

AMENDMENT 2012-1

AN ORDINANCE ENACTING A NEW SECTION 21 TO THE ZONING ORDINANCE OF OLIVER COUNTY RELATING TO CREW HOUSING FACILITIES (MAN CAMPS)

BE IT ORDAINED BY THE COUNTY COMMISSION OF THE COUNTY OF OLIVER AS FOLLOWS:

Section 1. AMENDMENT

Section 21 of the Zoning Ordinance of the County of Oliver, State of North Dakota, shall be and is hereby implemented and enacted to read as follows:

21. Crew Housing Facilities

21.1 Definitions.

a. "Temporary Crew Housing Facilities", "Temporary Housing Facility", "Construction Camp" or "Man Camp" means a facility designed and intended to be used for a temporary period of time to house a variety of field-related workers, including oil field, construction, etc., and is composed of one or more lodging units or skid units, ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis, which are not real property, as defined in N.D.C.C. section 57-02-04, and are not mobile homes as defined in N.D.C.C. section 57-55-01. Such facilities are not intended to accommodate families with children. Recreation vehicles, campers and mobile homes are prohibited as units in a Temporary Crew Housing facility.

b. "Skid Unit" means a structure or group of structures, either single or multi-sectional, which is not built on a permanent chassis and is ordinarily designed for human living quarters or a place of business, on a temporary or permanent basis.

21.2 Crew Housing Conditional Use Permits.

A Temporary Crew Housing Permit authorizes the temporary use, the issuance of which is subject to the procedures contained in the Oliver County Zoning Ordinance. It is allowable as a temporary use in Agricultural, Commercial and Industrial districts. The application shall be submitted to the Oliver County Planning and Zoning Commission. in the jurisdictional limits of the County of Oliver, subject to the following exceptions and conditions:

21.3 Crew Housing Facility Conditional Use Permit

A Conditional Use Permit may be issued in accordance with procedures stated herein and elsewhere in the Oliver County Zoning Ordinance, authorizing temporary

use, upon review by the Oliver County Planning and Zoning Committee and approval of the Oliver County Commission.

21.4 Applicant Background Information

An applicant for a Crew Housing Facility Conditional Use Permit shall provide the following information or documents:

- a. The name, address and contact information of the applicant;
- b. Consent to a background investigation of the owner of the Temporary Crew Housing facility, including, officers, principal stockholders or partners, if applicable, and of the owner of the real estate upon which the Temporary Crew Housing facility will be located;
- c. A list of vendors expected to provide services at or to the Temporary Crew Housing facility;
- d. The applicant's history of residency, employment and business ownership for the five (5) years preceding the date of application. If applicant is an entity, it shall provide a certificate of good standing from the state of origin. If applicant is a partnership, the required information and consents shall be furnished for all of the partners. If applicant is a corporation or limited liability company, information shall be provided as to applicant's status as a subsidiary, if any, of any other corporation or limited liability company, the purposes for which applicant was organized, and the name and addresses of all officers, directors, managing agents, and all stockholders or interest holders owning more than five percent (5%) of the capital stock of such corporation;
- e. Whether applicant has ever engaged in the business of owning or operating a Temporary Crew Housing facility or similar operation before, and if so, the dates and locations of such ownership or operations;
- f. Whether during the five (5) years immediately preceding the date of the application, applicant, or any of applicant's officers, directors, managing agents or partners have been convicted of a violation of the laws of the United States or any state or municipality; and if so, the dates, location and courts in which such convictions were obtained;
- g. Whether applicant has any agreement, understanding or intention to have any agreement or understanding with any person or entity to obtain, for another person or entity or to transfer to another person or entity, the license obtained or to use the license for any other purpose other than the specific use described in the application, and, if so, the names and addresses of such persons and the terms and conditions of such agreement(s);
- h. Attach a Certificate of Insurance with declaration.

21.5 Application Procedure and General Requirements.

An application for Temporary Crew Housing Permit shall be signed by the applicant or authorized representative and shall include the following information and comply with the following requirements:

- a. The legal description of the property upon which the Temporary Crew Housing facility will be located as well as a description of the surrounding land uses and ownership;
- b. A description of the units together with a numbering system that clearly identified the occupied quarters for purposes of emergency responses;
- c. A description of how the proposed units are set and/or anchored;
- d. Temporary housing shall be located adjacent to a maintained public or private road. Applicant shall provide a description of existing roads and of proposed access ways within and adjacent to the site and acknowledgment by an engineer licensed in the state of North Dakota that such access will comply with local, state and federal regulations. Road development and maintenance is subject to execution of a road agreement with the County, through the Oliver County Board of Commissioners;
- e. A description of expected maintenance at the site;
- f. The name, address and contact information of the onsite manager;
- g. A copy of any lease for real estate or personal property involved. If applicant is not the owner of record, include a letter from the owner stating agreement with the proposal;
- h. Plot plans drawn to scale showing housing units, additional structures, setbacks, utilities, drainage, ingress and egress, parking plans, screens, buffers and fencing. The units shall be subject to the following conditions:
 1. Front setback: 24 feet minimum from front of property line.
 2. Rear and side setbacks: 10 feet for a commercial or agricultural lot or 30 feet if adjoining a residential district.
 3. Setbacks where property is adjacent to road: 150 feet from center of a county road and 250 feet from center of any state or federal road.
 4. There must be a minimum of 14 feet between units or other structures on the property. No parking allowed between units.
 5. Maximum building height: 45 feet.
 6. Setbacks where property near residence: 300 feet from any residence existing at the time of approval by the Planning and Zoning Board.
- i. In no event shall any temporary housing unit exceed occupancy of 10,000 persons. Occupancy list to be maintained and provided to the Oliver County 911 emergency coordinator. Applicant shall ensure the list is regularly updated and forwarded to the Oliver County 911 emergency coordinator.
- j. Unit spacing and access, including but not limited to a snow removal plan, which is adequate to accommodate emergency services.
- k. A list of "house rules" and regulations.
- l. On-site security plan, including plans for controlling access to the facility and a minimum six-foot (6') high chain link fence encompassing the facility.
- m. Fire and emergency evacuation plan and storm shelter plan.

n. Information showing how, by whom and when the required services and facilities will be provided. All services and facilities will be provided at applicant's expense. Copies of the permit, agreement, or approval, issued by the North Dakota State Health Department, North Dakota Department of Commerce, North Dakota State electrical Board, North Dakota State Plumbing Board, Southwest Water Authority and Custer District Health Unit, including but not limited to, fresh water, refuse disposal plan and septic or sewer discharge plan. In the event laundry services will be present, attach a copy of an approved contract or approval of on-site facilities. In the event food services will be present, attach a copy of an approved contract for catering company or approval and licensure of on-site facilities.

o. Pay an annual Planning and Zoning fee in the amount of fifty cents (\$0.50) per square foot of the area of the legal description. In the event there is multi-storied crew housing units, the annual fee shall include another fifty cents (\$0.50) per square foot of the stories after the ground story.

p. A copy of plans for closing the Temporary Crew Housing facility, and cleaning up and reclaiming of the real property.

q. Written plan to dismantle the Temporary Crew Housing facility, and restoration of the area to its original condition. Applicant must secure a reclamation bond in the amount applicable below, which will be forfeited should the area not be restored to its original condition:

0-100 persons	\$100,000
101-300 persons	\$250,000
301 or more	\$350,000

r. At a minimum, off-street parking shall be provided on a one-to-one ratio, one parking space per bed and one parking space per employee.

s. Applicant shall return the original signed Attachment A, to allow inspection of the premises as described therein.

t. Applicant shall submit an application fee of \$300.00 along with the application.

u. Any additional information deemed necessary by the Land Use Administrator, the Oliver County Planning and Zoning Commission, or the Oliver County Board of Commissioners.

21.6 Approval or Denial of Permit

Any application for a Temporary Crew Housing Permit as provided herein shall be denied to any applicant who, at the discretion of the Oliver County Board of Commissioners or the Oliver County Planning and Zoning Commission, is a person or entity of questionable character, or for any other cause which would, in the opinion of the Oliver County Board of Commissioners or the Oliver County Planning and Zoning Commission, render he applicant or the premises to be licensed, improper or unfit for a Temporary Crew Housing facility, or which would, in the judgment of the Oliver County Board of Commissioners or the Oliver County Planning and Zoning Commission, make the granting of the permit contrary to the best interests of the County or its citizens.

21.7 Permit Non- Transferable

Any permit issued pursuant to this Ordinance is exclusive to the person or entity granted the permit and may not be transferred to another party without prior approval of the Oliver County Planning and Zoning Commission.

21.8 Prohibited Activities

No alcoholic beverages, firearms, illegal substances or animals are allowed on the premises of a Temporary Crew Housing facility. The site shall be maintained free of garbage and junk.

21.9 Revocation of Permit

The Oliver County Board of Commissioners may review the status of any permit issued pursuant to this Ordinance and take appropriate action to suspend or revoke the same, as provided herein. These remedies are in addition to the remedies provided for failure to comply with the applicable zoning ordinances of Oliver County.

1. Suspension or Revocation for Cause

Any permit issued pursuant to this Ordinance may be revoked or suspended for cause by the Oliver County Board of County Commissioners, which cause may include, among other grounds, the following:

- a. Applicant being adjudged bankrupt;
- b. Applicant's falsifying of any statement or statements in the application process described herein;
- c. Applicant's conviction, or the conviction of any of applicant's officers, directors or agents, of any felony crime under the laws of the United States or any state or municipality;
- d. Applicant's violation of any health or sanitary regulations of Oliver County or the state of North Dakota;
- e. Applicants conduct of business in a disorderly manner or in a manner deemed to be dangerous or detrimental to the public welfare, safety or morals;
- f. A violation by applicant, or any agent or employee of applicant, of any term or condition of the permit or any provision of this Ordinance;
- g. The Sheriff's Department or other law enforcement agency receives or services 10 complaints related to noise, fighting, unruly behavior, or other acts prohibited by the north Dakota Century Code within a three month period of time at the location of the Temporary Crew Housing facility;
- h. The Sheriff's Department or other law enforcement agency receives or services 10 complaints related to noise, fighting, unruly behavior, or other acts prohibited by the north Dakota Century Code for any

single individual at the Temporary Crew Housing facility, and said individual is permitted to remain at or in the Temporary Crew Housing facility by the applicant; or

- i. The Temporary Crew Housing facility exceeds the number of individuals for which the permit was issued.

2. Notice – Public Hearing

Sanctions or penalties under this Ordinance may not be invoked without a public hearing if requested by applicant. The Oliver County Auditor shall give written notification to the applicant that a penalty is being sought under this Ordinance. The applicant may notify the Auditor's office within ten (10) days of such written notification and request a hearing on the alleged violation and proposed penalty. Failure to request a hearing within ten (10) days of the date of such written notification will be deemed to be acceptance of the penalty without hearing.

A hearing shall be set before the Oliver County Board of Commissioners and notice specifying the time and place of hearing shall be mailed to applicant. The hearing shall be recorded electronically.

If after such hearing the majority of the Oliver County Commissioners agrees that sufficient cause exists for the penalty sanctions, the Board shall enter an order in accordance with the provisions of this ordinance. The Board shall issue written findings, conclusions and order, which will be mailed to applicant.

3. No Refunds on Revocation or Suspension

When any permit is revoked or suspended for any reason, no portion of the permit fee shall be returned to the applicant.

21.10 Expansion of Temporary Crew Housing

In the event an application is to expand an existing Temporary Crew Housing facility, the expansion shall be treated as a new application, and all conditions, terms and fees shall apply to the new application without consideration for the existing Temporary Crew Housing facility.

21.11 Renewal of Conditional Use Permit

Any Temporary Crew Housing facility permit granted in accordance with this Ordinance shall expire one year from the date of issuance. The permit may be extended by the Oliver County Planning and Zoning Commission upon written application of the owner of the property or authorized representative provided that the extension is for the same use as specified in the original permit and that the applicant is in compliance with the terms and conditions specified in the original permit.

21.12 Conditions – Reporting Requirements

The Oliver County Board of Commissioners or the Oliver County Planning and Zoning Commission may attach any necessary and prudent conditions or reporting requirements to the grand of the conditional use permit.

Section 2. EFFECTIVE DATE

This Ordinance shall become effective upon the second reading and final passage hereof and publication (if required). Upon the final passage hereof, all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adoption of the foregoing Ordinance was moved by _____, seconded by _____; the following Commission Members voting for: _____, _____, and _____, and none voting against, the Ordinance was approved and duly adopted the ___ day of _____, 2012.

OLIVER COUNTY COMMISSION:

Dwaine Helmers, Chairman

ATTEST:

Judith Hintz, Oliver County Auditor

First Reading: _____
Second Reading: _____
Final Passage: _____