

PROCEEDINGS OF THE MOUNTRAIL COUNTY PLANNING AND ZONING COMMISSION
Monday, January 27, 2014

The Mountrail County Planning and Zoning Commission met on Monday, January 27, 2014 at the Mountrail County South Complex with the following voting members present: Arlo Borud, Michael Hynek, Chase Lindberg, Trudy Ruland and Gary Weisenberger. Members absent were Rosemarie Bieri, Dave J. Hynek, Karen Ruud and Darrell Salter. Also present were Lori Hanson, Mountrail County Tax Equalization Director, Wade Enget, Mountrail County State's Attorney, Teresa Capitan, Mountrail County Auditor's Office, James Herdt, Planning & Zoning staff and Kathy Craft, Administrative Assistant, Planning & Zoning Office.

Chairman M. Hynek called the meeting to order at 8:30 a.m.

Chairman Hynek called for nominations for Chairman. Moved by Commissioner Borud, seconded by Commissioner Weisenberger to close nominations and cast a unanimous ballot for Michael Hynek, as Chairman, David J. Hynek as Vice Chairman and Donald Longmuir as Secretary. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 8:35 a.m. public hearing to order regarding the subdivision review request filed by Robert Pappa, with concurrence from Vernon D. & Debra K. Pappa, landowners for a 10 acre, more or less, plat to be known as Outlot 1 located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 157 North, Range 92 West (Cottonwood Township). Present for this discussion was Robert Pappa. Staff reported the certified mail return receipt card from the adjacent landowner had been received, a phone call had been received from Norman Mell stating he had no objections to proposed plat and the Plat Review Committee recommends approval of the plat as presented.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the 10 acre, more or less, plat known as Outlot 1 located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 34, Township 157 North, Range 92 West (Cottonwood Township) as Robert Pappa, with concurrence from Vernon D. & Debra K. Pappa, landowners, have met all of the requirements of the Mountrail County Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the minutes of the December 23, 2013 meeting as presented. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to approve building permits #1701 through #1703 as presented. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 8:40 a.m. public hearing to order regarding the zoning request filed by Bridger Pipeline LLC for an amendment to the Mountrail County Zoning Map to rezone a 7.37 acre, more or less, tract of land described as Outlot 1 of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, Township 152 North, Range 90 West (Parshall Township) from agricultural to industrial to allow for a crude oil storage tank connected to an existing pipeline. Present for this discussion was Cameron Tomjack representing Bridger Pipeline LLC. Mr. Tomjack presented 5 certified mail return receipts and 2 certified mail receipts from the adjacent land owners. Staff reported they had received an email from Roger Hovda, Parshall Township Chairman regarding safety concerns, a copy of the email had been included with the commissioners packet, and a telephone call from Mr. Hovda expressing the Township's safety concerns regarding this project. Mr. Tomjack stated the tank would be a 20,000 barrel 300' diameter tank for additional storage for oil. He stated there would be no trucks bringing

oil to the site or taking oil from the site. EOG has just begun the dirt work on a new well site which will impact the location of the tank.

Moved by Commissioner Weisenberger, seconded by Commissioner Borud to table action on this request for a zoning amendment for one month to allow time for Bridger Pipeline LLC to confirm the exact location of the tank and to draft an agreement stating no trucks would be loading or unloading at this facility. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 8:45 a.m. public hearing to order regarding the zoning request filed by Bridger Pipeline LLC for a conditional use permit to use land zoned industrial for the placement of a crude oil storage tank connected to an existing pipeline on a 7.37 acre, more or less, tract of land described as Outlot 1 of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, Township 152 North, Range 90 West (Parshall Township). Present for this discussion was Cameron Tomjack representing Bridger Pipeline LLC. Mr. Tomjack presented 5 certified mail return receipts and 2 certified mail receipts from the adjacent land owners. Staff reported they had received an email from Roger Hovda, Parshall Township Chairman regarding safety concerns, a copy of the email had been included with the commissioners packet, and a telephone call from Mr. Hovda expressing the Township's safety concerns regarding this project. Mr. Tomjack stated the tank would be a 20,000 barrel 300' diameter tank for additional storage for oil. He stated there would be no trucks bringing oil to the site or taking oil from the site. EOG has just begun the dirt work on a new well site which will impact the location of the tank.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to table action on this request for a conditional use permit for one month to allow time for Bridger Pipeline LLC to confirm the exact location of the tank and to draft an agreement stating no trucks would be loading or unloading at this facility. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 8:50 a.m. public hearing to order regarding the zoning request filed by the Gerald E. Solberg Trust for an amendment to the Mountrail County Zoning Map to rezone a 2.86 acre, more or less, tract of land described as Outlot 2 of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, Township 157 North, Range 91 West (James Hill Township) from agricultural to industrial for storage of trucks, trailers and construction equipment. Present for this discussion was Shem Jesscep representing Gerald Solberg. Staff reported they had received the certified mail return receipt card from the adjacent landowner and no comments had been received regarding this project. Mr. Jesscep said access from this property would be from 71st Street NW and there would be equipment, such as a frontend loader, backhoe, scraper etc. on this property.

Moved by Commissioner Borud, seconded by Commissioner Lindberg to present findings of fact from the January 27, 2014 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning amendment filed by the Gerald E. Solberg Trust to rezone a 2.86 acre, more or less, tract of land described as Outlot 2 of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, Township 157 North, Range 91 West (James Hill Township) from agricultural to industrial for storage of trucks, trailers and construction equipment as the Gerald E. Solberg Trust has met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon the Gerald E. Solberg Trust complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Commissioner Borud left the meeting

Chairman M. Hynek called the 8:55 a.m. public hearing to order regarding the subdivision review request filed by Summit Midstream, with concurrence from Allen & Debra Lund, landowners, for a 7

acre, more or less, tract of land to be described as Outlot 1 of Government Lot 3, Section 30, Township 156 North, Range 92 West (Ross Township). Present for this discussion was Nathan Brady representing Summit Midstream. Staff reported they had received 3 certified mail return receipt cards from the adjacent landowners and no comments had been received. Mr. Brady explained the parcel of land was scheduled to have a compressor station located on it but the plans had changed. Summit Midstream is completing the contract obligations with the Lund's. The road access and the width of County right of way in the area were discussed. In that there was no longer a quorum, action on this request will be held over for the February 24th meeting.

Chairman M. Hynek called the 9:00 a.m. public hearing to order regarding the subdivision review request filed by Gail L. Neether for a 6.88 acre, more or less, tract of land to be described as Outlot 1 in Government Lot 7 of the SW $\frac{1}{4}$ of Section 22, Township 157 North, Range 90 West (Clearwater Township). Present for this discussion was Linda Vachal representing Gail L. Neether. Staff reported they had received two certified mail return receipt cards and one certified mail receipt and no comments had been received regarding this project. Ms. Vachal explained Gail was selling the land to the adjacent landowner for agricultural purposes. In that there was no longer a quorum, action on this request will be held over for the February 24th meeting.

Chairman M. Hynek called the 9:05 public hearing to order regarding the zoning request filed by Municipal Shale LLC, with concurrence from Kelly & Judy Abrahamson, landowners, for a conditional use permit to use land zoned agricultural to place a 400' guy tower on a 10,000 square foot, more or less, tract of land located within the NW $\frac{1}{4}$ of Section 35, Township 155 North, Range 88 West (Kickapoo Township). Staff reported Municipal Shale LLC had sent letters to the adjacent landowners via United Parcel Services which does not require a signature for envelopes. According to the Mountrail County Zoning Ordinance adjacent landowners need to be notified by certified mail return receipt request to insure the adjacent landowners have been properly notified. This item will need to be reviewed at the February meeting, which will allow Municipal Shale LLC to properly notify the adjacent landowners. It was noted that the projected tower exceeds 90' and a variance will be required for the tower to be constructed.

Chairman M. Hynek called the 9:10 a.m. public hearing to order regarding the zoning request filed by Municipal Shale LLC, with concurrence from Phyllis G. Hanson LE to Adrian A. Hanson, Gary W. Hanson, Devonne W. Hanson and Byron L. Hanson, landowners, for a conditional use permit to use land zoned agricultural to place a 350' guy tower on a 10,000 square foot, more or less, tract of land located within the NE $\frac{1}{4}$ of Section 28, Township 158 North, Range 89 West (Crowfoot Township). Staff reported Municipal Shale LLC had sent letter to the adjacent landowners via United Parcel Services which does not require a signature for envelopes. According to the Mountrail County Zoning Ordinance adjacent landowners need to be notified by certified mail return receipt request to insure the adjacent landowners have been properly notified. This item will need to be reviewed at the February meeting, which will allow Municipal Shale LLC to properly notify the adjacent landowners. It was noted that the projected tower exceeds 90' and a variance will be required for the tower to be constructed.

Attorney Enget brought to the Boards attention a situation in the City of Stanley regarding the loading and unloading of crude oil into frac tanks with no dikes or spill prevention requirements. The City of Stanley has enacted an ordinance prohibiting the loading and unloading of crude oil other than for whole sale or retail sales. He suggested the County consider limiting oil loading and unloading into temporary, unapproved crude oil storage tanks. There was discussion regarding the volatility of Bakken crude and the potential dangers this presents.

The next regular meeting of the Mountrail County Planning & Zoning Board is to be held on Monday, February 24, 2013 at 8:30 a.m. at the Mountrail County South Complex, 8103 61st Street NW, Stanley, ND.

Accepted and approved this 24th day of February, 2014

Michael Hynek, Chairman
Mountrail County Planning & Zoning Commission

Donald W. Longmuir Jr., AICP
Zoning Administrator