what we can do.”

The City Engineer, Bob Hanson, noted that “Granting this rezone would create an island of Commercial Land Use inside a sea of Industrial Land Uses. Such spot zoning requests should be rejected.”

On June 27, 2017, during a pre-development meeting, an ad hoc committee met consisting of: Howard Klug, President of the City Commission; Chris Brostuen, City Commission; Cyndy Aafedt, Chair of the Planning and Zoning Commission; Kevin Christensen, Planning and Zoning Commission; Deeann Long, Planning and Zoning Commission; Bob Hanson, City Engineer; Jordon Evert, Assistant City Attorney; Bill Tracy, Building Official; Dave Benth, Rural Fire Chief; Jason Catrambone, City Fire Chief; Dave Bell, Public Works Director; Kent Jarcik, Director of Planning and Zoning; and Rachel Laqua, Principal Planner. Lance McCarthy, Kyle Jameson, Orlando Romero, and Peter Goebel, all representing Nabors, were present via phone.

At the standard August 7, 2017, ad hoc meeting, Howard Klug, Cyndy Aafedt, Bob Hanson, Jordon Evert, Kent Jarcik, Rachel Laqua, and Jeremy Miller were present. Nabors representatives were present via phone. The facts of the case were relayed again to all present, but the case was not discussed.

Laqua stated that neither ad hoc committee made a recommendation; however the staff recommendation is to deny the permit based on the comprehensive plan. Laqua concludes her presentation. Aafedt opened the public hearing and asked for any public input.

Commissioner Christensen asked Laqua to clarify that City Engineer Hanson has stated that the City has no intention to pave the roads in Missouri Ridge. Laqua said that the Ramada Inn has tried to get the township to pave those roads for some time but have been unable to gather the signatures from surrounding properties to support that; the City has no intention to pave out there.

Commissioner Eynon asked whether Nabors intend to have a septic system with a drain field and if so, have they done any soil testing to assure that a drain field would work in that area. Secondly he asked about the fire protection proposal and what amount of water the holding tanks would contain; enough just to contain a fire; to fight a fire; to make sure everyone gets out of the hotel? Laqua said that Nabors have been in discussion with Dave Benth, Rural Fire Chief and Jason Catrambone, City Fire Chief, and deferred to the Nabors’ representatives on the phone. Orlando Romero stated the fire suppression system with holding tanks that would be fully charged at all times; if there were a fire, the sprinkler systems would go off just as any other system. He stated this was commonly done in many places and again they are working with local fire departments on this.

To answer Eynon’s question on sewage, Romero said that they had planned on a septic system with a drain field as their first choice if it will work. If not Nabors would operate on a hold and haul system stating that a neighboring business is doing that now and it works well. McCarthy added that no soil testing had been done as yet as they wanted to wait and see if they get this zone change.

After a second call for public hearing Nabors Drilling employee Todd Hendrickson approached the Commission and stated that Nabors has a \$7 Million Dollar investment in this crew camp and are just asking to be able to utilize that investment. He stated that their man-camp was permitted by the County and then taken into the City's extra-territorial jurisdiction (ETJ) expansion.

Aafedt called a third time for public input; hearing none she closed the public hearing and asked for the wishes of the Commission.

MOTION BY CHRISTENSEN, SECOND BY BAUER to recommend to the City Commission denial of the zone change request from M-1: Light Industrial to C-2: General Commercial for Lots 7 and 8, Block 3, Missouri Ridge Commercial Park as presented. AYES: Christensen, Bauer, Eynon, Maristuen, Aafedt. NAYS: None ABSENT/NOT VOTING: Long, Hansen. ABSTAINED: None.

\*\*This item will move forward to the City Commission on September 12, 2017, with a recommendation of denial from the Planning & Zoning Commission.

**UNFINISHED BUSINESS:**

A. NONE

**NEW BUSINESS:**

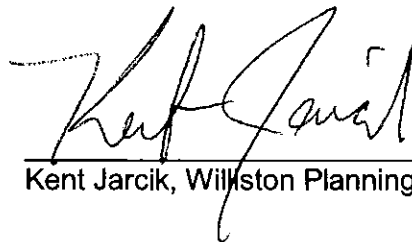
A. NONE

**COMMITTEE REPORT:**

A. NONE

DATE OF NEXT REGULAR MEETING: Sept. 18, 2017

MEETING ADJOURNED.



Kent Jarcik, Williston Planning Director