



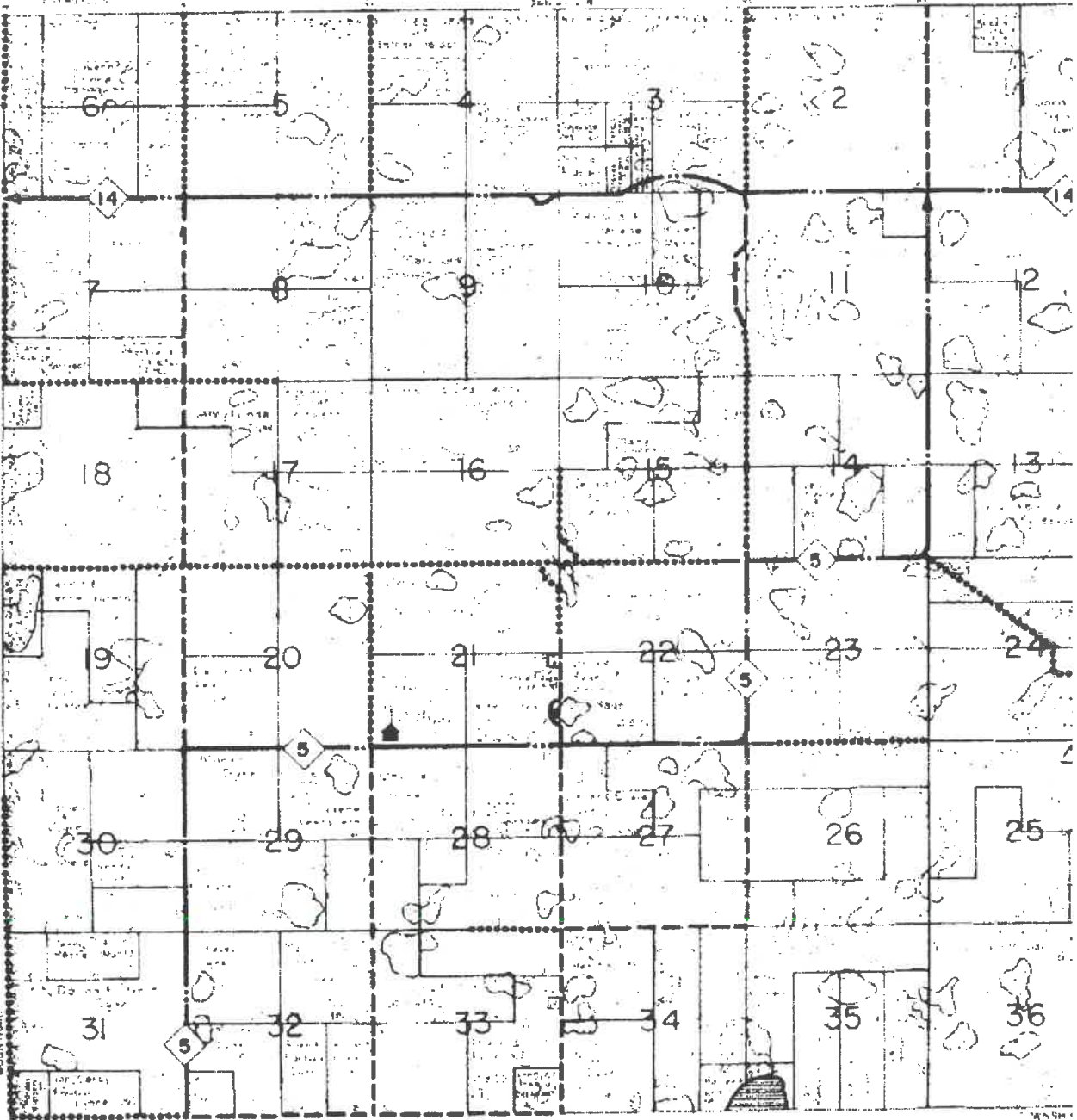
MAP OF SHEALY



TOWNSHIP 154 N.

RANGE 87 W.

CODE SH



FILED TIME 8:30 AM

SEP 12 2009

COUNTY RECORDER
WARD COUNTY N. DAK.

Sheila K. Daley
R. B. ...

Preface

This Comprehensive Plan was prepared by the Shealy Township Zoning Commission based on a plan developed for Rolling Green Township by the Souris Basin Planning Council.

The Plan was developed in response to concern for the loss of agricultural land in the township and will be used as a basis for the Township Zoning Ordinance in accordance with section 58-03-12 of the North Dakota Century Code.

Shealy Township Zoning Commission:

Donny L. Malcomb
Dallas Dyke
Danny Dyke
Darold Dyke
Dan Deaver
June Myers/Administrator

SHEALY TOWNSHIP COMPREHENSIVE PLAN

Introduction

Shealy Township is located on the west central edge of Wa
County, approximately 25 miles west of Minot. (Township 154N
Range 87W). The township is exclusively an agricultural area
with residents engaged in some farming activities.

The residents of the township have indicated a desire to
preserve the agricultural base and rural nature of the townshi
The township supervisors have developed this comprehensive pla
to present the background of the township and to express the
township's desires for the future.

The background portion of the plan contains information
primarily on the physical characteristics of the township. Th
desires of the township are presented it the form of goals, ob
jectives and policies.

The plan is intended to be a general, flexible guide for
the future which should be updated periodically to express the
changing needs and priorities of the township.

Physical Characteristics

Soils and Topography

According to the 1974 Soil Conservation Service's Soil Survey of Ward County, there are four major soil associations within Shealy Township.

One consists of the Max-Zahl association. This association is described as well-drained, hilly, loam soils formed in glacial till. Slopes range from ten to twenty-five percent. The hilly soils surround potholes, sloughs, and small lakes; therefore, drainage ways are short and terminate locally. Most of this association is in native grass. This grassland forms the nucleus for the beef cattle ranches in the county. The native grass in the sloughs and swales produces most of the harvested forage.

The second association is a Williams association and it is a well-drained, undulating, loamy soil formed in glacial till. This association consists of undulating soils that have ten to twenty-four feet of local relief. Slopes generally are three to seven percent and dominantly two-hundred to three-hundred feet long. Most areas drain into local enclosed depressions or sloughs, but some areas are long drainage-ways. Much of this association is cultivated, except for areas that are in sloughs which are usually too wet. Wheat, barley, flax, and oats are the main crops. Cash-grain crops and beef cattle are the main enterprises.

The third general soil association is the Nutley-Sinai association. This association is well to moderately drained, level to gently sloping, clayey soils formed on glacial lacustrine sediment. The soils in this association generally are gently sloping and slopes are generally long. Nearly all the acreage is cultivated. Wheat, barley, flax, sunflowers, canola, and other specialty crops are commonly grown. Soil blowing is a hazard in winter and spring on open-fallow fields because these clayey soils granulate into sand-size particles that blow readily.

The final major soil association in the township is called the Williams-Bowbells association. This association is characterized by well to moderately-well drained, nearly level, very dark brown loamy soils formed in glacial till. Most of this association is cultivated. Wheat, barley, flax, oats, and specialty crops are the main crops. Cash grain crops are the main

enterprise. Some areas have numerous depressions. A general slope of twenty to thirty feet per mile to the northeast facilitates the natural and artificial drainage of the association. Soils that have some of the subsoil mixed into the plow layer are resistant to soil blowing, but tillage, rainfall dispersion and winter weathering cause a hazard of soil blowing in areas of unprotected fields.

Climate

The climate of the township is a continental climate typical of the northern Great Plains. Summers are quite warm and have occasional hot periods, but only a few days can be considered humid. Winters are cold, but the temperatures vary widely from day to day, month to month, and even year to year. Cold arctic outbreaks can be expected every winter, but there are also compensating periods of mild weather. The area receives an annual average rainfall of 15.62 inches. The distribution of the precipitation is a very significant factor in the agricultural economy of the township. On the average nearly fifty percent falls in May, June and July which is the most important period when growing crops. More than seventy-five percent falls in the growing season--April through September.

Water Resources

Water supplies for the township residents are obtained from several sources. Shallow wells in glacial outwash or in pockets of coarse-textured material provide hard calcium water that is desirable for home use. Deep wells tap lignite or sandstone strata in the Fort Union formation. Such water is soft but may be highly alkaline. A third source of water used mainly for livestock are dugouts, surface reservoirs, sloughs, and marshes.

Land Ownership

All of Shealy Township is privately owned except for the wildlife protection areas and section 36 which is state school land owned by the State of North Dakota and managed by the State Land Department. (See attached map)

Roads

There are three types of roads in Shealy Township; county highways, township roads and trails. (See enclosed map)

The township does have two county highways encompassing a

proximately 15 miles, all of which are gravel surface. County Highway 14 is located one mile south of the township's northern border and runs east and west. The road is proposed to be paved in the near future. The hard-surfacing of County 14 will provide township residents with excellent access to the city of Minot and will enhance development in the township.

The other county highway is a north-south route. County 5 is located 1 mile west of the township's eastern border.

The many township roads and trails in Shealy Township usually follow section lines and are scattered throughout the township.

The Future

Introduction

In order to present the future desires of the township, the supervisors with input from local residents have developed the following issues, problems, opportunities, goals, objectives and policies.

Although developed by the supervisors this section was based on the Land Use and Housing Elements of the Souris Basin Planning Council's Overall Economic Development Program.

Issues, Problem or Opportunity

The residents of Shealy Township make their living from the land. They feel that to continue the way of life the agricultural base of township must be preserved.

Goal: Wise use and management of Shealy Township's agricultural resources for the maximum benefit of area residents for all time.

Objective: Protect the county's productive agricultural land from encroachment by non-agricultural activities.

Policies:

- a. Deter non-farm development from productive farm land
- b. Discourage the Fish and Wildlife Service from purchasing productive farmland for wildlife habitat areas
- c. Guide residential, commercial and industrial development to areas where substantial public and private investment in the provision of services already exists
- d. Encourage non-agricultural activities to locate in areas where they will not hinder farm operations
- e. When possible, restrict the location of utilities' easements to areas which will not interfere with farming activities

Objective: Reduce the loss of agricultural soils to alkaline soils, saline seeps, and wind and water erosion

Policies:

- a. Encourage the township residents to develop best management practices to protect the agricultural base of the township

Objective: Prevent the spread of noxious weeds in the township.

Policies:

- a. Control noxious weeds along township roads and work with county officers to control noxious weeds along county roads
- b. Support further research on noxious weeds and their control

Issues, Problem or Opportunity

The natural resources of the township are important to the residents and necessary for agricultural production.

Goal: Protection and conservation of the natural and man-made environment for present and future generations

Objective: Identify and manage the area's water resources to assure an adequate supply of water for future generations.

Policies:

- a. Maintain rural water tables by discouraging new wells for non-farm use
- b. Deter development in areas of high water tables

Objective: Preserve the quality of water of the township's water supplies.

Policies:

- a. Participate in the 208 Water Quality Planning Program with the State Health Department
- b. Encourage new development to locate in areas where sewer lines and treatment facilities are available
- c. Support soil conservation practices which minimize soil erosion and sedimentation

Objective: Reduce the loss of valuable topsoil through wind and water erosion.

Policies:

- a. Cooperate with the Soil Conservation District in promoting good soil management

Objective: Develop natural resources in ways which do not destroy valuable topsoil.

Policies:

- a. Encourage land practices or uses which control and limit water and wind erosion and loss of topsoil
- b. Carefully examine oil company plans to ensure that soils disturbed by drilling operations and exploration can and will be reclaimed

Issues, Problem or Opportunity

Shealy Township has a limited income and cannot afford the increasing costs that haphazard development brings about.

Goal: To stabilize the tax burden and operating costs of township government by guiding development and planning for future public facilities.

Objective: Stabilize local government operating expenses

Policies:

- a. Deter development from locations which will increase the service costs of government unnecessarily
- b. Protect residents from having to pay excessive property taxes or assessments to finance public services extended to new rural residents
- c. Discourage non-farm development in farming areas
- d. Discourage development in areas where the costs of providing or maintaining access roads is excessive
- e. Encourage development within or adjacent to communities which have the ability to provide and maintain the required services
- f. Require all buildings and tree plantings to be located a reasonable distance from roadways

Issue, Goal or Opportunity:

The location of utilities in the township can cause hardships on farming operations and does remove some agricultural land from production.

Goal: Eliminate conflicts between residents and utility companies.

Objective: Assure utility locations are compatible with neighboring land uses.

Policies:

- a. Require utility easement locations which will minimize conflicts with farming operations
- b. Encourage the location of utilities along section lines and other established right-of-way areas

Issue, Goal or Opportunity:

Roads in the township must be maintained in good driving condition to assure the continued movement of agricultural equipment and products.

Goal: Insure proper road development and maintenance.

Objective: Maintain township and county roads in good driving condition.

Policies:

- a. Develop county traffic patterns which result in low traffic volumes on rural roads carrying farm machinery
- b. Discourage direct development on major roads where such development would result in increased congestion and hazards

Summary

As can be seen in the physical characteristics section of the plan, Shealy Township is well suited and produces good crops of wheat, barley, oats, flax, sunflowers and specialty crops. The areas that are not tilled produce excellent forage for the townships cattle. The climate of the township provides the necessary precipitation for the small grains.

To preserve the agricultural base of the township and the productivity of the land for future generations the township's supervisors have developed this plan and recommend that it be implemented by a Township Zoning Ordinance. The supervisors hope to be able to more efficiently manage those land activities which are incompatible with agriculture and insure that any future growth and development with the township is consistent with the needs and desires of the residents and are not a burden on public expenditures.

PREAMBLE

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING
REGULATIONS FOR SHEALY TOWNSHIP

The intent of which is to:

Promote the health, safety morals, and general welfare and of the township people and the orderly development of township lands;

Preserve and maintain agricultural lands for farm use;

Encourage non-farm growth to locate within existing communities or community-service districts;

Promote a healthy and visually attractive environment;

Promote the development of utility corridors which utilize the least productive agricultural land;

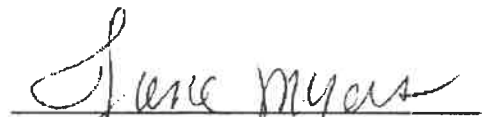
Regulate development in the flood plain areas so as to reduce flood damages and protect stream flows;

Discourage development which exceeds the carrying capacity of the land, air, or water resources;

Discourage any development which places an excessive financial burden on the township or county government.

THIS ORDINANCE IS HEREBY ADOPTED EFFECTIVE THIS
11 DAY OF September 2003


Chairman, Township Board


Clerk, Township Board

ARTICLE I

- I. Authority: This ordinance is adopted under the authority granted Chapter 58-03 of the North Dakota Code.
- II. Purpose: The purpose of this ordinance is to preserve the agricultural use of the land, promote the health, safety, morals, general welfare, and orderly development of Township.
- III. Severability: If any provision or section of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.
- IV. Repeal: All other ordinances of Shealy Township in conflict with this ordinance is hereby repealed.
- V. Title: This ordinance shall be known as "Zoning Ordinance of Shealy Township".
- VI. Effective Date: This ordinance shall become effective after a public hearing and adoption by the Shealy Township Board of Supervisors.

ARTICLE II

Definitions of Terms Used In This Ordinance

- I. Definitions: For the purpose of this ordinance, the following definitions have been adopted:
 - A. Rules:
 1. Words used in the present shall include the future; the singular number shall include the plural.
 2. The word 'person' includes a firm, partnership, association, corporation or individual.
 3. The word 'shall' is mandatory.
 - B. List of Definitions:
 1. Agriculture: The use of land for agricultural purposes, including the necessary buildings or structures for farm or farm labor. Agriculture shall include horticulture, animal and poultry husbandry, and accessory uses and buildings for packing, transporting or storing produce, providing accessory uses is secondary to normal agricultural activities.

2. Accessory Use or Accessory Structure: A use or structure incidental and subordinate to the main use of property and located on the same lot as the main use, such as a garage or shed.
3. Building: Any structure used for shelter or enclosure of persons, animals, or chattels.
4. Conditional Use: A use conditionally permitted in order to reduce any adverse effects on surrounding property.
5. Dwelling: A building or portion thereof occupied exclusively for residential purposes, but not including mobile recreational vehicles.
6. Dwelling, Farm: A single family dwelling or mobile home located on a farm which is occupied by the farm's owner or person employed thereon.
7. Dwelling, Non-Farm: A single family dwelling or mobile home located on a farm or otherwise of which the occupant does not derive at least 50 percent of his income from agricultural activities.
8. Family: A group of one or more persons occupying a single dwelling and living as a single housekeeping unit.
9. Farm: Any aggregate area operated by one person, family, partnership, corporation or joint venture for agriculture or farming purposes.
10. Feedlot: The use of land or buildings for the exclusive purpose of concentrated feeding or fattening of livestock for market and which less than 50 percent of the feed is raised by the occupant.
11. Home Occupation: Any occupation (1) which is carried on solely by members of the family residing on the premise, (2) are clearly secondary to the use of the dwelling for residential purposes and do not create excess noise, traffic, or other disturbances.
12. Junk Yard: Any land or building used for the storage, sale or dismantling of obsolete vehicles, junk and other machinery.
13. Lot: A parcel of land sufficient to provide the yard required by the regulations.
14. Mineral Exploration: Use of any technique which when applied to the surface of the land will aid in the discovery or evaluation of mineral resources.

coal, oil, gas, potash, sand, gravel and/or rock or other subsurface minerals as defined in North Dakota Century Code

15. Mineral Production: Any activity when applied to the surface land will produce coal, oil, gas, potash, sand, gravel and/or other subsurface minerals as defined in North Dakota 38-1
16. Mobile Home: A mobile home is a dwelling unit, designed for transport after construction. A recreational travel trailer not to be considered a mobile home.
17. Non-Conforming Use: Any structure, land or building existing time of adoption or amendment of this ordinance which does not conform to the provisions of the regulations.
18. Setback: The open space extending the full width of a lot between a building and a public right-of-way line, easement, or front property line.
19. Structural Alteration: Any change in the supporting members or a substantial change in the roof or exterior walls of a Building.
20. Utilities: Including but not limited to electric power, transmission lines, natural gas, pipe lines, petroleum products pipelines, rural water lines and telephone lines.
21. Variance: The grant of relief from the requirements of the ordinance where it can be shown that due to unusual conditions on the property strict application of the regulations would result in undue hardship.

ARTICLE III General Provisions

- I. Jurisdiction: The jurisdiction of this ordinance shall include all unincorporated areas of Shealy Township.
- II. Compliance: Except as hereinafter provided, no building, structure or land shall be erected, repaired or used except in conformance with these regulations.
- III. Agriculture Exempted: Nothing in this ordinance shall be applied for the purpose of preventing or restricting the use of land or buildings for agriculture or any of the normal incidents of agriculture.
- IV. Interpretation: In the interpretation and application of this ordinance, the provisions of this ordinance shall be held to the minimum requirements. Where this ordinance imposes a greater

restriction than existing law, the provisions of this ordinance shall govern.

V. Non-Conforming Uses:

- A. Lawful, non-conforming uses of land or buildings existing at the time of adoption of these regulations may continue, provided no structural alterations except for normal maintenance are made and such non-conforming uses shall be extended to occupy a greater area of land than occupied at the time of Adoption.
- B. No building or structure where a non-conforming use has been discontinued for a period of 1 year or has changed to a permitted use shall again be devoted to a non-conforming use.
- C. A non-conforming structure destroyed or damaged less than 50 percent of its fair market value may be reconstructed within 1 year of casualty. If damaged more than 50 percent of its fair market value, such building shall be reconstructed in conformance to those regulations.
- D. The provisions of this section shall not be applicable to conditions of use or any use made non-conforming by a change in district regulations.

- VI. Amendments: In accordance with Chapter 58-03, Section 58-13 of the Dakota Century Code, the Board of Township Supervisors may from time to time amend the provisions of this ordinance. Such amendment shall not become effective until after a public hearing at which parties having an interest and citizens shall have the opportunity to be heard. At least 15 days notice of the time and place shall be published in the official newspaper of the county. The description of any land in any zoning district together with any restriction therein, or any amendment to the zoning ordinance, shall be filed with the Board of Township Supervisors.

ARTICLE IV
District Regulations

- I. Establishment of District Regulations: For the purpose of these regulations, the entire area of Shealy Township is zoned agricultural.
- A. Zoning Map - The location and boundaries of the zoning districts hereby established as shown on the map entitled "Official Zoning Map", which accompanies, and is hereby made a part of the regulations.

B. Location of District Boundaries:

1. Where the district boundary lines on the Zoning District Map indicated to follow highway, road, or railroad right-of-way boundary lines shall be construed to be the centerline of such right-of-way unless clearly shown to the contrary.
2. Where any uncertainty exists as to the exact location on the zoning district boundary line, the zoning board shall determine the location of such boundary lines.

II. Agricultural District:

- A. Purpose: To establish and preserve areas of agriculture and low intensity development which do not significantly change the existing character of the area.
- B. Permitted Uses: Agriculture and agricultural buildings, including farm dwellings, cemeteries, churches, home occupations, access to the permitted uses.
- C. Conditional Uses: The following conditional uses and their accessories are permitted subject to the stipulation of the zoning board. Non-farm dwellings, schools, sanitary disposal facilities including landfills, mineral exploration, mineral production, feedlots, yards, radio or TV towers, utility lines and substations in accordance with the appropriate provisions of this ordinance, or other open land recreational use.
- D. Dimensional Standards:
 1. Setbacks:
 - a. 150 feet from all section lines and township and county boundaries.
 - b. 250 feet from the centerline of all state highways.

ARTICLE V
Special Provisions

I. Utilities:

- A. All new utilities shall be considered as a conditional use and such shall conform to all requirements put on them by the Town Zoning Commission.
- B. No conditional use permit shall be issued unless satisfactory provisions for the following has been made.

1. Underground utilities shall be placed deep enough as not to constitute a hazard to normal farming or general township maintenance.
2. Above ground utilities shall be placed in a manner which will place no hardship on normal farming operations.
3. The activities will not result in undo damage or injury to bridges, right-of-ways in the township and to all township and private property.
4. Excavation costs for purposes of construction or maintenance of utility shall be borne by contractor or owner of said utility.

II. Mineral Exploration and Mineral Production:

- A. All mineral exploration and mineral production activities shall be considered as a conditional use, and as such shall conform to the requirements put on them by the Township Zoning Commission.
- B. No conditional use permit shall be issued unless satisfactory provision for the following has been made.
 1. The activities will not result in undo damage or injury to bridges, right-of-ways in the township and all township public and private property.
 2. Evidence of a reclamation agreement with the surface owner.
 3. Evidence of compliance with all County, State and Federal regulations.
 4. A road maintenance contract has been negotiated with the township stating responsibilities for maintaining all roads that are subject to damage in construction or maintenance of said activity.
 5. Evidence that the activity is in compliance with distance requirements in relation to adjacent residents, property owners and water sources as set by the Township Supervisors.

III. Sanitary Regulations: All residential, business or industrial structures shall conform to the North Dakota health regulations which refers to wells, irrigation and septic and systems.

IV. Shelter Belts: No shelter belts or major tree plantings shall be established closer than:

- A. 150 feet from all section lines and the centerlines of all township and county roads.

- B. 250 feet from the centerline of all state highways.
- V. Residential Development: The following regulations shall be applied to the construction of non-farm dwelling units:
 - A. Density:
There shall be no more than one (1) non-farm dwelling per quarter section (160 acres).
 - B. Dimensional Standards:
 - 1. Setbacks:
 - a. 150 feet from all section lines and all township and county roads
 - b. 250 feet from the centerlines of all state highways
 - 2. Lot Size - 2 Acres
 - 3. Lot Width - 200 Feet
 - 4. Side Yard - 25 Feet
 - 5. Height - 35 Feet

ARTICLE VI
Administration and Enforcement

- I. Zoning Administrator: The Zoning Administrator shall be appointed by the zoning Board. Duties of the Zoning Administrator shall include:
 - A. Issuance of all permits
 - B. Conduct inspections of buildings.
 - C. Maintain records of the regulations and permits.
 - D. Transmit to the zoning board all applications for appeals, variances or conditional use permits and all applications for amendments to the board of township supervisors.
- II. Township Zoning Board: Membership for the board shall consist of a board of township supervisors plus two (2) representatives from the unincorporated communities within the township. Duties of the board shall include:
 - A. Establishment of rules, regulations and procedures for the purpose of administering the zoning ordinance.
 - B. Assist the zoning administrator in conducting inspections of buildings and administering the zoning ordinance.

- C. Hear and decide appeals where it is adjudged by the applicant that an error in judgment has been made by the zoning administrator.
- D. Review and study from time to time the provisions of the regulations.
- E. The zoning board shall serve as an advisor to the township board. The township board shall have final review of all zoning board decisions.

III. Appeals: Any person aggrieved by the provisions of these regulations by any order of determination of the zoning administrator may, within 60 days of such action, petition for a hearing to the township zoning board. Such appeal shall be in writing and shall specify in detail the grounds for the appeal.

A. Procedure:

- 1. Appeals shall be filed with the zoning administrator.
- 2. Within 30 days of filing, the township zoning board shall fix a date for a hearing.
- 3. Notice in writing shall be given to the petitioner at least 10 days prior to the hearing.
- 4. Within 15 days after the hearing, the township zoning board supervisors shall take action and shall mail by registered mail a copy of its order to the petitioner.

IV. Variances: As used in this ordinance, a variance is authorized only in cases where the height, area, or size of structures or yards.

No variance shall be authorized unless the township zoning board is satisfied beyond a reasonable doubt that all of the following conditions exist:

- A. That there are exceptional or extra ordinary circumstances applicable to the property in question or to the intended use of the property that do not apply generally to other properties or class or uses in the same zoning district.
- B. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same zoning district and in the vicinity.
- C. That the authorization of such variance will not be of substantial detriment to adjacent property and will not materially impair the public purpose of the regulations or the public.

- D. The owner cannot otherwise obtain a reasonable return on this property.
 - E. The hardship is not self-created.
 - F. The variance request is the minimum necessary to permit a reasonable use of the land.
- V. Conditional Uses: No permit pertaining to the conditional use of land or buildings shall be issued unless:
- A. Application for a conditional use permit has been submitted to township zoning board for review.
 - B. The board has held a public hearing.
 - C. The board has made written findings certifying with rules governing conditional uses and that, where applicable, satisfactory provisions for the following have been made:
 1. Entrance and exit to property with reference to public safety, traffic flow and convenience.
 2. Parking and loading requirements of the specific use.
 3. General compatibility with the surrounding property with due consideration for noise, odor or other adverse effects.
 4. Required open space and yards.
 5. Any other applicable circumstances that may need further attention.
- VI. Permits: No structure or land used for residential, commercial, or industrial purposes including accessory uses, shall be built, altered, moved until a permit has been obtained from the zoning administrator. No permit shall be required for maintenance or repairs of any building which does not alter the plan of the structure.
- VII. Violations of Regulations: Remedies for violation of these regulations may be instituted by the board of township supervisors in accordance with Section 58-03-14 of the North Dakota Century Code.
- VIII. Fees: For the purpose of administering this ordinance, fees may be instituted by the board of township supervisors.
- A. Fees for construction, reconstruction or alteration shall be based on estimated total cost of each project as follows:

<u>Valuation of Project</u>	<u>Fees</u>
\$0.00 - \$50,000	\$20.00
Each additional \$1,000	
Exceeding \$50,000	\$1.00

- B. No permits as required by these regulations shall be issued until the fee or fees prescribed herein shall be paid, unless the Township Zoning Board has otherwise provided by resolution for a particular case

Amendments

Amendment 1:

A: Two 'Members at Large' shall be appointed by the Township Board for a 2 year term.

B: Salary for Zoning Supervisors shall be the same as Township supervisors.

Amendment 2: The Zoning Commission shall hold a meeting annually, for purposes of updating the Zoning Plan. This meeting will be the same day as the Township Annual meeting.