

County of Sheridan, North Dakota

I hereby certify that the within instrument was filed in this office for record on 10/22/2021 at 1:52 PM, and was duly recorded as Document Number: 125844.

County Recorder Kathleen C. Mindt

By Julia Schell Deputy

Fee: \$ 0.00 ATTN: SHERIDAN COUNTY 215 2ND ST E
MCCLUSKY ND 58463



SHERIDAN COUNTY ZONING PLAN

Effective August 2, 1994
(Amended 10-11-2021)

125844 **Fee: \$0.00**
Office of County Recorder
County of Sheridan, North Dakota
Return To: SHERIDAN COUNTY
215 2ND ST E
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RESOLUTION

WHEREAS, the 1993 North Dakota Legislature passed House Bill 1057 which requires the Sheridan County Board of County Commissioners (Commissioners) to establish zoning requirements for solid waste disposal and incineration facilities;

WHEREAS, HB 1057 further provided that the Commissioners may impose a tipping or other fees on solid waste and incineration facilities;

WHEREAS, for the purpose of promoting health, safety, morals, public convenience, general prosperity, and public welfare, the Commissioners created a planning Commission to prepare a Comprehensive Plan for the County;

WHEREAS, the Commissioners see the need to protect and guide development in nonurban areas, lessen governmental expenditures, conserve and develop natural resources, and secure safety from flood, fire, and other dangers;

WHEREAS, the Planning Commission has investigated existing conditions in the county, prepared a Comprehensive Plan and recommended County Commission approval of the plan;

WHEREAS, the Planning Commission has prepared and proposed zoning regulations to assist with the implementation of the plan and recommended County Commission approval of the regulations;

ACCORDINGLY, THEREFORE BE IT RESOLVED THAT:

A. Sheridan County, by and through the Commissioner, adopted the Sheridan County Plan as a statement in documented text setting for explicit goals, objectives, policies, and standards of the county to guide public and private development with the county;

B. Sheridan County, by and through the Commissioners, adopts the Sheridan County Zoning Regulations to assist in the implementation of the Comprehensive Plan;

ADOPTED: August 2, 1994

By: Sheridan County Commissioners

ATTEST:

Armin Erdmann

Shirley A. Murray

Arthur Waltz

Gordon Felchle

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DEFINITIONS

AGRICULTURAL DISTRICTS. All lands and areas used for: cultivating the soil, producing crops and/or raising livestock, and so designated by the Board of County Commissioners on the District Zoning Map.

AMENDMENT. Any change, revision, or modification of the text of these regulations or the District Zoning Map.

BUILDING HEIGHT. The vertical dimension measured from the average elevation of the finished lot grade at the front of the building to the highest point of a flat roof; and to the average height between the plate and the ridge of a gable, hip or gambrel roof.

CERTIFICATE OF ZONING COMPLIANCE. A certificate stating that a use is permissible under the zoning district regulations.

COMMERCIAL DISTRICT. The area designated by the Board of County Commissioners on the District Zoning Map which provides for the grouping of retail merchandising, light industry and service activities.

COMMERCIAL FEED LOT. Any building, structure, enclosure, or premises used, designed, or intended for the commercial feeding of two or more animals which is operated as a separate pursuit and not incidental to farming.

COMMERCIAL SAND AND GRAVEL OPERATIONS. The use of land for the purpose of opening a sand and gravel pit for sale or resale, or the processing of the material of a sand or gravel pit for sale or resale.

CONDITIONAL USE. Any use to which the Planning and Zoning Commission shall attach specific conditions.

COUNTY HIGHWAYS AND ROADS. Any and all roads over which the Board of County Commissioners has authority and for which said Commissioners provide maintenance.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

DISTRICT. The areas of the County for which the regulations governing the use of land and the use, density, bulk, height, and location of structures and buildings are uniform.

**DWELLING.* A building or portion thereof arranged or designed to provide living facilities for one or more families. The term "dwelling" shall not be deemed to include a motel, hotel or

tourist home. A dwelling shall include any building, structure, mobile home, house trailer, or parts thereof used and occupied for human habitation, or intended to be so used, and includes appurtenances and utilities thereto or usually enjoyed therewith.

EASEMENT. A vested or acquired right to use land, other than as a tenant, for a specific purpose; such right held by someone other than the owner who holds title to the land.

FARM. A single tract of land or contiguous tracts of agricultural land containing a minimum of 10 acres and which normally provides a farmer, who is actually farming the land or engaged in the raising of livestock or other similar operations normally associated with farming and ranching.

GEOPHYSICAL EXPLORATION. Any method of obtaining of petroleum related geophysical surveys.

HEARING. A public meeting held before the Planning and Zoning Commission whenever the same is required by law.

INDUSTRIAL DISTRICT. The area designated by the Board of County Commissioners on the District Zoning Map which provides for the grouping of manufacturing, assembly, heavy commercial and excavation activities.

LOT. A tract of land of at least sufficient size to meet minimum zoning requirements for use, coverage, area and to provide such yards and other open space as are herein required.

LOT FRONTAGE. The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage.

LOT WIDTH. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the rear of the required front yard.

**MET TOWER.* A meteorological structure used to collect data on wind and or weather conditions.

MINERAL OPERATIONS. Any operation involved in the search, exploration, or prospecting of any substance or mineral which involves the penetration of the land surface by digging, drilling, or excavating.

MOBILE HOME. A structure, transportable in one or more sections, which is eight (8) body feet or more in width and is thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

MOBILE HOME PARK. A tract of land designed and developed to accommodate mobile homes, each occupying a portion of the site on a lease or rental basis, and each provided with the necessary utilities and other amenities so that the total development serves as a suitable environment for residential occupancy.

MULTI FAMILY DWELLING. A residential building designed for occupancy of two or more families, with the number of families in residence not exceeding the number of dwelling units provided.

NON-CONFORMING USE. Any building or tract of land lawfully occupied by a use, at the time of the passage of these regulations or amendments thereto, which does not conform with the provisions of this regulation or amendments thereto.

**NON-PARTICIPATING LANDOWNER.* An owner of a parcel of real estate that is not a participating landowner.

**OPERATOR.* The person responsible for the day-to-day operation and maintenance of a wind energy facility. A facility owner may contract with or hire a person to operate it.

PARKING SPACE. An area for the purpose of storing one parked vehicle. For the purpose of this Regulation, one parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet. In computing off street parking, additional space shall be required off street for access drives to parking areas.

**PARTICIPATING LANDOWNER.* The legal owner of a parcel of real estate on which any turbine of the wind energy facility will be constructed, or for which a participation agreement has been executed.

**PERMITTEE.* The person holding the conditional use permit. Permittee may include the subsidiaries, agents, subcontractors, independent contractors, and employees of the person holding the permit; i.e., for purposes of liability for road damages caused in erection or maintenance.

PERMITTED USE. Any use which complies with the requirements of a zoning district.

RECREATION DISTRICT. The areas designated by the Board of County Commissioners to the District Zoning Map which provide for general or specific recreational use.

RECREATION VEHICLE. A vacation trailer or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy and is designated for vacation or recreation purposes but not a residential use.

RECREATION VEHICLE PARK. A tract of land, designed and utilized, and operated on a fee or other basis as a place for the temporary parking of occupied recreation vehicles.

RESIDENTIAL DISTRICT. The area designated by the Board of County Commissioners on the Zoning District Map for development of residential dwelling units.

RIGHT OF WAY. The area, either public or private, over which the right of passage exists. The right of way shall not be considered as land area when computing lot size.

SETBACK. The line within a property defining the required minimum distances between any structure or use and the adjacent right of way or property line of any lot.

SIGHT LINE. An area of unobstructed vision at a street intersection defined by lines of sight between points at a given distance from the intersecting street right of way lines.

SUBDIVISION. The division of land into two or more lots for the purpose, immediate or future, of sale or lease for building development, and any plat or plan which includes the creation of any part of one or more streets, public easements, or other right of way, whether public or private, for access to or from any such lot, tract, or parcel, and the creation of new or enlarged parks, playgrounds, plazas, or open spaces.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either: (1) Before the improvement or repair is started, or (2) If the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) Any alteration of a structure listed on the National register of Historic Places or a State Inventory of Historic Places.

TEMPORARY PERMITS. Permits issued by the County Board of Commissioners for certain uses before operation of said uses are allowed in the County.

TRACT. A plot, piece, or parcel of land, other than a lot which is recorded in the Office of the Register of Deeds.

**TRANSMISSION LINE.* Overhead electrical lines of 41.6 KV or larger.

**TURBINE HEIGHT.* The vertical distance from ground elevation at the base of a wind turbine to the highest point of a turbine rotor blade when in the upright position.

USE. The specific purpose for which land or a building is used.

VARIANCE. A relaxation of the terms of the zoning regulation in any specific case where a literal enforcement of any provision or resolution would result in great practical difficulties, unnecessary hardship, or injustice.

**WIND ENERGY FACILITY.* An electric generating facility, the main mechanical or electrical purpose of which is to generate & supply electricity. It consists of one or more wind turbine(s) rated at a combined 150 kilowatts nameplate capacity or larger, and other associated facilities, including substations, meteorological towers, electrical infrastructure, electrical collector and feeder lines, transmission lines, communication lines, O&M facilities, and other appurtenant structures and facilities.

**WIND TURBINE.* Captures kinetic energy from the wind to drive an electrical generator. Its typical components include blades, towers, accelerator platform or nacelle body.

WORK CAMP. A mobile home park designed and intended for the temporary residence of construction employees of a developer, contractor, or sub contractor for use during the construction period of the project.

ZONING DISTRICT MAP. The map showing the zoning districts of the County officially adopted by the Board of County Commissioners.

**Amendments underlined were adopted 10-11-2021*

I. GENERAL PROVISIONS

1.1 Title

These regulations and the District Zoning Map shall be known as the County Zoning Regulations.

1.2 Authority

The Zoning Regulations have been enacted pursuant to the authority granted by the North Dakota Legislature to promote the health, safety, morals, public convenience, general prosperity and public welfare of the citizens of the County

It has been made and adopted in accordance with regulations the County Comprehensive Plan.

1.3 Purpose and intent and jurisdiction

The Zoning Regulations were designed specifically to promote the sound and desirable location and use of buildings, structure, and the sound and desirable occupancy, use or condition of use of land and other natural resources found within the County.

It is intended that the restrictions and regulations found within the Zoning Regulations shall govern all land and other property located within the County over which the County Board of Commissioners is empowered by law to regulate.

The area within three miles adjacent to a municipality shall be a zone of coordination for development between the County and the municipality. The city Council or Commission in the affected city shall be given special notice at least 10 days prior to a hearing on all and any action pending on amendments to the County Zoning Regulations and on an application for a Conditional Use Permit within three (3) mile zone. The notice shall state the time, place, and purpose of the hearing during which the city can express its objections to the amendment.

The Board of Supervisors for organized townships with the County shall be given notice at least ten (10) days prior to a hearing on any action pending on amendments of the Zoning Regulations or on application for a Conditional Use Permit if such amendment or approval will affect any land in the organized township. The notice shall state the time, place and purpose of the hearing during which the township supervisors can express objections to the amendment or approval.

1.4 Interpretation

The provisions of these Regulations shall be minimum requirements.

1.5 Repeal

All regulations or parts of the regulations, existing regulations, districts, district zoning maps, or resolutions in conflict with the Regulations and its provisions are hereby repealed.

1.6 Effective date and compliance

From this 2nd day of August, 1994, each structure and use within the County, Not otherwise excepted, shall be in compliance with the provisions of these Regulations.

1.6.1 Exceptions

1. Non-Conforming Uses

Any structure or use which was lawful before the Regulations were passed, but would be prohibited, regulated or restricted under the terms of the Regulations or under amendments to these Regulations is a Non-Conforming Use.

The lawful existence or use of such non-conformities which are present at the time of the adoption or amendment of these Regulations may be continued even though such use or existence does not conform with the provisions of these Regulations. However, the intent of the Regulations is that while such non-conformities may continue in their present state their survival will not be encouraged, nor shall they be enlarged upon, expanded, or extended.

If a non-conforming use ceases for a period of more than twenty-four (24) months, any future use of that structure, land or other property shall be in conformity with the regulations of the district in which it is located.

If a non-conforming structure is damaged or has deteriorated and the cost of repairs exceeds 50% of assessed value of the structure, the use of such structure shall be discontinued unless permanently changed to a conforming use.

1. Variances

The Board of County Commissioners may adjust the application or enforcement of any provision or of a resolution in any specific case where a literal enforcement of such provision would result in great practical difficulties, unnecessary hardship, or injustice, in an effort to avoid such consequences; provided such action shall not be contrary to the public interest or general purposes thereof.

2. Maximum Height Requirements

The following shall be exempt from maximum height requirements in all districts: Antennas, belfries, chimneys, cupolas, flag poles, ventilators, water tanks, windmills, or other appurtenances usually required to be placed above roof tops and not intended for occupancy.

1.7 Conditional uses

A conditional use is one which may be permissible within a designated district, but specific conditions must be met prior to and after approval of the conditional use. An application for approval of the conditional use must be submitted to the Planning Commission and a public hearing held before any action is taken for approval of the conditional use.

1.8 Permits

A permit shall be required before construction, alteration, or use begins for a new, altered, conditional and special conditional uses. No permit is required for maintenance or repair of existing structures which are in conformity with these Regulations. No permit is required for buildings that are for farm buildings permitted by these regulations.

Permits are specifically required by these regulations whenever any structure is moved onto, constructed, or altered on any property within the jurisdiction of the County *that is over 100 square feet. This section applies to trailer and mobile homes as well as more permanent structures.

Application for a permit shall be made and approved before any movement or construction begins within the County. Once secured, the permit shall be posted in a conspicuous place during and until the project is completed or otherwise ready for use.

No electrical hookups may be made in the County by any utility company unless the owner or occupier has posted such permit in accordance with the above provisions.

The county Auditor and the County States Attorney shall be responsible for the enforcement of this provision.

**Amendments underlined were adopted 10-11-2021*

1.9 Amendments

Because no area is static and to allow for flexibility in response to circumstances and needs not foreseen at the time of the enactment of these Regulations, the Board of County Commissioners, on its own motion or by recommendation, may amend or repeal any provision of these Regulations after a public hearing held pursuant to State Law.

1.10 Application forms

All information and data to be submitted by the applicant as required by official County Application Forms is hereby incorporated by reference into the Zoning Regulations. Application forms are available from the County Auditor.

1.11 Issuance of permits

*All applications for a new use, altered use or a Certificate of Zoning Compliance are to be submitted to the County Auditor, with the application fee. The County Auditor will review the application and if it is in order will issue the appropriate permit. In the event the Auditor believes that the application is out of the ordinary, the Auditor will forward the application to the Planning Commission for their review. The Planning Commission

will within 10 days of notification of the application from the Auditor approve or deny the permit.

1.12 Application fee

****All applications filed with the County Auditor for Permits, Amendments to the Zoning Regulations or for a Certificate of Zoning Compliance shall be accompanied by the following fees:**

1. Conditional Use Permit	\$600.00
2. Variance	\$600.00
3. Special Condition Use Permit	\$600.00
4. Amendment to the Zoning Regulation	\$600.00
5. Temporary Use Permit	\$100.00
6. New Use Permit	\$50.00
7. Altered Use Permit	\$50.00
8. Certificate of Zoning Compliance	\$50.00

**Amendments 1.11 and 1.12 were adopted 7-2-96 as follows on pages 39 and 40 of this plan.*

***Amendment 1.12 was adopted 04-24-2017 on application fees as filed on page 41.*

1.13 Building permit fee schedule

***All building permit applications are to be filed in the County Auditor's office with the accompanied fee:**

****Building permit fee: 1/10th of 1 % of the cost of construction, with a minimum fee of \$5.00 and a maximum of \$50.00 for residential and a maximum of \$100.00 commercial property.**

** Amendment 1.13 was adopted 4-3-2001.*

***Amendments underlined were adopted 10-11-2021*

1.14 State building code adopted

***All buildings erected in Sheridan County are to comply with state and federal laws as stated by the ND building code.**

**Amendment 1.14 was adopted 3-16-2004.*

II. ADMINISTRATION AND ENFORCEMENT

- 2.1** The County Zoning Regulations shall be administered and enforced by the County Planning Commission, the County Auditor, and County Board of Commissioners, and County States Attorney.

2.2 Right to Appeal

Any person, or persons, jointly or severally, aggrieved by a decision made by the Board of County Commissioners under Chapter 11-33 of the North Dakota Century Code may appeal to the District Court in the manner provided by law.

2.3 Violations

Whenever a violation of these Zoning Regulations occurs, or is alleged to have occurred, any person may file a written complaint with the County Auditor. Such complaint shall state fully the cause and the basis of the complaint. The County Auditor shall make a record of the complaint, inspect the site or structure complained thereof and present the complaint along with the findings to the Planning Commission.

2.5 Remedies and Enforcement

If it is determined that any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained; or if any building, structure or other property is used in violation of the Regulation, the County Auditor shall notify the States Attorney of such violation. The States Attorney shall then institute appropriate action to:

1. Prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;
2. Restrain, correct, or abate such violations;
3. Prevent the occupancy of the building, structure, or land;
4. Prevent the illegal act, conduct, business, or use in or about the premises;
5. And/or impose the penalties provided under Chapter 11-33 of the North Dakota Century Code.

III. SPECIAL PROVISIONS

3.1 Objectives

Because certain activities, conditions, and uses may affect other districts and may be detrimental in certain areas unless proper safeguards are taken, the following regulations have been enacted to protect the welfare of the citizens of the County.

These provisions shall apply to all districts unless states otherwise within these Zoning Regulations.

3.2 Temporary Permits

3.2.1 When Required

Except for those temporary uses which require a Special Conditional Use Permit or are otherwise exempt, a temporary permit shall be obtained for all temporary uses in the County. Temporary permits will be issued at the discretion of the County Board of Commissioners if it is satisfied that the issuance of a permit would be in the best interest of the citizens of the County.

The following are examples of uses for which a temporary permit is required. The list is not, however, exclusive.

1. Public gatherings for single or multiple purpose events, such as bazaars, carnival, fairs, musical events, races, revivals, rodeos, etc.
2. Temporary buildings and yards for construction materials and equipment.
3. Parking lots for public events.
4. Temporary office space.

3.2.2 Temporary permits will be valid for such period of time as set by the Board of County Commissioners. Fees and renewal will also be at the discretion of the Board.

3.3 Crew Camp Housing

Definitions as used in the ordinance:

- (1) "Crew Housing Facilities" means 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 NDCC ss57-02-04 and are not mobile homes as defined in NDCC ss57-55-01.
- (2) "Crew Housing Permit" means a right granted by Sheridan County to locate crew housing facilities on property within the jurisdiction of Sheridan County under this ordinance and enjoy attendant services and facilities provided by the city or county.

- (3) "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.

Crew Housing Conditional Use Permit

A Temporary Crew Housing Permit authorizes a conditional use, the issuance of which is subject to the procedures contained in this zoning ordinance. It is allowable as a conditional use in Agricultural, Commercial and Industrial Districts. The applications shall be submitted to the Sheridan County Planning and Zoning Commission. Private individuals in an Agriculture Zoned District cannot have more than three (3) camper sites, or would need to apply for Temporary Crew Housing Permit

Applicant Background Information

The Applicant for a Temporary Crew Housing Permit shall provide the following information or documents:

- (1) Consent to background investigation of the owner of the temporary crew housing facility.
- (2) Consent to background investigation of the owner of the real estate upon which the temporary crew housing facility will be located.
- (3) A list of vendors expected to provide services at or to the temporary crew housing facility.
- (4) Applicant's history of residency, employment, and business ownership for five (5) years prior to the date of application. If the applicant is a partnership, the required information and consents shall be furnished for all the partners. If the applicant is a corporation or limited liability company, information shall be provided as to the applicant's status as a subsidiary, if any, of any other corporation or limited liability company, the purposes for which the applicant was organized, and the names and addresses of all officers, directors, managing agents and the names and addresses of all stockholders or interest holders owning more than five percent (5%) of the capital stock of such corporation.
- (5) Whether the 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 operation.

- (6) Whether during the five (5) years immediately preceding the date of the application, the applicant, or any of the applicant's officers, directors, managing agents or partners have been convicted of a violation of the laws of the United States of America or of any state or municipality; and if so, the dates, location, and courts in which such convictions were obtained.
- (7) Whether the 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 conditions of such agreements.

Application Procedure

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

- (1) The legal description of the property upon which the temporary crew housing will be located.
- (2) A description of the units together with a numbering system that clearly identifies the occupied quarters for the purpose of emergency responses.
- (3) A description of how the proposed units are set and/or anchored.
- (4) A statement that roads to be constructed within the facility meet county specifications.
- (5) The name, address, and contact information of the applicant.
- (6) The address and contact information of the onsite manager.
- (7) A copy of any lease of real estate or personal property involved.
- (8) Plot plans drawn to scale showing housing units, additional structures, setbacks, utilities, drainage, ingress, and egress, parking plans, screens, buffers, and fencing. Plot plans shall be provided to the Sheridan County 911 Emergency Coordinator on a current basis.
- (9) An occupancy list to be maintained and provided to the Sheridan County 911 Emergency Coordinator on a current basis.
- (10) Unit spacing adequate to accommodate emergency services.
- (11) A list of housing rules and regulations.

- (12) On-site security plan, including plans for controlled access to the facility and a maximum six-foot (6') high chain link fence encompassing the facility.
- (13) Fire and emergency evacuation plan.
- (14) Copy of the permit, or approval, issued by the North Dakota State Health Department, McLean – Sheridan Rural Water and First District Health Unit including water, refuse disposal and septic or sewer discharge plan.
- (15) Pay an annual Planning and Zoning fee in the amount of fifty cents (\$.50) per square foot of the area of the legal description provided as required in Section (1) above. In the event there are multi- storied crew housing units, the annual fee shall include another fifty cents (\$.50) per square foot of the stories after the ground story.
- (16) A copy of plans for closing the temporary crew housing and cleaning up and reclaiming the real property.
- (17) Submit a surety bond to ensure the proper clean-up and reclamation according to the following schedule:

0-100 person camp	\$75,000.00
101-250 person camp	100,000.00
250-500 person camp	250,000.00
501-1200 person camp	500,000.00

The surety bond shall be forfeited too Sheridan County if the Temporary Crew Housing Facility is not dismantled and the area restored to its unoccupied condition as set out in the written plan and agreement provided to the county. The bond will also be forfeited if any of the following events or conditions occur:

- (a) The Sheriff's Department or any other law enforcement agency receives or services ten (10) complaints due to noise, fighting, unruly behavior or other acts prohibited by the North Dakota Century Code within a three (3) month period of time at the Temporary Crew Housing Facility.
- (b) The Sheriff's Department or any other law enforcement agency receives or services three (3) complaints due 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 the applicant's agent.

- (c) The Temporary Crew Housing Facility fails to appropriately dispose of refuse.
 - (d) The occupancy of the Temporary Crew Housing Facility exceeds the number of individuals indicated in the application.
- (18) At a minimum, off-street parking shall be provided on a one-on-one ratio, one parking space per bed and one parking space per employee.
- (19) Temporary Crew Housing Facilities located within Sheridan County must be located along a State Highway. Temporary Crew Housing Facilities located in Sheridan County must be accessible from a State Highway.
- (20) Any additional information deemed necessary by the Zoning Administrator, the Planning and Zoning Commission or the County Commission.

Restrictions on Grant Permit

The Sheridan County Board of Commissioners or the Sheridan County Planning and Zoning Commission may at its discretion deny any application for a Temporary Crew Housing Permit if the applicant is of questionable character or for any other cause which would, in the opinion of the Board of County Commissioners or the Planning and Zoning Commission, render the applicant or the premises to be licensed, improper or unfit for the Temporary Crew Housing Facility, or which would, in the judgment of the Board of County Commissioner or Planning and Zoning Commission, make the granting of the permit contrary to the best interests of the county or its citizens.

Prohibited Housing Types

Recreational vehicles, campers and mobile homes are prohibited as units in a Temporary Crew Housing facility.

Prohibited Activities

No alcoholic beverages, firearms, illegal substances or animals are allowed on the premises of a temporary crew housing facility. No parking shall be allowed between the units. The site shall be maintained free of garbage and junk.

Revocation of Permit

The Board of County 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.

(1) Suspension or Revocation for Cause

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

- (a) The 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 an applicant's officers, directors, or agents, of any felony crime under the laws of the United States of America or any state or municipality.
- (d) The applicant's violation of any health or sanitary regulations of Sheridan County or the State of North Dakota.
- (e) The applicant's 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) The applicant's, or any agent or employee of the applicant, violation of any term or condition of the permit or any provision of this Ordinance.

(2) Notice – Public Hearing

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

If a hearing is requested on the suspension or revocation of a permit, a hearing shall be scheduled by the Board of County Commissioners with a notice specifying the time and place of hearing mailed to the applicant. The hearing shall be recorded electronically.

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

Expansion of Temporary Crew Housing

In the event an application is to expand an existing Temporary Crew Housing Facility Permit, 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.

Renewal of Conditional Use Permit

Any Temporary Crew Housing Permit granted in accordance with this ordinance shall expire one year from the date of issuance. The permit may be extended by the 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.

Conditions – Reporting Requirements

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

IV. DISTRICTS

Districts and Boundaries

4.1 District Classifications

In order to classify, regulate, and restrict the location of businesses, industries, residences, and the location of buildings designed for specified uses, to regulate and limit the weight and bulk of buildings; to regulate and limit the intensity of the use of lots; to

regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population; unincorporated areas under the zoning jurisdiction of the County are divide into the following districts, said districts being known as

- A - AGRICULTURAL DISTRICT
- R - RESIDENTIAL DISTRICT
- C - COMMERCIAL DISTRICT
- I - INDUSTRIAL DISTRICT
- RC- RECREATION DISTRICT

4.2 Application of District Regulations

The regulations within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

1. No building, structure, or land shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
 - a. To exceed the height or bulk.
 - b. To accommodate or house a greater number of families.
 - c. To occupy a greater percentage of lot area.
 - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required; or in any other manner contrary to the provisions of these regulations.
3. No part of a yard, other open space, off-street, or loading space required about or in connection with any building for the purpose of complying with these regulations, shall be included as part of a yard, open space, off-street parking, or loading space similarly required for any other buildings.
4. No yard or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements set forth herein, Yards or Lots created after the effective date of these regulations shall meet at least the minimum requirements established by these regulations.

4.3 District Zoning Map

The boundaries of the zoning districts appear on the map designated as the District Zoning Map. The District Zoning Map and all notations, references, and other information shown thereon are part of these Zoning regulations and have the same force and effects as if said map and all notations, references, and other information shown thereon were all fully set forth and described herein. A properly attested copy of the District Zoning Map is on file with the County Auditor.

4.4 Uses, Permitted and Conditional

1. Agricultural - A

a. Objectives

It is the purpose of these regulations to encourage the use of land in this district for agricultural activities and to discourage any use which would be detrimental to carrying out the primary function of the land for agriculture.

b. Permitted Uses

1. Agricultural operations and those buildings and structures incidental to agricultural operations;
2. Churches and cemeteries;
3. Schools;
4. Public and Private conservation areas;
5. Recreational activities that do not disturb the land or agricultural operations.

c. Conditional Uses

1. Electrical power transmission lines;
2. Industrial, municipal, and commercial pipelines;
3. Radio, television, and telephone microwave transmitting stations;
4. Water reservoirs, water storage tanks, pumping stations and sewer lift stations;
5. Railway trackage and spurs;
6. Non-farm residences;
7. Livestock auction rings;
8. Commercial feedlots;
9. Confined hog feeding operations;
10. Coal excavation and mining;
11. Commercial sand and gravel operations;
12. Airports;
13. Government Facilities;

14. Sewage lagoons and sewage disposal plants;
15. Geophysical exploration.
16. *Wind and solar energy facilities and related infrastructure (Including met towers)**adopted 02-05-2008

- d. See Section V for building standards and Section VI for conditions which must be met before approval of a conditional use will be considered.

2. Residential - R

a. Objectives

It is the purpose of these regulations to encourage use of land in this district for residential activity and to provide regulations for the orderly development of residential use in the County.

b. Permitted Uses

1. Those permitted in District A;
2. Greenhouses and nurseries;
3. Public parks and playgrounds;
4. Community centers;
5. Essential public facilities to serve the immediate area; 6. Single family dwellings.

c. Conditional Uses

- d. See Section V for building standards and Section VI for conditions which must be met before approval of a conditional use will be considered.

3. Commercial - C

a. Objectives

It is the purpose of these regulations to provide for the grouping of retail merchandising, light industry, and service activities into central areas. The Board of County Commissioners recognizes the importance of these activities to the various cities with the County and will give special notice to City Councils and Commissioners in nearby municipalities whenever an amendment to the zoning regulation is sought to establish a Commercial District.

b. Permitted Uses

1. Agricultural operations and those buildings and structures which are incidental to agricultural operations;
2. Dry cleaning, pressing, tailor shops, and laundromats;
3. Electrical and plumbing shops;
4. Lumberyards
5. Professional offices including banks, insurance, real estate, medical clinics, newspapers and lawyers;
6. Retail and service uses including grocery, drugs, hardware, clothing, furniture stores, bakeries, restaurants, taverns, automobile service stations, used and new car lots, print shops, barber and beauty shops, and sale and service of appliances.
7. sales and service of farm implements;
8. hotels and motels;
9. theaters;
10. bowling alleys and other recreational buildings; 11. Clubs and lodges.

c. Conditional Uses

1. Residential dwellings;
2. Warehouses,
3. Grain and feed mills;
4. Government facilities;
5. Railroad trackage;
6. Special events and construction sheds and offices.

- d. See Section V for building standards and Section VI for conditions which must be met before approval of a conditional use will be considered.

4. Industrial - I

a. Objectives

It is the purpose of these regulations to encourage the use of land in this district for industrial activities and to provide for the grouping of heavy commercial and industrial uses into central areas where they will not adversely affect the land uses.

b. Permitted Uses

1. Agricultural operations and those buildings and structures which are incidental to agricultural operations;
2. Grain elevators and grain storage facilities;

3. Equipment sales, service or repair facilities;
4. Lumber yards;
5. Trucking and freight terminals; 6. Vocational training schools; 7. Warehouses.

c. Conditional Uses

1. Manufacturing and processing plants;
2. Sanitary landfills, sewage lagoons and sewage disposal plants;
3. Fertilizer plants;
4. Coal Gasification Plants;
5. Refineries and petrochemical plants;
6. Fuel storage tanks and terminals;
7. Electrical power generating plants;
8. Airports
9. Salvage and junk yards;
10. Livestock auction rings;
11. Commercial feedlots and confined hog operations;
12. Electrical power transmission lines;
13. Industrial, municipal and commercial pipelines;
14. Radio, television, and telephone microwave transmitting stations;
15. Water reservoirs, water storage tanks, water pumping stations and sewer lift stations;
16. Railway trackage and spurs;
17. Coal excavation and mining;
18. Commercial sand and gravel operations;
19. Solid waste incinerators;
20. Welding shops;
21. Geophysical exploration.

5. Recreational - RC

a. Objectives

It is the purpose of these regulations to encourage the use of land in this district for recreational activities and to provide areas for general recreational activities.

b. Permitted Uses

1. Agricultural operations and those buildings and structure which are incidental to agricultural operations;

2. Recreational activities and those buildings and structures which are incidental thereto;
3. Single family permanent type seasonal dwellings;
4. Mobile homes on permanent type foundations on single lots; 5. Churches and incidental buildings.

c. Conditional Uses

1. Commercial and retail establishments including lodging accommodations operated in conjunction with recreational uses in the district and for the convenience of the patrons and residents thereof;
2. Multi-family dwellings;
3. Water reservoirs, storage tanks and pumping stations; 4. Sewer lift stations.

d. See Section V for building standards and other conditions which must be met before approval of a conditional use will be considered.

**Amendments underlined were adopted 10-11-2021*

V. BUILDING STANDARDS AND DISTRICT REGULATIONS

5.1 Scope

These standards and regulations are applicable in all districts unless otherwise required under these regulations.

5.2 Standards

5.2.1 Minimum Lot Size

1. Lots served by public water supply and public sewer systems.
 - a. Minimum width - 75 feet.
 - b. Minimum area - 10,000 square feet.
2. Lots not served by public water supply and sewer systems.
 - a. Minimum width - 1000 feet.
 - b. Minimum area - 40,000 square feet.

3. Septic tank sewage disposal systems shall not be allowed for multi-family dwellings.

5.2.2 Maximum Building Intensity

1. Single family dwellings and accessory structures.
 - a. Not more than 50% of the lot.
2. Buildings of 3 or more stories.
 - a. Not more than 50% of the lot.
3. Buildings other than single family dwellings or buildings of 3 or more stories and accessory structures.
 - a. Not more than 60% of the lot.

5.2.3 Maximum Height

1. Single family dwellings.
 - a. 35 feet.
2. Accessory structures
 - a. 25 feet.
3. Principal structures other than single family dwellings.
 - a. 50 feet.

5.2.4 Setback Requirements

1. Adjacent to primary highways - State
 - a. 150 feet from road right of way
2. Adjacent to secondary highways - Farm to Market County
 - a. 125 feet from road right of way
3. Adjacent to rural road and section lines

- a. 75 feet from road right of way
- 4. Adjacent to lakes, ponds, streams, rivers, etc.
 - a. 100 feet from the high water mark.
- 5. Between structure and side lot line.
 - a. 15 feet.
- 6. Between structure and rear lot line.
 - a. 30 feet.

**Amendments underlined were adopted 10-11-2021*

5.2.5 Fences

- 1. Recreational Districts.
 - a. None within 30 feet of shoreline nor may visual access to the water be restricted.
- 2. Other than recreational districts.
 - a. None in sight line.

5.2.6 Parking Facilities

- 1. Commercial Districts
 - a. Adequate off street for all employees and rolling equipment on and 1 to 1 ratio and for visitors and customers - 1 space per management employee.
- 2. Industrial Districts.
 - a. Adequate off street for all employees and rolling equipment on a 1 to 1 ratio and ratio and for visitors and customers - 1 space per management employee.
- 3. Districts other than commercial and industrial.
 - a. Adequate off street.

- b. Permissible on setbacks and yards.

5.2.7 Outdoor Storage of Materials

- 1. Commercial and Industrial Districts.
 - a. Prohibited on front yard and in sight lines.
- 2. All Districts.
 - a. Unsightly storage of old cars, junk, trash, etc., prohibited.

5.2.8 Building Construction

- 1. All Districts.
 - a. Permanent type construction.

5.2.9 Buffer Strips

- 1. Industrial Strips
 - a. Sight and sound barrier approved by Planning and Zoning Commission when adjacent to residential areas.

5.2.10 Landscaping

- 1. Industrial Districts
 - a. Front yard, except for walks, driveways, parking areas planted with grass or other grounds cover.

VI. CONDITIONAL USES

6.1 Definition

A conditional use is one which may be permissible under these regulations within a designated district, but to which specific conditions are attached. The County Planning Commission and the County Board or Commission must be satisfied that the granting of a conditional use permit will promote the health, safety and well being of the citizens of the County.

6.2 Public Hearing Required

Application for approval of a conditional use, in addition to other pertinent information must be submitted to the Planning Commission and a public hearing held before any action is taken for approval of the conditional use.

6.3 Fees and Notice to Public

Fees are payable in advance. Included within the fee will be the cost of publishing notice of the hearing. The County Auditor will be responsible for publishing the notice in the appropriate newspapers and will also be responsible for posting notice at the affected site. The County Commission will set a fee schedule.

6.4 Procedure for Approval of a Conditional Use

6.4.1 Application

Application for approval of a conditional use shall be submitted on an approval form to the County Auditor.

6.4.2 Additional Information Required

The following information shall be submitted to the Planning Commission for all conditional uses. Additional information for particular uses may also be required under these regulations. The applicant is responsible for ascertaining whether the particular conditional use for which they are seeking approval requires the submission of such additional information.

1. A description and map of the site and its relationship to the surrounding area.
2. Preliminary maps showing the location of structures to be developed or used at the site.
3. Topographic maps in 10' contours of the site.
4. Classification of soils of the site.
5. The location of existing utilities and proposed utility extensions.
6. Parking plans showing off-street parking areas, loading areas, and transfer stations.
7. A schedule showing participated starting and completion dates.
8. Written approval of respective highway authorities for new access roads.

9. Names and addresses of adjacent property owners.
10. Copies of all plans and specifications which have been submitted to governmental departments and agencies.
11. Any additional information deemed necessary.

6.5 Additional Information for Conditional Uses

6.5.1 Wind and solar energy facilities general provisions

1. The county incorporates and adopts all North Dakota Public Service Commission (NDPSC) laws and rules found in NDCC chapters 49-22 and 49-22.1, and NDAC chapter 69-06 as the county wind energy generation ordinance and may enforce those rules or laws independent of the NDPSC. The county reserves the right to list rules in addition to, or more restrictive than NDPSC rules. Any extension or exception to North Dakota Century Code or Administrative Rules granted by any North Dakota state agency for a wind or solar energy facility inside Sheridan County, must also be approved by the Sheridan County Board of County Commissioners. Sheridan County reserves the right to deny such extensions or exceptions as it deems appropriate.
2. **Public hearing required.
A preliminary public hearing shall be conducted in the county concerning site location, needs of the operation and company employees regarding roads, housing, community facilities and County and community services. These hearings are separate from any environmental impact statement process that may be required.
3. General requirements.
 - a. Wind turbines and related towers shall be painted a non-reflective, non-obtrusive color.
 - b. Wind turbines and related towers shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the wind energy facility.
 - c. Each wind tower shall be marked with a visible identification number to assist with provision of emergency services, and the permittee shall file with the local fire and sheriff departments, a wind energy facility map identifying wind turbine locations and numbers.
 - d. Wind turbines shall not be artificially lighted, except to the extent required by FAA or other applicable authority.
 - e. The design of buildings and related structures at wind energy facility sites shall, to the extent reasonably possible, use materials, colors, textures and location that will blend the wind energy facility to the natural setting and existing environment.

- f. At wind energy facility sites, the location and construction of access roads and other infrastructure shall, to the extent reasonably possible, minimize disruption to farmland, the landscape and agricultural operations within Sheridan County.
 - g. The permittee shall promptly replace or repair all fences or gates removed or damaged during all phases of the wind energy facility's life, unless otherwise negotiated with the affected landowner. When the permittee installs a gate where electric fences are present, the permittee shall provide for continuity in the electric fence circuit.
 - h. The permittee shall ensure that, following completion of construction of a wind energy facility, all County roads will be repaired or restored to a condition at least equal to the condition prior to construction of such facility, as inspected and approved by Sheridan County Superintendent of Highways.
 - i. The permittee shall place electrical line, known as collectors, and communication cables underground except where obstacles (e.g. McClusky Canal) require such lines to be placed overhead. Collectors and cables shall also be placed within or adjacent to the land necessary for wind turbine access roads, unless otherwise negotiated with the affected landowner. (Does not apply to feed lines).
 - j. The permittee shall place electrical lines outside of public rights of way. Electrical lines may cross public rights of way if approval has been obtained from the governmental unit responsible for the affected right of way. When placing electrical lines on private property, the permittee shall place the line in accordance with the easement negotiated with the affected landowner and section 6.5.2
4. Setback requirements.
- a. Each wind turbine shall be set back from the nearest dwelling, occupied commercial building or publicly used structure or facility a distance not less than 3 times the turbine height.
 - b. Each wind turbine shall be set back not less than 1.1 times the height of the turbine from interstate or state roadway right-of-way. Each wind turbine shall be set back not less than 1.1 times the height of the turbine plus seventy-five (75) feet from the centerline of any county, township roadway or section line, (whether improved or not). Each wind turbine shall be set back not less than 1.1 times the height of the turbine from any railroad right-of-way or from any overhead utility.
 - c. Each wind turbine shall be set back a distance of 1.5 times the turbine height plus 75' from a non-participating landowners property line.
5. Minimum ground clearance.
The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than sixty (60) feet.
6. Restoration of property.
Within one hundred eighty (180) days of termination or abandonment of leases or easements for a wind or solar energy facility in Sheridan County, the current permittee shall cause, at its own expense, removal of all structures to a depth of four (4) feet below preconstruction grade.
7. Transfer of permit. In the event of a change in ownership of a wind or solar energy facility and the transfer of the permit, any successors and assigns of the original permittee

- shall comply with the requirements and conditions of such permit for the duration of operation of a wind or solar energy facility. Within 30 days of change in ownership of a wind or solar energy facility, the parties to the transaction shall notify the Board of Commissioners in writing and provide the complete name, legal address, and phone number of the new owner's responsible contact person. The notification shall be signed by the authorized representatives or agents of both the original permittee and the entity to which the permit has been transferred.
9. A sound study which includes modeling of sound levels of wind turbines within 100-feet of every occupied residence within 1-mile of a wind turbine shall be submitted with the application. Sound levels of wind turbines within 100-feet of any non-participating residence shall not exceed 45dBA (1eq). Construction noise or reasonable and necessary maintenance activities are allowed to exceed this sound limit except between the hours of 11 p.m. and 7 a.m. This sound standard does not apply to participating dwellings.
 10. Shadow Flicker. A shadow flicker analysis, assuming typical meteorological conditions, shall be submitted for all occupied residences of non-participants within one mile of a wind turbine. The maximum acceptable level of shadow-flicker exposure for homes in the study shall be 30 hours per year. The applicant shall provide commercially reasonable efforts to remedy shadow-flicker complaints from any non-participating owners of an occupied residence with a window view of a wind turbine on a case-by-case basis by undertaking measures such as trees or vegetation plantings, awning installations, or providing light-blocking curtains or shades.
 11. Biological Resources Survey. The applicant, in consultation with the US Fish & Wildlife Service -Ecological Services Office (USFW) and the North Dakota Department of Game and Fish (NDGF) shall, for the project site, conduct a pre-construction inventory of existing wildlife management areas, scientific and natural areas, recreation areas, native prairies and forests, wetlands, and any other biologically sensitive areas and wildlife resources, particularly birds and bats, within the site and assess the presence of state-or federally-listed or threatened species, and other protected species, such as migratory birds. The results of the survey shall be submitted to the County Auditor, USFWS and NDGF.
 12. Fees. The application fee for a conditional use permit for a wind energy facility shall be \$600 as pursuant to section 1.12. Upon approval of the conditional use permit for a wind energy facility by the Sheridan County Board of Commissioners, a fee of 1/10th of 1% of the total cost of construction of the wind energy facility shall be paid to the county auditor. This fee shall be distributed by the county auditor as follows: 50% to the county general fund, 50% to the townships inside the project area of the wind energy facility. The fees paid to townships shall be distributed pro rata, determined by the number of wind turbines in each township.
 13. Sheridan County reserves the right to reject a wind turbine or solar permit application if the project could have a material adverse impact to area property values, agriculture, or wildlife.
 14. Sheridan County may require written assurance from a permit applicant that there is a party interested in purchasing the project's power output before giving planning and zoning consideration to the project. A permit does not authorize construction of the

project until the Permittee has a power purchase agreement, hedge agreement, or some other mechanism for sale of or revenue generation for the majority of the electricity to be generated by the project. This section does not apply if the project is or will be owned by an electric utility company.

15. In addition to the items listed in Paragraph 6.4.2, the following items shall be submitted at the time of application for a conditional use permit for Wind and Solar Energy Facilities.
1. Four (4) copies of a site plan submitted on high quality paper no larger than thirty (30) inches by thirty-six (36) inches, provided that when more than one sheet is required, there shall also be submitted an index sheet showing the entire wind turbine facility project on one sheet and giving section, township and range numbers. The applicant must also submit this data in electronic digital format.
 2. The site plan shall be drawn to a scale of one (1) inch equals one thousand (1,000) feet or less with scale to be shown graphically.
 3. The site plan shall show an area up to a minimum of one mile (5280 feet) beyond the outermost wind turbine towers, meteorological towers, all wind turbine facility access roads and appurtenant project structures and associated facilities.
 4. The site plans shall contain the following elements:
 - a. Name of the wind turbine facility
 - b. Name and address of the wind turbine facility owner and operator
 - c. Name, address, and North Dakota registration number of professional surveyor involved in preparing the site plan
 - d. Date the site plan was prepared
 - e. North point indication
 - f. Section, township and range numbers
 - g. Topographic contours with a minimum contour interval of ten (10) feet, with indication of datum used
 - h. A location map inset showing the township(s) in which the project is located and the boundary of the proposed project
 - i. Location of all existing public roadways and right-of-ways within the boundary of the proposed project to include width of road way and type of surfacing
 - j. Location of railroad rights-of-way, as available from public documents, within the boundary of the proposed project
 - k. Name, dimensions and location of any existing common carrier or right of way easements, as available from public documents, within the boundary of the proposed project
 - l. Name, dimensions and location of any parks, public land, historic resources, or multi-use trails as available from public documents, within the boundary of the proposed project
 - m. Locations of existing wind turbine facility fixtures, regardless of ownership, accessory structures or buildings, including substations, meteorological towers, electrical infrastructure, and collector or feeder electrical lines, and existing access points along public rights-or-ways
 - n. Name, and location of dwellings

- o. Location of any corporate or township boundaries
 - p. General location and identification of section lines, as available from public documents
 - q. General property ownership boundary lines, as available from public documents, for properties within the boundary of the proposed project
 - r. Names of property owners, identified as participating or non-participating, within the boundary of the proposed project and within one (1) mile outside of the boundary of the proposed project
 - s. Streams, rivers, watercourses, and lakes
 - t. Federally and state designated wetland, wildlife, waterfowl, and game management areas
 - u. All affected public or private airstrips with the FAA identification number
 - v. Proposed wind turbine and permanent meteorological tower locations referenced to section corners and elevation of finished grade at their locations. Also proposed locations, voltage level, and identification of whether overhead or underground of electrical lines (collector and feeder) associated with the project and new easements associated with such electrical lines. Upon location establishment, adjustments in location may be made to such turbines, towers, or electrical lines 250 feet in any direction without further county approval so long as adjustments adhere to this zoning plan. Adjustments greater than 250 feet to proposed locations are defined as "material changes" and shall require approval by the Planning and Zoning Board.
 - w. Proposed locations of access roads and county/township road alterations. Adjustments in location of access roads outside of county/township road right of ways may be made in any direction without county approval so long as such adjustments adhere to this zoning plan. Any adjustment to locations of intersections of access roads with county/township roads or alterations of county/township roads requires approval from the county road superintendent and the township supervisor responsible for the township in which the adjustment is to be located.
 - x. Proposed locations and dimensions of substations, and operation & maintenance facilities. Adjustments in location of 100 feet to substations may be made in any direction without county approval so long as such adjustments adhere to this zoning plan. Adjustments greater than this are defined as a "material changes" and shall require approval by the Planning and Zoning Board. Operation & maintenance facilities shall adhere to Section V. BUILDING STANDARDS AND DISTRICT REGULATIONS.
 - y. Participating residences within one thousand (1000) feet of proposed turbine locations, non-participating residences within four thousand (4000) feet of proposed turbine locations, and parks, boat ramps, swimming beaches or other public recreation areas within five (5000) thousand feet of proposed turbine locations, as available from public documents.
5. Other Submittal Items
- a. Statement of assurance that the project will not alter any existing surface water drainage patterns
 - b. Plan for Restoration of the site due to construction
 - c. Plan for receiving and responding to complaints

- d. Public safety plan
- e. Fire protection and medical emergency plan
- f. Biological preservation study
- g. Shadow flicker study
- h. Decommissioning plan and bond. The facility or turbine owner or operator shall file with the conditional use application the estimated decommissioning cost per turbine, in current dollars at the time of filing, for the proposed facility or turbine and a comprehensive decommissioning plan that describes any expected effects on present and future natural resource development and how the facility or turbine owner or operator plans to pay for decommissioning of the facility or turbine as required. The commission may at any time require the owner operator of a commercial wind energy conversion facility or wind turbine to file a report with the Planning and Zoning Commission describing how the facility or turbine owner or operator is fulfilling this obligation. The owner or operator shall secure a performance bond, surety bond, letter of credit, corporate guarantee, or other form of financial assurance that is acceptable to the planning and zoning commission to cover the anticipated costs of decommissioning the commercial wind energy conversion facility or turbine.
- i. Copies of correspondence requesting review of the proposed wind turbine facility, and responses regarding the proposed wind turbine facility from the following agencies: United States Fish and Wildlife Service (USFW), North Dakota Game and Fish Department (NDGF), The State Historic Preservation Office (SHPO) at the State Historical Society of North Dakota, Federal Aviation Administration (FAA), North Dakota Public Service Commission (PSC).
- j. Dimensioned engineering drawings of substations certified by an engineer registered in the state of North Dakota
- k. Documentation certifying structural loading requirements made by an engineer registered in the State of North Dakota
- l. Identification by map each public road in Sheridan County that the applicant may or will travel on with a gross weight in excess of 80,000 lbs
- m. Proof of insurance

**Amendments underlined were adopted 10-11-2021*

6.5.2 Electrical Transmission Lines

- 1. Electrical transmission lines, aka as feeder lines, shall follow quarter section lines unless otherwise approved by the landowner and the Sheridan County Board of County Commissioners. Any electrical transmission line must have a siting plan approved by the county before any installation or upgrade. Electrical transmission sites and routes must be selected to minimize disorder and adverse human, economic, agricultural, environmental, and wildlife impacts in the county. If the county finds the site of an electrical transmission line will unduly harm any of these specified public interests, it can deny the site permit.

**Amendments underlined were adopted 10-11-2021*

VII. PROCEDURE TO BE FOLLOWED WHEN A PUBLIC HEARING IS REQUIRED

7.1 A public hearing is required whenever an applicant is made for any of the following:

1. Amendments to the Zoning Regulations.
2. Approval of a Conditional Use.
3. Approval of a Variance.

7.1.1 Application for the above shall be submitted on an approved form to the County Auditor.

7.1.2 All fees are payable in advance at the time the application is submitted. Included in such fees shall be the cost of publication of public notice of the hearing. The County Commission will establish a fee schedule.

7.1.3 Upon receipt of the application, the Planning Commission Chairman shall set a date for the public hearing.

7.1.4 The applicant shall be notified of the hearing date by the County Auditor or their designated representatives.

7.1.5 Prior to the hearing date the applicant shall submit any additional information required under the zoning regulations to the County Auditor.

7.1.6 Notice of the hearing shall be published once a week for two consecutive weeks in the official newspaper of the county, and in such other newspapers as the Planning Commission shall deem necessary. The County shall be responsible for publication of such notice and shall also post notice of the hearing at the affected site.

7.1.7 Following the public hearing, the Planning Commission shall submit its recommendations concerning the proposed action to the Board of County Commissioners for a final decision.

7.1.8 Upon approval and adoption by the Board of County Commissioners of the application, notice shall be published in the official newspaper of the County once a week for two consecutive weeks. The County Auditor shall file proof of such publication in the office of the County Auditor and shall also file a certified copy of the resolution in the Office of the Register of Deeds.

7.1.9 If no petition for a separate hearing is filed pursuant to N.D.C.C. 11-33-10, the resolution or amendment shall take effect upon the expiration of the time for filing said petition.

**Crew Camp Housing was moved into Section III under 3.3 when amendments were made on 10-11-2021*

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AMENDMENTS TO THE SHERIDAN COUNTY
ZONING PLAN

It was moved by Planning Commissioner Virginia Hoffer to adopt to authorize the County Auditor to issue appropriated permits as is stated in 1.11 and to adopt the fee schedule as is listed in 1.12 to the Sheridan County Zoning Plan, effective July 2, 1996, seconded by Planning Commissioner Melvin Schindler. All voting "Aye" the motion carried.

Dated this 15th day of July, 1996.

Shirley A. Murray
Shirley A. Murray
Sheridan County Auditor

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1.11 ISSUANCE OF PERMITS

All applications for a new use, altered use or a Certificate of Zoning Compliance are to be submitted to the County Auditor, with the application fee. The County Auditor will review the application and if it is in order will issue the appropriate permit. In the event the Auditor believes that the application is out of the ordinary, the Auditor will forward the application to the Planning Commission for their review. The Planning Commission will within 10 days of notification of the application from the Auditor approve or deny the permit.

1.12 APPLICATION FEE

All applications filed with the County Auditor for Permits, Amendments to the Zoning Regulations or for a Certificate of Zoning Compliance shall be accompanied by the following fees:

1. Conditional Use Permit	150.00
2. Variance	150.00
3. Special Condition Use Permit	150.00
4. Amendment to the Zoning Regulation	150.00
5. Temporary Use Permit	100.00
6. New Use Permit	50.00
7. Altered Use Permit	50.00
8. Certificate of Zoning Compliance	50.00

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RESOLUTION

WHEREAS, the Planning Commission has proposed as amendment to the Sheridan County Zoning Plan to establish a building permit fee schedule as filed at the County Auditor's Office;

WHEREAS, the Planning Commission has held a public hearing on April 3, 2001 and adopted the building permit fee schedule as filed in the County Auditor's office;

THEREFORE, BE IT RESOLVED THAT, Sheridan County, by and through the County Commissioners, adopts the amendment to establish a building permit fee schedule to the Sheridan County Zoning Plan as filed in the County Auditor's Office.

ADOPTED: April 9, 2001

BY: Sheridan County Commissioners

ATTEST:

Gordon Felchle

Shirley A. Murray

Eldon J. Ehrman

Shirley A. Murray

Shirley J. Jorgensen

1.13 BUILDING PERMIT FEE SCHEDULE

All building permit applications are to be filed in the County Auditor's office with the accompanied fee:

Building permit fee: $1/10^{\text{th}}$ of 1 % of the cost of construction, with a minimum fee of \$5.00 and a maximum of \$50.00 for residential and commercial property.

1.12 APPLICATION FEE

****All applications filed with the County Auditor for Permits, Amendments to the Zoning Regulations or for a Certificate of Zoning Compliance shall be accompanied by the following fees:**

1. Conditional Use Permit	\$600.00
2. Variance	\$600.00
3. Special Condition Use Permit	\$600.00
4. Amendment to the Zoning Regulation	\$600.00
5. Temporary Use Permit	\$100.00
6. New Use Permit	\$50.00
7. Altered Use Permit	\$50.00
8. Certificate of Zoning Compliance	\$50.00

RESOLUTION

WHEREAS, the Planning Commission has proposed amendments to the Sheridan County Zoning plan;

WHEREAS, the Planning Commission has held a public hearing on October 11, 2021 and approved the updated general setback requirements and more detailed provisions for wind energy facilities in the Sheridan County Zoning plan as filed in the County Auditor's office;

THEREFORE, BE IT RESOLVED THAT, Sheridan County, by and through the County Commissioners, adopts the amendment to update the general setback requirements and more detailed provisions for wind energy facilities to the Sheridan County Zoning Plan as filed in the County Auditor's Office.

ADOPTED: October 11, 2021

BY: Sheridan County Commissioners

ATTEST:

Sandra Felchle

Shirley A. Murray

Sheridan County Auditor

Shannon Dieterle

Rod Schilling

Sheridan County Zoning Maps

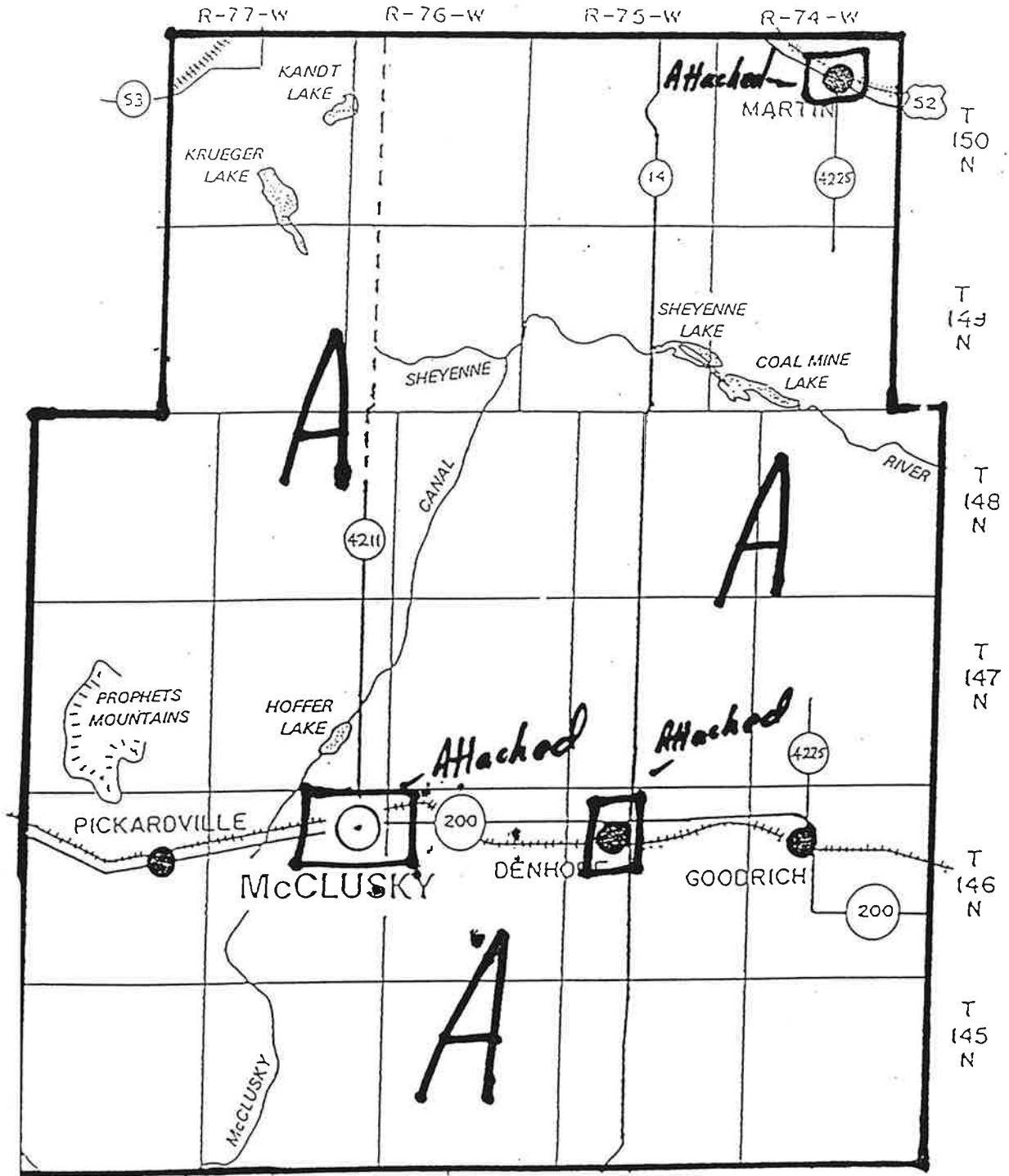
R - Residential District

C - Commercial District

A - Agricultural District

Areas in Commercial zoning district and the Residential zoning district are shown on the attached maps. All other areas of the county, outside incorporated communities, are in the Agricultural zoning district.

Zoning Map

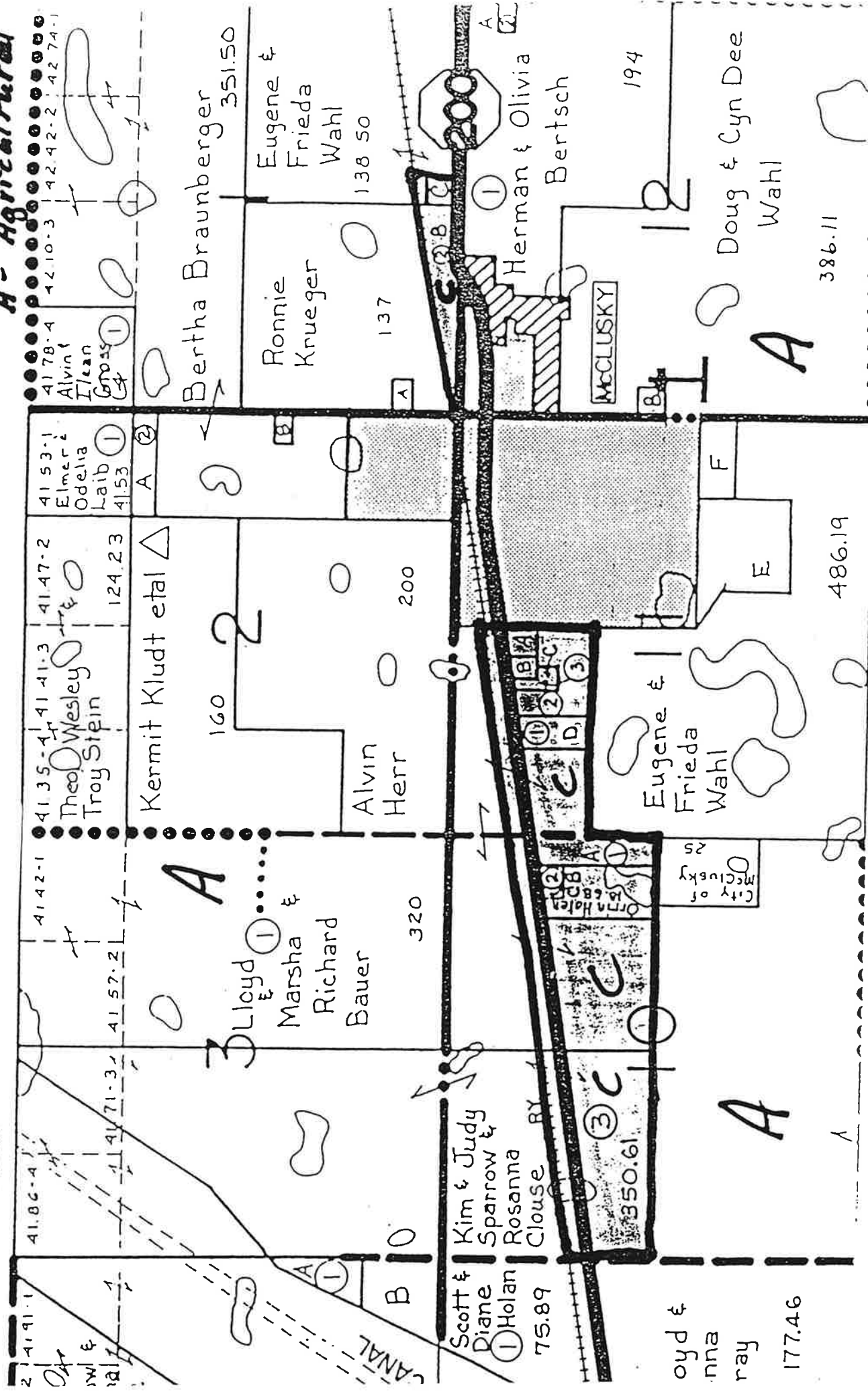


SHERIDAN COUNTY
NORTH DAKOTA

A - Agricultural District

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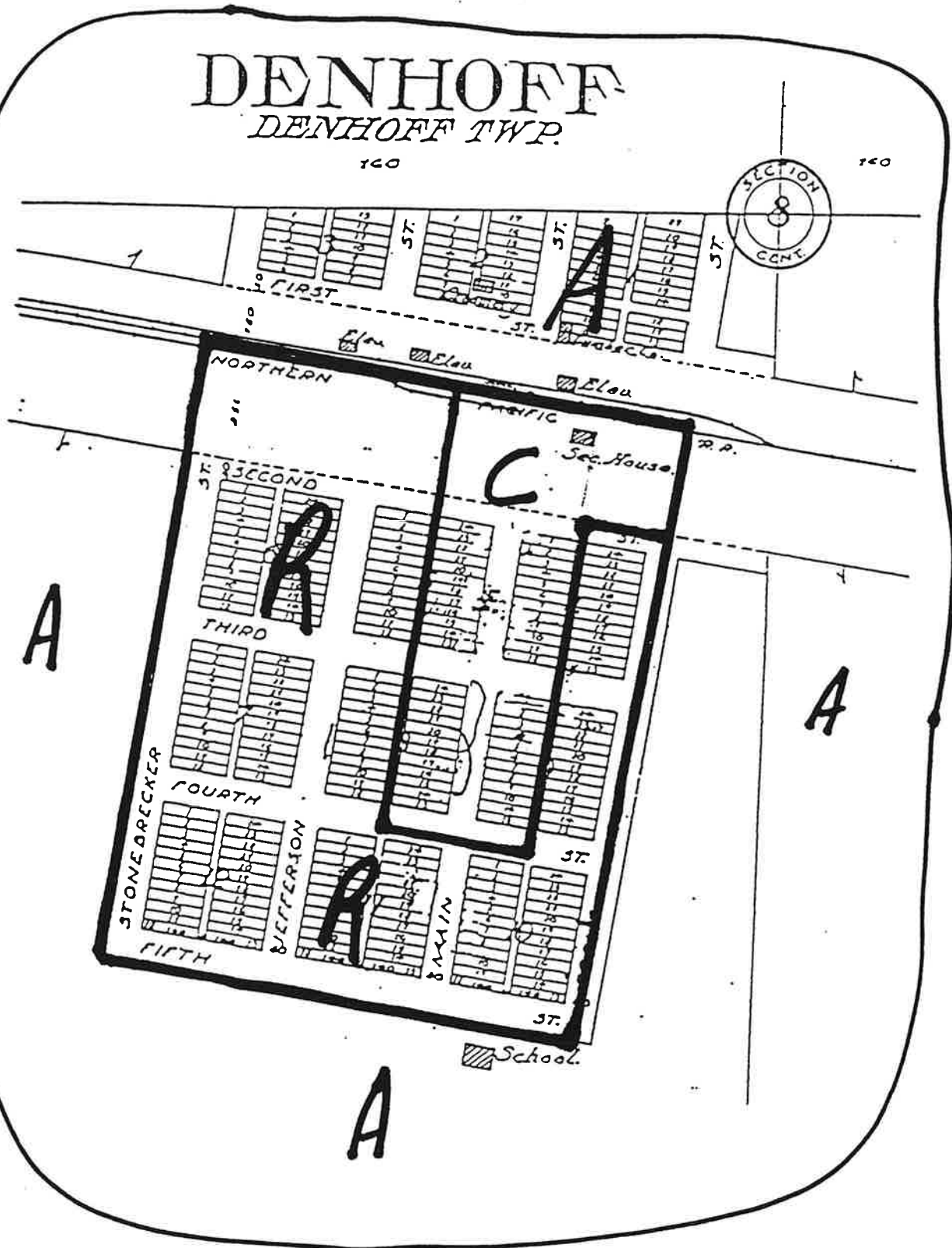
C - Commercial
A - Agricultural

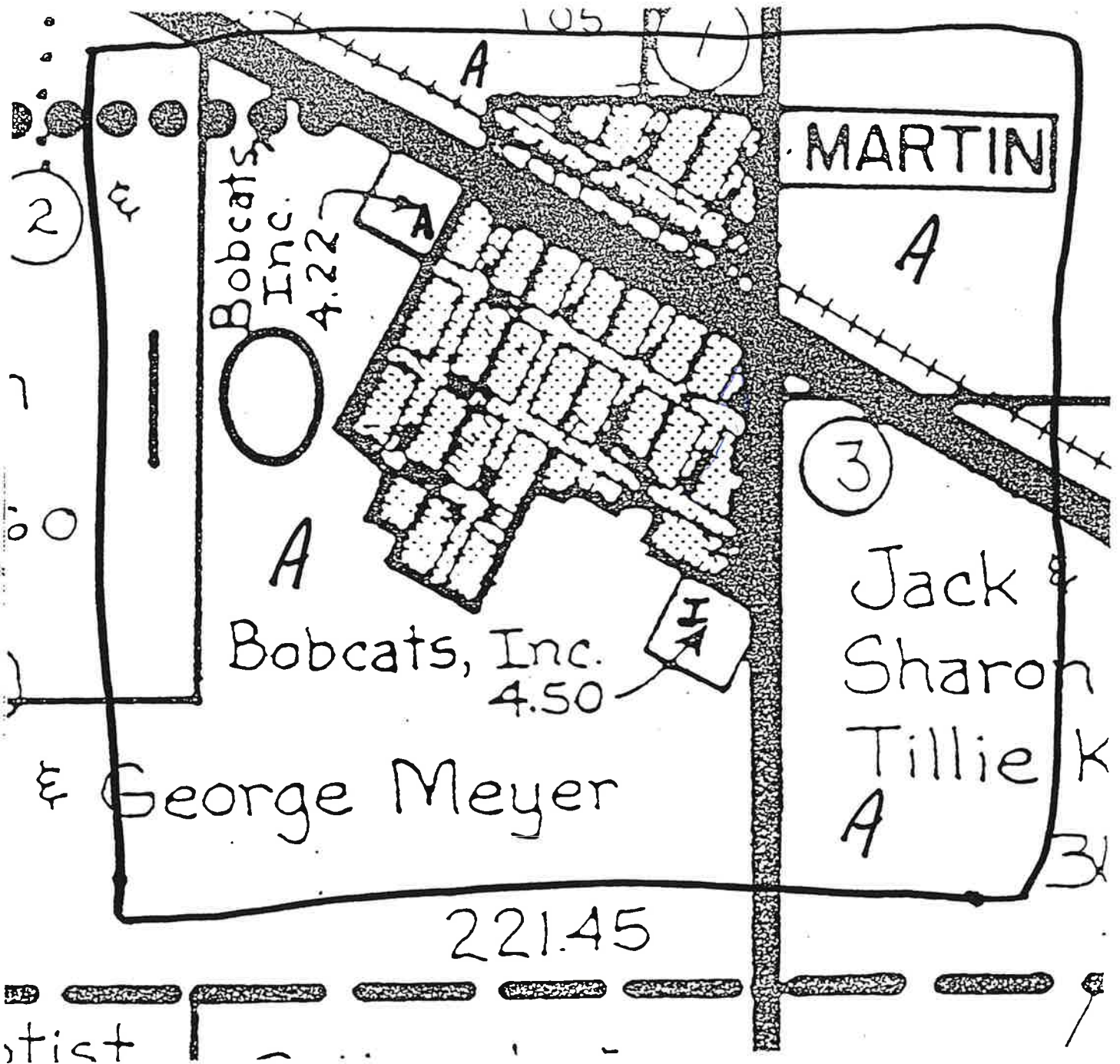


C - Commercial
R - Residential
A - Agricultural

125844 Fee: \$0.00
Office of County Recorder
County of Sheridan, North Dakota
Return To: SHERIDAN COUNTY
215 2ND ST E
MCCLUSKY ND 58463

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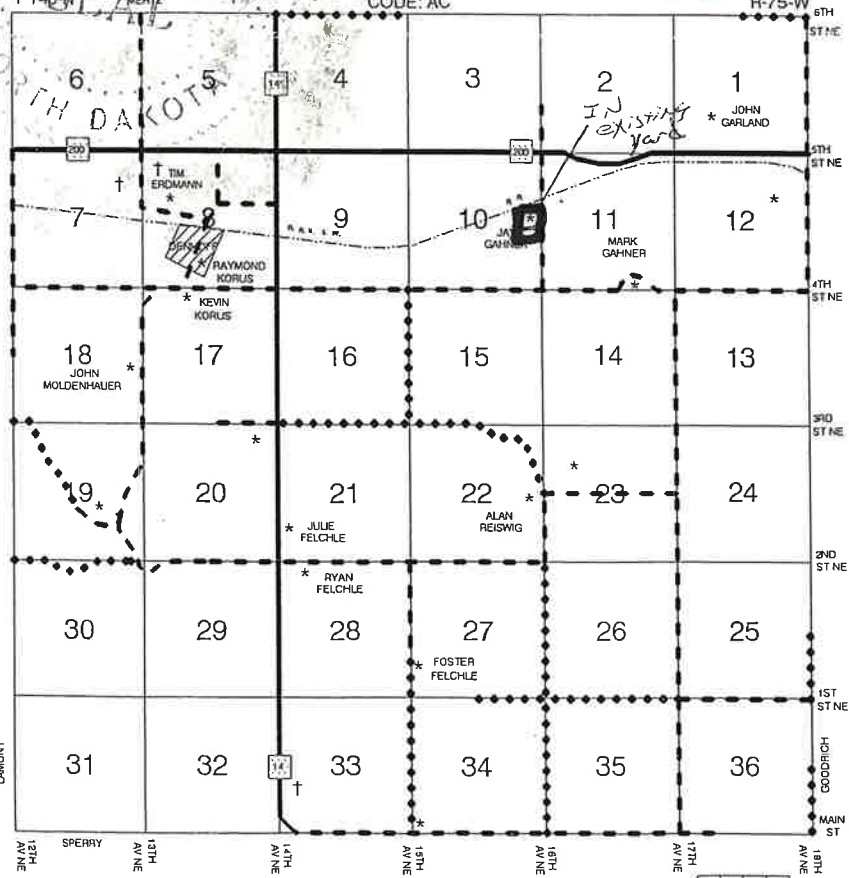
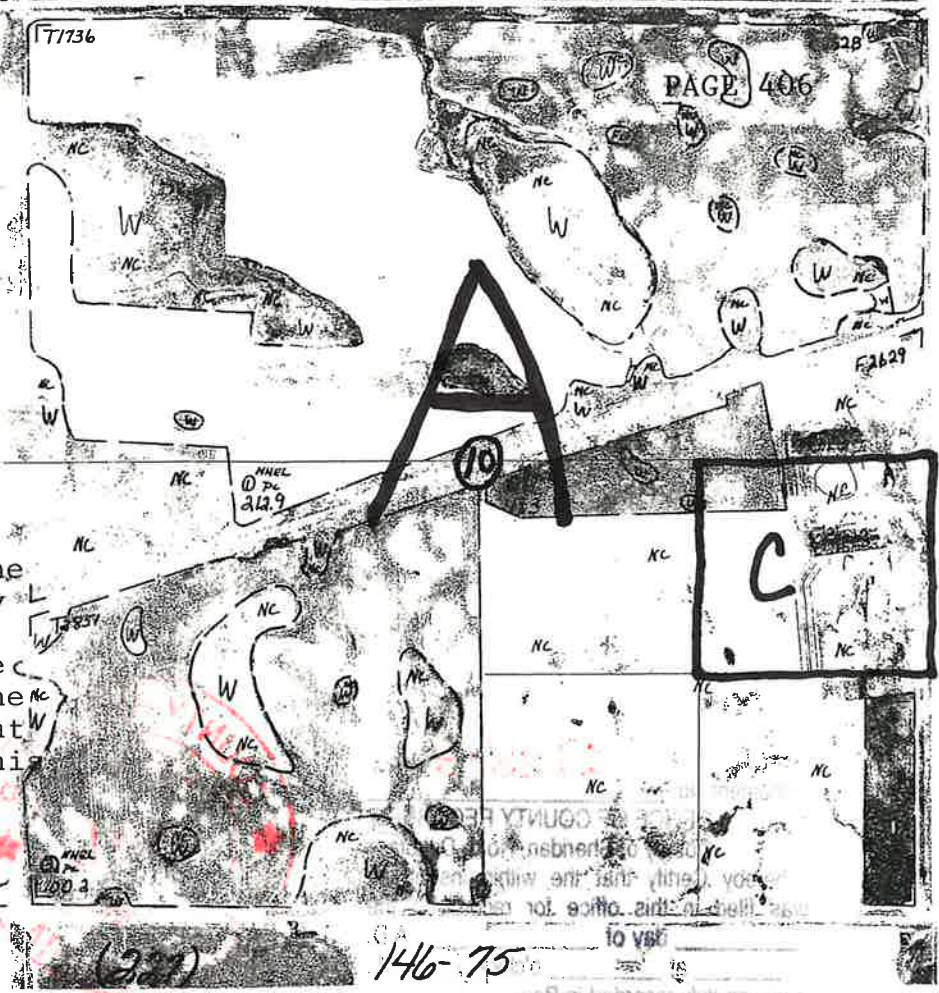
DOCUMENT NUMBER 112848
Zoning Change ordered
by the Sheridan County Zoning
Board on August 5, 2003

NE4SE4 (40 acres)
Section 10-146-75
zoned to Commercial
as shown on map.

State of North Dakota
County of Sheridan

I, Shirley A. Murray, County Auditor in and for said County and State, do HEREBY CERTIFY that I have carefully compared the foregoing with original record in my office and that the same is a true and correct copy thereof.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Sheridan County, at McClusky, in said County, on this 18th day of August, 2003.

Seal of *Shirley A. Murray*
Shirley A. Murray
Sheridan County Auditor
DENHOFF DIRECTORY



BA	AX	AF	AP
AK	AM	AJ	AA
AL	AI	AD	AY
AW	AT	AS	AB
AV	AR	AN	AC
AO	AM	BB	AZ

125844 Fee: \$0.00
Office of County Recorder
County of Sheridan, North Dakota
Return To: SHERIDAN COUNTY
215 2ND ST E
MCCLUSKY ND 58463

C

A

112848

Document No. _____
OFFICE OF COUNTY RECORDER
County of Sheridan, North Dakota
I hereby Certify that the within instrument
was filed in this office for record on the
19th day of August A.D.
2003 at 10:30 o'clock A.M.,
and was duly recorded in Book C-78
of Misc. on Page 406.
Joyce H. Dockter
County Recorder
By Kathleen C. Mindt Deputy



COPYD ✓
COMPRD ✓
GRTOR ✓
GRTEE ✓
TRACT ✓
RECT ✓
CANC'D ✓

No Fee

Inst.rec'd from/returned to:
Sheridan County Auditor
McClusky, N.Dak. 58463

125844 Fee:\$0.00
Office of County Recorder
County of Sheridan, North Dakota
Return To: SHERIDAN COUNTY
215 2ND ST E
MCCLUSKY ND 58463

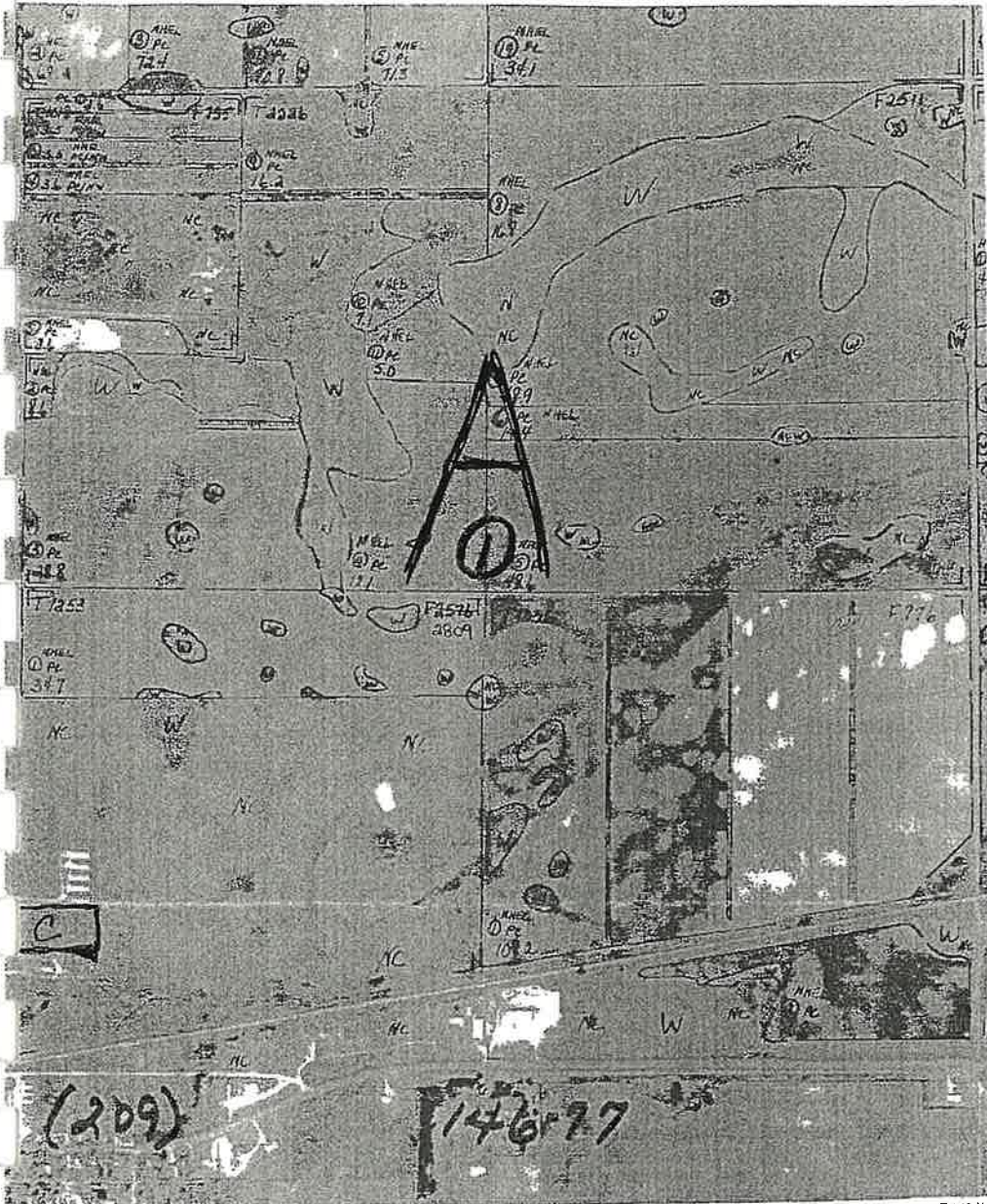
Zoning Change Ordered
by the Sheridan County
Zoning Board on September
19th, 2003.
Zoned to Commercial
Outlot A 1-146-77
containing 3.126 acres
as shown on plat map.

State of North Dakota
County of Sheridan

I, Shirley A. Murray, County
Auditor in and for said
County and State, do HEREBY
CERTIFY that I have care-
fully compared the fore-
going with the original
record in my office and that
the same is a true and
correct copy thereof.
IN WITNESS WHEREOF, I have
here unto set my hand and
affixed the seal of said
Sheridan County, at McClusky
in said County, on this 19th
day of September, 2003.

Shirley A. Murray
Shirley A. Murray
Sheridan County Auditor

SEAL



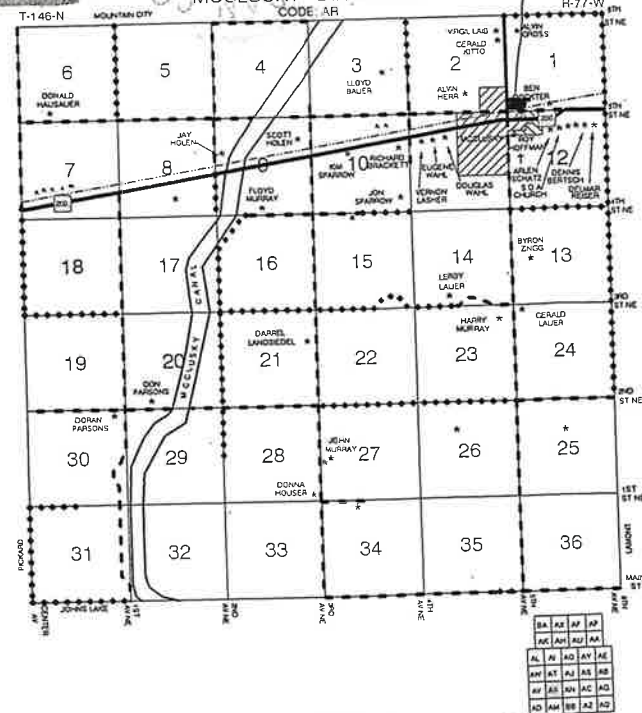
Document No. **112899**
OFFICE OF COUNTY RECORDER
County of Sheridan, North Dakota.
I hereby Certify that the within instrument
was filed in this office for record on the
22nd day of September A.D.
2003 at 11:25 o'clock A. M.,
and was duly recorded in Book C-78
of Misc. on Page 454.
Joyce H. Dockter
County Recorder
By *Kathleen C. Minolt* Deputy



COPY ☒
COMPTD ☒
GRTOR ☒
GRTEE ☒
TRACT ☒
RECT ☒
CAND ☒

No Fee

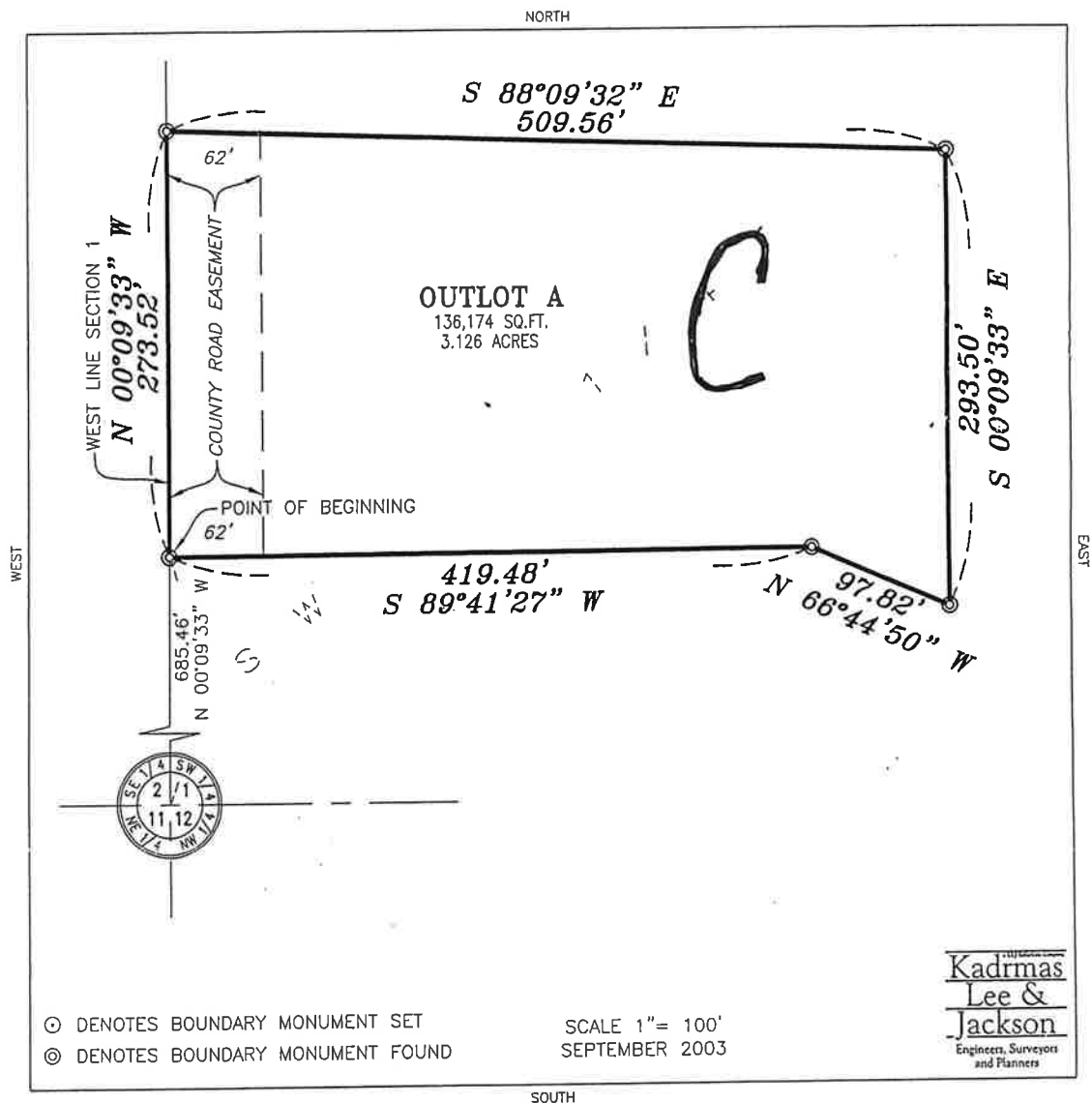
Inst. rec'd from/returned to:
Sheridan County Auditor
McClusky, N. Dak. 58463



 of _____ on Page _____
 and was duly recorded in Book _____
 at _____ o'clock _____ M.
 day of _____ A.D.
 was filed in this office for record on the _____
 I hereby certify that the within instrument
 County of Sheridan, North Dakota
 OFFICE OF COUNTY RECORDER
 Document No. _____



125844
Fee:\$0.00
 Office of County Recorder
 County of Sheridan, North Dakota
 Return To: SHERIDAN COUNTY
 215 2ND ST E
 MCCLUSKY ND 58463



Description

TRACT OUTLOT A Section 1, Township 146 N
Range 77 W, described as follows:

A TRACT OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 146 NORTH, RANGE 77 WEST OF THE FIFTH PRINCIPAL MERIDIAN, SHERIDAN COUNTY, NORTH DAKOTA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 1; THENCE ALONG THE WEST LINE OF SAID SECTION 1, N 00°09'33" W, 685.46 FEET TO THE POINT OF BEGINNING; THENCE FROM SAID POINT OF BEGINNING, CONTINUING ALONG SAID WEST LINE, N 00°09'33" W, 273.52 FEET; THENCE S 88°09'32" E FOR 509.56 FEET; THENCE S 00°09'33" E, 293.50 FEET; THENCE N 66°44'50" W, 97.82 FEET; THENCE S 89°41'27" W, 419.48 FEET TO THE SAID POINT OF BEGINNING.

SAID TRACT CONTAINS 136,174 SQUARE FEET OR 3.126 ACRES MORE OR LESS.

125844 Fee: \$0.00
Office of County Recorder
County of Sheridan, North Dakota
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215 2ND ST E
MCCLUSKY ND 58463

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Certificate of Zoning Change

Sheridan County
McClusky, North Dakota

Permit Number 103

On this 6th day of October, 2021, Farmers Choice L.L.C.
(name)
of PO Box 668, Minot, ND 58702 has been granted zoning
(address)
approval by the Sheridan County Planning and Zoning Commission,
changing the land described as: Outlot 8 in NW4 10-146-77

from Agriculture zoned to Commercial zoned.

This land cannot be subdivided unless approval is obtained from the
Sheridan County Planning and Zoning Commission.



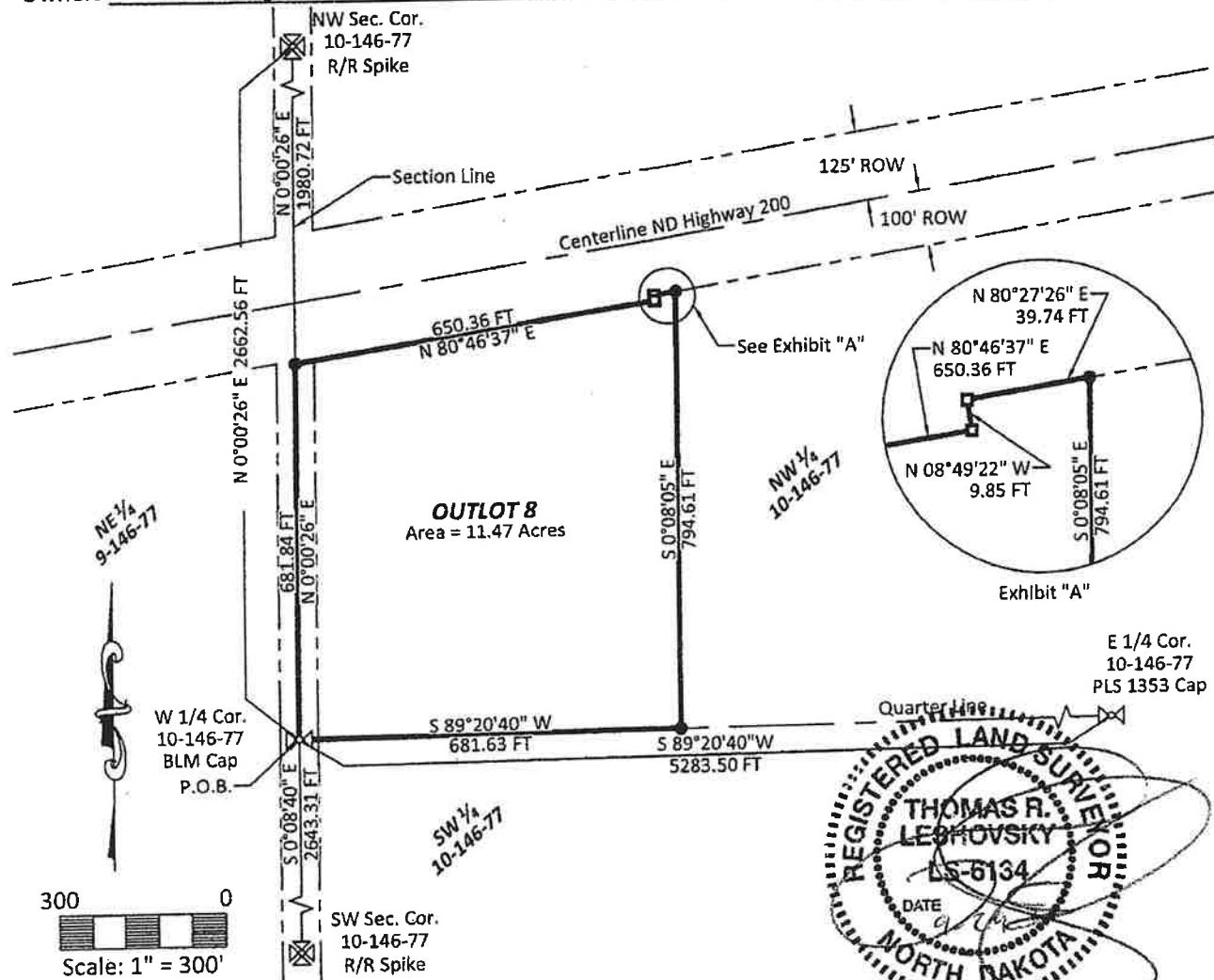
Shirley A. Murray
Shirley A. Murray
Sheridan County Auditor

Return To: SHERIDAN COUNTY
215 2ND ST E
MCCLUSKY ND 58463

PLAT OF OUTLOT 8

of NW 1/4, Section 10, Township 146 N, Range 77 W

Owners Kim Saveressig



NOTES:

Basis of Bearing and Coordinates obtained from NGS Point Saron 2 NAD 83 North Dakota North (3301) Int. Feet.

Bearings and Distances may vary from previous plats due to different methods of measurement.

Plat is subject to all prior Easements of record.

- - Denotes Property Corners Set 18" #5 Rebar with PLS Cap #6134
- - Denotes Property Corner Found
- - Denotes R.O.W. Monuments Found with PLS Cap #4934
- ⊗ - Denotes Section Corners
- ⊠ - Denotes Quarter Corners

DESCRIPTION:

Outlot 8 of NW 1/4, Section 10, Township 146 N, Range 77 W described as follows:

Beginning at the West Quarter Corner of Section 10, Township 146 N, Range 77 W, of the 5th Principal Meridian, Sheridan County, North Dakota; Thence N 0°00'26" E, along said North-South quarter line, of said Section 10, a distance of 681.84 FT, to a point being on the South Right of Way line of said U.S. Highway 200; Thence N 80°46'37" E, along the South Right of Way line of said U.S. Highway 200, to a Right of Way monument of said U.S. Highway 200, a distance of 650.36 FT; Thence N 8°49'22" W, along the South Right of

subject to all prior easements of record.



- Denotes Quarter Corners

DESCRIPTION:

Outlot 8 of NW 1/4, Section 10, Township 146 N, Range 77 W described as follows:

Beginning at the West Quarter Corner of Section 10, Township 146 N, Range 77 W, of the 5th Principal Meridian, Sheridan County, North Dakota; Thence N 0°00'26" E, along said North-South quarter line, of said Section 10, a distance of 681.84 FT, to a point being on the South Right of Way line of said U.S. Highway 200; Thence N 80°46'37" E, along the South Right of Way line of said U.S. Highway 200, to a Right of Way monument of said U.S. Highway 200, a distance of 650.36 FT; Thence N 8°49'22" W, along the South Right of Way line of said U.S. Highway 200 to a Right of Way monument of said U.S. Highway 200, a distance of 9.85 FT; Thence N 80°27'26" E, to a point on the South Right of Way line of said U.S. Highway 200, a distance of 39.74 FT; Thence S 0°08'05" E, a distance of 794.61 FT, to a point on the East-West Quarter Line, of said Section 10, Thence S 89°20'40" W, along said East-West quarter line, of said Section 10, a distance of 681.63 FT, to the Point of Beginning.

Said described tract of land contains 11.47 Acres more or less.



WOLD
ENGINEERING, P.C.

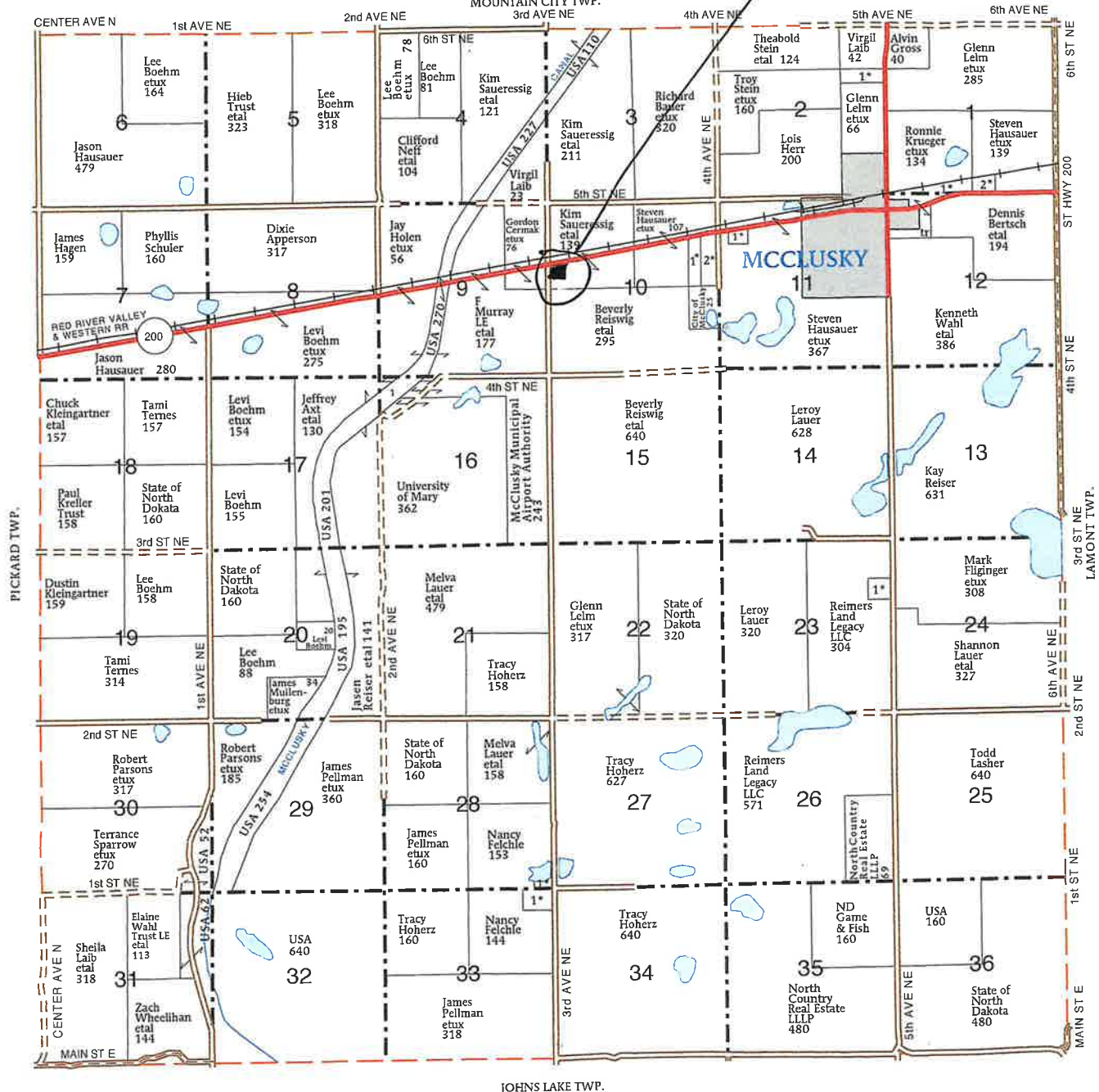
Consulting Engineers & Land Surveyors
Bottineau: 228-2292 Bismarck: 258-9227 Minot: 852-0338

T-146-N

MCCLUSKY PLAT

(Landowners)

MOUNTAIN CITY TWP.

Commercial
R-77-W

JOHNS LAKE TWP.

MCCLUSKY TOWNSHIP

SECTION 1

1. Bertsch, Dennis etux 7
2. Leim, Glenn etux 6

SECTION 2

1. Kitto, Gerald etux 10

SECTION 10

1. Alderin, Kent etux 6
2. Crimmins, James etux 10

SECTION 11

1. Lasher, Vernon etux 7

SECTION 16

SECTION 36

1. Pfennig, Travis etux 12

SECTION 28

1. Houser, Robert etux 5

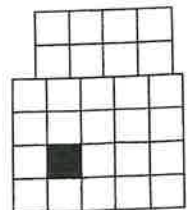
SECTION 33

1. Houser, Robert etux 15

125844 Fee:\$0.00
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County of Sheridan, North Dakota

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SHERIDAN CO., ND

Handwritten notes at the top left of the page.

Handwritten notes at the top right of the page.

Small handwritten mark or signature in the center of the page.

Small handwritten mark or signature in the lower right area.

Small handwritten mark or signature in the bottom right corner.

State of North Dakota

County of Sheridan

I, Shirley A. Murray, County Auditor in and for said County and State, do HEREBY CERTIFY that I have carefully compared the foregoing with original record in my office and the same is a true and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Sheridan County, at McClusky, in said County on this 22nd day of October, 2021.



Shirley A. Murray
Shirley A. Murray
Sheridan County Auditor

