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To: [Hamre, John G.](#)
Subject: Filing Accepted for Case: 08-2018-CV-02937; Environmental Law and Policy Center, et al. vs. North Dakota Public Service Commission, et al.; Envelope Number: 3293186
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Filing Accepted

Envelope Number: 3293186

Case Number: 08-2018-CV-02937

Case Style: Environmental Law and
Policy Center, et al. vs. North Dakota
Public Service Commission, et al.



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Filing Details	
Court	Burleigh County - South Central District
Case Number	08-2018-CV-02937
Case Style	Environmental Law and Policy Center, et al. vs. North Dakota Public Service Commission, et al.
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Filed By	John Hamre
Filing Attorney	Illona Jeffcoat-Sacco

Document Details	
Lead Document	CR Exhibit 25 Record Addition 3 County Permit Application part 1 of 10.pdf
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March 22, 2016

Ms. Stacey Swanson
Tax and Zoning Director
Billings County Planning and Zoning Department
Tax Equalization & Zoning Office
Billings County Courthouse
495 4th Street
Post Office Box 247
Medora, North Dakota 58645

Dear Ms. Swanson:

Meridian Energy Group, Inc. is pleased to submit the attached **Application for Building & Zoning Certificate** and the **Application for Conditional Use Permit** for the proposed Davis Refinery Project near Belfield, North Dakota. Meridian is seeking an Industrial Zoning Certificate and a Conditional Use Permit to construct the Davis Refinery, an approximately 55,000 barrel per day petroleum refinery. The Refinery will be constructed in two phases, with the initial design capacity of the Refinery being 27,500 bpd capacity.

The Applications have been prepared in accordance with the information requirements outlined within the Billings County Comprehensive Plan, Section B, paragraph ii – The Energy Industry, and Section C – Future Growth in Billings County, and Billings County Zoning Ordinance Article V: Zoning District Regulations, Section 5.5 Industrial District Purpose, and Section 5.5.2 - Conditionally Permitted Uses, Subsection e), and Article VII: Administration and Enforcement, Section 7.3 – Conditional Use Permits. In this regard, the attached Survey, Site and Location Maps were prepared by SEH Engineers Inc., Bismarck, North Dakota, (www.sehinc.com) and the Site Plan and General Plot Plan were prepared by the Houston offices of Vepica USA, Inc. (www.vepica.com/home/en), on behalf of Meridian.

Using state-of-the-art operating and controls technology, the proposed Davis Refinery will refine, once fully installed, approximately 55,000 barrels per day of a variety of locally produced crude oils brought to the facility by pipeline, truck and rail. Refined products include gasoline, diesel, jet fuel, heating oil, as well as lesser-known products such as lubricants, asphalt base, ethane for plastics, waxes and other specialty chemicals. The initial phase of the Refinery will focus on the production of jet fuel, diesel fuel and other distillate products, primarily for local markets.

The Applications' attachments in Exhibit J include environmental review reports from SEH Engineers (1) to assess the suitability of the Project site from a soils, geologic hazards, and flooding perspective, (2) to assess the impact on biological resources in the vicinity of the Project site, including potential environmental impacts from constructing and operating the refinery, (3) to assess cultural and

MERIDIAN ENERGY GROUP, INC.

Thomas Williams – Executive Vice President, Planning and Permitting
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www.meridianenergygroupinc.com



paleontological resources and wetlands, and (4) visual impact mitigation attainment. These reviews will be used in the design phase of the refinery to minimize environmental impacts, including noise, light, and so forth. Exhibit J also includes a Memorandum from SEH that addresses the manner in which Meridian will mitigate construction period impacts.

The Refinery will employ up to 500 people at the peak of the construction period, and full-time permanent employment is expected to be approximately 150 – 200 people. A refinery job creation report from the state of Washington is attached as Exhibit K which concludes refinery employment creates total permanent employment, including indirect and induced jobs, equal to over twelve for each direct refinery employee. Pursuant to the Billings County Comprehensive Plan, “maintaining the energy industry in Billings County is of utmost importance to the citizens of the County and the County itself.”

State-of-the-art refinery safety equipment and technology will be utilized during construction and operation of the refinery. During construction, all local, state and federal construction site requirements will be met, such as, but not limited to, storm-water runoff control, erosion and sediment control, wash water control (concrete, tools, equipment), wastewater control (portable toilets) and dust and weed control, and site safety and security.

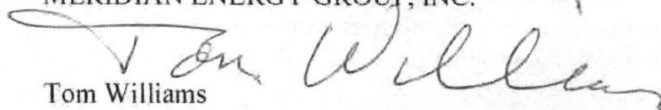
Meridian is requesting that Billings County provide, as part of its approval of the permits and approvals requested herein, the ability of Meridian to begin limited site work on the Project so that the Project does not lose this coming summer as part of the construction schedule for the Project. The work that would be initiated this summer would include grading and earthwork, work on rail sidings and switches, and construction of the agricultural visual buffer that Meridian will be designing with help from a local University. We have learned from Craig Thorstenson, Environmental Engineer for the North Dakota Department of Health, Division of Air Quality that all sources requiring an air quality permit can begin grading and site construction prior to receiving the air quality permit.

Meridian has entered into an agreement with BASIC Equipment, Inc. (www.basic-equipment.com), a Houston based turnkey engineering, procurement and construction firm to serve as its contractor for the refinery, and Vepica USA will continue as the Project’s engineer

Meridian would like to arrange to meet with you in the near future to discuss the Project in greater detail and address any questions concerning the Project that you may have based upon your review of the Applications. Please call me if you have any questions or comments in the interim.

Sincerely,

MERIDIAN ENERGY GROUP, INC.



Tom Williams
Executive Vice President, Planning & Permitting



MERIDIAN ENERGY GROUP, INC.

**Application for Building
and Zoning Certificate**

and

**Application for
Conditional Use Permit**

for the

DAVIS REFINERY PROJECT

**SUBMITTED TO THE BILLINGS COUNTY
PLANNING AND ZONING DEPARTMENT
TAX EQUALIZATION AND ZONING OFFICE**

MERIDIAN ENERGY GROUP, INC.

Corporate Offices: 51 Kalmus Drive, Suite E-140, Costa Mesa, California 92626
949.207.3815 (o) 949.207.6550 (f) www.meridianenergygroupinc.com



THE DAVIS REFINERY PROJECT

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Exhibit A – Application Forms for Building and Zoning Certificate and the Conditional Use Permit

- 1. Billings County Application for Building and Zoning Certificate**
- 2. Billings County Application for Conditional Use Permit**
- 3. Billings County Weed Control Plan**

BILLINGS COUNTY

APPLICATION FOR BUILDING & ZONING CERTIFICATE

TAX EQUALIZATION & ZONING OFFICE

APPLICATION: _____

PHONE: (701) 623.4810 • FAX: (701) 623.4761

495 4TH STREET • PO BOX 247 - MEDORA, ND 58645-0247

DATE ISSUED: _____ EXPIRES: _____

stswanson@nd.gov jpemberton@nd.gov

REVISED 5/2015

INSTRUCTIONS:

1. For new buildings and additions to existing buildings, complete entire form
2. Include all necessary drawings in the space provided and attach any house plans, surveys, etc. to the application
3. Return completed application and fees to the Tax Equalization & Zoning Office before proposed upcoming zoning meeting which is posted at <http://www.billingscountynod.gov/BillingsCountyZoning.htm>

CERTIFICATE FEES, CHECK ALL THAT APPLY:

- \$ 750 Zoning Application Fee*
 - \$ 250 Conditional Use Permit*
 - \$ 200.00..... Temporary Use Permit
 - \$ 200.00..... Variance
 - \$ 200.00.....Change in Zoning District
- \$ 1200 Total Paid Receipt: _____

LOCATION OF PROPOSED STRUCTURE:

- Rural Billings County
Address: See attached Exhibit F

*Fees vary by Zoning District. See Billings County Fee Structure for Planning & Zoning Applications.

Make Check Payable to: Billings County

APPLICANT INFORMATION*: Name: Meridian Energy Group, Inc. - Executive Vice President Tom Williams
 Mailing Address: 151 Kalmus Drive Suite E-140
 City, State Zip: Costa Mesa, CA 92626
 Phone Number: 949-207-3815 Cell: 707-299-0182
 Email: twilliams@meridianenergygroupinc.com

*If applicant is not the owner of record, enclose a letter from the owner stating concurrence of this action for the proposed use of the property.

TYPE OF PERMIT:

- Zoning Certificate
- Zoning Change from Agricultural and Residential to Industrial
- Variance RequestedA variance is needed if the building proposal does not meet ordinance requirements and cannot reasonably be changed to meet standards. See Billings County Ordinance 7.4
- Conditional UseA conditional use is permitted in a district specifically permitting it, subject to the approval of the County Commission and only when the commission finds that such use meets all applicable, including but not limited to those contained in this ordinance. See Billings County Ordinance 7.3

ESTIMATED VALUE OF CONSTRUCTION AND IMPROVEMENTS: \$ Up to \$850 mm

LEGAL DESCRIPTION OF BUILDING SITE: * **See attached Exhibit F**

Lot: * _____ Block: * _____ Subdivision: * _____
 Qtr/Qtr: * _____ Section: * _____ Township: * _____ Range: * _____

PARCEL NUMBER: _____ - _____ - _____ - _____

PROPOSED ACTION:

- New Construction
- Addition to Existing Structure
- Move-In Structure
- Shelterbelt

PROPOSED USE: PLEASE CHECK ALL THAT APPLY

- Residential
- Commercial
- Storage
- Recreational
- Garage
- Mobile Home Park
- Agricultural
- Industrial
- RV Park

PROPOSED INTENDED ACTION WILL BE USED BY:

- Owner
- Immediate Family Member of Owner
- Hired Hand
- Leased or Rented by the owner to: _____
- Other, please explain: _____

Note: If the intended use of this property changes, you are required to notify the Zoning Administrator and may need to rezone to comply with the change.

CONSTRUCTION TYPE:

- Wood Frame
- Wood Pole Frame
- Steel Frame
- Masonry or Concrete
- Dirt Floor Concrete Floor
- Mobile Home: Year: _____ Make & Model: _____
Serial #: _____

APPLICANT COMMENTS OR FURTHER INFORMATION:

Complete industrial facility - 27,500 barrels per day initial phase, 55,000 barrels per day final phase, crude oil refinery and associated buildings and structures.

DIMENSIONS OF STRUCTURE(S): *See attached Exhibit I

USE: * _____ * _____ X* _____ NUMBER OF STORIES: * _____ WALL HEIGHT: * _____

USE: * _____ * _____ X* _____ NUMBER OF STORIES: * _____ WALL HEIGHT: * _____

SIDING TYPE: * _____ INSULATION: Yes No

ROOF COVERING: * _____ INSULATION: Yes No

FOUNDATION TYPE: * _____ DEPTH: 8 Feet 4 Feet Concrete Slab

BASEMENT: Yes No TOTAL BASEMENT SQUARE FOOTAGE: * _____ FINISHED SQ FT: * _____

ELECTRICITY: Yes No

HEATING SYSTEM: Yes No TYPE: * _____

AIR CONDITIONING: Yes No TYPE: * _____

NOTE ON RESIDENTIAL DEVELOPMENT:

No lot shall contain more than one principal single family residential building, and no dwelling unit shall be built on a lot which does not abut a dedicated public right-of-way.

HIGHWAY & LOT LINE SETBACK REQUIREMENTS:

All buildings or structures shall adhere to the following public road or highway setback requirements:

- 1) The minimum setback for buildings from the centerline of all section lines and the center line of county roads shall be one hundred three (103) feet.
- 2) The minimum setback for buildings from the centerline of all state highways shall be two hundred fifty (250) feet.
- 3) The minimum setback for tree plantings from all section lines and the centerline of county roads shall be one hundred three (103) feet.

AGRICULTURAL DISTRICT: **MINIMUM LOT SIZE:** 5 acres **FRONT:** 75 feet **SIDE:** 25 feet **REAR:** 25 feet

RESIDENTIAL DISTRICT SETBACKS: **FRONT:** 75 feet **SIDE:** 10 feet **REAR:** 25 feet

Note: Accessory buildings shall be smaller than the principal building and shall be limited to fifteen (15) feet in height and be located at least ten (10) feet from all lot lines.

APPLICABILITY OF HILLSIDE AND RIDGELINE GUIDELINES

The provisions of this section (according to 5.6.1 of the Billings County Zoning Ordinance) shall apply to any application for a land use permit or subdivision on land that meets either of the following two conditions:

- (1) Any portion of the building envelope that includes slopes in excess of fifteen (15) percent;
- (2) Land that is located on or within fifty (50) vertical feet of the elevation of any prominent ridgeline. Lands that meet either of these two provisions are herein referred to as hillside land or ridgeline land, respectively.

Prominent Ridgeline Defined

A prominent ridgeline shall be defined as any ridgeline, as viewed from any point along a designated major roadway corridor which create a silhouette with the sky. The currently designated roadway corridors are Interstate 94, including all business loops and US Highway 85, and all county roadways. Other potential major roadway corridors from which to identify prominent ridgelines, whether existing or proposed at the time a subdivision or land use permit application is submitted, may be designated by the Planning and Zoning Board during the development review process. These new major roadway corridors shall then establish view points from which to identify prominent ridgelines.

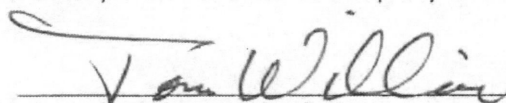
APPLICANT COMMENTS/FURTHER INFORMATION: (ATTACH SHEET IF NEEDED)

For additional information, see attached maps, surveys, and reports.

I the undersigned applicant for a permit do hereby attest that the information contained in this application is truthful and correct to the best of my ability. I further agree to comply with all building codes and standards as regulated by the State of North Dakota, and the requirements and conditions of this permit, and the zoning ordinance of Billings County.

I understand that any inappropriate use of this permit may cause me to be required to pay a penalty.

I certify that I am the Property Owner Construction Contractor hired by the owner.


Signature of Applicant

Tom Williams
Printed Name of Applicant

March 22, 2016
Date

A Scale Drawing must be submitted showing the dimensions of all structures on lot & distance from lot lines & setback requirements. Attach additional sheets if needed. Also include photocopies of all existing floor plans, site plans, surveys, etc with the application.