

PROCEEDINGS OF THE MOUNTRAIL COUNTY  
PLANNING & ZONING COMMISSION  
Monday April 27<sup>th</sup>, 2015

The Mountrail County Planning & Zoning Commission met on Monday, April 27<sup>th</sup>, 2015 at the Mountrail County South Complex with the following voting members present: Chase Lindberg, Rosemarie Bieri, Roger Hovda, Trudy Ruland, Charlie Sorenson, Bill Klug, Gary Weisenberger, and Linda Wienbar. Absent was Arlo Borud. Also present were Teresa Captain, Mountrail County Deputy Tax Director, Lori Hanson, Mountrail County Tax Equalization Director, Donald W. Longmuir Jr., Mountrail County Zoning Administrator/Planner, and Lisa Lee, Assistant Planning & Zoning Administrator. Also absent was Wade Enget, Mountrail County States Attorney.

Chairman Hovda called the Planning and Zoning meeting to order at 8:30 a.m. Planning and Zoning staff advised that the applicant for the first four public hearings was running late. Chairman Hovda requested that the Board review the meeting minutes from the March 23, 2015 meeting. The spelling of Trudy Ruland's name was corrected and the name Keith Meiers was moved from being present at the 8:30 a.m. public hearing to the 8:35 a.m. public hearing. Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar to approve the minutes with the above listed corrections. Upon roll call all present voted yes, motion carried.

Chairman Hovda moved onto the approval of the building permits. A spelling error was corrected on permit #1858 to read "Brendle's Bay." Moved by Commissioner Ruland, seconded by Commissioner Klug to approve the building permits #1855-1870. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:42 a.m. public hearing to order regarding the zoning request filed by Ron Dazell of Oilfield Rentals Inc. for the renewal of a conditional use permit to use land zoned industrial for three mobile homes for employees while working in the Stanley area on a 10.40 acre, more or less, tract of land described as Outlot 1 of the SE $\frac{1}{4}$  Section 23, Township 156 North, Range 92 West (Ross Township). Present for this hearing was Ron Dazell who provided the five return receipt request cards from adjacent landowners. Discussion included ICS is the sister company of Oilfield Rentals LLC, this application is a renewal for a two year period, there is currently one person living at this location, and Mr. Dazell plans to eventually apply for a building permit for a welding shop.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to approve the zoning request filed by Ron Dazell of Oilfield Rentals Inc. for a two (2) year renewal of a conditional use permit to use land zoned industrial for three mobile homes for employees while working in the Stanley area on a 10.40 acre, more or less, tract of land described as Outlot 1 of the SE $\frac{1}{4}$  Section 23, Township 156 North, Range 92 West (Ross Township) as Mr. Dazell 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 Oilfield Rentals Inc. 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 8:30 a.m. public hearing to order regarding the zoning request filed by Landon Eskew of Select Energy Services, in concurrence with The Jeffery Ranch Trust, landowner, for a variance to pump water from a surface water source with temporary mobile equipment on a 160 acre, more or less, tract of land described as the W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 22, Township 155 North, Range 94 West (Unorganized Township). Present for this discussion was Roger Arredondo of Select Energy who presented the four return receipt request cards from adjacent landowners. Discussion included the water would be pumped using temporary hosing and equipment along with landowner permission.

Moved by Commissioner Sorenson, seconded by Commissioner Klug to approve the zoning request filed by Landon Eskew of Select Energy Services, in concurrence with The Jeffery Ranch Trust, landowner, for a variance to pump water from a surface water source with temporary mobile equipment on a 160 acre, more or less, tract of land described as the W $\frac{1}{2}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$  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 ND2014-16119 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 8:33 a.m. public hearing to order regarding the zoning request filed by Landon Eskew of Select Energy Services, in concurrence with Karen Ruud, landowner, for a variance to pump water from a surface water source with temporary mobile equipment on a 157.49 acre, more or less, tract of land described as the SE $\frac{1}{4}$  less R/W of Section 22, Township 154 North, Range 93 West (Rat Lake Township). Present for this discussion was Roger Arredondo of Select Energy who presented the five return receipt notification cards from adjacent landowners. Discussion included the water would be pumped using temporary equipment and landowner permission.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to approve the zoning request filed by Landon Eskew of Select Energy Services, in concurrence with Karen Ruud, landowner, for a variance to pump water from a surface water source with temporary mobile equipment on a 157.49 acre, more or less, tract of land described as the SE $\frac{1}{4}$  less R/W of Section 22, 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 ND 2015-16523 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 8:36 a.m. public hearing to order regarding the zoning request filed by Landon Eskew of Select Energy Services, in concurrence with John and Elaine Vachal, landowner, for a variance to pump water from a surface water source with temporary mobile equipment on a 160 acre, more or less, tract of land described as the S $\frac{1}{2}$  of Section 31, Township 155 North, Range 93 West (Debing Township). Present for this discussion was Roger Arredondo of Select Energy who presented nine return receipt request cards from adjacent landowners. A phone call was received from Elaine Nicely who had concerns due to using that same slough to water cattle. Lee Meiers was also present to discuss his concerns with clarifying the number of acres listed on the application, and also because he uses the slough to water his cattle. Discussion included the State owns the water, application is for diversion point only, this slough crosses a section line, historical use takes precedence over industrial use, there is no public comment period for applications to the state, Dan Farrell is the contact at the State Water Commission. Roger Arredondo explained that he spoke with Lisa Pauley, sister of Elaine Nicely and stated that there are two sloughs in this area and that they have no intentions of using the slough on the Nicely property.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to approve the variance permit filed by Landon Eskew of Select Energy Services, in concurrence with John and Elaine Vachal, landowner, for a variance to pump water from a surface water source with temporary mobile equipment on a 320 acre, more or less, tract of land described as the S $\frac{1}{2}$  of Section 31, Township 155 North, Range 93 West (Debing Township) contingent upon only pumping out of the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said section and contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015-16531 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 8:39 a.m. public hearing to order regarding the zoning request filed by Roger Arredondo of Select Energy Services, in concurrence with the Clarence and E. Mae Helling Family Trust, landowner, for a variance to pump water from a surface water source with temporary mobile equipment on a 20 acre, more or less, tract of land described as the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 15, Township 154 North, Range 94 West (Unorganized Township). Present for this discussion was Roger Arredondo of Select Energy Services and there are no adjacent landowners to be notified. This application is similar in nature to the previous three applications.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the variance permit filed by Roger Arredondo of Select Energy Services, in concurrence with the Clarence and E. Mae Helling Family Trust, landowner, for a variance to pump water from a surface water source with temporary mobile equipment on a 20 acre, more or less, tract of land described as the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 15, Township 154 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 ND 2015-16432 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 8:47 a.m. public hearing to order regarding the subdivision review request filed by Wesley Wheeler, in concurrence with Dennis Dilworth, Karen Patterson, Laurel Johnson, Leslie Wheeler, and Kristy Donaldson, landowners, for an 11.81 acre, more or less, plat to be known as Outlot 1 of the NE¼ of Section 29, Township 153 North, Range 92 West (Knife River Township). Present for this discussion was Leslie Wheeler. There are no adjacent landowners to this property. This property is being subdivided amongst heirs to create separate outlots.

Moved by Commissioner Sorenson, seconded by Commissioner Wienbar to approve the subdivision review request filed by Wesley Wheeler, in concurrence with Dennis Dilworth, Karen Patterson, Laurel Johnson, Leslie Wheeler, and Kristy Donaldson, landowners, for an 11.81 acre, more or less, plat to be known as Outlot 1 of the NE¼ of Section 29, Township 153 North, Range 92 West (Knife River Township) as Wesley Wheeler has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, except Commissioner Ruland who abstained from voting, motion carried.

Chairman Hovda called the 8:52 a.m. public hearing to order regarding the outlot subdivision review request filed by Jason Bromley, in concurrence with Timothy Thomas, landowner, for a 7.7 acre, more or less, plat to be known as Sublots A & B of Outlot 1 of Government Lot 1 Section 1, Township 155 North, Range 92 West (Alger Township). Present for this discussion was Jason Bromley who provided seven return receipt notification cards from adjacent landowners. A letter was received from Knife River Valley Estates Homeowners Association which was withdrawn. A phone call was received from Bryan Manson, Chairman of Knife River Valley Estates Homeowners Association, who wanted to ensure that this outlot comply with existing zoning ordinances and to ensure that their property values would not be affected. Alger Township Board of Supervisors submitted a letter stating all road approaches must meet North Dakota Department of Transportation requirements with a minimum 18 inch diameter culvert. Discussion included breaking out a residential outlot from the existing agricultural land. This property is adjacent to Knife River Valley Estates.

Moved by Commissioner Wienbar, seconded by Commissioner Ruland to approve the subdivision review request filed by Jason Bromley in concurrence with Timothy Thomas, landowner, for a 7.7 acre, more or less, plat to be known as Sublots A & B of Outlot 1 of Government Lot 1 Section 1, Township 155 North, Range 92 West (Alger Township), as Jason Bromley 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 8:57 a.m. public hearing to order regarding the zoning request filed by Jason Bromley, in concurrence with Timothy Thomas, landowner, for an amendment to change land zoned agricultural to residential for the purpose of establishing a second residence on a tract of land described as consisting of 2.2 acre, more or less, known as Sublot B of Government Lot 1 Section 1, Township 155 North, Range 92 West (Alger Township). Present for this discussion was Jason Bromley who provided seven return receipt notification cards from adjacent landowners. Discussion included this is for a second non-agricultural modular home on a 40 acre tract. A building permit would follow.

Moved by Commissioner Weisenberger, seconded by Commissioner Lindberg to present findings of fact from the April 27, 2015 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning amendment filed by Jason Bromley to the Mountrail County Zoning Map to change land zoned as agricultural to residential for the purpose of establishing a second residence on a 2.2 acre, more or less, tract of land described as Sublot B of Government Lot 1 Section 1, Township 155 North, Range 92 West (Alger Township) as Jason Bromley has met all criteria as set forth in Article IV, Section IV, Paragraph E of the Mountrail County Zoning Ordinance and is further contingent upon Jason Bromley 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 9:02 a.m. public hearing to order regarding the zoning request filed by Garrett Houghton of Gravel Products Inc. with concurrence from Fern Nelson, Life Estate, landowner, for a conditional use permit to use land zoned agricultural for the purpose of mining gravel on a 40 acre, more or less, tract of land described as the SE¼NE¼ Section 30, Township 156 North, Range 90 West (Palermo Township). Present for the discussion was Garrett Houghton who presented the four return receipt notification cards from adjacent landowners. A letter was received from the Minot Air Force Base regarding

cables in the area, however having worked previously with Gravel Products Inc. the Air Force was not concerned about communication during the process. Discussion included dust control, road haul agreement, and use of a Palermo Township road.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to approve the zoning request filed by Garrett Houghton of Gravel Products Inc. for a conditional use permit to use land zoned agricultural for the purpose of mining gravel on a 40 acre, more or less, tract of land described as the SE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 30, Township 156 North, Range 90 West (Palermo Township) for a five year term, requiring a \$50,000 reclamation bond along with a road haul agreement, and dust control, as Garrett Houghton has met all criteria as set forth in Article IV, Section IV, Paragraph E of the Mountrail County Zoning Ordinance and is further contingent upon Gravel Products Inc. 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 9:07 a.m. public hearing to order regarding the subdivision review request filed by Norman Mell, landowner, for a 29.16 acre, more or less, plat to be known as Outlot 1 being part of Government Lots 1, 2, 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  & SE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 6, Township 156 North, Range 92 West (Ross Township). Present for this discussion was Norman Mell. There are no adjacent landowners to this property within 150 ft. Discussion included setting aside the land of the original farmstead and to land his son and his wife have built a house on. The revised plat was reviewed by Lori Hanson and Teresa Captain for final approval. No further comments were received.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve the subdivision review request filed by Norman Mell, landowner, for a 29.16 acre, more or less, plat to be known as Outlot 1 being part of Government Lots 1, 2, 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  & SE $\frac{1}{4}$ NW $\frac{1}{4}$  Section 6, Township 156 North, Range 92 West (Ross Township) as Norman Mell 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 9:12 a.m. public hearing to order regarding the subdivision review request filed by Norman Mell, landowner, for a 13.90 acre, more or less, plat to be known as Outlot 2 being part of Government Lots 1 & 2, Section 6, Township 156 North, Range 92 West (Ross Township). Present for this discussion was Norman Mell. This property has no adjacent landowners within 150 ft. This is for the same purposes as the previous subdivision application.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to approve the subdivision review request filed by Norman Mell, landowner, for a 13.90 acre, more or less, plat to be known as Outlot 2 being part of Government Lots 1 & 2, Section 6, Township 156 North, Range 92 West (Ross Township) as Norman Mell 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 9:17 a.m. public hearing to order regarding the zoning request filed by Daren Addicott of Daren's Welding LLC, in concurrence with Randal R. Ostdahl, landowner, for an amendment to change land zoned agricultural to industrial for the purpose of establishing a welding shop on a 1.47 acre, more or less, tract of land described as Outlot 2 of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 15, Township 155 North, Range 90 West (Burke Township). Present for this discussion was Daren Addicott, Randal and Eric Ostdahl. Daren presented three return receipt cards from adjacent landowners. Discussion included plans to build a welding shop, no trucks, property will be south of the cemetery.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to present findings of fact from the April 27, 2015 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning amendment filed by Daren Addicott of Daren's Welding LLC to the Mountrail County Zoning Map to change land zoned as agricultural to industrial for the purpose of establishing a welding shop on an 1.47 acre, more or less, tract of land described as Outlot 2 of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 15, Township 155 North, Range 90 West (Burke Township), as Daren Addicott of Daren's Welding LLC has met all criteria as set forth in Article IV, Section IV, Paragraph E of the Mountrail County Zoning Ordinance and is further contingent upon Daren Addicott 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 9:22 a.m. public hearing to order regarding the zoning request filed by Daren Addicott of Daren's Welding LLC, in concurrence with Randal R. Ostdahl, landowner, for a variance to allow for the establishment of a welding shop

adjacent to a state or federal highway on a 1.47 acre, more or less, tract of land described as Outlot 2 of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 15, Township 155 North, Range 90 West (Burke Township). Present for this discussion was Daren Addicott who presented three return receipt request cards from adjacent landowners and Randal and Eric Ostdahl. No further comments were received. Discussion included this variance was to account for placing this welding shop in an area not adjacent to a federal or state highway, the variance follows the land.

Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar to approve the zoning request filed by Daren Addicott of Daren's Welding LLC, in concurrence with Randal R. Ostdahl, landowner, for a variance to allow for the establishment of a welding shop adjacent to a state or federal highway on a 1.47 acre, more or less, tract of land described as Outlot 2 of the NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 15, Township 155 North, Range 90 West (Burke Township) contingent upon approval of the amendment by the Mountrail County Commissioners as Daren Addicott has met all criteria as set forth in Article IV, Section IV, Paragraph E of the Mountrail County Zoning Ordinance and is further contingent upon Daren Addicott 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 9:27 a.m. public hearing to order regarding the zoning request filed by Brandon St. Michel of Buell Consulting representing Verizon Wireless, with concurrence from Jeffrey and Lisa Lapica, landowners, for a conditional use permit to use land zoned agricultural to place a cellular communications tower on an 80 acre, more or less, tract of land described as the E $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 19, Township 155 North, Range 92 West (Alger Township). Present for this discussion was Brandon St. Michel who presented five certified return receipt request cards from adjacent landowners. Discussion included this is a lattice type tower, free standing without guyed wires and will stand 199 ft tall.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the zoning request filed by Brandon St. Michel of Buell Consulting representing Verizon Wireless, with concurrence from Jeffrey and Lisa Lapica, landowners, for a conditional use permit to use land zoned agricultural to place a cellular communications tower on an 80 acre, more or less, tract of land described as the E $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 19, Township 155 North, Range 92 West (Alger 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 is further 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 9:32 a.m. public hearing to order regarding the zoning request filed by Brandon St. Michel of Buell Consulting representing Verizon Wireless, with concurrence from Jeffrey and Lisa Lapica, landowners, for a variance to place a 190' cellular communications tower which exceeds the maximum allowable height on an 80 acre, more or less, tract of land described as the E $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 19, Township 155 North, Range 92 West (Alger Township). Present for this discussion was Brandon St. Michel who presented five certified return receipt cards from adjacent landowners. Discussion included this variance is to exceed the maximum allowable height in Mountrail County,

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve the zoning request filed by Brandon St. Michel of Buell Consulting representing Verizon Wireless, with concurrence from Jeffrey and Lisa Lapica, landowners, for a variance to place a 190' cellular communications tower with a 9' antenna, for a total of 199' which exceeds the maximum allowable height on an 80 acre, more or less, tract of land described as the E $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 19, Township 155 North, Range 92 West (Alger Township) as Verizon Wireless has met the 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 regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:37 a.m. public hearing to order regarding the zoning request filed by Seth Mickelson of Iron Horse Water Solutions L.L.C., with concurrence from Jack 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). Present for this discussion was Seth Mickelson who presented five certified mail return receipt cards from adjacent landowners. An email was received from Lana Kristy Halverson who objects to this project. This application was previously denied due to lack of easement across the property and no access provided. Mr. Mickelson provided an updated conditional water permit #6580 for 200 acre feet of annual use and hydrology test from the State Water Commission, an approach permit from Mountrail County Road and Bridge, and a haul route agreement. Discussion included the sale of water previously before a county permit was issued last year, using Jack

Fladeland's land only, previous use of the site as a gravel mining site, the reclamation is between the landowner and the gravel company, use of ground water vs. surface water, conditions of the Conditional Water Permit from the State of North Dakota including in writing if the Halverson's water is affected, Iron Horse is responsible for drilling them a new water well.

Moved by Commissioner Sorenson, seconded by Commissioner Bieri to approve the zoning request filed by Seth Mickelson of Iron Horse Water Solutions L.L.C., with concurrence from Jack 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) contingent upon the agreement that in the event the Halverson's well becomes damaged, Iron Horse agrees to drill a new well for the Halverson's to a depth of 100 ft. and additionally contingent upon evidence of access onto 43<sup>rd</sup> St. across Jack Fladeland's land and further contingent upon the terms and conditions of the State of North Dakota Conditional Water Permit #6580 as Iron Horse Water Solutions LLC has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Iron Horse Waters Solutions LLC 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 9:42 a.m. public hearing to order regarding the zoning request filed by Seth Mickelson of Iron Horse Water Solutions L.L.C., with concurrence from Willard and Beverly May Fretheim, landowners, for a variance permit to use land zoned agricultural for the purpose of pumping slough water on a 20 acre, more or less, tract of land described as the S $\frac{1}{2}$ NW $\frac{1}{4}$  Lots 3 and 4 of Section 3, Township 154 North, Range 93 West (Rat Lake Township). Mr. Mickelson requested this application be withdrawn to correct the legal description.

Moved by Commissioner Wiesenberger, seconded by Commissioner Ruland to table this zoning request filed by Seth Mickelson of Iron Horse Water Solutions L.L.C., with concurrence from Willard and Beverly May Fretheim, landowners, for a variance permit to use land zoned agricultural for the purpose of pumping slough water on a 20 acre, more or less, tract of land described as the S $\frac{1}{2}$ NW $\frac{1}{4}$  Lots 3 and 4 of Section 3, Township 154 North, Range 93 West (Rat Lake Township).

Chairman Hovda called the 9:47 a.m. public hearing to order regarding the zoning request filed by Chad M. Polak of Phillips 66 Partners Terminal LLC, landowner, for a conditional use permit to use land zoned industrial for the purpose of expanding the three rail loops associated with the train transload facility on a 93 acre, more or less, tract of land known as Lots 4,5,6,7,8,9,10,11 and part of Industrial Drive Block 1 Palermo Industrial Park, Section 15 and 16, Township 156 North, Range 90 West (Palermo Township). Present for the discussion was Chad M. Polak of Phillips 66 who provided the three certified mail return receipt cards from adjacent landowners. Discussion included this is for the expansion of the existing rail, adding an additional third rail, Palermo Mayor has no issues with this project and future plans to resurvey and amend the plat.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the zoning request filed by Chad M. Polak of Phillips 66 Partners Terminal LLC, landowner, for a conditional use permit to use land zoned industrial for the purpose of expanding the three rail loops associated with the train transload facility on a 93 acre, more or less, tract of land known as Lots 4,5,6,7,8,9,10,11 and part of Industrial Drive Block 1 Palermo Industrial Park, Section 15 and 16, Township 156 North, Range 90 West (Palermo Township) as Phillips 66 has met all criteria as set forth in Article IV, Section IV, Paragraph E of the Mountrail County Zoning Ordinance and is further contingent upon Phillips 66 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 9:52 a.m. public hearing to order regarding the zoning request filed by Vent Wallace of Fisher Sand and Gravel Co., in concurrence with George Olson Jr., landowner, for a conditional use permit to use land zoned agricultural for the purpose of mining gravel on a 38 acre, more or less, tract of land lying within the N $\frac{1}{2}$ SW $\frac{1}{4}$  Section 2, Township 156 North, Range 89 West (McGahan Township). Present for this discussion was Vent Wallace who presented three certified mail return receipt request cards from adjacent landowners. No other comments were received. Discussion included road haul agreement, contractor's license, and bond is only for 50 acres and needs to be for 80 acres.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve the zoning request filed by Vent Wallace of Fisher Sand and Gravel Co., in concurrence with George Olson Jr., landowner, for a conditional use permit to use land zoned agricultural for the purpose of mining gravel on a 38 acre, more or less, tract of land lying in the N $\frac{1}{2}$ SW $\frac{1}{4}$  Section 2, Township 156 North, Range 89 West (McGahan Township) for a five year term, contingent upon requiring a \$50,000 reclamation bond

for 80 acres along with a road haul agreement, and dust control as Fisher Sand and Gravel has met all criteria as set forth in Article IV, Section IV, Paragraph E of the Mountrail County Zoning Ordinance and is further contingent upon Fisher Sand and Gravel complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to remove from the table the zoning request filed by Rockey L. Stubbs of Butch and Sundance in concurrence with Roger Sorenson, landowner, for a variance to pump water from a surface water source located in the E½ of Section 7, Township 155 North, Range 92 West (Alger Township). Upon roll call all present voted yes, motion carried.

Chairman Hovda called the 9:57 a.m. public hearing to order regarding the zoning request filed by Rockey L. Stubbs of Butch and Sundance, in concurrence with Roger Sorenson, landowner, for a variance to pump water from a surface water source with temporary mobile equipment on a 320 acre, more or less, tract of land described as the E½ of Section 7, Township 155 North, Range 92 West (Alger Township). This item is a continuation from last month's meeting. Present for this discussion was Rockey L. Stubbs who presented the four certified mail return receipt cards from adjacent landowners. No other comments received. Discussion included the road haul agreement, Gerald Olson is owner of the North 80 acres and will need to approve of this request, everything will be piped, Select Energy also has a water permit for this area, the North Dakota State Water Commission can issue water permits without official landowner notification.

Moved by Commissioner Sorenson, seconded by Commissioner Wienbar to table the zoning request filed by Rockey L. Stubbs of Butch and Sundance, in concurrence with Roger Sorenson, landowner, for a variance to pump water from a surface water source with temporary mobile equipment on a 320 acre, more or less, tract of land described as the E½ of Section 7, Township 155 North, Range 92 West (Alger Township). Upon roll call all present voted yes, motion carried.

Staff concerns included a cease and desist order issued to Michael Parmeter in regards to owning a horse in a residential area in James Hill Township. Mr. Parmeter was present to speak on his behalf. He had a question regarding a typo found in the document which cited Article III Section VII instead of Article III Section V of the Mountrail County Zoning Ordinance pertaining to residential districts. Further discussion included the amount of space required to house a horse and/or livestock, option to lease neighboring agricultural land, permitted uses in residential districts, conditional uses in residential districts, Mr. Parmeter did send a letter to notify his neighbors of the issue and none of them have any complaints, livestock is only mentioned in agricultural ordinances, 40 acres was suggested as sufficient land for horse grazing, waste, hay, manure, and run off concerns, actual lot size after subtracting home, garage, access roads, parking, sewer, and miscellaneous uses of land, plus providing exercising areas for the horse.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to remove from the table 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 tract of land described as consisting of 9.29 acres, more or less, known as the S½S½ of Government Lot 2 Section 7, Township 154N, Range 89W (Oakland Township). Upon roll call all present voted yes, motion carried.

The amendment regarding his tract of land was approved on April 21, 2015 by the Mountrail County Commissioners.

This zoning request is for a variance filed by Phillip Newman, with concurrence from Roy Jensen, landowner is for the purpose of establishing a trucking business on a tract of land not adjacent to a federal or state highway described as consisting of 9.29 acres, more or less, known as the S½S½ of Government Lot 2 Section 7, Township 154N, Range 89W (Oakland Township). Mr. Newman was not present for this discussion. Discussion included two winch trucks for parking only and a possible shop, Mr. Newman agreed at the Commissioner meeting to use the shortest route (3 miles) to and from the site not passing the home of Mr. Craig Wienbar, 8-10 campers currently on site, there is no conditional use permit for temporary housing.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to table this zoning request until further information regarding the campers could be gathered. Upon roll call all present voted yes, motion carried.

Board items: The board welcomed Chase Lindberg back to the Planning and Zoning meeting.

Commissioner Ruland is concerned about oil spills within the county occurring on tribal land and communication between the NDIC, NDDOH, tribal and local emergency responders. She said some of these issues have fallen through the cracks based on jurisdiction and have not been addressed and affect the entire county.

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

The next regular meeting of the Mountrail County Planning and Zoning Board is Tuesday May 26<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 26<sup>th</sup> day of May, 2015.

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Roger Hovda, Chairman  
Mountrail County Planning & Zoning Commission

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Lisa Lee  
Assistant Zoning Administrator