



## MEMORANDUM

### Highway Department

Jason Benson, P.E.  
County Engineer

Thomas B. Soucy, P.E.  
Deputy County Engineer

Blaine Laaveg  
Superintendent

TO: Cass County Commission

FROM: Grace Puppe, Cass County Planner

DATE: October 25, 2021

SUBJECT: Agenda topic for November 1, 2021 Commission Meeting:  
Ordinance Relating to Regulating Crew Camp Facilities in  
Cass County, North Dakota Outside of Incorporated Cities

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The enclosed document contains an updated ordinance regarding regulating crew camp facilities in Cass County, North Dakota outside of incorporated cities. The Cass County Planning Commission has reviewed this ordinance and approved it to be brought before County Commission.

The purpose of this Ordinance is to provide guidance on the reasonable placement and use of Crew Camps.

Updates to this ordinance were made to clarify signage and addressing requirements while providing a process for how the applicant is to obtain a 911 address. It also clarifies the responsibility of the applicant to notify the 911 Coordinator of any changes to the site layout, such as removal or addition of new buildings.

#### **SUGGESTED MOTION:**

Move to approve the second reading of Ordinance #2021-1, Crew Camps as amended; and to have the State's Attorney publish this ordinance with all other County ordinances into a handbook for Cass County law enforcement officials.

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NOTICE OF PROPOSED  
CASS COUNTY ORDINANCE

The Cass County Board of Commissioners is considering amendments to an ordinance relating to Cass County park campsites. First reading of the ordinance was held September 20, 2021. Second reading and adoption is scheduled for November 1, 2021, at the meeting of the Cass County Board of Commissioners beginning at 3:30 PM in the Commission Room at the Cass County Courthouse in Fargo, North Dakota.

PUBLISH IN LEGAL ADVERTISING: September 29, 2021

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## ORDINANCE #2021-1

### AN ORDINANCE RELATING TO REGULATING CREW CAMP FACILITIES IN CASS COUNTY, NORTH DAKOTA OUTSIDE OF INCORPORATED CITIES

#### **Section 1: Purpose**

The purpose of this Ordinance is to provide guidance on the reasonable placement and use of Crew Camps.

#### **Section 2: Authority**

This Ordinance is established under the authority of the North Dakota Century Code 11-09.1-06 and Article 3 of the Cass County Home Rule Charter.

#### **Section 3: Definitions**

- (a) Crew Camp - any area or structure designed or established specifically to accommodate the housing demand from a temporary influx of workers. Crew camps do not include single family residences, multi-family residences, hotels and motels, bed and breakfasts, existing recreational vehicle parks and existing campgrounds. Crew Camps include a subset classified as Large Crew Camps.
- (b) Large Crew Camp - a crew camp designed for or housing more than ten (10) people which meets the requirements of this Ordinance and conditions as established by the Planning Commission and Board of County Commissioners.
- (c) Crew Housing Facilities - 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 section 57-02-04, and are not mobile homes, as defined in section 57-55-01. A group of crew housing facilities that are connected physically or by common ownership may be treated as a single crew housing facility for purposes of imposition of crew housing permit fees imposed under this chapter.

#### **Section 4: Administration**

- (a) Application Approval Required. An application must be approved by the Cass County Planning Commission and the Board of County Commissioners before any Crew Camp may be developed or used in Cass County. No crew camp may be established or used unless it meets the requirements of this Ordinance and any conditions as established by the Planning Commission and Board of County Commissioners.
- (b) Application Review. An application for crew camps shall be submitted on forms provided by the Cass County Planning Office. The application shall be submitted to

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- the Cass County Planner for review and approval by the appropriate Cass County officials after a public hearing has been held. Township officials from the applicable township and all property owners within 1,000 feet shall be notified of the public hearing at least ten days before the date of the hearing. Approval by the appropriate Cass County officials grants the applicant authorization to construct and operate the Crew Camp in a manner that is consistent with this approval. Application approvals are valid for 3 years contingent on positive annual reviews.
- (c) Annual Review. Applications for large crew camps must be reviewed annually by the Planning Commission. Applications for other crew camps must be reviewed annually by the County Planner unless a violation is found during the year. In that case, the annual review must be done by the Planning Commission.
- (d) Conditions of Approval. No application shall be approved unless the following criteria have been met. Additional conditions may also be required for approval.
1. Proposal is consistent with the intent of the township zoning district in which the use is located.
  2. Proposal is consistent with the Cass County Comprehensive Plan.
  3. Proposal will be compatible with the existing surrounding land uses.
  4. Proposal will be compatible with future development of the surrounding area as permitted by existing zoning.
  5. The applicant has made a diligent effort to minimize impacts to surrounding area.
  6. There is adequate provision for the protection of the health, safety and welfare of the inhabitants and workers in the surrounding area and the County.
  7. A signed lease agreement between the landowner of the crew camp site and the crew camp applicant is documented.
  8. The applicant has provided a scaled site plan detailing the location and design of facilities.
  9. The applicant has provided a detailed reclamation plan for removing all facilities and structures from the site and returning it to its pre-development conditions.
  10. Any development agreement required by the Board of County Commissioners has been signed by the applicant.
  11. Issues raised by public comment have been appropriately addressed.
12. Fees. Any crew camp which meets the definition of “crew housing facilities” under NDCC 57-02.4-01 is subject to the statutory provisions contained in that chapter and may be subject to crew housing permit fees as defined therein. Such fees shall be established by action of the Board of County Commissioners.

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**Section 5: Development Requirements**

- (a) Standards. Applicants requesting approval for siting, development or operation of Crew Camps have the burden of proof to demonstrate compliance of their proposed use with this Ordinance. Applications for all crew camps must demonstrate compliance with the following design standards and such crew camps shall continuously meet these standards if the application is approved:
1. A guest registration and management system that provides clear documentation for all persons using the facility.
  2. Adequate water service in terms of quality, quantity, and dependability is available to the site to serve the uses permitted. If water supply will be Cass Rural Water Users, agreement for services shall be provided.
  3. Adequate sewer service is available. Certification by the Cass County Public Health Environmental Office shall be provided.
  4. Adequate fire protection measures are available. Approval by appropriate fire department shall be provided.
  5. Any needed access to the site shall be approved by the Cass County Highway Department. All parking and loading and vehicle storage activities shall take place on the site and shall be constructed with paved or crushed aggregate surfaces, and no parking shall be permitted within any public right-of-way.
  6. All buildings and housing units shall be clearly marked and identified with lighted signs for emergency response purposes. **Signage shall be posted at the access point and decision points. For example, if multiple buildings are present, signage direction (arrows) to buildings shall be added such as "BLDG 1 to BLDG 10 this way" etc.**
  7. Adequate waste management services shall be provided. A written description of the management plan must be provided in the application and if a waste management disposal service is contracted, proof of contract must be provided.
  8. **Each building and housing unit on the site shall have a unique 911 address established by the Cass County 911 Coordinator. The requestor shall complete a rural address request application using the form provided on the planning page of the Cass County website. To facilitate this process, a scaled site plan detailing the location of all buildings and housing units shall be provided.**
  9. **Pursuant to Section 57-40.6-10(3) of the North Dakota Century Code, the County will ensure that mapping and addressing is updated in the emergency services communication system database and mapping system within (30) thirty days receipt of notice requesting a change**
  10. **Once the crew camp is established, the applicant will be responsible for immediately notifying the 911 Coordinator of any changes to the site layout, such as removal or addition of new buildings.**

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- (b) Additional Standards for Large Crew Camps. Applicants requesting approval for siting, development or operation Large of Crew Camps have the burden of proof to demonstrate compliance of their proposed use with this Ordinance. Applications for large crew camps must demonstrate compliance with the following additional design standards and such crew camps shall continuously meet these standards if the application is approved:
1. Compliance with the following stormwater management standards:
    - a. Onsite retention facilities designed to retain stormwater runoff from the fully developed site from a 100-year storm event.
    - b. Drainage facilities must be designed by a North Dakota licensed engineer to protect downstream areas from erosion and inundation and must meet all requirements of North Dakota law.
  2. Proposals in areas deemed by the Planning Commission to be flood-prone must provide adequate protection from flooding to a 100-year level as determined by a hydrologic and hydraulic analysis.
  3. In the case of a proposed Crew Camp facility designed to house at least 250 occupants, a person with CPR and First Aid Certification is on-site full-time, and an AED is located where readily accessible to each housing unit at all times.
  4. All roadways, buildings and housing units shall be clearly marked and identified with lighted signs for emergency response purposes.
  5. An access and traffic management plan shall be provided which identifies anticipated traffic volumes and provides appropriate access locations and circulation patterns within the site. The County may require service roads, and acceleration, deceleration, and turning lanes to facilitate the safe and expedient movement of traffic.
  6. Any proposal which involves truck traffic must have an approved dust control plan.
  7. A landscape plan may be required to help blend the development into the rural landscape.
  8. Responsibility for maintenance of the land being developed and a standard for the control of weeds and grass shall be established.

#### **Section 6: Reclamation Requirements**

- (a) The applicant shall be responsible for beginning reclamation of the permitted site immediately after completion of its authorized use as a crew camp. The applicant shall be financially responsible for the full cost of reclamation. Within seven (7) days of application approval and prior to any construction on or use of the authorized site, the applicant shall provide a reclamation bond to the County for purposes of removing structures, foundations, and disturbance areas and returning the site to its pre-development state or to productive agricultural use as existed prior to the use of the site for a crew camp. The reclamation bond, by a surety company authorized to do

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business in North Dakota, shall be for one hundred and fifty (150%) percent of a licensed engineer's or the county engineer's estimate of the cost to remove all above ground structures, all underground structures to a depth of four (4) feet, including but not limited to pipes, wires and concrete, and to remove gravel, scoria, or other ground cover or fill from the site, regrade the site to its predevelopment appearance, and reseed the site with native grasses and vegetation. The bond may not be canceled by the surety unless the applicant obtains a substitute surety assuming liability for the reclamation and it is approved by the County. The County may suspend or revoke the application approval if the applicant fails to comply with these reclamation bond requirements. An action at law may be maintained to recover sums necessary to complete reclamation and the County must be awarded reasonable attorney's fees for such action.

- (b) The applicant for a crew camp must complete reclamation of the crew camp site in accordance with its approved reclamation plan within six (6) months of completion of its authorized use as a crew camp.

**Section 7: Enforcement and Penalty**

- (a) Any crew camp or large crew camp site is subject to inspection by the county sanitarian, the county planner or an agent of the county planner, or law enforcement at any time and the inspector may enter onto private property for purposes of inspecting the premises for violations of this ordinance.
- (b) The County Planner may revoke approval of a crew camp application at any time for violations of this Ordinance.
- (c) Any violation of this ordinance will result in the following penalties:
  1. A fine of \$250 per day for up to five (5) days
  2. A fine of \$500 per day for up to ten (10) days
  3. A class B misdemeanor, with a minimum mandatory fine of \$1000, for a violation exceeding ten (10) days. Each day a violation occurs shall be considered a separate punishable offense.

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NOW, THEREFORE, be it ordained by the Cass County Board of Commissioners that the regulation of crew camps and large crew camps in Cass County, North Dakota be established pursuant to the above.

APPROVED:

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Chad Peterson, Chairman  
Board of Commissioners of the  
County of Cass

ATTEST:

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Brandy Madrigga  
Cass County Finance Director

First reading:	September 20, 2021
Second reading:	November 1, 2021
Final Passage:	November 1, 2021
Publication:	September 29, 2021

HISTORICAL REFERENCE DATE: November 1, 2021