

MAPLETON TOWNSHIP BUILDING PERMIT AND ZONING CERTIFICATE

DATE: **9/20/24**

PERMIT # **2024-4 CUP-T**

APPLICANT INFORMATION

NAME: **SUNOCO LP**
ADDRESS: **19003 IH-10 WEST**
CITY: **SAN ANTONIO, TX 78257**
PHONE: **210-918-2000**

BUILDER

NAME: **Sunoco LP**
ADDRESS:
CITY:
PHONE:

LEGAL DESCRIPTION OF PROPERTY

**Lot 1,Blk 1, Kindred i-94 Exit Subdivision
N 1/2 Section 4, TWP 139 N, Range 50 W**

REASON FOR PERMIT

NEW CONTRUCTION:

RESIDENTIAL STRUCTURE: FEE
OUTBUILDING FEE

DETACHED GARAGE
STORAGE

OTHER - TANK STORAGE FACILITY- FEE \$7,500.00
ADDITION OF 2 STORAGE AND ONE MIXING FEE
TANK.

HOUSE FEE
OTHER FEE

ELECTRICAL

NAME:
ADDRESS:
CITY: ZIP
PHONE:

PLUMBING:

NAME:
ADDRESS:
CITY: ZIP
PHONE:

PERMIT FEE \$7,500
INSPECTION FEE
TOTAL \$7,500
CHECK #

BUILDING INFORMATION

IS BUILDING LOCATION IN FLOODPLAIN AREA YES
IS BASEMNET BEING ALLOWED NO
ELAVATION AT BUILDING LOCATION 903.60
FLOOD PROOF ELAVATION REQUIRED 904.70
TYPE OF BUILDING Tanks/Pumps
DIMENSIONS As required
TYPE OF USE Conditional

ESTIMATED COST OF PROJECT 15 Million

PERMIT EXPIRES 12 MONTHS FROM
DATE IS ISSUE. IF PROJECT IS NOT
COMPLETED IN 12 MONTHS, AN
EXTENSION MUST BE REQUESTED.
MAXIMUM EXTENSION IS 12 MONTHS
IF MORE THAN 12 MONTHS EXTENSION
THAN A NEW PERMIT MUST BE
PURCHASED

**CUP transfer from Nu Star Energy, L.P. to
Sunoco LP**

1. This permit is issued to ensure the necessary Zoning Ordinances are followed. This includes ensuring that the lot is at the required elevation where applicable and that the structure meets certain flood proofing requirements. No statement or guarantee is made regarding the soundness of the structure or the real estate being built upon.
2. This permit is hereby granted upon the condition that the person to whom it is granted, and his agnets, employees and workmen, in all the work done in, around and upon building, or any part thereof shall conform in all respects to the ordinances of Mapleton Township regarding the construction, alteration, maintenance, repair, removal, and occupancy of buildings in the township. The occupancy for which this permit is being issued shall not be changed without the approval of the Board of Supervisors of Mapleton Township and then only upon the issuance of a new permit.

Robert Staloch 9/20/2024
Zoning Administrator Date

Signed by: DANIEL CODY CRUTHERS 9/12/2025
C210591FD608494...
Owner or Authorized Agent Date

Issue Date: 9-20-2024

Expiration Date: 12-31-2026

**MAPLETON TOWNSHIP
GENERAL FLOODPLAIN
DEVELOPMENT PERMIT
Bob Staloch
Floodplain Administrator
701-371-2457**

Permit # 2024-3CUP-TTank

Storage Addition

Permit becomes void if there are changes to the effective Flood Insurance Rate Maps

- v. Location of the development.
- vi. Identification of Special Flood Hazard Area zone.
- vii. Verification of development is not located within a Regulatory Floodway.
- c. Records of the required notification must be kept by the local Floodplain Administrator in perpetuity.
- d. Any development, regardless if the activity, located in a Regulatory Floodway must obtain a project specific Individual Floodplain Development Permit and cannot be covered under this General Floodplain Development Permit.
- e. Any development for an existing or proposed building must obtain an Individual Floodplain Development Permit and cannot be included in this General Floodplain Development Permit.
- f. The Floodplain Administrator may deny any project type or category from this General Floodplain Development Permit and require an Individual Floodplain Development Permit.

2. Conditions Applicable to Developments Authorized Under this General Floodplain Development Permit

- a. It is the applicant's responsibility to comply with the requirements of Section 404 of the Clean Water Act and Sections 7 and 9 of the Endangered Species Act of 1973, or with any other applicable federal, state, or local laws, criteria, or regulations.
- b. All required local, state, and federal permits must be obtained prior to beginning work.
- c. Permanent and temporary placement or storage of materials may not occur in the regulatory Floodway without the issuance of an Individual Floodplain Permit.
- d. Construction equipment, material, and waste should be located outside the regulatory floodplain when not in use.
- e. Does not alter or change flood carrying capacity of water course or manmade or natural protective barriers.
- f. Does not increase flood damage and/or exposure to flood hazards.
- g. Maintenance must not lower the normal channel invert elevation.
- h. Utilities installed in accordance with the General Floodplain Development Permit (such as underground utilities) that are below the Base Flood Elevation must be designed such that flood waters cannot enter the utility components.
- i. In the event of a change to the scope of work or modification to the development that is covered under this General Floodplain Development Permit, notification must be sent to the Floodplain Administrator and be approved prior to the continuation of the work. If the changes to the scope or work or modifications to the development are determined to no longer qualify the development for use of the General Floodplain Development Permit, said development must cease until an Individual Floodplain Development Permit is obtained.
- j. The usage of a General Floodplain Development Permit is meant to satisfy the permitting requirements outline within the locally adopted Floodplain Damage Prevent Ordinance. As such, other agencies and programs including but not limited to grant and disaster programs may have additional requirements which may include the issuance of an Individual Floodplain Development Permit. For this reason, it is the applicant's responsibility to ensure those other requirements are met.
- k. Does not trigger any requirement found in the local floodplain management regulation.

Print Name and Title of Community Official: Bob Staloch, Floodplain Administrator

Signature of Community Official:  Date: 9-20-2024

**MAPLETON TOWNSHIP
BOARD OF SUPERVISORS
CASS COUNTY, NORTH DAKOTA**

In re: Cenex Pipeline, LLC
Applications for Zoning Change, Conditional Use Building Permit,
and Height Variance

FINDINGS AND RESOLUTION GRANTING ZONING CHANGE,
CONDITIONAL USE BUILDING PERMIT,
AND HEIGHT VARIANCE

Introduction

On June 6, 2016, Cenex Pipeline, LLC (“Cenex”) submitted applications pertaining to part of the N½ of Section 4, Township 139 North, Range 50 West, Mapleton Township, Cass County, North Dakota. The applications were for:

1. Zoning change from agricultural to heavy commercial/light industrial for this 128.63 acre parcel of land.
2. A Conditional Use Building Permit for the construction of the Cenex Pipeline, LLC Mapleton Terminal Facilities.
3. Height variance for the storage tanks proposed to be constructed upon the terminal site to a height of 55 feet.

On June 30, 2016, the Mapleton Township Zoning Commission held a public hearing to consider the applications. The Mapleton Township Zoning Commission recommended approval of the applications.

On June 30, 2016, the Mapleton Township Board of Supervisors met to consider the applications.

Having heard, reviewed and considered the applications, all information presented regarding the applications, the Zoning Commission’s recommendations, and the testimony received at the public hearings, the Mapleton Township Board of Supervisors makes the following:

FINDINGS OF FACT

1. Cenex proposes to construct a refined fuel storage tank facility to be located on part of the N½ of Section 4, Township 139 North, Range 50 West, Mapleton Township, Cass County, North Dakota, comprising approximately 69.68 acres of land. This parcel is located adjacent to and south of the BNSF railroad tracks, and just north of Interstate 94.

2. The proposed tank storage facility will contain four storage tanks, with three larger tanks having the capacity of 145,000 barrels each and one tank having the capacity of 10,000 barrels. All four tanks will be utilized for the storage of liquid petroleum products, such as diesel fuel and gasoline.
3. The petroleum products will come from an existing pipeline operated by Cenex, which existing pipeline is located approximately 6 miles north of this parcel.
4. A portion of the petroleum products will be transferred from the tank storage facility to NuStar Pipeline operated by NuStar Pipeline Operating Partnership LP ("NuStar"). NuStar is proposing to construct an 8-inch petroleum products pipeline from its existing pipeline which parallels Interstate 94 to the tank storage facility proposed by Cenex, and then on to the existing Cenex pipeline.
5. The tank storage facility will allow for increased availability of petroleum products to the agricultural industry in the Red River Valley, especially during the critical planting and harvest seasons.
6. Cenex requested that the land use for the approximate 69.68 acre parcel of land be changed from agricultural to Heavy Commercial/Light Industrial HCL1-1).
7. Article 5.4 of the Mapleton Township Zoning Ordinance provides that the HCL1-1 District purpose is to establish and preserve in a location and manner which benefits the Township's industrial uses, included such permitted uses are light manufacturing and similar type industrial operations which are consistent with the purposes of this District; industrial shops, offices and business; and other uses not listed but similar to the permitted uses and consistent with the stated purpose of this District. As a result it is necessary to change the land use for this parcel of land.
8. Cenex submitted a plot plan drawing of the proposed tank storage facility depicting the principal structures proposed for construction.
9. Cenex indicated it has secured an option agreement to purchase this parcel.
10. The maximum building height for construction within an HCL1-1 heavy commercial/light industrial district is 35 feet. Pursuant to § 8.3 of the Mapleton Township ordinance, Cenex has applied for a building height variance requesting that the tanks be permitted to be constructed to a 55-foot overall height. Cenex submits that construction to this height will facilitate useable volumetric capacities in a more efficient manner and that the construction of the tanks to the 55-foot height is a more effective utilization of material and labor to obtain the desired volumetric working capacities. The reasons set forth justify the variance.
11. Cenex has also applied for a conditional use building permit to facilitate the construction of this liquid petroleum tank storage facility, including piping and metering manifolds, and pumping facilities. Major structures to be constructed at this terminal include three

steel tanks (144-foot diameter by 55-foot height), one steel tank (42-foot diameter by 44-foot height), a pump/manifold building (50 feet wide by 103 feet in length by 20 feet height), an office building (30 feet width by 64 foot length by 15 feet height), and an electrical building (16 feet width by 21 feet length by 16 feet height). In addition, two other smaller buildings are also planned for fire response equipment and for sample/lab use.

12. Cenex indicated that this parcel of land is located near Interstate 94, and also near the location of the existing NuStar and Cenex pipelines. Thus, the proposed site for the tank storage facility is a fit and proper site, and that the change in land use from agricultural to heavy commercial/light industrial is reasonable.
13. The tank storage facility site was selected as a result of a thorough site analysis, as well as coordination with landowners, local officials, local agencies and existing owners.
14. Mapleton Township hereby incorporates all the findings required by the Mapleton Township Zoning Ordinance, and finds that Cenex has satisfied the requirements of the Mapleton Township Zoning Ordinance necessary to grant (a) the zoning change in land use from A-1 Agricultural to HCL-1 Heavy Commercial/Light Industrial for this parcel of land; (b) a variance pursuant to § 8.3 of the Mapleton Township Zoning Ordinance to allow the proposed tanks to be constructed to a 55-foot overall height; and (c) a Conditional Use Building Permit to construct the proposed facilities.
15. The Mapleton Township Zoning Commission held a public hearing regarding the proposed applications for the tank storage facility, and after having heard all public comments, recommended approval of all the applications.
16. Cenex has complied with all applicable notice and hearing requirements, and paid all applicable permit fees required for consideration and approval of the applications.
17. Changing the land use of this parcel from A1 Agricultural to HCL1-1 Heavy Commercial/Light Industrial, granting the height variance and issuing the conditional use building permit will be in compliance with Mapleton Township Zoning Ordinance.

Based on the foregoing Findings of Fact, the Mapleton Township Board of Supervisors hereby adopts the following:

RESOLUTION

1. Mapleton Township hereby grants a change in land use for the approximately 69.68 acre parcel of land described as part of the N½ of Section 4, lying and being south of the railroad right of way, less railroad right of way, in Township 139 North, Range 50 West, Mapleton Township, Cass County, North Dakota, from A1-agricultural to HCL-1 Heavy Commercial/Light Industrial.

*KNOWN AS Lot 1, BLOCK 1, KINDRED AHS
F94 EXIT SUBDIVISION. JWR*

2. Mapleton Township hereby grants the application for a variance allowing for the proposed tanks to be constructed up to a 55-foot overall height.
3. Mapleton Township hereby grants a conditional use building permit to Cenex in order to construct the proposed facilities.
4. No other permits, certificates, notices, hearings, or approvals from Mapleton Township are required for Cenex in order to construct, operate and maintain the refined fuels tank storage facility.

APPROVED: John W. Rutten
 John Rutten, Chairman

ATTEST: Brian A. Bulthuis 6/30/16 DATE: 6/30/16

 Township Clerk

The motion for the adoption of the foregoing resolution was made by Supervisor Folstead and seconded by Supervisor Rutten. On roll call vote, the following Supervisors voted aye: Folstead, Rutten. The following supervisors voted nay: _____.

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