

# MINUTES

## Mountrail County Planning & Zoning Commission

February 25, 2019

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Mountrail County South Complex 8103 61<sup>st</sup> St NW Stanley, ND 58784

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

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### In Attendance

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**Board members present:** Charlie Sorenson, Gary (Fritz) Wiesenberger, Arlo Borud, Bill Klug, Roger Hovda, Trudy Ruland and Joan Hollekim.

**Also present:** Jana Hennessy, Road & Bridge Engineer, Lori Hanson, Mountrail County Tax Director, Teresa Captain, Mountrail County Deputy Tax Director, Wade Enget, Mountrail County States Attorney and Liz Hollowell, Planning & Zoning Code Enforcement.

**Public attending:** Steve Kyathfield of Purity Oilfield Services, Landon Eskew with Highline Water LLC, John Anderson with Bakken Water Transfer Service Inc., Elmer Nordsvan with JMAC Resources, Michelle Philips, Kelly Barnett, Michael Schrenk, & Stephen Marchesi of Hess North Dakota Pipeline LLC. Trevor A Hunter, Crowley Fleck PLLP. Mike Evans

**Absent:** Tom Bieri, Linda Wienbar, and Stephanie Pappa, Mountrail County Auditor and Heather Greenlee, Mountrail County Deputy Auditor.

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### Approval of Agenda

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Chairman Sorenson requested a motion to review and approve the meeting agenda.

Vice Chairman Weisenberger moved to accept the agenda as is. Commissioner Hovda seconded. Upon roll call, all present voted yes. Motion carried.

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**8:30 a.m. Public Hearing – Variance - Purity Oilfield Ser./  
Harvey & Merry Ellen Peterson  
Family Revocable Living Trust, landowners**

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**Applicant:** Purity Oilfield Services in concurrence with Harvey & Merry Ellen Peterson Family Revocable Living Trust, landowners

**Location:** SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 17, Township 155 North, Range 92 West (**Alger Township**).

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

**Purpose:** Pump water, *under ND State Temporary Water Permit ND2018-19165 valid December 3, 2018 through December 2, 2019*, from an unnamed slough for fracking.

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

**Discussion:** Mr. Kyathfield stated they will be using a flat hose and no trucks. Liz Hollowell, Planning & Zoning Code Enforcement asked about the landowner notifications. Mr. Kyathfield stated he left them in the pickup and will get them to Planning & Zoning right away. Commissioner Hollekim asked about the trust and who would need to sign. Liz Hollowell, Planning & Zoning Code Enforcement stated Mr. Harvey Peterson is a trustee and will be signing the permit that way. Commissioner Hollekim asked about the Water Variance Checklist. Liz Hollowell, Planning & Zoning Code Enforcement stated their checklist was received.

**Outcome:** Approved with contingencies.

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Borud to approve the zoning request filed by Purity Oilfield Services in concurrence with Harvey & Merry Ellen Peterson Family Revocable Living Trust, Harvey Peterson, Trustee, for a variance to pump water, *under ND State Temporary Water Permit ND2018-19165 valid December 3, 2018 through December 2, 2019*, from an unnamed slough for fracking on a 40 acre, more or less, tract of land described as the SE¼SE¼ of Section 17, Township 155 North, Range 92 West (**Alger Township**) contingent on Planning & Zoning receiving the proof of mailings, using only flat hose, landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Purity Oilfield Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Purity Oilfield Services 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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**8:33 a.m. Public Hearing – Variance - North Water, LLC/  
Roger & Darlene  
Vesey, Landowners**

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**Applicant:** North Water, LLC in concurrence with Roger & Darlene Vesey, landowners

**Location:** 22.7 acre, more or less, tract of land described as Gov't Lot 9, Section 18, Township 155 North, Range 89 West (**McAlmond Township**).

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

**Purpose:** To pump water from Shell Lake for fracking.

**Present:** Mr. Elmer Nordsvan with JMAC Resources

**Discussion:** Mr. Nordsvan stated they will only be using a lay flat house and he does have the ND State Temp. Water permit. Mr. Nordsvan gave the Board a copy of the ND State Temp. Water permit and of the application signed by both land owners.

**Outcome:** Approved with contingencies.

**Motion:** Moved by Vice Chairman Weisenberger, seconded by Commissioner Hollekim to approve the zoning request filed by North Water, LLC in concurrence with Roger & Darlene Vesey, landowners, for a variance to pump water, *under ND State Temporary Water Permit ND2019-19219 valid February 6, 2019 through February 5, 2020*, from Shell Lake for fracking on a 22.7 acre, more or less, tract of land described as Gov't Lot 9, Section 18, Township 155 North, Range 89 West (**McAlmond Township**) contingent on using only flat hose, landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as North Water, LLC has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon North Water, LLC 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 – Variance - Bakken Water Transfer Ser. Inc. / Vernon L Nelson, landowner**

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**Applicant:** Bakken Water Transfer Services Inc. in concurrence with Vernon L Nelson, landowner

**Location:** 40 acre, more or less, tract of land described as NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 33, Township 155 North, Range 94 West (**Unorganized Township**).

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

**Purpose:** Pump water from White Earth River for fracking

**Present:** John Anderson with Bakken Water Transfer Service Inc.

**Discussion:** Mr. Anderson stated they did not have the ND Temp. Water permit yet. The Board determined since this was a new location for Bakken Water Transfer Services, the application would be tabled to the Call of the Chair until the ND Temp. Water permit was received. Later after all hearings had been heard, Mr. Anderson returned to the floor and stated Mike Childs of Bakken Water Transfer Services had emailed Planning & Zoning their approved ND Temporary Water permit for this location. Liz Hollowell, Planning & Zoning Code Enforcement verified the permit had been received. The Board decided to approve the

application contingent on Bakken Water Transfer Service submitting a completed Water Variance Checklist.

**Outcome:** Approved with contingencies.

**Motion:** Moved by Vice Chairman Weisenberger, seconded by Commissioner Borud to approve the zoning request filed by Bakken Water Transfer Services Inc. in concurrence with Vernon L Nelson, landowner, for a variance to pump water, *under ND State Temporary Water Permit ND2019-19211 valid February 15, 2019 through February 14, 2020*, from White Earth River for fracking on a 40 acre, more or less, tract of land described as NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 33, Township 155 North, Range 94 West (**Unorganized Township**) contingent on completion of the Water Variance Checklist, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Bakken Water Transfer Services Inc. has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Bakken Water Transfer Services Inc. complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Chairman Sorenson turned the chair over to Vice Chairman Weisenberger to facilitate the 8:39 public hearing.

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**8:39 a.m. Public Hearing – Variance - Charlie Sorenson, Landowner**

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**Applicant:** Charlie Sorenson, landowner

**Location:** 156.58 acre, more or less, tract of land described as NW $\frac{1}{4}$  of Section 9, Township 156 North, Range 91 West (**Idaho Township**).

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

**Purpose:** Pump water using *ND State Temporary Water Permit ND2019-19224* from an unnamed slough.

**Present:** Charlie Sorenson, landowner

**Discussion:** Mr. Sorenson stated he would be only using a lay flat hose and will be crossing Highway 8. Mr. Sorenson stated he would apply for a permit to do that. Mr. Sorenson stated no trucks would be used.

Mr. Matt Evans, Landowner, voiced his concerns about another water permit in the area. He stated he is concerned about increased truck traffic, an increase in dust possibly adversely affecting his family's health, and how this would affect his water well. Liz Hollowell, Planning & Zoning Code Enforcement gave Mr. Evans a copy of

the ND State Temp. Water Permit in question. Commissioner Ruland encouraged Mr. Evans to contact the North Dakota Water Commission with his concerns.

**Outcome:** Approved with contingencies.

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Klug to approve the zoning request filed by Charlie Sorenson, landowner, for a variance to pump water using *ND State Temporary Water Permit ND2019-19224 valid February 6, 2019 through February 5, 2020*, from an unnamed slough for fracking on a 156.58 acre, more or less, tract of land described as NW¼ of Section 9, Township 156 North, Range 91 West (**Idaho Township**) contingent on using only flat hose, landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Charlie Sorenson has met all criteria as set forth in Article IV, Section V of the Mountrail County and is further contingent upon Charlie Sorenson complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, Commissioners Borud, Hovda, Klug, Ruland, Hollekim and Vice Chairman Weisenberger voted yes. Motion carried.

Chairman Sorenson did not participate in the motion nor the vote. Vice Chairman Weisenberger returned the chair to Chairman Sorenson.

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**8:42 a.m. Public Hearing –**      *Outlot Plat Review*      Hess North  
Dakota Pipeline LLC/ John  
M Moe, landowner

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**Applicant:** Hess North Dakota Pipeline LLC, with concurrence from John M Moe, landowner

**Location:** 56.02 acre, more or less, plat to be known as an Outlot of the W½ of Section 6, Township 154 North, Range 94 West (**Unorganized Township**).

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

**Purpose:** Create an Outlot.

**Present:** Michelle Philips, Kelly Barnett, Michael Schrenk, & Stephen Marchesi of Hess North Dakota Pipeline LLC. Trevor A Hunter, Crowley Fleck PLLP.

**Discussion:** Liz Hollowell, Planning & Zoning Code Enforcement asked about the final plat. Mr. Hunter presented a copy that included the changes required but isn't the one that they will have signed. Lori Hanson Mountrail County Tax Director stated the corrections have been made on this copy. Jana Hennessy, Road & Bridge Engineer asked about the approach. Stephen Marchesi stated one new approach will be built and showed where on the map where the approach would be and

understood that any new approach would need to be approved by Mountrail County Road & Bridge.

**Outcome:** Approved with contingencies.

**Motion:** Moved by Commissioner Hollekim, seconded by Commissioner Ruland to approve the Outlot Plat review request filed by Hess North Dakota Pipeline LLC, with concurrence from John M Moe, landowner, for a 56.02 acre, more or less, plat to be known as Outlot 1 of the W½ of Section 6, Township 154 North, Range 94 West (**Unorganized Township**). Upon roll call, all present voted yes. Motion carried.

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**8:45 a.m. Public Hearing –            *Amendment*            Hess North  
Dakota Pipeline LLC/ John  
M Moe, landowner**

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**Applicant:** Hess North Dakota Pipeline LLC, with concurrence from John M Moe, landowner

**Location:** 56.02 acre, more or less, plat to be known as Outlot 1 of the W½ of Section 6, Township 154 North, Range 94 West

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

**Purpose:** Change zoning from Agricultural to Industrial

**Present:** Michelle Philips, Kelly Barnett, Michael Schrenk, & Stephen Marchesi of Hess North Dakota Pipeline LLC. Trevor A Hunter, Crowley Fleck PLLP.

**Discussion:** Mr. Hunter gave a short overview of the project and then turned the floor over to Mr. Stephen Marchesi, project lead, to go over the handout. Mr. Marchesi stated they expect to have 10 to 15 overweight loads during construction. Estimated time to break ground is May 1, 2019. The compressor will be moved in August 2019. Jana Hennessy, Mountrail County Engineer reminded Mr. Marchesi that 102<sup>nd</sup> Ave NW is a 6 ton/60000 pound road. Commissioner Hollekim asked since the road is shared, does William’s County have to give their approval? Jana Hennessy, Mountrail County Engineer stated yes, for this type of move Hess would need to apply via Load Pass and list both counties. Commissioner Ruland recommended Hess applies for their moving permits in advance as the road they are traveling on, are not designed for compression station traffic. Chairman Sorenson asked about their “buffer plan” due to being only ¼ mile from a residence. Mr. Hunter stated Hess had contacted Mrs. Kelly Gleave and she did not share any concerns. Chairman Sorenson stated he spoke with Mrs. Gleave five days ago and she did have concerns. Chairman Sorenson stated other compressor stations west of this location typically have trees and asked Hess what their plan was. Mr. Hunter stated Hess will reach out to Mrs. Gleave and find a solution. Chairman



Sorenson asked about their storm water plan. Mr. Marchesi stated it is included in their application packet. Jana Hennessy, Mountrail County Engineer asked to see their overweight loads and their traffic study during construction. Mr. Marchesi stated only about 1 truck a week will be needed to haul off water. Commissioner Hollekim and Commissioner Ruland encouraged Hess to contact William's County about the use of the road well in advance. Jana Hennessy, Mountrail County Engineer asked if Hess has permission from the ND State DOT to use ND1804. Mr. Marchesi stated that will be part of their application to the State.

**Outcome:** Recommendation of approval to the Mountrail County Commissioners.

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Borud to make a recommendation to the Mountrail County Commissioners to approve the zoning request filed by Hess North Dakota Pipeline LLC, with concurrence from John M Moe, landowner, for an amendment to change land zoned agricultural to industrial for the purpose of building the East Nesson Compressor Station on a 56.02 acre, more or less, plat to be known as Outlot 1 of the W½ of Section 6, Township 154 North, Range 94 West (**Unorganized Township**) contingent on approval from the Mountrail County Commissioners, the outlot plat being recorded, working with Mountrail County Road & Bridge on all new approaches and haul route agreement as Hess North Dakota Pipeline LLC has met all criteria as set forth in Article IV, Section III, 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.

Lori Hanson, Mountrail County Tax Director, gave Mr. Hunter a copy of the public notice for their meeting with the County Commissioners on March 19, 2019.

8:48 Public Hearing      Variance      Highline Water LLC/ Manitou  
Township

**Applicant:** Highline Water, LLC in concurrence with Manitou Township, landowners

**Location:** 5 acre, more or less, tract of land described as 2 acres in SE¼SW¼; 3 acres in SW¼SE¼ (parcel # 200005501) of Section 10, Township 156 North, Range 93 West (**Manitou Township**).

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

**Purpose:** Pump water under ND State Temporary Water Permit ND2018-19134 from unnamed slough for fracking using a flat hose.

**Present:** Landon Eskew with Highline Water LLC

**Discussion:** Mr. Eskew showed the location of the pump on the map to help minimize noise. Commissioner Hollekim asked if the road involved was a County road. Jana Hennessy, Road & Bridge Engineer stated its County Road 2 and Highline Water will need to work the Road and Bridge for any permits regarding that road.

**Outcome:** Approved with contingencies.

**Motion:** Moved by Commissioner Borud, seconded by Vice Chairman Weisenberger to approve the zoning request filed by Highline Water, LLC in concurrence with Manitou Township, landowner, for a variance to pump water from an unnamed slough for fracking on a 5 acre, more or less, tract of land described as 2 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$ ; 3 acres in SW $\frac{1}{4}$ SE $\frac{1}{4}$  (parcel # 200005501) of Section 10, Township 156 North, Range 93 West (**Manitou Township** contingent on adhering to the *ND State Temporary Water Permit ND2018-19134 valid February 22, 2019 through February 21, 2020*, using only flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements as required as Highline Water LLC has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Highline Water LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:51 Public Hearing      Variance      Highline Water LLC/ / Evans  
Grain Farm LLLP

**Applicant:** Highline Water, LLC in concurrence with Evans Grain Farm LLLP, landowners

**Location:** a 40 acre, more or less, tract of land described as SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 24, Township 156 North, Range 93 West (**Manitou Township**).

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

**Purpose:** Pump water using *ND State Temporary Water Permit ND2018-19127* from an unnamed slough for fracking using a flat hose.

**Present:** Landon Eskew with Highline Water LLC

**Discussion:** Mr. Eskew stated only flat hose will be used.

Steven Clark, landowner, express concerns about water usage. Mr. Clark is the owner of Lot 4 & 5 of Block 4 Ross Subdivision. He is concerned about the amount of water being used and how it will affect his property. Chairman Sorenson showed



Mr. Clark approximately the amount of water that would be used. It was confirmed that the City of Ross does not have an extra-territorial mile in their zoning jurisdiction.

**Outcome:** Approved with contingencies.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request filed by Highline Water, LLC in concurrence with Evans Grain Farm LLLP, landowner, for a variance to pump water from an unnamed slough for fracking on a 40 acre, more or less, tract of land described as SE¼NE¼ of Section 24, Township 156 North, Range 93 West (**Manitou Township**) contingent on adhering to the ND State Temporary Water Permit ND2018-19127 valid January 4, 2019 through December 31, 2019, using only flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements as required as Highline Water LLC has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Highline Water LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to untable the zoning request filed by Highline Water, LLC in concurrence with Thomas & Jackie Heinle, landowners, for a variance to pump water from White Earth River for fracking on a 40 acre, more or less, tract of land described as the NW¼NE¼ of Section 22, Township 156 North, Range 94 West (**Myrtle Township**) to be heard at 8:54 public hearing today. Upon roll call, all present voted yes. Motion carried.

8:54 Public Hearing      Variance      Highline Water LLC/ Thomas & Jackie Heinle

*This Application was tabled in January 2019*

**Applicant:** Highline Water, LLC in concurrence with Thomas & Jackie Heinle, landowners

**Location:** a 40 acre, more or less, tract of land described as the NW¼NE¼ of Section 22, Township 156 North, Range 94 West (**Myrtle Township**).

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

**Purpose:** Pump water under ND State Temporary Water Permit ND2018-19132 from White Earth River for fracking.

**Present:** Landon Eskew with Highline Water LLC

**Discussion:** Mr. Eskew stated this one will also be using flat hose only.

**Outcome:** Approved with contingencies.

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Ruland to approve the zoning request filed by Highline Water, LLC in concurrence with Thomas & Jackie Heinle, landowners, for a variance to pump water from White Earth River for fracking on a 40 acre, more or less, tract of land described as the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 22, Township 156 North, Range 94 West (**Myrtle Township**) contingent on adhering to the ND State Temporary Water Permit ND2018-19132 valid February 1, 2019 through December 31, 2019, on using only flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements as required as Highline Water LLC has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Highline Water LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to untable the zoning request filed by Highline Water, LLC in concurrence with Douglas & Evelyn Miller, landowners, for a variance to pump water from an unnamed slough for fracking on a 40 acre, more or less, tract of land described as the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 35, Township 157 North, Range 91 West (**James Hill Township**) to be heard at 8:57 public hearing today. Upon roll call, all present voted yes. Motion carried.

8:57 Public Hearing          Variance          Highline Water LLC/ Douglas  
& Evelyn Miller

*This Application was tabled in January 2019*

**Applicant:** Highline Water, LLC in concurrence with Douglas & Evelyn Miller, landowners

**Location:** 40 acre, more or less, tract of land described as the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 35, Township 157 North, Range 91 West (**James Hill Township**)

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

**Purpose:** Pump water from an unnamed slough for fracking.

**Present:** Landon Eskew with Highline Water LLC

**Discussion:** Mr. Eskew stated he will be using only flat hose and will notify any landowner that may be affected.

**Outcome:** Approved with contingencies

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the zoning request filed by Highline Water, LLC in concurrence with Douglas & Evelyn Miller, landowners, for a variance 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 35, Township 157 North, Range 91 West (**James Hill Township**) contingent on adhering to the ND State Temporary Water Permit ND2018-19260 valid February 22, 2019 through December 31, 2019, on using only flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements as required as Highline Water LLC has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Highline Water LLC 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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## Building Permit

Permit No.	Name/Address of applicant	Legal Description	Sec	TownShip	Range	Township Name	building type
2039	Vertical Limit on behalf of Verizon Wireless						Zoned: AG
	825 3rd Ave Wanamingo, MN 55983	W½NE¼, less outlot 1					Concrete pad
	507-696-4119 <a href="mailto:r.roesler@verticallimit.com">r.roesler@verticallimit.com</a>	of the W½NE¼, NE¼NE¼  Original: BP 1902	26	153	93	Unorganized	Outdoor Equip Cabinet Update cell tower

**Motion:** Moved by Vice Chairman Weisenberger, seconded by Commissioner Hollekim to approve the building permit #2039. Upon roll call, all present voted yes. Motion carried.

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## Approval of Minutes

**Motion:** Moved by Vice Chairman Weisenberger, seconded by Commissioner Klug to approve the January 28, 2019 minutes as corrected. Upon roll call, all present voted yes. Motion carried.

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## Staff Concerns

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- Liz Hollowell, Planning & Zoning Code Enforcement informed the Board of the new Armor Cloud that would be replacing the Mountrail County portal. Everyone should have received an email from Armor that contained the link. Commissioner Ruland stated there is also an app if a person wants to use their phone. Wade Enget, Mountrail County States Attorney stated using the Cloud is very easy and if anyone has a P&Z Surface Pro to get it to Planning & Zoning so it can be updated and the Armor Cloud loaded. Commissioner Hovda will contact Armor when he gets back to Arizona. Chairman Sorenson stated he doesn't use his surface so will bring it back to Planning & Zoning. Commissioner Ruland stated the same.
- Liz Hollowell, Planning & Zoning Code Enforcement referred to the handout regarding NDCC 57-02-39 and how it is being applied to the Outlot Plat requirement. Wade Enget, Mountrail County States Attorney stated this NDCC has generated a long time ago before we had the ability to map all sections of land thanks to the Sidwell program. Title 57 covers taxation, not platting. NDCC 57-02-39 is only one part of the code and is under the General Property Assessment of the NDCC to assist the auditor in assessing property so all acreage was accounted for. Wade Enget, Mountrail County States Attorney stated there were times when an acreage couldn't be determined so the owner was required to plat that parcel so it could be correctly assessed. Mountrail County States Attorney Enget stated some counties take these plats as an auditor plat used only for taxation not for transfer of land. Lori Hanson, Mountrail County Tax Director stated there is more to the NDCC than section NDCC 57-02-39 and lots created under this section were called auditor lots or boundary survey's, used only for taxation purposes. Wade Enget, Mountrail County States Attorney stated Mountrail County Planning & Zoning created Subdivision Regulation in 2009 to control how land was being plated and these regulations are more of an impetus for platting parcels than this section of the NDCC. Commissioner Hollekim stated irregular means irregular, not a perfectly describable rectangle. Commissioner Ruland stated it best to keep the legal descriptions simple. Lori Hanson, Mountrail County Tax Director explained her concerns about certain parcel being required to be plated when the parcel could easily be described. Vice Chairman Weisenberger asked if the Auditor makes the call on requiring plat. Mountrail County States Attorney Enget stated under this statute, she does. Wade Enget, Mountrail County States Attorney stated if the history of this statute was revealed, any plat done this way is an auditor's lot used for taxation only, there is no tie in to the real

estate records. Chairman Sorenson asked who the plat review team was and why couldn't they decide what gets plated. Lori Hansen stated that is decided by the Auditor prior to the plat review team seeing it. So when the plat is presented, the plat review team reviews it.

- Liz Hollowell, Planning & Zoning Code Enforcement advised the Board of the following upcoming projects and applications:
  - Comprehensive Plan rewrite. The committee preparing the Comprehensive Plan is close to having their portion done. Wade Enget, Mountrail County States Attorney stated it was discussed that we may be better off if a professional group be hired to do the public hearings, surveys and finalize the Comprehensive Plan. We will be bringing this proposal to the Planning & Zoning Board and the Mountrail County Commissioners at a later date.
  - Central Specialties temporary workforce housing – Fisher site again. They are starting a little earlier this year.
  - Fisher Sand and Gravel – Olson pit. Applied for this location in 2015 but did not record the CUP as no activity was being done there. They will be on the March meeting agenda.
  - Jerry Nichols – changing zoning back to Agricultural – 22-156-90
  - Rod Barstad – expanding his water depot 4-156-91
  - White Earth Township – Jason Rice – want to do their own zoning and will be working on getting that done. Mr. Rice stated they didn't receive any notification from Nextera Energy regarding the wind farm transmission line in White Earth Township.
- Liz Hollowell, Planning & Zoning Code Enforcement advised the Board of the Temporary Use Application update and the 33 Approved ND State Temporary water permits since January 1 2019. Out of those 33 permits, only 14 either have variance permits, have applied for variance permits or not in our jurisdiction. Most of the applicants are known to the Board (Select Energy & Savage Water). Purity Oilfield Services LLC is a fairly new applicant with 2 more approved ND State permits. To be able to move forward with this permit, we must have the ordinance written and approved by the Mountrail County Commissioners. Liz Hollowell, Planning & Zoning Code Enforcement suggested we should require that all pumps be labeled. This requirement should be listed on our Temporary Use Application. Commissioner Ruland stated the pump may not belong to the vendor, so labeling the pump might not be a good idea. Vice

Chairman Weisenberger suggested the site be mark with the permit number. Chairman Sorenson asked about the status of the ordinance change. Wade Enget, Mountrail County States Attorney stated the ordinance needs to be approved by the P&Z Board, published and brought back to a meeting to receive P&Z final approved and then submitted to the Mountrail County Commissioners.

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## Board Concerns

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Commissioner Hollekim stated that when applicants submit plan with applications, those plans should be given to Jana Hennessey, Mountrail County Engineer so she has more information about how the project might impacts roads.

Commissioner Klug verified the Planning & Zoning meetings are being held at the Mountrail County South Complex.

Chairman Sorenson asked about White Earth Bay and zoning. Wade Enget, Mountrail County States Attorney stated the Corp of Engineer's is no longer handling zoning at White Earth Bay. He stated every landowner of record should receive a letter letting them know that Mountrail County Planning & Zoning has jurisdiction and the Planning & Zoning ordinance must be adhered to.

Commissioner Ruland stated Sanish should be addressed as well as its zoned agricultural and being use residential.

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## Next Meeting

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Next regular meeting of the Mountrail County Planning & Zoning Board is **Monday March 25, 2019** at 8:30 am at the Mountrail County South Complex, 8103 61<sup>st</sup> St. NW Stanley, ND 58784.

Meeting adjourned at 10:21 a.m.

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## Approval

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Accepted and approved this 25<sup>th</sup> day of March 2019

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Charlie Sorenson, Chairman  
Mountrail County  
Planning & Zoning Commission

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Liz Hollowell, Code Enforcement  
Mountrail County  
Planning & Zoning