

PROCEEDINGS OF THE MOUNTRAIL COUNTY
PLANNING & ZONING COMMISSION
Monday, February 22nd, 2016

The Mountrail County Planning & Zoning Commission met on Monday, February 22nd 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 Don Longmuir, Planning & Zoning Administrator. Also present were Lori Hanson, Mountrail County Tax Director, Teresa Captain, Mountrail County Deputy Tax Director, Rory Porth, Mountrail County Property Assessor, Heather Greenlee, Mountrail County Auditor's Office, Liz Hollowell, Planning & Zoning Administrative Assistant and Lisa Lee, Assistant Planning and Zoning Administrator.

Vice Chairman Borud called the Planning and Zoning meeting to order at 8:30 a.m. and officially welcomed Thomas Bieri to the Planning and Zoning Board.

Vice Chairman Borud requested a motion to review and approve the current meeting agenda. Moved by Commissioner Ruland, seconded by Commissioner Sorenson to approve the agenda as is with no changes. 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 Virgil Chase Sr., landowner, for an amendment to change land zoned agricultural to industrial for the purpose of building a warehouse on a on a tract of land known as Lots 2, 3, 4 of Block 35 Lake Sanish Addition of Section 23, Township 152 North, Range 93 West (Unorganized Township). Eight certified return receipt cards from adjacent landowners were received and no other comments.

Present for this discussion was Justin Morales, Operation Manger, of MNT LLC. Mr. Morales advised they are partnered with CoilChem LLC out of Oklahoma City to house and deliver environmentally friendly lubricants. He stated no semi-trucks involved, only a three quarter ton Dodge pickup with a gooseneck trailer. Mr. Morales stated normal hours of operation would be 8:30 a.m. to 5 p.m. but may vary when there is an order. Orders are loaded early in the morning so they can be delivered to the location that ordered them in time to start the work day. Morales stated the site is in construction now so it is a bit of mess but it will be cleaned up once it's complete. The current zoning of the area is agricultural. Mr. Morales stated not many homes on the side they load on. He stated the SDS/TDS sheets including information about the lubricants can be found at www.coilchemllc.com. Mr. Morales stated the warehouse is there now as well as the berms and it was all professionally built.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to present findings of fact from the February 22, 2016 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning amendment filed by Virgil Chase Sr., landowner, for an amendment to change land zoned agricultural to industrial for the purpose of building a warehouse on a on a tract of land known as Lots 2, 3, 4 of Block 35 Lake Sanish Addition of Section 23, Township 152 North, Range 93 West (Unorganized Township) 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 regarding the subdivision review request filed by Jenna Waldock, with concurrence from Mary Lou Stavros, landowner, for a 112.198 acre, more or less, plat to be known as Outlot 1 of the SE $\frac{1}{4}$ and the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 32, Township 151 North, Range 90 West (Fertile Township). Present for this discussion was Jenna Waldock. Ms. Waldock presented a letter from the Township Chairman approving the request. No other comments were received. Planning and Zoning staff requested a motion to reduce the subdivision fee from \$1,000 to \$100 for the Ag to Ag exception. Ms. Waldock presented the final plat to Lisa Lee, Assistant Planning and Zoning Administrator.

Moved by Commissioner Wienbar, seconded by Commissioner Sorenson to approve the zoning request filed by Jenna Waldock, with concurrence from Mary Lou Stavros, landowner, for a 112.198 acre, more or less, plat to be known as Outlot 1 of the SE $\frac{1}{4}$ and the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 32, Township 151 North, Range 90 West (Fertile Township) as Jenna Waldock has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call, all present voted yes, motion carried.

The plat was signed by Commission Borud and returned to Jenna Waldock with instructions that the next step to finalize the plat is to have it recorded at the Mountrail County Recorder's Office.

Chairman Borud called the 8:36 public hearing to order regarding the zoning request to amend a zoning amendment filed by Coteau Cattle LLP/Neal Biwer, landowner, to correct the acreage from 80 acres to 3 acres +/- on a tract of land now known as Outlot 1 of Section 15, Township 157 North, Range 90 West (Clearwater Township) for the purpose of placing a water depot. Present for this discussion was Cherlyn and Neal Biwer of Coteau Cattle LLP who provided one certified return receipt card. No other comments were received. This hearing is to correct a previous approved amendment that approved 80 acres +/-.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to present findings of fact from the February 22, 2016 public hearing and make a recommendation to the Mountrail County Commission for the approval of the amended zoning amendment filed by Coteau Cattle LLP/Neal Biwer, landowner, to correct the acreage to 3 acres +/- on a tract of land now known as Outlot 1 of Section 15, Township 157 North, Range 90 West (Clearwater

Township) for the purpose of placing a water depot 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 8:39 a.m. public hearing to order regarding the subdivision review request filed by James C and Debra J Moen, landowner, for a 32.29 acre, more or less, plat to be known as Outlot 1 of the S $\frac{1}{2}$ NE $\frac{1}{4}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 35, Township 154 North, Range 89 West (Oakland Township). No one was present at the hearing as Mr. Moen was unable to attend but was available by phone if necessary. There are no adjacent land owners within 150 ft. of this subdivision. The final plat with requested revisions has not yet been received by the Planning and Zoning Office.

Moved by Commission Ruland, seconded by Commissioner Wienbar to table this zoning request filed by James C and Debra J Moen, landowner, for a 32.29 acre, more or less, plat to be known as Outlot 1 of the S $\frac{1}{2}$ NE $\frac{1}{4}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 35, Township 154 North, Range 89 West (Oakland Township) until the final plats are received. Upon roll call all present voted yes, motion carried.

Moved by Commissioner Hovda, seconded by Commissioner Klug to approve the minutes from the December 28th 2015 Planning and Zoning meeting with the change to page two to show Commission Borud called the 8:33 a.m. public hearing to order. Upon roll call, all present voted yes, motion carried.

Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar to approve the building permit #1921. Upon roll call, all present voted yes, motion carried.

Board Concerns: none

Staff concern: Lisa Lee, Assistant Planning and Zoning Administrator reported Knife River Corp – North Central has requested their bond be released, Bond #190033406 issued by Liberty Mutual Insurance Company April 2, 2015 for the Ostdahl Pit located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 12 Twp. 155N, Rge. 90W and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 12 Twp. 155N, Rge. 90W (Burke Township). We received written permission from Eric Osthahl, landowner, to release the bond.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to release Bond #190033406 issued by Liberty Mutual Insurance Company April 2, 2015 for the Ostdahl Pit located in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 12 Twp. 155N, Rge. 90W and the W $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 12 Twp. 155N, Rge. 90W (Burke Township).

Lisa Lee, Assistant Planning and Zoning Administrator reported Knife River – North Central wishes to rescind their Conditional Use Permit as the project was cancelled for both the W $\frac{1}{2}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ NW $\frac{1}{4}$ 12-155-90.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to rescind the approval given May 26, 2015 regarding a conditional use permit filed by Chris Kautz of Knife River – North Central, with concurrence from Randal R. & Diane C. Ostdahl, landowners, to use land zoned agricultural to establish a portable sand, gravel and hot mix asphalt operations plant on an 80 acre, more or less, tract of land described as the E $\frac{1}{2}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 12, Township 155 North, Range 90 West (Burke Township). Upon roll call vote all present voted yes motion carried.

Lisa Lee, Assistant Planning and Zoning Administrator reported a Pit Release for Barbara Jones/Border States Paving – SE $\frac{1}{4}$ SE $\frac{1}{4}$ 19-155-89. Each Board member received a copy of the pit release statement. The board requested that staff confirm the reclamation of the pit before any motion be made.

Moved by Commission Ruland, seconded by Commissioner Bieri to table this release until a site visit had been done to confirm the pit has been reclaimed.

Lisa Lee, Assistant Planning and Zoning Administrator reported MBI recently met with Planning and Zoning about transitioning out of their temporary workforce housing to either an RV park, mobile home park, or seasonal housing. While their CUP doesn't expire until May 2017, they are looking to transition to something more permanent and plan to submit an application this year. Commissioner Ruland feels these two years should be their transitioning period out of temporary housing as they are clearly not temporary. Commissioner Sorensen would like to get away from more RV parks due to the drain on services. Commissioner Klug stated there is more available housing now. It was discussed that RV parking should be limited to 3 months a visit. Commissioner Ruland suggested MBI should speak with a few businesses in the community that have already set up permanent housing. Lori suggested the Board should decide how they want temporary housing throughout the county to transition and should decide a "period of life" for temporary housing. Commissioner Ruland suggested looking at other counties to see how it has been handled.

Planning and Zoning staff advised the Board of a proposed frack sand loading facility by a company called U.S. Silica in the SE $\frac{1}{4}$ of Section 13-Township 152- Range 88 Plaza Township. They are a different company than Reservoir Silicates who was denied August 25, 2014. This is a joint project between CP Rail, Mountrail and Ward Counties for a silica/sand loading rail facility. Their transportation study is completed. U.S. Silica will be submitting an application sometime this spring and wanted the Board to be aware of the forthcoming application.

Commissioner Borud nominated Commissioner Sorenson to be Chairman as Commissioner Borud had to leave. Commission Wienbar second the motion. Upon roll call all present voted yes, motion carried.

Planning and Zoning staff addressed proposed changes to the Zoning Ordinances. Discussion included working with Mountrail County State's Attorney to draft a fence and sign ordinance. Additionally discussed were changes to the Mountrail County Subdivision Resolution to include modifying the existing definitions and application fees for outlots and/or plats and subdivision review requests. Discussion included creating a fee for an Outlot Plat and a separate Subdivision fee, making them two different fees. An outlot would be just one lot not being subdivided again at this point. Fees would depend on size of lot and whether or not a public hearing is required. The board requested information on the time it takes to process different types of applications and requested a fair fee to cover costs. Additionally discussed was removing the immediate family and/or the active farmstead exceptions to the existing fees as the fee should be based on the complexity of the request and the amount of time it takes to review and process the plat and/or subdivision request from application through approval. The board agreed Planning and Zoning staff should meet with the State's Attorney to draft some ideas about the appropriate size of outlots and fees.

Planning and Zoning staff addressed the bonds for temporary housing. For gravel pits the bond was changed to Letter of Credit and a flat amount. The board asked if there were other places Letter of Credit would replace bonds such as waste pits or temporary housing. The board requested to see each section that requires a bond before making the change. Planning and Zoning will present this at the next meeting.

Staff addressed changing variance permit to Conditional Use Permit for the temporary pumping of water for industrial purposes. The fee would be the same and the length of time would be connected to the State Water Permit. Also discussed was whether or not Mountrail County Road and Bridge needed to apply for a permit to pump water for dust control. Commission Ruland stated the State Water Board has a specific type of water permit issued for road construction and/or public safety and dust control falls into these categories and are not industrial in nature. Commission Sorenson stated Planning and Zoning has no authority over dust control to maintain Mountrail County roads nor does it require permits from fire departments to apply for permits to use water for public safety issues. Staff will work with the Mountrail County State's Attorney to update the variance request for the industrial use of pumping water to a conditional use permit on Agricultural land.

Staff addressed adding a 90 day deadline to finalize approved permits or they will be void to be added to Ordinance. Also the concept of special meetings will not be readdressed in the zoning ordinances because they are not approved by our board.

Staff will also be adding checklists to future applications to help the applicant have all the requirements before applying.

Commissioner Hovda asking about Dunn County opposing the States controls of Oil Waste treatment facility zoning. He stated McKenzie, Williams, and McClean Counties are also opposing. Mountrail County has not been contacted in regards to this issue.

The next regular meeting of the Mountrail County Planning and Zoning Board is Monday, March 28th 2016 at 8:30 a.m. at the Mountrail County South Complex 8103 61st street, NW Stanley, ND 58784.

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

Accepted and approved this 28th day of March 2016.

Arlo Borud, Vice Chairman
Mountrail County Planning & Zoning Commission

Liz Hollowell
Administrative Assistant Planning &
Zoning