

Case PU-25-236

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Brief

These documents are related to Case PU-25-236 Application - Jetx Power Line and are being filed under North Dakota Century Code 42-01-07 Item 2. These power lines of 150 feet tall are interfering with air space for airport and farming operations.

1. Increased operating costs: inability to fly over your property which forces you to use less efficient or more expensive spraying methods this increases your operational costs.

2. Impairment of Highest and Best Use: Your highest and best use includes farming the land as efficiently as possible. which involves aerial application in many areas.

The loss of this capability or the increased difficulty of this practice is a measurable economic damage.

3. Loss of Safety Zone: 150 foot power lines require safety zones even if the wire is on the adjacent property.

4. First the Airports listed in PU-25-236 Page 44 6.3.1.1 Airports, there are two airports not one located in proximity of each other at 20-137-63 and 21-137-63 one is Fiebiger Airport (See Page 4 of Documents) another at Liechty Farms Airport (See Page 4 of Documents). A letter of Agreement signed on August 1. 2024 (See Page 6 of Documents).

5. It appears power line (See Page 4 of Documents) and (See Page 15 PU-25-236 Page 2

Appendix A Figures Map Pole placement) will run approximately 660 feet from end of runway this creates a hazard under FAA §77.19 (d) (2) (i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways.

6. Example of 345KV Power line with private air strip SN72 located in Kansas (See Page 5 of Documents).

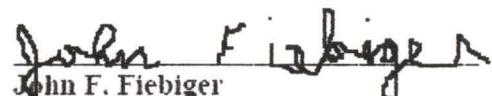
7. If this where to stand it would cost \$500,000.00 to relocate runway which is compensable under North Dakot Century Code 32-15-01 1. and 2.

8. This farm encompasses 1 square mile and is laid out in an east west direction which when flying with airplane creates a zone on the east side of farm that will no longer be accesible by airplane as 100 feet from end of farmland is not a safe condition and increases operating costs to landowner.

If this where to stand it would cost the landowner an additional \$150.00 per year with a term of 99 years North Dakota Century Code 47-05-02.1 (2) for a total cost of \$14,850.00 compensable under North Dakota Century Code 32-15.01 1. and 2.

I declare, under penalty of perjury under the law of North Dakota, that everything I stated is true and correct to the best of my ability.

Signed on this 5th day of December 2025


John F. Fiebiger

5120 85th Avenue South East
Montpelier, North Dakota 58472
Phone 701-489-3599
Johnfiebiger@gmail.com





Letter of Agreement

As per FAA Study Number 2024-AGL-7675-NRA the following LOA is established between Liechty Farm (8NA5), an existing private use airport, and Fiebiger Airport (2024-AGL-7675-NRA) a private use airport.

1. A common frequency of 122.9 is hereby established and shall be used by aircraft utilizing these airports.
2. Traffic pattern at both airport's is 2500 Feet MSL.
3. Type of Aerouautical operations:
 - a. Liechty Farm - Normal Aircraft
 - b. Fiebiger Airport - Normal Aircraft and Ultralight

Date: August 1, 2024

Signed by



Jeff Liechty Owner of Liechty Farm

Date: August 1, 2024

Signed by



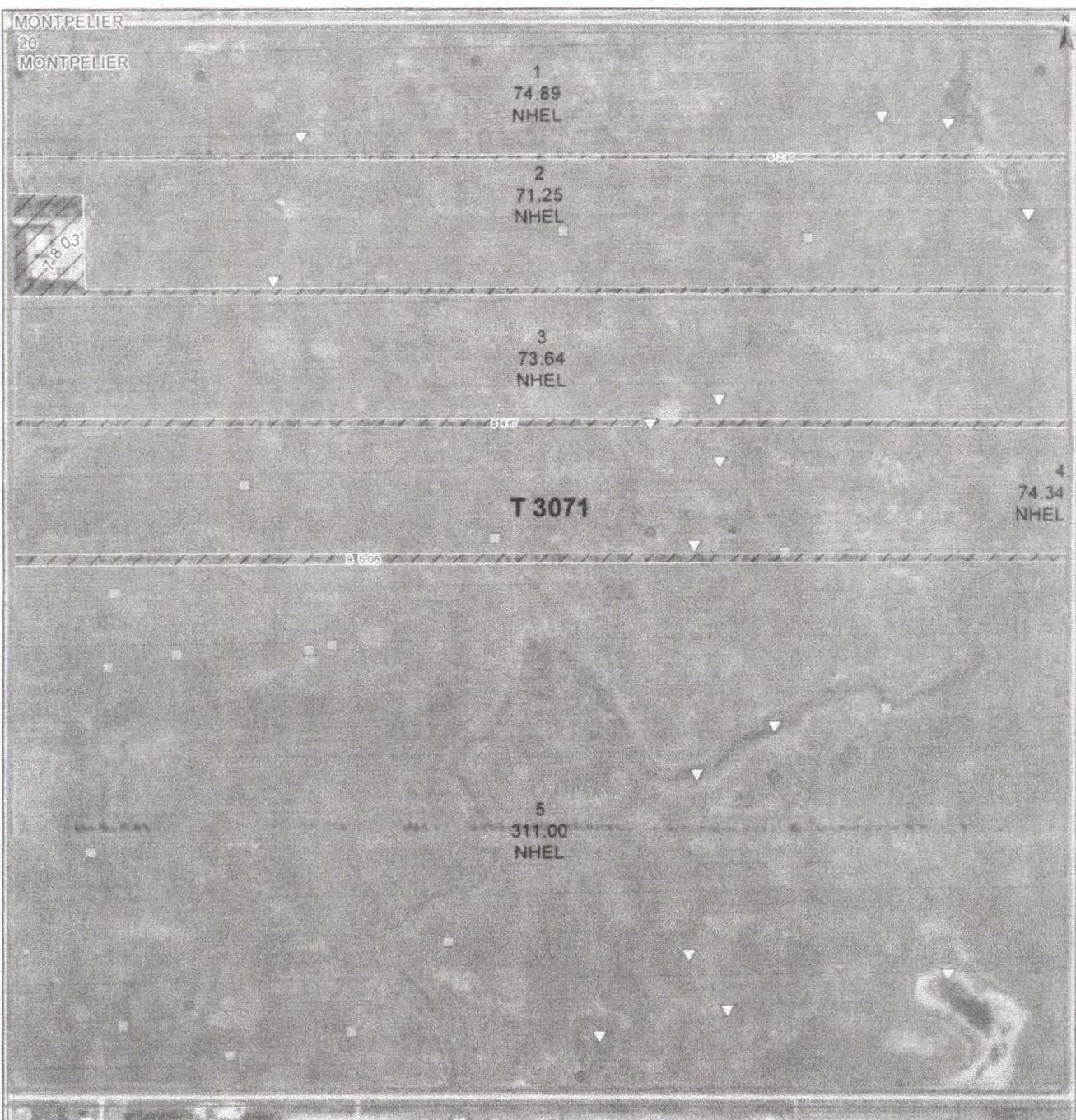
John Fiebiger Owner of Fiebiger Airport



United States
Department of
Agriculture

Stutsman County, North Dakota

Farm 1814



Common Land Unit Tract Boundary
 Non-Cropland PLSS
 Cropland

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation
- Compliance Provisions

Unless Otherwise Noted:

- All crops are for grain
- All crops are non-irrigated
- Shares are 100% to Operator

2021 Program Year

Map Created April 13, 2021

S20 T137N R63W

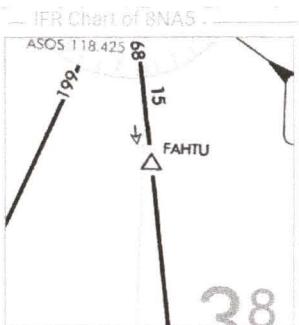
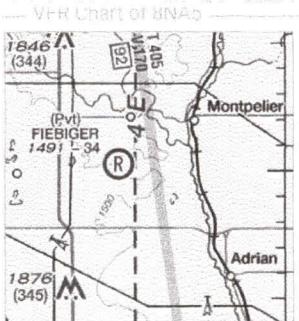
0 230 460 920
Feet

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS). The Imagery displayed on this map was collected in calendar year 2020.

8NA5

Liechty Farm Airport

Official FAA Data Effective 2025-10-02 0901Z

Login
Register

Location Information for 8NA5

Coordinates: N46°39.78' / W98°37.82'
 Located 03 miles SW of Montpelier, North Dakota. View all
[Airports in North Dakota](#).
 Estimated Elevation is 1505 feet MSL.

Operations Data

Airport	Private Use	A.R.T.C.C.:	MINNEAPOLIS
Use:		F.S.S.:	GRAND FORKS
Activation	July 1986	Sectional Chart:	TWIN CITIES
Date:		Airspace Analysis:	NOT ANALYZED
Status:	Operational	DETERMINATION	
Control No		PENDING.	
Tower:		Attendance:	Unattended
Seg- No			
Circle:			
Beacon:	None		
Wind	Yes, Not		
Indicator:	Lighted		

Airport Communications

ASOS at JMS (16.1 N): 118.425 701-251-9002
 AWOS-3 at BAC (30.2 NE): 118.725 701-845-9117
 AWOS-3 at 2D5 (37.2 SE): 118.675 701-742-3991

Nearby Navigation Aids

ID	Name	Freq	Radial / Range	ID	Name	Freq	Bearing / Range
■ JMS	JAMESTOWN	114.50	168° 16.3	○ AA	KENIE	365	073° 77.6
■ FAR	FARGO	116.20	257° 73.7				

Runway 12/30

Dimensions: 2800 x 60 feet / 853 x 18 meters

Surface: Turf

Runway 12 Runway 30

Ownership Information

Ownership: Privately Owned
 Owner: LIECHTY FARM
 MONTPELIER, ND 58472
 701-489-3419
 Manager: JOHN LIECHTY
 205 HILLCREST DR
 JAMESTOWN, ND 58401-3754
 701-489-3419

Other Remarks

- FOR CD CTC MINNEAPOLIS ARTCC AT 651-463-5588.

Nearby Airports with Instrument Procedures

ID	Name	Heading / Distance
■ KJMS	Jamestown Regional Airport	352° 16.1
■ 51D	Edgeley Municipal Airport	193° 19.3
■ KBAC	Barnes County Municipal Airport	056° 30.3
■ 2D5	Oakes Municipal Airport	141° 37.2
■ 4E7	Ellendale Municipal Airport	172° 39.1
■ 6L3	Lisbon Municipal Airport	108° 39.5
■ KASY	Ashley Municipal Airport	218° 48.7
■ KGWR	Gwinner/Roger Melroe Field Airport	122° 48.9
■ S32	Cooperstown Municipal Airport	025° 50.4
■ 46D	Carrington Municipal Airport	335° 51.9
■ 5N8	Casselton Robert Miller Regional Airport	078° 59.8
■ KBTN	Britton Municipal Airport	143° 62.9

Airport Images

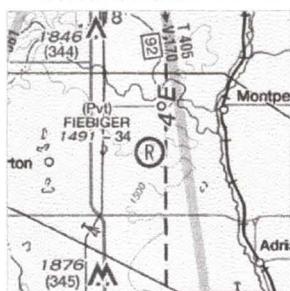
Do you have a recent image of this airport? Upload here!

[Add New Photo](#)

2ND8 Fiebiger Airport

Login
Register

VFR Chart of 2ND8



IFR Chart of 2ND8



Official FAA Data Effective 2025-11-27 0901Z

Coordinates: N46°40.28' / W98°39.48'

Located 03 miles SW of Montpelier, North Dakota. View all Airports in North Dakota.

Estimated Elevation is 1491 feet MSL.

Operations Data

Airport Use:	Private Use	A.R.T.C.C.:	MINNEAPOLIS
Activation Date:	August 2024	F.S.S.:	GRAND FORKS
Status:	Operational	Sectional Chart:	TWIN CITIES
Control No:		Airspace Analysis:	CONDITIONAL
Tower:		Attendance:	Unattended
Seg-Circle:	No		
Beacon:	None		
Wind	Yes, Not		
Indicator:	Lighted		

Airport Communications

CTAF:	122.900
ASOS at JMS (15.5 N):	118.425 701-251-9002
AWOS-3 at BAC (30.9 NE):	118.725 701-845-9117
AWOS-3 at 2D5 (38.3 SE):	118.675 701-742-3991

Nearby Navigation Aids

ID	Name	Freq	Radial / Range	ID	Name	Freq	Bearing / Range
<input checked="" type="checkbox"/> JMS	JAMESTOWN	114.50	172° 15.7	<input checked="" type="checkbox"/> AA	KENIE	365	074° 78.6
<input checked="" type="checkbox"/> FAR	FARGO	116.20	257° 74.8				

Runway 09/27

Dimensions: 3403 x 30 feet / 1037 x 9 meters

Surface: Turf

Runway 09

Runway 27

Coordinates: N46°40.28' / W98°39.89'
Elevation: 1491.0N46°40.28' / W98°39.08'
1482.0

Ownership Information

Ownership: Privately Owned

Owner: JOHN FIEBIGER

5120 85TH AVENUE SOUTH EAST
MONTPELIER, ND 58472
701-489-3599Manager: JOHN FIEBIGER
5120 85TH AVENUE SOUTH EAST
MONTPELIER, ND 58472
701-489-3599

Nearby Airports with Instrument Procedures

ID	Name	Heading / Distance
<input checked="" type="checkbox"/> KJMS	Jamestown Regional Airport	356° 15.5
<input checked="" type="checkbox"/> 51D	Edgeley Municipal Airport	189° 19.6
<input checked="" type="checkbox"/> KBAC	Barnes County Municipal Airport	058° 31.0
<input checked="" type="checkbox"/> 2D5	Oakes Municipal Airport	141° 38.3
<input checked="" type="checkbox"/> 4E7	Ellendale Municipal Airport	171° 39.8
<input checked="" type="checkbox"/> 6L3	Lisbon Municipal Airport	108° 40.8
<input checked="" type="checkbox"/> KASY	Ashley Municipal Airport	216° 48.4
<input checked="" type="checkbox"/> KGWR	Gwinner/Roger Melroe Field Airport	122° 50.1
<input checked="" type="checkbox"/> S32	Cooperstown Municipal Airport	026° 50.5
<input checked="" type="checkbox"/> 46D	Carrington Municipal Airport	336° 51.0
<input checked="" type="checkbox"/> 5N8	Casselton Robert Miller Regional Airport	079° 60.8
<input checked="" type="checkbox"/> KBTN	Britton Municipal Airport	143° 64.0

**TITLE 42
NUISANCES
CHAPTER 42-01
GENERAL PROVISIONS**

42-01-01. Nuisance - Definition.

A nuisance consists in unlawfully doing an act or omitting to perform a duty, which act or omission:

1. Annoys, injures, or endangers the comfort, repose, health, or safety of others;
2. Offends decency;
3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake, navigable river, bay, stream, canal, basin, public park, square, street, or highway; or
4. In any way renders other persons insecure in life or in the use of property.

42-01-01.1. Sport shooting range deemed not a nuisance.

If a sport shooting range has been in operation for one year since the date on which it began operation as a sport shooting range, it does not become a public or private nuisance as a result of changed conditions in or around the locality of the sport shooting range. If a sport shooting range remains in compliance with noise control or nuisance abatement rules or ordinances in effect on the date on which it commenced operation, it is not subject to a civil or criminal action resulting from or relating to noise generated by the operation of the sport shooting range. A person who acquires title to real property that is adversely affected by the operation of a permanently located and improved sport shooting range constructed and initially operated before that person acquired title to the property adversely affected may not maintain a civil action on the basis of noise or noise pollution against the person who owns or operates the sport shooting range. A rule, resolution, or ordinance relating to noise control, noise pollution, or noise abatement adopted by the state or a political subdivision may not be applied to prohibit the operation of a sport shooting range, provided the conduct was lawful and being conducted before the adoption of the rule, resolution, or ordinance. Except as otherwise provided in this section, a political subdivision may regulate the location and construction of a sport shooting range after August 1, 1999. Notwithstanding any other provision of law, a county or city enacting a home rule charter under chapter 11-09.1, 40-05.1, or 54-40.4 may not regulate a sport shooting range except as otherwise provided in this section. As used in this section, sport shooting range means an area designated and operated by a person for the sport shooting of firearms or any area so designated and operated by the state or a political subdivision, regardless of the terms for admission to the sport shooting range.

42-01-01.2. Disorderly house - Public nuisance.

An owner or lessee, or both, of a house or building that is used in a manner that habitually disturbs the peace, comfort, or decency of the immediate neighborhood is guilty of maintaining a public nuisance. A lessee is not guilty of an offense under this section unless the lessee is the cause of the nuisance.

42-01-02. Private nuisance - Definition.

A private nuisance is one which affects a single individual or a determinate number of persons in the enjoyment of some private right not common to the public.

42-01-03. Private nuisance - Remedies against.

The remedies against a private nuisance are:

1. A civil action; or
2. Abatement.

42-01-04. Abatement by private person.

A person injured by a private nuisance may abate it by removing, or, if necessary, destroying the thing which constitutes the nuisance, but the person shall not commit a breach of the peace or do unnecessary injury while exercising this right.

42-01-05. Abatement - When notice required.

When a private nuisance results from a mere omission of the wrongdoer and cannot be abated without entering upon the wrongdoer's land, reasonable notice shall be given to the wrongdoer before entering to abate it.

42-01-06. Public nuisance - Definition.

A public nuisance is one which at the same time affects an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.

42-01-07. Public nuisance - Remedies against.

The remedies against a public nuisance are:

1. Indictment;
2. Filing an information;
3. Bringing a criminal action before a district judge;
4. A civil action; or
5. Abatement.

6.3 Public services

6.3.1 Description of resources

Public services generally refer to services provided by government entities to their citizens or by private entities that benefit public health and safety, such as education and emergency services (e.g., fire, ambulance, and police). Public services are concentrated within the municipalities near the Study Area, including Jamestown, Edgeley, and Ellendale.

6.3.1.1 Airports

No commercial airports or private airstrips are present within the Corridor. The closest commercial airport is the Ellendale Municipal Airport which is located approximately 1.8 miles east of the Route. The Jamestown Regional Airport is located approximately 5.5 miles west of the Route at the closest point. The Edgeley Municipal Airport is located approximately 5.7 miles west of the Route.

There are four known existing private airstrips within 10.0 miles of the Route. They include one located approximately 0.7 miles of the Route in Section 21, Township 137N, Range 63W, one approximately 2.5 miles of the Route in Section 8, Township 138N, Range 62W, one approximately 3.3 miles of the Route in Section 26, Township 136N, Range 64W, and lastly one 7.2 miles from the Route in Section 12, Township 132N, Range 62W.

Landowners may utilize small aircraft (spray planes) at low altitudes for agricultural purposes such as the application of fertilizer, pesticides, or fungicides. Once the Project is constructed, spray plane pilots in close proximity to the Corridor will need to employ the same flight patterns as used when working adjacent to tree rows, transmission or distribution lines, or communication structures.

6.3.1.2 Electrical service

OTP and Montana-Dakota provide electric transmission services to the Study Area, including the cities of Jamestown, Edgeley, and Ellendale, and the surrounding rural areas. The Corridor is located in the service territory of two of North Dakota's electric distribution cooperatives, including the Northern Plains Electric Cooperative on the northern portion of the Corridor and the Dakota Valley Electric Cooperative on the southern portion of the Corridor.

6.3.1.3 Roads and traffic

Roads within the Corridor consist of federal, state, county, and township roads. The Corridor encompasses portions of Interstate 94 (I-94) in Section 31, Township 140N, Range 62W and Section 6, Township 139N, Range 62W; U.S. Highway 281 (U.S. 281) in Section 3, Township 130N, Range 63W; State Highway 20 in Sections 16 and 17, Township 141N, Range 63W; State Highway 13 in Section 4, Township 133N, Range 63W; State Highway 46 in Section 32, Township 137N, Range 63W as well as crossing county, municipal, and local roads. Roads are shown on Figure 6.2-1 in Appendix A.

§ 77.19 Civil airport imaginary surfaces.

The following civil airport imaginary surfaces are established with relation to the airport and to each runway. The size of each such imaginary surface is based on the category of each runway according to the type of approach available or planned for that runway. The slope and dimensions of the approach surface applied to each end of a runway are determined by the most precise approach procedure existing or planned for that runway end.

(a) **Horizontal surface.** A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of a specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs.

The radius of each arc is:

(1) 5,000 feet for all runways designated as utility or visual;

(2) 10,000 feet for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway.

When a 5,000-foot arc is encompassed by tangents connecting two adjacent 10,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.

(b) **Conical surface.** A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.

(c) **Primary surface.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway; but when the runway has no specially prepared hard surface, the primary surface ends at each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is:

(1) 250 feet for utility runways having only visual approaches.

(2) 500 feet for utility runways having non-precision instrument approaches.

(3) For other than utility runways, the width is:

(i) 500 feet for visual runways having only visual approaches.

(ii) 500 feet for non-precision instrument runways having visibility minimums greater than three-fourths statute mile.

(iii) 1,000 feet for a non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-fourths of a statute mile, and for precision instrument runways.

(iv) The width of the primary surface of a runway will be that width prescribed in this section for the most precise approach existing or planned for either end of that runway.

(d) **Approach surface.** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.

(1) The inner edge of the approach surface is the same width as the primary surface and it expands uniformly to a width of:

(i) 1,250 feet for that end of a utility runway with only visual approaches;

(ii) 1,500 feet for that end of a runway other than a utility runway with only visual approaches;

(iii) 2,000 feet for that end of a utility runway with a non-precision instrument approach;

(iv) 3,500 feet for that end of a non-precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile;

(v) 4,000 feet for that end of a non-precision instrument runway, other than utility, having a non-precision instrument approach with visibility minimums as low as three-fourths statute mile; and

(vi) 16,000 feet for precision instrument runways.

(2) The approach surface extends for a horizontal distance of:

(i) 5,000 feet at a slope of 20 to 1 for all utility and visual runways;

CHAPTER 32-15 EMINENT DOMAIN

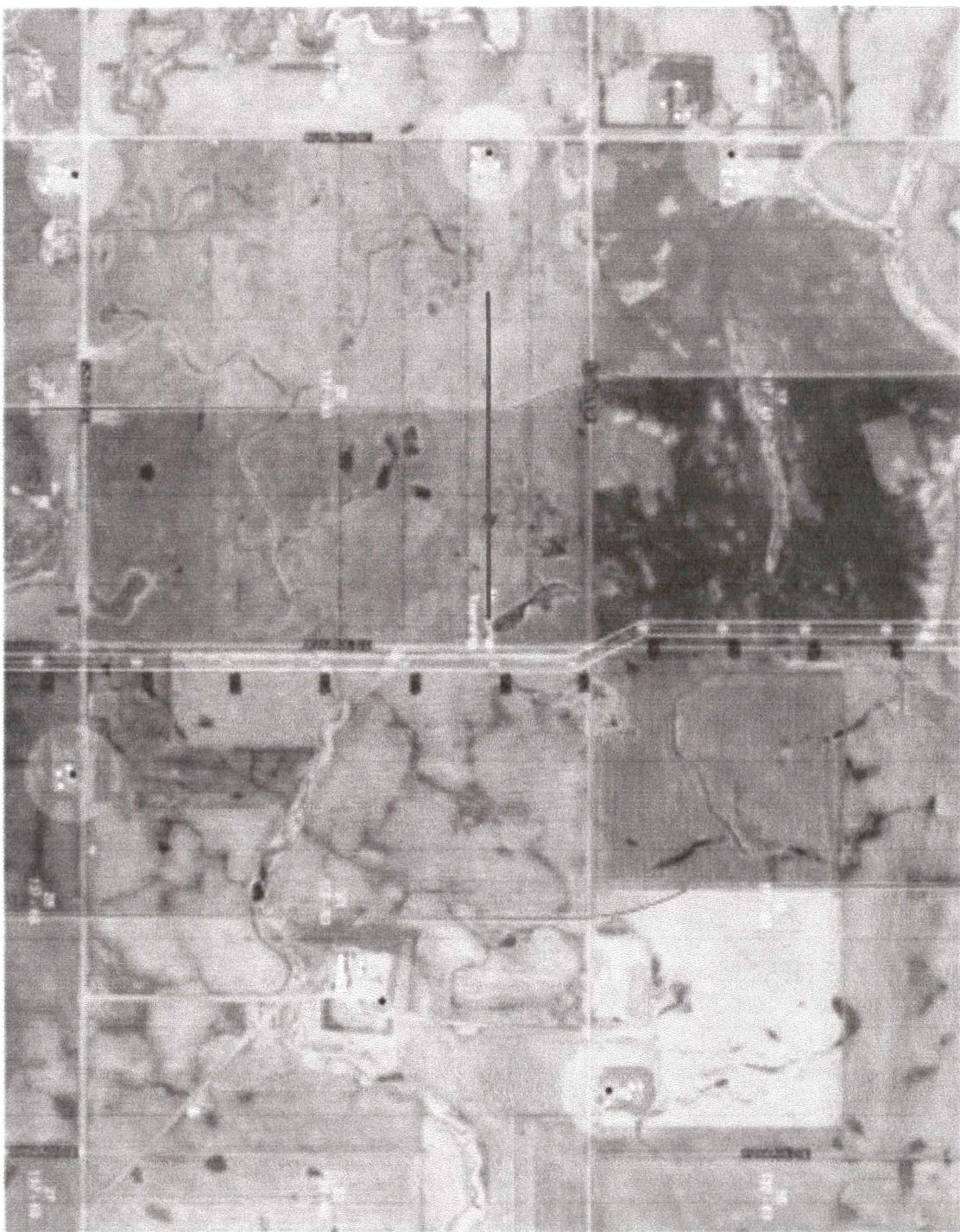
32-15-01. Eminent domain defined - How exercised - Condemnor defined - Exceptions.

1. Eminent domain is the right to take private property for public use.
2. Private property may not be taken or damaged for public use without just compensation first having been made to or paid into court for the owner. When private property is taken by a person, no benefit to accrue from the proposed improvement may be allowed in ascertaining the compensation to be made therefor. Private property may not be taken for the use of, or ownership by, any private individual or entity, unless that property is necessary for conducting a common carrier or utility business. A determination of the compensation must be made by a jury, unless a jury is waived. The right of eminent domain may be exercised in the manner provided in this chapter.
3. Notwithstanding any other provision of law, a public use or a public purpose does not include public benefits of economic development, including an increase in tax base, tax revenues, employment, or general economic health.
4. For the purpose of this chapter, "condemnor" means a person empowered to take property under the power of eminent domain.

47-05-02.1. Requirements of easements, servitudes, or nonappurtenant restrictions on the use of real property.

Real property easements, servitudes, or any nonappurtenant restrictions on the use of real property, which become binding after July 1, 1977, shall be subject to the requirements of this section. These requirements are deemed a part of any agreement for such interests in real property whether or not printed in a document of agreement.

1. The area of land covered by the easement, servitude, or nonappurtenant restriction on the use of real property shall be properly described and shall set out the area of land covered by the interest in real property.
2. The duration of the easement, servitude, or nonappurtenant restriction on the use of real property must be specifically set out, and in no case may the duration of any interest in real property regulated by this section exceed ninety-nine years. The duration of an easement for a waterfowl production area acquired by the federal government, and consented to by the governor or the appropriate state agency after July 1, 1985, may not exceed fifty years. A waterfowl production area easement that exceeds fifty years or which purports to be perpetual may be extended by negotiation between the owner of the easement and the owner of the servient tenement. A waterfowl production area easement that exceeds fifty years or which purports to be permanent and is not extended by negotiation is void. The duration of a wetlands reserve program easement acquired by the federal government pursuant to the Food, Agriculture, Conservation, and Trade Act of 1990 after July 1, 1991, may not exceed thirty years.
3. No increase in the area of real property subject to the easement, servitude, or nonappurtenant restriction shall be made except by negotiation between the owner of the easement, servitude, or nonappurtenant restriction and the owner of the servient tenement.



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EXHIBIT C
Option Price and Option Extension Price

Initial Option Payment/Compensation (Amounts)					
Owner:	John Fiebiger				
Tract No:	38093-362010000, 38093-362040000				
MAP ID:	STU01-2440, STU01-2460				
Easement Type	Easement Area (acreage) ¹	Per Acre Payment ²			Total
Permanent Utility Corridor	18.18	\$ 6,400.00			\$ 116,352.00
Temporary Construction	0	\$ 1,600.00			\$ -
Permanent Access	0	\$ 5,000.00			\$ -
Temporary Access	0	\$ 2,500.00			\$ -
	Total Estimated Easement Payment/Compensation				\$ 116,352.00
Schedule of Payment(s)					
Option Price: Paid at Time of Option Signing (25% of Estimate of Total Compensation) (Payment for initial Option Term)					
Option Extension Price: Paid at time of Option Extension, if any 20% of Estimate of Total Compensation (Payment for Extended Term of Option)					
Final Easement Payment: Balance equal to Total Compensation less the Option Price and (if applicable) Option Extension Price paid to Grantors. ^{3, 4}					

1 The listed "Easement Area(s) (acreage)" is subject to change between Option execution and Notice of Exercise of Option, as provided in the Option.

2 The "Per Acre Payment" is equal to 100% of the agreed fee value of Easement Area and 25% of the agreed fee value for Temporary Construction, respectively.

3 In the event that an Easement Area(s) or acreages shown on the Exhibit of the Easement Area issued prior to construction is/are different than shown above, the Calculation Sheet will be adjusted to reflect the changed acreage amounts with the same per acre payment, and the Final Easement Payment made prior to construction will be adjusted accordingly.

4 If the Option is not exercised, the Grantors shall retain the Option Payment but the Final Easement Payment is not made.

* This document shall not be recorded and constitutes a settlement agreement subject N.D.R.Evid. 408.

X _____ Date _____ % of ownership _____
 John Fiebiger

Landowner Remarks:



Headquarters: 130 Roberts Street, Asheville, NC 28801

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Charlotte Office: 301 Camp Road, Suite 104, Charlotte, NC 28206

Jacksonville Office: 315 3rd Avenue N, Jacksonville Beach, FL 32256

info@pgrenewables.com www.pinegaterenewables.com

July 15, 2022

John Fiebiger
5120 85th Ave SE
Montpelier ND 58472-9754

Dear John Fiebiger,

RE: Parcel Id(s): 362010000, 362040000, 362030000, 362020000

My name is Cory Hanes and I represent the Project Siting team at Pine Gate Renewables. I am writing to express our interest in leasing your property in Stutsman, County, North Dakota at a rate of \$850.00 per acre per year.

During our search for suitable land, we have concluded that your property is an ideal candidate for a solar farm development due to its size and proximity to surrounding electric transmission lines. Based on our acreage records for your property, the first-year lease payment would be approximately \$466,650.00.

Pine Gate Renewables is a North Carolina based developer that constructs utility scale solar energy projects across the Country. We rely on partnerships with landowners like yourself to purchase or lease property. We then develop, construct, own and operate our facilities for the life of the project – typically for 20 to 40 years.

In North Dakota, our development process can take up to 4 years. Once an agreement is reached, we will pay you a non-refundable annual diligence payment of \$10,980.00 until the project moves into construction. During the development period, we do not interfere with the current use of the property. You may continue to use or lease the land for ranching, agricultural, or hunting purposes.

Enclosed with this letter you will find a map of the referenced parcels and an informational brochure. In addition, please explore our website at www.pinegaterenewables.com to read testimonials from our partner landowners. I welcome the opportunity for an introductory call to discuss next steps if you would like to learn more about working with Pine Gate.

Sincerely,

Cory Hanes

Cory Hanes
Associate Developer
chanes@pgrenewables.com
(704)-885-5268



ADIP



? - 9 JF -

[Home](#) / [My Projects](#) / ***_2024_00015201

Digital 7480 / Obligated Airport Data Project

ID: ***_2024_00015201 Status: Completed

[Airport Data](#)[Additional Info](#) [Project Summary](#) [General Information](#) [Runways](#)

Project Summary

Created By: John Fiebiger

Created Date: 04/19/2024 2:40 PM

Last Modified By: Todd Hebert

Last Updated Date: 08/14/2024 8:22 AM

Reference ID: 2024-CSA-135-LAP

NRA Case ASN / Status: 2024-AGL-7675-NRA / Determined

NRA Last Updated Date: 08/13/2024 12:00 PM

Purpose Of Notification

New Facility Activation (Airport, Heliport, Vertiport Etc..)



Airport Data

Additional Info

Project Summary

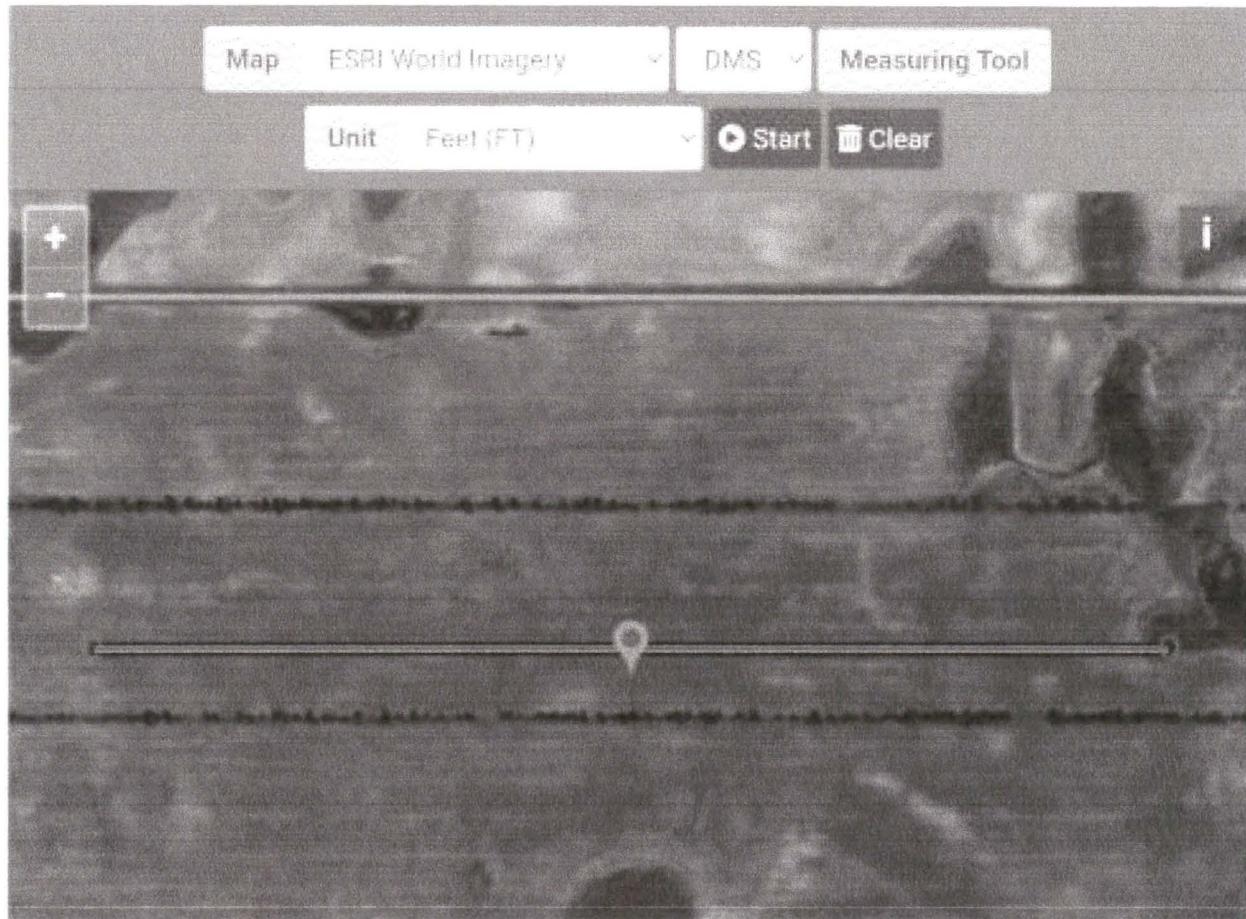
General Information

Runways



Landing Area Data: Runways

Runway ID	Surface Type	Length (FT)	Width (FT)	First	Second	First	Second	Action
				End Lighting	End Lighting	End Flight Rules	End Flight Rules	
9/27	GRASS	3403	30			VFR	VFR	





Project List

中華書局影印

THE BURGESS PAPER

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4 *Journal of Health Politics*

Estimated for 1990

15 Items on Page

include Terminated

Glossary

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Id	Loc			Rush			Created By	Created Date
	Reference	Facility	Id	City	State	Flag		
***_2024_00015001	2024- CSA-135-	FIEBIGER AIRPORT LAP	Montplier	ND	Construct or Establish	Completed	John Fiebiger	04/19/2024 12:40PM

1. *Leucosia* *leucosia* (L.) *leucosia* (L.)

Aeronautical Study Activity (OEAAA)

Status	Action By	Action Date
Determined	Todd Hebert	07/29/2024 3:20 PM
WRK-Part77	Todd Hebert	04/29/2024 9:24 AM
WRK-GISVerified	Todd Hebert	04/29/2024 9:23 AM
NEW-MapIt	Todd Hebert	04/29/2024 9:22 AM
NEW-Efiled	ADIP LAP-Interface	04/29/2024 9:22 AM



ADIP



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[Home](#) / My Projects / ***_2024_00015201

Airport Data

Additional Info

[Project Summary](#)[General Information](#)[Runways](#)

04/29/2024 8:21 AM	Todd Hebert	Updated Project
04/29/2024 8:21 AM	Todd Hebert	Updated Project
04/29/2024 8:20 AM	Todd Hebert	Updated Project
04/29/2024 8:20 AM	Todd Hebert	Updated Project
04/29/2024 8:14 AM	Todd Hebert	Added Note
04/19/2024 3:01 PM	John Fiebiger	Submitted Project
04/19/2024 3:01 PM	John Fiebiger	Updated Project
04/19/2024 2:54 PM	John Fiebiger	Updated Project
04/19/2024 2:52 PM	John Fiebiger	Updated Project
04/19/2024 2:49 PM	John Fiebiger	Updated Project
04/19/2024 2:42 PM	John Fiebiger	Updated Project
04/19/2024 2:40 PM	John Fiebiger	Created Project

Farm Contract 2024-2026

This Agreement, Made and entered into this 15th day of August 2023, by and between John Fiebiger Montpelier North Dakota, Owner, party of the first part and James Zubrod Valley City North Dakota party of the second part. Tenant has leased Section 20-137-63 640 acres less trees for 2024 thru 2026, road and yard more or less in Stutsman County for haying, (field preparation in fall 2023 is ok so long as does not interfere with prior operator operation for 2023) and seeding for 2024 and all tillage operations will be no till vertical tillage is acceptable completed in or by 2024. Operator is responsible for establishing alfalfa crop. For the years 2024 thru 2026 will be for haying purposes only. This contract shall cover only the acres located on section 20-137-63 for 2024 thru 2026. Owner will maintain trees and operator is responsible for damages to trees. The party of the second part agrees to furnish at his own expense, all proper and conventional tools, farm implements and machinery to make hay. No farm improvements are to be made without written consent of owner or the first part. Tenant shall have the responsibility to fall mow shoulders of all road ditches. The party of the second part agrees to operate in compliance with the various government farm programs in such a manner that the owner will not be penalized. The party of the second part is to receive all FSA payments for the term of the lease. The landlord reserves the right for himself to enter the farm at any reasonable time to: make repairs, improvements to said property. It is being expressly understood and agreed that landlord is under no obligation to exercise such right of entry to perform or carry out such purpose. Tenant is liable for all claims, including attorney's fees arising out of any claim for personal injuries or property damage occurring on the premises resulting from tenants use of the premises and to hold owner harmless. The provisions of this contract shall be binding upon the heirs, executors, administrator and successors of both landlord and tenant. Tenant agrees for honey boxes to placed on premises. This contract is for three years with the following amounts due.

[REDACTED] due August 1, 2024.
[REDACTED] due August 1, 2025.
[REDACTED] due August 1, 2026.

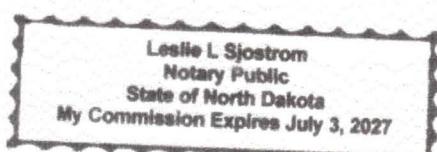
IN TESTIMONY WHEREOF, the parties hereto have set their hands, the day and year first above written.

X. *John Fiebiger*
John Fiebiger

X. *James Zubrod*
James Zubrod

On this 15th day of August 2023, before me, a notary public in and for said County and State, personally appeared John Fiebiger and James Zubrod to me known to be the persons who are described in, and who executed the foregoing instruments, and acknowledged to me that they executed the same.

(Seal)



X. *Leslie L. Sjostrom*
Notary Public
Stutsman County, North Dakota
My commission expires July 3, 2027

PSC

Testimony of

District 28 State Representative Mike Brandenburg

District 29 State Senator Terry Wanzek

District 12 State Senator Cole Conley

Presented by Representative Brandenburg

Wednesday, January 14, 2026

Case No. PU-25-236
345Kv JETx Transmission Line
Siting Application

Edgeley Armory
508 1st Avenue West
Edgeley, ND

Members of the Public Service Commission,

My name is Mike Brandenburg. I am a corn and soybean farmer from right here in Edgeley, North Dakota, and I represent District 28 in the North Dakota House of Representatives. I'm presenting this testimony on behalf of myself, Terry Wanzek who represents District 29 in the North Dakota Senate, and Cole Conely who represents District 12 in the North Dakota Senate.

Like most of the people in this room, I come from a multi-generational farming family. The Brandenburg family has been farming in this part of the state since the early 1900s. I live and work on the land with my family, and like farmers across this region, we depend on reliable electric infrastructure every single day.

I appreciate the opportunity to speak today in support of the Jamestown to Ellendale Transmission Project, also known as JETx.

I want to be very clear about why I am here. This project is not just about investor-owned utilities and their customers. This project is about all farmers. JETx directly benefits electric cooperatives and the farmers they serve, and it strengthens the reliability and resiliency of the entire electric system in southeastern and south-central North Dakota.

As a farmer, I understand risk. Weather, markets, and input costs are things we live with every day. But one risk we should not accept is unreliable electricity, especially in a region that depends on power for irrigation, grain handling, ethanol production, soybean crushing, livestock operations, and rural communities.

While I have supported this project, I have done my own research to better understand how JETx affects cooperative-served loads and rural customers like my farm and my constituents' farms. Much of this understanding comes from my service on the Energy Development and Transmission Committee over the past 20-plus years, including during this current 2025–2026 interim, where transmission planning, cooperative impacts, and system reliability have been recurring and detailed areas of focus. What I have learned is that a significant amount of rural electric cooperative load already depends on the transmission system that JETx strengthens.

Otter Tail Power owns and operates a 41.6 kilovolt transmission system south of Jamestown that serves both Otter Tail customers and rural electric cooperative customers. Cooperative substations that depend on this system include Gackle, Jud, Millarton, Medina, and Amoco, serving members of Dakota Valley Electric and Northern Plains Electric. While these substations carry town names, they serve large rural areas made up mostly of farms and farmsteads.

Through my research, I learned that over the past three years approximately 20 percent of the total energy served on this 41.6 kV system has gone to cooperative loads. Those are cooperative members, many of them farmers, who already rely on this infrastructure today.

I also learned that this entire 41.6 kV system is served from the Jamestown 345 kV Substation, which is the endpoint of the JETx Project. JETx introduces a new high-voltage source into that substation, adding redundancy and resiliency that does not exist today.

We have all seen what happens when redundancy is missing. Through my review of system performance, I learned that during extreme weather events both existing 345 kV lines feeding Jamestown were out of service on opposite sides of the substation. Had JETx been in place, reliability performance would have been improved during those events.

For us farmers, that matters. Grain dryers do not care whether power comes from an investor-owned utility or a cooperative. When the power goes out, the losses are real and immediate.

As I continued to look into this issue, I also learned that all customers, investor-owned and cooperative alike, rely on a common transmission system. Any time a new transmission line is added at this voltage level, it creates additional pathways for power to flow where it is needed and when it is needed, improving reliability for everyone.

As part of that research, I learned that MDU has 99 interconnection points with rural electric cooperatives across its service territory. In this region alone, MDU has five interconnections with Dakota Valley Electric on its 41.6 kV system at Ashley, Ellendale, Forbes, Fredonia, and Kulm. Those facilities are tied into higher-voltage transmission at Ellendale and Wishek, and JETx is the missing link in this part of the transmission system. Based on MDU's summer and winter peak transmission models over the past year, approximately 15 percent of the load served across this system is attributable to rural electric cooperative demand, reflecting a level of rural electric cooperative reliance similar to what the numbers I have described on the Otter Tail system show.

This is how transmission is supposed to work. Shared infrastructure, shared benefits, and shared reliability.

I also want to briefly address the statutory questions before the Commission. Transmission lines like JETx are designed, routed, and built under some of the most rigorous environmental and land-use standards in the state. These projects are reviewed corridor-wide, not piece by piece. They avoid residences where possible, minimize impacts to farmland, and are subject to ongoing oversight.

Construction, operation, and maintenance of the JETx Project as proposed will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota. The proposed facility is compatible with environmental preservation and efficient use of resources. In addition, construction, operation, and maintenance of the facility as proposed will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensure that energy needs are met and fulfilled in an orderly and timely fashion.

From a landowner's perspective, I would rather see one properly planned, high-voltage line than continued strain on aging infrastructure that was never designed to handle today's loads or tomorrow's growth.

If farmers are doing well, everyone is doing well. That has always been true in North Dakota. Right now, with commodity markets where they are, farmers need as much support as we can get.

Infrastructure is one of the ways we can support agriculture, and reliable transmission helps us when we need it most.

Reliable transmission supports ethanol plants and soybean crush plants that strengthen commodity prices, grain elevators and processing facilities, livestock operations, and rural homes and businesses.

We have learned from experience, whether it is ethanol plants, soybean crush plants, transmission lines, or our own farm operations, that waiting too long to invest in infrastructure costs us far more in the long run.

JETx strengthens reliability for both IOU and cooperative-served loads, adds redundancy for the entire regional grid, and ensures that farmers have the dependable electricity we need to compete and succeed.

For these reasons, I respectfully urge the Commission to approve the Jamestown to Ellendale Transmission Project.

Thank you for your time and for your service to the people of North Dakota.

Rep Mike Brown-Arning 1-14-26

Brandenburg, Michael D.

From: Wanzek, Terry M.
Sent: Tuesday, January 13, 2026 10:09 AM
To: Brandenburg, Michael D.
Subject: Jet X testimony

To whom it may concern:

I give my full and complete authority to Representative Michael Brandenburg to use my name, as in support of the testimony that we worked on together, and that will be presented by Representative Brandenburg at the 1/14/2026 PSC public hearing.

Thank you.

Senator Terry Wanzek
District 29
ND Senate

PSC

January 12, 2026

Via Electronic Mail and USPS

Mr. Steve Kahl
Executive Secretary
Public Service Commission
600 East Boulevard Avenue, Dept. 408
Bismarck, ND 58505-0480
ndpsc@nd.gov

**Re: Case No. PU-25-236 Otter Tail Power Company/Montana-Dakota Utilities Co.
345kV JETx Transmission Line Siting Application**

Dear Mr. Kahl:

This letter is to urge the Commission to grant the JETx Transmission Line's siting application in the above-referenced matter.

Construction, operation, and maintenance of the JETx Project as proposed will produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota. The proposed facility is compatible with environmental preservation and efficient use of resources. In addition, construction, operation, and maintenance of the facility as proposed will minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and ensure that energy needs are met and fulfilled in an orderly and timely fashion.

Neighboring utilities in this region, whether investor-owned, cooperative, or municipal, have long coordinated to ensure efficient use of resources and continuing system reliability and integrity. Nowhere is this more evident than in the southeastern quadrant of the state, where the JETx Project has been proposed and is under development.

Otter Tail Power Company owns a 41.6kV transmission line that runs from Jamestown to Edgeley and Oakes and ultimately serves both Otter Tail and rural electric cooperative customers southwest and southeast of Jamestown. Customers served by these local rural electric cooperatives, Dakota Valley Electric Cooperative and Northern Plains Electric Cooperative, rely on Otter Tail's 41.6kV transmission line in this area if they are served out of the following cooperative substations:

Gackle (Dakota Valley)

Jud (Dakota Valley)

Millarton (Dakota Valley)

Medina (Northern Plains)

Amoco (Northern Plains)

These cooperative loads have historically comprised approximately 20% of the total annual energy served from Otter Tail's 41.6kV transmission system south of Jamestown over the past 3 years.

Otter Tail's 41.6kV transmission system in this area is served from the Jamestown 345kV Substation, which is the endpoint of the JETx Project. The JETx Project will introduce a new high voltage source into the Jamestown Substation, providing redundancy that would have improved reliability performance during the past few weather events -- when the two existing 345kV transmission lines were out of service on either side of the Jamestown 345kV Substation.

It is a very similar story at Montana-Dakota Utilities Co. During the 1920s through the 1940s, MDU also established a 41.6kV transmission system in North Dakota. In 1945 MDU signed its first agreement with the Bureau of Reclamation to wheel power from the Fort Peck dam over MDU's transmission lines to irrigation companies and rural electric cooperatives.

In the following years, additional agreements were executed for new load interconnections and investments in transmission and power generation between the Bureau of Reclamation and MDU as the load continued to grow in the Dakotas and Montana. Over time the Bureau of Reclamation would separate responsibilities and establish the Western Area Power Administration to manage the transmission system across the western US, including North Dakota, South Dakota, Montana. In 1972 MDU and Basin Electric signed a 35-year Interconnection and Common Use Agreement under which the two companies share in the cost and ownership of the transmission upgrades required to serve new load for both MDU and Basin customers. This established the current system where Basin and WAPA provide power to the rural electric cooperatives over MDU's transmission system.

The common use agreement terminated in 2016 when Basin and WAPA joined SPP, but the interconnections remain throughout MDU's system. Today MDU has ninety-nine points of interconnection with rural electric cooperatives in MDU's service territory. MDU has five interconnections with Dakota Valley Electric on its 41.6kV transmission system. These are located at Ashley, Ellendale, Forbes, Fredonia, and Kulm. This 41.6kV system is connected

to MDU's 230kV and 345kV systems at Wishek and Ellendale, the primary sources of power in this area. JETx will provide the "missing link" for the transmission system in this area.

In short, the JETx Project will yield efficient use of resources for Otter Tail, Montana-Dakota, and rural electric cooperative customers alike. In addition, construction, operation, and maintenance of the facility as proposed will ensure continuing system reliability and integrity and ensure that energy needs are met and fulfilled in an orderly and timely fashion.

I urge the Commission to grant the application.

Sincerely,

Rep *Mike Brandenburg* 1-14-26
Mike Brandenburg
State Representative, District 28
Edgeley

PSC MEETING

Good morning commissioners and staff. My name is Wayne Wald, I serve as a Wano Township Supervisor and a Lamoure County Commissioner. I am not here representing the county, I am here representing Wano township and my constituents. I attended the technical hearing last week in Bismarck and read the Bismarck Tribune's article about it the next day. I would like to address and clarify some things that were brought up at the hearing. First off, moratoriums. A moratorium is a temporary prohibition of an activity. It's a policy review to allow governments time to study land use or other regulations before allowing development. In our comprehensive plan it states that "As conditions change, so should the plan." Placing a moratorium will give us the time we need to study future developments and to modify our comprehensive plan and zoning regulations to new development coming into our township that we have not addressed before. These developments are coming at us very fast. We aren't just making decisions of where to add gravel to roads and which culverts to replace. Mr. Weiers said the moratoriums "appear to target the project directly." Yes, we did place a moratorium on high voltage transmission lines, but we also placed moratoriums on wind, solar, battery storage, carbon capture, and other potential energy related development coming into our township. Moratoriums don't stop development, they pause it.

Now I would like to address our Conditional Use Permit meetings. OTP referred to MISO many times and we asked for representation from MISO but received none. Speaking of MISO, Julie Foerdorcheck was a PSC commissioner and an advisory board member of MISO at the same time and voted to grant the Certificate of Public Convenience and Necessity to OTP and MDU which many feel was a conflict of interest. Also we never had a MDU representative at our CUP meetings. I asked Shauna Labor why they don't put it on the other side of 281 and said there is too much resistance from the people.

To clarify our reasons for the CUP denial, I have provided you with a copy of the Wano Township CUP denial letter which I will now read. (Read letter)

I also asked about road damage and repairs. They said before construction starts, they will take videos of the road and make sure the roads look like they did before construction began. I asked how, by adding some gravel? What about the integrity of the base of the road which could cause unforeseen issues in the future? Yeah, I could spray paint over rust and make it look nice, but it's still rust underneath.

Grid reliability is reason they gave for the purpose of this line and that it was a non-stop line from north of Jamestown to Ellendale with nothing being tied into it. Before these meetings of the JETX line, wind development landmen were trying to get easements for

wind towers and landowners asked the landmen “how are you going to get the power out of here” and they said “there is going to be a transmission line to the east that we will tie into”. I heard this from two of my neighbors that were approached by wind tower developers. These wind tower developers knew about the transmission line before we did, and they made it sound like it was all approved and going in. Also, a neighboring landowner was contacted about selling land so a substation can be built beside the proposed transmission line. Now it seems to us this line isn’t about grid reliability but about tying in so called renewable energy. They have been selling this as grid reliability and to relieve congestion that does not exist. It is for future development coming that they didn’t want us to find out about.

(Please see the next handout-First Mile Development) For example, I have a copy of a projected 144 wind tower project known as the Wallflower Wind Farm and in the summary of terms it lists the interconnection Jamestown to Ellendale 345kV which is another reason we believe OTP has misinformed us about grid reliability and it being a non-stop, no other connection line.

Liability was also brought up at our meetings. OTP/MDU are limited liability companies along with all wind and solar companies. By permitting this line, it would put the liability on the landowner and their insurance companies. If this line or other development is forced onto landowners, especially during eminent domain situations, the companies take no responsibility. If a tornado, hailstorm, or windstorm come through, who is going to be reliable for cleanup? Not the companies, the landowners. It has been happening that insurance companies are dropping landowners with energy infrastructure on their land and saying they are not insurable. How can landowners be forced with this liability when they didn’t want it in the first place?

OTP landmen were also lying to landowners. For instance, they told two neighboring landowners that the other neighbor signed up so you should to. These two neighbors were upset with each other because they supposedly signed easements which in turn neither signed them and thankfully both refuse to sign them. They also went after non-resident and absentee landowners first to get signed easements. We have a landlord in Florida that they visited trying to get a signed easement. She didn’t sign it and she said “they were not very happy when they left”. Wano Township has no resident landowners signed up for JETX, only non-residents. Why should we let non-residents decide what our township looks like? They only care about the money, they don’t have to look at this line or live around it.

Please turn to the next handout of MISO’s Long Range Transmission Plan. OTP stated at last week’s hearing that they have completed the line from Big Stone South to Ellendale. Please turn to the next handout. This is from Ottertail’s website. Minnesota is

transitioning to renewable energy. There has been talk that they need this power line and renewable energy connected to it so OTP can connect to the Big Stone transmission line and continue to run the Big Stone Coal Plant. With renewable energy on the same transmission line, OTP can now sell so-called green energy to Minnesota. They won't know if it's solar, wind, or coal energy, but they can sell it as green energy. We all know renewable energy isn't reliable, but coal is. This line will not benefit North Dakota, but it will take advantage of North Dakota and benefit Minnesota to fix their self-made energy problems.

Also at the hearing last week, it was talked about how they will coordinate with landowners to minimize impacts during farming operations. They stated the landowner will get a packet of contacts and information to address issues. If the landowner is from another state, they will most likely throw that packet away. They should be giving this information to the farmers or ranchers renting the land to resolve and address issues during construction unless it is a resident landowner.

This project is stated to be 92 miles and cost \$406 million which comes to roughly \$4.4 million per mile. Mr. Weiers said about \$5 million per mile at the technical hearing. It was also stated by Mr. Weiers that to route around these townships would add 12 miles to the project and increase the cost by \$24 million. That comes to \$2 million per mile to route around these townships. Why would these 12 miles be less than half the cost per mile to construct versus the original 92 miles? Something isn't making sense here. Commissioner Christmann said in a November 20 20024 hearing that the numbers don't add up.

Please turn to the next four pages in the handout. OTP has an easement one mile west of 281 already where they could bury their low voltage line and construct this high voltage transmission line, but Mike Brandenburg doesn't want that. He wants the wind towers and solar panels that pay annually. This current easement OTP has is on Mike Brandenburgs property in Nora township where he serves as a township board supervisor and the township is NOT zoned. I don't think it would get much easier than that to construct this line there. Please look at the Brandenburg land signed up for wind and solar, there is a reason Mike is pushing for this line. Also check with the Secretary of State and see how much money these developers have given Mike, it is very troubling.

There was discussion of unreasonable setbacks also. 500 feet was said to be the state setback for high voltage powerlines which is also the same setback for a gravel pit in our township. This state setback was last looked at by the PSC in 1983. After 40 plus years, this should probably be revisited and updated. Who is to make the determination that they are unreasonable? Of course, a company would deem these unreasonable if it doesn't work for them. They are coming into our townships, our land, and our private property but they want to tell us what we can and can't do. I believe the state recommendations for

setbacks are to provide residents without zoning or regulations some protection, not to override local regulations. Why have township boards and county commissioners if legislators like Mike Brandenburg introduce retroactive laws in mid-session to override local control because he fears his personal gain is being jeopardized? Willowbank Township was the first township to deny the CUP on January 22, 2025 and Mike Brandenburg amended HB1258 on January 27, 2025 to go retroactive January 1, 2025. He also tried to pass a law to take away Prairie Dog funding away from counties and townships hindering energy development. Mike Brandenburg and District 28 are representing corporate companies and corporate gains and they won't talk to their constituents that have elected them to office. Last time I checked, the highest level of local control starts with the lowest form of government. Thank you for your patience and time and I stand for any questions.

Dear (OTP) Otter Tail Power Company,

We are responding to your question of reason for the denial of the Conditional Use Permit regarding the JetX project presented to the Wano Township Zoning Committee.

The Wano Township Comprehensive Plan states as follows but not limited to the following reasons and/or precautions.

Goal #1, Policy 4. Encourage siting public facilities and utility easements in locations, which would minimize interference with farming.

Goal #2, Policies 1-4.

1. Discourage nonagricultural development on fertile soils.
2. Prevent undesirable, incompatible land uses from locating in the Township unless they meet appropriate conditions.
3. Make land use decisions in accordance with this plan.
4. Deter offensive and incompatible land use from locating near dwellings and communities.

Goal #4, Policies 2-3.

2. Actively solicit public opinion about land use decisions.
3. Consider using citizen input when making public decisions.

The Wano Township Zoning Regulation states as follows but not limited to the following reasons and/or precautions.

6.16 Utilities

1. The term "utilities" includes, but is not limited to, electric power, electrical transmission lines, wind conversion systems, commercial wind generators, dams, electrical and telephone towers and substations, natural gas pipelines, the petroleum product pipelines, water and sewer lines, telephone lines and other above ground or underground communication and energy transfer lines and pipelines.
2. All pipelines, natural gas, petroleum pipelines and other energy transfer lines shall be placed deep enough into the ground so as to not interfere with or becomes hazardous to normal farming operations.

8.2.6 Standards

8.2.6.1 That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

- 8.2.6.2 That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- 8.2.6.3 That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

We are citing that the contract is not clear according to prospected landowners contacted to sign easements. The contract is not clear on what type of easement they are signing. Is it a strip easement or blanket easement? Many concerns have also arisen that if they sign the easement, according to the contract, the easement can be sold, given away, transferred, etc. to other project developers. In that case landowners are concerned for their property rights and future projects on their land without having future authority on their land. This project is trying to be pushed through very quickly which is alarming, especially when bills are trying to be passed into law punishing local government if they interfere with such projects.

Randy Christmann of the Public Service Commission opposed the MDU and OTP joint application for a Certificate of Public Convenience and Necessity. He also wrote a letter of dissent which also raised many concerns and brought to our attention a few unanswered questions. (See Attachment)

This power line will not benefit our local power cooperatives that supply power to the rural areas but is proposed to be built on the rural areas that our local power cooperatives supply power to. The liability of this power line is on the landowners, and they do not want to take on this liability. Thoughts and input of the landowners asked to sign these contracts should be considered and able to revise and review the stipulations in the contracts to have common, agreeable terms and transparency.

In addition, MISO has been referred to by OTP representatives. We have not seen or been contacted by any MISO representatives to provide clarity on this project. This is projected as Tranche 1 or “phase one” of an 18 Tranche project. Future benefits, repercussions, obstacles, and property rights, to name a few things, have not been discussed. We would like to meet with MISO representatives, in person, before any conditional use permit is potentially granted. Transparency has been very vague to what the future plans are if this power line is constructed. Honesty is the best policy. That has not been the case here. The trust and the respect from the land owners has been lost. We are here to represent the people that have elected us to local government and we hereby with the majority of the people oppose the Jetx project. Thank you.



Wallflower Wind Farm

Dickey and LaMoure Counties, ND

Non-Binding Summary of Terms

STAGES and TERMS

1. Option Period (development)

- Term: Usually 5-6 years, may extend up to 10
- Term Rent: \$15/acre years 1-5, \$20 yrs 6-7, \$25 yrs 8-10, Yr 1 pmt: \$26,573.10

2. Construction

- Term: Usually 2-3 years, may extend up to 5 years
- Construction rent: \$20/acre
- One-time Installation Revenue:
 - Tower: \$8,000 per tower
 - \$5,000 per lease, for leases with roads or cables, but no towers
- Crop damage reimbursement, fence, irrigation and drain tile repair

3. Operating Period

- Term: 30 years plus two 10-year extensions
- Annual Lease Payments - rate for year 1 \$5,000 per MW of installed capacity – expected \$22,500 for 4.5 MW turbines
- \$1/linear foot for access roads, \$1/linear foot for buried cables (collection cables)
- \$2,500 – per meteorological tower
- PLUS \$20/acre
- Rates increase annually at 2%

Other Lease Highlights

- All landowners receive the same financial terms for installed equipment
- Property taxes on turbines are paid by wind farms
- Wind farm owners are required to carry liability insurance
- Restoration at the end of the project to return land to usefulness, including topsoil, is guaranteed with the Department of Agriculture and county permits by an approved form of financial security



Matt Peterson
Senior Developer
(612) 202-5235
mpeterson@firstmiledvelopment.com

Other Project Information

- Project Size: 650 MW
- Turbine Info: Modeled with 144- Vestas V163-4.5 MW wind turbines
- Interconnection: Jamestown to Ellendale 345kV

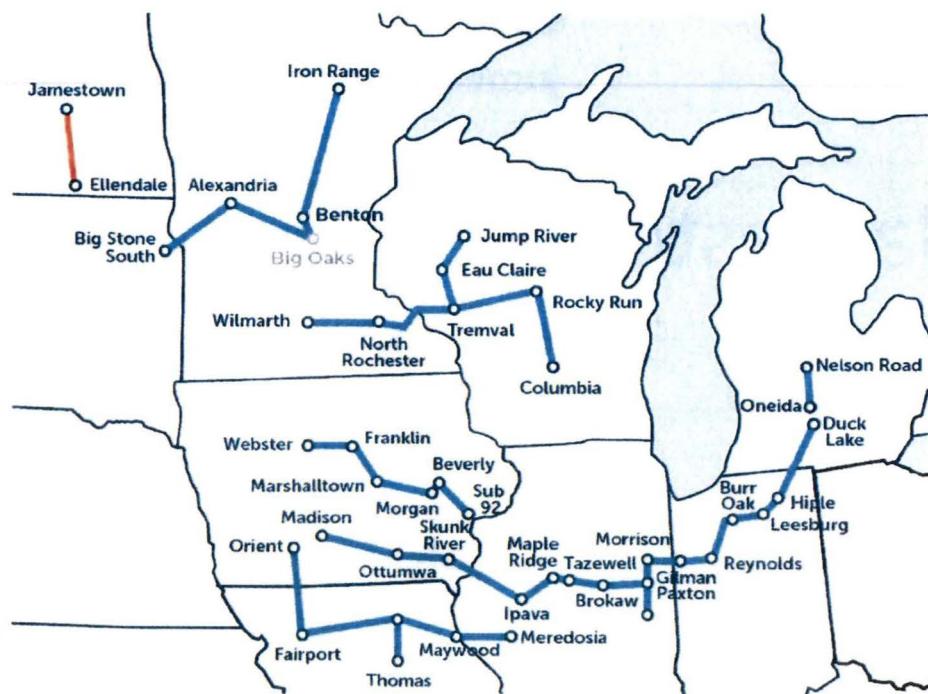
Project Area



Midcontinent Independent System Operator (MISO)

Long Range Transmission Plan

MISO has approved 18 new transmission projects throughout the Midwest that are needed in 2030 to ensure a **reliable** and **resilient** transmission system in the future.



Project Component	Ownership
Jamestown Substation	OTP
Jamestown - Ellendale 345 kV Line	OTP, MDU
Ellendale Substation	MDU
Maple River Substation	OTP
Twin Brooks Substation	OTP, MDU



Menu

Log In

Pay My Bill

Coal

We create electricity from coal, hydroelectric, natural gas, oil, solar, and wind facilities. We also purchase electricity from the Midcontinent Independent System Operator, or MISO, energy market when buying it is more economical than generating it ourselves. This mix ensures reliable, low-cost, and increasingly clean electricity 24 hours a day, 7 days a week.

Big Stone Plant

Big Stone Plant is a 475-megawatt (MW) sub-bituminous coal-fired plant. Located near Big Stone City, South Dakota, it's jointly owned by Otter Tail Power (53.9%), Northwestern Energy (23.4%), and Montana-Dakota Utilities Co. (22.7%). We operate and maintain the plant on behalf of the co-owners.

Big Stone Plant began commercial operations on May 1, 1975. Approximately 80 employees operate and maintain the plant.

English

-JETX
WILLOWBANK PLAT
(Landowner)

T-133-N

R-63-W



- North Dak. Wind III
- Invenergy
- Boulevard Associates (NextEra)
- Solar

T-134-N

NORA PLAT

Current
OTP Easement

R-64-W

The map displays the following property details:

- 68th ST SE:** Bryon Thom et al 147, Eugene Thom et al 154, Calvin Wolff Trust et al 155, Eugene Thom et al 152, Loren Schulz 154, Michael Brandenburg 146, Bruce Schuster 474.
- 70th ST SE:** Loven Schulz 309, Linda Korpinski Trust 160, Daniel Schulz et al 160, Sharon Mittel Trust 152, Joe Jangula 160, Bruce Schulz et al 160, Eric Proctor 160.
- 72nd ST SE:** Peggy Johnson et al 477, Michael Brandenburg 160, Jerry Baumann 160, Marvin Schulz LE 312, Bryan Thom et al 160, Miles Fredenburg Trust 160.
- 75th ST SE:** 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.
- 78th ST SE:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.
- 80th ST SE:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.
- 81st ST SE:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.
- 83rd ST SE:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.
- 84th ST SE:** 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36.

Key locations marked include the Red River Valley and Western Railroad, COTTONWOOD CREEK, and various property boundaries and roads like 17th Street SE, 28th Street SE, and 30th Street SE.

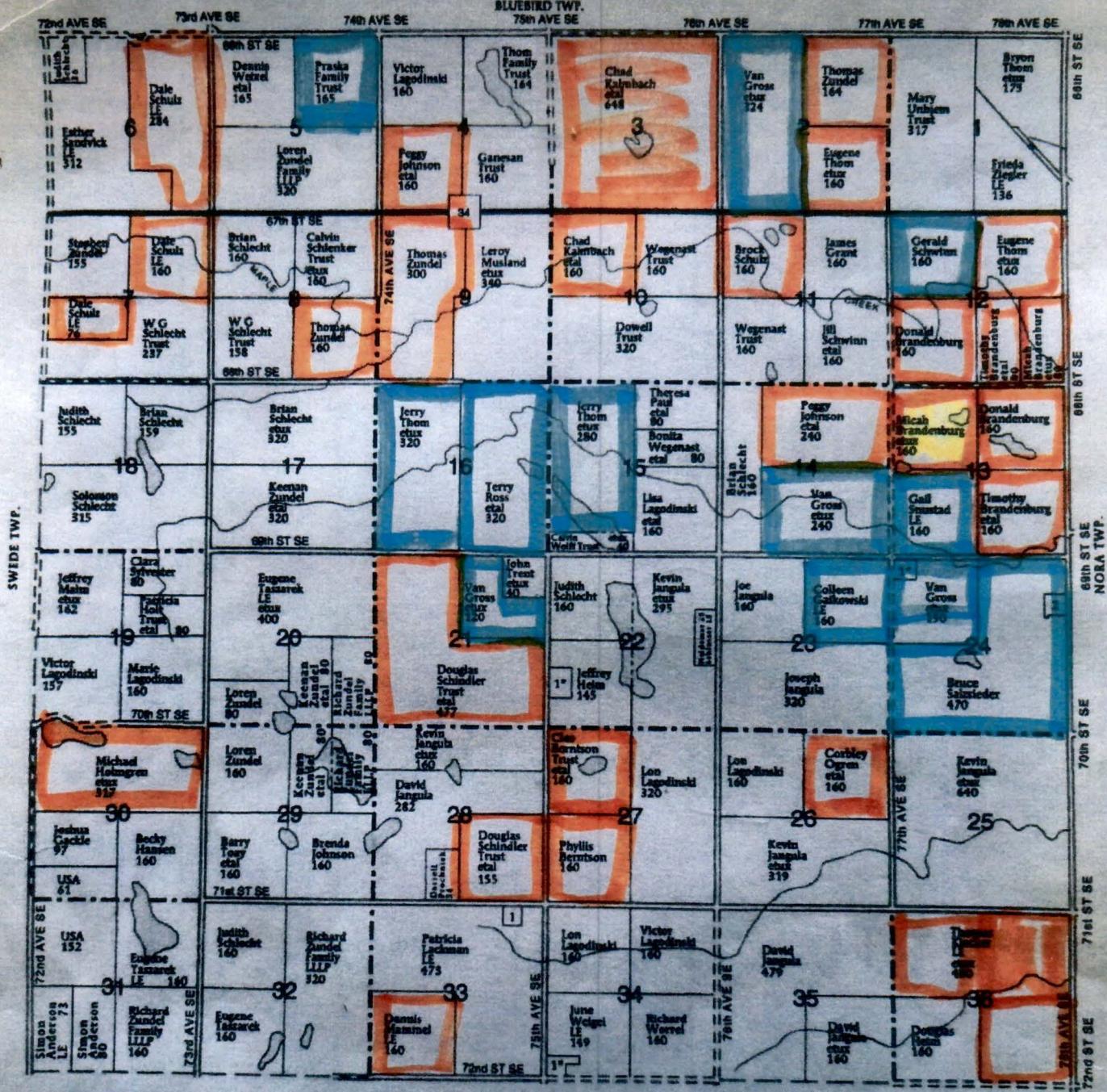
11 upto
20 ac. each
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Nett Era
option to sel

- North Dakota Wind III
- Invenergy
- Boulevard Associates (NextEra)
- Solar

T-134-N

RAY PLAT

R-65-W



Good morning. My name is Cody M Rupp.
I am here on behalf of Wano Township.

This is PSC Docket PU-25-236, the Chapter 49-22 siting docket for the proposed 345 kV Jamestown–Ellendale line. Wano Township has submitted written filings in this docket, including a limited objection on “need,” a response to the Applicants’ HB 1258 zoning-preemption request, and questions for the record.

The Commission previously issued a CPCN for this same project in Docket PU-24-91 under Chapter 49-03. That CPCN was noticed by publication, and Wano Township did not receive direct notice. The Commission’s June 18, 2025 order leaving that CPCN in place is now under judicial review in Burleigh County District Court, Case No. 08-2025-CV-02068.

Wano Township’s request today is straightforward: in this Chapter 49-22 siting docket, the Commission should not treat the prior CPCN as conclusive proof of need. The Commission should require any need-related showing in this record and issue a final decision with findings and reasons based on the evidence presented here.

I will highlight three questions from our filed list:

First: What is the expected benefit to North Dakota consumers and ratepayers versus benefits to private generation developers or export transactions, and what evidence in this docket supports that allocation?

Second: Who is expected to pay for this project (and through what mechanism), and what protections exist so North Dakota consumers are not bearing costs that primarily support private generation expansion decisions?

Third: What route-level mitigation measures and permit conditions are proposed to address township concerns, including impacts to residences, farming operations, drainage, access, and restoration?

Thank you.

WANO TOWNSHIP

**LAMOURE COUNTY
NORTH DAKOTA**

2010

COMPREHENSIVE PLAN

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INTRODUCTION

Wano Township is located in the central area of La Moure County.

This plan examines the physical and social characteristics of Wano Township. It presents this information in the form of text, tables, and maps. The plan is designed to help guide responsible land use planning and control. In an effort to keep this document a useful and applied tool, it is being kept to a limited size. Additional information is available through Lake Agassiz Regional Development Corporation in Fargo, North Dakota.

GOALS AND OBJECTIVES

The Wano Township Comprehensive plan is to be used as a guide on which the development policies and regulations will be based. The plan was used to help develop goals, objectives and policies. As conditions change, so should the plan. Being a flexible document, this plan will reflect the changing goals of the citizens of the Township. For clarification, a "goal" is a broad, general concept that the Township wishes to attain in the future. An "objective" is a more specific, measurable step to be taken toward achieving a goal. A "policy" is a general principle that guides the actions taken to meet the goals and objectives.

Four goals have been established. Each addresses a particular subject. They all work together towards providing guidelines to ensure desired land use in the Township. Goals, objectives and policies are:

GOALS

GOAL #1

Preserve the Township's agricultural heritage.

OBJECTIVES:

- A. Preserve prime farmland in an organized transition by using the land use controls provided in this comprehensive plan and its corresponding zoning ordinance when making all land use decisions.
- B. Support farms by being active in legislation affecting agriculture and industrial usage; send letters from the Township Officers to state and federal officials involved in the decision.

POLICIES:

1. Support agriculture and appropriate farm programs.
2. Support an equitable agricultural land taxation system.
3. Discourage and control residential developments, which interfere with farming.
4. Encourage siting public facilities and utility easements in locations, which would minimize interference with farming.
5. Allow residential development only in existing subdivisions or no more than 4 units per section.

GOAL #2

Protect public health, safety and welfare by deterring incompatible land uses from harming conforming land uses.

OBJECTIVES:

- A. Refer to this plan to determine if land use requests are consistent with the natural resources.
- B. Adopt a zoning ordinance consistent with this plan.
- C. Use the zoning ordinance provisions to prevent incompatible land uses.
- D. Acquire soil surveys from the soil conservancy offices.

POLICIES:

1. Discourage nonagricultural development on fertile soils.
2. Prevent undesirable, incompatible land uses from locating in the Township unless they meet appropriate conditions.
3. Make land use decisions in accordance with this plan.
4. Deter offensive and incompatible land use from locating near dwellings and communities.

GOAL #3

Provide an adequate, safe, and efficient system for the transportation of people, goods and services.

OBJECTIVES:

- A. Provide well-maintained gravel roads for all mail routes, school bus routes, and other routes deemed "high priority" by the Township's elected officers.
- B. Periodically inspect and maintain a record of the conditions of all Township roads, bridges and signs.

POLICIES:

1. Discourage developments, which would create congestion and/or road hazards, or damage Township roads without compensation.
2. Encourage development to locate in areas served by adequate transportation facilities.
3. Downgrade priority, abandon, or close township roads and bridges when appropriate.
4. Use erosion/sediment control standards in road construction.
5. Notify appropriate governmental units when their transportation facilities within the township require repair.

GOAL #4

Ensure and maintain the public participation in land use decisions affecting the Township.

OBJECTIVES:

- A. Maintain dialogue between citizens and elected officials by posting notices and by publishing public notices for all public hearings.
- B. Create public awareness of planning goals and objectives by making this document available to the public upon request, and publishing a statement to that effect.

POLICIES:

1. Give timely notice of all meetings and hearings.
2. Actively solicit public opinion about land use decisions.
3. Consider using citizen input when making public decisions.
4. Inform citizens of decisions and actions taken by officials.
5. Make public documents available for review.
6. Encourage education for officials and general public.

POPULATION

The population of Wano Township dropped about 5% between 1990 and 2000, from 62 to 59 people.

TABLE #1
POPULATION OF WANO TOWNSHIP, 1990-2000

2000	59
1990	62

Source: U.S. Census of Population, 1990, 2000

TABLE #2
AGE OF THE POPULATION, WANO TOWNSHIP, 1990 - 2000

	1990		2000	
	Number	Percentage	Number	Percentage
Under 18	17	28	27	46
18-24	7	4	0	0
25-44	18	29	17	29
45-64	7	11	11	19
65 and over	13	21	4	7

Source: U.S. Census of Population, 1990, 2000

The age composition of the Township's population has changed somewhat since 1990. Children under 18 made up 46% of the total population in 2000, up from 28% in 1990. The 25-44 age cohort remained nearly equal in the ten year period. The 65 and over age groups dropped over the period in both numerical and percentage terms.

HOUSING

Table 3 shows rural farm and non-farm housing units. Sixty percent (63%) of the township housing units are occupied by farm residents.

Table 3 RURAL FARM AND NON-FARM HOUSING UNITS
WANO TOWNSHIP

2000	
Rural Farm	10
Rural Non-Farm	4

Source: U.S. Census of Population, 2000

ECONOMY

EMPLOYMENT

La Moure County's unemployment rate has remained low for many years and the 2004 annual average unemployment rate was 3.4% equal to the statewide average of 3.4% and well below the national average of 5.5%. Table 4 shows the most recent data available for La Moure County.

Table 4 LABOR FORCE AND UNEMPLOYMENT, LA MOURE COUNTY, 2004

Labor Force	Employment	Number Unemployment	Percentage
2,278	2,201	77	3.4%

Source: Job Service North Dakota, Unemployment Annual Averages, www.jobsnd.com

TOWNSHIP TAX VALUATION AND MILL LEVY

Wano Township total mill tax valuation for 2009 was \$589,657

TABLE 5 WANO TOWNSHIP MILL LEVY

Mill Levies:	
State and County	109.36
Township/Fire/Park	16.96
Edgeley School District	146.50
Total Mill Levy	272.82

INCOME

Median household income in La Moure County was \$32,500 in 1999 (Census 2000).

TABLE 6 MEDIAN HOUSEHOLD INCOME

Year	-	2000
La Moure County	-	\$32,500

Source: U.S. Census of Population, 2000

PUBLIC FACILITIES AND SERVICES

TRANSPORTATION

Table #7 shows the mileage of the various types of road systems in the township. These highways are important for the transportation of agricultural equipment, services, and produce.

There are about 74 miles of township roads in the Township. Thirty four and a half (34.5) miles of Township roads are rated as "high priority", meaning they are well-maintained gravel roads that are cleared soon after snowfalls. They are generally mail and school bus routes. "Low priority" roads are generally dirt roads that are not cleared in the winter.

TABLE 7 WANO TOWNSHIP ROAD SYSTEM

Road Category	Miles in Township
Federal	0
County	12
Township	22.5
High Priority	39.5
Low Priority	
TOTAL	74

THE PUBLIC SCHOOL DISTRICT

Wano Township is located in the Edgeley School District.

FIRE DISTRICTS AND DEPARTMENTS

Fire districts are taxation districts to raise revenue for fire protection. Every fire district has a fire department, but not every fire department has a fire district. Some fire departments are funded through the general tax funds instead of a special fire district. All fire departments receive some money back from the fire insurance paid by property owners. The state collects the money from the insurance companies and distributes it back down to the local fire departments.

For additional information, contact:

Lake Agassiz Regional Development Corporation
417 Main Avenue
Fargo, ND 58102
(701) 239-5373
Fax (701) 235-6706

ND State Health Department
1200 Missouri Avenue
Bismarck, ND 58505
(701) 221-5210
Fax (701) 221-5200

North Dakota State University
Census Department
(701) 237-7980
Fax (701) 237-7400

5-13-2010
Date of adoption

Sadie Johnson
Chairman
Wano Township Board of Supervisors

Michael Zwick
Attest, Clerk
Wano Township Board of Supervisors

WANO TOWNSHIP

ZONING REGULATION

**LAMOURE COUNTY
NORTH DAKOTA
May, 2010**

LARDCC©

RECEIVED

JUN 07 2010

DR. OF WATER QUALITY

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ARTICLE I:] INTRODUCTION

1.1 Title

These regulations shall be known, and may be cited and referred to as the Wano Township, La Moure County, North Dakota Zoning Regulations.

1.2 Purpose and Intent

- 1.2.1** To protect public health, safety, morals, comfort, convenience, prosperity and general welfare of the Township of Wano, La Moure County, North Dakota.
- 1.2.2** To secure safety from fire, panic, noxious fumes, and other dangers.
- 1.2.3** To promote orderly development of land and water resources and to prevent conflict among land uses and structures.

1.3 Authority

These regulations are adopted under the authority granted by Chapter 58-03 of the North Dakota Century Code.

1.4 Jurisdiction

1.4.1 General

These regulations shall apply to the use and enjoyment of all lands within the Wano Township, La Moure County, North Dakota.

1.5 Interpretation

These regulations shall be held to be minimum requirements adopted for promotion of purposes cited in Section 1.2. Whenever, the requirements of these regulations are at variance with the requirements of other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive shall govern unless otherwise specifically stated.

1.6 Severability

If any part, provision or portion of these regulations is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.7 Effective Date

These regulations shall be effective upon adoption by the Township Board of Supervisors as provided by the North Dakota Century Code.

1.8 Exceptions

These regulations shall not apply to the use of land and buildings for agriculture as defined herein with the exception of feedlot operation.

ARTICLE 2: RULES AND DEFINITIONS

2.1 Rules

In construction of these regulations, the rules and definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise.

2.1.1 Words used in present tense shall include the future.

2.1.2 Words used in singular number shall include the plural number, and the plural the singular.

2.1.3 Shall is a mandatory word and not discretionary.

2.1.4 May is a permissive word.

2.2 Definitions

2.2.1 **"Accessory Building and Uses"** means a subordinate building or portion of the main building the use of which is clearly incidental to and serves exclusively the principal building or principal use. The accessory building or use shall be located on the same zoning lot and it is established to contribute to the comfort, convenience or necessity of occupants of the principal building or principal use.

2.2.2 **"Adult Bookstore"** means an enclosed building having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals that are distinguished or characterized by their emphasis on matter depicting or describing sexual activities or anatomic areas, such as genitals, breasts, or buttocks.

2.2.3 **"Adult Cinema"** means an enclosed building used on a regular basis for presenting pictorial materials or other visual images by way of direct or indirect projection, which materials are distinguished or characterized by an emphasis on the depiction of sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks, for observation by patrons

therein return for the payment of consideration, irrespective of the number of patrons who may be able to view the presentation at one time.

2.2.4 "Adult Entertainment Facility" means an enclosed building wherein an admission is charged for entrance, or food or nonalcoholic beverages are sold or intended for consumption, and wherein may be observed live presentation of entertainment distinguished or characterized by an emphasis on matters depicting describing or relating to specified sexual activities or specified anatomical areas, such as genitals, breasts, or buttocks.

2.2.5 "Adult Entertainment Center" means an adult bookstore, adult cinema, adult entertainment facility or any combination thereof.

2.2.6 "Agriculture" means the process of producing food and fiber customary to the family farming operation with a minimum of 40 acres in area, excluding commercial feedlots, processing and manufacturing of the farm-based products.

2.2.7 "Airport" means any area designated for the landing and take off of aircraft and any appurtenant areas which are used or intended for use for airport buildings and structures including runways, taxi-ways, aircraft storage and tie down areas, hangars and other related facilities and open spaces other than landing strips used for family purposes.

2.2.8 "Animal Feeding Operation" AFO means a place where; livestock have been, are, or will be confined, concentrated and fed for 45 or more days in any 12 month period; animal waste or manure accumulates. This term does not include an animal wintering operation.

2.2.9 "Animal Hospital or Kennel" means a building or premises set up for treatment and boarding of domestic animals including veterinary facilities.

2.2.10 "Animal Unit Equivalent" means a unitless number developed from the The term animal unit is used to normalize the number of animals (e.g. head) for each specific livestock type that produces comparable build quantities of manure.

2.2.11 "Building" means any structure designed or intended for shelter, housing, business, office, and accommodation of persons, animals, chattels or property.

2.2.12 "Building Area" means that portion of the zoning lot that can be occupied by the principal use, excluding the front, rear and side yards.

2.2.13 "Building Height" means vertical distance from the grade to the highest point of the roof.

2.2.14 "Building Line" means a line establishing the minimum distance that structures may be placed from the lot lines or highway right-of-way. For the purposes of these regulations the building line is the same as setback line.

2.2.15 Building, Principal" means a building, the principal use of which is single family and multi-family dwellings, and offices, shops, stores and other uses.

2.2.16 "Channel" means a natural or man-made watercourse for conducting the flowing water.

2.2.17 "Club or Lodge" means a private club or lodge which is a nonprofit association of persons for the purpose of gatherings and entertaining members including consumption of food and beverages.

2.2.18 "Commercial Gravel Pit" means any mining and extraction of earth materials for commercial or private sale.

2.2.19 "Comprehensive Plan" means a guide for management of the physical resources and development of the Township as adopted by the Board of Supervisors.

2.2.20 "Conditional Use" means use of a special nature not automatically permitted in a zoning district and which requires review and approval of the Zoning Commission after public hearing.

2.2.21 "Conforming Building or Structure" means a building or structure which complies with all requirements of these regulations and other regulations adopted by the Township.

2.2.22 "Development" means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures, the construction of additions or alterations to buildings or structures, ditching, lagooning, dredging, filling, grading, paving, excavation and drilling operations.

2.2.23 "Development Plan" means a document including maps and data for physical development of an area as provided by these regulations.

2.2.24 "District" means a section or sections of the township for which regulations governing the use of building and premises, the building heights, size of yards, lot area, lot width and the use are uniform.

2.2.25 "Dwelling" means any building or portion thereof, used exclusively for human habitation including single family and multiple family units but not including hotels or motels.

2.2.26 "Dwelling, Multiple Family" means a single building or portion thereof, containing two (2) or more dwelling units.

2.2.27 "Dwelling, Single Family" means a building containing one dwelling unit only.

2.2.28 "Encroachment" means any fill, building, structure or use including accessory uses projecting into the required yard areas or public and private property.

2.2.29 "Establishment" means a place of business for processing, production, assembly, sales, service of goods and materials.

2.2.30 "Farming or Ranching" means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract where by a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.

2.2.31 "Feedlot" means any concentrated feeding operation including livestock feeding, handling, or holding operation, or feed yard where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate or in an area where the space per animal unit is less than 600 sq. ft. (six hundred square feet). The term does not include normal wintering operations for cattle.

2.2.32 "Floodplain" means an area that may be covered by floodwater including but not limited to regional floods.

2.2.33 "Frontage" means the front part of a lot abutting a public right-of-way, or road or highway.

2.2.34 "Grade" means the land elevation at the horizontal intersection of the ground and the building.

2.2.35 "Home Occupation" means any occupation which: (a) carried on in a dwelling unit by members of the family; (b) is clearly secondary to the use

of residential dwelling units and (c) does not create excessive noise, traffic or conflict with adjoining uses.

2.2.36 “Hotel or Motel” means a building in which lodging accommodations, with or without meals, are provided in return for compensation.

2.2.37 “Junk or Salvage Yard” means an open area where waste or scrap material, including parts of used motor vehicles, appliances and farm implements are bought, sold, exchanged, stored, baled, parked, disassembled or handled.

2.2.38 “Kennel, Animal” means any premises where dogs, cats and other household pets are boarded, bred and maintained for compensation.

2.2.39 “Landfill” means especially selected, designed, and operated sites for disposal of solid waste in accordance with N.D.C.C. 23-29-03 and the provisions of this ordinance.

2.2.40 “Livestock” includes beef cattle, dairy cattle, sheep, swine, poultry, horses and fur animals raised for their pelts.

2.2.41 “Lot” means a piece, parcel, lot or area of land of continuous assemblage established by survey, plat or deed.

2.2.42 “Lot Lines” means the property lines bounding the lot.

2.2.43 “Lot Width” means the horizontal distance between the side lot lines of a lot measured at the front building setback line.

2.2.44 “Lot, Zoning” means a single lot, parcel, tract of land within a zoning district developed or to be developed.

2.2.45 “Mobile Home” means a manufactured trailer intended for family residential occupancy.

2.2.46 “Mobile Home Park” means a parcel of land for which a detailed plan indicating the location of lots, blocks, streets, facilities and utilities exists.

2.2.47 “Non-conforming Building” means any building which does not comply with any or all of these regulations.

2.2.48 “Non-conforming Use” means any principal use of land or building which does not comply with any or all of these regulations.

2.2.49 “Nursing Home or Convalescent Home” means a home for the aged or infirm which unrelated persons are accommodated for compensation.

2.2.50 "Permitted Uses" means those uses, buildings or structures which comply with the provisions of specific zoning districts because of the similarities in nature and relationship to each other. Permitted uses are distinct from conditional uses that are authorized only if certain requirements of these provisions are met after a public hearing and approval by the Board of Supervisors.

2.2.51 "Person" means any individual, firm, corporation, partnership or legal entity.

2.2.52 "Planned Development" means a grouping of buildings and structures on a site of five (5) or more acres in single ownership which is not limited by the yard or building height limitations but is based on a detailed development plan and recorded in the Office of the County Register of Deeds upon approval by the Township Board of Supervisors.

2.2.53 "Private Gravel Pit" means for private use, incidental to farming, which is not for sale, the mining and extraction of earth materials.

2.2.54 "Public Roadway or Public Way" means any dedicated and recorded right-of-way including alleys, sidewalks, streets, roads or highways.

2.2.55 "Regional Flood" means a flood determined by the state and Federal Emergency Management Agency, which is representative of large floods known to have occurred in the County.

2.2.56 "Service Station" means any building or premises where automotive fuels, automotive related services, lubricants, parts, and supplies are made available to the motorist.

2.2.57 "Sign" means any emblem, name, identification, description or illustration which is used for outdoor advertising having permanent location on the ground or attached to or painted on a building including bulletin boards, billboards and poster boards, but excluding real estate for sale signs, political campaign signs, public information and traffic signs.

2.2.58 "Site Plan" means a detailed plan for making improvements to parcel(s) of land for the purpose of building and development as provided in these regulations.

2.2.59 "Structural Alteration" means any change in the supporting elements of a building or structure including bearing elements, partitions, columns, beams, girders, roofs, exterior walls and embankment.

2.2.60 "Structure" means anything constructed or erected, the use of which requires permanent location on the ground including advertising signs and billboards.

2.2.61 "Variance" means the relaxation of the terms of the zoning regulations in relationship to building height, size of the front, rear and side yards, where the literal enforcement of these regulations could create unreasonable hardship, but it is not contrary to the purposes of the Township Comprehensive Plan and these regulations.

2.2.62 "Wind Energy Conversion Systems" Any device that is designed to convert wind power to another form of energy such as electricity, mechanical or heat (also referred to by such common names as wind charger, wind turbine, and wind mill).

2.2.63 "Winter Feed Lot" means a parcel of land where animals are sheltered incidental to farming at any time between October 15 and May 15.

2.2.64 "Yard" means an open space on the zoning lot which is unoccupied or unobstructed by any portion of a structure from the ground upward.

2.2.65 "Zoning Commission" means a body consisting of the three (3) Township supervisors and appointed members under the authority of Chapter 58-03-13 of the North Dakota Century Code to review the planning issues, prepare plans, review the zoning requests and plats of subdivision, zoning amendments and conditional uses and make recommendations to the Board of Supervisors.

ARTICLE 3: GENERAL PROVISIONS

3.1 Compliance

No building or land shall hereafter be used or occupied and no building shall be erected, moved, or altered unless in conformity with these regulations.

3.1.1 Building Height, Lot Area and Yards

No building shall exceed the height, occupy larger part of lot area, and no lot shall be created smaller than the requirements of these regulations.

3.1.2 Substandard Lots

All existing lots at the date of adoption of these regulations shall be deemed buildable unless for the reasons of land suitability, flooding and other physical limitations contrary to the purpose of these regulations.

3.2 Amendments

The Township Board of Supervisors may, from time to time, amend, supplement or repeal any part of these regulations after a public notice and hearing.

3.3 Comprehensive Plan

These regulations are administered and enforced to implement the Comprehensive Plan of the Township, a document adopted by the Board of Supervisors as a policy guide for protecting the township's natural resources and accommodating the type of development deemed appropriate, including but not limited to the following objectives.

- 3.3.1** To conserve and enhance the taxable value of land and buildings in the township.
- 3.3.2** To encourage the most appropriate use of land in the township.
- 3.3.3** To regulate and restrict the location and intensity of use of buildings and land not related to farming.
- 3.3.4** To separate and control unavoidable nuisance-producing uses to minimize adverse impacts on the surrounding areas or uses.
- 3.3.5** To facilitate traffic movement and promote development of compatible uses.

3.4 Non-conforming Uses

The lawful use of a building or premises existing at the date of adoption of these regulations may be continued. Where a non-conforming use is discontinued for a period of more than twelve consecutive calendar months any subsequent use or occupancy of such premises shall conform to these regulations. Whenever a building is destroyed or damaged by fire or other casualty to the extent of more than sixty percent (60%) of its market value it shall not be restored unless said building shall conform to the provisions of the district in which it is located. Non-conforming uses shall not be expanded to occupy a larger area of land than existed at the date of adoption of these regulations unless approved by the Township Board of Supervisors after a public hearing, to accrue after Zoning Commission has reviewed request and make recommendation to the Board of Supervisors.

3.5 Land Suitability

No land shall be used for a purpose which is held unsuitable for the reason of flooding, soil limitations, inadequate drainage, incompatibility with adjoining uses or any condition likely to be harmful to the health, safety or the welfare of the people in the area. The Township Zoning Commission and Board of Supervisors may require information and data to determine the land suitability. The Township may consult with county and state agencies to assist in its determination.

3.6 Conditionally Permitted Uses

Where a use is classified as a conditional use under these regulations and exists at the date of adoption of these regulations, it shall be considered a permitted use. Where a use is not allowed as a conditional use or permitted use, under these regulations, and exists at the date of adoption of these regulations, it shall be considered non-conforming and shall be subject to the non-conforming buildings and use provisions.

3.7 Road and Highway Access

A permit for access to the township roads is required by the Board of Supervisors. In granting the access permit to the township roads, the Board of Supervisors may adopt rules and regulations as to the number of access points per mile, the width, construction and other features of the access to the adjoining properties. The Board of Supervisors may place conditions when granting a road access permit. Farm driveways and field access points are exempt from these provisions.

3.8 Road and Highway Setback - Tree Plantings, Shelterbelts

All buildings and structures shall be placed at least 100 (one hundred) feet from township, county and state highway rights-of-way for the purpose of preventing hazardous accumulations of snow and to allow for future widening of public right-of-ways. Tree plantings and shelterbelts shall be planted 200' from center of road.

3.9 Standards

All structures or buildings shall conform to requirements of the North Dakota State Building Code, NDCC 54-21.3, the most recent addition of the National Fire Protection Association, and the National Electrical Code.

All individual water supply and sewage disposal systems shall conform to the requirements set forth in the North Dakota Plumbing Code and Sanitary Code.

ARTICLE 4: ZONING DISTRICT BOUNDARIES AND MAP

4.1 Zoning Districts

In order to carry out the purposes and provisions of these regulations, the following zoning districts are hereby established.

- 4.1.1 A-1 Agricultural District**
- 4.1.2 F-1 Floodplain Overlay District**

4.2 Zoning District Map

4.2.1 Zoning Districts

The location and boundaries of the zoning districts are hereby established as shown on the "Zoning District Map" on file in the Office of the Township Code Administrator. The zoning district maps, together with all information shown thereon and all amendments thereto, shall be an integral part of these regulations.

4.2.2 Public Roads and Highways as Boundary

Where zoning district boundary lines are indicated as following roads and highways or extensions thereof, such boundary lines shall be construed to be the center line of said roads and highways or extension thereof unless clearly shown to the contrary.

4.2.3 Property Line as Boundary

Where a zoning district boundary line coincides approximately but not exactly with the property line, the zoning boundary shall be construed to be the lot line at that location. All section lines and quarter section lines may be construed as the property lines.

4.2.4 District Description for Unsubdivided Lands

For unsubdivided property, zoning district boundaries are determined by metes and bounds description or by a legal description as deemed necessary.

4.2.5 Vacated Areas

Where a public road or highway is vacated by the official action of the Board of Township Supervisors, the zoning district boundaries shall be extended to the center of the vacated public road or highway.

4.2.6 Zoning District Boundary Interpretation

Where any uncertainty exists as to the exact location of the zoning district boundary lines, the Board of Supervisors shall determine the location of such boundary lines

4.2.7 Certification

The official zoning map shall bear a certificate with the signature of the Township Chairman and certification of the Township Clerk and date of adoption of the zoning map as an integral part of these regulations.

ARTICLE 5: ZONING DISTRICT REGULATIONS

5.1 A-1 Agricultural District

5.1.1 Purpose

The purpose of this district is to provide for preservation and protection of agricultural lands and to discourage uses incompatible with agricultural operations or detrimental to agricultural land utilization.

5.1.2 Permitted Uses

5.1.2.1 All types of farming and ranching operations including dairying, livestock and poultry raising, apiaries and fur farming.

5.1.2.2 Accessory Buildings and Structures.

5.1.2.3 Cemeteries.

5.1.2.4 Churches.

5.1.2.5 Golf Courses.

5.1.2.6 Grain Elevators and Accessory Structures.

5.1.2.7 Home Occupations.

5.1.2.8 Parks and Playgrounds.

5.1.2.9 Mobile Homes.

5.1.2.10 Public and Private Schools.

- 5.1.2.11 Public Buildings and Facilities Including County Garages.
- 5.1.2.12 Single Family Non-farm Residential Units on 5 (five) acres or more.
- 5.1.2.13 Stock Piling of Sand and Gravel for Road Construction and Maintenance.
- 5.1.2.14 Construction and Maintenance of Drainage Systems to Manage Water Run-off.
- 5.1.2.15 Water Reservoirs.

5.1.3 Conditional Uses

- 5.1.3.1 Antique and Craft shops.
- 5.1.3.2 Art Studios.
- 5.1.3.3 Commercially Operated Air Landing Strip and Accessory Buildings.
- 5.1.3.4 Commercial Greenhouses or Nurseries
- 5.1.3.5 Feedlots for feeding livestock, furbearers and poultry subject to the provisions of Section 6.6.
- 5.1.3.6 Voltage Transmission Lines and Accessory Structures.
- 5.1.3.7 Manufacturing and Processing of Agricultural Products Produced in the Area.
- 5.1.3.8 Radio, TV Stations and Towers.
- 5.1.3.9 Sale and Services of Agricultural Equipment and Machinery.
- 5.1.3.10 Junk and Salvage Yards Subject to Provisions of Section 6.4.
- 5.1.3.11 Sanitary Landfills subject to the Provisions of Section 6.3.
- 5.1.3.12 Sewage Lagoons and Wastewater Treatment Facilities.
- 5.1.3.13 Skeet, Trap, Rifle and Archery Ranges

5.1.3.13.1 Skeet, Trap, Rifle and Archery Ranges must be located at least 1,000 (one thousand) feet from any residence

5.1.3.14 Storage of Farm Related Chemicals.

5.1.3.15 Utility Lines and Pipe Lines, both above ground and underground, including Substations for Transformers, Pumping Stations and Lift Stations.

5.1.3.16 Veterinary Clinics, Animal Hospitals and Domestic Animal Kennels

5.1.3.16.1 Veterinary clinic, animal hospitals and domestic animal kennels must be located at least 500 from any residence with the exception of the residence of the owner/operator.

5.1.3.17 Mining of Sand, Gravel, Clay and General Excavation subject to Provisions of Section 6.8.

5.1.3.18 Manufacturing and Processing of Wood Products

5.1.3.19 Wind Energy Conversion Systems including Wind Turbines and associated Transmission Lines.

5.1.4 Lot Area and Lot Width

5.1.4.1 The minimum lot area for non-farm residential uses shall be 5 (five) acres.

5.1.4.2 The minimum lot area for non-farm non-residential uses shall be 5 (five) acres.

5.1.4.3 The minimum lot width for any use in the agricultural district shall be 250 (two hundred fifty) feet.

5.1.5 Density Requirement

5.1.5.1 There shall be no more than 4 (four) non-farm residential dwelling units per section.

5.1.6 Yard Requirements

- 5.1.6.1 The minimum front yard, measured from the front lot line shall not be less than 75 (seventy-five) feet for properties abutting township roads and 100 (one hundred) feet for properties fronting on other rights-of-ways.
- 5.1.6.2 The minimum rear yard, measured from the rear lot line shall not be less than 50 (fifty) feet.
- 5.1.6.3 The minimum side yard, measured from the side lot line shall not be less than 50 (fifty) feet.

5.1.7 Building Height

- 5.1.7.1 The building height for residential buildings shall not exceed two and one half stories or 35 (thirty-five) feet except for farm buildings and structures.
- 5.1.7.2 The building heights for manufacturing of agricultural products shall be determined by the Township Board of Supervisors.
- 5.1.7.3 The building height, excepting the radio and TV towers and church steeples for all other uses shall not exceed 35 (thirty-five) feet.

5.1.8 Parking Requirements

For non-farm uses the parking requirements shall be subject to the provisions of Section 6.1 of these regulations

5.1.9 Sign Requirements

Sign requirements shall be subject to the provisions of Section 6.2 of these regulations.

5.4 F-1 Flood Plain District Overlay

5.4.1 Applicability

The F-1 flood plain district consists of the lands which have been or may be covered by flood water as delineated on the maps for La Moure County and Wano Township prepared by the Federal Emergency Management Agency (FEMA) for administration of the National Flood Insurance Program or other maps and information provided by the state of North

Dakota. The delineated areas as flood plain shall be an overlay for all zoning districts.

5.4.2 Purpose

The F-1 flood plain district is primarily established to designate those areas which need to accommodate the run-off water and to protect life, public and private property from the adverse effects of flooding by preventing development on the lands prone to flooding.

5.4.3 Permitted Uses

- 5.4.3.1 General Building uses including general farming, pasture, grazing and related uses provided that the buildings and structures for human habitation are flood proofed above the 500 Year Flood Plain as established by (FEMA).**
- 5.4.3.2 Non-structural uses including ponding of run-off water and treated wastewater.**
- 5.4.3.3 Public utilities including railroads, roads and highways, channels, and pipelines.**
- 5.4.3.4 Outdoor recreational uses including, golf courses, bicycle trails, picnic areas and boat launching ramps.**

5.4.4 Conditional Uses

Temporary buildings and structures not related to flood control and farming such as stands, fences, shelters, signs and temporary parking.

5.4.5 Building Height

No building shall be more than 40 (forty) feet high excepting farm buildings and structures and communication relay towers.

5.4.6 Sign Requirements

For signs in F-1 district the provisions of Section 6.2 shall apply.

ARTICLE 6: SPECIAL PROVISIONS

6.1 Off-Street Parking

6.1.1 Purpose

The purpose of this section is to provide for the off-street parking regulations to:

- 6.1.1.1 Increase the safety and capacity of public roads by requiring off-street parking or loading facilities.
- 6.1.1.2 Minimize adverse effects of off-street parking and off-street loading facilities on the adjacent properties.
- 6.1.1.3 Lessen congestion and preventing the overtaxing of public roads by regulating the location and capacity of off-street parking or off-street loading facilities.

6.1.2 General Requirements

- 6.1.2.1 An off-street automobile parking space shall be at least 9 (nine) feet wide and 20 (twenty) feet long, exclusive of access drives or ramps.
- 6.1.2.2 All open off-street parking areas with 4 (four) or more spaces and all loading berths shall be:
 - (1) Improved with all weather surfaces to provide a durable and dust free surface;
 - (2) Graded to dispose of all surface water run-offs but not be diverted to adjoining properties.

6.1.3 Special Requirements

- 6.1.3.1 No building shall be erected or enlarged without meeting the following parking requirements.
 - (1) Business; professional or public office building, studio, bank, medical or dental clinics, three (3) parking spaces plus one additional space for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.
 - (2) Hotels and motels; one parking space for each room plus one space for each two hundred (200) square feet of eating and drinking establishments or restaurants.

- (3) Private club or lodge; one parking space for each two hundred (200) square feet of service area.
- (4) Restaurant, eating and drinking establishment; one parking space for each one hundred (100) square feet of floor area.

6.2 Signs

6.2.1 Purpose

The purposes of regulating signs in the Township is to provide for a visually pleasant environment and minimize potentially unsafe conditions for all age groups, but yet offer many opportunities for public and private information and advertising.

6.2.2 General Requirements

- 6.2.2.1 No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered without obtaining a permit from the Township Code Administrator.
- 6.2.2.2 Signs shall not be permitted within 300 (three hundred) feet of any road crossing which is measured from the point of intersection of the road centerlines. For state and federal highways the state and federal sign requirements shall apply.
- 6.2.2.3 Directory signs shall not be larger than 20 (twenty) square feet in area for permitted uses.
- 6.2.2.4 Directory signs shall not be larger than 96 (ninety-six) square feet.

6.3 Sanitary Landfills and Solid Waste Sites

6.3.1 Compliance with North Dakota State Laws and Rules

Any person who operates sanitary landfills or solid waste sites shall comply with all North Dakota state laws and administrative rules set forth by the state agencies.

6.3.2 Compliance with County Ordinances and Procedures

Where a county solid waste ordinance exists, any person who operates a sanitary landfill or solid waste site shall comply with the County Ordinance, rules and procedures.

6.3.3 Township Ordinance and Procedures

The Township hereby adopts solid waste provisions, subject to the provisions of NDCC 11-33-20, to assure meeting the purposes of these regulations and the township comprehensive plan.

6.3.4 Purpose

The purpose of these provisions is to protect public health, ground and surface water, conflict with present land uses and preservation and protection of natural resources in the Township.

6.3.5 Site Approval Requirements

All solid waste sites require approval by Township Board of Supervisors.

6.3.6 Locational Standards

- 6.3.6.1 No landfill, incinerator shall be located within 1 mile of residential uses or unincorporated community.
- 6.3.6.2 No landfill shall be located in areas, which due to high water table, flooding, or soil conditions may affect the quality of surface and ground water.
- 6.3.6.3 No landfill operation shall be located nearer than 200 (two hundred) feet of all road and highway rights-of-way.

6.3.7 Data Submission Requirements

- 6.3.7.1 Maps of the area showing existing features such as roads, highways, vegetation cover, water courses, drainage way, soils, topography, depth of water table, wet lands, sloughs, existing uses, buildings and structures including the existing utility lines.
- 6.3.7.2 A plan for operation of the site including a descriptive text explaining consistency or inconsistency with the natural or man made environment.

6.3.7.3 Records of data and information submitted to the state of North Dakota appropriate agencies and the county as a part of application for state and county permits.

6.3.7.4 The Township Board of Supervisors may require additional information if it deems it necessary.

6.3.8 Statement of Findings

Upon the public notification and a public hearing the Township Board of Supervisors shall determine whether the proposed site meets the requirements of these regulations. The Township Board of Supervisors may place conditions for approval of the site.

6.4 Junk or Salvage Yards

6.4.1 Purpose

The purpose of these requirements is to preserve and protect the visual and other environmental amenities of the rural areas while allowing the salvage or junkyards as business places.

6.4.2 Site Approval Requirements

All sites for salvage and junkyards require approval by the Township Board of Supervisors.

6.4.3 Locational Standards

6.4.3.1 No salvage or junkyard shall be located within 500 (five hundred) feet of a residential district and 200 (two hundred) feet of commercial buildings and structures.

6.4.3.2 No salvage or junk yard shall be located in areas which due to high water table, flooding and soil conditions may affect the quality of surface and ground water.

6.4.3.3 No salvage or junkyard shall be located nearer than 100 (one hundred) feet of all road and highway rights-of-way.

6.4.3.4 All salvage yards and operations shall be screened from the public view unless the salvage material is placed 500 (five hundred) feet away from any highway right-of-way and screened by natural vegetation, building and landform.

6.5 Public and Non-Profit Wildlife Management Areas

6.5.1 Purpose

These provisions are designed to address the need for Public Wildlife Management Areas and at the same time preserve and protect the interest of the township for its tax base and investment in construction and maintenance of public roads.

6.5.2 General Requirements

6.5.2.1 All publicly owned and non-profit agency wildlife management areas established after adoption of these regulations require a conditional use permit subject to the provisions of Section 8.2.

6.5.2.2 If the area is leased for this purpose, the public agency is required to provide the following as a part of the petition for a conditional use permit:

(1) A road maintenance agreement specifying duties and responsibilities of the owner/lessee for access and through roads.

(2) Duties and responsibilities of the owner/lessee for the control of noxious weeds in the wildlife management area.

6.5.2.3 If the land is purchased by a public agency for such a purpose, the public agency shall arrange for compensating the township for the loss of the property tax.

6.5.2.4 When a township road provides access to the wildlife management area, a road maintenance agreement specifying the duties and responsibilities of the public agency shall be a part of the conditional use permit.

6.6 Commercial Feed Lots

6.6.1 Purpose

These regulations are designed to allow feed lots for feeding of livestock, furbearers and poultry at the same time protect the adjoining uses against odor, run off and other incompatible characteristics associated with feed lots.

6.6.2 General Requirement

- (1)** All feedlots as defined by this code are only permitted as conditional uses subject to the provisions of this code and the requirements of the North Dakota State Health Department. Wherever the provisions of this ordinance conflict with the requirement of ND State Health Department, the more restrictive requirements shall apply.
- (2)** All feedlots shall be designed and constructed with all reasonable preventative measures to avoid surface run-off including construction of sealed collection and retention ponds.
- (3)** Where appropriate, there shall be sufficient drainage to avoid pollution of the ground and surface water from the standing effluents.
- (4)** Feedlots shall not be placed in the floodplains.
- (5)** The applicant, as a part of site approval application, shall submit a plan for removal and disposal of the liquid and solid waste generated by the feed lot.
- (6)** An "animal unit equivalent" is a unitless number developed from the nutrient and volume characteristics of *manure* for a specific *livestock* type. The term "animal units" is used to normalize the number of animal (e.g., head) for each specific *livestock* type which produce comparable bulk quantities of *manure*. The animal unit equivalents for types of *livestock* and the numbers of *livestock* for facility size thresholds of 300 animal units (a.u.), and so forth, are listed in the following table.
- (7)** An Animal feeding operation or AFO means a lot or facility (other than an aquatic animal production facility) where the following conditions are met: a) Animals (other than aquatic animals) have been, are, or will be stable or confined and fed or maintained for a total of 45 days or more in any 12-month period; and b) Crops, vegetation, forage growth, post-harvest residues are not sustained in the normal growing seasons over any portion of the lot or facility. All AFO shall apply to the setback distance as listed in the following table. In no event shall an AFO be located nearer than 2.0 miles from a residential platted development, Commercial Zoning district, or any city limits, park, cemetery, church, school or residence other than owner/operator's residence.
- (8)** The requirements are not applicable to winter feedlots as defined in the definitions.

**Equivalent Numbers of the Livestock (hd)
for Four Sizes (a.u.) of Animal Feeding Operations**

Livestock Type	Animal Unit Equivalent	300 a.u.	1,000 a.u.
1 horse	1.0	300 hd	1,000 hd
1 dairy cow	1.33	225	750
1 mature beef	1.0	300	1,000
1 beef feeder - finishing	1.0	300	1,000
1 beef feeder - backgrounding	0.75	400	1,333
1 mature bison	1.0	300	1,000
1 bison feeder	1.0	300	1,000
1 swine, >55 lbs.	0.4	750	2,500
1 goose or duck	0.2	1,500	5,000
1 sheep	0.1	3,000	10,000
1 turkey	0.2	1,500	5,000
1 chicken	0.1	3,000	10,000

SETBACK DISTANCES FOR ANIMAL FEEDING OPERATIONS

NUMBER OF ANIMAL UNITS	HOG OPERATIONS	OTHER OPERATIONS
Medium AFO* 300 – 999	2 mi.	2 mi.
Large AFO* 1000 or more	2 mi.	2 mi.

*Animal Feeding Operation

6.7 Prohibited Animals

Dangerous and/or exotic animals including, but not limited to lions, tigers, cheetahs, bears, venomous reptiles, alligators, etc. are prohibited except for traveling fairs, circuses, and brief veterinary care.

6.8 Mining of Sand, Gravel, Clay and General Ground Excavation

6.8.1 Purpose

The purpose of these provisions is to provide for mining and extraction of materials for commercial uses, and to protect and preserve agricultural land by

guiding such operations, and to minimize the traffic, noise, dust, fume and vibration impact on the adjoining uses and the city.

6.8.2 Site Approval Requirements

All excavation sites require approval by the Township. See definitions of "commercial gravel pit" and "private gravel pit". All new excavations are considered conditional uses and shall conform to provisions of the conditional use permit requirements of these regulations.

6.8.3 Data Submission Requirements

- (1)** A site plan for operation and reclamation of the mined land including maps showing location of the land to be mined, location of roads and point of access to the site, adjacent residences within one mile of site, maps showing the existing and proposed contours after the land is mined and a time table for operation of the site. There will be a minimum 1 to 3 slope. All topsoil shall be replaced and planted to natural protected vegetation.
- (2)** Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned or closure of the operation of the site.
- (3)** Proof of compatibility with the existing landform including the vegetation, surface and ground water resources.
- (4)** Bonding required as follows:

0 – 19 acres	no bond
20 – 39 acres	\$50,000
40 + acres	\$100,000

6.8.4 Proximity to Existing Uses

The operation of sand and gravel sites shall not be nearer than five hundred (500) feet from any residential use.

6.8.5 Permit Requirements

Any person who operates a sand and gravel operation shall obtain a permit from the planning and zoning committee before starting any mining or excavation of the sand and gravel sites, and after review by the planning and zoning board and approval by the Township Board.

6.9 Garden Sheds

A garden shed shall be no larger than twelve (12) feet by twelve (12) feet and no greater than twelve (12) feet in height. Garden sheds shall be located no less than three (3) feet from the rear and side lot lines in rear corners of the property. There shall be no more than two (2) garden sheds on any zoning lot. Said structures shall have doors facing into the property.

6.10 Recreational Vehicles and Travel Trailers

The use of recreational vehicles, travel trailers and other trailers used for temporary occupancy shall be limited to 240 (two-hundred forty) days per year within the township. Storage of residents' recreational vehicles is unlimited.

6.11 Animal Units on Single Family Non-Farm Residential Districts

1. The number of animal units shall not exceed 1 (one) unit per acre density provided that:
(One horse is considered one animal unit)
 - a. The parcel in question comprises an area of at least 1 (one) acre and there shall be minimum of 1 (one) additional acre for one animal unit and an additional acre for every additional animal unit kept on the property.
 - b. The residential use area shall be separated from the area to be used as an animal enclosure by a fence, and the entire animal enclosure area shall be fenced to prevent escape and subsequent damage to adjacent property.
 - c. No structure intended for housing animals or any manure pile shall be closer than 500 feet from any residential structures other than that of the owner.
 - d. All manure and other animal wastes shall be removed and disposed of properly on at least an annual basis.
 - e. The number of animal units permitted shall be based on the size of the portion of the parcel to be used as an animal enclosure, and that animal enclosure area shall not be less than 2 acres.

6.12 Trees and Tree Plantings:

1. No person or persons, corporations or otherwise, whether owners or tenants of any property along the streets or roadways of the Township shall permit any trees to project less than eight (8) feet over the sidewalks, streets, and roadways, and twelve (12) feet above streets and roadways.
2. It is the duty of all persons, whether owners or tenants to keep the trees along public streets and roadways adjoining such property trimmed in such manner that trees shall not interfere with travel on said streets, roadways, and sidewalks.
3. No persons, firms or corporations shall plant any tree, shrub, or other vegetable growth except lawn grass on any road right-of-way, or within confines of the ditch back slope.
4. For the purpose of insuring reasonable visibility at street or roadway intersections, trees shall be trimmed to at least twelve (12) feet above street or roadway surface and eight (8) feet over sidewalks.
5. Hedges may be planted two hundred (200) feet from the center of road if they do not exceed a height of twenty-four (24) inches.
6. Shelterbelts shall not be planted closer than two hundred (200) feet from center of road.
7. Farmstead windbreaks set back shall be two hundred (200) feet away from center of road. Variances for trees and fences issued through appropriate highway officials: Township Supervisors.
8. In unplatted areas, trees and shrubs may be planted no closer than two hundred (200) feet from center of road or at discretion of the Township Supervisors. Any changes from this guideline shall be assessed a permit fee to cover site inspections and other incurred costs.

6.13 Fences

1. No site-obscuring fence over forty-eight (48) inches in height shall be erected within the front yard of any lot used for residential purposes.
2. No fence shall exceed a height of six (6) feet without first obtaining a permit from the Zoning Administrator.
3. No permanent fence shall be erected on a road right-of-way or within the confines of the ditch back stop.

4. Electrical fences shall conform in all respects to the State of North Dakota regulations for electrical wiring, and shall be energized only with underwriters laboratories approved equipment.

6.14 Home Occupations, Standards for Approval – Shall be considered as a conditional use and shall conform to the provisions of the conditional use permit requirements of these regulations.

1. A Home Occupation in an unincorporated community:

- a. The occupation shall be limited to the dwelling and the area of the occupation shall not exceed twenty-five (25) percent of the main floor area, but not including basement or garage floor space.
- b. Structural changes shall not be made in the dwelling, unless a building permit is obtained.
- c. Employees are limited to two full-time or four part-time besides owners without a special use permit.
- d. No sign may be permitted larger than four (4) square feet.
- e. Evidence of the occupation shall not be visible from the road.
- f. The occupation shall not adversely affect the character of the uses permitted in the district in which it is located.

2. Rural Home Occupations:

Rural home occupations shall conform to the requirements for unincorporated community homes except:

- a. Rural Home Occupations may be located in a separate non-residential or farm building provided any building principally used for the home occupation shall not exceed one thousand two hundred and eighty (1,280) square feet. Minimum lot size for a separate non-residential building shall be one (1) acre.
- b. Employees are limited to two full time or four part time personnel.
- c. Structural additions may be made to a dwelling provided the alterations shall not exceed twenty-five (25) percent of the main floor of the area of the dwelling, but not including basement or garage floor area. A building permit is required.

- d. Location site shall be limited to single lot residential sites or farmstead sites.

6.15 Adult Entertainment Center - Shall be considered as a conditional use and shall conform to the provisions of the conditional use permit requirements of these regulations.

1. An adult entertainment center shall not be located within 1,250 feet of any religious institution, cemetery, school, park or recreation facility (bike paths excluded). They shall be located in an industrial zoning district.
2. An adult entertainment center shall not be located within 1,250 feet of any establishment that dispenses alcohol on-premises.
3. An adult entertainment center shall not be located within 1,250 feet of any other adult entertainment center.
4. An adult entertainment center must prohibit entrance by persons less than 18 years of age.
5. An adult entertainment center may not display any signs visible from the exterior of the adult entertainment center, except for signs identifying it as an adult entertainment center, as an adult bookstore, adult entertainment facility, adult cinema or combination thereof.
6. No material depicting specified sexual activities or specified anatomical areas shall be visible from the exterior of an adult entertainment center.
7. The business premises of an adult entertainment center that are generally open to its patrons are open equally at the same time to members of any law enforcement agency who may wish to enter thereon provided the entry is in the course of the discharge of the law enforcement officer's duties.

6.16 Utilities

1. The term "utilities" includes, but is not limited to, electric power, electrical transmission lines, wind conversion systems, commercial wind generators, dams, electrical and telephone towers and substations, natural gas pipelines, the petroleum product pipelines, water and sewer lines, telephone lines and other above ground or underground communication and energy transfer lines and pipelines.
2. All new utility lines and pipelines are considered conditional uses and shall conform to the provisions of the Conditional Use Permit requirements of these

regulations. Upon approval of a conditional use permit a building permit is required.

3. All pipelines, natural gas, petroleum pipelines and other energy transfer lines shall be placed deep enough in the ground so as to not interfere with or become hazardous to normal farming operations.
4. Excavation for tunneling of any pipelines under roads, farm drains, group drains and local drains shall be done by the company owning or leasing said pipelines and the cost of said excavation and damages to be born by the said company.
5. All wind generators shall be set back one thousand (1,000) feet from residences other than that of the owner/operator.
6. All utilities shall notify the township supervisors within thirty days of abandoning a tower site or utilities. All utilities shall be removed within one year after abandonment.
7. All utilities, excluding wind generators, shall be set back the height of the tower plus twenty-five percent (25%).

ARTICLE 7: ADMINISTRATION AND ENFORCEMENT

7.1 Organization

To administer these regulations the following bodies are hereby vested with authority to act in behalf of the Township.

- (1) The Zoning Administrator
- (2) The Zoning Commission

7.2 The Zoning Administrator

The Zoning Administrator is a duly appointed township official authorized by the Board of Supervisors and is responsible to administer Zoning Regulations, to assist the Zoning Commission, and the Board of Supervisors on any matter related to planning for and development of the township.

7.2.1 Duties

- 7.2.1.1 Issue all zoning certificates, permits and maintain records thereof.
- 7.2.1.2 Issue all building and repair permits.

- 7.2.1.3 Maintain zoning related records and zoning district map including records of all amendments, conditional uses and variances.
- 7.2.1.4 Receive, file and forward to the Zoning Commission and Board of Supervisors all applications for zoning amendments, site approvals and conditional uses.
- 7.2.1.5 Prepare and publish notices and notify adjoining property owners.
- 7.2.1.6 Notify, in writing, the property owner or user upon finding violation of these regulations and cite the nature of violation clearly and require compliance within a reasonable time. If the notification is not replied to or steps are not taken to correct the violations within 30 (thirty) days, the Zoning Administrator shall make a report of the findings to the Board of Supervisors.

7.2.2 Interpretation of Regulations

All questions of interpretation of these regulations shall be presented to the Zoning Administrator and that such questions shall be presented to the Board of Supervisors only on appeal from the decision of the Zoning Administrator.

7.2.3 Building Permit Applications

Any person or persons intending to construct or reconstruct or relocate a building or make alteration, shall, before proceeding with the work, or commencing any excavation in connection with it, shall obtain a permit from the Zoning Administrator. These regulations shall also apply to the mobile homes.

- 7.2.3.1 Each application for a building permit shall be accompanied by a legal description and a map showing the actual dimension of the lot to be built upon, the size, shape and location of the building for observing the yard requirements of these regulations.
- 7.2.3.2 The application shall specify the type of the building, structure, material of which it is composed, the part or portion of the lot to be occupied by the principal building and accessory buildings and the probable building cost, together with such additional plans and specifications as required by these regulations.

7.2.4 Building Permits

The Zoning Administrator shall issue a building permit if the proposed building or structure conforms to zoning and building provision of these regulations. If the Zoning Administrator denies a permit because of non-conformance with these

regulations, he shall inform the applicant of his/her right to appeal to the Board of Supervisors.

7.2.5 Building Permit Fees

The Zoning Administrator shall charge and collect a fee according to the Resolution of Fees and Schedules established by the Township Board of Supervisors. The applicant for a conditional use permit and amendment to the zoning ordinance, or building permit, shall be liable for and pay to the Township Clerk sufficient sums of money to pay for and cover all of the costs incurred by the Township for the processing of such application, including, but not limited to: publication costs; attorney's fees; mileage; copy expense, etc. No Permit shall be issued until all such costs as these described herein have been paid by the applicant, unless the Township Board of Supervisors has otherwise provided by resolution for a particular case.

7.2.6 Certificate of Occupancy or Use

The Zoning Administrator shall issue a certificate of occupancy upon inspection of the completed building, including placement of mobile homes and manufactured homes and assurance that all provisions and conditions set forth by the authority of these regulations are met. In the event the Zoning Administrator finds violations and deviations from the terms and conditions of these regulations, he shall make a report and recommendation for action to the Board of Supervisors.

7.2.7 Conditional Use and Site Approval Permits

The Zoning Administrator shall issue a conditional use or site approval permit upon approval of the application by the Zoning Commission and Board of Supervisors stipulating all conditions set forth.

7.2.8 Variances

The Zoning Administrator shall issue a permit if the Board of Supervisors reverses the decision. The terms of the variance or special use shall be stipulated in the permit.

7.3 The Zoning Commission

The Zoning Commission shall consist of the three township supervisors.

7.3.1 Duties

- 7.3.1.1 To hear and recommend action to the Board of Supervisors on all applications for amendments to zoning districts.
- 7.3.1.2 To hear and recommend action to the Board of Supervisors on all applications for conditional uses and site approvals in the manner prescribed in these regulations.
- 7.3.1.3 To study, examine and recommend action to the Board of Supervisors on issues which may adversely affect the natural resources and farming operations in the Township.
- 7.3.1.4 To serve in an advisory capacity to the Township Board of Supervisors whereby final action is implemented.

7.3.2 Notice of Hearings

The Zoning Commission shall fix a reasonable date for hearing of applications for zoning district amendments, conditional use permits, site approval applications and other matters before it, give public notice thereof in the official newspaper of the county and the nearest regularly published newspaper at least 15 (fifteen) days prior to the hearing. The notices shall give time and place of hearing and shall state the purpose of the hearing and that the applications and supporting documents for zoning district amendments and conditional use permits shall be available for public inspection by the Zoning Administrator.

7.3.3 Meetings

Meetings of the Zoning Commission shall be held at the call of the Chairperson and at such other times as the Zoning Commission may determine. All meetings shall be open to the public and any person may testify for or against a petition.

7.4 Violations and Penalties

Any person who violates any provision of these regulations or fails to comply with any of its requirements including the conditions or modification of use, building or structure shall upon conviction thereof forfeit not more than \$100 and in addition pay all expenses involved in the case. Each day such violation continues shall constitute a separate offense.

ARTICLE 8: PROCEDURES FOR AMENDMENTS, CONDITIONAL USES, VARIANCES AND APPEALS

8.1 Zoning District Amendments

8.1.1 Public Hearing Notice

The notice of all such public hearings shall be published at least 15 (fifteen) days prior to the hearing in the official newspaper of the county. The notice of hearing shall include: (1) the time and place of hearing; (2) description of the property by street address for platted lands and clearly identifiable location for the unplatte lands; (3) the proposed use and requested zoning district change; (4) time and place for public inspection of the documents before the hearing.

8.1.2 Public Hearings

The Zoning Commission at the public hearing shall listen to all persons who may speak in support of or in opposition to the proposal. Upon the completion of its review, the Zoning Commission shall take action for recommendation of approval, denial or modification of the petition. The Zoning Commission may require additional information before it completes its findings and makes a recommendation to the board of supervisors. Thereafter, the Board of Supervisors shall review the matter at a public hearing for final decision.

8.1.3 Data Submission Requirements

Petitions for zoning district change and conditional uses shall be submitted with the following information:

- 8.1.3.1 Legal description of the area proposed to be rezoned, and the names and addresses of all owners of property lying within one mile of the site.
- 8.1.3.2 A map showing the existing land uses and zoning district classification of the area.
- 8.1.3.3 A site plan showing buildings and uses in the zoning district proposed to be changed and the requested zoning district classification.
- 8.1.3.4 A fee shall be paid in accordance with the schedule established by the Township Board of Supervisors.

8.1.4 Deliberation and Decision

Following public hearing, the Zoning Commission, upon due deliberation, shall make a report of its findings and recommendation and forward the same to the Board of Supervisors on the proposed amendment within 30 (thirty) days after the hearing. In making their findings, the Zoning Commission and Board of Supervisors shall ascertain as to whether the proposal for zoning district amendment is consistent with the township Comprehensive Plan and meets all requirements of these regulations and other regulations of the township and recommend and forward the same to the Board of Supervisors.

8.2 Conditional Use Permits

8.2.1 Purpose

The development of these regulations is based upon division of the township into districts, within which district the use of land and building bulk and locations of building and structures are mutually compatible and substantially harmonious. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as permitted uses in any particular district, without consideration, in each case, of impact of those uses upon neighboring premises. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses.

8.2.2 Public Hearing Notice

Shall be the same as the provisions set forth for public hearing notice for zoning district amendment in Section 8.1.1.

8.2.3 Public Hearings

Shall be the same as the provisions set forth for public hearing for zoning district amendment in Section 8.1.2.

8.2.4 Data Submission Requirements

Shall be the same as the provisions set forth for data submission requirements for zoning district amendment in Section 8.1.3.

8.2.5 Deliberation and Decision

Shall be the same as the provisions set forth for deliberation and decision for zoning district amendment in Section 8.1.4

8.2.6 Standards

No application for conditional use shall be approved unless findings are made that all of the following conditions are present.

- 8.2.6.1 That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- 8.2.6.2 That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- 8.2.6.3 That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- 8.2.6.5 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic impact on the area.
- 8.2.6.6 That the conditional use shall substantially conform to all applicable regulations of the district in which it is located.

8.2.7 Conditions and Guarantees

- 8.2.7.1 Prior to the decision on any conditional use, the Board of Supervisors may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the township and to secure compliance with the standards and requirements specified in Section 8.2.6. In all cases in which conditional uses are granted, the Board of Supervisors shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- 8.2.7.2 No alteration of a conditional use shall be permitted unless approved by the Board of Supervisors. Where the Board of Supervisors has approved or conditionally approved an application for a conditional use, such approval shall become null

and void within 12 (twelve) months of the date of the Board of Supervisors action unless the use is commenced, construction is underway or the current owner possesses a valid building permit.

8.3 Variances

Variance from the terms of these regulations as to building height, lot area and yard requirements may be granted provided that the applicant establishes proof of practical difficulty or undue hardship.

8.3.1 Public Hearing Notice

Notice of all such public hearings shall be published at least 15 (fifteen) days prior to the hearing in the official newspaper of the county. The notice of hearing shall include: (1) the time and place of hearing; (2) description of the property by street address for platted lands and clearly identifiable location for the unplatte lands; (3) the proposed use and requested zoning variance; (4) time and place for public inspection of the documents before the hearing.

8.3.2 Public Hearings

Shall be the same as the provisions set forth for public hearing notice for zoning district amendment in Section 8.1.

8.3.3 Data Submission Requirements

Petitions for variances shall be submitted with the following information.

8.3.3.1 Description of the property by street address for platted land and clearly identifiable location for the unplatte lands, the name and addresses of all owners of property lying within one mile of the site.

8.3.3.2 A map showing the existing land uses and zoning district classification of the area.

8.3.3.3 A fee shall be paid in accordance with the schedule established by the Zoning Commission.

8.3.4 Deliberation and Decision

In making its finding, the Zoning Commission and Board of Supervisors shall follow the same provisions set forth for deliberation and decision for zoning district amendments in Section 8.1.4.

8.3.5 Standards

No application for variance shall be approved unless it is found that all of the following are present.

- 8.3.5.1 That special conditions and circumstances exist which are peculiar to the premises and which are not applicable to other premises in the same zoning district.
- 8.3.5.2 That literal interpretation of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
- 8.3.5.3 That the special conditions and circumstances have not resulted from actions of the applicant.
- 8.3.5.4 That granting the variance requested will not confer upon the applicant any special privileges that are denied by these regulations to other premises.

8.3.6 Justification

- 8.3.6.1 That the reasons set forth in the application justify the granting of the variance.
- 8.3.6.2 The variance is the minimum which would make possible a reasonable use of the premises.
- 8.3.6.3 That the granting of variance will be in harmony with the general purpose of these regulations and will not be injurious to the surrounding premises, neighborhood or the city and will not be contrary to the comprehensive plan and the purposes of these regulations.
- 8.3.6.4 That there is practical difficulty or unnecessary hardship in use of the premises if the strict application of the regulations were to be carried out.

8.3.7 Authorized Variances

A variance shall not be granted for any yard or setback less than the yard or setback as required by these regulations.

- 8.3.7.1 To reduce not by more than twenty percent (20%) the applicable requirements for lot area and lot width.

- 8.3.7.2 To reduce the applicable off-street parking or loading facilities by no more than fifty percent (50%) of the requirements.
- 8.3.7.3 To permit the use of lot of record if it is smaller than the minimum size required by these regulations.
- 8.3.7.4 To permit roof alterations to provide additional windows, headroom or area for occupancy of third level.
- 8.3.7.5 To permit conversion of an existing building to a permitted residential use provided that it shall not conflict with the above standards cited in Sections 8.3.5 and 8.3.6.

8.4 Appeals of Administrative Decisions

8.4.1 Applicability

The Board of Township Supervisors shall be authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official of the Township in the administration or enforcement of this land development code.

8.4.2 Right to Appeal

Appeals of Administrative Decisions may be filed by any person aggrieved or by any officer, department, board or agency affected by any decision of the administrative officer.

8.4.3 Application Submittal

Applications for Appeals of Administrative Decisions shall be submitted to the Codes Administrator in a form established by the Codes Administrator along with a nonrefundable fee that has been established by the Board of Township Supervisors. No application shall be processed until the application is complete and the required fee has been paid.

8.4.4 Time of Filing Appeal

Appeals of Administrative Decisions shall be filed within 10 days of the date of the decision being appealed.

8.4.5 Effect of Filing

The filing of a complete application for appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Board of Township Supervisors, after the appeal is filed,

that, because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Township Supervisors, or by a court of record.

8.4.6 Transmittal of Papers

The Codes Administrator or the official whose decision is being appealed shall transmit to the Board of Township Supervisors all papers constituting the record upon which the action appealed is taken.

8.4.7 Review and Action – Board of Township Supervisors

Appeals of Administrative Decisions shall be taken to the Board of Township Supervisors. The Board of Township Supervisors shall grant to the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. In exercising the appeal power, the Board of Township Supervisors shall have all powers of the official from whom the appeal is taken, and the Board of Township Supervisors may reverse or affirm wholly or partly or may modify the decision being appealed. If the Board of Township Supervisors determines that it is necessary to obtain additional evidence in order to resolve the matter; it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence. A concurring vote of three members of the Board of Township Supervisors shall be necessary to reverse any order, requirement, decision, or determination of an administrative official.

8.4.8 Review Criteria; Findings of Fact

An appeal shall be sustained only if the Board of Township Supervisors finds that the administrative official erred. Every decision of the Board of Township Supervisors shall be accompanied by written findings of fact specifying the reason for the decision. These findings shall be filed in the office of the Board of Township Supervisors within 15 days after the date of the final action.

RESOLUTION

Whereas, the Wano Township Zoning Commission has approved the Wano Township Zoning Ordinance, and recommends its adoption by the Township Board of Supervisors.

Now and therefore, be it resolved that the Wano Township Board of Supervisors hereby adopts the Wano Township Zoning Ordinance.

Township Clerk

Date

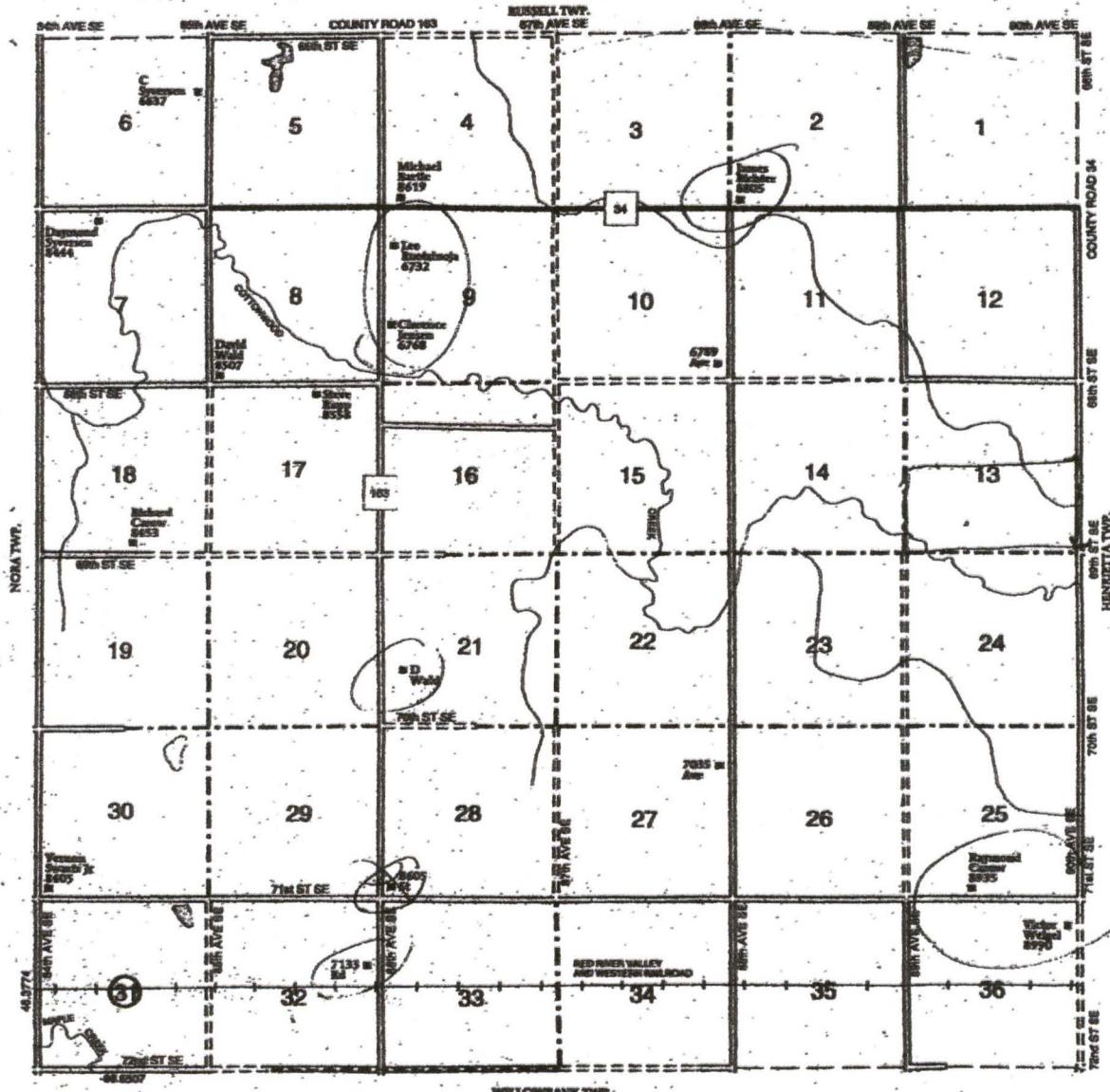
Chairman

Date

T-134-N

WANO DIRECTORY

R-63-W



All Areas of Wano Township Zoned Agriculture

Michael Basile Township Clerk

May 3, 2010 Date

Sidney Ross Chairman

~~6-3-10~~ 6-3-10 Date

Hope??

Good morning. My name is Paul Schuyler Chan
I am here on behalf of Wano Township.

This is PSC Docket PU-25-236, the Chapter 49-22 siting docket for the proposed 345 kV Jamestown–Ellendale line. Wano Township has submitted written filings in this docket, including a limited objection on “need,” a response to the Applicants’ HB 1258 zoning-preemption request, and questions for the record.

The Commission previously issued a CPCN for this same project in Docket PU-24-91 under Chapter 49-03. That CPCN was noticed by publication, and Wano Township did not receive direct notice. The Commission’s June 18, 2025 order leaving that CPCN in place is now under judicial review in Burleigh County District Court, Case No. 08-2025-CV-02068.

Wano Township’s request today is straightforward: in this Chapter 49-22 siting docket, the Commission should not treat the prior CPCN as conclusive proof of need. The Commission should require any need-related showing in this record and issue a final decision with findings and reasons based on the evidence presented here.

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

**WANO TOWNSHIP LIMITED OBJECTION TO RELIANCE ON
PU-24-91 CPCN AS PROOF OF NEED AND RESERVATION
OF RIGHTS**

Wano Township submits this limited objection for the record in PSC
Docket PU-25-236.

1. The Commission previously issued a Certificate of Public
Convenience and Necessity (“CPCN”) in Docket PU-24-91 under N.D.C.C. ch.
49-03 for this same 345 kV project. That CPCN was issued in a proceeding
noticed by publication and without direct notice to the affected townships.
The Commission’s June 18, 2025 order leaving that CPCN in place is now
under review in Burleigh County District Court, Case No. 08-2025-CV-02068.

2. The Township understands that the Siting Act, N.D.C.C. ch. 49-
22, requires an application that includes a statement explaining the need for
the facility and requires the Commission’s decision in this docket to be
supported by findings with reasons under the statutory criteria and

considerations. *See N.D.C.C. §§ 49-22-05.1, 49-22-08(1)(c), 49-22-08.1(5), 49-22-09; accord Matter of Nebraska Pub. Power Dist., 330 N.W.2d 143 (N.D. 1983).*

3. The Township objects to any reliance on the PU-24-91 CPCN as conclusive proof of “need” in this docket, including any attempt to treat a publication-notice CPCN under Chapter 49-03 as a substitute for the Siting Act’s record and decision requirements. The Township respectfully requests that the Commission require the Applicants to address any need-related showing within the PU-25-236 record and that any final order include the Commission’s own findings with reasons based on the evidence presented in this proceeding.

4. This is a limited objection. The Township does not waive, and expressly reserves, all rights and arguments regarding the lawfulness of the prior CPCN, the proper interpretation of Chapters 49-03 and 49-22, and the Township’s position in the pending district court appeal or any further judicial review.¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending), for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

Dated: January 13, 2026

WANO TOWNSHIP

By: David Schuyert
[Name], Chair, Township Board

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

WANO TOWNSHIP QUESTIONS FOR THE RECORD

Wano Township submits these questions for the record in PSC Docket PU-25-236. The Township requests that Applicants and Commission Staff address these questions in this proceeding to the extent applicable, and that the Commission address the relevant issues in its final findings and conclusions.

- 1. Need in this record.** Where in the PU-25-236 application do Applicants present the Chapter 49-22 statement of need, and what evidence in this docket supports that need showing?
- 2. Findings with reasons.** Will the Commission's final order in PU-25-236 include written findings with reasons addressing need and the statutory criteria, based on the evidence presented in this docket?
- 3. Relationship to PU-24-91.** If Applicants contend the PU-24-91

CPCN resolves “need,” how do Applicants reconcile that position with Chapter 49-22’s record-based decision requirements in this siting proceeding?

4. Present versus projected conditions. What transmission constraints or reliability issues exist today that this project addresses, and what claimed benefits depend on projected future generation development?

5. Ellendale-area load and updated studies. What current studies or analyses account for material load changes near Ellendale (if any) and other major system changes since the earlier CPCN proceeding, and how do those updates affect the claimed need for this project?

6. Benefit allocation. What is the expected benefit to North Dakota consumers and ratepayers versus benefits to private generation developers or export transactions, and what evidence in this docket supports that allocation?

7. Cost responsibility. Who is expected to pay for this project (and through what mechanism), and what protections exist so North Dakota consumers are not bearing costs that primarily support private generation expansion decisions?

8. Alternatives. What alternatives were evaluated that could meet

any verified North Dakota need with less local impact, including upgrades to existing facilities, reconfiguration, or non-transmission alternatives?

9. Local impacts and mitigation. What route-level mitigation measures and permit conditions are proposed to address township concerns, including impacts to residences, farming operations, drainage, access, and restoration?

10. Road use and local infrastructure. What road use agreements are proposed or anticipated, and what specific conditions will ensure protection of local roads, approaches, culverts, drainage, and post-construction restoration and repair?

11. Treatment of township filings. Will the Commission acknowledge in its final order that it received and considered township filings in this docket and explain how local land use impacts were weighed in route selection and permit conditions?

12. Scope and preservation. Will the Commission confirm that townships and landowners may raise need-related issues in this siting docket and that the Commission will address the relevant issues in its final order, rather than treating need as conclusively resolved outside this record?¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending), for the limited purpose of assisting the

Dated: January 13, 2026

WANO TOWNSHIP

By: Paul Chugert
[Name], Chair, Township Board

Township with written submissions to preserve the record. No appearance is entered in this docket.

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

WANO TOWNSHIP STATEMENT REGARDING APPLICANTS' REQUEST TO DECLARE LOCAL LAND USE AND ZONING ORDINANCES AND REGULATIONS SUPERSEDED AND PREEMPTED

Wano Township submits this statement for the record in PSC Docket PU-25-236 in response to Applicants' December 17, 2025 memorandum requesting findings regarding supersession and preemption of local land use and zoning regulations.

1. Township filings and record completeness.

Wano Township previously provided the Commission with its local land use and zoning materials in this docket. The Township submits these materials so the Commission has a complete record of local requirements and local concerns relevant to routing, siting considerations, and permit conditions, including the local requirements requested from political subdivisions for review and consideration in this proceeding.

2. No blanket preemption declaration detached from final findings and conditions.

Applicants ask the Commission to declare that all local land use and zoning ordinances and regulations “are automatically superseded and preempted” upon issuance of a route permit and to enter additional findings that certain local actions are “unreasonably restrictive.” The Township respectfully requests that the Commission address any supersession/preemption issues, if at all, in the context of its final order, with specific findings and reasons tied to the statutory criteria, the route approved (if any), and any conditions imposed. The Township further requests that the Commission avoid any generalized, advance declaration that is not tied to specific identified local provisions and the final permit conditions.

3. Local requirements remain relevant even if Applicants contend certain provisions are superseded.

Even where Applicants argue that local land use and zoning regulations will be superseded upon issuance of a permit, those local materials still provide important evidence and context for the Commission’s required analysis under the Siting Act, including routing alternatives, local land use patterns, and impacts on residences and existing development. The

Township asks that the Commission explicitly acknowledge receipt and consideration of the Township's filings as part of the record.

4. Road use and infrastructure protections must be addressed through permit conditions.

The Township requests that the Commission ensure Applicants address, and the Commission's order address, road use and local infrastructure impacts, including heavy-haul/road damage issues, access points, drainage, and restoration obligations. The Township further requests that any permit conditions require coordination with affected political subdivisions, compliance with applicable road-use requirements and agreements, and clear, enforceable construction and restoration standards.

5. Preservation of rights.

This statement is submitted to preserve the Township's rights and to ensure the Commission has a complete record. The Township does not waive, and expressly reserves, all rights and arguments regarding the interpretation and application of N.D.C.C. § 49-22-16 as amended, including issues concerning retroactivity, due process, statutory construction, and the legality

and scope of any claimed supersession/preemption in this proceeding or on judicial review.¹

Dated: January 13, 2026

WANO TOWNSHIP

By: Paula Shugart
[Name], Chair, Township Board

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending), for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

Good morning.

My name is Tim Leppert, Russell Township Zoning Administrator
I am here on behalf of Russell Township.

This is PSC Docket PU-25-236, the Chapter 49-22 siting docket for the proposed 345 kV Jamestown–Ellendale line. Russell Township has submitted written filings in this docket, including a limited objection on “need,” a response to the Applicants’ HB 1258 zoning-preemption request, and questions for the record.

The Commission previously issued a CPCN for this same project in Docket PU-24-91 under Chapter 49-03. That CPCN was noticed by publication, and Russell Township did not receive direct notice. The Commission’s June 18, 2025 order leaving that CPCN in place is now under judicial review in Burleigh County District Court, Case No. 08-2025-CV-02068.

Russell Township’s request today is straightforward: in this Chapter 49-22 siting docket, the Commission should not treat the prior CPCN as conclusive proof of need. The Commission should require any need-related showing in this record and issue a final decision with findings and reasons based on the evidence presented here.

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

**RUSSELL TOWNSHIP LIMITED OBJECTION TO RELIANCE ON
PU-24-91 CPCN AS PROOF OF NEED AND RESERVATION
OF RIGHTS**

Russell Township submits this limited objection for the record in PSC
Docket PU-25-236.

1. The Commission previously issued a Certificate of Public
Convenience and Necessity (“CPCN”) in Docket PU-24-91 under N.D.C.C. ch.
49-03 for this same 345 kV project. That CPCN was issued in a proceeding
noticed by publication and without direct notice to the affected townships.
The Commission’s June 18, 2025 order leaving that CPCN in place is now
under review in Burleigh County District Court, Case No. 08-2025-CV-02068.

2. The Township understands that the Siting Act, N.D.C.C. ch. 49-
22, requires an application that includes a statement explaining the need for
the facility and requires the Commission’s decision in this docket to be
supported by findings with reasons under the statutory criteria and

considerations. *See* N.D.C.C. §§ 49-22-05.1, 49-22-08(1)(c), 49-22-08(6), 49-22-08.1(5), 49-22-09; *accord Matter of Nebraska Pub. Power Dist.*, 330 N.W.2d 143 (N.D. 1983).

3. The Township objects to any reliance on the PU-24-91 CPCN as conclusive proof of “need” in this docket, including any attempt to treat a publication-notice CPCN under Chapter 49-03 as a substitute for the Siting Act’s record and decision requirements. The Township respectfully requests that the Commission require the Applicants to address any need-related showing within the PU-25-236 record and that any final order include the Commission’s own findings with reasons based on the evidence presented in this proceeding.

4. This is a limited objection. The Township does not waive, and expressly reserves, all rights and arguments regarding the lawfulness of the prior CPCN, the proper interpretation of Chapters 49-03 and 49-22, and the Township’s position in the pending district court appeal or any further judicial review.¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

Dated: January 6, 2026

RUSSELL TOWNSHIP

By: Joel Leppert
Joel Leppert, Chair, Township Board

STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

**RUSSELL TOWNSHIP STATEMENT REGARDING APPLICANTS'
REQUEST TO DECLARE LOCAL LAND USE AND ZONING
ORDINANCES AND REGULATIONS SUPERSEDED
AND PREEMPTED**

Russell Township submits this statement for the record in PSC Docket PU-25-236 in response to Applicants' December 17, 2025 memorandum requesting findings regarding supersession and preemption of local land use and zoning regulations.

1. Township filings and record completeness.

Russell Township previously provided the Commission with its local land use and zoning materials in this docket. The Township submits these materials so the Commission has a complete record of local requirements and local concerns relevant to routing, siting considerations, and permit conditions, including the local requirements requested from political subdivisions for review and consideration in this proceeding.

2. No blanket preemption declaration detached from final findings and conditions.

Applicants ask the Commission to declare that all local land use and zoning ordinances and regulations “are automatically superseded and preempted” upon issuance of a route permit and to enter additional findings that certain local actions are “unreasonably restrictive.” The Township respectfully requests that the Commission address any supersession/preemption issues, if at all, only in the context of its final order, with specific findings and reasons tied to the statutory criteria, the route approved (if any), and any conditions imposed. If the Commission determines that any local provisions are superseded for this project, the Township further requests that the final order clearly identify (a) which provisions are affected, and (b) how compliance will be supervised and enforced during construction and restoration. The Township also requests that the Commission avoid any generalized, advance declaration that is not tied to specific identified local provisions and final permit conditions.

3. Local requirements remain relevant even if Applicants contend certain provisions are superseded.

Even where Applicants argue that local land use and zoning regulations will be superseded upon issuance of a permit, those local

materials still provide important evidence and context for the Commission's required analysis under the Siting Act, including routing alternatives, local land use patterns, and impacts on residences and existing development. The Township asks that the Commission explicitly acknowledge receipt and consideration of the Township's filings as part of the record.

4. Road use and infrastructure protections must be addressed through permit conditions.

The Township requests that the Commission ensure Applicants address, and the Commission's order address, road use and local infrastructure impacts, including heavy-haul/road damage issues, access points, drainage, and restoration obligations. The Township further requests that any permit conditions require coordination with affected political subdivisions, compliance with applicable road-use requirements and agreements, and clear, enforceable construction and restoration standards.

5. Preservation of rights.

This statement is submitted to preserve the Township's rights and to ensure the Commission has a complete record. The Township does not waive, and expressly reserves, all rights and arguments regarding the interpretation and application of N.D.C.C. § 49-22-16 as amended, including issues concerning retroactivity, due process, statutory construction, and the legality

and scope of any claimed supersession/preemption in this proceeding or on judicial review.¹

Dated: January 6, 2026

RUSSELL TOWNSHIP

By: Joel Leppert
Joel Leppert, Chair, Township Board

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

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Russell Township submits these questions for the record in PSC Docket PU-25-236. The Township requests that Applicants and Commission Staff address these questions in this proceeding to the extent applicable, and that the Commission address the relevant issues in its final findings and conclusions.

1. Need in this record. Where in the PU-25-236 application do Applicants present the Chapter 49-22 statement of need, and what evidence in this docket supports that need showing?

2. Findings with reasons. Will the Commission's final order in PU-25-236 include written findings with reasons addressing need and the statutory criteria, based on the evidence presented in this docket?

3. Relationship to PU-24-91. If Applicants contend the PU-24-91

CPCN resolves “need,” how do Applicants reconcile that position with Chapter 49-22’s record-based decision requirements in this siting proceeding?

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12. Scope and preservation. Will the Commission confirm that townships and landowners may raise need-related issues in this siting docket and that the Commission will address the relevant issues in its final order, rather than treating need as conclusively resolved outside this record?¹

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Dated: January 6, 2026

RUSSELL TOWNSHIP

By: Joel Leppert
Joel Leppert, Chair, Township Board

Township with written submissions to preserve the record. No appearance is entered in this docket.

HELP WANTED	TOWNSHIP NOTICE	FOR RENT	NEED A NEW LAWN? HYDROSEED RESIDENTIAL & COMMERCIAL SERVICES
HELP WANTED: Temporary summer help at LaMoure County Memorial Park. Applicant must be 16 years old or older. Application forms are available at the LaMoure County Auditor's Office, 202 4th Ave NE, LaMoure, ND or online www.lamourecountyn.com . Open until filled. EOE 43-21c	Willowbank Township will hold a special meeting pertaining to zoning issues on June 11th, 2025, from 5:30 to 6:30 pm at Coleman's shop. 43-21c	FOR RENT: KULM APARTMENTS - Kulm ND 1 Bedroom, income based, utilities paid, no steps, no smoking. \$100 gift card (with one year signing). Contact Kathy #701-647-2408 or Prairie Homes Management @701-356-9501, TTY: 1-800-366-6888 EHO, 51-ffn/LK-c	<i>The grass is greener here.</i> CALL TODAY! CALL 701-990-1407
SERVICES We will sell your land or real estate for 0% commission. Prairie Prairie Auction 701-490-1844, 32-tfn/5-5x	Russell Township is hereby given notice that Russell Township Board will hold a special meeting pertaining to updating its comprehensive plan and zoning ordinances. The meeting will be held on June 17 at 6:30 pm at the Leppen Farm shop 6316 88th Ave SE, Dickey, ND 58431 43-2a-c	GRAND RAPIDS The community of Grand Rapids, ND is invited to an Open Public Meeting regarding the Pioneer Picnic and Grand Rapids celebration. The meeting will be held Monday, June 9th at 7 pm at the Horseshoe Saloon in Grand Rapids. All are welcome.	MASONRY BRICKWORK CONCRETE TUCK POINTING INT/EXT PAINTING CALL 701-990-1407

LaMoure Business Directory

Three business cards are displayed side-by-side. The first card on the left is for 'LaMoure Printing Company' with the phone number '883-5393'. The middle card is for 'DAKOTA VALLEY SERVICES' with the phone number '1-800-728-8056' or '493-2283'. The third card on the right is for 'COUNTY LINE AG' with the phone number '701.329.2308'. Each card includes a small logo and a line of text below the main contact information.

BURGERS IN THE PARK

GRAND RAPIDS

TOWNSHIP NOTICE

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Please join us Wednesday, June 11th for Burgers in the Park hosted by St. John's Lutheran Church - Verona! Serving from 5:30-7pm at the Main Street Park. Free will offering. We hope to see you there! (Mark your calendars: July 9th, Aug. 6th, Sept. 10th) 43-21c

The community of Grand Rapids, ND is invited to an Open Public Meeting regarding the Pioneer Picnic and Grand Rapids celebration. The meeting will be held Monday, June 9th at 7 pm at the Horseshoe Saloon in Grand Rapids. All are welcome. 43-21c

Willowbank Township will hold a special meeting pertaining to zoning issues on June 11th, 2025, from 5:30 to 6:30 pm at Coleman's shop, 43-21c

Public Notice Henrietta Township, Notice is hereby given that Henrietta Township will hold a special meeting pertaining to updating its comprehensive plan and zoning ordinances. The meeting will be held at the Berlin Community Center, June 24th @ 4pm, 43-21c

Public Notice Wano Township Notice is hereby given that Wano Township will hold a special meeting pertaining to updating the comprehensive plan and zoning ordinances. The meeting will be held on June 17 at 6:30 pm at the Leppert Farm shop 6316 88th Ave SE, Dickey, ND 58431. 43-21c

FOR RENT: KULM APARTMENTS - Kulm ND 1 Bedroom, income based, utilities paid, no steps, non smoking, \$100 gift card (with one year signing). Contact Kathy @ 701-647-2408 or Prairie Homes Management, 701-356-9501 TTY: 1-800-366-6888 EHO, 22-4fn-LK-c

FOR RENT: EDGEWOOD APARTMENTS, Edgeley ND #1 Bedroom, income based, ground level, all utilities paid, laundry facility, smoke free. Contact Kathy @ 701-647-2408 or Prairie Homes Management, 701-356-9501 TTY: 1-800-366-6888 EHO, 22-4fn-LK-c

Call LaMoure Chronicle
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LaMoure Business Directory

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STATE OF NORTH DAKOTA

PUBLIC SERVICE COMMISSION

Otter Tail Power Company/Montana-Dakota
Utilities Co. 345kV Transmission Line Siting
Application

Case No. PU-25-236

**WILLOWBANK TOWNSHIP LIMITED OBJECTION TO RELIANCE
ON PU-24-91 CPCN AS PROOF OF NEED AND RESERVATION
OF RIGHTS**

Willowbank Township submits this limited objection for the record in
PSC Docket PU-25-236.

1. The Commission previously issued a Certificate of Public
Convenience and Necessity (“CPCN”) in Docket PU-24-91 under N.D.C.C. ch.
49-03 for this same 345 kV project. That CPCN was issued in a proceeding
noticed by publication and without direct notice to the affected townships.
The Commission’s June 18, 2025 order leaving that CPCN in place is now
under review in Burleigh County District Court, Case No. 08-2025-CV-02068.

2. The Township understands that the Siting Act, N.D.C.C. ch. 49-
22, requires an application that includes a statement explaining the need for
the facility and requires the Commission’s decision in this docket to be
supported by findings with reasons under the statutory criteria and

considerations. *See* N.D.C.C. §§ 49-22-05.1, 49-22-08(1)(c), 49-22-08(6), 49-22-08.1(5), 49-22-09; *accord Matter of Nebraska Pub. Power Dist.*, 330 N.W.2d 143 (N.D. 1983).

3. The Township objects to any reliance on the PU-24-91 CPCN as conclusive proof of “need” in this docket, including any attempt to treat a publication-notice CPCN under Chapter 49-03 as a substitute for the Siting Act’s record and decision requirements. The Township respectfully requests that the Commission require the Applicants to address any need-related showing within the PU-25-236 record and that any final order include the Commission’s own findings with reasons based on the evidence presented in this proceeding.

4. This is a limited objection. The Township does not waive, and expressly reserves, all rights and arguments regarding the lawfulness of the prior CPCN, the proper interpretation of Chapters 49-03 and 49-22, and the Township’s position in the pending district court appeal or any further judicial review.¹

¹ Prepared with assistance of counsel (Steven J. Leibel, ND counsel; Douglas J. Nill, MN counsel—pro hac vice application pending) for the limited purpose of assisting the Township with written submissions to preserve the record. No appearance is entered in this docket.

Dated: January 6, 2026

WILLOWBANK TOWNSHIP

By: Robert Senger
Robert Senger, Supervisor, Township Board

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By: Robert Senger
Robert Senger, Supervisor, Township Board

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WILLOWBANK TOWNSHIP

By: Robert Senger
Robert Senger, Supervisor, Township Board

Township with written submissions to preserve the record. No appearance is entered in this docket.

Original

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WILLOWBANK TOWNSHIP

ZONING REGULATION

164841 T133-R63

OFFICE OF COUNTY RECORDER
LAMOURE COUNTY, N.D.

I hereby certify that the within instrument was recorded
in this office for record on the 29 day of
April A.D. 2009 at 1:55
o'clock P M., and was duly recorded as
Document No. 164841



DK Willard Recorder
By _____ Deputy

LAMOURE COUNTY
NORTH DAKOTA
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ARTICLE I INTRODUCTION

1.1 Title

These regulations shall be known, and may be cited and referred to as the Willowbank Township, LaMoure County, North Dakota Zoning Regulations.

1.2 Purpose and Intent

- 1.2.1 To protect public health, safety, morals, comfort, convenience, prosperity and general welfare of the Township of Willowbank, LaMoure County, North Dakota.
- 1.2.2 To secure safety from fire, panic, noxious fumes, and other dangers.
- 1.2.3 To promote orderly development of land and water resources and to prevent conflict among land uses and structures.

1.3 Authority

These regulations are adopted under the authority granted by Chapter 58-03 of the North Dakota Century Code.

1.4 Jurisdiction

1.4.1 General

These regulations shall apply to the use and enjoyment of all lands within the Willowbank Township, LaMoure County, North Dakota.

1.4.2 Extraterritorial Areas

When an incorporated municipality has declared its intent in exercising its extraterritorial authority as provided by Chapter 40-47 of the North Dakota Century Code, these regulations shall not apply to the area delineated for that purpose.

1.5 Interpretation

These regulations shall be held to be minimum requirements adopted for promotion of purposes cited in Section 1.2. Whenever, the requirements of these regulations are at variance with the requirements of other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive shall govern unless otherwise specifically stated.

1.6 Severability

If any part, provision or portion of these regulations is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

1.7 Effective Date

These regulations shall be effective upon adoption by the Township Board of Supervisors as provided by the North Dakota Century Code.

1.8 Exceptions

These regulations shall not apply to the use of land and buildings for agriculture as defined herein with the exception of feed lot operation.

ARTICLE 2 RULES AND DEFINITIONS

2.1 Rules

In construction of these regulations, the rules and definitions contained in this section shall be observed and applied except when the context clearly indicates otherwise.

2.1.1 Words used in present tense shall include the future.

2.1.2 Words used in singular number shall include the plural number, and the plural the singular.

2.1.3 Shall is a mandatory word and not discretionary.

2.1.4 May is a permissive word.

2.2 Definitions

2.2.1 **"Accessory Building and Uses"** means a subordinate building or portion of the main building the use of which is clearly incidental to and serves exclusively the principal building or principal use. The accessory building or use shall be located on the same zoning lot and it is established to contribute to the comfort, convenience or necessity of occupants of the principal building or principal use.

2.2.2 **"Agriculture"** means the process of producing food and fiber including, but not limited to the land, facilities, structures, and buildings for operation and maintenance thereof. It includes all types of general farming, crop and vegetable farming, dairying, livestock and poultry raising, apiaries, fur farming, horticulture, pasturing, tree farming and related land based food and fiber producing facilities.

2.2.3 **“Airport”** means any area designated for the landing and take off of aircraft and any appurtenant areas which are used or intended for use for airport buildings and structures including runways, taxi-ways, aircraft storage and tie down areas, hangars and other related facilities and open spaces other than landing strips used for family purposes.

2.2.4 **“Animal Hospital or Kennel”** means a building or premises set up for treatment and boarding of domestic animals including veterinary facilities.

2.2.5 **“Building”** means any structure designed or intended for shelter, housing, business, office, and accommodation of persons, animals, chattels or property.

2.2.6 **“Building Area”** means that portion of the zoning lot that can be occupied by the principal use, excluding the front, rear and side yards.

2.2.7 **“Building Height”** means vertical distance from the grade to the highest point of the roof.

2.2.8 **“Building Line”** means a line establishing the minimum distance that structures may be placed from the lot lines or highway right-of-way. For the purposes of these regulations the building line is the same as setback line.

2.2.9 **“Building, Principal”** means a building, the principal use of which is single family and multi-family dwellings, and offices, shops, stores and other uses.

2.2.10 **“Channel”** means a natural or man-made watercourse for conducting the flowing water.

2.2.11 **“Club or Lodge”** means a private club or lodge which is a nonprofit association of persons for the purpose of gatherings and entertaining members including consumption of food and beverages.

2.2.12 **“Comprehensive Plan”** means a guide for management of the physical resources and development of the Township as adopted by the Board of Supervisors.

2.2.13 **“Conditional Use”** means use of a special nature not automatically permitted in a zoning district and which requires review and approval of the Zoning Commission after public hearing.

2.2.14 **“Conforming Building or Structure”** means a building or structure which complies with all requirements of these regulations and other regulations adopted by the Township.

2.2.15 **“Development”** means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures, the construction of additions or alterations to buildings or structures, ditching, lagooning, dredging, filling, grading, paving, excavation and drilling operations.

2.2.16 **“Development Plan”** means a document including maps and data for physical development of an area as provided by these regulations.

2.2.17 **“District”** means a section or sections of the township for which regulations governing the use of building and premises, the building heights, size of yards, lot area, lot width and the use are uniform.

2.2.18 **“Dwelling”** means any building or portion thereof, used exclusively for human habitation including single family and multiple family units but not including hotels or motels.

2.2.19 "Dwelling, Multiple Family" means a single building or portion thereof, containing two (2) or more dwelling units.

2.2.20 "Dwelling, Single Family" means a building containing one dwelling unit only.

2.2.21 "Encroachment" means any fill, building, structure or use including accessory uses projecting into the required yard areas or public and private property.

2.2.22 "Establishment" means a place of business for processing, production, assembly, sales, service of goods and materials.

2.2.23 "Feedlot" means a parcel of land which contains an operation for feeding or raising of 300 (three hundred) or more animal unit equivalent.

2.2.24 "Flood Plain" means an area which may be covered by flood water including but not limited to regional floods.

2.2.25 "Frontage" means the front part of a lot abutting a public right-of-way, or road or highway.

2.2.26 "Grade" means the land elevation at the horizontal intersection of the ground and the building.

2.2.27 "Home Occupation" means any occupation carried on in a dwelling unit by a member or members of the family and which meets these requirements:

- (1) That the occupation is conducted within the principal building and not in an accessory building.
- (2) That no stock-in-trade is kept or commodities sold other than those produced on the premises.
- (3) That no more than twenty five percent (25%) of the floor area of the dwelling is devoted to such home occupation.

2.2.28 "Hotel or Motel" means a building in which lodging accommodations, with or without meals are provided for compensation.

2.2.29 "Junk or Salvage Yard" means an open area where waste or scrap material, including parts of used motor vehicles, appliances and farm implements are bought, sold, exchanged, stored, baled, parked, disassembled or handled.

2.2.30 "Kennel, Animal" means any premises where dogs, cats and other household pets are boarded, bred and maintained for compensation.

2.2.31 "Lot" means a piece, parcel, lot or area of land of continuous assemblage established by survey, plat or deed.

2.2.32 "Lot Lines" means the property lines bounding the lot.

2.2.33 "Lot Width" means the horizontal distance between the side lot lines of a lot measured at the front building setback line.

2.2.34 **"Lot, Zoning"** means a single lot, parcel, tract of land within a zoning district developed or to be developed.

2.2.35 **"Mobile Home"** means a manufactured trailer intended for family residential occupancy.

2.2.36 **"Mobile Home Park"** means a parcel of land for which a detailed plan indicating the location of lots, blocks, streets, facilities and utilities exists.

2.2.37 **"Non-conforming Building"** means any building which does not comply with any or all of these regulations.

2.2.38 **"Non-conforming Use"** means any principal use of land or building which does not comply with any or all of these regulations.

2.2.39 **"Nursing Home or Convalescent Home"** means a home for the aged or infirm which unrelated persons are accommodated for compensation.

2.2.40 **"Permitted Uses"** means those uses, buildings or structures which comply with the provisions of specific zoning districts because of the similarities in nature and relationship to each other. Permitted uses are distinct from conditional uses that are authorized only if certain requirements of these provisions are met after a public hearing and approval by the Board of Supervisors.

2.2.41 **"Person"** means any individual, firm, corporation, partnership or legal entity.

2.2.42 **"Planned Development"** means a grouping of buildings and structures on a site of five (5) or more acres in single ownership which is not limited by the yard or building height limitations but is based on a detailed development plan and recorded in the Office of the County Register of Deeds upon approval by the Township Board of Supervisors.

2.2.43 **"Public Roadway or Public Way"** means any dedicated and recorded right-of-way including alleys, sidewalks, streets, roads or highways.

2.2.44 **"Regional Flood"** means a flood determined by the state and Federal Emergency Management Agency which is representative of large floods known to have occurred in the County.

2.2.45 **"Service Station"** means any building or premises where automotive fuels, automotive related services, lubricants, parts, and supplies are made available to the motorist.

2.2.46 **"Sign"** means any emblem, name, identification, description or illustration which is used for outdoor advertising having permanent location on the ground or attached to or painted on a building including bulletin boards, billboards and poster boards, but excluding real estate for sale signs, political campaign signs, public information and traffic signs.

2.2.47 **"Site Plan"** means a detailed plan for making improvements to parcel(s) of land for the purpose of building and development as provided in these regulations.

2.2.48 **"Structural Alterations"** means any change in the supporting elements of a building or structure including bearing elements, partitions, columns, beams, girders, roofs, exterior walls and embankment.

2.2.49 **"Structure"** means anything constructed or erected, the use of which requires permanent location on the ground including advertising signs and billboards.

2.2.50 **"Variance"** means the relaxation of the terms of the zoning regulations in relationship to building height, size of the front, rear and side yards, where the literal enforcement of these regulations could create unreasonable hardship, but it is not contrary to the purposes of the Township Comprehensive Plan and these regulations.

2.2.51 **"Yard"** means an open space on the zoning lot which is unoccupied or unobstructed by any portion of a structure from the ground upward.

2.2.52 **"Zoning Commission"** means a body consisting of the three (3) Township supervisors and appointed members under the authority of Chapter 58-03-13 of the North Dakota Century Code to review the planning issues, prepare plans, review the zoning requests and plats of subdivision, zoning amendments and conditional uses and make recommendations to the Board of Supervisors.

ARTICLE 3 GENERAL PROVISIONS

3.1 Compliance

No building or land shall hereafter be used or occupied and no building shall be erected, moved, or altered unless in conformity with these regulations.

3.1.1 Building Height, Lot Area and Yards

No building shall exceed the height, occupy larger part of lot area, and no lot shall be created smaller than the requirements of these regulations.

3.1.2 Substandard Lots

All existing lots at the date of adoption of these regulations shall be deemed buildable unless for the reasons of land suitability, flooding and other physical limitations contrary to the purpose of these regulations.

3.2 Amendments

The Township Board of Supervisors may, from time to time, amend, supplement or repeal any part of these regulations after a public notice and hearing.

3.3 Comprehensive Plan

These regulations are administered and enforced to implement the Comprehensive Plan of the Township, a document adopted by the Board of Supervisors as a policy guide for protection of the townships natural resources and accommodating the type of development deemed appropriate including but not limited to the following objectives.

3.3.1 To conserve and enhance the taxable value of land and buildings in the township.

- 3.3.2 To encourage the most appropriate use of land in the township.
- 3.3.3 To regulate and restrict the location and intensity of use of buildings and land not related to farming.
- 3.3.4 To separate and control unavoidable nuisance producing uses to minimize the adverse impacts on the surrounding areas or uses.
- 3.3.5 To facilitate traffic movement and promote development of compatible uses.

3.4 Non-conforming Uses

The lawful use of a building or premises existing at the date of adoption of these regulations may be continued. Where a non-conforming use is discontinued for a period of more than twelve consecutive calendar months any subsequent use or occupancy of such premises shall conform to these regulations. Whenever a building is destroyed or damaged by fire or other casualty to the extent of more than sixty percent (60%) of its market value it shall not be restored unless said building shall conform to the provisions of the district in which it is located. Non-conforming uses shall not be expanded to occupy a larger area of land than existed at the date of adoption of these regulations unless approved by the Township Board of Supervisors after a public hearing, to accrue after Zoning Commission has reviewed request and make recommendation to the Board of Supervisors.

3.5 Land Suitability

No land shall be used for a purpose which is held unsuitable for the reason of flooding, soil limitations, inadequate drainage, incompatibility with adjoining uses or any condition likely to be harmful to the health, safety or the welfare of the people in the area. The Township Zoning Commission and Board of Supervisors may require information and data to determine the land suitability. The Township may consult with county and state agencies to assist in its determination.

3.6 Conditionally Permitted Uses

Where a use is classified as a conditional use under these regulations and exists at the date of adoption of these regulations, it shall be considered a permitted use. Where a use is not allowed as a conditional use or permitted use, under these regulations, and exists at the date of adoption of these regulations, it shall be considered non-conforming and shall be subject to the non-conforming buildings and use provisions.

3.7 Road and Highway Access

A permit for access to the township roads is required by the Board of Supervisors. In granting the access permit to the township roads, the Board of Supervisors may adopt rules and regulations as to the number of access points per mile, the width, construction and other features of the access to the adjoining properties. The Board of Supervisors may place conditions when granting a road access permit. Farm driveways and field access points are exempt from these provisions.

3.8 Road and Highway Setback - Tree Plantings, Shelter-belts

All buildings and structures shall be placed at least 100 (one hundred) feet from township, county and state highway rights-of-way for the purpose of preventing hazardous accumulations of snow and to allow for future widening of public right-of-ways. Tree plantings and shelterbelts shall be planted 200' from center of road.

3.9 Standards

All structures or buildings shall conform to requirements of the North Dakota State Building Code, NDCC 54-21.3, the most recent addition of the National Fire Protection Association, and the National Electrical Code

All individual water supply and sewage disposal systems shall conform to the requirements set forth in the North Dakota Plumbing Code and Sanitary Code.

ARTICLE 4 ZONING DISTRICT BOUNDARIES AND MAP

4.1 Zoning Districts

In order to carry out the purposes and provisions of these regulations, the following zoning districts are hereby established.

4.1.1 A-1 Agricultural District

4.2 Zoning District Map

4.2.1 Zoning Districts

The location and boundaries of the zoning districts are hereby established as shown on the "Zoning District Map" on file in the Office of the Township Code Administrator. The zoning district maps, together with all information shown thereon and all amendments thereto, shall be an integral part of these regulations.

4.2.2 Public Roads and Highways as Boundary

Where zoning district boundary lines are indicated as following roads and highways or extensions thereof, such boundary lines shall be construed to be the center line of said roads and highways or extension thereof unless clearly shown to the contrary.

4.2.3 Property Line as Boundary

Where a zoning district boundary line coincides approximately but not exactly with the property line, the zoning boundary shall be construed to be the lot line at that location. All section lines, quarter section lines and quarter section lines may be construed as the property lines.

4.2.4 District Description for Unsubdivided Lands

For unsubdivided property, zoning district boundaries are determined by metes and bounds description or by a legal description as deemed necessary.

4.2.5 Vacated Areas

Where a public road or highway is vacated by the official action of the Board of Township Supervisors, the zoning district boundaries shall be extended to the center of the vacated public road or highway.

4.2.6 Zoning District Boundary Interpretation

Where any uncertainty exists as to the exact location of the zoning district boundary lines, the Board of Supervisors shall determine the location of such boundary lines

4.2.7 Certification

The official zoning map shall bear a certificate with the signature of the Township Chairman and certification of the Township Clerk and date of adoption of the zoning map as an integral part of these regulations.

ARTICLE 5 ZONING DISTRICT REGULATIONS

5.1 A-1 Agricultural District

5.1.1 Purpose

The purpose of this district is to provide for preservation and protection of agricultural lands and to discourage uses incompatible with agricultural operations or detrimental to agricultural land utilization.

5.1.2 Permitted Uses

- 5.1.2.1 All types of farming and ranching operations including dairying, livestock and poultry raising, apiaries and fur farming.
- 5.1.2.2 Accessory Buildings and Structures.
- 5.1.2.3 Cemeteries.
- 5.1.2.4 Churches.
- 5.1.2.5 Golf Courses.
- 5.1.2.6 Grain Elevators and Accessory Structures.
- 5.1.2.7 Home Occupations.
- 5.1.2.8 Parks and Playgrounds.
- 5.1.2.9 Mobile Homes.
- 5.1.2.10 Public and Private Schools.
- 5.1.2.11 Public Buildings and Facilities Including County Garages.
- 5.1.2.12 Single Family Non-farm Residential Units on 3 (three) acres or more.
- 5.1.2.13 Stock Piling of Sand and Gravel for Road Construction and Maintenance.
- 5.1.2.14 Construction and Maintenance of Drainage Systems to Manage the Water Run-off.
- 5.1.2.15 Utility Lines and Pipe Lines Including Substations for Transformers, Pumping Stations and Lift Stations.
- 5.1.2.16 Water Reservoirs.
- 5.1.2.17 Manufacturing and Processing of Wood Products

5.1.3 Conditionally Permitted Uses

- 5.1.3.1 Antique and Craft shops.
- 5.1.3.2 Art Studios.

- 5.1.3.3 Commercially Operated Air Landing Strip and Accessory Buildings.
- 5.1.3.4 Feedlots for feeding livestock, fur bearers and poultry subject to the provisions of 6.8.
- 5.1.3.5 Voltage Transmission Lines and Accessory Structures.
- 5.1.3.6 Manufacturing and Processing of Agricultural Products Produced in the Area.
- 5.1.3.7 Radio, TV Stations and Towers.
- 5.1.3.8 Sale and Services of Agricultural Equipment and Machinery.
- 5.1.3.9 Salvage and Junk Yards Subject to Provisions of Section 6.5.
- 5.1.3.10 Sanitary Landfills subject to the Provisions of Section 6.4.
- 5.1.3.11 Sewage Lagoons and Wastewater Treatment Facilities.
- 5.1.3.12 Skeet, Trap and Rifle Ranges if not Nearer than 1,000 (one thousand) Feet From Any Residence.
- 5.1.3.13 Storage of Farm Related Chemicals.
- 5.1.3.14 Veterinary Clinics, Animal Hospitals and Domestic Animal Kennels not nearer than 500 (five hundred) feet from any Residence except the Residence of the Owner or Operator.
- 5.1.3.15 Mining of Sand, Gravel, Clay and General Excavation subject to Provisions of Section 6.3.

5.1.4 Lot Area and Lot Width

- 5.1.4.1 For non-farm residential uses the lot area shall not be less than 3 (three) acres.
- 5.1.4.2 For non-residential uses the lot area shall not be less than 3 (three) acres.
- 5.1.4.3 The lot width for any use in agricultural district shall not be less than 250 (two hundred fifty) feet.

5.1.5 Yard Requirements

- 5.1.5.1 The minimum front yard, measured from the front lot line shall not be less than 75 (seventy-five) feet for properties abutting township roads and 100 (one hundred) feet for properties fronting on other rights-of-ways.
- 5.1.5.2 The minimum rear yard, measured from the rear lot line shall not be less than 50 (fifty) feet.
- 5.1.5.3 The minimum side yard, measured from the side lot line shall not be less than 50 (fifty) feet.

5.1.6 Building Height

- 5.1.6.1 The building height for residential buildings shall not exceed two and one half stories or 35 (thirty-five) feet except for farm buildings and structures.
- 5.1.6.2 The building heights for manufacturing of agricultural products shall be determined by the Township Board of Supervisors.
- 5.1.6.3 The building height, excepting the radio and TV towers and church steeples for all other uses shall not exceed 35 (thirty-five) feet.

5.1.7 Parking Requirements

For non-farm uses the parking requirements shall be subject to the provisions of Section 6.1 of these regulations

5.1.8 Sign Requirements

Sign requirements shall be subject to the provisions of Section 6.2 of these regulations.

ARTICLE 6 SPECIAL PROVISIONS

6.1 Off-Street Parking

6.1.1 Purpose

The purpose of this section is to provide for the off-street parking regulations to:

- 6.1.1.1 Increase the safety and capacity of public roads by requiring off-street parking or loading facilities.
- 6.1.1.2 Minimize adverse effects of off-street parking and off-street loading facilities on the adjacent properties.
- 6.1.1.3 Lessen congestion and preventing the overtaxing of public roads by regulating the location and capacity of off-street parking or off-street loading facilities.

6.1.2 General Requirements

- 6.1.2.1 An off-street automobile parking space shall be at least 9 (nine) feet wide and 20 (twenty) feet long, exclusive of access drives or ramps.
- 6.1.2.2 All open off-street parking areas with 4 (four) or more spaces and all loading berths shall be:
 - (1) Improved with all weather surfaces to provide a durable and dust free surface;
 - (2) Graded to dispose of all surface water run-offs but not be diverted to adjoining properties.

6.1.3 Special Requirements

- 6.1.3.1 No building shall be erected or enlarged without meeting the following parking requirements.
 - (1) Business; professional or public office building, studio, bank, medical or dental clinics, three (3) parking spaces plus one additional space for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.
 - (2) Hotels and motels; one parking space for each room plus one space for each two hundred (200) square feet of eating and drinking establishments or restaurants.

- (3) Private club or lodge; one parking space for each two hundred (200) square feet of service area.
- (4) Restaurant, eating and drinking establishment; one parking space for each one hundred (100) square feet of floor area.

6.2 Signs

6.2.1 Purpose

The purposes of regulating signs in the Township is to provide for a visually pleasant environment and minimize potentially unsafe conditions for all age groups, but yet offer many opportunities for public and private information and advertising.

6.2.2 General Requirements

- 6.2.2.1 No sign shall be located, erected, moved, reconstructed, extended, enlarged or structurally altered without obtaining a permit from the Township Code Administrator.
- 6.2.2.2 Signs shall not be permitted within 300 (three hundred) feet of any road crossing which is measured from the point of intersection of the road center lines. For state and federal highways the state and federal sign requirements shall apply.
- 6.2.2.3 Directory signs shall not be larger than 20 (twenty) square feet in area for permitted uses.
- 6.2.2.4 Directory signs shall not be larger than 96 (ninety-six) square feet.

6.3 Mining of Sand, Gravel, Clay and General Excavation

6.3.1 Purpose

The purpose of these provisions is to provide for mining and extraction of sand, clay and gravel for commercial uses, and to protect and preserve agricultural land by guiding such operations, and to minimize the traffic, noise, dust, fume and vibration impact on the adjoining uses and the road network.

6.3.2 Site Approval Requirements

All sand and gravel mining, excavation sites require approval by Township Board of Supervisors.

6.3.3 Data Submission Requirements

- 6.3.3.1** A site plan for operation and reclamation of the mined land including maps showing location of the land to be mined, location of roads and points of access to the site, maps showing the existing and proposed contours after the land is mined and a time table for operation of the site.
- 6.3.3.2** A guarantee that the reclamation of the site be completed within one year of the closure of the operation of the site.
- 6.3.3.3** Proof of compatibility with the existing landform including the vegetation, surface and ground water resources.

6.3.4 Proximity to Existing Uses

The operation of sand and gravel sites shall not be nearer than 500 (five hundred feet from any residential uses or 300 (three hundred) feet from non-residential uses.

6.3.5 Permit Requirements

Any person who operates a sand and gravel operation shall obtain a permit from Township Board of Supervisors before resuming any mining or excavation of the sand and gravel sites.

6.4 Sanitary Landfills and Solid Waste Sites

6.4.1 Compliance with North Dakota State Laws and Rules

Any person who operates sanitary landfills or solid waste sites shall comply with all North Dakota state laws and administrative rules set forth by the state agencies.

6.4.2 Compliance with County Ordinances and Procedures

Where a county solid waste ordinance exists, any person who operates a sanitary landfill or solid waste site shall comply with the County Ordinance, rules and procedures.

6.4.3 Township Ordinance and Procedures

The Township hereby adopts solid waste provisions, subject to the provisions of NDCC 11-33-20, to assure meeting the purposes of these regulations and the township comprehensive plan.

6.4.4 Purpose

The purpose of these provisions is to protect public health, ground and surface water, conflict with present land uses and preservation and protection of natural resources in the Township.

6.4.5 Site Approval Requirements

All solid sites require approval by Township Board of Supervisors.

6.4.6 Locational Standards

- 6.4.6.1 No landfill, incinerator shall be located within 1 mile of residential uses or unincorporated community.
- 6.4.6.2 No landfill shall be located in areas, which due to high water table, flooding, or soil conditions may affect the quality of surface and ground water.
- 6.4.6.3 No landfill operation shall be located nearer than 200 (two hundred) feet of all road and highway rights-of-way.

6.4.7 Data Submission Requirements

- 6.4.7.1 Maps of the area showing existing features such as roads, highways, vegetation cover, water courses, drainage way, soils, topography, depth of water table, wet lands, sloughs, existing uses, buildings and structures including the existing utility lines.
- 6.4.7.2 A plan for operation of the site including a descriptive text explaining consistency or inconsistency with the natural or man made environment.
- 6.4.7.3 Records of data and information submitted to the state of North Dakota appropriate agencies and the county as a part of application for state and county permits.
- 6.4.7.4 The Township Board of Supervisors may require additional information if it deems it necessary.

6.4.8 Statement of Findings

Upon the public notification and a public hearing the Township Board of Supervisors shall determine whether the proposed site meets the requirements of these regulations. The Township Board of Supervisors may place conditions for approval of the site.

133-63

AMENDMENT TO THE WILLOWBANK TOWN SHIP ZONING ORDINANCE

Willowbank Township has voted to amend the 6.6 section of the Zoning Ordinance for setback distances from any residents, with variances, as follows:

1. No overhead powerlines over 120KV shall be located within 2640 feet from any residence.
2. No substations, data centers, wind towers, carbon pipelines, solar farms, battery storage facilities, gas, and oil pipelines shall be located within 2 miles of a residence.
3. No nuclear waste plants.
4. Variances may be established with approval by the Willowbank Township Board.

This document is amending Willowbank Township Zoning Ordinance from

4-29-2009

Dated this 11 day of June, 2025

Willowbank Township Board of Supervisors

Calvin Wipf

Calvin Wipf

Robert Senger

Robert Senger

Justin Hill

Justin Hill

Attest:

Jane Coleman

Jane Coleman

Clerk



LAMOUR COUNTY RECORDER
Return to: JANE COLEMAN

8578 75TH ST SE
EDGELEY, ND 58433

Doc #183605



LAMOURE COUNTY RECORDER Doc #183606

Page 2 of 2

LAMOURE COUNTY RECORDER Doc #183606

I certify that this instrument was filed and recorded
on 6/25/2025 at 9:34 AM. Fee \$0.00

By Laurie Good, Deputy LAURIE GOOD, Recorder



6.5 Junk or Salvage Yards

6.5.1 Purpose

The purpose of these requirements is to preserve and protect the visual and other environmental amenities of the rural areas while allowing the salvage or junk yards as business places.

6.5.2 Site Approval Requirements

All sites for salvage and junk yards require approval by the Township Board of Supervisors.

6.5.3 Locational Standards

- 6.5.3.1 No salvage or junk yard shall be located within 500 (five hundred) feet of a residential district and 200 (two hundred) feet of commercial buildings and structures.
- 6.5.3.2 No salvage or junk yard shall be located in areas which due to high water table, flooding and soil conditions may affect the quality of surface and ground water.
- 6.5.3.3 No salvage or junk yard shall be located nearer than 100 (one hundred) feet of all road and highway rights-of-way.
- 6.5.3.4 All salvage yards and operations shall be screened from the public view unless the salvage material is placed 500 (five hundred) feet away from any highway right-of-way and screened by natural vegetation, building and landform.

6.6 Utilities

6.6.1 Purpose

The purpose of these provisions is to encourage orderly development of utilities in relationship to the agricultural and nonagricultural uses and to provide for the safety of the Township residents.

6.6.2 General Requirements

- 6.6.2.1 The utilities include but not limited to electric power, electrical transmission lines, electrical towers and substations, natural gas pipelines, the petroleum product pipelines, water and sewer lines, telephone lines and other above ground or underground communication and energy transfer lines and pipelines.

- 6.6.2.2 All new utility lines and pipelines require a permit from the Township Board of Supervisors.
- 6.6.2.3 All new utility lines and pipelines are considered conditional uses and shall conform to the provisions of Section 8.2, Conditional Use Permit, of these regulations.
- 6.6.2.4 All pipelines, natural gas, petroleum pipelines and other energy transfer lines shall be placed deep enough in the ground so as to not interfere with or become hazardous to normal farming operations.
- 6.6.2.5 Excavation for tunneling of any pipelines under roads, farm drains, group drains and local drains shall be done by the company owning or leasing said pipelines and the cost of said excavation and damages to be born by the said company.

6.7 Public and Non-Profit Wildlife Management Areas

6.7.1 Purpose

These provisions are designed to address the need for Public Wildlife Management Areas and at the same time preserve and protect the interest of the township for its tax lease and investment in construction and maintenance of public roads.

6.7.2 General Requirements

- 6.7.2.1 All publicly owned and non-profit agency wildlife management areas established after adoption of these regulations require a conditional use permit subject to the provisions of Section 8.2.
- 6.7.2.2 If the area is leased for this purpose, the public agency is required to provide the following as a part of the petition for a conditional use permit:
 - (1) A road maintenance agreement specifying duties and responsibilities of the owner/lessee for access and through roads
 - (2) Duties and responsibilities of the owner/lessee for the control of noxious weeds in the wildlife management area.
- 6.7.2.3 If the land is purchased by a public agency for such a purpose, the public agency shall arrange for compensating the township for the loss of the property tax.

6.7.2.4 When a township road provides access to the wildlife management area, a road maintenance agreement specifying the duties and responsibilities of the public agency shall be a part of the conditional use permit.

6.8 Feedlots

6.8.1 Purpose

These regulations are designed to allow feedlots for feeding of livestock, furbearers and poultry at the same time protect the adjoining uses against odor, run off and other incompatible characteristics associated with feedlots.

6.8.2 General Requirement

6.8.2.1 All feedlots as defined by these regulations are only permitted as conditional uses subject to the provisions of Section 8.2 and the requirements of the North Dakota Health Department.

6.8.2.2 All feedlots shall be designed and constructed with all reasonable preventive measures to avoid surface run-off including construction of sealed collection and retention ponds.

6.8.2.3 Where appropriate, there shall be sufficient drainage to avoid pollution of the ground water from the standing effluents.

6.8.2.4 Feedlots shall not be placed in the floodplains.

6.8.2.5 The applicant, as a part of site approval application, shall submit a plan for removal and disposal of the liquid and solid waste generated by the feed lot.

6.8.2.6 No feed lot shall be located nearer than 1 mile or the distance set by the Township Board of Supervisor from a residential development in the unincorporated area or corporate limits of a town.

6.8.2.7 An "animal unit equivalent" is a unitless number developed from the nutrient and volume characteristics of *manure* for a specific *livestock* type. The term "animal units" is used to normalize the number of animal (e.g., head) for each specific *livestock* type which produce comparable bulk quantities of *manure*. The animal unit equivalents for types of *livestock* and the numbers of livestock for facility size thresholds of 300 animal units (a.u.), and so forth are listed in the following table.

**EQUIVALENT NUMBERS OF THE LIVESTOCK (HD)
FOR FOUR SIZES (A.U.) OF ANIMAL FEEDING OPERATIONS**

Livestock Type	Animal Unit Equivalent	300 a.u.	1,000 a.u.	2,000 a.u.	5,000 a.u.
1 horse	1.0	300 hd	1,000 hd	2,000 hd	3,000 hd
1 dairy cow	1.33	225	750	1,500	3,750
1 mature beef	1.0	300	1,000	2,000	5,000
1 beef feeder – finishing	1.0	300	1,000	2,000	5,000
1 beef feeder – backgrounding	0.75	400	1,333	2,667	6,667
1 mature bison	1.0	300	1,000	2,000	5,000
1 bison feeder	1.0	300	1,000	2,000	5,000
1 swine, >55 lbs.	0.4	750	2,500	5,000	12,500
1 goose or duck	0.2	1,500	5,000	10,000	25,000
1 sheep	0.1	3,000	10,000	20,000	50,000
1 turkey	0.2	1,500	5,000	10,000	25,000
1 chicken	0.1	3,000	10,000	20,000	50,000

SETBACK DISTANCES FOR ANIMAL FEEDING OPERATIONS

Number of Animal Units	Hog Operations *	Other Operations *
Less than 100 – 299	1 mi.	1 mi.
300 – 999	2 mi.	1 mi.
1,000 or more	2 mi.	2 mi.

* For Animal Feeding Operations – no new residential buildings shall be allowed within the established setbacks as outlined by these regulations.

6.8.3 Animals Prohibited

Dangerous and/or exotic animals such as but not limited to lions, tigers, cheetahs, bears, venomous reptiles, alligators, etc., are prohibited except for traveling fairs, circus', a brief veterinary care unless a special use permit is obtained.

ARTICLE 7 ADMINISTRATION AND ENFORCEMENT

7.1 Organization

To administer these regulations the following bodies are hereby vested with authority to act in behalf of the Township.

- (1) The Code Administrator
- (2) The Zoning Commission

7.2 The Code Administrator

The Code Administrator is a duly appointed township official authorized by the Board of Supervisors and is responsible to administer Zoning Regulations, to assist the Zoning Commission, and the Board of Supervisors on any matter related to planning for and development of the township.

7.2.1 Duties

- 7.2.1.1 Issue all zoning certificates, permits and maintain records thereof.
- 7.2.1.2 Issue all building and repair permits.
- 7.2.1.3 Maintain zoning related records and zoning district map including records of all amendments, conditional uses and variances.
- 7.2.1.4 Receive, file and forward to the Zoning Commission and Board of Supervisors all applications for zoning amendments, site approvals and conditional uses.
- 7.2.1.5 Prepare and publish notices and notify adjoining property owners.
- 7.2.1.6 Notify, in writing, the property owner or user upon finding violation of these regulations and cite the nature of violation clearly and require compliance within a reasonable time. If the notification is not replied to or steps are not taken to correct the violations within 30 (thirty) days, the Code Administrator shall make a report of the findings to the Board of Supervisors.

7.2.2 Interpretation of Regulations

All questions of interpretation of these regulations shall be presented to the Code Administrator and that such questions shall be presented to the Board of Supervisors only on appeal from the decision of the Code Administrator.

7.2.3 Building Permit Applications

Any person or persons intending to construct or reconstruct or relocate a building or make alteration, shall, before proceeding with the work, or commencing any excavation in connection with it, shall obtain a permit from the Code Administrator. These regulations shall also apply to the mobile homes.

- 7.2.3.1 Each application for a building permit shall be accompanied by a legal description and a map showing the actual dimension of the lot to be built upon, the size, shape and location of the building for observing the yard requirements of these regulations.
- 7.2.3.2 The application shall specify the type of the building, structure, material of which it is composed, the part or portion of the lot to be occupied by the principal building and accessory buildings and the probable building cost, together with such additional plans and specifications as required by these regulations.

7.2.4 Building Permits

The Code Administrator shall issue a building permit if the proposed building or structure conforms to zoning and building provision of these regulations. If the Code Administrator denies a permit because of non-conformance with these regulations, he shall inform the applicant of his/her right to appeal to the Board of Supervisors.

7.2.5 Building Permit Fees

The Code Administrator shall charge and collect a fee according to the Resolution of Fees and Schedules established by the Township Board of Supervisors. The applicant for a conditional use permit and amendment to the zoning ordinance, or building permit, shall be liable for and pay to the Township Clerk sufficient sums of money to pay for and cover all of the costs incurred by the Township for the processing of such application, including, but not limited to: publication costs; attorney's fees; mileage; copy expense, etc. No Permit shall be issued until all such costs as these described herein have been paid by the applicant, unless the Township Board of Supervisors has otherwise provided by resolution for a particular case.

7.2.6 Certificate of Occupancy or Use

The Code Administrator shall issue a certificate of occupancy upon inspection of the completed building, including placement of mobile homes and manufactured homes and assurance that all provisions and

conditions set forth by the authority of these regulations are met. In the event the Code Administrator finds violations and deviations from the terms and conditions of these regulations, he shall make a report and recommendation for action to the Board of Supervisors.

7.2.7 Conditional Use and Site Approval Permits

The Code Administrator shall issue a conditional use or site approval permit upon approval of the application by the Zoning Commission and Board of Supervisors stipulating all conditions set forth.

7.2.8 Variances

The Code Administrator shall issue a permit if the Board of Supervisors reverses the decision. The terms of the variance or special use shall be stipulated in the permit.

7.3 The Zoning Commission

The Zoning Commission shall consist of the three township supervisors. Where a city is exercising extraterritorial zoning jurisdiction two members may be appointed by the city to the township zoning commission.

7.3.1 Duties

- 7.3.1.1 To hear and recommend action to the Board of Supervisors on all applications for amendments to zoning districts.
- 7.3.1.2 To hear and recommend action to the Board of Supervisors on all applications for conditional uses and site approvals in the manner prescribed in these regulations.
- 7.3.1.3 To study, examine and recommend action to the Board of Supervisors on issues which may adversely affect the natural resources and farming operations in the Township.
- 7.3.1.4 To serve in an advisory capacity to the Township Board of Supervisors whereby final action is implemented.

7.3.2 Notice of Hearings

The Zoning Commission shall fix a reasonable date for hearing of applications for zoning district amendments, conditional use permits, site approval applications and other matters before it, give public notice thereof in the official newspaper of the county and the nearest regularly

published newspaper at least 15 (fifteen) days prior to the hearing. The notices shall give time and place of hearing and shall state the purpose of the hearing and that the applications and supporting documents for zoning district amendments and conditional use permits shall be available for public inspection by the Code Administrator.

7.3.3 Meetings

Meetings of the Zoning Commission shall be held at the call of the Chairperson and at such other times as the Zoning Commission may determine. All meetings shall be open to the public and any person may testify for or against a petition.

7.4 Violations and Penalties

Any person who violates any provision of these regulations or fails to comply with any of its requirements including the conditions or modification of use, building or structure shall upon conviction thereof forfeit not more than \$100 and in addition pay all expenses involved in the case. Each day such violation continues shall constitute a separate offense.

ARTICLE 8 PROCEDURES FOR AMENDMENTS, CONDITIONAL USES, VARIANCES AND APPEALS

8.1 Zoning District Amendments

8.1.1 Public Hearing Notice

The notice of all such public hearings shall be published at least 15 (fifteen) days prior to the hearing in the official newspaper of the county. The notice of hearing shall include: (1) the time and place of hearing; (2) description of the property by street address for platted lands and clearly identifiable location for the unplatte lands; (3) the proposed use and requested zoning district change; (4) time and place for public inspection of the documents before the hearing.

8.1.2 Public Hearings

The Zoning Commission at the public hearing shall listen to all persons who may speak in support of or in opposition to the proposal. Upon the completion of its review, the Zoning Commission shall take action for recommendation of approval, denial or modification of the petition. The Zoning Commission may require additional information before it completes its findings and makes a recommendation to the board of supervisors. Thereafter, the Board of Supervisors shall review the matter at a public hearing for final decision.

8.1.3 Data Submission Requirements

Petitions for zoning district change and conditional uses shall be submitted with the following information:

- 8.1.3.1 Legal description of the area proposed to be rezoned, the mile of the site.
- 8.1.3.2 A map showing the existing land uses and zoning district classification of the area.
- 8.1.3.3 A site plan showing buildings and uses in the zoning district proposed to be changed and the requested zoning district classification.
- 8.1.3.4 A fee shall be paid in accordance with the schedule established by the Township Board of Supervisors.

8.1.4 Deliberation and Decision

Following public hearing, the Zoning Commission, upon due deliberation, shall make a report of its findings and recommendation and forward the same to the Board of Supervisors on the proposed amendment within 30 (thirty) days after the hearing. In making their findings, the Zoning Commission and Board of Supervisors shall ascertain as to whether the proposal for zoning district amendment is consistent with the township Comprehensive Plan and meets all requirements of these regulations and other regulations of the township and recommend and forward the same to the Board of Supervisors.

8.2 Conditional Use Permits

8.2.1 Purpose

The development of these regulations is based upon division of the township into districts, within which district the use of land and building bulk and locations of building and structures are mutually compatible and substantially harmonious. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as permitted uses in any particular district, without consideration, in each case, of impact of those uses upon neighboring premises. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses.

8.2.2 Public Hearing Notice

Shall be the same as the provisions set forth for public hearing notice for zoning district amendment in Section 8.1.1.

8.2.3 Public Hearings

Shall be the same as the provisions set forth for public hearing for zoning district amendment in Section 8.1.2.

8.2.4 Data Submission Requirements

Shall be the same as the provisions set forth for data submission requirements for zoning district amendment in Section 8.1.3.

8.2.5 Deliberation and Decision

Shall be the same as the provisions set forth for deliberation and decision for zoning district amendment in Section 8.1.4

8.2.6 Standards

No application for conditional use shall be approved unless findings are made that all of the following conditions are present.

- 8.2.6.1 That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- 8.2.6.2 That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.
- 8.2.6.3 That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 8.2.6.4 That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- 8.2.6.5 That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic impact on the area.
- 8.2.6.6 That the conditional use shall substantially conform to all applicable regulations of the district in which it is located.

8.2.7 Conditions and Guarantees

- 8.2.7.1 Prior to the decision on any conditional use, the Board of Supervisors may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the township and to secure compliance with the standards and requirements specified in Section 8.2.6. In all cases in which conditional uses are granted, the Board of Supervisors shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.
- 8.2.7.2 No alteration of a conditional use shall be permitted unless approved by the Board of Supervisors. Where the Board of Supervisors has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 (twelve) months of the date of the Board of Supervisors action unless the use is commenced, construction is underway or the current owner possesses a valid building permit.

8.3 Variances

Variance from the terms of these regulations as to building height, lot area and yard requirements may be granted provided that the applicant establishes proof of practical difficulty or undue hardship.

8.3.1 Public Hearing Notice

Notice of all such public hearings shall be published at least 15 (fifteen) days prior to the hearing in the official newspaper of the county. The notice of hearing shall include: (1) the time and place of hearing; (2) description of the property by street address for platted lands and clearly identifiable location for the unplatte lands; (3) the proposed use and requested zoning variance; (4) time and place for public inspection of the documents before the hearing.

8.3.2 Public Hearings

Shall be the same as the provisions set forth for public hearing notice for zoning district amendment in Section 8.1.

8.3.3 Data Submission Requirements

Petitions for variances shall be submitted with the following information.

- 8.3.3.1 Description of the property by street address for platted land and clearly identifiable location for the unplatte lands, the name and addresses of all owners of property lying within one mile of the site.
- 8.3.3.2 A map showing the existing land uses and zoning district classification of the area.
- 8.3.3.3 A fee shall be paid in accordance with the schedule established by the Zoning Commission.

8.3.4 Deliberation and Decision

In making its finding, the Zoning Commission and Board of Supervisors shall follow the same provisions set forth for deliberation and decision for zoning district amendments in Section 8.1.4.

8.3.5 Standards

No application for variance shall be approved unless it is found that all of the following are present.

- 8.3.5.1 That special conditions and circumstances exist which are peculiar to the premises and which are not applicable to other premises in the same zoning district.
- 8.3.5.2 That literal interpretation of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.
- 8.3.5.3 That the special conditions and circumstances have not resulted from actions of the applicant.
- 8.3.5.4 That granting the variance requested will not confer upon the applicant any special privileges that are denied by these regulations to other premises.

8.3.6 Justification

- 8.3.6.1 That the reasons set forth in the application justify the granting of the variance.
- 8.3.6.2 The variance is the minimum which would make possible a reasonable use of the premises.

- 8.3.6.3 That the granting of variance will be in harmony with the general purpose of these regulations and will not be injurious to the surrounding premises, neighborhood or the city and will not be contrary to the comprehensive plan and the purposes of these regulations.
- 8.3.6.4 That there is practical difficulty or unnecessary hardship in use of the premises if the strict application of the regulations were to be carried out.

8.3.7 Authorized Variances

A variance shall not be granted for any yard or setback less than the yard or setback as required by these regulations.

- 8.3.7.1 To reduce not by more than twenty percent (20%) the applicable requirements for lot area and lot width.
- 8.3.7.2 To reduce the applicable off-street parking or loading facilities by no more than fifty percent (50%) of the requirements.
- 8.3.7.3 To permit the use of lot of record if it is smaller than the minimum size required by these regulations.
- 8.3.7.4 To permit roof alterations to provide additional windows, headroom or area for occupancy of third level.
- 8.3.7.5 To permit conversion of an existing building to a permitted residential use provided that it shall not conflict with the above standards cited in Sections 8.3.5 and 8.3.6.

8.4 Appeals of Administrative Decisions

8.4.1 Applicability

The Board of Township Supervisors shall be authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official of the Township in the administration or enforcement of this land development code.

8.4.2 Right to Appeal

Appeals of Administrative Decisions may be filed by any person aggrieved or by any officer, department, board or agency affected by any decision of the administrative officer.

8.4.3 Application Submittal

Applications for Appeals of Administrative Decisions shall be submitted to the Codes Administrator in a form established by the Codes Administrator along with a nonrefundable fee that has been established by the Board of Township Supervisors. No application shall be processed until the application is complete and the required fee has been paid.

8.4.4 Time of Filing Appeal

Appeals of Administrative Decisions shall be filed within 10 days of the date of the decision being appealed.

8.4.5 Effect of Filing

The filing of a complete application for appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Board of Township Supervisors, after the appeal is filed, that, because of facts stated in the certification, a stay would cause immediate peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order, which may be granted by the Board of Township Supervisors, or by a court of record.

8.4.6 Transmittal of Papers

The Codes Administrator or the official whose decision is being appealed shall transmit to the Board of Township Supervisors all papers constituting the record upon which the action appealed is taken.

8.4.7 Review and Action – Board of Township Supervisors

Appeals of Administrative Decisions shall be taken to the Board of Township Supervisors. The Board of Township Supervisors shall grant to the administrative official's decision a presumption of correctness, placing the burden of persuasion of error on the appellant. In exercising the appeal power, the Board of Township Supervisors shall have all powers of the official from whom the appeal is taken, and the Board of township Supervisors may reverse or affirm wholly or partly or may modify the decision being appealed. If the Board of Township Supervisors determines that it is necessary to obtain additional evidence in order to resolve the matter, it shall remand the appeal to the official from whom the appeal is taken, with directions to obtain such evidence and to reconsider the decision in light of such evidence. A concurring vote of three members of the Board of Township Supervisors shall be necessary to reverse any order, requirement, decision, or determination of an administrative official.

8.4.8 Review Criteria; Findings of Fact

An appeal shall be sustained only if the Board of Township Supervisors finds that the administrative official erred. Every decision of the Board of Township Supervisors shall be accompanied by written findings of fact specifying the reason for the decision. These findings shall be filed in the office of the Board of Township Supervisors within 15 days after the date of the final action.

RESOLUTION

Whereas, the Township Zoning Commission has approved this amended Township Zoning Ordinance, and recommends it adopted by the Township Board of Supervisors.

Now and therefore, be it resolved that the Township Board of Supervisors hereby adopts the Willowbank Township Zoning Ordinance.

Cravella Carow
Township Clerk

March 11, 2002
Date

Shall Malick
Chairman

March 11, 2002
Date

PERMIT FEE SCHEDULE

Application for building permit:

<u>Value of work to be done</u>	<u>Fee</u>
under \$500	no fee
\$501 - \$20,000	\$50
over \$20,000	\$40 + \$2 for each additional \$1000 in valuation

Application for Conditional Use Permit	\$100
Application for Zoning Amendment	\$100
Application for Variance	\$100

And in addition: The applicant for a conditional use permit and amendment to the zoning ordinance, or building permit, shall be liable for and pay to the Township Clerk sufficient sums of money to pay for and cover all of the costs incurred by the Township for the processing of such application, including, but not limited to: publication cost; attorney's fees; mileage; copy expense, etc. No Permit shall be issued until all such costs as these described herein have been paid by the applicant, unless the Township Board of Supervisors has otherwise provided by resolution for a particular case.

original

WILLOWBANK TOWNSHIP

133-63

LAMOURE COUNTY

~~164840~~ NORTH DAKOTA

OFFICE OF COUNTY RECORDER

LAMOURE COUNTY, N.D.

I hereby certify that the within instrument was recorded
in this office for record on the 29 day of
April A.D. 2009 at 1:50
o'clock P M., and was duly recorded as
Document No. 16840

R. Wintland Recorder
By _____ Deputy

2002



COMPREHENSIVE PLAN

LARDC©

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INTRODUCTION

Willowbank Township is located in LaMoure County. It is situated on the rolling plains of ancient Lake Agassiz (see Map #1). As a result of this, the surface soil of Willowbank Township is entirely rich clay and silt that produces high crop yields.

This plan examines the physical and social characteristics of Willowbank Township. It presents this information in the form of text, tables, and maps. The plan is designed to help guide responsible land use planning and control. In an effort to keep this document a useful and applied tool, it is being kept to a limited size. Additional information is available through Lake Agassiz Regional Development Corporation in Fargo, North Dakota.

GOALS AND OBJECTIVES

The Willowbank Township Comprehensive plan is to be used as a guide on which the development policies and regulations will be based. The plan was used to help develop goals, objectives and policies. As conditions change, so should the plan. Being a flexible document, this plan will reflect the changing goals of the citizens of the Township. For clarification, a "goal" is a broad, general concept that the Township wishes to attain in the future. An "objective" is a more specific, measurable step to be taken toward achieving a goal. A "policy" is a general principle that guides the actions taken to meet the goals and objectives.

Four goals have been established. Each addresses a particular subject. They all work together towards providing guidelines to ensure desired land use in the Township. To goals, objectives and policies are:

GOALS

GOAL #1

Preserve the Township's agricultural heritage.

OBJECTIVES:

- A. Preserve prime farmland in an organized transition by using the land use controls provided in this comprehensive plan and its corresponding zoning ordinance when making all land use decisions.
- B. Support farms by being active in legislation affecting agriculture and industrial usage; send letters from the Township Officers to state and federal officials involved in the decision.

POLICIES:

1. Support agriculture and appropriate farm programs.
2. Support an equitable agricultural land taxation system.
3. Discourage and control residential developments which interfere with farming.
4. Encourage siting public facilities and utility easements in locations which would minimize interference with farming.
5. Allow residential development only in existing subdivision unless an individual unit is five (5) acres or more and subject to township review.

GOAL #2

Protect public health, safety and welfare by deterring incompatible land uses from harming conforming land uses.

OBJECTIVES:

- A. Refer to this plan to determine if land use requests are consistent with the natural resources.
- B. Adopt a zoning ordinance consistent with this plan.
- C. Use the zoning ordinance provisions to prevent incompatible land uses.
- D. Acquire soil surveys from the soil conservancy offices.

POLICIES:

1. Discourage nonagricultural development on fertile soils.
2. Prevent undesirable, incompatible land uses from locating in the Township unless they meet appropriate conditions.
3. Make land use decisions in accordance with this plan.
4. Deter offensive and incompatible land uses (such as hog barns) from locating near dwellings and communities.

GOAL #3

Provide an adequate, safe, and efficient system for the transportation of people, goods and services.

OBJECTIVES:

- A. Provide well maintained gravel roads for all mail routes, school bus routes, and other routes deemed "high priority" by the Township's elected officers.

B. Appoint a "Road Overseer" who periodically inspects and maintains a record of the conditions of all Township roads, bridges and signs.

POLICIES:

1. Discourage developments which would create congestion and/or road hazards, or damage Township roads without compensation.
2. Encourage development to locate in areas served by adequate transportation facilities.
3. Downgrade priority, abandon, or close township roads and bridges when appropriate.
4. Use erosion/sediment control standards in road construction.
5. The "Road Overseer" shall promptly notify appropriate governmental units when their transportation facilities within the Township require repair.

GOAL #4

Ensure and maintain the public participation in land use decisions affecting the Township.

OBJECTIVES:

- A. Maintain dialogue between citizens and elected officials by posing notices and by publishing public notices for all public hearings.
- B. Create public awareness of planning goals and objectives by making this document available to the public upon request, and publishing a statement to that effect.

POLICIES:

1. Give timely notice of all meetings and hearings.
2. Actively solicit public opinion about land use decisions.
3. Consider using citizen input when making public decisions.
4. Inform citizens of decisions and actions taken by officials.
5. Make public documents available for review.
6. Encourage education for officials and general public.

POPULATION

The population of Willowbank Township is falling. The 2000 population estimate for the Township is 158(Bureau of the Census, 2000). This has risen from 148 in the 1990 Census (see Table #1).

TABLE #1

**POPULATION OF WILLOWBANK TOWNSHIP
1990-2000**

2000	158
1990	148

Source: U.S. Census of Population, 1990 – 2000

There is 24 non-farm population in Willowbank Township. About 18 percent of the people living the township are non-Farmers (see Table #2).

TABLE #2

**RURAL FARM AND NON-FARM
POPULATION OF WILLOWBANK TOWNSHIP**

Population:	Rural Farm 134	Rural Non-farm 24
-------------	-------------------	----------------------

Source: U.S. Census of Population

HOUSING

The housing stock of Willowbank Township is stable, as Table #3 illustrates.

TABLE #3

**NUMBER OF FAMILIES, HOUSEHOLDS AND HOUSING
UNITS IN WILLOWBANK TOWNSHIP, 1980, 1990**

	1980	1990
Housing Units		Housing Units
	28	26

Source: U.S. Census of Population, 1980, 1990

ECONOMY

EMPLOYMENT

LaMoure County's unemployment rate has remained low for many years. The average 1999 unemployment rate was only 3.1% (see Table #4). Willowbank Township's major employer is the farming industry.

TABLE #4
LA MOURE COUNTY ANNUAL AVERAGE 1993 LABOR FORCE AND EMPLOYMENT

Labor Force	Employment	Number Unemployment	Percentage
2,196	2,128	68	3.1

Source: Job Service North Dakota February, 1999

TOWNSHIP TAX VALUATION AND MILL LEVY

Willowbank Township total mill tax valuation is \$384,894, and the Willowbank Township mill levy is \$303.86.

TABLE #5
WILLOWBANK TOWNSHIP MILL LEVY

Mill Levies:	
State and County	87.996
Township/City Fire	25.33
School District	190.57
Total Mill Levy:	303.86

INCOME

Median family income for LaMoure County was \$14,431 in 1979 and \$21,200 in 1990. The County ranked 36 in median family income in North Dakota Counties.

TABLE #6
LA MOURE COUNTY
ESTIMATED PER CAPITA MONEY INCOME

County	1979	1990
	Income	Income
	14,431	24,100

Source: Current Population Reports U.S. Bureau of the Census, 1986

CLIMATE

The area has long, cold winters. Temperatures are usually below freezing, with an average of only six days per month having above freezing temperatures during the winter. Due to frequent blasts of cold arctic air, about half of the winter days have temperatures below zero.

Snowfall in the area averages 35 inches annually. However, strong winds frequently cause blizzard conditions even with light snowfalls, especially in open areas. Snow blowing and drifting is common. In an average year, there are 55 days where there is at least one inch of snow on the ground.

The frost-free growing season in the Township generally lasts between 117 and 147 days. The first freeze in the fall usually occurs around the third week of September.

Average monthly temperatures vary from 5.9 degrees in January to 70.7 degrees in July. Recorded temperatures in the county have been as high as 107 degrees and as low as -36 degrees. Monthly temperature data is presented in Table #7.

TABLE #7
AVERAGE MONTHLY TEMPERATURES

<u>Month</u>	Daily <u>High</u>	Daily <u>Low</u>	Monthly <u>Mean</u>
January	15.4	-3.6	5.9
February	20.6	0.8	10.7
March	33.5	14.9	24.2
April	52.6	31.9	42.3
May	66.8	42.3	54.6
June	75.9	53.4	64.7
July	82.8	58.6	70.7
August	81.6	56.8	69.2
September	69.6	46.2	57.9
October	58.4	35.5	47.0
November	37.2	20.0	28.6
December	21.9	4.1	13.0

A summary of the county's climate characteristics is presented in Table #8. It can be seen in this table that the area has a relatively dry, windy climate with widely varying temperatures.

TABLE #8

CLIMATE CHARACTERISTICS
LAMOURE COUNTY, NORTH DAKOTA

Yearly Averages	
Rainfall	20 Inches
Snowfall	35 Inches
Wind-speed	12.7 mph
Relative Humidity	71%
Clear Days	87
Partly Sunny Days	112
Cloudy Days	166
Precipitation Days	102
Storm Days	33
Subzero Temperature Days	54
Subfreezing Temperature Days	181
Above 90 Degrees Temperature Days	15
Prevailing Winds: January to May	Northerly
June to December	Southerly

NATURAL RESOURCES

The key physical characteristics of the Township include clay and silt soils, and underlying sand formation, and a shallow aquifer. These natural resources were formed by the geological forces of the past. The geology, surface materials and soils, aquifers, and rivers are discussed below.

GEOLOGY

The regional slope in the township is to the south. Ridges and deltas are the principal relief features of the James River bed.

SURFACE MATERIALS AND SOILS

The most important characteristic of the township is natural resources in its soils and river basin. The surface soils of the Township are illustrated in Map #1.

AQUIFERS

There are two types of aquifers in LaMoure County. Type I aquifers can produce large quantities of water, and probably can produce over a long period of time regardless of climatic conditions. Wells drilled into them reliably produce water. Type II aquifers produce moderate amounts of water, and are sensitive to short-term climatically controlled water-level variations. Water supplies fluctuate due to local variations.

PUBLIC FACILITIES AND SERVICES

TRANSPORTATION

Table #9 shows the mileage of the various types of road systems in the township. These highways are important for the transportation of agricultural equipment, services, and produce. Map #2 illustrates the township road system.

There are about 64 miles of township roads in the Township. Most of these 32 miles are rated by the Township as "high priority." This means they are well-maintained gravel roads that are cleared soon after snowfalls. They are generally mail and school bus routes. "Low priority" roads are generally dirt roads that are not cleared in the winter.

TABLE #9

WILLOWBANK TOWNSHIP ROAD SYSTEM

Road Category	Miles in Township
State	6
County	1
Township	
High Priority	41
Low Priority	<u>13</u>
TOTAL	61

THE PUBLIC SCHOOL DISTRICT

Willowbank Township is located in the LaMoure and Edgeley school district.

FIRE DISTRICTS AND DEPARTMENTS

Fire districts are taxation districts to raise revenue for fire protection. Every fire district has a fire department, but not every fire department has a fire district. Some fire departments are funded through the general tax funds instead of a special fire district. All fire departments receive some money back from the fire insurance paid by property owners. The state collects the money from the insurance companies and distributes it back down to the local fire departments.

EXISTING LAND USE

The existing land use in Willowbank Township is agricultural. There are farm and non-farm dwellings in the township and commercial buildings.

TABLE #10

NONAGRICULTURAL LAND USES, WILLOWBANK TOWNSHIP, 1999

Type of Land Use	Number in Township
Farm	15
Non-farm Dwellings	9
Public & Semi-Public	0
Transportation, Communication & Utilities	6
Commercial Uses	1

For additional information, contact:

Lake Agassiz Regional Development Corporation
417 Main Avenue
Fargo, ND 58102
(701) 239-5373
Fax (701) 235-6706

ND State Health Department
1200 Missouri Avenue
Bismarck, ND 58505
(701) 221-5210
Fax (701) 221-5200

North Dakota State University
Census Department
(701) 237-7980
Fax (701) 237-7400

MAP OF WILLOW BANK

104840

—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—
—	—	—	—	—	—	—	—

February 25,2025

Ottertail Power Company,

Willowbank Township is denying your Conditional Use Permit for the following reasons.

The majority of the landowners in Willowbank Township are against the JetX Transmission line passing through their land. The contract for the easement you are asking them to sign is not clear as to what kind of easement it is. The contract also states the easement can be sold, given away or transferred. There is major concern as to what future unwanted projects will be built on their land without their authority due to the risk of the easement going to another company. The price you are offering the landowner for a 99-year lease is an insult. Not only is it below the current price per acre, but you are also asking them to accept a one-time payment for something that will affect generations to come. This project that is being pushed through by MISO has not been proven to be necessary. The congestion you reference is, in fact, not here. Our local power company has no issues with power demand or congestion. The problems you are referring to are uncertain, future projects, that when asked about, we are given very vague answers. So, the need for this line does not exist. Randy Chrismann of the ND PSC opposed the Ottertail, MDU application for Public Convenience. His letter of dissent mirrors many of our concerns. Again stating "No clear information is provided as to who will be causing these future actions, whether they are preventable, nor whether they are realistic."

Allowing this transmission line to go through will be creating a pathway for future, unwanted projects, such as wind farms, solar panels, data storage facilities and pipelines. All of these would take away substantial amounts of prime farmland and have a negative effect on the landowner's livelihood. Also, studies have shown that increased health risks associated with high voltage cannot be ruled out. They are also not indestructible. Tornadoes, ice, and storms can cause fire, crop damage and dangerous situations from downed high voltage lines.

As the local power company tapping into this transmission line, it would require a substation to be built at a cost of millions of dollars. This would pass the cost on to the consumer and result in higher rates.

Our bridges and roads are not strong enough to manage the large equipment that would be required in construction and maintenance of the transmission line.

The route of the line would also remove miles of established tree rows. Windbreaks prevent soil erosion and provide crop protection. Even a single row of trees can increase corn yields by 12% and soybeans by 13%. They also provide wildlife protection.

As elected township officers, we believe it is our duty to stand behind our landowners and act in the best interest of our township and deny your application for a conditional use permit.

Willowbank Township

Lamoure County

STATE OF NORTH DAKOTA

DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

Wano Township, Willowbank
Township, Russell Township, Corwin
Township, Valley Township, Mike
Bartel, Patty Bartel, Richard Long,
Susan R. Long, Steven Nelson, Julia
Nelson, Phyllis P. Otterness, Patricia
A. Vick, Brandon Schweigert, Tausha
Schweigert, Shockman Farm
Partnership, LLLP, Debra Sue Wald,
Lucas Wald, Jill Wald, Tim Leppert,
Orr Farms, Steve M. Rupp, Sandra J.
Rupp, David A. Schweigert, Denette
M. Schweigert, Allen D. Swiontek,
Inna N. Swiontek, David Wald, Holly
Wald, Weston Wald, and Willowbank
Hutterian Brethren Association,

Case No. 08-2025-CV-02068

Appellants,

v.

North Dakota Public Service
Commission, Otter Tail Power
Company, and Montana-Dakota
Utilities Co.,

Appellees.

**DECLARATION OF Jane Coleman,
WILLOWBANK TOWNSHIP OFFICER**

I, Jane Coleman, declaring under penalty of perjury, state:

1. **Position and Authority.** I am the CLERK _____ of Willowbank Township, LaMoure County, North Dakota. I make this declaration based on personal knowledge in support of Appellants' request for a limited "no-reliance" stay.

2. **Notice under Chapter 49-03.** Willowbank Township did not receive direct notice of the Utilities' CPCN proceeding under N.D.C.C. ch. 49-03. We first learned of the CPCN after issuance on **WAS NOT NOTIFIED** 20____, through _____ (e.g., PSC website posting, news article, third-party email).

3. **Current Siting Docket Activity (PU-25-236).** Since the siting application was filed, Willowbank Township has received:

- **Right-of-entry / survey requests** on: WAS NOT NOTIFIED _____, from:
- **WAS NOT NOTIFIED** _____ (utility/contractor);
- **Routing-study/data** solicitations on WAS NOT NOTIFIED;
- **Communications referencing the CPCN** as establishing "need" or predicate authority in PU-25-236 on
- **WAS NOT NOTIFIED** _____.

4. **Near-Term Timing, Preparation Lead Time, and Non-Recoverable Burdens.** Regardless of the 49-22 schedule, Willowbank

Township enters PU-25-236 with materially less lead time because it received no direct notice of the 49-03 CPCN. To participate, the Township must give meeting notice, convene a quorum, coordinate affected landowners, and, where feasible, retain technical assistance. Doing so within near-term hearing or comment windows requires immediate special meetings and expenditures (administrative time, consultant and counsel costs) that cannot be recovered later. In addition, ongoing communications that cite the CPCN as establishing “need” increase the Township’s near-term workload by shaping issues as foreclosed and forcing added effort to address routing or alternatives without a contemporaneous “need” showing in the 49-22 record.

5. Effect of CPCN Reliance in PU-25-236. Use of the CPCN as a “need” determination in PU-25-236 affects Township participation now by shaping issues presented, increasing resources required to address routing/alternatives without a contemporaneous “need” showing in the 49-22 record, and influencing communications with landowners and Township officials.

I declare that the foregoing is true and correct to the best of my knowledge.

Executed on 10-17-2025 at 8578 75TH ST SE

Date: October 17, 2025

Signature: Jane Coleman

Print Name: Jane Coleman

Title: Clerk
Willowbank Township

133-63

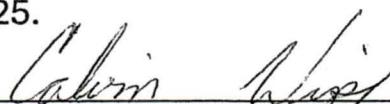
WILLOWBANK TOWNSHIP, LAMOURE COUNTY, NORTH DAKOTA
RESOLUTION FOR MORATORIUMS

At a public meeting of Willowbank Township, held on October 8, 2025, at 8578 75th St SE, Edgeley, ND, the following resolution was presented:

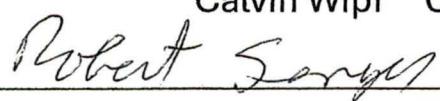
WHEREAS, the Board of Willowbank Township finds it reasonable and necessary to install moratoriums on any and all power lines over 120kv, substations, data centers, wind towers, carbon pipelines, solar farms, battery storage facilities, gas and oil pipelines and communication towers. The purpose of the moratorium is to allow Willowbank Township to obtain information about the route and safety of the proposed projects and to update the Township's zoning to protect the safety and property values of the landowners of Willowbank Township.

All moratoriums will be adopted for two years and may be extended for any period of time necessary to develop and adopt adequate, applicable land use amendments. This moratorium may also be shortened or removed by vote of the Willowbank Township Board. This resolution shall take effect immediately upon recording and publication.

By order of the Willowbank Township Board this 8 day of October 2025.



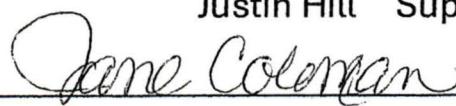
Calvin Wipf Chairman



Robert Senger Supervisor



Justin Hill Supervisor



Jane Coleman Clerk





LAMOURE COUNTY RECORDER Doc #183943

Page 2 of 2

LAMOURE COUNTY RECORDER Doc #183943

I certify that this instrument was filed and recorded
on 10/14/2025 at 3:44 PM. Fee \$0.00

By Laurie Good LAURIE GOOD, Recorder

Dickey County

5-132N-63W -Bauder Trust -Valley Township Rented Land -**AFFECTED AND SIGNED WITH JETX**

LaMoure County

33-133-63W -Bauder Trust -Willowbank Twp Rented Land -**AFFECTED AND SIGNED WITH JETX**

**AS PER PHONE CONVERSATION ON JANUARY 6, 2026 AT 1:48PM, WITH LAND OWNER'S
REPRESENTATIVE (Sister) TERI PREISLER ~~ TERI PREISLER INFORMED ME THAT TO HELP US
THEY, TERI AND DAVE PREISLER HAD JETX INCLUDE A NON-USE AGREEMENT OF GRAVEL
ROAD/BIDGE DURING CONSTRUCTION, IN WILLOWBANK TOWNSHIP THAT GOES SOUTH
FROM INTERSECTION 87th AVENUE & 76th STREET**

LaMoure County

16-134-63W -Howe Revokable Trust -Wano Township Rented Land -

AFFECTED REFUSE TO SIGN

Steve and Sandra Rupp farm within these legals

Prepared by Sandra Rupp 1/13/2026

To understand the meaning of an open public meeting, consider the following points:

- An open public meeting is a gathering where community members can attend and participate.
- It is typically held by government bodies or organizations to discuss public matters.
- The meeting must be announced in advance to ensure public awareness.
- Attendees have the right to observe and sometimes contribute to discussions.
- Transparency and accountability are key goals of open public meetings.
- These meetings often follow specific rules to maintain order and fairness.

To understand the meaning of a public survey, consider the following points:

- A public survey is a method for collecting opinions or feedback from a group of people.
- It aims to gather data on specific topics or issues of interest to the community.
- Surveys can be conducted online, via phone, or in person to reach a diverse audience.
- Results are often used to inform decision-making by organizations, governments, or businesses.
- Public surveys can help identify trends, preferences, and areas needing improvement.
- Participation is usually voluntary, and responses are often kept anonymous to encourage honesty.

