BILLINGS COUNTY

APPLICATION FOR A CONDITIONAL USE PERMIT
MINING: SCORIA, GRAVEL, SAND, ROCK, STONE, CLAY

TAX EQUALIZATION & ZONING OFFICE
PHONE: (701) 623.4810 • FAX: (701) 623.4761
495 4TH STREET • PO BOX 247 - MEDORA, ND 58645-0247
www.billingscountynd.gov/BillingsCountyZoning.htm
stswanson@nd.gov jpemberton@nd.gov

APPLICATION:_____

DATE ISSUED:_____ EXPIRES:_____

REVISED 1/2013

INSTRUCTIONS:

1. Include all necessary drawings or maps of the property to application
2. Return completed application and fees to the Tax Equalization & Zoning Office before proposed upcoming zoning meeting which is posted online

CERTIFICATE FEES, CHECK ALL THAT APPLY:

☐ $ 200.00.....Conditional Use Permit

☐ $ 25.00..... ARW Construction Permit

$_____.....Total

Make Check Payable to: Billings County

TO THE BILLINGS COUNTY PLANNING & ZONING COMMISSION:

The undersigned owner or representative of the property herein described Requests a Conditional Use Permit to construct, operate, or maintain the following: (attach additional sheets if necessary)

_____

_____

_____

Acreage to be Mined: _____ Estimated Cubic Yards of Aggregate: _____

LEGAL DESCRIPTION OF SITE:

Qtr/Qtr: _____ Section: _____ Township:_____ Range: _____

PARCEL NUMBER:_____-_____ - _____-_____

CURRENT ZONING: ☐ Agricultural ☐ Hillside & Ridgeline Overlay District* ☐ _____

APPLICANT INFORMATION:

Name: _____

Company or Corporation: _____

Mailing Address: _____

City, State Zip: _____

Phone Number: _____ Cell: _____

I the undersigned applicant for a permit do hereby attest that the information contained in this application is truthful and correct to the best of my ability. I certify that the owner of the property (if different from the applicant) has been notified of this request and is in agreement. I further agree to comply with all codes and standards as regulated by the State of North Dakota, and the requirements and conditions of this permit, and the Zoning Ordinance of Billings County. I understand that any inappropriate use of this permit may cause me to be required to pay a penalty.

I certify that I am the ☐ Property Owner ☐ Mine Operator

_____

Signature of Applicant Date

5.1.2(k) Excavation and Mining of Sand, Gravel, Rock, Stone, Scoria, and Clay
All mining and excavation sites shall be located so as to protect and preserve agricultural land and to minimize the traffic, noise, dust, fumes, vibration impact on adjoining uses, and disruption of known water sources. The provisions of this section shall not apply to any excavations for agricultural purposes or for uses requiring less than 5,000 cubic yards of aggregate.

An applicant for a conditional use permit to excavate or mine sand, gravel, rock, stone, scoria, or clay shall meet the following requirements:

1) Provide the County Zoning Administrator with a site plan for operation and reclamation of the mined land, including maps showing the location of the land to be mined; the location of roads and points of access to the site; maps showing the existing and proposed contours after the land is mined; and a timetable for operation of the site.
2) Provide the County Zoning Administrator with evidence of written agreement between the applicant and property owner that excavation or processing shall not take place within three hundred (300) feet of an adjacent property line or within five hundred (500) feet of an existing residence.
3) Conform to all requirements regarding preservation, removal or relocation of historical or archaeological artifacts.
4) Demonstrate compatibility with the existing landform including the vegetation, surface, and ground water resources.
5) All mining and excavation sites must have at least a 1-to-3 slope.
6) Provide the County Zoning Administrator with written evidence of a reclamation agreement between the applicant and the surface owner.
7) Reclamation of the site shall be completed within one year of the resource being exhausted, abandoned, or closure of the operation of the site. All top soil shall be replaced and planted to natural protected vegetation.
8) Post bond as follows:
   - ☐ 0 - 19 acres no bond
   - ☐ 20 – 39 acres $ 50,000
   - ☐ 40 + acres $100,000

3.8 HIGHWAY & LOT LINE SETBACK REQUIREMENTS:
All buildings or structures shall adhere to the following public road or highway setback requirements:

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

***5.6.1 APPLICABILITY OF HILLSIDE AND RIDGELINE GUIDELINES**
The provisions of this section shall apply to any application for a land use permit or subdivision on land that meets either of the following two conditions:

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

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

TO BE COMPLETED BY THE ZONING DIRECTOR

Is the proposed use openly permitted in the Zoning District in which it is proposed? ☐ Yes ☐ No

If not, mark appropriate box(es): ☐ Conditional Use ☐ Variance ☐ Rezoning

Recommendation by District Road Foreman: ☐ Approved ☐ Denied ☐ With Conditions, see attached

Recommendation by County Weed Board: ☐ Approved ☐ Denied ☐ With Conditions, see attached

_____

Zoning Administrator Signature Date

ACTION BY THE COUNTY PLANNING & ZONING BOARD & BOARD OF COUNTY COMMISSIONERS

☐ Approved ☐ Denied by Zoning _____ ☐ Approved ☐ Denied by County Commission _____

Conditions Attached to this Permit: _____

_____

RESOLUTION NO. 2006-16

WHEREAS, the Billings County Board of County Commissioners is concerned about the potential for the spread of noxious weeds within Billings County through mining, stockpiling and transporting road building/surfacing materials such as gravel, scoria, sand, topsoil, overburden, etc.; and

WHEREAS, Chapter 63-01.1 of the North Dakota Century Code gives the County Weed Board, through its County Weed Control Officer, the authority to inspect, test, analyze and certify gravel, scoria or sand surface mining operations, under rules adopted by the ND Agriculture Commissioner; and

WHEREAS, landowners and/or operators have the responsibility to ensure that all such materials transported into or within Billings County are free of noxious weeds.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. That the Billings County Weed Control Officer shall conduct periodic inspections of all such surface mining/stockpiling operations within Billings County to ensure compliance with the ND Department of Agriculture recommendations for noxious weed control.

2. If an operations site is not in compliance, the owner/operator will be required to commence treatment immediately, and to provide the County Weed Control Officer with a detailed treatment plan, or the operation can be quarantined.

3. If an operations site is in compliance, the County Weed Control Officer may issue a Certificate of Compliance to the owner/operator, which Certificate is valid for 12 months. Any fee to be charged for such Certificate, and the inspecting, testing, etc., shall be pursuant to the fee schedule adopted by the Ag Commissioner.

Dated at Medora, ND, this 6th day of July, 2006.

BILLINGS COUNTY, NORTH DAKOTA

By: _____
Bd. Chm.

Attest: _____
County Auditor

BILLINGS COUNTY HIGHWAY DEPARTMENT
AGREEMENT FOR USE AND RESTORATION OF HAUL ROAD

WHEREAS, _____ (hereinafter referred to as Permittee) has requested authorization to use Billings County Road _____ to haul equipment and materials as set forth in the attachment inspection report: Start date:_____ Finish date: _____
Legal Description: Qtr/Qtr: _____Section: _____Township: _____ Range: _____
Name of Pit: _____

WHEREAS, in order to complete said project it may become necessary for the contractor to utilize a portion of the Billings County Highway System of Billings County for the conveyance of construction equipment and materials and;

WHEREAS, the Permittee or its assignee will restore that portion of said highway system, after it has been used to convey construction equipment and materials, to the condition which existed immediately prior to its use, and;

WHEREAS, the Permittee agrees to maintain said highway in safe condition, which is satisfactory to the Highway Superintendent. Maintenance of gravel roads shall include dust control, blading and gravel replacement as so determined. Maintenance of asphalt roads shall include repairing of road surface defects, deformities, and any other asphalt failures. All signing as determined shall be in accordance with the Manual of Uniform Traffic Control Devices, and;

WHEREAS, an inspection of the proposed route to be utilized will be made preferably not to exceed thirty days prior to the expected initiation to its stated use, at which time the inspection team will determine and record the existing condition of the haul road, including the type, thickness and width of surfacing materials in place and;

WHEREAS, authorized representatives of Billings County Highway Department and the Permittee, after making said inspection and recording the existing condition of the haul road, shall all sign the road inspection report, agreeing to the conditions stated therein.

NOW THEREFORE, in consideration of the premises, the mutual and independent covenants and any and all other requirements, agreements and covenants, all as hereinafter more fully set forth , the parties hereto agree as follows: That portion of the Billings County Highway System referenced above, is maintained by Billings County and is that portion which is proposed for use as a haul road, and that, after use of said highway as haul road for the purposes herein set forth, the Permittee hereby agrees to restore said highway to its existing condition (as determined by the Billings County Highway Superintendent) as reported in the Haul Road Inspection Report in accordance with measurements and observations of the inspection party at the time of inspection.

IN WITNESS WHEREOF, that said parties hereto have caused this agreement to be signed by their respective and duly authorized officers.

Application Date: _____

Permittee Name: _____

Address: _____

_____

Phone Number: _____

BY: _____

Title: _____

Application # _____

District Approved Date: _____

Commissioner Approved Date:_____

_____
Billings County Highway Superintendent

_____
Billings County Chairman