

PROCEEDINGS OF THE MOUNTRAIL COUNTY  
PLANNING & ZONING COMMISSION  
Monday March 23, 2015

The Mountrail County Planning & Zoning Commission met on Monday, March 23, 2015 at the Mountrail County South Complex with the following voting members present: Rosemarie Bieri, Arlo Borud, Roger Hovda, Trudy Ruland, Charlie Sorenson, Gary Weisenberger, and Linda Wienbar. Absent were Bill Klug and Chase Lindberg. Also present were Teresa Captain, Mountrail County Deputy Tax Director, Wade Enget, Mountrail County States Attorney, Lori Hanson, Mountrail County Tax Equalization Director, Donald W. Longmuir Jr., Mountrail County Zoning Administrator/Planner, and Judith Kleven, Administrative Assistant Planning & Zoning.

Chairman Hovda called the 8:30 a.m. public hearing to order regarding the zoning request filed by Select Energy Services, with concurrence from Benjamyn L. Miller, landowner, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the SE $\frac{1}{4}$ , less Outlot 1 of Section 30, Township 156 North, Range 94 West (Myrtle Township). Present for this discussion was Roger Arredondo, representing Select Energy Services. Staff reported a letter of support of this project had been received from Gene and Penny Moe. Mr. Arredondo presented five (5) certified mail receipts from adjacent land owners. Mr. Arredondo stated the water would be used for fracking and the water would be piped to locations and they have talked to landowners and townships along the route of the pipeline.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the variance request filed by Select Energy Services, with concurrence from Benjamyn L. Miller, landowner, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the SE $\frac{1}{4}$ , less Outlot 1 of Section 30, Township 156 North, Range 94 West (Myrtle Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND2015-16418 as Select Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Select Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Ruland to accept the amended minutes correcting the spelling of Commissioner Ruland's name, listing Commissioner Hovda as attending via telephone, showing Roger Hovda as Chairman on the signature line and Commissioner Weisenberger voting in favor of the denial of Phillip Newman's zoning request to change from agricultural to commercial. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 8:35 a.m. public hearing to order regarding the zoning request filed by Select Energy Services, with concurrence from Kevin and Joanne Lapica, landowners, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 5, Township 154 North, Range 93 West (Rat Lake Township). Present for this discussion was Roger Arredondo, representing Select Energy Services and Keith Meiers and Grady Uran. Staff reported no comments had been received and the State water permit is for the SW $\frac{1}{4}$ . Mr. Arredondo presented four (4) certified mail receipts from adjacent landowners, stated the intent was for the SW $\frac{1}{4}$  and the water would be moved via pipeline. The point of diversion is in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ . Pipes cannot be laid in the 33' right of way of section lines. Grady Uran raised concerns regarding the placement of pumps and pipe on people's property without landowner's permission.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the variance request filed by Select Energy Services, with concurrence from Kevin and Joanne Lapica, landowners, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 5, Township 154 North, Range 93 West (Rat Lake Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND2015-16534 as Select Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Select Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 8:40 a.m. public hearing to order regarding the zoning request filed by Select Energy Services, with concurrence from Kevin and Joanne Lapica, landowners, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the NW $\frac{1}{4}$ NE $\frac{1}{4}$  (Government Lot 2), Section 5, Township 154 North, Range 93 West

(Rat Lake Township). Present for this discussion was Roger Arredondo, representing Select Energy Services. Staff reported no comments had been received and the water permit is for the NE $\frac{1}{4}$ . Mr. Arredondo presented three (3) certified mail receipts from adjacent landowners. Compensation and how it is distributed was discussed.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to approve the variance request filed by Select Energy Services, with concurrence from Kevin and Joanne Lapica, landowners, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the NW $\frac{1}{4}$ NE $\frac{1}{4}$  (Government Lot 2), Section 5, Township 154 North, Range 93 West (Rat Lake Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND2015-16533 as Select Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Select Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 8:45 a.m. public hearing to order regarding the zoning request filed by Select Energy Services, with concurrence from Brian J. & Lynn Rosencrans, landowners, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the SW $\frac{1}{4}$  Section 32, Township 155 North, Range 93 West (Debing Township). Present for this discussion was Roger Arredondo, representing Select Energy Services and Kayla Wellard. Staff reported no comments had been received and the water permit is for the S $\frac{1}{2}$ . Mr. Arredondo presented six (6) certified mail receipts from adjacent landowners and stated everything would be 10" pipe above ground.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the variance request filed by Select Energy Services, with concurrence from Brian J. & Lynn Rosencrans, landowners, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the SW $\frac{1}{4}$  Section 32, Township 155 North, Range 93 West (Debing Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND2014-16357 as Select Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Select Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 8:50 a.m. public hearing to order regarding the zoning request filed by Select Energy Services, with concurrence from Panzer Farms LLP, landowner, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the SE $\frac{1}{4}$  less Outlot 1 of the E $\frac{1}{2}$ SE $\frac{1}{4}$  Section 21, Township 155 North, Range 92 West (Alger Township). Present for this discussion was Roger Arredondo, representing Select Energy Services. Staff reported no comments had been received regarding this project. Mr. Arredondo presented seven (7) certified mail receipts from adjacent landowners.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the variance request filed by Select Energy Services, with concurrence from Panzer Farms LLP, landowner, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the SE $\frac{1}{4}$  less Outlot 1 of the E $\frac{1}{2}$ SE $\frac{1}{4}$  Section 21, Township 155 North, Range 92 West (Alger Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND2014-16398 as Select Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Select Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Wienbar, seconded by Commissioner Sorenson to approve building permits #1853 and 1854. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 8:55 a.m. public hearing to order regarding the zoning request filed by Select Energy Services, with concurrence from Harley M. Johnson, landowner, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the W $\frac{1}{2}$  Section 11, Township 155 North, Range 93 West (Debing Township). Present for this discussion was Roger Arredondo, representing Select Energy Services and Harley M. Johnson. Staff reported no comments had been received regarding this project. Mr. Arredondo presented five (5) certified mail receipts from adjacent landowners.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to approve the variance request filed by Select Energy Services, with concurrence from Harley M. Johnson, landowner, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the W $\frac{1}{2}$  Section 11, Township 155 North, Range 93 West (Debing Township)

contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND2015-16490 as Select Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Select Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:00 a.m. public hearing to order regarding the zoning request filed by Select Energy Services, with concurrence from Jerry and Theodore Dobrovolny and Jane Dobrovolny, landowners for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$  Section 22, Township 155 North, Range 93 West (Debing Township). Present for this discussion was Roger Arredondo, representing Select Energy Services. Staff reported no comments had been received regarding this project. Mr. Arredondo presented three (3) certified mail receipts.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve the variance request filed by Select Energy Services, with concurrence from Jerry and Theodore Dobrovolny and Jane Dobrovolny, landowners for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the S $\frac{1}{2}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$  Section 22, Township 155 North, Range 93 West (Debing Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND2015-16522 as Select Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Select Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:05 a.m. public hearing to order regarding the zoning request filed by Select Energy Services, with concurrence from Beverly May Fretheim, landowner, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the S $\frac{1}{2}$ SW $\frac{1}{4}$  Section 34, Township 155 North, Range 93 West (Debing Township). Present for this discussion was Roger Arredondo, representing Select Energy Services. Staff reported no comments had been received regarding this project and there is a question about the land description. Mr. Arredondo presented eight (8) certified mail receipts from the adjacent landowners. Select Energy Services is waiting on a corrected water permit due to a clerical error.

Moved by Commissioner Sorenson, seconded by Commissioner Bieri to approve the variance request filed by Select Energy Services, with concurrence from Beverly May Fretheim, landowner, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the S $\frac{1}{2}$ SW $\frac{1}{4}$  Section 34, Township 155 North, Range 93 West (Debing Township) contingent upon the receipt of the corrected water permit and further contingent upon the terms and conditions of that State of North Dakota Temporary Water Permit SWC Project #1400A as Select Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Select Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:10 a.m. public hearing to order regarding the zoning request filed by Select Energy Services, with concurrence from Curt and Summer Meyer, landowners, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the NE $\frac{1}{4}$  Section 21, Township 155 North, Range 94 West (Unorganized Township). Present for this discussion was Roger Arredondo, representing Select Energy Services. Staff reported no comments had been received regarding this project. Mr. Arredondo presented four (4) certified mail receipts from adjacent landowners, stated all of the hose for this project would be on the Meyer land and the water source is the White Earth River.

Moved by Commissioner Sorenson, seconded by Commissioner Borud to approve the variance request filed by Select Energy Services, with concurrence from Curt and Summer Meyer, landowners, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the NE $\frac{1}{4}$  Section 21, Township 155 North, Range 94 West (Unorganized Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND2014-16102 as Select Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Select Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:15 a.m. public hearing to order regarding the subdivision review application filed by David Olson for a 14.36 acre, more or less, tract of land to be known as Outlot 1 of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 17, Township 155 North, Range 90 West (Burke Township). Present for this discussion was David Olson. Staff reported no comments had been received

regarding this project. Mr. Olson had presented three (3) certified mail return receipt cards from adjacent landowners and stated this was the farmstead he was separating from the rest of the land, which he is selling, and would like to have the fee reduced from a standard subdivision review to a simple subdivision review. Mr. Hornaday has not provided the final plat for recording.

Moved by Commissioner Weisenberger, seconded by Commissioner Borud to approve the subdivision review application filed by David Olson for a 14.36 acre, more or less, tract of land to be known as Outlot 1 of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 17, Township 155 North, Range 90 West (Burke Township), reduce the fee from a standard subdivision to a simple subdivision with the restriction that the land cannot be subdivided in the future as David Olson has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:20 a.m. public hearing to order regarding the continuation of the zoning request filed by Sundhagen Sand & Gravel Inc., with concurrence from Garrett Lalim, landowner, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  & NW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 18, Township 157 North, Range 93 West (Sorkness Township).

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to remove the above referenced zoning application from the table. Upon roll call vote all present voted yes, motion carried.

Present for this discussion was Curt Waldie representing Sundhagen Sand & Gravel Inc. Mr. Waldie asked for this item to be tabled due to the fact he does not have all his documentation in place. It was brought to his attention the roads he is proposing to use are oil company leased roads and he will need to obtain easements for the use of the roads. Staff reported a letter had been received from Robert & Janice Moore objecting to the project.

Moved by Commissioner Ruland, seconded by Commissioner Borud to table action on this request until a lease to use the leased road is presented to the Planning & Zoning Board. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:25 a.m. public hearing to order regarding the zoning request filed by Sundhagen Sand & Gravel Inc., with concurrence from the State of North Dakota, landowner, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land located in the SE $\frac{1}{4}$  Section 28, Township 155 North, Range 94 West (Unorganized Township). Present for this discussion was Curt Waldie representing Sundhagen Sand & Gravel Inc. Staff reported three (3) certified mail return receipt cards from adjacent landowners had been received, no comments had been received regarding this project and the description is for 160 acres and we have a limit of 80 acres per application. Mr. Waldie stated they would be entering onto Highway 1804 and not travel any section line roads and they would be testing for gravel on April 7<sup>th</sup>. It was brought to Mr. Waldie's attention there is leafy spurge on the NW corner of the property.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to table action on this request until all documentation is in place and the description is reduced to 80 surface acres. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:30 a.m. public hearing to order regarding a zoning request filed by Butch and Sundance, with concurrence from Roger L. Sorenson, landowner, for a variance to use land zoned agricultural for the purpose of temporarily pumping surface water from the E $\frac{1}{2}$  Section 7, Township 155 North, Range 92 West (Alger Township). Present for this discussion was Rocky Stubbs representing Butch and Sundance. Staff reported no comments have been received regarding this project. Mr. Stubbs stated the certified mail return receipt cards are in his vehicle in southern Missouri. They do not have a road haul agreement with the Township. Mr. Sorenson does not own the entire 320 acres, Gerald Olson owns the N $\frac{1}{2}$ NE $\frac{1}{4}$ . The water would be mostly piped but some would be hauled by truck.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to table action on this request until the green cards are available, the road haul agreement is in place and Mr. Olson signs the application. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:35 a.m. public hearing to order regarding the zoning request filed by Phillips 66 Partners Terminal LLC, for a conditional use permit to use land zoned industrial to add a third rail loop to their train transload facility located on Lots 1 & 2 of Block 1, Palermo Industrial Park (Palermo City/Palermo Township). Present for this discussion was Chad Polak, representing Phillips 66 Partners Terminal LLC and Walter Dunham, Mayor of Palermo. Staff reported no comments had been received regarding this project. Mr. Polak presented three (3) certified mail return receipt cards and said the third rail was needed for ingress and egress if there are two trains waiting to get on the main line. Mayor Dunham stated he has talked to citizens in Palermo and they do not have any concerns at this time.

Moved by Commissioner Bieri, seconded by Commissioner Borud to approve the conditional use permit request filed by Phillips 66 Partners Terminal LLC, for a conditional use permit to use land zoned industrial to add a third rail loop to their train transload facility located on Lots 1 & 2 of Block 1, Palermo Industrial Park (Palermo City/Palermo Township) as Phillips 66 Partners Terminal LLC has met all criteria as set forth in Article IV, Section 4, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon the provision Montana Dakota Utilities comply with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:40 a.m. public hearing to order regarding the subdivision review application filed by Brooks Goodall, with concurrence from Vaughn Niemitalo, landowner for a 55.342 acre, more or less, plat to be known as Outlot 3 in the W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 14, Township 154 North, Range 91 West (Sikes Township). Present for this discussion was Brooks Goodall. Staff reported no comments had been received regarding this project and Mr. Goodall would like to have the application treated as a simple subdivision procedure rather than a standard subdivision procedure. Mr. Goodall presented three certified mail return receipt cards from the adjacent land owners. Discussion included the land staying agricultural and not being subdivided in the future.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the subdivision review application filed by Brooks Goodall, with concurrence from Vaughn Niemitalo, landowner for a 55.342 acre, more or less, plat to be known as Outlot 3 in the W $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 14, Township 154 North, Range 91 West (Sikes Township) as a simple subdivision procedure contingent upon the land staying agricultural and not to be subdivided in the future as Brooks Goodall has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:45 a.m. public hearing to order regarding the subdivision review application filed by Brooks Goodall, with concurrence from Vaughn Niemitalo, landowner, for a 7.242 acre, more or less, plat to be known as Outlot 4 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 14, Township 154 North, Range 91 West (Sikes Township). Present for this discussion was Brooks Goodall. Staff reported no comments had been received regarding this project and Mr. Goodall would like to have the application treated as a simple subdivision procedure rather than a standard subdivision procedure. Mr. Goodall presented three certified mail return receipt cards and two certified mail receipts from the adjacent landowners. Discussion included the land staying agricultural and not being subdivided in the future.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to approve the subdivision review application filed by Brooks Goodall, with concurrence from Vaughn Niemitalo, landowner, for a 7.242 acre, more or less, plat to be known as Outlot 4 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 14, Township 154 North, Range 91 West (Sikes Township) as a simple subdivision procedure contingent upon the land staying agricultural and not to be subdivided in the future as Brooks Goodall has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:50 a.m. public hearing to order regarding the zoning amendment filed by Wild Pines LLC, with concurrence from the Daniel D. Lindberg Mineral and Real Estate Trust, landowner, for an amendment to change land zoned rural recreational to residential for the purpose of residential development on a 39.91 acre, more or less, tract of land described as Outlot 1 of the NE $\frac{1}{4}$  of Section 24, Township 156 North, Range 91 West (Idaho Township). Present for this discussion was Daniel D. Lindberg, Brian Iverson, and John Matthews. Staff reported no comments had been received regarding this project and five certified mail return receipt cards from adjacent landowners had been received. Mr. Iverson explained this is a residential development for permanent housing. Discussion included septic plan, number of lots, housing will be modular homes, townhouses, and avoiding the removal of trees.

Moved by Commissioner Borud, seconded by Commissioner Bieri to present findings of fact from the March 23, 2015 public hearing and made a recommendation to the Mountrail County Commissioners for approval of the zoning request filed by Wild Pines LLC, with concurrence from the Daniel D. Lindberg Mineral and Real Estate Trust, landowner, for an amendment to change land zoned rural recreational to residential for the purpose of residential development on a 39.91 acre, more or less, tract of land described as Outlot 1 of the NE¼ of Section 24, Township 156 North, Range 91 West (Idaho Township) as Wild Pines LLC has meet all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon Wild Pines LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:55 a.m. public hearing to order regarding the zoning request filed by Verizon Wireless, with concurrence from Risan Limited Partnership, landowner, for a conditional use permit to use land zoned agricultural to construct and operate a self-supported, lattice type cell tower on a 2½ acre, more or less, tract located in the SW¼SW¼SW¼SW¼ less highway right of way in Section 28, Township 152 North, Range 90 West (Parshall Township). Present for this discussion was Jesse Dimond representing Verizon Wireless. Staff reported no comments were received regarding this project. Mr. Dimond stated this would be a 190' tower with a nine foot antenna on top of the tower, there would be a technician checking the site on a monthly basis, the physical tower is more than 150' from the centerline of the road and the tower is designed to collapse into itself.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the zoning request filed by Verizon Wireless, with concurrence from the Risan Limited Partnership, landowner, for a conditional use permit to use land zoned agricultural to construct and operate a self-supported, lattice type cell tower on a 2½ acre, more or less, tract located in the SW¼SW¼SW¼SW¼ less highway right of way in Section 28, Township 152 North, Range 90 West (Parshall Township) as Verizon Wireless has met all criteria as set forth in Article IV, Section IV, Paragraph E of the Mountrail County Zoning Ordinance and contingent upon Verizon Wireless 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 Hovda called the 10:00 a.m. public hearing to order regarding the zoning request filed by Verizon Wireless, with concurrence from the Risan Limited Partnership, landowner, for a variance to use land zoned agricultural to construct and operate a 199' self-supported, lattice type cell tower on a 2½ acre, more or less, tract located in the SW¼SW¼SW¼SW¼ less Highway right of way in Section 28, Township 152 North, Range 90 West (Parshall Township). Present for this discussion was Jesse Dimond representing Verizon Wireless. Staff reported no comments had been received regarding this property but it does lie within 2 miles of a missile alert facility in the NE¼ Section 20, Township 152 North, Range 90 West. Discussion included missile cable in the area, contacting one call, and working with the FAA.

Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar to approve the zoning request filed by Verizon Wireless, with concurrence from Risan Limited Partnership, landowner, for a conditional use permit to use land zoned agricultural to construct and operate a self-supported, lattice type cell tower on a 2½ acre, more or less, tract located in the SW¼SW¼SW¼SW¼ less highway right of way in Section 28, Township 152 North, Range 90 West (Parshall Township) as Verizon Wireless has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Verizon Wireless complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 10:05 public hearing to order regarding the zoning request filed by Phillip Newman, with concurrence from Roy Jensen, landowner, for an amendment to change land zoned agricultural to industrial for the purpose of establishing a trucking business on a 9.29 acre, more or less, tract of land described as the S½S½ of Government Lot 2, Section 7, Township 154 North, Range 89 West (Oakland Township). Present for this discussion was Phillip Newman, Jim Moen Jr. Oakland Township Supervisor, Donald S. Bruhn and Scott Bruhn. Staff reported an email had been received from Craig Wienbar and a letter from Donald S. Bruhn. Discussion included the establishment of a trucking business, road access, culvert to handle water drainage, existing mobile home on the property, letter of support from the Oakland Township Board, a dumpster on site, survey stakes, work already completed, placement of the road, dirty soil, stripped top soil, extraordinary circumstances requiring this location, spot zoning and distance from major roads.

Moved by Commissioner Sorenson, seconded by Commissioner Wienbar to present findings of fact from the March 23, 2015 public hearing and make a recommendation to the Mountrail County Commission to deny the zoning request filed by Phillip Newman, with concurrence from Roy Jensen, landowner, for an amendment to change the land zoned agricultural to industrial for the purpose of establishing a trucking business on a 9.29 acre, more or less, tract described as the S $\frac{1}{2}$ S $\frac{1}{2}$  of Government Lot 2, Township 154 North, Range 89 West (Oakland Township) for failure to meet the requirement of an extraordinary circumstance required for a zoning change. Upon roll call vote Commissioners Wienbar, Sorenson and Weisenberger voted yes, Commissioners Bieri, Borud, Ruland and Hovda voted no, motion failed.

Moved by Commissioner Ruland, seconded by Commissioner Borud to recommend to the Mountrail County Commission to approve the zoning request filed by Phillip Newman, with concurrence from Roy Jensen, landowner, for an amendment to change the land zoned agricultural to industrial for the purpose of establishing a trucking business on a 9.29 acre, more or less, tract described as the S $\frac{1}{2}$ S $\frac{1}{2}$  of Government Lot 2, Township 154 North, Range 89 West (Oakland Township) as Phillip Newman as met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance, Upon roll call vote Commissioners Bieri, Borud, Ruland and Hovda voted yes, Commissioners Wienbar, Sorenson and Weisenberger voted no, motion carried.

Chairman Hovda called the 10:10 a.m. public hearing to order regarding the zoning request filed by Phillip Newman, with concurrence from Roy Jensen, landowner, for a variance to allow for land zoned industrial not to be located adjacent to a state or federal highway and located on a tract of land described as 9.29 acres, more or less, described as the S $\frac{1}{2}$ S $\frac{1}{2}$  of Government Lot 2, Section 7, Township 154 North, Range 89 West (Oakland Township). Present for this discussion was Phillip Newman, Jim Moen Jr, Oakland Township Supervisor, Donald S. Bruhn, and Scott Bruhn.

Moved by Commissioner Ruland, seconded by Commissioner Borud to table the zoning request filed by Phillip Newman, with concurrence from Roy Jensen, landowner, for a variance to allow for land zoned industrial not to be located adjacent to a state or federal highway and located on a tract of land described as 9.29 acres, more or less, described as the S $\frac{1}{2}$ S $\frac{1}{2}$  of Government Lot 2, Section 7, Township 154 North, Range 89 West (Oakland Township) until next month to allow for action by the Mountrail County Commission. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 10:15 a.m. public hearing to order regarding the zoning request filed by William E. Kuster for a variance to allow for the construction of a shop within the 150' setback from a section line located on a tract of land described as the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 19, Township 157 North, Range 91 West (James Hill Township). Present for this discussion was William E. Kuster. Staff reported they had received no comments regarding this project. Mr. Kuster presented two certified mail return receipt cards and stated he had filed with the Mountrail County Commission to vacate the section line involved. The Mountrail County Commission did not want to abandon the section line and recommended a variance be granted to allow Mr. Kuster to have his building lie within the 150' setback from a section line.

Moved by Commissioner Borud, Seconded by Commissioner Weisenberger to approve the zoning request filed by William E. Kuster for a variance to allow for the construction of a shop within the 150' setback from a section line located on a tract of land described as the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 19, Township 157 North, Range 91 West (James Hill Township) as William E. Kuster has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon William E. Kuster 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 Hovda called the 10:20 public hearing to order regarding the zoning request filed by RSI Chemicals, with concurrence from Foley Three LLC, landowner, for a conditional use permit to use land zoned industrial for the purpose of storage and distribution of chemicals on a 20.9 acre, more or less, tract of land known as Block 1, Lot 2, Palermo Industrial Park Second Addition (Palermo City). Moved by Commissioner Borud, seconded by Commissioner Ruland to remove this zoning request from the table. Upon roll call vote all present voted yes, motion carried. Present for discussion was Garrett Tucker, Steve Hughes, and Jared Loveridge representing RSI Chemicals. Staff reported an email from Greg and Nancy Helland expressing their concern about the type of chemicals which would be stored on site. Mr. Tucker presented two certified mail return receipt cards from adjacent landowners and stated production chemical for H<sub>2</sub>S scavenger which eliminates H<sub>2</sub>S gas in a pipeline carries hazards similar to a gas station. Discussion included notification of the local fire department, Tier II reporting, size of containers

on site, berms around the project, spill containment plan, the site being open to inspection by the County and no transfer of material will occur on site.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the zoning request filed by RSI Chemicals, with concurrence from Foley Three LLC, landowner, for a conditional use permit to use land zoned industrial for the purpose of storage and distribution of chemicals on a 20.9 acre, more or less, tract of land known as Block 1, Lot 2, Palermo Industrial Park Second Addition (Palermo City) as RSI Chemical has met all criteria as set forth in Article IV, Section IV, Paragraph E of the Mountrail County Zoning Ordinance and is contingent upon RSI Chemical 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 Hovda called the 10:25 a.m. public hearing to order regarding the zoning request filed by Iron Horse Water Solutions LLC, with concurrence from Jackie Fladeland, landowner, for a variance permit to use land zoned industrial for the purpose of pumping slough water on a 20 acre, more or less, tract of land described as the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 27, Township 153 North, Range 91 West (Crane Creek Township). Moved by Commissioner Ruland, seconded by Commissioner Sorenson to remove this zoning request from the table. Upon roll call vote all present voted yes, motion carried. Present for discussion was Galen Halvorson. No one was present from Iron Horse Water Solutions LLC. Galen Halvorson owns the land which Iron Horse Water Solutions LLC drives across to access their site without his permission. Discussion included road access, junked skid shacks on site, pumps set up, contact has been made with State Water Commission regarding water sales, selling water, storage of scoria on site, water flow, shallow aquifer and lack of Iron Horse Water Solution LLC supplying information in a timely manner.

Moved by Commissioner Ruland, seconded by Commissioner Sorenson to deny the zoning request filed by Iron Horse Water Solutions LLC, with concurrence from Jackie Fladeland, landowner, for a variance permit to use land zoned industrial for the purpose of pumping slough water on a 20 acre, more or less, tract of land described as the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 27, Township 153 North, Range 91 West (Crane Creek Township) for failure to appear at the meeting, failure to provide information to the Commission in a timely manner and failure to provide the road access agreement and staff is directed to notify the State Water Commission Iron Horse Water Solutions LLC does not have a permit from the County to sell water. Upon roll call vote all present voted yes, motion carried.

Board concerns included Badger Pressure Control trailers used for sleeping, abandoned campers, water projects that are modifying dams on creeks without coming to Planning & Zoning and special waste oil field sites.

Staff concerns included conditional use permits for special waste landfills, Gary Schmidt development north of Stanley and list tabled and unrecorded amendments, conditional use permits and variances where applicants have not completed the paperwork and therefore are not recorded.

Moved by Commissioner Sorenson, seconded by Commissioner Borud to remove from the table an Amendment tabled July 23, 2012, filed by Gordon Jr. & Jolynn Ennen, regarding the S $\frac{1}{2}$  of Section 17, Township 156 North, Range 90 West; Amendment tabled November 26, 2012, filed by King Oil Field Services, with concurrence from Gary & Caroline Sue Satterthwaite and Barbara Satterthwaite, landowners, for an amendment to the Mountrail County Zoning Map to rezone a 1.16 acre, more or less, tract of land described as Outlot 2 of Government Lot 4 of the NW $\frac{1}{4}$  Section 2, Township 153 North, Range 93 West (Unorganized Township) from agricultural to commercial for future commercial development; Conditional Use Permit, tabled November 25, 2013, filed by Pecan Pipeline (North Dakota) Inc. with concurrence from Lantz L. & Gail R. Bottleson, landowners, regarding Outlot 4 in the NE $\frac{1}{4}$  Section 22, Township 154 North, Range 90 West; Conditional Use Permit tabled August 26, 2013, filed by Sand Creek Resources Inc., with concurrence from Mildred Roggenbuck, landowner, regarding NE $\frac{1}{4}$ NE $\frac{1}{4}$  less Highway ROW Section 26, Township 153 North, Range 93 West; Conditional Use Permit tabled January 28, 2013, filed by Atlas Oilfield Construction Co LLC with concurrence from Hamed & Zina Juma with life estate to Hamed Juma Jr., Sammy Juma & Alley Juma, landowners, regarding W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 15, Township 156 North, Range 93 West; and Conditional Use Permit tabled January 28, 2013, filed by Atlas Oilfield Construction Co LLC with concurrence from Edith Ann & Daniel L. Joyce, landowners, regarding the  $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 19, Township 156 North, Range 94 West. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Sorenson to recommend to the Mountrail County Commission to present findings of fact from the July 23, 2012 public hearing and make a recommendation to the Mountrail County



Commission to deny the zoning request filed by Gordon Ennen Jr. and Jo Ennen for an amendment to the Mountrail County Zoning Map to rezone a 5 acre, more or less tract of land described as N $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, Township 157 North, Range 94 West (White Earth Township) from agricultural to industrial to establish a water depot for failure to complete the amendment process in a timely manner; and present findings of fact from the November 26, 2012 public hearing and make a recommendation to the Mountrail County Commission to deny the zoning request filed by King Oil Field Services, with concurrence from Gary & Caroline Sue Satterthwaite and Barbara Satterthwaite, landowners, for an amendment to the Mountrail County Zoning Map to rezone a 1.16 acre, more or less, tract of land described as Outlot 2 of Government Lot 4 of the NW $\frac{1}{4}$  Section 2, Township 153 North, Range 93 West (Unorganized Township) from agricultural to commercial for future commercial development for failure to complete the amendment process in a timely manner. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Borud to un-defer the zoning request for an amendment to the Mountrail County Zoning Map filed by CCS Midstream Services LLC, with concurrence from Jerome E. Ardis, Brian and Nancy Rice, landowners, to rezone a 320 acre, more or less, tract of land described as the E $\frac{1}{2}$  Section 7, Township 156 North, Range 94 West (Myrtle Township) from agricultural to industrial for the purpose of constructing and operating a special waste management facility for solid and liquid disposal of oil field waste and present findings of facts from the June 27, 2011 public hearing and make a recommendation to the Mountrail County Commission to deny this zoning amendment for failure to complete the zoning amendment process in a timely manner. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to deny Conditional Use Permit, tabled November 25, 2013, filed by Pecan Pipeline (North Dakota) Inc. with concurrence from Lantz L. & Gail R. Bottleson, landowners, regarding Outlot 4 in the NE $\frac{1}{4}$  Section 22, Township 154 North, Range 90 West; Conditional Use Permit tabled August 26, 2013, filed by Sand Creek Resources Inc., with concurrence from Mildred Roggenbuck, landowner, regarding NE $\frac{1}{4}$ NE $\frac{1}{4}$  less Highway ROW Section 26, Township 153 North, Range 93 West; Conditional Use Permit tabled January 28, 2013, filed by Atlas Oilfield Construction Co LLC with concurrence from Hamed & Zina Juma with life estate to Hamed Juma Jr., Sammy Juma & Alley Juma, landowners, regarding W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 15, Township 156 North, Range 93 West; and Conditional Use Permit tabled January 28, 2013, filed by Atlas Oilfield Construction Co LLC with concurrence from Edith Ann & Daniel L. Joyce, landowners, regarding the E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 19, Township 156 North, Range 94 West for failure to complete the conditional use process in a timely manner. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Bieri to notify the following applicants they have sixty (60) days to complete their paper work or the amendment and/or conditional use permit and/or variance will be denied, Amendment dated December 3, 2013, filed by Whiting Oil & Gas Corp., with concurrence from Kenneth V. & Joan A. Littlefield LLP, landowner, to rezone a 5 acre, more or less, tract of land described as Outlot 2 of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 14, Township 153 North, Range 91 West (Crane Creek Township) from agricultural to industrial for future development; Amendment dated June 18, 2013, filed by Gerald N. & Delaine M. Nagel for an amendment to the Mountrail County Zoning Ordinance to rezone land described as Lots 3-17 & 20-22, Block 20 of Lake Sanish Addition to the Village of Sanish, Section 23, Township 152N, Range 93W (Unorganized Township) from residential to commercial for truck operations; Amendment dated March 19, 2013, tentative approval to the request of Coteau Cattle LLP for an amendment to the Mountrail County Zoning Ordinance to rezone a 5.00 acre, more or less, tract of land in the N $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 15, Township 157N, Range 90W (Clearwater Township) from agricultural to industrial for a water depot. Final approval would not be granted until Coteau Cattle LLP files an outlot of the five acres to be rezoned and presents written road haul agreements from Clearwater, Sidonia and Lostwood Townships; Amendment dated September 18, 2012 filed by Richard & JoAnn Ruud and Kenneth & Linda Ruud for an amendment to the Mountrail County Zoning Ordinance to rezone a 40.00 acre, more or less, tract of land described as the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, Township 152N, Range 90W (Parshall Township) from agricultural to commercial for the development of a small motel and convenience store; Amendment dated August 7, 2012, filed by Troy D. & Amy J. Fladeland for an amendment to the Mountrail County Zoning Ordinance to rezone a 3.89 acre, more or less, tract of land described as Outlot 1 of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4, Township 154N, Range 91W (Sikes Township) from agricultural to commercial for the purpose of establishing truck parking for no more than ten (10) trucks; Amendment dated May 1, 2012 filed by Kelly Smith, with concurrence from landowners, Jon R. Corpron Revocable Trust & Maynard Corpron Estate for an amendment to the Mountrail County Zoning Ordinance to rezone a 3.00 acre, more or less, tract of land described as Outlot 2 of SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, Township 156N, Range 91W (Idaho Township) from agricultural to residential for developing a residence; Amendment dated April 3, 2012, filed by Kelly Smith, with concurrence from landowners, Jon R. Corpron Revocable Trust and Maynard Corpron Estate, for an amendment to the Mountrail County Zoning

Ordinance to rezone a 3.72 acre, more or less, tract of land described as Outlot 3 of SW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> of Section 10, Township 156N, Range 91W (Idaho Township) from agricultural to commercial for the parking of no more than six trucks; Conditional Use Permit dated February 24, 2014, 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<sup>1</sup>/<sub>4</sub> of Section 35, Township 155 North, Range 88 West (Kickapoo Township); Conditional Use Permit dated February 24, 2014, 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<sup>1</sup>/<sub>4</sub> of Section 28, Township 158 North, Range 89 West (Crowfoot Township) contingent upon Municipal Shale LLC insuring this tower and anchor points do not infringe upon the right of way of the U.S. Air Force cable and the final drawing showing the exact location of the tower and anchor points is submitted to the Planning & Zoning Department; Conditional Use Permit dated February 24, 2014 filed by Sundre Sand & Gravel Inc., with concurrence from Marlene M. Holmberg, Dorothy Tully, Leonard Scott, Kenneth Scott, Walter R. & Vivian Evens R&V Evens Family Trust, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on a 79.86 acre, more or less, tract of land described as NE<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> & Lot 3 of Section 30, Township 153 North, Range 92 West (Knife River Township) for a period of five (5) years requiring road maintenance, dust control, reclamation bond, and no parking of trucks on the road; Conditional Use Permit dated October 28, 2013, filed by Mountrail-Williams Electric Cooperative, with concurrence from Raymond O. Anderson, Jean Tykeson, Eileen Cvancara, Bev Fretheim, C. Rosencrans and F. Sinkler, landowners, for a conditional use permit to use land zoned agricultural for the construction and operation of an electrical distribution substation on a 5 acre, more or less, tract of land described as Outlot 1 of the SE<sup>1</sup>/<sub>4</sub> Section 3, Township 154 North, Range 93 West (Rat Lake Township); Conditional Use Permit dated August 26, 2013, filed by Mountrail Williams Electric Cooperative, with concurrence from John M. & Linda R. Moe, landowners, to use land zoned agricultural for the construction, operation and maintenance of an electrical substation to be located on a 5 acre, more or less, tract of land described as Outlot 1 of the SE<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> Section 19, Township 155 North, Range 94 West (Unorganized Township); Conditional Use Permit dated August 26, 2013, filed by Mountrail Williams Electric Cooperative to use land zoned agricultural for the construction, operation and maintenance of an electrical substation to be located on a 16.68 acre, more or less, tract of land described as Outlot 3 of the NW<sup>1</sup>/<sub>4</sub> Section 29, Township 157 North, Range 94 West (White Earth Township) and is contingent upon Mountrail Williams Electric Cooperative maintaining dust control during construction; Conditional Use Permit dated August 26, 2013, filed by Mountrail Williams Electric Cooperative, with concurrence from Rena B. & Ronnie J. Iverson, Boyd & Connie Anderson, Brian & Kermit Hollinger, E.H.C. Rice Family LLLP and Van Rice, landowners, to use land zoned agricultural for the construction, operation and maintenance of an electrical substation to be located on a 5 acre, more or less, tract of land described as Outlot 1 of the NW<sup>1</sup>/<sub>4</sub>NW<sup>1</sup>/<sub>4</sub> Section 11, Township 154 North, Range 92 West (Brookbank Township); Conditional Use Permit dated August 13, 2013, filed by JMAC Resources Inc., with concurrence from Marty M. Jorstad, landowner, to use land zoned agricultural for the mining of gravel on a 20 acre, more or less, tract of land described as E<sup>1</sup>/<sub>2</sub>SW<sup>1</sup>/<sub>4</sub>SW<sup>1</sup>/<sub>4</sub> Section 10, Township 157 North, Range 94 West (White Earth Township) for a five (5) year term, requiring road maintenance, and dust control of the roads and pit area; Conditional Use Permit dated August 26, 2013, filed by Eagle Rock Timber Inc, with concurrence from Gloria Hoff, Carol Moberg and Joyce Wright, landowners, to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as the N<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub> Section 1, Township 152 North, Range 93 West (Unorganized Township) contingent upon Eagle Rock Timber Inc. providing a new road haul agreement with the County; Conditional Use Permit dated August 26, 2013, filed by Eagle Rock Timber Inc, with concurrence from Gloria Hoff, Carol Moberg and Joyce Wright, landowners, to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as the S<sup>1</sup>/<sub>2</sub>SE<sup>1</sup>/<sub>4</sub> Section 1, Township 152 North, Range 93 West (Unorganized Township) contingent upon Eagle Rock Timber Inc. providing a new road haul agreement with the County; Conditional Use Permit dated July 22, 2013, request filed by Jeremy & Tara Mork, with concurrence from Bernetta Lee & Randy A. Lee Estate, landowners, to use land zoned residential to place a single family residence mobile home on a tract of land described as Lots 10, 11, & 12, Block 2, Blaisdell Village, Township 156 North, Range 89 West (McGahan Township); Conditional Use Permit dated June 24, 2013, filed by Ponderosa Properties LLC, with concurrence from Michael D. & Sandra D. Corcoran, landowners, to use land zoned residential locating a single wide mobile home on a tract of land described as Lot 4, Block 7, Original Townsite, Palermo ND (Palermo City); Conditional Use Permit dated May 28, 2013, filed by Gratech Company LTD, with concurrence from Bernard F. & Debra K. Wright, landowners, to use land zoned agricultural for the mining and process production of aggregate materials on a 40 acre, more or less, tract of land described as SW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> Section 22, Township 156 North, Range 93 West (Manitou Township) for a five (5) year term, requiring road maintenance, dust control of the roads and a reclamation plan, contingent upon the bond amount increasing to \$50,000 and written road haul agreements with Manitou Township and Mountrail County being submitted to the Zoning Administrator; Conditional Use Permit dated May 28, 2013, filed by Iron Horse Industrial Services Inc., with concurrence from Neal E. & Cherlyn K. Biber, landowners, to use land

zoned agricultural for the mining of gravel on an 80 acre, more or less, tract of land described as the S $\frac{1}{2}$ SW $\frac{1}{4}$  Section 3, Township 157 North, Range 90 West (Clearwater Township) for a five (5) year term, requiring road maintenance, dust control of the roads and a reclamation plan; Conditional Use Permit dated April 22, 2013, filed by Gravel Products Inc., with concurrence from the State of North Dakota, landowner, to use land zoned agricultural for the mining of gravel on an 80 acre, more or less, tract of land described as E $\frac{1}{2}$ SE $\frac{1}{4}$  Section 14, Township 152 North, Range 92 West (Osborn Township); Conditional Use Permit dated April 22, 2013, filed by Thermo Fluids Inc., with concurrence from Badlands Power Fuels, landowner to use industrial land for a used motor oil, used motor oil filters and used antifreeze center on a 9 acre, more or less tract of land, described as Outlot 5 of the SW $\frac{1}{4}$ NE $\frac{1}{4}$  Section 19, Township 156 North, Range 90 West (Palermo Township) contingent upon receipt of all proper permits required by the State of North Dakota and approval of the zoning amendment by the Mountrail County Commission; Conditional Use Permit dated November 26, 2012, filed by Fisher Sand & Gravel Co, with concurrence from Douglas E. & Marla Niemitalo, landowners, to use agricultural land for the mining of gravel on an 80.00 acre, more or less, tract of land described as N $\frac{1}{2}$ SW $\frac{1}{4}$  Section 25, Township 153 North, Range 92 West (Knife River Township) for a five year term, requiring road maintenance, dust control of road and reclamation plan; Conditional Use Permit dated July 23, 2012, filed by Bundled Builders Solutions Inc., with concurrence from Rodney W. & Patricia M. Barstad and Julia Barstad, landowners, subject to the approval of the amendment to the Mountrail County Zoning Map filed by Bundled Builders Solutions Inc., to use industrial land to establish a fuel depot on a 3.334 acre, more or less, tract of land described as Outlot 1 of the SW $\frac{1}{4}$  Section 23, Township 156 North, Range 93 West (Manitou Township); Conditional Use Permit dated July 23, 2012, filed by Bundled Builders Solutions Inc., with concurrence from Rodney W. & Patricia M. Barstad and Julia Barstad, landowners, subject to the approval of the amendment to the Mountrail County Zoning Map filed by Bundled Builders Solutions Inc, to use commercial land for a warehouse facility with sleeping quarters on a 5.049 acre, more or less, tract of land described as Outlot 2 of the SW $\frac{1}{4}$  Section 23, Township 156 North, Range 93 West (Manitou Township); Conditional Use Permit dated June 25, 2012, permit filed by Mike Jones, with concurrence from the Robert J. Grinolds Family Testamentary Trust, landowner, to use agricultural land for the mining of gravel on a 60 acre, more or less, tract of land described as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, Township 156 North, Range 90 West (Palermo Township) for a five year term, requiring maintenance of the road, dust control of the road and reclamation plan; Conditional Use Permit dated June 25, 2012, filed by Weerts Companies Inc, with concurrence from John D. & Robin G. Rodgers, landowners, to use agricultural land for the mining of sand and gravel on an 80 acre, more or less, tract of land described as the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$  less right of way, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 28, Township 152 North, Range 89 (Model Township) for a five year term, requiring maintenance of the road, dust control of the road and reclamation plan; Conditional Use Permit dated April 23, 2012, filed by Verizon Wireless, with concurrence from landowners, Helen A. Monson, Marc J. Tellevik, Geraldine Monson Day, Richard A. Monson, Jennifer Brown, Janet Monson Anderson and Carolyn M. Thomas, to use agricultural land for making modifications on an existing tower on a 10.78 acre, more or less, tract of land lying in the S $\frac{1}{2}$ SE $\frac{1}{4}$  Section 17, Township 156N, Range 94W (Myrtle Township); Conditional Use Permit dated April 23, 2012, filed by Fisher Sand & Gravel Company, with concurrence from landowners, Jeffrey Peter Larson, Marilyn K. Larson, Lola Mae Coxford and Pauline B. Benke, landowners, to use agricultural land for the establishment of a gravel pit on a 40.00 acre, more or less, tract of land lying in the W $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 20, Township 157N, Range 94W (White Earth Township) for a five year term, requiring maintenance, dust control of road and reclamation plan; Conditional Use Permit dated March 26, 2012, filed by Eagle Rock Timber Inc., with concurrence from landowner, Gary L. Swensrud, to use agricultural land for gravel crushing on a 160.00 acre, more or less, tract of land described as SE $\frac{1}{4}$  of Section 3, Township 155N, Range 89W (McAlmond Township) for a five year term, requiring maintenance, dust control of road, and reclamation plan; Conditional Use Permit dated March 26, 2012, filed by Eagle Rock Timber Inc., with concurrence from gravel owners, Roger K. Vesey and Darlene J. Vesey, to use agricultural land for mining gravel on a 160.00 acre, more or less, tract of land described as SW $\frac{1}{4}$  of Section 3, Township 155N, Range 89W (McAlmond Township) for a five year term, requiring maintenance and dust control of road and reclamation plan; Conditional Use Permit dated March 26, 2012, filed by Michael Jones, with concurrence from landowners, Gilman Vedvig and Wayne Vedvig, to use agricultural land for mining gravel on a 80.00 acre, more or less, tract of land described as S $\frac{1}{2}$ W $\frac{1}{4}$  of Section 13, Township 155N, Range 88W (Kickapoo Township) for a five year term, requiring maintenance, dust control of road and reclamation plan; Conditional Use Permit dated March 26, 2012, filed by Michael Jones, with concurrence from landowner, Elaine L. Cuddigan, to use agricultural land for mining gravel on a 40.00 acre, more or less, tract of land described as NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 28, Township 156N, Range 88W (Egan Township) for a five year term, requiring maintenance, dust control of road and reclamation plan; Conditional Use Permit dated March 5, 2012, filed by Aqua Terra, with concurrence from Leo Ringoen, landowner, to use agricultural land for mining gravel on a 360.00 acre, more or less, tract of land described as NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 35, Township 155N, Range 89W (McAlmond Township) for a 5 year term, requiring maintenance and dust control of road; Conditional Use Permit dated January 23, 2012, filed by Aqua Terra, with concurrence from Leo Ringoen, landowner, to use agricultural land for mining gravel on a 40.00 acre, more or less, tract of land described as

SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 35, Township 155N, Range 89W (McAlmond Township) for a 5 year term, requiring maintenance and dust control of road; Conditional Use Permit dated January 23, 2012, permit filed by Sundre Sand & Gravel, Inc., with concurrence from landowners, Verna L. Vaage, LE to James, Gregory, & Bruce Vaage, Kathleen M. Hettenbaugh, to use agricultural land for the establishment of a gravel pit on a 480 acre, more or less, tract of land described as SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29, Township 158N, Range 90W (Sidonia Township) for a 5 year term, requiring maintenance and dust control of road; Conditional Use Permit dated November 28, 2011, filed by Eagle Rock Timber, Inc., with concurrence from landowners, Gloria Hoff, Carol Moberg and Joyce E. Wright, to use agricultural land for mining sand, gravel, scoria and clay on a 188.84 acre, more or less, tract of land described as NE $\frac{1}{4}$  and Lots 1 & 2 of Section 12, Township 152N, Range 93W (Unorganized Township) for a five year term, requiring maintenance and dust control of road; Conditional Use Permit dated November 28, 2011, filed by Eagle Rock Timber, Inc., with concurrence from landowner, Floyd Brehm Trustee, to use agricultural land as a scoria aggregate source on a 812.65 acre, more or less, tract of land described as W $\frac{1}{2}$ , less Outlot 1 of SSW, Section 5, Township 152N, Range 92W and lots 1-2-3, that portion of lot 4 lying N of Hwy ROW, that portion of lot 5 lying NE of Hwy ROW, that portion S $\frac{1}{2}$ NW $\frac{1}{4}$  lying NE of Hwy ROW, S $\frac{1}{2}$ NE $\frac{1}{4}$ , that portion of SE $\frac{1}{4}$  lying E of Hwy ROW, less Outlot 2, Section 6, Township 152N, Range 92W (Osborn Township) for a five year term, requiring dust control of road, only approved for 50 acre disturbance at one time to be inspected prior to the next 50 acres being disturbed; Conditional Use Permit dated September 26, 2011, filed by Plains Pipeline North Dakota LLC, with concurrence from landowner, Michael T. & Jeffrey A. Nelson Trust, subject to the approval of the amendment to the Mountrail County Zoning Map, filed by Plains Pipeline North Dakota LLC, to use industrial land for a crude oil loading & unloading facility, oil transport parking, a pipeline origination pump station complete with a crude oil custody transfer meter facility and up to 4 crude oil storage tanks of 50,000 barrel capacity or less, requiring the use of 80<sup>th</sup> Ave NW for ingress and egress, on a 15.00 acre, more or less, tract of land lying in the Outlot 1, W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 26, Township 156N, Range 91W (Idaho Township); Conditional Use Permit dated August 22, 2011, filed by Mae Dean Investments, with concurrence from landowners, David & Vivian Meiers, subject to the approval of the amendment to the Mountrail County Zoning Map, filed by Mae Dean Investments, to use commercial land for providing living quarters consisting of 34 RV's/Skids, which must have individual unit numbers that are legible day or night, for employees on a 17.08 acre, more or less, tract of land described as the S $\frac{1}{2}$  of Outlot 1 of the NW $\frac{1}{4}$  of Section 19, Township 156N, Range 92W (Ross Township) for a period of five years at which time land should be reclaimed back to its original use with all utilities removed; Conditional Use Permit, dated July 25, 2011, filed by John C. Warberg, Carol L. Willett, Eunice Church and Edward Willett to use agricultural land for mining gravel on a 160.00 acre, more or less, tract of land located in the E $\frac{1}{2}$ NW $\frac{1}{4}$  Section 13, Township 153N, Range 91W (Crane Creek Township) and SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  Section 26, Township 154 North, Range 91 West (Sikes) for a three year term; Variance dated February 24, 2014, 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 variance to place a 350' guy tower which exceeds the 90' maximum height allowable in Mountrail County 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 (Kickapoo Township); Variance dated October 28, 2013, filed by Mountrail-Williams Electric Cooperative, with concurrence from Raymond O. Anderson, Jean Tykeson, Eileen Cvancara, Bev Fretheim, C. Rosencrans and F. Sinkler, landowners, for a variance to allow for the construction and operation of an electrical distribution substation within the 250' setback from ND Highway 1804 and within the 150' setback from 53<sup>rd</sup> Avenue NW lying within Outlot 1 of the SE $\frac{1}{4}$  Section 3, Township 154 North, Range 93 West (Rat Lake Township); and Variance dated August 26, 2013, filed by Scott & Nancy Meiers for the locating of a mobile home within the 150 foot setback requirements from the section line in the NW $\frac{1}{4}$  less highway right of way Section 27, Township 156 North, Range 92 West (Ross Township). Upon roll call vote all present voted yes, motion carried.

Other items discussed included One Call Requirement on building permits, water reservoirs, request for a welding shop along the Palermo road, and the need to update zoning ordinances.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to adjourn the meeting. All present voted yes, motion carried.

The next regular meeting of the Mountrail County Planning and Zoning Board is Monday April 27<sup>th</sup>, 2015 at 8:30 a.m. at the Mountrail County South Complex 8103 61<sup>st</sup> NW, Stanley, N.D.

Accepted and approved this 27<sup>th</sup> day of April, 2015.

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Roger Hovda, Chairman  
Mountrail County Planning & Zoning Commission

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Donald W. Longmuir Jr., AICP  
Zoning Administrator