

PROCEEDINGS OF THE MOUNTRAIL COUNTY  
PLANNING & ZONING COMMISSION  
Tuesday May 26<sup>th</sup> 2015

The Mountrail County Planning & Zoning Commission met on Tuesday May 26<sup>th</sup>, 2015 at the Mountrail County South Complex with the following voting members present: Chase Lindberg, Roger Hovda, Trudy Ruland, Bill Klug, Charlie Sorenson, Gary Weisenberger, and Linda Wienbar. Absent were Arlo Borud and Rosemarie Bieri. Also present were Teresa Captain, Mountrail County Deputy Tax Director, Lori Hanson, Mountrail County Tax Equalization Director, Heather Greenlee, Mountrail County Auditor's Office, Wade Enget, Mountrail County States Attorney, Donald W. Longmuir Jr., Mountrail County Zoning Administrator/Planner, and Lisa Lee, Assistant Planning & Zoning Administrator.

Chairman Hovda called the Planning and Zoning meeting to order at 8:30 a.m.

Chairman Hovda called the 8:30 a.m. public hearing to order to discuss a zoning request filed by Brandon St. Michel of SBA Towers representing Verizon Wireless, with concurrence from Deborah Jo Baklenko Trust & Kaye Gudbranson Living Trust, 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 $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 6, Township 150 North, Range 92 West (Unorganized Township). Present for this discussion was Brandon St. Michel of Verizon Wireless who presented the three notification cards from adjacent landowners and Bryce Klasen. No further comments received. Discussion included this would be 150 ft. from the township road.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the zoning request filed by Brandon St. Michel of SBA Towers representing Verizon Wireless, with concurrence from Deborah Jo Baklenko Trust & Kaye Gudbranson Living Trust, 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 $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 6, Township 150 North, Range 92 West (Unorganized 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 8:31 a.m. public hearing to order regarding the zoning request filed by Brandon St. Michel of SBA Towers representing Verizon Wireless, with concurrence from Deborah Jo Baklenko Trust & Kaye Gudbranson Living Trust, landowners, for a variance to place a 259' cellular communications tower which exceeds the maximum allowable height on an 80 acre, more or less, tract of land described as the E $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 6, Township 150 North, Range 92 West (Unorganized Township). Present for this discussion was Brandon St. Michel who presented the three notification cards from adjacent landowners. Discussion included this would be for the height of the tower. No further comments received.

Moved by Commissioner Klug, seconded by Commissioner Ruland to approve the zoning request filed by Brandon St. Michel of SBA Towers representing Verizon Wireless, with concurrence from Deborah Jo Baklenko Trust & Kaye Gudbranson Living Trust, landowners, for a variance to place a 259' cellular communications tower which exceeds the maximum allowable height on an 80 acre, more or less, tract of land described as the E $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 6, Township 150 North, Range 92 West (Unorganized 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 8:34 a.m. public hearing to order regarding the zoning request filed by Brandon St. Michel of SBA Towers representing Verizon Wireless, with concurrence from Roger Aubol, landowner, for a conditional use permit to use land zoned agricultural to place a cellular communications tower on a 160 acre, more or less, tract of land described as the SW $\frac{1}{4}$  of Section 12, Township 151 North, Range 93 West (Big Bend Township). Present for this discussion was Brandon St. Michel who presented the five certified return receipt notification cards from adjacent landowners. Discussion included the base of the tower would be 164 ft from the center line of 34<sup>th</sup> St.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to approve the zoning request filed by Brandon St. Michel of SBA Towers representing Verizon Wireless, with concurrence from Roger Aubol, landowner, for a conditional use

permit to use land zoned agricultural to place a cellular communications tower on a 160 acre, more or less, tract of land described as the SW¼ of Section 12, Township 151 North, Range 93 West (Big Bend 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 8:35 a.m. public hearing to order regarding the zoning request filed by Brandon St. Michel of SBA Towers representing Verizon Wireless, with concurrence from Roger Aubol, landowner, for a variance to place a 259' cellular communications tower which exceeds the maximum allowable height on a 160 acre, more or less, tract of land described as the SW¼ of Section 12, Township 151 North, Range 93 West (Big Bend Township). Present for this discussion was Brandon St. Michel of Verizon Wireless who presented the five certified notification cards from adjacent landowners. No further comments received.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to approve the zoning request filed by Brandon St. Michel of SBA Towers representing Verizon Wireless, with concurrence from Roger Aubol, landowner, for a variance to place a 259' cellular communications tower which exceeds the maximum allowable height on a 160 acre, more or less, tract of land described as the SW¼ of Section 12, Township 151 North, Range 93 West (Big Bend 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 8:38 a.m. public hearing to order regarding the zoning request filed by Mark Knight of Foothills Contracting Inc., with concurrence from the Arlene C. Zacher Living Trust, landowner, for a conditional use permit to use land zoned agricultural to borrow dirt for a road project on a 20 acre, more or less, tract of land described as the S½SE¼ of Section 26, Township 153 North, Range 90 West (Wayzetta Township). Present for this discussion was Rob Knight of Foothills Contracting who presented five certified mail notification cards from adjacent landowners. Discussion included a county bid would still require a \$50,000 bond and reclamation agreement between Foothills and the landowner. The road haul agreement requirement is waived because they will be rebuilding County Road 3. The length of the term would be tied to the construction of County Road 3 which is scheduled to be done in November of 2015.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to approve the zoning request filed by Mark Knight of Foothills Contracting Inc., with concurrence from the Arlene C. Zacher Living Trust, landowner, for a conditional use permit to use land zoned agricultural to borrow dirt for a road project on a 20 acre, more or less, tract of land described as the S½SE¼ of Section 26, Township 153 North, Range 90 West (Wayzetta Township) contingent upon a \$50,000 bond and a signed reclamation agreement provided to the County for a term to match the construction of County Road 3 as Foothills Contracting Inc. 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 Foothills Contracting 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 8:41 a.m. public hearing to order regarding the zoning request filed by Mark Knight of Foothills Contracting Inc., with concurrence from Bradley & Carol Zacher and Chris & Ruth Zacher, landowners, for a conditional use permit to use land zoned agricultural to borrow dirt for a road project on a tract of land described as Lots 1 & 2 of Section 3, Township 152 North, Range 90 West (Parshall Township). Present for this discussion was Rob Knight of Foothills Contracting Inc. who presented five certified return receipt cards from adjacent landowners. Discussion included this project would have the same conditions as the last project to include a \$50,000 bond and reclamation agreement signed and on file with the county between Foothills Contracting Inc. and the landowners. The road haul agreement is waived because they will be rebuilding County Road 3. The length of the term would be tied to the construction of Highway 3 which is scheduled to be done in November of 2015.

Moved by Commissioner Weisenberger, seconded by Commissioner Lindberg to approve the zoning request filed by Mark Knight of Foothills Contracting Inc., with concurrence from Bradley & Carol Zacher and Chris & Ruth Zacher, landowners, for a conditional use permit to use land zoned agricultural to borrow dirt for a road project on a tract of land described as Lots 1 & 2 of Section 3, Township 152 North, Range 90 West (Parshall Township) contingent upon a \$50,000 bond and signed

reclamation agreement provided to the County for a term to match the construction of County Road 3 as Foothills Contracting 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 Foothills Contracting 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 8:44 a.m. public hearing to order regarding the zoning request filed by Jerry E. and Shirley A. Pennington, landowners, for a variance to locate a house within the 150' setback from a county road on a tract of land described as the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 26, Township 152 North, Range 93 West (Unorganized Township previously known as Sanish Township). Present for this discussion was Jerry and Shirley Pennington. There were no adjacent landowners within 150 ft. of this request. No further comments were received. This request is to allow for the building of a house next to the existing sewer system. Discussion included setback requirements and requiring a minimum distance from the road of 100 ft.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the zoning request filed by Jerry E. and Shirley A. Pennington, landowners, for a variance to locate a house within the 150' setback from a county road on a tract of land described as the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 26, Township 152 North, Range 93 West (Unorganized Township previously known as Sanish Township) contingent upon not being within 100 ft. of the road centerline as Jerry and Shirley Pennington has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance, and is contingent upon the Pennington's complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Planning and Zoning staff informed the board that the 8:47 a.m. public hearing applicant was running late and requested that we continue onto the next public hearing.

Chairman Hovda called the 8:50 a.m. public hearing to order regarding the zoning request filed by Dale Honsey of Pinky's Aggregates Inc., with concurrence from Paul R. and Tricia D. Wheeling, landowners, 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 S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 3, Township 153 North, Range 88 West (Spring Coulee Township). Pinky's had requested this hearing to be withdrawn after publication due to working on a road haul agreement and notification of landowners. No one was present for this public hearing.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to table this zoning request filed by Dale Honsey of Pinky's Aggregates Inc., with concurrence from Paul R. and Tricia D. Wheeling, landowners, 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 S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 3, Township 153 North, Range 88 West (Spring Coulee Township).

Chairman Hovda called the 8:53 a.m. public hearing to order regarding the subdivision review request filed by Zachary Nicholson, in concurrence with Tom and Judy Hove, landowners, for a 10.00 acre, more or less, plat to be known as Outlot 1 of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 28, Township 158 North, Range 92 West (Powers Township). Present for this discussion was Zachary Nicholson who presented the four certified mail notification cards from adjacent landowners. Discussion included this is to split out ten acres to place a home. No further comments received.

Moved by Commissioner Ruland, seconded by Commissioner Sorenson to approve the subdivision review request filed by Zachary Nicholson, in concurrence with Tom and Judy Hove, landowners, for a 10.00 acre, more or less, plat to be known as Outlot 1 of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 28, Township 158 North, Range 92 West (Powers Township) as Zachary Nicholson 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 8:56 a.m. public hearing to order regarding the zoning request filed by Jacob Scepaniak of Wm. D. Scepaniak Inc., with concurrence from Bert D. Hauge, landowner, for a conditional use permit to use land zoned agricultural for mining gravel on a 80 acre, more or less, tract of land described as the W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 27, Township 153 North, Range 90 West (Wayzetta Township). Present for this discussion was Joseph Scepaniak who presented the four certified return receipt cards from adjacent landowners. Discussion included changing the bond to \$50,000, the road haul agreement is in place, as is the reclamation agreement.

Moved by Commissioner Wienbar, seconded by Commissioner Weisenberger to approve the zoning request filed by Jacob Scepaniak of Wm. D. Scepaniak Inc., with concurrence from Bert D. Hauge, landowner, for a conditional use permit to use land zoned agricultural for mining gravel on an 80 acre, more or less, tract of land described as the W $\frac{1}{2}$ SW $\frac{1}{4}$  of Section 27, Township 153 North, Range 90 West (Wayzetta Township) for a five year term, requiring a \$50,000 reclamation bond along with a road haul agreement, and dust control, as Wm. D. Scepaniak Inc. 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 Wm. D. Scepaniak 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 8:59 a.m. public hearing to order regarding the subdivision review request filed by Irvin R. Andes, Bonny Kirby, Bert & Lynn Andes and Linda Pyle Betts, landowners, for a 31.60 acre, more or less, plat to be known as an Outlot 2 of the W $\frac{1}{2}$ SW $\frac{1}{4}$  Section 13, Township 151 North, Range 89 West (Banner Township). Present for this discussion was Irvin Andes who presented the six certified return receipt request cards from adjacent landowners. Discussion included this is for a one time family split of the land.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve the zoning request filed by Irvin R. Andes Bonny Kirby, Bert & Lynn Andes and Linda Pyle Betts, landowners, for a 31.60 acre, more or less, plat to be known as Outlot 2 of the W $\frac{1}{2}$ SW $\frac{1}{4}$  Section 13, Township 151 North, Range 89 West (Banner Township) as Irvin R. Andes, Bonny Kirby, Bert & Lynn Andes and Linda Pyle Betts have 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 9:02 a.m. public hearing to order regarding the subdivision review request filed by Eric L. and Ilene I. Enerson, in concurrence with Robert E. and Elaine K. Western, landowners, for a 12.545 acre, more or less, plat to be known as Outlot 1 of the NE $\frac{1}{4}$  Section 31, Township 158 North, Range 91 West (Lostwood Township). Present for this discussion was Eric Enerson who presented four certified mail notification cards from adjacent landowners. A comment was received from the Air Force Base pointing out that there are USAF assets in the area. Discussion included this is to separate the homestead from the farm land.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the zoning request filed by Eric L. and Ilene I. Enerson, in concurrence with Robert E. and Elaine K. Western, landowners, for a 12.545 acre, more or less, plat to be known as Outlot 1 of the NE $\frac{1}{4}$  Section 31, Township 158 North, Range 91 West (Lostwood Township) as Eric L. and Ilene I. Enerson have 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 9:05 a.m. public hearing to order regarding the subdivision review request filed by Micah Rorie of Dakota Access LLC, in concurrence with Curtis & Lesley Trulson, landowners, for a 38.00 acre, more or less, plat to be known as Outlot 5 of the W $\frac{1}{2}$  Section 25, Township 156 North, Range 92 West (Ross Township). Present for this discussion was Kent Reiersen, Charles Frey, and David Halverson who presented four certified return receipt cards from adjacent landowners and Curt Trulson. Discussion included this is a plat to separate land out for an industrial pipeline project including a terminal, two gathering tanks, and the origin of an 1140 mile crude oil pipeline on the western edge of the state running through to Illinois. This project is located next to land already zoned industrial and next to Highway 2. Due to the annexation of new property in the City of Stanley, the zoning jurisdiction of this project will change in June 2015. This initial plat approval would be for the plat only under county zoning. Future zoning applications would have to be made to the City of Stanley because it will be within their extraterritorial zoning district. A joint meeting of the City and County could be requested at a future date. Dakota Access will apply for the June 8<sup>th</sup> City of Stanley Planning and Zoning meeting subject to the June 9<sup>th</sup> City annexation.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve the subdivision review request filed by Micah Rorie of Dakota Access LLC, in concurrence with Curtis & Lesley Trulson, landowner, for a 38.00 acre, more or less, plat to be known as Outlot 5 of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  & NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 25, Township 156 North, Range 92 West (Ross Township) as Dakota Access LLC 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 9:08 a.m. public hearing to order regarding the zoning request filed by Chris Kautz of Knife River – North Central, with concurrence from Randal R. & Diane C. Ostdahl, landowners, for a conditional use permit to use land zoned agricultural to establish a portable sand, gravel and hot mix asphalt operations plant on an 80 acre, more or less, tract of land described as the W½NW¼ of Section 12, Township 155 North, Range 90 West (Burke Township). Present for this discussion was Chris Kautz of Knife River who presented four certified return receipt cards from adjacent landowners. Discussion included a more specific road haul agreement, reclamation agreement, bond in the amount of \$50,000 and this application is one of two as the county requires gravel pit applications to a limit of 80 surface acres per application.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to approve the zoning request filed by Chris Kautz of Knife River – North Central, with concurrence from Randal R. & Diane C. Ostdahl, landowners, for a conditional use permit to use land zoned agricultural to establish a portable sand, gravel and hot mix asphalt operations plant on an 80 acre, more or less, tract of land described as the W½NW¼ of Section 12, Township 155 North, Range 90 West (Burke Township) for a five year term, requiring a \$50,000 reclamation bond along with a more specific road haul agreement provided to the county, and dust control as Knife River - North Central 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 Knife River 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 9:11 a.m. public hearing to order regarding the zoning request filed by Chris Kautz of Knife River – North Central, with concurrence from Randal R. & Diane C. Ostdahl, landowners, for a conditional use permit to use land zoned agricultural to establish a portable sand, gravel and hot mix asphalt operations plant on an 80 acre, more or less, tract of land described as the E½NW¼ of Section 12, Township 155 North, Range 90 West (Burke Township). Present for this discussion was Chris Kautz who provided four certified return receipt notification cards from adjacent landowners. No further comments were received. Discussion included the same as the previous application, to include a more specific road haul agreement, bond in the amount of \$50,000, dust control and reclamation agreement.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to approve the zoning request filed by Chris Kautz of Knife River – North Central, with concurrence from Randal R. & Diane C. Ostdahl, landowners, for a conditional use permit to use land zoned agricultural to establish a portable sand, gravel and hot mix asphalt operations plant on an 80 acre, more or less, tract of land described as the E½NW¼ of Section 12, Township 155 North, Range 90 West (Burke Township) for a five year term, requiring a \$50,000 reclamation bond along with a more specific road haul agreement provided to the County, and dust control as Knife River - North Central 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 Knife River 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 9:14 a.m. public hearing to order regarding the zoning request filed by the Mountrail County Road and Bridge Department, with concurrence from The Last Round Up Ranch LLLP, landowner, for a variance to remove water for dust control purposes on County and Township Roads on a 160 acre, more or less, tract of land described as the NW¼ of Section 14, Township 156 North, Range 90 West (Palermo Township). The Mountrail County Road & Bridge Department has requested to withdraw this application.

Moved by Commissioner Wienbar, seconded by Commissioner Weisenberger to deny the application filed by the Mountrail County Road and Bridge Department, with concurrence from The Last Round Up Ranch LLLP, landowner, for a variance to remove water for dust control purposes on County and Township Roads on a 160 acre, more or less, tract of land described as the NW¼ of Section 14, Township 156 North, Range 90 West (Palermo Township) as the applicant requested to be withdrawn from consideration.

Chairman Hovda called the 9:17 a.m. public hearing to order regarding the zoning request filed by Bryce Klasen of Citadel H<sub>2</sub>O, in concurrence with the Guinn Revocable Living 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 NW¼ of Section 13, Township 154 North, Range 92 West (Brookbank Township). Present for this discussion was Bryce Klasen who presented four certified notification cards from adjacent landowners. Discussion included the water will be piped, landowners will have to give permission to lay the pipe, the pipe cannot be laid on a section line, and cannot go through culverts without permission.

Moved by Commissioner Klug, seconded by Commissioner Ruland to approve the zoning request filed by Bryce Klasen of Citadel H<sub>2</sub>O, in concurrence with the Guinn Revocable Living 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 NW $\frac{1}{4}$  of Section 13, Township 154 North, Range 92 West (Brookbank Township) and is contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015-16596 as Citadel H<sub>2</sub>O has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Citadel H<sub>2</sub>O 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 9:20 a.m. public hearing to order regarding the zoning request filed by Bryce Klasen of Citadel H<sub>2</sub>O, in concurrence with Jerry Dobrovoly and Theodore & Jane Dobrovoly, landowners, for a variance to pump water from a surface water source with temporary mobile equipment on a 40 acre, more or less, tract of land described as the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 15, Township 155 North, Range 93 West (Debing Township). Present for this discussion was Bryce Klasen of Citadel H<sub>2</sub>O who provided the four certified notification cards from adjacent landowners and Ted Dobrovoly. Discussion included an email received from Clark Cvancara who expressed concerns about a wildlife easement however the State Water Commission has issued their permit to allow for pumping from this surface water source.

Moved by Commissioner Sorenson, seconded by Commissioner Weisenberger to approve the zoning request filed by Bryce Klasen of Citadel H<sub>2</sub>O, in concurrence with Jerry Dobrovoly and Theodore & Jane Dobrovoly, landowners, for a variance to pump water from a surface water source with temporary mobile equipment on a 40 acre, more or less, tract of land described as the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 15, Township 155 North, Range 93 West (Debing Township) as Citadel H<sub>2</sub>O has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015-16657 as Citadel H<sub>2</sub>O has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Citadel H<sub>2</sub>O 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 9:24 a.m. public hearing to order regarding the zoning request filed by Kevin L. Nooney of Iron Horse Water Solutions L.L.C., with concurrence from Beverly May Fretheim, landowner, for a variance permit to use land zoned agricultural for the purpose of pumping slough water on a 160 acre, more or less, tract of land described as the NW $\frac{1}{4}$  of Section 3, Township 154 North, Range 93 West (Rat Lake Township). Present for this discussion was Seth Mickelson who provided five certified notification cards from adjacent landowners. Discussion included the water is to be piped, egress from landowner, if it is trucked there will need to be a road haul agreement, access, pipes that cross roads need county or township approval, pipes cannot block section lines, and everything is tied to the State Water Permit.

Moved by Commissioner Sorenson, seconded by Commissioner Klug to approve the zoning request filed by Kevin L. Nooney of Iron Horse Water Solutions L.L.C., with concurrence from Beverly May Fretheim, landowner, for a variance permit to use land zoned agricultural for the purpose of pumping slough water by pipeline only on a 160 acre, more or less, tract of land described as the NW $\frac{1}{4}$  of Section 3, Township 154 North, Range 93 West (Rat Lake Township) as Iron Horse has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015-15889 as Iron Horse 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 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 9:26 a.m. public hearing to order regarding the zoning request filed by Brandon Fretheim of Antler Oilfield Services Inc., landowner, for a variance to allow for placement of a structure within the 150' setback on a 3 acre, more or less, tract of land in Section 16, Township 155 North, Range 91 West (Purcell Township). Present for this discussion was Kelly Wittmayer, Adam Lee, and Brandon Fretheim of Antler Oilfield who presented four certified return receipt cards from adjacent landowners. Discussion included a Minot Air Force Base missile cable in the area which will not impact this project, this building would be 65 feet from the section line, the township chairman has been contacted, future plans for the road, this is a previous school site, the land is generally flat, and option to adjust the setbacks to 100 ft instead of 150 ft.

Moved by Commissioner Weisenberger, seconded by Commissioner Lindberg to approve the zoning request filed by Brandon Fretheim of Antler Oilfield Services Inc., landowner, for a variance to allow for placement of a structure with a 100' setback from the center of the section line/township road on a 3 acre, more or less, tract of land in Section 16, Township 155 North, Range 91 West (Purcell Township) as Antler Oilfield Services has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Antler Oilfield 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 8:47 a.m. regarding the subdivision review request filed by Jerimey Bruhn, in concurrence with the Cory J. Meyer Living Trust, landowner, for an 8.00 acre, more or less, plat to be known as Outlot 1 of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  & the NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 22, Township 155 North, Range 90 West (Burke Township). Discussion included this is south of Palermo and is still zoned as agricultural land. No further comments received. Present for this hearing was Jerimey Bruhn who presented four certified return receipt notification cards from adjacent landowners.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve the subdivision review request filed by Jerimey Bruhn, in concurrence with the Cory J. Meyer Living Trust, landowner, for an 8.00 acre, more or less, plat to be known as Outlot 1 of the SE $\frac{1}{4}$ NE $\frac{1}{4}$  & the NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 22, Township 155 North, Range 90 West (Burke Township) as Jerimey Bruhn 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 9:32 a.m. public hearing to order regarding the subdivision review request filed by Edna Steffen, landowner, for a 7.29 acre, more or less, plat to be known as Outlot 1 of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 34, Township 152 North, Range 90 West (Parshall Township). Present for this discussion was Don Steffen who presented six certified return receipt cards from adjacent landowners. Discussion included this is to sell 7.29 acres which contains an agricultural residence at this time, future zoning changes will be responsibility of buyer.

Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar to approve the subdivision review request filed by Edna Steffen, landowners, for a 7.29 acre, more or less, plat to be known as Outlot 1 of the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Section 34, Township 152 North, Range 90 West (Parshall Township) as Edna Steffen 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 9:35 a.m. public hearing to order regarding the zoning request filed by MBI Energy Services for the renewal of a conditional use permit to use land zoned residential for the purpose of extending company employee housing on a tract of land described as Sublot A of Outlot 1 of the SE $\frac{1}{4}$ , Sublot B of Outlot 1 of the SE $\frac{1}{4}$  and Sublot C of Outlot 1 of the SE $\frac{1}{4}$  Section 23, Township 156 North, Range 93 West (Manitou Township). No one from MBI was present for this meeting. This is for a renewal of the conditional use permit for employee housing which expires on June 28<sup>th</sup> 2015.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to table action on this zoning request filed by MBI Energy Services for the renewal of a conditional use permit to use land zoned residential for the purpose of extending company employee housing on a tract of land described as Sublot A of Outlot 1 of the SE $\frac{1}{4}$ , Sublot B of Outlot 1 of the SE $\frac{1}{4}$  and Sublot C of Outlot 1 of the SE $\frac{1}{4}$  Section 23, Township 156 North, Range 93 West (Manitou Township). Upon roll call all present voted yes, motion carried.

Chairman Hovda called the 9:38 a.m. public hearing to order regarding the subdivision review request filed by Chris Olson, in concurrence with Norskie LLC, landowner, for a 7.5 acre, more or less, plat to be known as Outlot 3 of the NW $\frac{1}{4}$  Section 27, Township 157 North, Range 91 West (James Hill Township). Present for this discussion was Chris Olson who presented the six certified return receipt notification cards from adjacent landowners. Discussion included this is to build a house.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the subdivision review request filed by Chris Olson, in concurrence with Norskie LLC, landowner, for a 7.5 acre, more or less, plat to be known as Outlot 3 of the NW $\frac{1}{4}$  Section 27, Township 157 North, Range 91 West (James Hill Township) as Chris 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 requested a motion to untable the 9:41 a.m. public hearing 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).

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to untable 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. Present for this discussion was Rockey Stubbs of Butch and Sundance who presented the four certified mail notification cards from adjacent landowners. Discussion included a road haul agreement with Alger Township, and the water is to be piped.

Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar to approve the zoning request filed by Rockey L. Stubbs of Butch and Sundance, in concurrence with Roger Sorenson, landowner, for a variance to pump water by pipe only 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) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015-16455 as Butch and Sundance 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 Ruland, seconded by Commissioner Wienbar to untable the 9:44 a.m. public hearing for a zoning request filed by Phillip Newman, with concurrence from Roy Jensen, landowner, 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). Upon roll call all present voted yes, motion carried. Present for this discussion was Phillip Newman. Discussion included there are currently eleven portable office trailers on site, three fracking trailers, ten flatbed trailers, and five pick-up trucks. A call was received from Mr. Craig Wienbar regarding dust on 53<sup>rd</sup> St. and the approved route is leaving the site and heading south on the township road. The purpose of this site is to be a truck storage yard. No one will be living on site and future route options to use County Road 3 once it is paved. The amendment regarding his tract of land was approved on April 21, 2015 by the Mountrail County Commissioners.

Moved by Commissioner Ruland, seconded by Commissioner Lindberg to approve the zoning request filed by Phillip Newman for a variance 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) as Phillip Newman has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Phillip Newman 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 approve the minutes from the April 27<sup>th</sup> 2015 public hearing with two corrections addressed. Upon roll call all present voted yes, motion carried.

Moved by commissioner Weisenberger, seconded by Commissioner Sorenson to approve building permits #1871-1880.

Board items discussed included granting variances to get around established zoning ordinances and industrial businesses south of New Town burning tires, used oil, and debris without proper State Health Department permits and who is the enforcing authority when it is a business on tribal land but they are not tribal-members.

Planning and Zoning staff also provided an update on the Green Group Holdings who is still in the process of getting permits from the State Health Department. Also discussed was how to divide out gravel pit applications based on surface acres disturbed by the gravel mining.

Staff items include possible zoning ordinance changes, including fencing and sign ordinances, requiring a \$50,000 bond for any gravel pit application.

Moved by Commissioner Ruland, seconded by Commissioner Sorenson 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 Monday June 22<sup>nd</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 22<sup>nd</sup> day of June 2015.

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Roger Hovda, Chairman  
Mountrail County Planning & Zoning Commission

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Lisa Lee  
Assistant Zoning Administrator