

PROCEEDINGS OF THE MOUNTRAIL COUNTY  
PLANNING & ZONING COMMISSION  
Monday, January 25, 2016

The Mountrail County Planning & Zoning Commission met on Monday, January 25, 2016 at the Mountrail County South Complex with the following voting members present: Charlie Sorenson, Bill Klug, Arlo Borud, Gary Weisenberger, Linda Wienbar, Trudy Ruland, and Thomas Bieri. Roger Hovda was present on the phone. Absent were Chase Lindberg, Wade Enget, Mountrail County States Attorney, and Lisa Lee, Assistant Planning & Zoning Administrator. Also present were Lori Hanson, Mountrail County Tax Director, Teresa Captain, Mountrail County Deputy Tax Director, Heather Greenlee, Mountrail County Auditor's Office, Liz Hollowell, Planning & Zoning Administrative Assistant and Don Longmuir, Planning and Zoning Administrator.

Vice Chairman Borud called the Planning and Zoning meeting to order at 8:30 a.m. to get the reorganization of the Board done. First item on the agenda was the election of a Chairman. Moved by Commissioner Ruland, seconded by Commissioner Bieri to nominate Roger Hovda for Chairman. Moved by Commissioner Sorenson to close nominations and cast a unanimous ballot for Roger Hovda as Chairman. Commissioners Bieri, Borud, Klug, Ruland, Sorenson, Weisenberger, Wienbar voted yes, Commissioner Hovda voted no, motion carried.

Vice Chairman Borud called for nominations for Vice Chairman. Moved by Commissioner Weisenberger, seconded by Commissioner Bieri to nominate Arlo Borud for Vice Chairman, no further nominations were received. Moved by Commissioner Sorenson to close nominations and cast a unanimous ballot for Arlo Borud as Vice Chairman. Commissioners Bieri, Borud, Klug, Ruland, Sorenson, Weisenberger, Wienbar voted yes, Commissioner Borud voted no, motion carried.

Vice Chairman Borud called for nominations for Secretary. It was requested by Don Longmuir to nominate the Planning and Zoning staff, to include Don Longmuir, Lisa Lee and Liz Hollowell, to be the Secretary for the board. It was moved by Commissioner Weisenberger, seconded by Commissioner Ruland to nominate Planning and Zoning Staff as Secretary. Upon roll call vote all present voted yes, motion carried.

Vice Chairman Borud called the 8:30 a.m. public hearing to order regarding the zoning request filed by Bruce Mackay, Hess North Dakota Pipelines LLC landowner, for an amendment to change land zoned agricultural to industrial for the purpose of an oil and gas operation on a 10.506 acre, more or less, tract of land described as the entire Outlot 1 of the SW $\frac{1}{4}$  of Section 34, Township 156 North, Range 92 West (Ross Township). Present for this discussion was Twyla Thorlaksen Horvath of Omar Industrials LLC, Tom Kalil, attorney for Omar Industrial, and Adam Landstrom and Bruce Mackay of Hess. Mr. Landstrom presented three certified return receipt card from the adjacent landowner. Staff advised Hess is purchasing the land and due to the structure already on the lot, there was an additional tract of land that needed to be rezoned to industrial as it is no longer suitable to be agricultural. Most of Outlot 1 is already zoned industrial; this request is to rezone the entire Outlot 1 to industrial. Lori Hanson asked about the deed for the Outlot 1. Mr. Kalil stated they had the deed and

are just waiting for the plat to be finalized and recorded. Now that the plat is signed and ready for recording, the deeds will follow shortly. No comments received.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to present findings of fact from the January 25, 2016 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning amendment filed by Bruce Mackay, Hess North Dakota Pipelines LLC landowner, for an amendment to change land zoned agricultural to industrial for the purpose of an oil and gas operation on a 10.506 acre, more or less, tract of land described as the entire Outlot 1 of the SW¼ of Section 34, Township 156 North, Range 92 West (Ross Township) as Hess North Dakota Pipelines LLC has met all criteria as set forth in Article IV, Section IV, Paragraph E of the Mountrail County Zoning Ordinance and is further contingent upon Hess North Dakota Pipeline LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman Borud called the 8:33 a.m. public hearing to order to discuss a zoning request filed by Bruce Mackay, Hess North Dakota Pipelines LLC landowner, for an amendment to change land zoned agricultural to industrial for the purpose of an oil and gas operation on a 19.167 acre, more or less, tract of land described as the entire Outlot 2 of the SW¼ of Section 34, Township 156 North, Range 92 West (Ross Township). Present for this discussion was Twyla Thorlaksen Horvath of Omar Industrials LLC, Tom Kalil, attorney for Omar Industrial, and Adam Landstrom and Bruce Mackay of Hess. Mr. Landstrom presented three certified return receipt cards from the adjacent landowners. This request is similar to the 8:30 hearing. Most of Outlot 2 is already zoned industrial; the request is to include the tract of land added to Outlot 2 when purchased as that tract of land is no longer suitable to be agricultural. No comments received.

Moved by Commissioner Wienbar, seconded by Commissioner Sorenson to present findings of fact from the January 25, 2016 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning amendment filed by Bruce Mackay, Hess North Dakota Pipelines LLC landowner, for an amendment to change land zoned agricultural to industrial for the purpose of an oil and gas operation on a 19.167 acre, more or less, tract of land described as the entire Outlot 2 of the SW¼ of Section 34, Township 156 North, Range 92 West (Ross Township) as Hess North Dakota Pipelines LLC has met all criteria as set forth in Article IV, Section IV, Paragraph E of the Mountrail County Zoning Ordinance and is further contingent upon Hess North Dakota Pipeline LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, motion carried.

Moved by Commissioner Weisenberger, seconded by Commissioner Klug to approve the minutes from the December 28<sup>th</sup> 2015 Planning and Zoning meeting. Upon roll call, all present voted yes, motion carried.

Moved by Commissioner Hovda, seconded by Commissioner Ruland to approve the building permit #1920. Upon roll call, all present voted yes, motion carried.

Board Concerns: Commissioner Ruland asked about temporary housing. Discussion included Missouri Basin ongoing temporary housing and the need for a transitioning plan. Also discussed was the City of Stanley no longer allows skid shacks inside their city limits and the Roggenbuck point of diversion on their water depot not being rezoned

Staff concern included the Terry Jones amendment. The County Commissioners met and affirmed denial of the Terry Jones amendment for water storage. Mr. Jones received a list of what needed to be addressed. Court case still proceeding has not been dismissed. Mr. Jones pleaded not guilty at preliminary hearing and not sure when the trial date is set. Wade Enget would be here to advise us but is tied up with State's Attorney business.

Diane Seibel stopped by Planning and Zoning office to show us her plan to clean up her area. She is submitting that plan to the State Health Department for approval and some items might have to wait until spring. Ms. Seibel is working with us to get that taken care of.

David Halvorson is working with Dakota Access and wanted to have a pipeline junction station just outside the Stanley extra-territorial area and was going to send Planning and Zoning a letter with the details. However the land that they chose is actually inside the extra-territorial area, so they will work with the City of Stanley.

Coteau Cattle LLC will be bringing back their 2013 amendment to be amended. The original request was to rezone an 80 acre, more or less, tract of land described as the N $\frac{1}{2}$ NW $\frac{1}{4}$  Section 15, Township 157 North, Range 90 West (Clearwater Township) from agricultural to industrial for the operation of a water depot. Since then, they have done a 3 ac +/- Outlot plat and only want the Outlot rezoned to industrial. Their application will be in next month Planning and Zoning packet. Just a heads up it's coming.

Don Longmuir advised of potential changes to the Zoning Ordinances. Planning and Zoning met with Wade Enget for input. This draft is not for approved at this time but for the Board to review and let Planning and Zoning know if they have any input or changes they would like to be included. Commission Sorenson suggested looking at William County ordinances regarding signs and fencing. Don stated we also have copy of the City of Stanley's zoning ordinances. Don outlined the timeline of changing the zoning ordinances. Discussed were no special meetings allowed being added to zoning ordinances.

The Air Force has requested the no build zone increased to 2500 ft. radiance around their missile sites. The Air Force currently has, and paid for, a 1200 ft. easement. The reason for the 2500 ft. is due to the blast zone with the new rockets. No build zone for 1201 ft. to 2500 ft. is just regarding no occupancy buildings, not barns or other agricultural buildings. Commissioner Ruland stated hard to put that as a Zoning Ordinance since the Airforce hasn't paid for that land and if they really want that easement, they should pay for it. Commission Hovda asked about oil sites, but those would not be affected as they are unoccupied. Air Force is trying to get away from people building homes too close to the missile sites and they have concerns with the highway department going through their 1200ft easement east of New Town. Don Longmuir advised that Planning and Zoning sends the Air Force all applications to

coordinate with them and get their feedback. Commissioner Sorenson stated there are homes already inside the Air Force easement. Commissioner Bieri asked if those would be grandfathered since they are preexisting. Don advised those homes would have Non-conforming permit use until they sell them, at such time the house would have to be removed. Lori Hanson asked if anyone requests to build there, Planning and Zoning would advise them of the "blast zone" to make sure the landowner is aware before they build. Don stated this is just a recommendation from the Joint Land Use study, so he is obligated to bring this to the Board for discussion. If the Board doesn't think this is something they want to include, then it doesn't have to be. Don stated if the Board wishes Planning and Zoning to send letters to applicants regarding the blast zone, then that can be done. Don will write the Air Force a letter advising Planning and Zoning will alert people about the 2500ft blast zone but will not prohibit them from building in it.

Lori Hanson asked about a clearer policy regarding families going over 5 acres but not paying for the \$1000.00 fee. Don Longmuir stated that would not be in the Zoning Ordinances, but the Subdivision Resolutions and would meet with Wade to discuss. Commissioner Borud stated perhaps we don't change it and just not allow it, if it's over 5.01 acres then the fee is \$1000.00. Commissioner Ruland asked if we do \$900.00 worth of work and we need to look at the average size homestead, are they more than 5 acres. Lori stated we publish in the paper and hold public meeting on properties larger than 5 acres so there is more expense. She stated if someone is going to purchase a larger parcel, then the \$1000.00 is part of the expense and it must be counted in the overall cost. If we are going to allow the immediate family a break, then it needs to be written as so.

The next regular meeting of the Mountrail County Planning and Zoning Board is Monday, February 22nd 2016 at 8:30 a.m. at the Mountrail County South Complex 8103 61<sup>st</sup> street, NW Stanley, ND 58784.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to adjourn the meeting. Upon roll call all present voted yes, motion carried.

Accepted and approved this 22nd day of February 2016.

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Arlo Borud, Vice Chairman  
Mountrail County Planning & Zoning Commission

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Liz Hollowell  
Administrative Assistant Planning & Zoning