

# MINUTES

## Mountrail County Planning and Zoning Commission March 26, 2018

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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, Roger Hovda, Trudy Ruland, Linda Wienbar, Gary Weisenberger, Bill Klug, and Joan Hollekim.

Also present was Wade Enget, Mountrail County States Attorney, Nate Sem, Planning & Zoning Administrator, Jana Hennessy, Mountrail County Road & Bridge Engineer, Lori Hanson, Mountrail County Tax Director, Heather Greenlee, Mountrail County Deputy Auditor, and Liz Hollowell, Planning & Zoning Administrative Assistant.

Public attending was Greg Demme, Land Specialist with Enbridge, Jami Chandler, Select Energy, Michele Dolezal, Neil Roggenbuck, Morris Zahn, Mike Childs, Bakken Water Resources Inc., Rick and Linda Hovda, Barb Detienne, Derald Hoover, Dave Able, Sundre Sand & Gravel, and Rob Carey with Andeavor Field Services LLC.

Absent was Arlo Borud, Tom Bieri and Teresa Captain, Mountrail County Deputy Tax Director

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### Approval of Agenda

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

Commissioner Wienbar moved to accept the agenda as written. Commissioner Hovda seconded. Upon roll call, all present voted yes. Motion carried.

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**8:30 Public Hearing    *Outlot Plat Review*    Morris Zahn/Neil Roggenbuck**

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**Applicant/Landowner:** Morris Zahn, applicant (surveyor) and Neil Roggenbuck, landowner

**Location:** 60 acre, more or less, plat to be known as an Outlot of the W½, less Outlot 1, of Section 25, Township 153 North, Range 93 West (**Unorganized Township**)

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

**Purpose:** Splitting up farmland for the family.

**Present:** Morris Zahn and Neil Roggenbuck, Power of Attorney for Mildred Roggenbuck

**Discussion:** Mr. Zahn stated Mr. Roggenbuck is breaking up the property to gift to each family member. Lori Hanson, Mountrail County Tax Director asked if all the questions were answered from the preliminary plat as she has not seen the final plat after it was approved. It was decided that Mr. Zahn would take the final plats to the tax office for final review.

**Outcome:** **Approved with contingency**

**Motion:** Moved by Commissioner Hollekim, seconded by Commissioner Klug to approve the outlot plat review request filed by Morris Zahn in concurrence with Neil Roggenbuck, Power of Attorney for Mildred Roggenbuck, landowner, for a 60 acre, more or less, plat to be known as Outlot 3 of the NW¼SW¼ of Section 25, Township 153 North, Range 93 West (**Unorganized Township**) subject to final review by the Mountrail County Tax Department and Auditor's Office. Upon roll call, all present voted yes. Motion carried.

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**8:33 Public Hearing    *Conditional Use Permit*    Gravel Products Inc.**

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**Applicant/Landowner:** Gravel Products Inc., landowner and applicant

**Location:** S½NW¼ of Section 29, Township 156 North, Range 90 West (**Palermo Township**).

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

**Purpose:** Mine gravel – continuation of existing pit.

**Present:** Garrett Houghton, Gravel Products Inc.

**Discussion:** Mr. Houghton stated this request is for “renewal” of their conditional use permit for their gravel pit. Mr. Houghton stated they have no plans to mine the pit this year but they have gravel stockpiles they would like to be able to sell. Chairman Sorenson asked about the required letter of credit. Mr. Houghton stated he spoke with the main office and they should have that in a few days. Commissioner Hovda asked if Gravel Products Inc.’s road haul agreement was current. Commissioner Hollekim stated the Palermo Township has changed so Gravel Product would need an updated road haul agreement. Mr. Houghton stated they would do that. Commissioner Hollekim stated that Gravel Product is starting to extend their pit into the S½SW¼ as shown on Mountrail County’s GIS. Mr. Houghton stated they would look into that, as they are not mining there. Commissioner Hovda asked when they plan to do more mining. Mr. Houghton stated they have no plans right now and outlined on the GIS where they would start to mine as well as where their gravel stockpiles were located.

Greg Demme, Land Specialist with Enbridge stated that he was at the meeting just to observe and would just like to make a request to Gravel Products to keep in contact with Enbridge as he is pretty sure they have a pipeline in that location. Mr. Houghton stated the pipeline is clearly marked and they will stay in touch.

**Outcome:** Tabled with contingencies.

**Motion:** Moved by Commissioner Ruland, seconded by Commissioner Hollekim to table the zoning request filed by Gravel Products Inc., landowner, for a conditional use permit to use land zoned agricultural for mining aggregate on an 80 acre, more or less, tract of land described as the S½NW¼ of Section 29, Township 156 North, Range 90 West (**Palermo Township**) to give Gravel Products Inc. time to secure a road haul agreement with Palermo Township, the required letter of credit and file the necessary permit to mine in the S½SW¼ as per the terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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**8:36 Public Hearing**      *Conditional Use Permit*      **Gravel Products Inc.**

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**Applicant/Landowner:** Gravel Products Inc., landowner and applicant

**Location:** N½NW¼ of Section 29, Township 156 North, Range 90 West (**Palermo Township**).

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

**Purpose:** Mine gravel – continuation of existing pit.

**Present:** Garrett Houghton, Gravel Products Inc.

**Discussion:** Mr. Houghton stated this is the north half of their pit.

**Outcome:** Tabled with contingencies

**Motion:** Moved by Commissioner Wienbar, seconded by Commissioner Ruland to table the zoning request filed by Gravel Products Inc., landowner, for a conditional use permit to use land zoned agricultural for mining aggregate on an 80 acre, more or less, tract of land described as the N½NW¼ of Section 29, Township 156 North, Range 90 West (**Palermo Township**) to give Gravel Products Inc. time to secure a road haul agreement with Palermo Township, the required letter of credit and file the necessary permit to mine in the S½SW¼ as per the terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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**8:39 Public Hearing**      *Variance Permit*      **Select Energy Ser./The Jeffrey Ranch Trust**

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**Applicant/Landowner:** Select Energy Services, Applicant/Jeffrey Ranch Trust, Landowner.

**Location:** 40 acre, more or less, tract of land described as the NW¼SW¼ of Section 22, Township 155 North, Range 94 West (**Unorganized Township**)

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

**Purpose:** Pump river water for fracking

**ND Temporary Water permit provided.** Yes

**Present:** Jami Chandler, Select Energy Services

**Discussion:** Ms. Chandler stated they are going to use 10” lay flat hose to pump the water to a Hess location. Chairman Sorenson asked if Select Energy Services had their Road & Bridge Temporary ROW permit. Ms. Chandler stated they would apply for that before the project begins.

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Klug to approve the zoning request filed by Select Energy Services, in concurrence with The Jeffery Ranch Trust, landowner, for a variance to pump river water with 10” flat hose on a 40 acre, more or less, tract of land described as the NW¼SW¼ of Section 22, 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 ND2017-18364, landowners being contacted regarding hose placement, and adhering to Mountrail County Road & Bridge temporary ROW use requirements 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.

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**8:42 Public Hearing    *Variance Permit*    Select Energy Ser./Justin Lund**

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**Applicant/Landowner:** Select Energy Services, applicant/ Justin Lund, landowner

**Location:** 80 acre, more or less, tract of land described as the NW¼N½ of Section 10, Township 155 North, Range 92 West (**Alger Township**)

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

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

**ND Temporary Water permit provided:** Yes

**Present:** Jami Chandler, Select Energy Services

**Discussion:** Ms. Chandler stated they would be using a 10” flat hose for this project as well and this project was potential work.

Michele Dolezal stated they are adjacent landowners to Justin Lund and she has some questions. Mrs. Dolezal asked the duration of the permit. Ms. Chandler stated it depends on the frack. Mrs. Dolezal asked the location of the oil wells. Ms. Chandler stated they do not know yet as this is for potential work. Mrs. Dolezal stated the slough on Mr. Lund’s property connects to the slough on their property and sometime they bleed into each other. Mrs. Dolezal asked how Select Energy was going to handle that. Ms. Chandler stated they would pump from Mr. Lund’s

property as that is where their permit is. Mrs. Dolezal asked how Select Energy Services would know when, or if, the water they are taking is from the Dolezal slough. Ms. Chandler stated they could make an arrangements with them to buy water if that is what was needed. Chairman Sorenson stated this is a matter for the North Dakota State Water Commission and Mrs. Dolezal is welcome to sit in their meetings. Chairman Sorenson stated Planning & Zoning approves the placing of the pump. Commissioner Ruland stated that the water in sloughs belongs to the State of North Dakota and that is why a person must have a permit from the State to pump the water. Commissioner Ruland encouraged Mrs. Dolezal to call Dan Farrell with the State Water Commission and advised her of his telephone number. Mrs. Dolezal voiced her concerns about possible noise and would like to have Select Energy Services contact information. Ms. Chandler stated they would provide that information to her. Vice Chairman Weisenberger stated the pump appears to be ½ mile from the Dolezal’s yard. Vice Chairman Weisenberger also stated the North Dakota Temporary Water permit lists the water source as “chain of connected unnamed sloughs” which gives Select Energy permission to use all the sloughs. Commissioner Hovda asked about crossing permits. Jana Hennessy, Mountrail County Road & Bridge Engineer stated this area is under Alger Township so approval is from them.

**Motion:** Moved by Vice Chairman Weisenberger, seconded by Commissioner Klug to approve the zoning request filed by Select Energy Services, in concurrence with Justin Lund, landowner, for a variance to pump water from a chain of connected unnamed sloughs with 10” flat hose on a 80 acre, more or less, tract of land described as the NW¼N½ of Section 10, 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 ND2017-18221, landowners being contacted regarding hose placement and Alger Township approval 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.

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**8:45 Public Hearing**      *Variance Permit*      **Bakken Water Transfer Ser.  
Inc./ Richard Debertin**

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**Applicant/Landowner:** Bakken Water Transfer Service Inc., Applicant./Richard Debertin, Landowner

**Location:** 40 acre, more or less, tract of land described as the NW¼NW¼ of Section 9, Township 152 North, Range 90 West (**Parshall Township**)

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

**Purpose:** Pump water from Shell Creek for fracking.

**ND Temporary Water permit provided:** Yes

**Present:** Mike Childs, Bakken Water Transfer Service Inc.

**Discussion:** Mr. Childs stated he would be using a flat hose. Commissioner Ruland asked if Mr. Childs had a ND Temporary Water permit. Mr. Child stated he does. The permit is valid March 26, 2018 to July 31, 2018. Commissioner Hovda asked if this water was going to be pumped east to the EOG location. Mr. Childs stated that was the plan. Commissioner Hollekim stated the land is owned by David and Richard Debertin but only Richard Debertin signed the application. Since both own the land, they both would need to sign the application. Commissioner Hovda asked since no hose can run down the section line, Mr. Childs would need to get landowner permission. Mr. Child stated the company pumping the water would do that as Bakken Water Transfer Services works with those companies but does not do the actually pumping. Commissioner Hovda asked if there had been any requests for water during the times listed on the permit. Mr. Child stated not yet. Commissioner Hovda asked who monitors the water use as this creek waters cattle and farmland downstream. Chairman Sorenson stated ND State Water Commission does many studies on the water supplies before they grant a permit.

Barb Detienne stated she is concerned about companies taking water from Shell Creek that is used for their cattle. Mrs. Detienne stated there is still a drought in North Dakota and if Shell Creek dries up, it would cause a lot of hardship. Mrs. Detienne stated she is not in favor of granting this variance permit. Chairman Sorenson advised Mrs. Detienne to contact the ND State Water Commission and let them know of her concerns as agricultural use takes precedence.

Rick Hovda stated he has cattle there as well and the water flow is not enough to allow for other uses. Mr. Hovda stated he is not in favor of the variance permit. Chairman Sorenson also advised Mr. Hovda to contact the ND State Water Commission and let them know of his concerns.

**Outcome:** Tabled

**Motion:** Moved by Commissioner Hovda, Seconded by Commissioner Klug to table the zoning request filed by Bakken Water Transfer Service Inc., in concurrence with Richard Debertin, landowner, for a variance permit to pump water from Shell Creek for fracking on a 40 acre, more or less, tract of land described as the NW¼NW¼ of Section 9, Township 152 North, Range 90 West (**Parshall Township**) due to the application not being signed by all landowners. Upon roll call vote, all present voted yes. Motion carried.

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**8:48 Public Hearing    Variance Permit    Bakken Water Transfer Ser.  
Inc./ Lynn Grabow**

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**Applicant/Landowner:** Bakken Water Transfer Service Inc., Applicant /Lynn Grabow, Landowner

**Location:** 160 acre, more or less, tract of land described as the SE¼ of Section 13, Township 156 North, Range 91 West (**Idaho Township**)

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

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

**ND Temporary Water permit provided:** No

**Present:** Mike Childs, Bakken Water Transfer Service Inc.

**Discussion:** Mr. Childs stated he does not have the North Dakota permit yet.

**Outcome:** Tabled

**Motion:** Moved by Commissioner Ruland, seconded by Commissioner Hovda to table the zoning request filed by Bakken Water Transfer Service Inc., in concurrence with Lynn Grabow, landowner, for a variance permit to pump water from an unnamed slough for fracking on a 160 acre, more or less, tract of land described as the SE¼ of Section 13, Township 156 North, Range 91 West (**Idaho Township**) due to not having the required North Dakota Temporary water permit. Upon roll call vote, all present voted yes Motion carried.

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**8:51 Public Hearing    Variance Permit    Bakken Water Transfer Ser./  
Grace Lystad, POA for Kenneth Lystad**

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**Applicant/Landowner:** Bakken Water Transfer Service, applicant/ Grace Lystad, POA for Kenneth Lystad, landowner

**Location:** 70.25 acre, more or less, tract of land described as the N½ of Section 16, Township 156 North, Range 90 West (**Palermo Township**)

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

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

**ND Temporary Water permit provided:** No

**Present:** Mike Childs, Bakken Water Transfer Services Inc.

**Discussion:** Mr. Childs stated he does not have the North Dakota permit yet.

**Outcome:** Tabled

**Motion:** Moved by Commissioner Ruland, seconded by Commissioner Hovda to table the zoning request filed by Bakken Water Transfer Service Inc., in concurrence with Grace Lystad, POA for Kenneth Lystad, landowner, for a variance permit to pump water from an unnamed slough for fracking on a 70.25 acre, more or less, tract of land described as the N½ of Section 16, Township 156 North, Range 90 West (**Palermo Township**) due to not having the required North Dakota Temporary water permit. Upon roll call vote, all present voted yes. Motion carried.

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**8:54 Public Hearing    *Variance Permit*    Bakken Water Transfer Ser./  
Orville K Nyhus of Nyhus Farms LLP**

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**Applicant/Landowner:** Bakken Water Transfer Services Inc. Applicant/Orville K Nyhus of Nyhus Farm LLP, Landowner

**Location:** 80 acre, more or less, tract of land described as the W½SW¼ of Section 20, Township 156 North, Range 90 West (**Palermo Township**)

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

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

**ND Temporary Water permit provided:** No

**Present:** Mike Childs, Bakken Water Transfer Service Inc.

**Discussion:** Mr. Childs stated he does not have the North Dakota permit yet.

Garrett Houghton, Gravel Products Inc. asked that they be notified when water is being removed as this slough is on their property as well. Mr. Childs stated he will and agreed to meet with Mr. Houghton after the meeting.

Commissioner Hovda asked since sloughs commonly sit on more than one landowner's property is the income shared. Mr. Child stated some landowners have expressed to do just that.

Commissioner Hollekim asked if it was a first come basis on getting the ND State Water permit. Commissioner Ruland stated it was and does not always let other landowners know.

**Outcome:** Tabled

**Motion:** Moved by Commissioner Wienbar, seconded by Commissioner Hollekim to table the zoning request filed by Bakken Water Transfer Service Inc., in concurrence with Orville K Nyhus of Nyhus Farm LLP, landowner, for a variance permit to pump water from an unnamed slough for fracking on an 80 acre, more or less, tract of land described as the W½SW¼ of Section 20, Township 156 North, Range 90 West (**Palermo Township**) due to not having the required North Dakota Temporary water permit. Upon roll call vote, all present voted yes. Motion carried.

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**8:57 Public Hearing**                      *Amendment*                      **Andeavor Field Ser. LLC**  
**/ Kenneth Littlefield of Kenneth V & Joan A Littlefield LLP**

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**Applicant/Landowner:** Andeavor Field Services LLC, applicant / Kenneth Littlefield of Kenneth V & Joan A Littlefield LLP, Landowners

**Location:** 30.75 acre, more or less, tract of land described as the SW¼SW¼, less Outlot 1 & 2 and ROW, of Section 14, Township 153 North, Range 91 West (**Crane Creek Township**)

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

**Purpose:** Rezone land to industrial for the expansion of the Robinson Lake Gas Plant.

**Present:** Rob Carey, Andeavor Field Services LLC

**Discussion:** Mr. Carey stated they are expanding the gas plant and are in the process of purchasing the property from the Littlefields.

**Outcome: Recommendation for approval**

**Motion:** Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to present findings of fact from the March 26, 2018 public hearing and make a recommendation to the Mountrail County Commissioners for approval of the zoning request filed by Andeavor Field Services LLC, in concurrence with Kenneth Littlefield of Kenneth V & Joan A Littlefield LLP, Landowners, for an amendment to change land zoned agricultural to industrial for the purpose of expanding the Robinson Lake Gas Plant on a 30.75 acre, more or less, tract of land described as the SW¼SW¼, less Outlot 1 & 2 and ROW, of Section 14, Township 153 North, Range 91 West (**Crane Creek Township**) as Andeavor Field Services LLC has met all criteria as set forth in Article IV, Section III, of the Mountrail County Zoning Ordinance and is further contingent upon Andeavor Field Services LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Mr. Carey was given a public hearing notice advising him of the time and date of his meeting with the County Commissioners to complete the zoning change request.

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**9:00 Public Hearing**      *Conditional Use Permit*      **Andeavor Field  
Ser. LLC/ Kenneth Littlefield of Kenneth V & Joan A Littlefield LLP**

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**Applicant/Landowner:** Andeavor Field Services LLC, applicant / Kenneth Littlefield of Kenneth V & Joan A Littlefield LLP, Landowners

**Location:** 30.75 acre, more or less, tract of land described as the SW¼SW¼, less Outlot 1 & 2 and ROW, of Section 14, Township 153 North, Range 91 West (**Crane Creek Township**)

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

**Purpose:** Expanding the Robinson Lake Gas Plant.

**Present:** Rob Carey, Andeavor Field Services LLC

**Discussion:** Chairman Sorenson asked the approach permit. Mr. Carey stated they are in contact with Crane Creek Township and since the road is maintained by Whiting Oil and Gas, the Township didn't have any additional requirement. Chairman Sorenson asked if they are able to stay 75' from the centerline of the road. Mr. Carey stated yes. Commissioner Hovda confirmed the approach was on the Township road. Mr. Carey stated yes.

**Outcome:** Approved with contingency

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Weisenberger to approve the zoning request filed by Andeavor Field Services LLC, in concurrence with Kenneth Littlefield of Kenneth V & Joan A Littlefield LLP, Landowners, for a conditional use permit for the purpose of expanding the Robinson Lake Gas Plant on a 30.75 acre, more or less, tract of land described as the SW¼SW¼, less Outlot 1 & 2 and ROW, of Section 14, Township 153 North, Range 91 West (**Crane Creek Township**) contingent on the approval of the amendment as Andeavor Field Services LLC has met all criteria as set forth in Article IV, Section III, of the Mountrail County Zoning Ordinance and is further contingent upon Andeavor Field Services LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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### 9:10 – Dave Able, Sundre Sand & Gravel

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Dave Able with Sundre Sand & Gravel come to discuss letters of credit requirements. Mr. Able stated they have a pit that the conditional use permit is expiring. They would like to reapply but since they do not have a job that would need that pit, they would like to wait until they need it before purchasing a letter of credit. Commissioner Ruland stated the problem would be monitoring when the activity would begin. She stated that burden of monitoring activity would be better left on the gravel company instead of the Planning & Zoning staff due to the size of the staff. Chairman Sorenson asked if the letter of credit could be transferred between pits? Commissioner Hollekim asked if the LOC was directly tied to a location or pit. Mr. Able stated he believes the bank does list the legal description on each LOC. Commissioner Hollekim asked if a pit could be suspended. Liz Hollowell, Planning & Zoning Administrative Assistant asked if a pit is suspended, who would be checking to see if, or when, it was put back in service? Commissioner Weisenberger stated he agrees with that Chairman Sorenson is trying to do but also agrees with Commissioner Ruland as Planning & Zoning has a staff of one. Commissioner Weisenberger stated Mountrail County has close to 150 gravel pits

and if one company is going to start transferring LOC back and forth, he is not for that. Commissioner Weisenberger stated Planning & Zoning spent 2 years developing the requirements for gravel pits and he does not like the idea of changing it now. Commissioner Klug stated if moving LOC's were allowed, a company could possibly move them monthly, which would leave a pit unprotected and make a lot of work for Planning & Zoning. All agreed that no changes would be made to the requirements that each gravel pit must have a letter of credit.

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### Approval of Building Permit

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Permit No.	Name/Address of applicant	Legal Description	Sec	TownShip	Range	Township Name	Building type
2008	Jason Bruner 304 7th St NW Kenmare, ND 58746 701-400-5054 <a href="mailto:bruner44@hotmail.com">bruner44@hotmail.com</a>	S½NE¼ Lot 34	10	151	91	Liberty	Stick Built Residence and Yard Shed

**Motion:** Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve building permit #2008. Upon roll call, all present voted yes. Motion carried.

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### Approval of Minutes

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**Motion:** Moved by Commissioner Klug, seconded by Commissioner Hollekim to approve the February 26, 2018 minutes as corrected. Upon roll call, all present voted yes. Motion carried.

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### Staff Concerns

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Nate Sem, Planning & Zoning Administrator opened the discussion on temporary use permits. Commissioner Hollekim asked if the TUP would end the Planning & Zoning board permitting the flat hose. Chairman Sorenson stated just the hose. Commissioner Hollekim asked if the landowners would be notified. Chairman Sorenson stated that part would not change. A discussion on what a variance permit should be used for was held. Chairman Sorenson stated where they lay their hose would be an administratively handled TUP, but their pump placement TUP would be heard by the Planning & Zoning Board. Jana Hennessy, Mountrail County Road & Bridge Engineer asked about the time frame of a TUP.

Commissioner Ruland stated when laying hoses in right of way, a time frame is appropriate. However if the hose is on a landowner property, it is not. Chairman Sorenson stated the TUP could be used for other projects as well. Commissioner Weisenberger stated we could follow the time frame of the ND State Temporary Water Permit. Chairman Sorenson stated he would like to be able to contact Planning & Zoning to find out whom a hose belongs to when he comes across one. Commissioner Ruland asked if she would need a TUP if she used a flat hose only on her property. Chairman Sorenson stated no, if it's used for agricultural. Commissioner Ruland asked if that applied if the land is zoned industrial. Wade Enget, Mountrail County States Attorney stated if the hose is being used for agricultural uses, even if land is zoned industrial, an exception can be made as there are many exceptions for agricultural use in Mountrail County's Planning & Zoning Ordinances. Jana Hennessy, Mountrail County Road & Bridge Engineer asked if a TUP could be revoked if there was a situation like flooding or snow removal. Chairman Sorenson stated it could as Mountrail County's easements take precedence. Commissioner Hollekim stated if this is case then it should be stated on the TUP application and permit. Chairman Sorenson recommended the length of the TUP would match the time frame on the ND State Temporary Water Permit. Jana Hennessy, Mountrail County Road & Bridge Engineer, recommended Planning & Zoning TUP be consistent with Mountrail County Road & Bridge permit. Commission Hollekim asked if a form was ready to review and how the ordinance would be updated. Wade Enget, Mountrail County States Attorney asked if the Board wanted the guidelines of the TUP clearly listed in the ordinances or simple add a permission in the ordinance for the TUP to be handled administratively. Chairman Sorenson stated having the ordinance amended to give permission for the TUP done administratively should be the way to go. Wade Enget, Mountrail County States Attorney stated he would create the ordinance for the TUP to be handled administratively. Commissioner Hollekim asked about an example TUP for the Board to review next meeting. Wade Enget, Mountrail County States Attorney stated Jana Hennessy, Mountrail County Road & Bridge Engineer, Nate Sem, Planning & Zoning Administrator and Liz Hollowell, Planning & Zoning Administrative Assistant should work together to develop a TUP for the Board to review in plenty of time before next meeting. Chairman Sorenson stated it would be good to have a clause on the TUP regarding County ROW's taking precedence.

Don Longmuir advised the Board on the progress of the Mountrail County's Comprehensive Plan. Mr. Longmuir stated himself, Commissioner Hollekim, Nate Sem, Planning & Zoning Administrator, and Wade Enget, Mountrail County States Attorney are working on this project. Commissioner Hollekim outlined some of McKenzie County's Comprehensive Plan and how it might apply to Mountrail County. Commissioner Hollekim recommended that someone from Mountrail County's Tax Office be part of the group developing the Comprehensive Plan as they have a lot of expertize with the GIS. Don Longmuir stated the top two priorities of Mountrail County's Comprehensive Plan are to protect agriculture and the

environment. Wade Enget, Mountrail County States Attorney suggested that maps of Mountrail County be links instead of pictures since the maps are so fluid. Wade Enget, Mountrail County States Attorney outlined each zoning district of McKenzie County's Comp Plan. More discussion was held on which zoning districts would apply to Mountrail County and how each Planning & Zoning Commissioner can participate in creating Mountrail County's Comprehensive Plan. Commissioner Ruland stated safety and quality of life are also high priorities. Wade Enget, Mountrail County States Attorney stated they will bring the preliminary Comp Plan to the Board monthly to gather feedback and encouraged everyone to send in comments and/or suggestions they may have. A conversation on zoning for trucking companies was held. Chairman Sorenson appointment a member of the Tax Department to the team developing Mountrail County's Comprehensive Plan.

Don Longmuir stated there is a draft bill being prepared by one of the interim committee that the State will take over the locating of radioactive sites in the State and the County will have no jurisdiction. Mr. Longmuir and Wade Enget, Mountrail County States Attorney are working on a response.

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### Board Concerns

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Commissioner Wienbar asked about the rig mats located by Palermo. Wade Enget, Mountrail County States Attorney stated his office is preparing the affidavit and need to get it complete before presenting it to the judge.

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### Next Meeting

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Next regular meeting of the Mountrail County Planning & Zoning Board is **Monday, April 23, 2018** at 8:30 am at the Mountrail County South Complex, 8103 61<sup>st</sup> St. NW Stanley, ND 58784.

Meeting adjourned at 10:30 a.m.

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### Approval

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Accepted and approved this 23<sup>rd</sup> day of April 2018

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Charlie Sorenson, Chairman  
Mountrail County  
Planning & Zoning Commission

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Liz Hollowell  
Administrative Assistant  
Planning & Zoning