MiNUTES

**Mountrail County Planning & Zoning Commission**

**January 27, 2020**

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| **Mountrail County Courthouse, 101 North Main Street, Stanley, ND 58784** |

*Chairman Sorenson called the meeting to order at 8:30 a.m.*

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| **In Attendance** |

**Board members present**: Charlie Sorenson, Arlo Borud, Tom Bieri, Trudy Ruland, Gary (Fritz) Weisenberger, Linda Wienbar, Joan Hollekim and Roger Hovda (via telephone).

**Also present:** Lori Hanson, Mountrail County Tax Director, Stephanie Pappa, Mountrail County Auditor/Planning and Zoning Administrator, Heidi Kory, Planning & Zoning Assistant Administrator, Teresa Captain, Mountrail County Deputy Tax Director, Kim Savage, Mountrail County Assistant Tax Director and Jana Hennessy, Road & Bridge Engineer, Amber Fiesel, Assistant State’s Attorney.

**Public attending:** Arden Eide, Wayne Olson, John Walsh, Emojean Jorgenson, Doug Niemitalo and Doug Kinnoin.

**Absent:** Wade Enget, Mountrail County States Attorney and Commissioner Bill Klug who resigned from the Board.

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| **Approval of Agenda** |

Moved by Commissioner Borud, seconded by Commissioner Ruland, to approve the agenda. Upon roll call, all present voted yes. Motion carried.

# Mountrail County Planning & Zoning Elections

Moved by Commissioner Wiesenberger, seconded by Commissioner Hollekim, to nominate Charlie Sorenson as Chairman. Nominations ceased. Upon roll call, all present voted yes. Motion carried.

Moved by Commissioner Hollekim, seconded by Commissioner Borud, to nominate Fritz Weisenberger Vice-Chairman. Nominations ceased. Upon roll call, all present voted yes. Motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Borud, to nominate the Planning and Zoning Department to handle the secretarial duties. Upon roll call, all present voted yes. Motion carried.

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| 8:33 a.m. Public Hearing –  *Temporary Use Permit* | Maverick Water Resources LLC/ Dakota Sky Properties, LLC Landowner |

**Applicant**: Maverick Water Resources LLC, with concurrence from Dakota Sky Properties, LLC landowner.

**Location**: 160 acre, more or less, tract of land described as the E½E½ of Section 11, Township 154 North, Range 91 West (**Sikes Township**).

**Number of certified mailing receipts provided**: 9

**Purpose**: Pump water from unnamed slough for fracking using a flat hose

**Present:** John Walsh, Maverick Water Resources LLC. and Emojean Jorgenson.

**Motion:** Moved by Commissioner Weisenberger, seconded by Commissioner Ruland, to approve the zoning request filed by Maverick Water Resources, LLC with concurrence from Dakota Sky Properties, LLC landowner, for a temporary conditional use permit for a Temporary Freshwater Industrial Use Point of Diversion to pump water from an unnamed slough for fracking on a 160 acre more or less, tract of land described as E½E½ of Section 11, Township 154 North, Range 91 West (Sikes Township) contingent on adhering to the ND State Water Permit ND2019-19704 valid December 12, 2019 through December 11, 2020 using only flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when applicable as Maverick Water Resources, LLC with concurrence from Dakota Sky Properties, LLC landowner has met all criteria as set forth in Article II, Section XVI and Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Maverick Water Resources, LLC with concurrence from Dakota Sky Properties, LLC landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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| 8:36 a.m. Public Hearing –  *Temporary use permit* | Maverick Water Resources LLC/ Douglas Kinnoin & Connie Kinnoin, Landowners |

**Applicant**: Maverick Water Resources LLC, with concurrence from Douglas Kinnoin and Connie Kinnoin, landowners.

**Location**: 26.28 acre, more or less, tract of land described as the SW¼SW¼, less a portion of Outlot 1 of the S½SW¼ of Section 13, Township 154 North, Range 91 West (**Sikes Township**).

**Number of certified mailing receipts provided**: 2

**Purpose**: Pump water from unnamed slough for fracking using a flat hose

**Present:** Doug Kinnoin and John Walsh

**Motion**: Moved by Commissioner Borud, seconded by Commissioner Hollekim, to approve the zoning request filed by Maverick Water Resources, LLC with concurrence from Douglas Kinnoin and Connie Kinnoin, landowners for a temporary conditional use permit for a Temporary Freshwater Industrial Use Point of Diversion to pump water from an unnamed slough for fracking on a 26.28 acre more or less, tract of land described as SW¼SW¼, less a portion of Outlot 1 of the S½SW¼ of Section 13, Township 154 North, Range 91 West (**Sikes Township)** contingent on adhering to the ND State Water Permit ND2019-19705 valid November 29, 2019 through November 28, 2020 using only flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when applicableas Maverick Water Resources, LLC with concurrence from Douglas Kinnoin and Connie Kinnoin, landowners has met all criteria as set forth in Article II, Section XVI and Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Maverick Water Resources, LLC with concurrence from Douglas Kinnoin and Connie Kinnoin, landowners complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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| 8:39 a.m. Public Hearing –  *Temporary use permit* | Highline Water LLC/ Boyd & Connie Anderson, Landowners |

**Applicant**: Highline Water LLC, with concurrence from Boyd & Connie Anderson, landowners.

**Location**: 150.34 acre, more or less, tract of land described as the SW¼ of Section 25, Township 157 North, Range 94 West (**White Earth Township**).

**Number of certified mailing receipts provided**: 5

**Purpose**: Pump water from White Earth River for fracking using a flat hose

**Present:** Yvonne Storlie

**Motion**: Moved by Commissioner Hovda, seconded by Commissioner Weisenberger, to approve the zoning request filed by Highline Water LLC with concurrence from Boyd & Connie Anderson, landowners for a temporary conditional use permit for a Temporary Freshwater Industrial Use Point of Diversion to pump water from an unnamed slough for fracking on a 150.34 acre more or less, tract of land described as SW¼ of Section 25, Township 157 North, Range 94 West (**White Earth Township)** contingent on adhering to the ND State Water Permit ND2019-19913 valid February 1, 2020 through August 31, 2020 using only flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when applicableas Highline Water LLC with concurrence from Boyd & Connie Anderson, landowners has met all criteria as set forth in Article II, Section XVI and Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Highline Water LLC with concurrence from Boyd & Connie Anderson, landowners complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

**Van Hook Township/Traynor Park P&Z Discussion:**

Discussion was held with the concerns from the Mountrail County Park Board regarding zoning within Van Hook Park. Assistant State’s Attorney, Amber Fiesel presented State’s Attorney, Wade G. Enget’s written responses to the Van Hook Park questions. Park Board Commissioner Arden Eide discussed how the process has been done in prior years. Commissioner Eide stated there is a lot of confusion on how this process will be handled through the Van Hook Park. Assistant State’s Attorney Fiesel stated Mountrail County Planning and Zoning now has jurisdiction so the Van Hook Park needs to follow the County’s regulations. The Planning and Zoning Administration along with the State’s Attorney Office will get together to look at possible revisions for the County’s building permit.

Commissioner Fritz Weisenberger left at 9:45 a.m.

Tax Director Lori Hanson and Assistant Tax Director, Teresa Captain went through the current use for zoning versus the non-conforming Van Hook zoning utilization.

Engineer Jana Hennessy left at 10:40 a.m.

Discussion was to send letters to all property owners with potential zoning issues. More discussion would be held at the next P&Z meeting concerning land use and nonconforming zoning issues.

**Temporary Use Applications: Approved**

**Temporary Use Applications**

Ron Schenk, Applicant & Neil Bartelson, Landowner-ND2019-19837-Expires 7/31/20-Parcel #440001600.

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| **Approval of Minutes** |

**Motion**: Moved by Commissioner Hollekim, seconded by Commissioner Wienbar, to approve the December 23, 2019 minutes as corrected. Upon roll call, all present voted yes. Motion carried.

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| **Staff Concerns** |

Discussion was held on the resignation of Bill Klug on the board and finding a

replacement for New Town City.

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| **Board Concerns** |

Commissioner Ruland stated Western Dakota Energy entered into a contract on a

regional TENORM study to do more research.

Chairman Charlie Sorenson mentioned the temporary water permits will no longer

be referred to as a variance. The new ordinance adopted refers to them as a

temporary conditional use permit.

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| **Next Meeting** |

Next regular meeting of the Mountrail County Planning & Zoning Board is ***Monday February 24, 2020*** at 8:30 am at the Mountrail County Courthouse, 101 North Main Street Stanley, ND 58784.

Meeting adjourned at 10:58 a.m.

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| **Approval** |

Accepted and approved this 24th day of February 2020.

Charlie Sorenson, Chairman Stephanie A Pappa, Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning