

**NORTH DAKOTA  
RAYMOND TOWNSHIP  
BOARD OF SUPERVISORS**

---

**NUSTAR PIPELINE OPERATING  
PARTNERSHIP L.P.: APPLICATION FOR  
CONDITIONAL USE CERTIFICATE, PERMITS,  
AND APPROVALS FOR PETROLEUM  
PRODUCTS PIPELINE**

**FINDINGS AND RESOLUTION GRANTING  
CONDITIONAL USE CERTIFICATE, PERMITS,  
AND APPROVALS**

---

**INTRODUCTION**

On November 13, 2015, NuStar Pipeline Operating Partnership L.P. (“NuStar”) submitted an application for a Conditional Use Certificate, a Floodplain Development Permit, and all other permits and approvals required (“Application”) for a proposed eight-inch petroleum products pipeline and associated facilities, a portion of which is to be located in Raymond Township.

On December 11, 2015, the Raymond Township Zoning Commission and the Raymond Township Board of Supervisors met to consider the Application. The Raymond Township Zoning Commission recommended approval of the Application.

Having heard, reviewed and considered the Application, all information presented regarding the Application, and the Zoning Commission’s recommendation, the Raymond Township Board of Supervisors hereby makes the following:

**FINDINGS OF FACT**

1. NuStar proposes to construct an eight-inch petroleum products pipeline and associated facilities extending from the proposed Cenex Pipeline, LLC (“Cenex”) Fargo Terminal site, located southeast of Prosper, North Dakota in Raymond Township, to NuStar’s existing North System Pipeline, located southeast of Mapleton, North Dakota in Mapleton Township. The pipeline and associated facilities are referred to as the Laurel Interconnect Pipeline Project (“Laurel Project”).

2. The portion of the Laurel Project in Raymond Township will consist of the pipeline, an above-ground valve access, and a pump station and other above-ground facilities located on an approximately two-acre site within Cenex’s Fargo Terminal site, referred to as the Fargo Pump Station.

3. In the Application, NuStar submitted maps and other documentation, providing the following: Cenex’s preliminary site plan, which depicts the location of NuStar’s above-ground facilities and pipeline within the Cenex site; the pipeline route and location of other

above-ground appurtenances; legal descriptions of the tracts to be crossed, including dimensions and shapes; the existing land uses of the pipeline route tracts; the existing zoning classifications of the pipeline route tracts; designs for the pipeline crossings of township roads, undeveloped section lines, certain waterbodies and ditches, Interstate 94, and a railroad; and a typical cross section of the pipeline relative to natural ground.

4. In the Application, NuStar also provided the following information:
  - a. There are no existing, nor any proposed, buildings on the tracts to be crossed by the pipeline, except for the portion of the pipeline within the Cenex Terminal site;
  - b. The existing or proposed use of the land being crossed by the pipeline is agricultural and, as of the date of the Application, the existing zoning classification of each tract is agricultural;
  - c. There are no existing, nor any proposed, parking areas on the tracts to be crossed by the pipeline;
  - d. There are no plans for family, housekeeping unit, or rental unit buildings on the tracts to be crossed by the pipeline;
  - e. The conditions existing on the tracts being crossed by the pipeline are agricultural; and
  - f. No change to the zoning classification is being sought for the pipeline and, except for the portion of the pipeline within the Cenex Terminal site, the land above the pipeline will remain in agricultural use after the pipeline is constructed.

5. In addition, NuStar submitted in its Application a development/floodplain permit application, floodplain maps showing the pipeline route, and an Additional Information document.

6. NuStar representatives presented information on, and answered questions regarding, the Laurel Project at the December 11, 2015 Raymond Township meeting.

7. Within the Cenex Terminal site, NuStar will lease land from Cenex in order to construct and operate the facilities necessary to interconnect the Cenex facilities to the NuStar facilities, including a portion of the pipeline, a pump station, and associated facilities. NuStar is in the process of finalizing the proposed pipeline route exiting the Cenex Terminal site and extending east along the south side of 32nd Street SE, and plans to acquire an easement from the landowner (who has already executed an easement for other portions of the pipeline route) once the route is final. NuStar has acquired all other easements necessary to construct the pipeline along the proposed route.

8. NuStar selected the pipeline route and the Fargo Pump Station site as a result of a thorough site analysis, as well as coordination with landowners, local officials, agencies, Cenex, and existing infrastructure owners.

9. Based on the Application and information presented, Raymond Township hereby makes and incorporates all the findings required by the Raymond Township Zoning Ordinance, and finds NuStar has satisfied the requirements of the Raymond Township Zoning Ordinance necessary to grant: a Conditional Use Certificate; a Floodplain Development Permit; any building permits required for the Fargo Pump Station facilities; all crossing approvals; and all township road-related approvals.

10. NuStar has complied with all notice and hearing requirements, and paid all applicable permit fees required for consideration and approval of the Application.

Based on the above Findings of Fact, the Raymond Township Board of Supervisors hereby adopts the following:

**RESOLUTION**

1. Raymond Township hereby grants to NuStar the following permits and approvals for the Laurel Project: a Conditional Use Certificate; a Floodplain Development Permit; any building permits required for the Fargo Pump Station facilities; all crossing approvals; and all township road-related approvals;

2. The Zoning Administrator shall issue a Certificate of Zoning Compliance to NuStar for the Laurel Project; and

3. No other permits, certificates, notices, hearings, or approvals from Raymond Township are required for NuStar to construct, operate, and maintain the Laurel Project.

APPROVED: Dane M. Larsen, Chairman

ATTEST: [Signature]  
Township Clerk

DATE: December 11, 2015

The motion for the adoption of the foregoing resolution was made by Supervisor Barry Bowman and duly seconded by Supervisor Dane Larsen. On roll call vote, the following Supervisors voted aye:

Dane Larsen Barry Bowman DAVID GUST  
The following voted nay: ~~DAVID GUST~~ ~~GUST (Dc)~~

The majority of the Board of Supervisors having voted aye, the motion carried and the resolution was duly adopted.