MiNUTES

**Mountrail County Planning & Zoning Commission**

**February 24, 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.

**Also present:** Lori Hanson, Mountrail County Tax Director, Stephanie Pappa, Mountrail County Auditor/Planning and Zoning Administrator, Heidi Kory, Planning & Zoning Assistant Administrator, Kim Savage, Mountrail County Assistant Tax Director and Jana Hennessy, Road & Bridge Engineer, Wade Enget Mountrail County States Attorney.

**Public attending:** Mike Childs, Bakken Water Transfer Services, LLC; Percy Schriock, Gravel Products Inc.; Steve Kyathfield, Purity Oilfield Services; Leon Brackey and Chris Brostuen, Mountrail Williams Electric; John Walsh, Maverick Water Resources; Dave Abel, Sundre Gravel; Jaret Wirtz, H2O Connections, LLC; Shayla and Derrick Erie, Ron Dazell; and Flora Davidson

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| **Approval of Agenda** |

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

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| 8:33 a.m. Public Hearing –  *Temporary Use Permit* | H2O Connections LLC/ James Enge Landowner |

**Applicant**: H2O Connections LLC, with concurrence from James Enge, landowner.

**Location**: 40 acre, more or less, tract of land described as the NW¼NW¼ of Section 12, Township 155 North, Range 91 West (**Purcell Township**).

**Number of certified mailing receipts provided**: 3

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

**Present:** Jaret Wirtz, H2O Connections LLC

**Discussion:** Flora Davidson stated she was not happy with request to pump water from slough that is on her land too. Flora Davidson felt the pumping of water is affecting her pasture water supply. Comm. Ruland suggested writing to the ND State Water Commission with her concerns. (Flora Davidson’s comments were received after Board had already approved the permit)

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Hovda, to approve the zoning request filed by H2O Connections, LLC with concurrence from James Enge, 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 40 acre more or less, tract of land described as NW¼NW¼ of Section 12, Township 155 North, Range 91 West (Purcell Township) contingent on adhering to the ND State Water Permit ND2019-19899 valid January 8, 2020 through December 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 applicable as H2O Connections, LLC with concurrence from James Enge, 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 H2O Connections, LLC with concurrence from James Enge, 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* | H2O Connections LLC/ James Enge Landowner |

**Applicant**: H2O Connections LLC, with concurrence from James Enge, landowner.

**Location**: 78.01 acre, more or less, tract of land described as the N½NE¼ less Outlots 1 & 2 of Section 36, Township 155 North, Range 91 West (**Purcell Township**).

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

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

**Present:** Jaret Wirtz, H2O Connections LLC

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Ruland, to approve the zoning request filed by H2O Connections, LLC with concurrence from James Enge, 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 78.01 acre more or less, tract of land described as the N½NE¼ less Outlots 1 & 2 of Section 36, Township 155 North, Range 91 West (Purcell Township) contingent on adhering to the ND State Water Permit ND2019-19860 valid January 1, 2020 through December 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 applicable as H2O Connections, LLC with concurrence from James Enge, 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 H2O Connections, LLC with concurrence from James Enge, 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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| 8:42 a.m. Public Hearing –  *Temporary Use Permit* | H2O Connections LLC/ Doug Niemitalo, Landowner |

**Applicant**: H2O Connections LLC, with concurrence from Doug Niemitalo, landowner.

**Location**: 40 acre, more or less, tract of land described as the SE¼SW¼ of Section 12, Township 154 North, Range 91 West (**Sikes Township**).

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

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

**Present:** Jaret Wirtz, H2O Connections LLC

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Hollekim, to approve the zoning request filed by H2O Connections, LLC with concurrence from Doug Niemitalo, 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 40 acre more or less, tract of land described as the SE¼SW¼ of Section 12, Township 154 North, Range 91 West (Sikes Township) contingent on adhering to the ND State Water Permit ND2020-19939 valid February 1, 2020 through December 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 applicable as H2O Connections, LLC with concurrence from Doug Niemitalo, 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 H2O Connections, LLC with concurrence from Doug Niemitalo, 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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| 8:45 a.m. Public Hearing –  *Temporary Use Permit* | Purity Oilfield Services/ Kimberly D. Duchene & Karen C. Hubbard, Landowners |

**Applicant**: Purity Oilfield Services with concurrence from Kimberly D. Duchene & Karen C. Hubbard, landowners.

**Location**: 40 acre, more or less, tract of land described as the NW¼NW¼ of Section 22, Township 155 North, Range 92 West (**Alger Township**).

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

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

**Present:** Steve Kyathfield, Purity Oilfield Services

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Weisenberger, to approve the zoning request filed by Purity Oilfield Services with concurrence from Kimberly D. Duchene & Karen C. Hubbard, 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 40 acre more or less, tract of land described as the NW¼NW¼ of Section 22, Township 155 North, Range 92 West (Alger Township) contingent on adhering to the ND State Water Permit ND2019-19901 valid January 1, 2020 through March 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 applicable as Purity Oilfield Services with concurrence from Kimberly D. Duchene & Karen C. Hubbard, landowners 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 Purity Oilfield Services with concurrence from Kimberly D. Duchene & Karen C. Hubbard, 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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| 8:48 a.m. Public Hearing –  *Temporary Use Permit* | Ames Savage Water Solutions, LLC/ Don & Theresa Heinle, Landowners |

**Applicant**: Ames Savage Water Solutions LLC with concurrence from Don & Theresa Heinle, landowners.

**Location**: 55.60 acre, more or less, tract of land in the N½SW¼ of Section 22, Township 156 North, Range 94 West (**Myrtle Township**).

**Number of certified mailing receipts provided**: 10

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

**Present:** Holden Russell, Ames Savage Water Solutions LLC

**Motion:** Moved by Commissioner Hollekim, seconded by Commissioner Hovda, to approve the zoning request filed by Ames Savage Water Solution, LLC with concurrence from Don & Theresa Heinle, landowners, for a temporary conditional use permit for a Temporary Freshwater Industrial Use Point of Diversion to pump water from White Earth River for fracking on a 55.60 acre more or less, tract of land in the N½SW¼ of Section 22, Township 156 North, Range 94 West (Myrtle Township) contingent on adhering to the ND State Water Permit ND2020-19945 valid February 1, 2020 through November 30, 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 Ames Savage Water Solutions, LLC with concurrence from Don & Theresa Heinle, landowners 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 Ames Savage Water Solutions, LLC with concurrence from Don & Theresa Heinle, 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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| 8:50 a.m. Public Hearing –  *Temporary Use Permit* | Ames Savage Water Solutions, LLC/ Don & Theresa Heinle, Landowners |

**Applicant**: Ames Savage Water Solutions LLC with concurrence from Don & Theresa Heinle, landowners.

**Location**: 51.14 acre, more or less, tract of land in the S½SW¼ located south of Old Highway #2 of Section 15, Township 156 North, Range 94 West (**Myrtle Township**).

**Number of certified mailing receipts provided**: 10

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

**Present:** Holden Russell, Ames Savage Water Solutions LLC

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Borud, to approve the zoning request filed by Ames Savage Water Solution, LLC with concurrence from Don & Theresa Heinle, landowners, for a temporary conditional use permit for a Temporary Freshwater Industrial Use Point of Diversion to pump water from White Earth River for fracking on a 51.14 acre more or less, tract of land in the S½SW¼ located south of Old Highway #2 of Section 15, Township 156 North, Range 94 West (Myrtle Township) contingent on adhering to the ND State Water Permit ND2020-19946 valid February 1, 2020 through November 30, 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 Ames Savage Water Solutions, LLC with concurrence from Don & Theresa Heinle, landowners 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 Ames Savage Water Solutions, LLC with concurrence from Don & Theresa Heinle, 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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| 8:51 a.m. Public Hearing –  *Conditional Use Permit* | Gravel Products Inc./ Smokey Nelson, LLP, Landowner |

**Applicant**: Gravel Products Inc. with concurrence from Smokey Nelson, LLP, landowner.

**Location**: 40 acre, more or less, tract of land described as the SE¼NE¼ of Section 30, Township 156 North, Range 90 West (**Palermo Township**).

**Number of certified mailing receipts provided**: 1

**Purpose**: Mining gravel

**Present:** Percy Schriock, Gravel Products Inc.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Hovda, to approve the zoning request filed by Gravel Products Inc. with concurrence from Smokey Nelson, LLP, landowner, for a conditional use permit to use land zoned agricultural for the purpose of mining gravel on a 40 acre more or less, tract of land described as the SE¼NE¼ of Section 30, Township 156 North, Range 90 West (Palermo Township) for five (5) years contingent upon a $125,000.00 letter of credit payable to Mountrail County and renewed yearly for the 5 year period as well as a current road haul agreement with Palermo Township that includes dust control as Gravel Products Inc. with concurrence from Smokey Nelson LLP, landowner, has met all criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon Gravel Products Inc. with concurrence from Smokey Nelson, LLP, 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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| 8:52 a.m. Public Hearing –  *Amendment* | Oilfield Rentals Inc. /  Drew Molstad, Landowner |

(Un-table to the call of the chair/tabled in November 2019)

**Applicant**: Oilfield Rentals Inc. in concurrence with Drew Molstad, landowner

**Location**: 9.91 acre, more or less, tract of land described as Outlot 1 of the SE¼ less Sublot A of Outlot 1 of the SE¼ of Section 23, Township 156 North, Range 92 West (**Ross Township**).

**Number of certified mailing receipts provided**: 6

**Purpose**: Welding Shop

**Present:** Ron Dazell with ICS

**Motion**: Moved by Commissioner Hollekim, seconded by Commissioner Wienbar, to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Oilfield Rentals Inc. with concurrence from Drew Molstad, landowner for an amendment to change land zoned industrial to commercial for the purpose of a welding shop on a 9.91 acre, more or less, tract of land described as Outlot 1 of the SE¼ less Sublot A of Outlot 1 of the SE¼ of Section 23, Township 156 North, Range 92 West (**Ross Township)** as Oilfield Rentals Inc. with concurrence from Drew Molstad, landowner has met all criteria as set forth in Article IV, Section III, of the Mountrail County Zoning Ordinance and is further contingent upon Oilfield Rentals Inc. with concurrence from Drew Molstad, 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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| 8:54 a.m. Public Hearing –  *Conditional Use* | Oilfield Rentals Inc. /  Drew Molstad, Landowner |

**Applicant**: Oilfield Rentals Inc. in concurrence with Drew Molstad, landowner

**Location**: 9.91 acre, more or less, tract of land described as Outlot 1 of the SE¼ less Sublot A of Outlot 1 of the SE¼ of Section 23, Township 156 North, Range 92 West (**Ross Township**).

**Number of certified mailing receipts provided**: 6

**Purpose**: Employee/owner occupied residence

**Present:** Ron Dazell with ICS

**Outcome:** Ron Dazell stated not enough acreage to have all the mobile homes for the septic systems. Two of the mobile homes will be removed from the property.

**Motion**: Moved by Commissioner Borud, seconded by Commissioner Weisenberger, to approve the zoning request filed by Oilfield Rentals Inc. with concurrence from Drew Molstad, landowner for a conditional use permit for the purpose of allowing an employee/owner occupied residence on commercial property on a 9.91 acre, more or less, tract of land described as Outlot 1 of the SE¼ less Sublot A of Outlot 1 of the SE¼of Section 23, Township 156 North, Range 92 West (**Ross Township)** as Oilfield Rentals Inc. with concurrence from Drew Molstad, landowner has met all criteria as set forth in Article IV, Section IV, of the Mountrail County Zoning Ordinance and is further contingent upon Oilfield Rentals Inc. with concurrence from Drew Molstad, landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Approval is subject to the Mountrail County Board of Commissioners approving the amendment to change industrial land to commercial for this same parcel of land. Upon roll call, all present voted yes. Motion carried.

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| 8:57 a.m. Public Hearing –  *Outlot Plat* | Kenneth Lystad Estate /  Jeff Lystad, Co-personal representative & Pamela Andrist, Co-personal representative with American Trust Center |

**Applicant**: Kenneth Lystad Estate in concurrence with Jeff Lystad, Co-personal representative & Pamela Andrist, Co-personal representative with American Trust Center.

**Location**: 41.87 acre, more or less, tract of land described as Outlot 4 of the SE¼SW¼ and the NE¼SW¼ of Section 9, Township 156 North, Range 90 West (**Palermo Township**).

**Number of certified mailing receipts provided**: 1

**Purpose**: Selling land

**Present:** No one present

**Outcome:** Wade Enget, State’s Attorney stated selling land and keeping the access of water rights to some of the locations.

**Motion**: Moved by Commissioner Hovda, seconded by Commissioner Borud, to approve the Outlot Plat review request filed by Kenneth Lystad Estate with concurrence from Jeff Lystad, Co-personal representative and Pamela Andrist, Co-personal trust with American Trust Center for a 41.87 acre, more or less, plat described as Outlot 4 of the SE¼SW¼ and the NE¼SW¼ of Section 9, Township 156 North, Range 90 West (**Palermo Township)** as Kenneth Lystad Estate with concurrence from Jeff Lystad, Co-personal representative & Pamela Andrist, Co-personal trust representative with American Trust Center has met all criteria as set forth in the Mountrail County Subdivision Resolution and is further contingent upon Kenneth Lystad Estate with concurrence from Jeff Lystad Co-personal representative & Pamela Andrist, Co-personal trust with American Trust Center 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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| 9:00 a.m. Public Hearing –  *Conditional Use Permit* | Central Specialties Inc./ Curt & Summer Meyer, Landowner |

**Applicant**: Central Specialties Inc. with concurrence from Curt & Summer Meyer, landowner.

**Location**: 15 acre, more or less, tract of land in the NE¼NW¼ of Section 29, Township 155 North, Range 94 West (**Unorganized Township**).

**Number of certified mailing receipts provided**: 1

**Purpose**: Temporary workforce housing while working on road project.

**Present:** Ryan Minnerath, Central Specialties Inc. via phone.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Ruland, to approve the zoning request filed by Central Specialties Inc. with concurrence from Curt & Summer Meyer landowners, for a conditional use permit to use land zoned agricultural for temporary workforce housing while working on road project ID 09(04)13 on a 15 acre more or less, tract of land in the NE¼NW¼ of Section 29, Township 155 North, Range 94 West (Unorganized Township) contingent on all landowners signing the application and permit, maintaining a letter of credit for $100,000.00 until the RV’s are removed and all RV’s must be removed when the road project is complete as Central Specialties Inc. with concurrence from Curt & Summer Meyer, landowners has met all criteria as set forth in Article II, Section XII in the Mountrail County Zoning Ordinance and is further contingent upon Central Specialties Inc. with concurrence from Curt & Summer Meyer, 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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| 9:03 a.m. Public Hearing –  *Outlot Plat* | William & Candyce Johnson, Landowners |

**Applicant**: William & Candyce Johnson, landowners.

**Location**: 55.45 acre, more or less, plat described as Outlot 1 of the SE¼ of Section 14, Township 157 North, Range 88 West (**Stave Township**).

**Number of certified mailing receipts provided**: 4

**Purpose**: Selling land

**Present:** No one present

**Motion**: Moved by Commissioner Hollekim, seconded by Commissioner Hovda to approve the Outlot Plat review request filed by William & Candyce Johnson, landowners for a 55.45 acre, more or less, plat described as Outlot 1 of the SE¼ of Section 14, Township 157 North, Range 88 West (**Stave Township)** as William & Candyce Johnson, landowners have met all criteria as set forth in the Mountrail County Subdivision Resolution and is further contingent upon William & Candyce Johnson, 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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| 9:06 a.m. Public Hearing –  *Conditional Use Permit* | Mountrail Williams Electric Cooperative/Keith Lee, Landowner |

**Applicant**: Mountrail Williams Electric Cooperative with concurrence from Keith Lee, landowner.

**Location**: 5 acre, more or less, tract of land described as Outlot 1 of the NW¼SW¼ of Section 3, Township 150 North, Range 93 West (**Unorganized Township**).

**Number of certified mailing receipts provided**: 4

**Purpose**: Constructing, operating and maintaining a rural electrical substation.

**Present:** Leon Brackey & Chris Brostuen, Mountrail Williams Electric Cooperative

**Discussion:** Leon Brackey stated purchasing 5 acres of land to construct a rural electrical substation and is requesting a 50’ setback instead of the required 150’ setback due to geographical issues. It was indicated this request is for the conditional use; the setback would be discussed with the variance request by MWEC.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Ruland, to approve the zoning request filed by Mountrail Williams Electric Cooperative with concurrence from Keith Lee, landowner for a conditional use permit to use land zoned agricultural for the purpose of constructing, operating and maintaining a rural electrical substation on a 5 acre more or less, tract of land described as Outlot 1 of the NW¼SW¼ of Section 3, Township 150 North, Range 93 West (Unorganized Township) as Mountrail Williams Electric Cooperative with concurrence from Keith Lee, landowner has met all criteria as set forth in Article IV, Section IV, of the Mountrail County Zoning Ordinance and is further contingent upon Mountrail Williams Electric Cooperative with concurrence from Keith Lee, 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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| 9:09 a.m. Public Hearing –  *Variance* | Mountrail Williams Electric Cooperative/Keith Lee, Landowner |

**Applicant**: Mountrail Williams Electric Cooperative with concurrence from Keith Lee, landowner.

**Location**: 5 acre, more or less, tract of land described as Outlot 1 of the NW¼SW¼ of Section 3, Township 150 North, Range 93 West (**Unorganized Township**).

**Number of certified mailing receipts provided**: 4

**Purpose**: To deviate from the required setback of 150’ from the centerline of the township road for the purpose of constructing, operating and maintaining a rural electrical substation.

**Present:** Leon Brackey & Chris Brostuen, Mountrail Williams Electric Cooperative

**Discussion:** Commissioner Weisenberger stated that he received a call from a local concerned farmer with an air seeder that utilizes that road. Wade Enget, State’s Attorney questioned on how far back the substation would be able to be pushed back. Leon Brackey stated that is as far back as possible. Chris Brostuen stated in the future if needed Mountrail Williams Electric would be willing to work with the County.

**Motion:** Moved by Commissioner Wienbar, seconded by Commissioner Ruland, to approve the zoning request filed by Mountrail Williams Electric Cooperative with concurrence from Keith Lee, landowner for a variance to allow a 50’setback from the centerline of the township road for the purpose of constructing, operating and maintaining a rural electrical substation on a 5 acre more or less, tract of land described as Outlot 1 of the NW¼SW¼ of Section 3, Township 150 North, Range 93 West (Unorganized Township) as Mountrail Williams Electric Cooperative with concurrence from Keith Lee, landowner has met all criteria as set forth in Article IV, Section V, of the Mountrail County Zoning Ordinance and is further contingent upon Mountrail Williams Electric Cooperative with concurrence from Keith Lee, 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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| 9:12 a.m. Public Hearing –  *Amendment* | Curtis & Lesley Trulson, Landowners / |

(Un-tabled by chair/tabled to call of the chair in December 2019)

**Applicant**: Curtis & Lesley Trulson, landowners

**Location**: 19.99 acre, more or less, tract of land described as Outlot 3 of the SW¼ of Section 21, Township 156 North, Range 92 West (**Ross Township**).

**Number of certified mailing receipts provided**: 4

**Purpose**: Storage for wind farm equipment

**Motion**: Moved by Commissioner Borud seconded by Commissioner Wienbar to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Curtis & Lesley Trulson, landowners for an amendment to change land zoned agricultural to industrial for the purpose of storage for wind farm equipment on a 19.99 acre, more or less, tract of land described as the Outlot 3 of the SW¼ of Section 21, Township 156 North, Range 92 West (**Ross Township)** as Curt & Lesley Trulson, landowners have met all criteria as set forth in Article IV, Section III, of the Mountrail County Zoning Ordinance and is further contingent upon Curt & Lesley Trulson, 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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| 9:14 a.m. Public Hearing –  *Conditional Use* | Curtis & Lesley Trulson, Landowners / |

(Un-tabled by chair/tabled to call of the chair in December 2019)

**Applicant**: Curtis & Lesley Trulson, landowners

**Location**: 19.99 acre, more or less, tract of land described as Outlot 3 of the SW¼ of Section 21, Township 156 North, Range 92 West (**Ross Township**).

**Number of certified mailing receipts provided**: 4

**Purpose**: Storage for wind farm equipment

**Motion**: Moved by Commissioner Borud, seconded by Commissioner Hollekim to approve the zoning request filed by Curtis & Lesley Trulson, landowners for a conditional use permit to use land zoned industrial for the purpose of storage for wind farm equipment on a 19.99 acre, more or less, tract of land described as the Outlot 3 of the SW¼ of Section 21, Township 156 North, Range 92 West (**Ross Township)** with permit valid until October 1, 2021 and with fence requirement waived as Curt & Lesley Trulson, landowners has met all criteria as set forth in Article IV, Section IV and Article IV, Section III, of the Mountrail County Zoning Ordinance and is further contingent upon Curt & Lesley Trulson, landowners complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Approval is subject to the Mountrail County Board of Commissioners approving the amendment to change agricultural land to industrial for this same parcel of land. Upon roll call, all present voted yes. Motion carried.

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| 9:15 a.m. Public Hearing –  *Temporary Use Permit* | Bakken Water Transfer Services, LLC/Dale & Catherine Wangsness, Landowners |

**Applicant**: Bakken Water Transfer Services LLC, with concurrence from Dale & Catherine Wangsness, landowners.

**Location**: 40 acre, more or less, tract of land described as Government Lot 2, Section 17, Township 157 North, Range 92 West (**Cottonwood Township**).

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

**Purpose**: Pump water from Cottonwood Lake for fracking using a flat hose

**Present:** Mike Childs, Bakken Water Transfer Services, LLC

**Discussion:** Commissioner Weisenberger stated he received some concerns from farmers on the alkali lake being shallow which is creating blowing of the alkali.

**Motion:** Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar, to deny the zoning request filed by Bakken Water Transfer Services, LLC with concurrence from Dale & Catherine Wangsness, landowners for a temporary conditional use permit for a Temporary Freshwater Industrial Use Point of Diversion to pump water from Cottonwood Lake for fracking on a 40 acre more or less, tract of land described as Government Lot 2, Section 17, Township 157 North, Range 92 West (Cottonwood Township) due to concerns with alkali. Upon roll call, all present voted yes. Motion carried.

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| 9:18 a.m. Public Hearing –  *Temporary Use Permit* | Maverick Water Resources, LLC/ Lillian Meiers, Grace Lystad & Diane Gustafson, Landowners |

**Applicant**: Maverick Water Resources, LLC, with concurrence from Lillian Meiers, Grace Lystad & Diane Gustafson, landowners.

**Location**: 40 acre, more or less, tract of land described as the NE¼SE¼ of Section 18, Township 154 North, Range 90 West (**Austin Township**).

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

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

**Present:** John Walsh, Maverick Water Resources, LLC

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Hollekim, to approve the zoning request filed by Maverick Water Resources, LLC with concurrence from Lillian Meiers, Grace Lystad & Diane Gustafson, 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 40 acre more or less, tract of land described as the NE¼SE¼ of Section 18, Township 154 North, Range 90 West (Austin Township) contingent on adhering to the ND State Water Permit ND2019-19904 valid February 20, 2020 through February 19, 2021 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 Lillian Meiers, Grace Lystad & Diane Gustafson, landowners 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 Lillian Meiers, Grace Lystad & Diane Gustafson, 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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| 9:21 a.m. Public Hearing –  *Conditional Use Permit* | Sundre Sand & Gravel Inc./  Jeffrey Ranch Trust  Randal & Janice Jeffrey Trustees Landowners |

**Applicant**: Sundre Sand & Gravel Inc. with concurrence from Jeffrey Ranch Trust, Randal & Janice Jeffrey Trustees, landowner.

**Location**: 80 acre, more or less, tract of land described as the NE¼SW¼, S½SE¼NW¼, W½NW¼SE¼ of Section 22, Township 155 North, Range 94 West (**Unorganized Township**).

**Number of certified mailing receipts provided**: 1

**Purpose**: Mining gravel

**Present:** Dave Abel, Sundre Sand & Gravel Inc.

**Discussion:** The wrong description was advertised so a public hearing will be held on the March 23rd meeting.

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| 9:24 a.m. Public Hearing –  *Temporary Use Permit* | Bakken Water Transfer Services, LLC/D & R Lalim LLLP, Landowner |

**Applicant**: Bakken Water Transfer Services LLC, with concurrence from D & R Lalim LLLP, landowners.

**Location**: 40 acre, more or less, tract of land described as the NE¼SE¼ of Section 28, Township 156 North, Range 94 West (**Myrtle Township**).

**Number of certified mailing receipts provided**: 8

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

**Present:** Mike Childs, Bakken Water Transfer Services, LLC

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Wiesenberger, to approve the zoning request filed by Bakken Water Transfer Services, LLC with concurrence from D & R Lalim LLLP, landowner for a temporary conditional use permit for a Temporary Freshwater Industrial Use Point of Diversion to pump water from White Earth River for fracking on a 40 acre more or less, tract of land described as NE¼SE¼ of Section 28, Township 156 North, Range 94 West (Myrtle Township) contingent on adhering to the ND State Water Permit ND2020-19976 valid February 21, 2020 through November 30, 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 Bakken Water Transfer Services, LLC with concurrence from D & R Lalim LLLP, 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 Bakken Water Transfer Services, LLC with concurrence from D & R Lalim LLLP, landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance and pending all paperwork supplied for the LLLP. Upon roll call, all present voted yes. Motion carried.

**Temporary Use Applications: Approved**

**Temporary Use Applications**

Highline Water, LLC, Applicant & Colleen Weflen Family LLLLP, Marleen Weflen, Sharon Kruse, Noris Weflen & Catherine A. Weflen Trustee Landowners-ND2019-19915-Expires 11/30/20-Parcel #390006900.

Purity Oilfield Services, Applicant & Jack Cvancara, Landowner-ND2019-19901-Expires 3/31/20-Parcel #260009400.

Purity Oilfield Services, Applicant Don & Theresa Heinle, Landowners-ND2020-19945 Expires 11/30/20-Parcel #210011900 ( Ames Savage Water Solutions, LLC agrees to transfer the rights of the temporary water permit ND2020-19945 to Purity Oilfield Services, LLC for the term Feb.1-Feb 25, 2020. After the term, the rights of permit ND2020-19945 will be transferred back to Savage until the expiration of the permit).

Purity Oilfield Services, Applicant & Kim Duchene & Karen Hubbard, Landowners-ND2019-19900-Expires 3/31/2020-Parcel#260009700.

North Water LLC, Applicant & Roger Vesey, Landowner-ND2019-19734-Expires 9/17/20-Parcel#230008200.

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| **Approval of Minutes** |

**Motion**: Moved by Commissioner Hollekim, seconded by Commissioner Borud, to approve the January 27, 2020 minutes as corrected. Upon roll call, all present voted yes. Motion carried.

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| **Staff Concerns** |

Wade Enget, States Attorney discussed the Van Hook actual map as of January 1, 2020.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger, to approve the Van Hook actual map as of January 1, 2020. Upon roll call, all present voted yes. Motion carried.

Discussion was held on the water application and non-transferrable language and the wording of new vs renewal temporary water permits.

Discussion was held on the Van Hook/Traynor Park building permits and who will be signing the owner signature on the Planning and Zoning building permits. More discussion will be held at the Park Board meeting on March 19, 2020.

Discussion was held on the City of New Town and the ETA boundary. State’s Attorney Enget stated will get with the City of New Town to discuss the ETA boundary.

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| **Board Concerns** |

Discussion was held on the fee land vs trust land and the planning and zoning enforcement.

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| **Next Meeting** |

Next regular meeting of the Mountrail County Planning & Zoning Board is ***Monday March 23, 2020*** at 8:30 am at the Mountrail County Courthouse, 101 North Main Street Stanley, ND 58784.

Meeting adjourned at 10:55 a.m.

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| **Approval** |

Accepted and approved this 23rd day of March 2020.

Charlie Sorenson, Chairman Stephanie A Pappa, Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning