

Otter Tail Power Company/Montana-Dakota Utilities Company
Case No. PU-25-236 - 345kV JETx Transmission Line Siting Application
Public Hearing – January 16th - Jamestown

Testimony in Support of the JETx Transmission Line

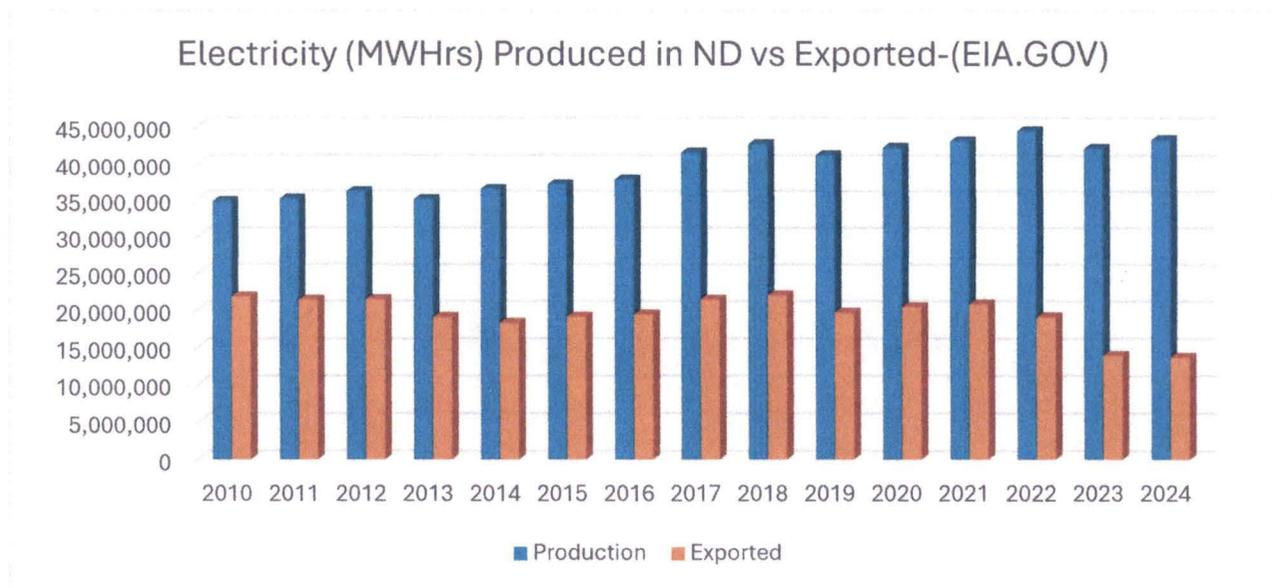
Honorable Commissioners Christmann, Haugen-Hoffart and Kringstad:

We offer testimony in support of the JETx 345 kV transmission project.

1. This project provides for enhanced reliability for not only the Jamestown & Ellendale area, but completes a 345kV loop from Jamestown to Fargo to Alexandria to Big Stone to Ellendale and back to Jamestown. The configuration of a looped transmission line provides significant reliability improvements for every community along this path because it allows service to continue either direction from a “fault”. The benefits of this high voltage grid goes beyond Otter Tail Power Company and Montana Dakota Utilities; the high voltage grid benefits Xcel energy in the Fargo area, municipal utilities as well as electric cooperatives in the region.

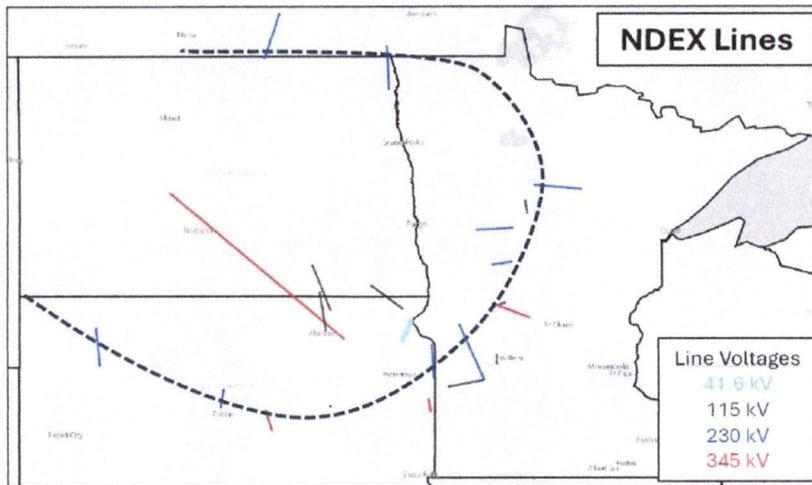
2. As North Dakota’s agriculture processing sector thrives, oil & gas development moves forward, and our population grows, North Dakota is utilizing a greater share of its generation “at home”. Not many years ago, North Dakota exported 50% of its generation; today generation exports have dropped to approximately 30%. That’s not a bad thing, but it does increase the value of transmission to North Dakotans. See the production and consumption of electricity data in the following table:

3.



4. MISO tracks ND Exports as shown in the graphics below. The first slide defines ND Exports and demonstrates the measure points in Western Minnesota, Northeast South Dakota. Due to North Dakota's economic growth North Dakota is using more of its generated power domestically. The second slide shows that the MISO power flow hours (since August of 2022) from east to west are slightly higher than west to east; 12,079 hours versus 11,899 hours.

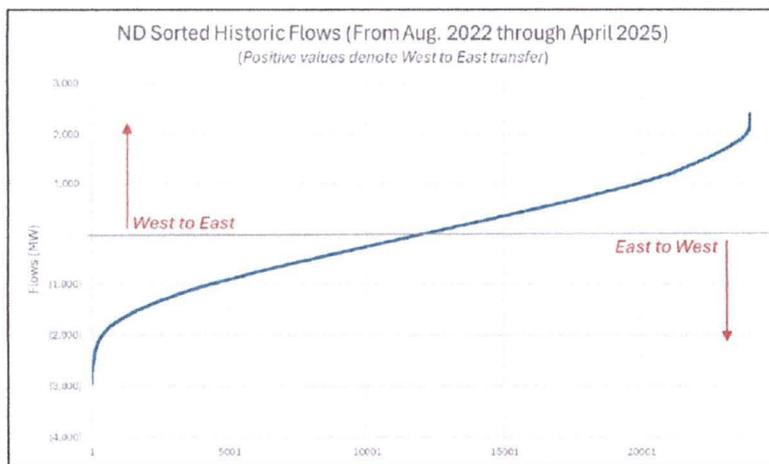
NDEX – NORTH DAKOTA EXPORT



Defining NDEX

- ▶ NDEX (or North Dakota Export) interface is a historic reliability constraint and it is a summation of power flows on several transmission lines and this NDEX data flow is still tracked by MISO
- ▶ NDEX flow directionality is historically impacted by generation and load levels in ND and surrounding states/provinces

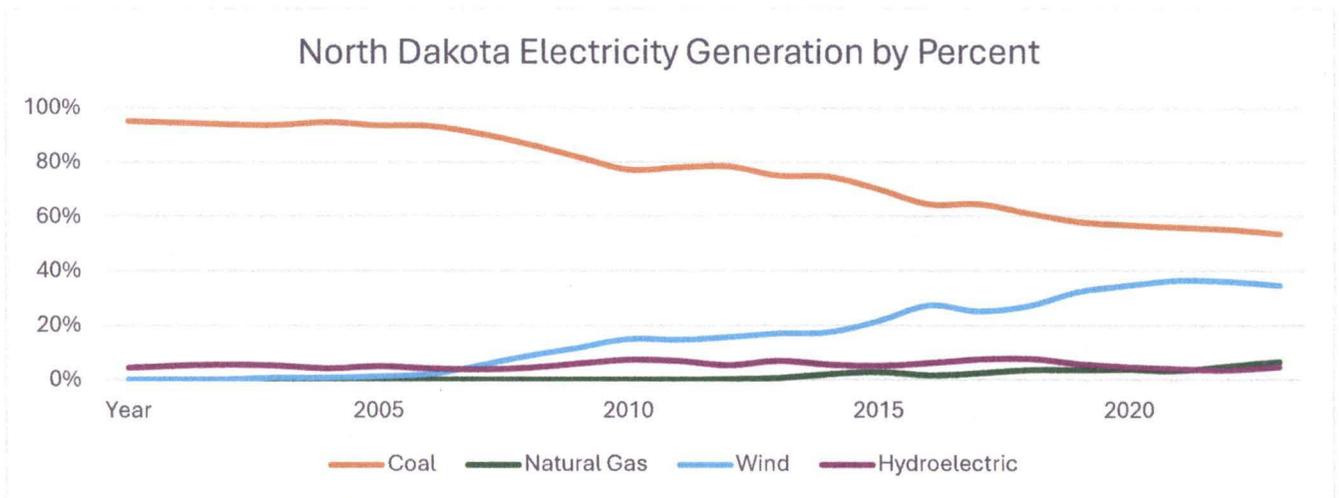
NDEX HISTORIC FLOWS (SINCE AUGUST 2022)



While the day-to-day flows on NDEX change directions, over the past almost three years **flows have gone either direction an equal number of hours.**

Total Hours:
Flows to ND: 12,079
Flows to MN: 11,899

5. What does this mean for North Dakota? It shows that we are a part of the greater grid and are benefitting from generation outside our state! Should an adverse situation occur with North Dakota's generation fleet, we depend on transmission flowing toward North Dakota. The JETx project improves the reliability for such situations.
6. Grid reliability is critical to the safety of our population, especially those on medical devices in their homes. Further, grid reliability is crucial for our ag processing facilities, oil and gas processing, national security (our military bases and sites) and our ag producers. Reliable electricity ranks right up there with oxygen, water and food.
7. The way ND produces and use electricity is changing over time. From 1990 through 2007, our generation and demand was nearly constant. Yet, from 2007 we have increased generation significantly due to new wind projects, see the chart below: ND generation increased 35% from 2007 to 2025. At the same timeframe, our usage is on the rise with industrial and commercial development.



We support the JETx 345kV transmission project. The project will provide critical transmission service to North Dakota, improving reliability and reducing outage time. This project adds value to our natural resources while enabling future economic development for years to come.

Sincerely,

Tom Oakland, Energy and Economic Coordination Office Manager
North Dakota Department of Commerce

Claire Vigesaa, Executive Director
North Dakota Transmission Authority

Commissioners, thank you for the opportunity to provide comments today.

My name is Dan Inman and I am the Senior Vice President of Power Delivery & Chief Information and Technology Officer (CITO) for Minnkota Power Cooperative. I am accompanied by Will Lovelace, Minnkota's Engineering Supervisor and subject matter expert in transmission planning.

Minnkota Power Cooperative is a generation and transmission cooperative headquartered in Grand Forks, North Dakota. Minnkota is owned by and provides wholesale power supply and transmission services to 11 member-owner distribution cooperatives serving rural communities in eastern North Dakota and northwestern Minnesota.

Minnkota's primary source of electric generation is the Milton R. Young Station located near Center, North Dakota. To deliver power from our generation resources to our members, Minnkota owns, operates, and maintains a robust transmission system that includes more than 3,388 miles of transmission line and 265 substations. This transmission infrastructure covers an area stretching from western North Dakota, to our easternmost member-owners in northwest Minnesota, including major high-voltage corridors such as a 345kV line that runs parallel to I-94 between Bismark and Fargo, and interconnects at Otter Tail Power's Jamestown substation. While the JETx project is a MISO transmission line to be owned by Otter Tail Power and MDU, it is located within Minnkota's footprint and interconnects to our system.

Minnkota is not a MISO member, but we are a MISO market participant, and due to our interconnected system with our MISO neighbors we coordinate with MISO on transmission planning and reliability functions. In addition, Minnkota pays its share of regional transmission upgrades like JETx based on the utilization of those assets. From our perspective, the Jamestown-to-Ellendale line represents a thoughtful regional investment that provides measurable benefits to the broader transmission system. Minnkota supports the construction of this project.

One of the primary benefits of the Jamestown-to-Ellendale line is the improvement to regional reliability and system resilience, particularly in the Jamestown area and central North Dakota, but with benefits extending across the broader region. This area has experienced several significant weather events in recent years that have placed stress on the transmission system.

During the winter ice storm in December of 2023, as well as severe summer storms in June and August of 2025, the Jamestown area experienced outages that resulted in the system being electrically islanded due to transmission system damage sustained during those events. These situations highlight the value of having additional transmission pathways available to support load, facilitate restoration, and provide operational flexibility during extreme conditions. The Jamestown-to-Ellendale line enhances grid resilience by strengthening connectivity and reducing dependence on a limited number of transmission paths.

The project also delivers transmission congestion relief and other economic efficiency benefits such as deferral of other transmission upgrades. Transmission constraints can limit the efficient generation and flow of power across the region, which can lead to increasing costs and reducing

flexibility for utilities and consumers alike. By reinforcing the transmission network between Jamestown and Ellendale, this line helps relieve congestion, reduce constraints, and improve overall system performance. Over time, these improvements can contribute to more efficient market outcomes and help moderate congestion-related costs.

From Minnkota's standpoint, this project also reflects the value of regional collaboration and coordination among utilities. While Minnkota is not a MISO member, we actively participate in the MISO system and work closely with neighboring utilities to ensure reliable and efficient operation of the transmission grid. Investments such as this one demonstrate how coordinated regional planning can deliver shared benefits that extend beyond individual utility footprints.

In summary, the Jamestown-to-Ellendale transmission line represents a prudent regional investment that enhances reliability, strengthens resilience, and improves the overall efficiency of the transmission system. By providing additional transmission pathways, reducing congestion, and supporting coordinated regional operations, this project benefits not only North Dakota residents participating in the MISO market, but consumers and utilities across the broader region. Minnkota believes this project advances the long-term interests of the electric grid and supports a more reliable, resilient, and cost-effective power system for the communities we collectively serve.

Thank you for the opportunity to provide comments today.

Good morning. My name is David Schuyert Chair Township Board
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 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?

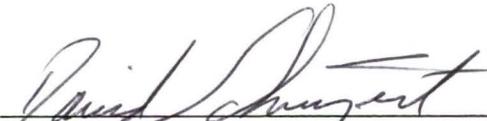
11. Treatment of township filings. Will the Commission acknowledge in its final order that it received and considered township filings in this docket and explain how local land use impacts were weighed in route selection and permit conditions?

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: 
[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 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(6), 49-22-08.1(5), 49-22-09; accord *Matter of Nebraska Pub. Power Dist.*, 330 N.W.2d 143 (N.D. 1983).

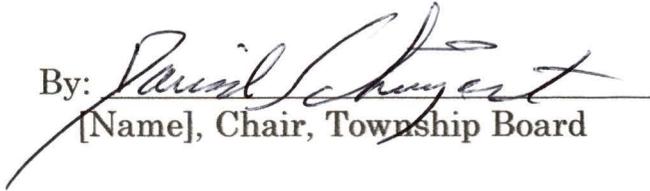
3. The Township objects to any reliance on the PU-24-91 CPCN as conclusive proof of “need” in this docket, including any attempt to treat a publication-notice CPCN under Chapter 49-03 as a substitute for the Siting Act’s record and decision requirements. The Township respectfully requests that the Commission 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 13, 2026

WANO TOWNSHIP

By: 
[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 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: David Schuyert
[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.

Testimony of Darron Orr, Landowner, Corwin Township

JETx Timeline

August 25, 2023: I Received a Request for a Survey Permit from JETx.

September 12, 2023: JETx Sponsors Ellendale Open House 3:00-6:00 pm.

September 13, 2023: JETx Sponsors Jamestown Open House 3:00-6:00 pm.

September 14, 2023: JETx Sponsors Edgeley Open House 3:00-6:00 pm.

Regarding the timing of the Open House meetings, why would they hold open houses to inform and receive feedback from residents and landowners in the late afternoon (3:00-6:00 pm) in August when most people are working and producers are in the midst of harvest? In visiting with those who attended the meetings, they reported that the information provided was very vague and that, in fact, JETx was considering three different routes for the transmission lines.

Late January/Early February, 2024: I heard nothing more until late January/early February of 2024 when I received a phone call on behalf of JETx from Otter Tail Power Company's Land Rights Supervisor at the time, George Vinson. This was the first of numerous conversations Vinson and I had, in which I voiced my concerns about this project and the negative impact on my neighbors and community. My position has never changed.

May 2, 2024: Stutsman County Planning and Zoning Committee Meeting.

I presented my concerns about the 500-foot setback from residences and discussion was held. Otter Tail representatives were present at this meeting.

July 24, 2024: Stutsman County Planning and Zoning Committee Meeting.

After hearing testimony from Otter Tail and concerned residents, the committee unanimously passed a 2600-foot setback from residences for high voltage transmission lines.

September 3, 2024: Stutsman County Commission Meeting.

When the issue of a new 2600-foot setback zoning ordinance was brought up for consideration, the chairman of the board was noticeably agitated and quickly quashed the discussion. The new ordinance was quickly tabled. In visits with a number of zoning committee members and a county commissioner, it was related to me that Otter Tail had requested a private meeting with commissioners and zoning members but that there could not be more than two members present outside of a committee meeting. I was also told that this was the first time that anyone could remember the county commission refusing to adopt a recommendation from the zoning committee.

October 8, 2024: Corwin Township Unanimously Passes 2640-Foot Setback from a Residence.

January 2025: District 29 Representative, Craig Headland, called, requesting that I meet with him and Otter Tail to discuss this project. I told him that it wasn't about me, but if they would like to meet with the community so everyone could be heard, that I would be open to that. After discussing all the concerns with this project, he told me that he agreed with my concerns. He stated that he did not want the JETx Project and Levi Taylor, a Stutsman County Commissioner, did not want it either. He said he felt like he was in a tough spot.

January 2025: Less than Two weeks After Craig Headland's Call, the First of Several Bills Were Introduced to Punish, Hinder, and Directly Take Away Zoning Powers from Townships:

- Prairie Dog Fund SB 2012
- Insurance Fund also known as the “Blackmail Bill” SB2208.
“If a county or township adopts an ordinance or policy that interferes or conflicts with an energy infrastructure project permitted or approved by a state agency, the county or township is not eligible to receive any grants from the fund beginning on the later of the day on which the city adopted the ordinance or policy or the date on which the state agency permits or approves the project.”
- House Bill 1258

Otter Tail, MDU and other industry interests lobbied hard to have these bills introduced and testified in favor of limiting local control.

March 21, 2025: Senate Energy and Natural Resource Committee Hearing Later Delivered a 4-3 Do Not Pass Recommendation on HB1258 after hearing testimony from not only industry but also getting to hear from the citizens. A number of landowners had made numerous trips to Bismarek to testify and tried to share their concerns about the negative impacts this bill would have on their communities.

It has been 877 days of constant duress, deception, heavy-handed politics, and bullying by proponents of the JETx Project. So please forgive me if I am more than a little frustrated. Our township has had zoning in place since 1979, which predates when this 500-foot setback was enacted. Corwin Township has recently implemented an ordinance that would not only accommodate JETx, but more importantly would protect our community and its citizens, which is the most basic and fundamental purpose of government.

You tell me: who knows best and represents the interests of a community than their local township officers? Either you believe in local control, or you don't. You do not get to cherry-pick when it is convenient and when it is not. Who actually determined that a 500-foot setback is adequate for high voltage transmission lines? I am guessing industry representatives did, and forty-three years ago, that may have seemed adequate.

The current regulations or setbacks with the ND Public Service Commission pertaining to high voltage transmission lines are antiquated. The current setback is from 1983 (part of the ND Energy Conversion and Transmission Facility Siting Act), which does not address the size and scope of these new high voltage transmission lines or projects.

These high voltage transmission lines have often been referred to as “superhighways” for transmission. They are designed for exorbitant amounts of electricity. Our federal, state, county, and township roads are all designed, engineered, and constructed differently in accordance with standards that not only meet the needs of the system but more importantly, the safety of the public. These new high voltage, invasive transmission lines need to be held to a higher standard, just like our transportation system.

How many of you know the size or height of these transmission poles being proposed? They stand an average of 155 to 180 feet tall. That is the equivalent of a 15- to 18-story building. The current setback is 500 feet from an inhabited residence. If an easement does not need to be obtained from residents, then

residents do not need to be notified. These are the simple facts, and this has happened to a number of residents in Stutsman County. The residents of Corwin township found that to be appalling! How can a transmission line of this magnitude with so many negative implications be sited so close to a residence and those property owners are not even notified?

Jason Weiers, Manager of Transmission Policy and Contracts for Otter Tail Power Company, stated in his testimony that there is simply no way to build a project through this rural area of North Dakota while abiding by such a restrictive setback requirement. I find it interesting that Weiers and other proponents of HB1258 conveniently ignore the fact that our Corwin Township ordinance clearly delineates three options:

1. Maintain a 2640-foot setback from occupied residences.
2. Bury transmission lines that must pass within the 2640-foot setback.
3. Obtain a variance from the residents. This would require that those residents who will be negatively impacted by the siting of these lines must get notification and be given a seat at the table of such planning.

Does this sound like an extreme and unreasonable position?!

January 8, 2026, at the Public Service Commission Technical Hearings held in Bismarck, Mr. Kevin Schleidecker, whose position is that of Principal of Environmental Services, represented the concerns of Otter Tail Power Company. I found his testimony to be rather long and technical. I was quite intrigued by the sheer number of topics he covered, topics like cultural resource surveys, wetlands avoidance areas, tribal coordination, and a year-long conversation with the U.S. Army Corps of Engineers. He reported on eagle stick nests, sharp-tailed grouse leks, endangered species such as the Dakota skipper and others. In fact, it was quite impressive to learn how much time and resources they spend on environmental issues.

Then it hit me: We, the people, the residents who are the owners and custodians of the land, mean very little to the developers of the JETx project. When asked to address the concerns of our township and to obtain variances from the impacted homeowners, they did nothing. At that point we gave them a second chance to obtain variances, and even then, the only attempt made to obtain these necessary variances was a single phone call. This lack of effort demonstrates their lack of concern, respect, and trustworthiness. Otter Tail, in my opinion, has lost the trust of the landowners, townships, and the public. They definitely have a credibility problem.

Another aspect of this entire process that is troubling is there has been no study done on the impact this project has on the welfare of those impacted. I do not think people really understand the attachment farmers and rural residents have to the land. It has often been handed down from one generation to the next and with great responsibility to continue a legacy of pride in stewardship. It is ingrained in us to hand this land down to the next generation in better shape than when we received it. It becomes a part of who we are, a part of our soul, our identity, and how we are judged. So, when some entity threatens to take our land, you have to understand how personal that threat is and the emotional and mental stress it causes. Some of our farms were established over a century ago. We cannot just pack up our farmsteads and relocate.

The JETx project is a perfect example of why local control is so important. If it were not for our Corwin Township officers listening to the concerns of its residents and putting in place ordinances that protect the people's health, wealth, and private property, then who would? This process, which is so flawed, circumvents local control and shucks the state's responsibility to protect its citizens.

The hypocrisy coming from Bismarck and our leadership is great. Governor Kelly Armstrong stated on BEK TV during the gubernatorial race that we must protect private property rights at all costs. Our legislators like to expound on the fact that they support private property rights and yet they enact legislation that directly undermines that foundational liberty that was paid for with our blood: the importance of property rights and what it means to be a free people and a strong nation. If you control the land, you control the people. Every time we give up a bit of our freedom, no matter how large or how small, we are one step closer to an authoritarian government.

On March 21, 2025, During the Senate Energy and Natural Resources Committee Hearing on HB1258, Senator Dale Patten asked a question of Charlie Sorenson pertaining to zoning and if he could address the challenges of patchwork ordinances versus uniformity ordinances when building infrastructure. His answer was profound and spot on. Mr. Sorenson said, "I guess where they are really uniform is in a country that doesn't really exist anymore—it is called the U.S.S.R."

This summer we will be celebrating our nation's 250th birthday. In Medora, North Dakota, we are going to celebrate the opening of the Theodore Roosevelt Presidential Library, honoring our 26th president who is probably better known for the teddy bear than his position on environmental issues. Teddy Roosevelt was an avid conservationist. He started our Federal Parks System. The State of North Dakota gave millions to the Theodore Roosevelt Memorial Foundation to ensure that, upon completion, the new library would harmoniously blend in with the surrounding landscape. But when we raise similar concerns regarding this JETx project, which would violate the beauty of our rural neighborhoods, we are treated as though we are extremists.

Why are the concerns of rural residents in North Dakota discarded when it comes to zoning? Our urban cousins are so well protected. They have zoning regulations for industry, commercial, residential, single-family dwellings, and multifamily units. Regulations define where a fence can be placed and how high it can be (you even have to face the nice side of a fence away from your property, so your neighbor doesn't have to look at the ugly side). These zoning restrictions and regulations are put in place for a reason: to protect the health and welfare of its citizens. Stutsman County has a 2600-foot setback for gravel pits. The State of North Dakota has a 2640-foot setback for consolidated animal feeding operations of 300 head of livestock. Just so I understand the State's position, is the smell of the cow pies generated by 300 head of cattle a greater threat to human welfare than an 18-story, 345 kilovolt transmission line, placed 1/5 the distance from an occupied residence?

Finally, I would like to address what has been referred to as a well-compensated package for landowners:

Compensation

1. Compensation per acre	\$7500.00
1. Effective Tax Rate (33 percent)	(\$2500.00)
2. Net Compensation	\$5000.00

3. Perpetual Easement	100 Years
4. Net Per Acre Before Real Estate Taxes	(\$50.00 per Acre)
5. Average 2024 Real Estate Taxes	(\$10.95 per Acre)
6. Net After Real Estate Taxes	\$39.05 per Year

Average Compensation Per Day

**10.7
CENTS**

So, at 10.7 cents a day, in 30 days I would accumulate approximately \$3.21, or barely enough to buy a cheap can of iced coffee at a gas station. Meanwhile, Otter Tail is going to charge me, along with every other North Dakota ratepayer approximately \$5.85 per month for the next 40 years to build this transmission line, and this is only for the tranche 1 phase. The additional tranches are estimated to cost North Dakota rate payers an additional \$30.00 per month based on numbers presented to the PSC in their working sessions.]

So, in essence, I am labeled a protester, anti-progress, and even unreasonable. Let me get this right: Otter Tail wants my land, they determine the price, they control the surface rights, I pay the property taxes, I assume more liability, I absorb the devaluation of my property and any potential opportunities, my farming operations and efficiencies are hindered, not to mention that it is a blight on our communal landscape. I am asked to incur all of these negative consequences caused by this project and I get “well compensated” at approximately [\$3.21] per month. But the best part is, I owe Otter Tail [\$5.85] per month for the cost of construction.

Will the construction, operation, and maintenance of the facility at the proposed location produce minimal adverse effects on the environment and upon the welfare of the citizens of North Dakota? In my opinion, based on the safety, physical and mental health concerns for the residents and landowners in conjunction with the additional costs, risks and encumbrances incurred by our land owners and farmers, the culmination of all these factors, along with the additional electrical costs to many North Dakota residents, this project does have adverse effects.

This would be a hell of a legacy to hand down to our kids!

Good morning, Mr chairman, Madame commissioners, my name is Tim Leppert, I serve as the Russell township zoning administrator in Lamoure county ND. So I have a question for the commissioners today. Why are we here discussing a route for the Jamestown to Ellendale Jetex power line? There is no route for the power line, five townships have denied OTP and MDU conditional use permits. That is thirty miles of this so called route, one third of its total distance. The townships haven't issued the permits because they can't, they would be violating their own ordinances if they did. You all have the cart before the horse, what are you going to do, eminent domain the townships? Our comprehensive plans and zoning ordinances go back many years and were established long before a Jetex power line was thought of. The township's duty is to protect the resident citizens of the township as it sees fit, read the ND century code. The townships were not notified about this power line, that is required by law. But that is the problem isn't it, YOU the commissioners allowed OTP and MDU to file for a certificate of convenience and public necessity under the wrong chapter of century code. This is NOT an existing power line route it is a totally new route. You have not followed the rules set forth in state law governing the permitting and siting of high voltage power lines. This is why Victor Shock your director of public utilities tried on multiple occasions to get our attorneys to withdraw our petition to reopen the PU-24-91 case. YOU got caught. You tell us, the local government entities and local residents did not file their petition in a timely manner, well how in the world were we supposed to, first of all you held your hearing right in the middle of fall harvest, second you directed the local newspaper of record to put the public notice in the news section and not in the public notice section of the newspaper. Thirdly the townships were NOT notified and all this was done before HB1258 was law. This is blatant disregard for the townships and shows them extreme prejudice. Why did OTP and MDU send the townships letters that appear to be copies, the PSC generated and signed giving notice of these January 2026 hearings? Why no letters like this before the CPCN hearing in November of 2024? It seems the PSC, OTP and MDU want the last two years to disappear. It seems to me

that the PSC and the utility corporations are working together against the townships and landowners. But someone did respond in a timely manner. Commissioner Hoffart stated on November 20 2024 and again in a June 18 2025 meeting, where the petition to reopen the PU-24-91 case was denied, and I quote "On March 27 2024 the commission issued a notice of opportunity for hearing allowing until May 10 2024 for receiving comment or request for hearing, no responses were received", Well commissioner Hoffart you are mistaken, on April 22 2024 I wrote the PSC a letter of comment to the commission, that letter was signed by five of my family members and myself. That letter is in some file in your PSC offices, I obtained a copy of it from your offices and have it in my possession today. Why aren't you aware of this letter commissioner Hoffart? So my family and my letter are irrelevant to you commissioner Hoffart? To this day the townships and citizens have been denied opportunity to speak on their behalf in a public format and all the while OTP and MDU carry out their false advertising campaign deceiving and out right lying to the people about the necessity of this power line. They claim it is for the reliability of the grid in case of ice storms. This is their prerecorded speech they gave at every "open house" meeting and township meeting they attended. When questioned about it being used to service data centers, solar and wind development they vehemently denied this and told us, and I quote, "No ons no offs, just a straight through line between the substation north of Jamestown and the substation west of Ellendale". That is a false statement. I have in my possession today, a signed consent agreement between OTP, MDU and Spiritwood Solar LLC where they mutually agree to transmit the power generated by the Spiritwood Solar LLC development on the Jetex power line. Furthermore many residents received letters from Stellar Renewable Power that stated they wish to buy or lease land along the proposed Jamestown to Ellendale transmission line. And again residents in Dickey and Lamoure county were contacted by letter proposing a wind development called (Wall Flower Wind Farm) by a developer named First Mile Development, they stated in their information that the interconnection for their power would

be the Jamestown to Ellendale transmission line. And lastly I have in my possession today a letter from Nextera Energy Resources, sent to Debra Wald, a Wano township, Lamoure county landowner, offering her a wind tower easement agreement, a transmission line easement agreement and a purchase option agreement wanting to buy up to 25 acres of land in the NE corner of NW quarter of section 21 (T134-R63) By pure coincidence, I'm sure, this just so happens to be same NW quarter of section 21 (T134-R63) that contains the proposed route for the Jetex power line. When OTP representative Chris Cooke was asked at township meetings, how many wind towers and solar panels were going to be connected to the Jetex power line, he held up his hand and with his thumb and index finger, and with emphasis made a zero. This power line has nothing to do with the reliability of the grid it is going to be used to transmit (green) power to the states with green energy mandates and we the landowner's and rate payers are going to pay for it. Chairman Christman stated this many times in the working session meetings held 8-8-2025, 8-19-2025 and 10-17-2025, He stated and I quote, "This is kind of one of my concerns here is, so our ratepayers pay to build this and the benefits are, well there's this investment here, some big benefit but it's mostly to whoever the new developer is that comes in and builds another wind farm, a few landowners, but not to most of these OTP and MDU customers". Chairman Christman what happened between your statement and your letter of dissent? Why have you changed your mind? Let's talk about a few of those landowners who are going to benefit and have done all they can do to make this power line happen. Do you know that the two most powerful legislators in the ND legislature are going to benefit tremendously financially if this power line is built? They had legislation passed last session that takes away townships and counties right to regulate high voltage power lines and pipelines and they made the legislation retroactive to January 1-2025. I have in my possession today, easements signed by them and their immediate family members for wind towers, solar panels and battery storage! They used their political influence for financial gain at the expense of their constituents and

neighbors, we have the proof, it is irrefutable. If they want all this wind, solar and battery development, why don't they and all the rest of these people who have signed easements volunteer to put this power line on their land? I'll tell you why, there is no money to be made having a power line on their property. The OTP, MDU easement contract is a joke, the landowners are asked to sign a 99 year perpetual easement that can be sold, mortgaged or transferred to whoever at anytime and the landowner has no say in the decision, only a idiot would sign something like that, and it pays about only 80 cents a acre a day for the 99 years. Again only a fool would agree to that. No wonder the district 28 and 29 legislators don't want the Jetex power line on their land. Now we need to talk about the safety issues related to this power line because I did not find one comment or question from YOU the commissioners, OTP or MDU about this issue in the working session meetings or anywhere else. Dear commissioners how would you like to have a double strung 345 kv power line 500 feet from your house that runs four times the megawatts a normal 345 kv line does. I don't believe you would. The Stutsman county zoning board passed unanimously a ordinance to require high voltage power lines to have 1/2 mile setbacks from occupied residences, the Stutsman county commissioners tabled the recommendation from the zoning board, that is when OTP and MDU mobilized their lobbyists in Bismarck and recruited the two legislators and got them to push HB1258 through the legislature. Safety was not a concern with these utility corporations, lobbyists or legislators, they don't have to live by it. Here is a study done in the Denver Colorado area concerning young children living in close proximity to high voltage power lines, this study notes a drastic increase in childhood leukemia. Known as the landmark 1979 Denver Colorado study by Nancy Wertheimer and Ed Leeper, this study observed a statistical association between residential proximity to certain electric power lines and the increased incidence of childhood cancer, particularly leukemia. The initial findings indicated that children living near (high current capacity) power lines had a higher likelihood of developing cancer than those in other residences, approximately twice as likely for leukemia.

Well dear commissioners this Jetex power line is a high current capacity power line. Your employee Chris Hanson in the October 17 2024 working session meeting said and I quote "So it presumably has about 4000 megawatts of capacity". Really commissioners, that much power 500 feet from someone's house. Are you going to believe the corporations? I'm not, they have done everything they can to belittle, suppress and deny the dangers of EMF, stray voltage and radiation issues associated with high voltage power lines. And now a few words about liability issues, who is going to be responsible for the liability this power line creates? The power line corporation or the landowner? If this power line kills somebody who gets sued, who pays? Well we already know the answer to these questions, the power line corporation is going to do everything it can to limit or eliminate their liability for anything. They went to the ND legislature last session and got a bill passed into law that limits their liability. SB2339 backed by the utilities including MDU and OTP to shield utilities corporations from automatic liability for wildfires caused by power lines potentially easing financial burdens but raising concerns about victim compensation. Critics say this will make it harder for victims to get compensation and potentially shift liability to landowners and cost to rate payers, again corporations win the people lose. The wildfires in northwest ND two years ago were not caused by an act of God, they were caused by negligence of maintenance of the power line! How can the ND legislature and governing entities ie. PSC etc. allow utilities corporations to force liability on to landowners? SB2339 does exactly that. When a landowner signs a Jetex power line easement, he or she has just exposed ALL of his or her assets to liability if something bad happens on that easement. And finally a word about the devaluation of the property these power lines sit on. According to a Wall Street Journal study, high voltage power lines devalue the land anywhere between 10 and 45% depending on where it is located. That is a significant amount of lost equity for most landowners. Who is going to make that right with the landowner? I will tell you, nobody is. We will just have to eat it. In closing, there has been no transparency in regards to this project from you the PSC, MISO, FERC or

OTP and MDU. We ask questions and all we get from you all is "that's a good question I'll have to get back to you on that" or some other vague meaningless answer. We the townships and the people feel abused, neglected and pushed aside by corporations and corrupt politicians, all for their greed and avarice, the Golden Rule says "Do unto others as you would have them do to you". I see little of that practiced in our state anymore. Remember you are the Public Service Commission not the corporation service commission. The decisions you make will be remembered by us the voters. Thank you and I will stand for questions.

4-22-24

Attn. Case No. PU-24-91

345 KV Transmission Line - James town to Ellendale

To.- Public Service Commission

The Leppert Family is hereby giving you notice that if we see or find any Ottertail Power Company, HDR Inc., Montana Dakota Utilities Company or Nextera Energy Inc. employees, vehicles, drones or any other property owned by these named entities we will call the Lamoure County Sheriff and have them removed from our property. We, the Leppert Family have NOT signed any agreements, leases or releases with ANY OF these aforementioned entities nor will we in the future. Our Property is posted with signed NO Trespass signs and we will prosecute any and All violators. We DO NOT want any power lines or

wind towers on our property. The representatives of these companies are not honest and they have abused us and our neighbors by threatening us with legal action if we didn't sign their papers. They have also had drones hovering over our houses at night and over our property.

We know ~~know~~ all the aforementioned entities and what their agenda is, they are NOT benefiting us in any way and we DO NOT want their junk on our Property.

WE pay the taxes here NOT them.
WE are the landowners NOT them.
WE expect the Public Service Commission and these entities to respect our landowner rights.

Cecilia Lepper, Danette Lepper, Joel Lepper
James Lepper, Thous Lepper, Timothy Lepper

I hope this message finds you well. My name is Miles, and I'm working with Paces, a company that assists solar developers in identifying suitable land parcels for large-scale solar farm projects. I'm currently researching LaMoure County and gathering information on relevant zoning and land use regulations.

Could you kindly provide any of the following documents if they exist, preferably in PDF format?

- Zoning map (shapefile or PDF) and zoning ordinance (PDF)
- Utility/Large-scale solar ordinances
- Utility/Large-scale wind energy ordinances
- Utility/Large-scale battery storage ordinances
- Any moratoriums on renewable energy systems if available

If these PDF files are accessible online or via email, it would greatly assist our efforts. Thank you for your time and any guidance you can provide.

Best regards,

Miles Ambrogio

Introducing the new standard to accelerate project timelines >

PACES Solutions Products Resources

Book Call

Win the Land Grab

The race for power-ready sites is on.
Secure and de-risk the best sites first.

Book Call >

2 MW capacity

100 MW capacity

Calls For Service

LaMoure County SO



CFS Number: LA-23-01326

Case Number:

CFS Date 12/12/2023
Received Time 10:34:00 AM
Dispatched Time 10:34:00 AM
Arrived Time 10:40:00 AM
Cleared Time 10:45:00 AM
Dispatcher 4370 - Fernandes, Robert F
Source P - Phone
Location Name Rural Dickey
Address
CSZ Dickey, ND
Jurisdiction
District
Grid
Sector

Coordinate X
Coordinate Y
Call Type
Reported Offense
87G - Suspicious Person/Vehicle/Activity
Verified Offense
87G - Suspicious Person/Vehicle/Activity
Disposition
Priority
Classification
Tow Company

Officers

4370 - Fernandes, Robert F

Complainant/Subject

Complainant Name **Leppert, Timothy**

Address	CSZ	Address Type	County	Country
6316 88th Ave Se	Dickey, ND 58431	H - Home	Lamoure	USA - United States Of America

Phone Number

Phone Type

Email Address

Sex M - Male
Race W - White
Ethnicity N - Not of Hispanic/Latino Origin
DOB 8/15/1960
Age 63
Juvenile N - No

Hair Color BRO - Brown
Height 5' 11"
Weight 250
DLN LEP-60-2156
DL State North Dakota
Expiration Date 8/15/2024

Calls For Service

LaMoure County SO

CFS Number: LA-23-01326

Case Number:

Eye Color

BLU - Blue

SSN

000-00-3324

CAD Contact Information

Vehicle Information From CAD

Vehicle Information

Dispatch Notes

Officer Notes

Tim Leppert called the sheriff's office at approximately 1034 on 12/12/23 in reference to a drone flying over his farm. Tim has called previously on 11/3/23 at 1030 and on an earlier date (unknown) complaining about a drone flying over his farm. Tim believed that the drone may be related to the high power transmission line that Otter Tail is putting from Jamestown to Ellendale. Tim told me that he has talked to Kelsey Lee with HDR Inc. (701) 541-5254 and the public service commission. I told Tim that I would make some phone calls and get back to him.

I called Otter Tail on 12/15/23 (I believe I talk to Melissa). Melissa stated that she would do some checking and get back to me. Melissa did tell me that it was a fixed winged aircraft. I received a call from George Vinson, who is the supervisor for land rights and survey for Otter Tail Power. I gave George some dates and he stated that it could have been Otter Tail's drone. George asked me if I would give his cell number to the complainant and he would explain the process to them.

I called Tim back and gave him George's cell number. George stated that he would follow up with me next Monday, 12/18.

See correspondence from Otter Tail Power Co. with the map of the path for the transmission line.

Tim Leppert called me at 1334 on 12/18/23 and told me that he received a call from George Vinson from Otter Tail. Tim stated that George admitted that Otter Tail did indeed, flew a drone over the Leppert farm. Tim stated that George was

Calls For Service

LaMoure County SO

CFS Number: LA-23-01326

Case Number:

more concerned about building the transmission line then flying the drone over the Leppert farm without consent. Tim told George that Otter Tail is violating federal laws.

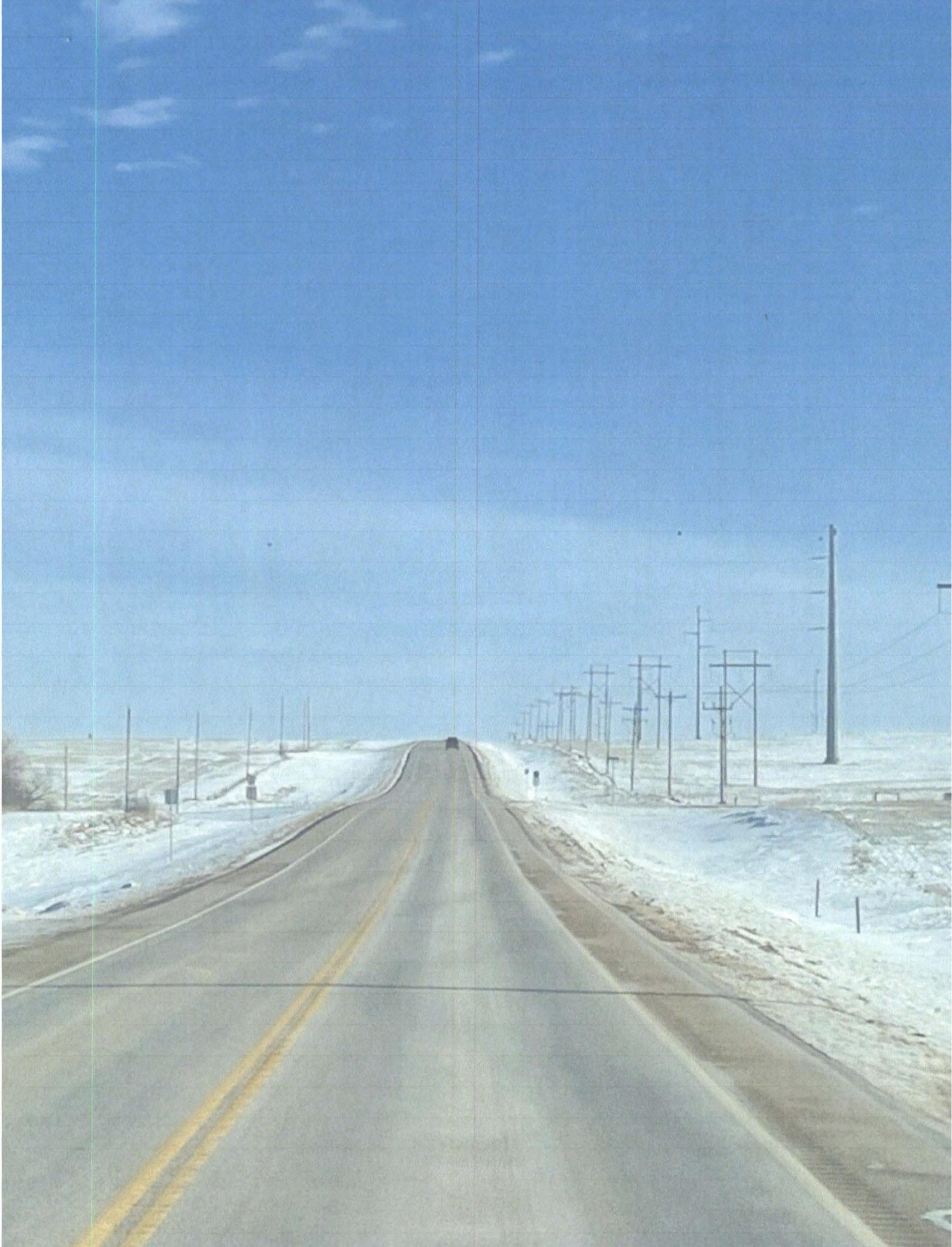
I asked Tim if he contacted his local state representative, and he stated that he did. Tim told me that he talked to ND State Senator, Robert Erbele. Tim said that Senator Erbele told him that he was going to get to the bottom of it.

I talked to George again at about 0915 on 12/19/23. George stated that it was a misunderstanding and that Otter Tail, nor any contractor's (Towill, HDR, Inc.) flew a drone for this project. George told me that Otter Tail flew a fixed winged aircraft, not a drone. George stated that he talked to Tim and let him know of his findings.

Tim called me just after I talked to George. Tim told me of his conversation with George. Tim told me that he has been told different things from different people and that no one is on the same page.

Tim told me that he also called his local state representative, Jim Grueneich in reference to this matter.

Tim called me at about 1900 on my home phone. He stated that the drone was present again. I told Tim that I would stop by in the morning. I met with Tim at about 0815 on 12/22/23. Tim stated that the drone over the Cuyper farmstead going northeast fast. This was at about 1745pm on the 21st. The drone was first sighted about 2 1/2 miles south of Co. Rd. 35 crossing Co. Rd. 163 on a line of sight southwest to northeast, traveling at approximately 40-50 mph, flying at approximately 100-200 feet above the ground.



COUNTY RECORDER, LAMOURE COUNTY, ND

167438

I certify that this instrument was filed and recorded,

167438

Return to:

LAMOURE COUNTY AUDITOR
PO BOX 128

County Recorder
LaMoure County
LaMoure ND 58458
Page 1 of 42

Laurie Good, County Recorder

Fee \$0.00

By *Laurie Good*

Jun 22, 2011 10:08 AM

LAMOURE ND 58458

Certified
Copy

Newest Version

RUSSELL TOWNSHIP



LAMOURE COUNTY NORTH DAKOTA

April 2011

ZONING ORDINANCE

LARDC©

ARTICLE I INTRODUCTION1
1.1 Title1
1.2 Purpose and Intent1
1.3 Authority1
1.4 Jurisdiction1
1.5 Interpretation1
1.6 Severability1
1.7 Effective Date1
1.8 Exceptions2

ARTICLE 2 RULES AND DEFINITIONS2
2.1 Rules2
2.2 Definitions2

ARTICLE 3 GENERAL PROVISIONS8
3.1 Compliance8
3.2 Amendments8
3.3 Comprehensive Plan9
3.4 Non-conforming Uses9
3.5 Land Suitability9
3.6 Conditionally Permitted Uses10
3.7 Road and Highway Access10
3.8 Road and Highway Setback - Tree Plantings, Shelterbelts10
3.9 Standards10

ARTICLE 4 ZONING DISTRICT BOUNDARIES AND MAP10
4.1 Zoning Districts10
4.2 Zoning District Map11

ARTICLE 5 ZONING DISTRICT REGULATIONS12
5.1 A-1 Agricultural District12

ARTICLE 6 SPECIAL PROVISIONS15
6.1 Off-Street Parking15
6.2 Signs16
6.3 Sanitary Landfills and Solid Waste Sites17
6.4 Junk or Salvage Yards19
6.5 Public and Non-Profit Wildlife Management Areas19
6.6 Feedlots20
6.7 Animals Prohibited21
6.8 Mining of Sand, Gravel, Clay and General Ground Excavation21
6.9 Garden Sheds22
6.10 Public Nuisances22
6.11 Noise22
6.12 Recreational Vehicles and Travel Trailers22
6.13 Animal Units on Single Family Non-Farm Residential Districts22
6.14 Trees and Tree Plantings23

6.15 Fences24
6.16 Home Occupations, Standards for Approval24
6.17 Adult Entertainment Center25
6.18 Utilities26

ARTICLE 7 ADMINISTRATION AND ENFORCEMENT26

7.1 Organization26
7.2 The Zoning Administrator27
7.3 The Zoning Commission29
7.4 Violations and Penalties30

**ARTICLE 8 PROCEDURES FOR AMENDMENTS, CONDITIONAL USES,
VARIANCES AND APPEALS30**

8.1 Zoning District Amendments30
8.2 Conditional Use Permits31
8.3 Variances33
8.4 Appeals of Administrative Decisions35

ARTICLE I INTRODUCTION

1.1 Title

These regulations shall be known, and may be cited and referred to as the Russell 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 Russell Township, 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 Russell Township, LaMoure 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 Russell 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 unit less number developed from the nutrient and volume characteristics of manure for a specific livestock type. The term animal unit is used to normalize the number of animals (e.g. head) for each specific livestock type that produce comparable bulk 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 Russell Township as adopted by the Russell Township 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 alternations 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 Russell 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 or feeding operations that are incidental to farming.
- 2.2.32 "Flood Plain"** 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 business occupation which: (a) is carried on in a dwelling unit by members of the family; (b) is clearly secondary to the use of the dwelling unit as a residence 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 which are authorized only if certain requirements of these provisions are met after a public hearing and approval by the Russell Township 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 Russell 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 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.
- 2.2.60 "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 Russell 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 of cash production cycle under circumstances in which these animals do not obtain a majority of their feed and nutrients from grazing.

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 Russell Township 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 Russell 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 Russell Township, a document adopted by the Russell Township 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 Russell Township Board of Supervisors after a public hearing, held after the Township Zoning Commission has reviewed the request and made recommendation to the Russell Township 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 the Russell Township 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 Russell Township Board of Supervisors. In granting the access permit to the township roads, the Russell Township 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 Russell Township 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 the center line of township, county and state roads and highways.

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 Russell Township Zoning 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 Russell Township 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 Russell Township Chairman and certification of Russell 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 1 (one) or more acres.
- 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 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 Bed and Breakfast
- 5.1.3.4 Commercially Operated Air Landing Strip and Accessory Buildings.
- 5.1.3.5 Commercial Greenhouses or Nurseries
- 5.1.3.6 Feedlots for feeding livestock, furbearers and poultry subject to the provisions of Section 6.6.
- 5.1.3.7 Hunting Lodges
- 5.1.3.8 Junk and Salvage Yards Subject to Provisions of Section 6.4.
- 5.1.3.9 Manufacturing and Processing of Agricultural Products Produced in the Area.
- 5.1.3.10 Manufacturing and Processing of Wood Products
- 5.1.3.11 Mining of Sand, Gravel, Clay and General Excavation subject to Provisions of Section 6.8.
- 5.1.3.12 Radio, TV Stations and Towers.
- 5.1.3.13 Sale and Services of Agricultural Equipment and Machinery.
- 5.1.3.14 Sanitary Landfills subject to the Provisions of Section 6.3.
- 5.1.3.15 Sewage Lagoons and Wastewater Treatment Facilities.
- 5.1.3.16 Skeet, Trap, Rifle and Archery Ranges
 - 5.1.3.16.1 Skeet, Trap, Rifle and Archery Ranges must be located at least 1,000 (one thousand) feet from any residence
- 5.1.3.17 Storage of Farm Related Chemicals.
- 5.1.3.18 Utility Lines and Pipe Lines Including Substations for Transformers, Pumping Stations and Lift Stations.

5.1.3.19 Veterinary Clinics, Animal Hospitals and Domestic Animal Kennels

5.1.3.19.1 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.

5.1.3.20 Voltage Transmission Lines and Accessory Structures.

5.1.3.21 Wind Generators.

5.1.4 Lot Area and Lot Width

5.1.4.1 The minimum lot area for non-farm residential uses shall be 1 (one) acres.

5.1.4.2 The minimum lot area for non-farm non-residential uses shall be 1 (one) acres.

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

5.1.5 Density Requirement

5.1.5.1 There shall be no more than 3 (three) 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 Russell 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.

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:
 - 6.1.2.2.1 Improved with all weather surfaces to provide a durable and dust free surface;
 - 6.1.2.2.2 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.
- 6.1.3.2 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.
- 6.1.3.3 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.
- 6.1.3.4 Private club or lodge; one parking space for each two hundred (200) square feet of service area.
- 6.1.3.5 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 Zoning 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 Russell 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 Russell 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 Russell Township Board of Supervisors shall determine whether the proposed site meets the requirements of these regulations. The Russell 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 Russell 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 Russell 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 Feedlots

6.6.1 Purpose

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

6.6.2 General Requirement

6.5.2.1 All feedlots as defined by this code are only permitted as conditional uses and shall comply with the provisions of Section 8.2 of this ordinance and the requirements of the North Dakota State Department of Health.

6.5.2.2 An operator of a proposed feedlot shall provide copies of all permits and requirements issued by the North Dakota State Department of Health to the Township Code Administrator. All such permits and requirements shall be filed before a conditional use permit may be issued.

6.7 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, circuses, and brief veterinary care unless a conditional use permit is obtained.

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

- 6.8.3.1 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 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.
- 6.8.3.2 Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned or closure of the operation of the site.
- 6.8.3.3 Proof of compatibility with the existing landform including the vegetation, surface and ground water resources.
- 6.8.3.4 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 Public Nuisances

The maintenance of public nuisances including, but not limited to noxious weeds, noxious odors, smoke, gases, radio interference, blighted structures or buildings, substantial noise in excess of 75 dB during the day and 65 dB at night, accumulation of junk, trash, rubbish, automobiles, dead or diseased trees shall be subject to the provisions of Russell Township.

6.11 Noise

Sustained noise of over 75 dB during the day and 65 dB at night is not allowed.

6.12 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.

6.13 Animal Units on Single Family Non-Farm Residential Districts

6.13.1 The number of animal units shall not exceed 1 (one) unit per acre density provided that: (one horse is considered one animal unit)

- 6.13.1.1 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.
- 6.13.1.2 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.
- 6.13.1.3 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.
- 6.13.1.4 All manure and other animal wastes shall be removed and disposed of properly on at least an annual basis.
- 6.13.1.5 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.

6.14

Trees and Tree Plantings:

- 6.14.1 No person or persons, corporations or otherwise, whether owners or tenants of any property along the streets or roadways of Russell 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.
- 6.14.2 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.
- 6.14.3 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.
- 6.14.4 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.
- 6.14.5 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.

6.14.6 Shelterbelts shall not be planted closer than two hundred (200) feet from center of road.

6.14.7 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.

6.14.8 In unplatted areas, trees and shrubs may be planted no closer than two hundred (200) feet from center of road or at discretion of Russell Township Supervisors. Any changes from this guideline shall be assessed a permit fee to cover site inspections and other incurred costs.

6.15 Fences

6.15.1 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.

6.15.2 No fence shall exceed a height of six (6) feet without first obtaining a permit from the Zoning Administrator.

6.15.3 No permanent fence shall be erected on a road right-of-way of within the confines of the ditch back stop.

6.15.4 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.

6.16 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.

6.16.1 Rural Home Occupations

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

6.16.1.1 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.

6.16.1.2 Employees are limited to two full time or four part time personnel.

6.16.1.3 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.

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

6.17 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.

6.17.1 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.

6.17.2 An adult entertainment center shall not be located within 1,250 feet of any establishment that dispenses alcohol on-premises.

6.17.3 An adult entertainment center shall not be located within 1,250 feet of any other adult entertainment center.

6.17.4 An adult entertainment center must prohibit entrance by persons less than 18 years of age.

6.17.5 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.

6.17.6 No material depicting specified sexual activities or specified anatomical areas shall be visible from the exterior of an adult entertainment center.

6.17.7 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.

6.18 Utilities

- 6.18.1 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.
- 6.18.2 All new utility lines and pipelines require a permit.
- 6.18.3 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.
- 6.18.4 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.
- 6.18.5 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.
- 6.18.6 All wind generators shall be set back one thousand (1,000) feet from residences other than that of the owner/operator.
- 6.18.7 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.
- 6.18.8 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 Russell Township.

7.1.1 The Zoning Administrator

7.1.2 The Zoning Commission

26 County Recorder
LaMoure County
LaMoure ND 58458

167438

7.2 The Zoning Administrator

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

7.2.8 Variances

The Zoning Administrator shall issue a permit if the Russell Township 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 Russell Township Board of Supervisors on all applications for amendments to zoning districts.
- 7.3.1.2 To hear and recommend action to the Russell Township 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 Russell Township 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 Russell 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. Should a violation continue for more than 20 consecutive days, the penalty shall rise to \$1,000 on the 21st day. Each day the violation continues past 20 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 unplatted 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 Russell Township Board of Supervisors. Thereafter, the Russell Township 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 Russell 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 Russell Township Board of Supervisors on the proposed amendment within 30 (thirty) days after the hearing. In making their findings, the Zoning Commission and the Russell Township 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 Russell Township and recommend and forward the same to the Russell Township Board of Supervisors.

8.2 Conditional Use Permits

8.2.1 Purpose

The development of these regulations is based upon division of Russell 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 Russell Township 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 Russell 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 Russell Township 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 Russell Township Board of Supervisors. Where the Russell Township 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 Russell Township 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 unplatted 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 unplatted 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 the Russell Township 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 Russell 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 Russell Board of Township Supervisors. The Russell 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 Russell Board of Township Supervisors shall have all powers of the official from whom the appeal is taken, and the Russell Board of Township Supervisors may reverse or affirm wholly or partly or may modify the decision being appealed. If the Russell Township Board of 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 Russell Township Board of 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 Russell Township Board of Supervisors finds that the administrative official erred. Every decision of the Russell Township Board of 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 Russell Township Board of Supervisors within 15 days after the date of the final action.

RESOLUTION

Whereas, the Russell Township Zoning Commission has approved this Township Zoning Ordinance, and has recommended its adoption by the Russell Township Board of Supervisors.

Now, Therefore, Be it Resolved, that the Russell Township Board of Supervisors hereby adopts the Russell Township Zoning Ordinance July X, 2010

Wayne Heinrich 4-11-11
Chairman, Russell Township Board of Supervisors Date

Mark S. Kunko 4/11/11
Clerk, Russell Township Date

County Recorder
LaMoure County
LaMoure ND 58458

167438

Page 40 of 42

RUSSELL TOWNSHIP

PERMIT FEE SCHEDULE

Application for building permit:	<u>Fee</u>
✧ Value of work is under \$1,000	\$25
✧ Value of work is over \$1,000	\$50
Application for Conditional Use Permit	\$100, plus expenses
Application for Zoning Amendment	\$100, plus expenses
Application for Variance	\$100, plus expenses

In addition: The applicant for a conditional use permit, amendment to the zoning ordinance, or building permit, shall be liable for and pay to the Township Clerk sufficient sums of money to 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. The township clerk shall provide a detailed statement of expenses to the applicant. No Permit shall be issued until all such costs, as described herein, have been paid by the applicant, unless the Russell Township Board of Supervisors by resolution, authorizes otherwise.

Approved:

Chairman: _____

Clerk: _____

Date: _____

County Recorder
LaMoure County
LaMoure ND 58458

167438

Page 41 of 42

Application for Variance

\$100, plus expenses

Certified
Copy

In addition: The applicant for a conditional use permit, amendment to the zoning ordinance, or building permit, shall be liable for and pay to the Township Clerk sufficient sums of money to 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. The township clerk shall provide a detailed statement of expenses to the applicant. No Permit shall be issued until all such costs, as described herein, have been paid by the applicant, unless the Russell Township Board of Supervisors by resolution, authorizes otherwise.

Approved: _____

Chairman: Wayne Heinrich

Clerk: Mark Skuter

Date: 2/11/11

County Recorder
LaMoure County
LaMoure ND 58458

167438

Page 42 of 42

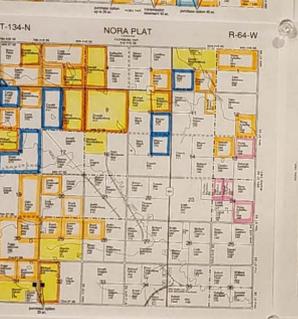
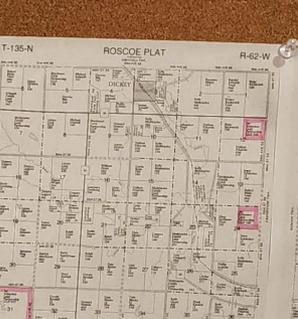
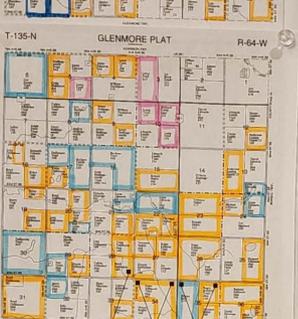
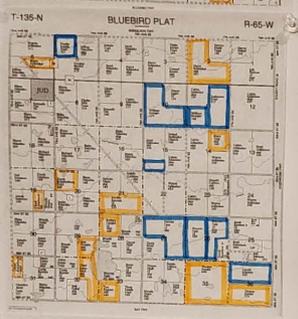
39

Office of Recorder
State of North Dakota } SS.
County of LaMoure }

I hereby certify that this is a true and correct copy of the original document now on record in this office and recorded as Document No. 167438

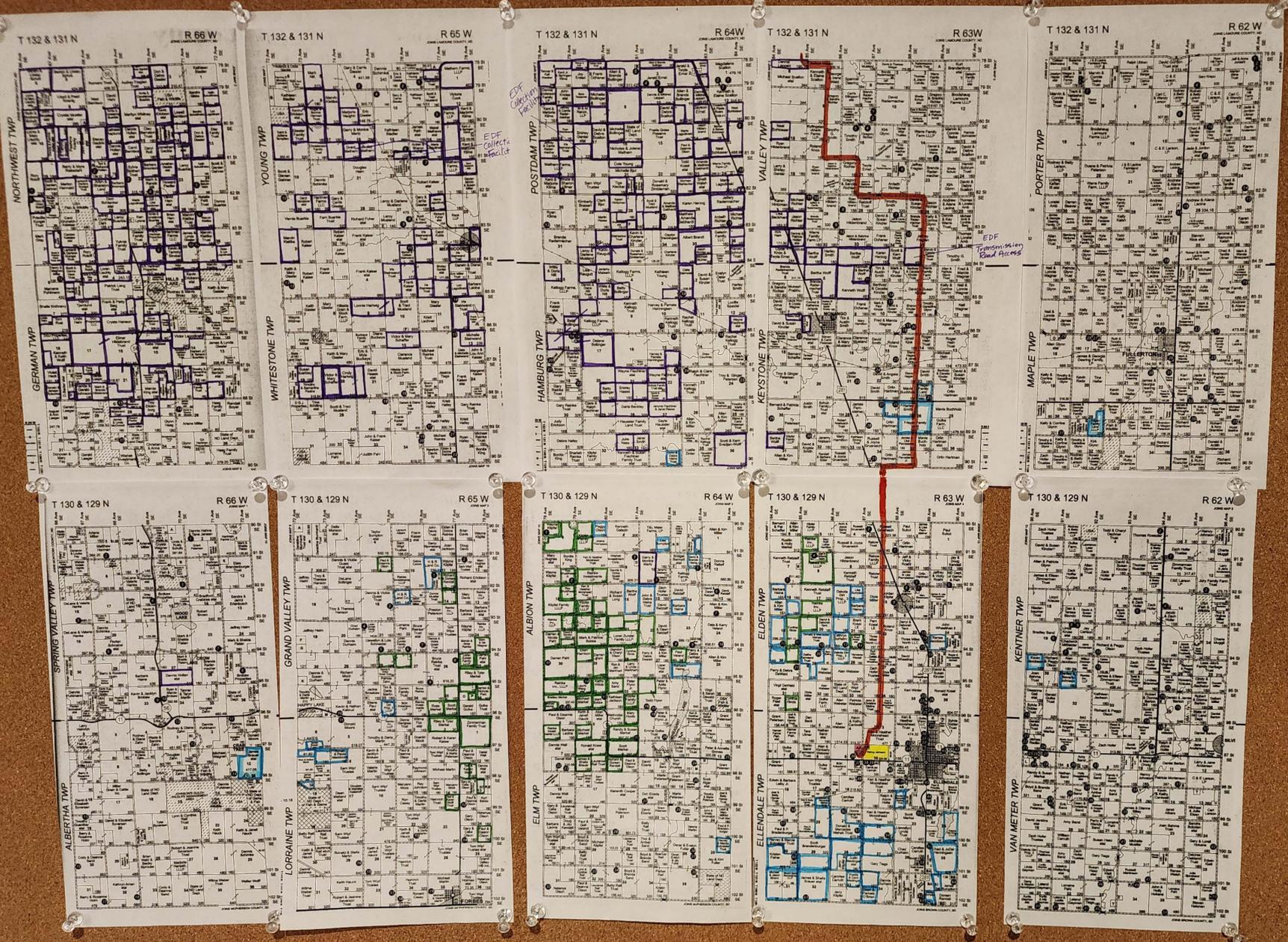
Dated February 5, 2025

Janni Hood, Recorder
By _____, Deputy



■ North Dakota (Wid. U.) ■ City
■ Sovereign Land ■ Solar
■ Boulevard Associates (wid.) (Mid-CO)

Maps are accurate to the best of our knowledge but
 they include a slight margin of error.
 Landmark County Maps printed with permission from
 Jim Moberg
 Print and Honor Productions



■ EDF Renewables
■ Invernergy (wind)
■ Orsted (wind)
■ Solar
■ Battery Storage

Maps are accurate to the best of our knowledge but may include a slight margin of error.
 Dickey County maps printed with permission from Jon Vannett Farm and Home Publishers

JCHX
 Dial