

PROCEEDINGS OF THE MOUNTRAIL COUNTY PLANNING AND ZONING COMMISSION
Tuesday, May 27, 2014

The Mountrail County Planning and Zoning Commission met on Tuesday, May 27, 2014 at the Mountrail County South Complex with the following voting members present: Rosemarie Bieri, Arlo Borud, Roger Hovda, Michael Hynek, Chase Lindberg, Trudy Ruland and Gary Weisenberger. Members absent were David J. Hynek and Darrell Salter. Also present were Lori Hanson, Mountrail County Tax Equalization Director, Wade Enget, Mountrail County State's Attorney, Teresa Capitan, Mountrail County Auditor's Office, Lisa Lee, Assistant County Zoning Administrator and Kathy Craft, Administrative Assistant, Planning & Zoning Office.

Chairman M. Hynek called the meeting to order at 8:30 a.m. Lisa Lee, Assistant County Zoning Administrator/Disaster Emergency Coordinator/Planner was introduced to the Board. Ms. Lee has experience as a teacher, served four and one-half years as a patrol officer with the Las Vegas Police Department and was most recently a dispatcher with the Minot 911 center.

Chairman M. Hynek called the 8:30 a.m. public hearing to order regarding the moratorium on oil field special waste sites. Present for this discussion was Evonne Piepkorn, Shane Goettle, Odney Advertising; Oscar Allen, Green Group Holdings LLC; Levi Andrist, Vogel Law Firm; Steve Burns, Section 18 LLC; John McCain, Section 18 LLC; Mike Sorenson; and Charlie Sorenson. Staff distributed an email dated May 26, 2014 received from John McCain. Staff presented the following proposed conditions for conditional use permits for special waste sites:

1. Composite/Synthetic liners, leachate detection systems, and leachate removal systems must be compatible with solid waste disposed and the waste's leachate.
2. Leachate removal and management systems must be capable of collection and removing leachate and contaminated surface water.
3. Synthetic liners and leachate removal systems must withstand all physical and chemical stresses during the operating period and through the post-closure period.
4. The synthetic liners and leachate removal systems must have a collection efficiency of ninety-seven percent or better of precipitation falling on the fill area before closure and must be capable of removing leachate to limit the hydraulic head above the upper liner, exclusive of collection sumps, to twelve inches [30.5 centimeters] or less within thirty-six hours of a precipitation event.
5. A composite liner is required which includes at a minimum from bottom to top:
 - a. At least three feet [91.4 centimeters] of re-compacted clay with a hydraulic conductivity not to exceed 1×10^{-7} centimeters per second;
 - b. A synthetic flexible membrane liner at least sixty mils thick;
 - c. A secondary drainage layer with a hydraulic conductivity of 1×10^{-3} centimeters per second or greater throughout and with sufficient thickness to provide a transmissivity of 3×10^{-2} centimeters squared per second or greater;
 - d. A synthetic flexible membrane liner at least eighty mils thick;
 - e. A drainage layer with a hydraulic conductivity of 1×10^{-3} centimeters per second or greater and with sufficient thickness to provide a transmissivity of 3×10^{-2} centimeters squared per second or greater;
 - f. No composite liner may be exposed to freezing more than one winter season. At least three feet of solid waste or other material approved by the department must be placed above the upper drainage layer on all lined areas by December first. No disposal may take place after December first in areas which have not met this requirement without first testing the composite liner's integrity.

6. The facility must include a leachate detection and removal system and an onsite leachate management system or offsite leachate management.
 - a. The amount of leachate collected for onsite or offsite management must be measured and recorded.
 - b. The quality of the leachate must be evaluated annually.
 - c. Construction of onsite surface impoundments for leachate storage to achieve the equivalent or better design standards of the onsite landfill.
 - d. The owner or operator to control wildlife access through fencing to onsite surface impoundments.
7. Runoff must be contained, collected, and transferred to an onsite surface impoundment.
8. Solid waste disposal in landfills must be limited to those wastes identified in the permit application, waste acceptance plan, or permit. Regulated infectious waste, used oil as a free liquid which can be recovered or recycled, hazardous waste, and radioactive waste above regulatory limits may not be accepted for disposal at the landfill.
9. All solid wastes deposited at the landfill must be placed, spread, or compacted to minimize or prevent settlement and to promote drainage of surface water. The sequence and direction of below-grade operations must be conducted to prevent surface water from entering the active fill area.
10. On all areas of the landfill where final cover or additional solid waste will not be placed within one month, eight inches [20.3 centimeters] or more of compacted clay-rich soil material, similar material, or a synthetic cover must be placed to prevent ponding of surface water, to minimize infiltration of surface water, and to control windblown dust.
11. The owner or operator must place intermittent cover on all exposed solid waste.
 - a. Unless specified otherwise in the operation plan, the solid waste must not be left uncovered for more than forty-eight hours. Cover must be provided by additional waste or with a suitable material proposed by the landfill owner.
 - b. The cover materials used and cover depth must be sufficient to cover the solid waste completely.
12. The final cover at closure must include from bottom to top:
 - a. A barrier layer consisting of at least twenty-four inches [61.0 centimeters] of compacted earthen materials with a hydraulic conductivity no greater than 1×10^{-7} centimeters per second;
 - b. A synthetic flexible membrane liner which is at least sixty mils thick;
 - c. A drainage layer consisting of at least six inches [15.2 centimeters] with a transmissivity of 3×10^{-2} centimeters squared per second or greater; or an equivalent drainage geocomposite.
 - d. A layer which is at least thirty-six inches [91.4 centimeters] thick to protect the synthetic liner, drainage layer, and barrier layer from freezing, the upper twelve inches [30.5 centimeters] of this layer must be suitable as a plant root zone; and
 - e. A top layer at least six inches [15.2 centimeters] thick consisting of suitable plant growth material.
- ~~13. The owner or operator shall provide the funds necessary to employ an inspector for conducting onsite inspection services at the facility. The owner or operator shall provide funds by July thirty first of each year for salary, wages, and operating expenses associated with employing an inspector for the facility.~~
14. The actual size of the landfill waste footprint is limited to a maximum of 70 acres;
15. The landfill and leachate ponds are to be set-back 2,640 feet from any occupied residence;
16. Landfill designed to insure all run-off from trucks delivering materials is managed within the landfill site;

17. Installation of stationary screening system to include but not limited to radiation monitoring and visual site inspection;
18. All materials that are disposed at the landfill site must be limited to those wastes identified in the North Dakota State Permit that is issued for such landfill site. Further all waste must be below all radioactivity levels established by the North Dakota Department of Public Health as specified either in the North Dakota Century Code or the North Dakota Administrative Code;
19. A Landscaping Plan will be prepared and submitted to the Planning Commission for approval prior to the start of actual construction on the landfill site, which shall include a visual and audio buffer on the exterior of the property;
20. There must be a 4 strand barbed wire fence around the entire exterior boundary of the landfill, and a controlled access gate or gates, which must be secured.
21. To the extent a project utilizes county/township roads, the applicant must have impact/road use agreements in place with all of the affected political subdivisions.
22. The applicant must pay by July 31 of each year to Mountrail County for the Mountrail County Landfill Site Inspector's salary, benefits and operating expenses associated with such duties. The amount of the assessment shall be set annually by the Board of Mountrail County Commissioners, and be for the purpose of providing the necessary funds to reimburse Mountrail County for the Site Inspector's salary, benefits and operating expenses associated with such duties;
23. Bi-annual waste sampling around the landfill's waste footprint for RCRA metals, VOC's, and Radiation
24. Semi-annual ground water sampling from a minimum of six monitoring wells;
25. A Ten Million Dollar (\$10,000,000) insurance policy with pollution coverage, listing Mountrail County as an additional insured party;
26. Terms and conditions of this conditional use permit goes with the land and cannot be separated through sale to other parties.
27. Property must be within one (1) mile of a State or Federal highway.
- ?? Sites must meet the North Dakota Department of Health industrial waste sites but will be limited in contract with the County as to what type of materials will be accepted??

Discussion included that this proposal includes a mixture of the State's municipal solid waste, special waste and industrial waste site requirements, intermittent cover for waste materials, items 1 through 11 being same as State requirements, secondary liner, fencing around the site as to controlling wildlife access, waste contact runoff, 25 tons per year of spill cleanup, industrial waste site versus special waste site, identification of materials coming into the site, limited drill cuttings in the future because of alternative uses being developed for drill cuttings, amount of industrial waste allowed in a site, dust control, pooling of water, effects of natural disaster on waste site, protection of surrounding landowners for future problems, time limit for landfill, time limits on environmental insurance policy, distance from State or Federal highway, road haul agreements with townships and/or County, annual certification of use of waste site filed with the State, bond for closing landfill if the party walks away from a partially filled landfill.

Moved by Commissioner Borud, seconded by Commissioner Ruland to have, at a minimum, the following requirements for conditional use permits for special oil field waste sites:

1. Composite/synthetic liners, leachate detection systems, and leachate removal systems must be compatible with waste disposed and the waste's leachate.
2. Leachate removal and management systems must be capable of collection and removing leachate and contaminated surface water.
3. Synthetic liners and leachate removal systems must withstand all physical and chemical stresses during the operating period and through the post-closure period.

4. The synthetic liners and leachate removal systems must have a collection efficiency of ninety-seven percent (97%) or better of precipitation falling on the fill area before closure and must be capable of removing leachate to limit the hydraulic head above the upper liner, exclusive of collection sumps, to twelve (12) inches [30.5 centimeters] or less within thirty-six (36) hours of a precipitation event.
5. A composite liner is required which includes at a minimum from bottom to top:
 - a. At least three (3) feet [91.4 centimeters] of re-compacted clay with a hydraulic conductivity not to exceed 1×10^{-7} centimeters per second;
 - b. A synthetic flexible membrane liner at least sixty (60) mils thick;
 - c. A secondary drainage layer with a hydraulic conductivity of 1×10^{-3} centimeters per second or greater throughout and with sufficient thickness to provide a transmissivity of 3×10^{-2} centimeters squared per second or greater;
 - d. A synthetic flexible membrane liner at least eighty (80) mils thick;
 - e. A drainage layer with a hydraulic conductivity of 1×10^{-3} centimeters per second or greater and with sufficient thickness to provide a transmissivity of 3×10^{-2} centimeters squared per second or greater;
 - f. No composite liner may be exposed to freezing more than one winter season. At least three (3) feet of waste or other material approved by the ND Department of Health must be placed above the upper drainage layer on all lined areas by December 1st. No disposal may take place after December 1st in areas which have not met this requirement without first testing the composite liner's integrity.
6. The facility must include a leachate detection and removal system and an onsite leachate management system or offsite leachate management.
 - a. The amount of leachate collected for onsite or offsite management must be measured and recorded;
 - b. The quality of the leachate must be evaluated annually;
 - c. Construction of onsite surface impoundments for leachate storage to achieve the equivalent or better design standards of the onsite landfill.
7. Runoff must be contained, collected, and transferred to an onsite surface impoundment.
8. Waste disposed in landfills must be limited to oil field cuttings and oil related spill materials with oil related spill materials limited to twenty-five thousand (25,000) tons per year. Regulated infectious waste, used oil as a free liquid, which can be recovered or recycled, hazardous waste, and radioactive waste above regulatory limits may not be accepted for disposal at the landfill.
9. All wastes deposited at the landfill must be placed, spread or compacted to minimize or prevent settlement and to promote drainage of surface water. The sequence and direction of below-grade operations must be conducted to prevent surface water from entering the active fill area.
10. On all areas of the landfill where final cover or additional waste will not be placed within ninety (90) days, eight (8) inches [20.3 centimeters] or more of compacted clay-rich soil material, similar material, or a synthetic cover must be placed to prevent ponding of surface water, to minimize infiltration of surface water and to control windblown dust.
11. The owner or operator must place intermittent cover on all exposed waste.
 - a. Unless specified otherwise in the operation plan, the waste must not be left uncovered for more than ninety (90) days. Cover must be provided by additional waste or with a suitable material proposed by the landfill owner.
 - b. The cover materials used and cover depth must be sufficient to cover the waste completely.
12. The final cover at closure must include from bottom to top:
 - a. A barrier layer consisting of at least twenty-four (24) inches [61.0 centimeters] of compacted earthen materials with a hydraulic conductivity no greater than 1×10^{-7} centimeters per second;

- b. A synthetic flexible membrane liner which is at least sixty (60) mils thick;
 - c. A drainage layer consisting of at least six (6) inches [15.2 centimeters] with a transmissivity of 3×10^{-2} centimeters squared per second or greater; or an equivalent drainage geocomposite;
 - d. A layer which is at least thirty-six (36) inches [91.4 centimeters] thick to protect the synthetic liner, drainage layer and barrier layer from freezing, the upper twelve (12) inches [30.5 centimeters] of this layer must be suitable as a plant root zone; and
 - e. A top layer at least six (6) inches [15.2 centimeters] thick consisting of suitable plant growth material.
13. The actual size of the landfill waste footprint is limited to a maximum of 70 acres.
 14. The landfill footprint and leachate ponds are to be set-back two thousand six hundred forty (2,640) feet from any occupied residence.
 15. Landfill designed to insure all run-off from trucks delivering materials is managed within the landfill site.
 16. Installation of stationary screening system to include but not limited to radiation monitoring and visual site inspections.
 17. All materials that are disposed at the landfill site must be limited to those wastes identified under condition number eight (8) of this conditional use permit and the North Dakota Department of Health permit issued for this landfill site. Further, all waste must be below all radioactivity levels established by the North Dakota Department of Health as specified either in the North Dakota Century Code or the North Dakota Administrative Code.
 18. A landscaping plan will be prepared and submitted to the Planning Commission for approval prior to the start of actual construction on the landfill site, which shall include a visual and audio buffer on the exterior of the property.
 19. There must be a four (4) strand barbed wire fence around the entire exterior boundary of the landfill and a controlled access gate or gates which must be secured.
 20. To the extent a project utilized County/Township roads, the applicant must have impact/road use agreements in place with all of the affected political subdivisions.
 21. The applicant must pay by July 31st of each year to Mountrail County for the Mountrail County Landfill Site Inspector's salary, benefits and operating expenses associated with such duties. The amount of the assessment shall be set annually by the Board of Mountrail County Commissioners, and be for the purpose of providing the necessary funds to reimburse Mountrail County for the Site Inspector's salary, benefits and operating expenses associated with such duties.
 22. Bi-annual waste sampling around the landfill's waste footprint for Resource Conservation & Recovery Act (RCRA) metals, volatile organic compounds (VOC's) and radiation.
 23. Semi-annual ground water sampling from a minimum of six (6) monitoring wells.
 24. A Ten Million Dollar (\$10,000,000) insurance policy with pollution coverage listing Mountrail County as an additional insured party. This policy shall be in place during the operation of the site and for thirty (30) years post-closure.
 25. Terms and conditions of this conditional use permit goes with the land and cannot be separated through sale to other parties.
 26. Primary access must be off a State or Federal highway and must be within one (1) mile of a State or Federal highway.
- Upon roll call vote all present voted yes, motion carried.

Levi Andrist, Vogel Law Firm, representing Green Group, referred to the minutes from the Mountrail County Commission which stated the zoning amendment was approved on condition the Planning & Zoning Board approve a conditional use permit and wants the minutes to reflect there are no further meetings and it is not a separate agenda item. Discussion followed regarding whether this item

could be addressed without being an agenda item. It was determined the conditional use permit for Green Group will need to be an agenda item and should be brought back to the next meeting as an agenda item.

Chairman M. Hynek called the 9:30 public hearing to order regarding the zoning request filed by TowerCo, with concurrence from David D. & Edith McNamara, landowners, for a conditional use permit to use land zoned agricultural to place a wireless communications facility including a tower and shelter on a 10,000 square foot tract of land located in the W¹/₂SW¹/₄ (aka Government Lots 3 & 4) Section 30, Township 155 North, Range 91 West (Purcell Township). Matt Kundert, representing TowerCo, attended via telephone due to a flight cancellation. Mr. Kundert has the certified mail return receipt cards from adjacent landowners with him and will forward them to the Planning & Zoning Office.

Moved by Commissioner Hovda, seconded by Commissioner Borud to approve the conditional use permit request filed by TowerCo, with concurrence from David D. & Edith McNamara, landowners, for a conditional use permit to use land zoned agricultural to place a wireless communications facility including a tower and shelter on a 10,000 square foot tract of land located in the W¹/₂SW¹/₄ (aka Government Lots 3 & 4) Section 30, Township 155 North, Range 91 West (Purcell Township) as TowerCo has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon the provision TowerCo 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 M. Hynek called the 9:35 a.m. public hearing to order regarding the zoning request filed by TowerCo, with concurrence from David D. & Edith McNamara, landowners for a variance to place a 190' tower which exceeds the 90' maximum height allowable in Mountrail County on a 10,000 square foot tract of land located in the W¹/₂SW¹/₄ (aka Government Lots 3 & 4) Section 30, Township 155 North, Range 91 West (Purcell Township). Matt Kundert, representing TowerCo, attended via telephone, and has the certified mail return receipt cards from the adjacent landowners. Discussion included how the towers would collapse.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to approve the zoning request filed by TowerCo, with concurrence from David D. & Edith McNamara, landowners for a variance to place a 190' tower which exceeds the 90' maximum height allowable in Mountrail County on a 10,000 square foot tract of land located in the W¹/₂SW¹/₄ (aka Government Lots 3 & 4) Section 30, Township 155 North, Range 91 West (Purcell Township) as TowerCo has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon TowerCo 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 M. Hynek called the 9:40 a.m. public hearing to order regarding the zoning request filed by TowerCo with concurrence from Scott D. & Debbie A. Fladeland, landowners, for a conditional use permit to use land zoned agricultural to place a wireless communications facility including a tower and shelter on a 10,000 square foot tract of land located in the NW¹/₄NW¹/₄ (aka Government Lot 1) Section 30, Township 154 North, Range 92 West (Brookbank Township). Present Matt Kundert, representing TowerCo attended via telephone and has the certified mail return receipt cards from the adjacent landowners.

Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request filed by TowerCo with concurrence from Scott D. & Debbie A. Fladeland, landowners, for a conditional

use permit to use land zoned agricultural to place a wireless communications facility including a tower and shelter on a 10,000 square foot tract of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (aka Government Lot 1) Section 30, Township 154 North, Range 92 West (Brookbank Township) as TowerCo has met the criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon TowerCo 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 M. Hynek called the 9:45 a.m. public hearing to order regarding the zoning request filed by TowerCo with concurrence from Scott D. & Debbie A. Fladeland, landowners, for a variance to place a 190' tower which exceeds the 90' maximum height allowable in Mountrail County on a 10,000 square foot tract of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (aka Government Lot 1) Section 30, Township 154 North, Range 92 West (Brookbank Township). Matt Kundert, representing TowerCo, attended via telephone and has the certified mail return receipt cards from adjacent landowners. Discussion included criteria for the Federal Aviation (FAA) and the Federal Communications Commission (FCC) is being met.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the zoning request filed by TowerCo with concurrence from Scott D. & Debbie A. Fladeland, landowners, for a variance to place a 190' tower which exceeds the 90' maximum height allowable in Mountrail County on a 10,000 square foot tract of land located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ (aka Government Lot 1) Section 30, Township 154 North, Range 92 West (Brookbank Township) as TowerCo has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon TowerCo complying will all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 9:50 a.m. public hearing to order regarding the zoning request filed by TowerCo with concurrence from Jacolyn Rae Nelson, landowner, for a conditional use permit to use land zoned agricultural to place a wireless communications facility including a tower and shelter on a 10,000 square foot tract of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, Township 156 North, Range 90 West (Palermo Township). Matt Kundert, representing TowerCo, attended via telephone and has the certified mail return receipt cards from the adjacent landowners.

Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request filed by TowerCo with concurrence from Jacolyn Rae Nelson, landowner, for a conditional use permit to use land zoned agricultural to place a wireless communications facility including a tower and shelter on a 10,000 square foot tract of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, Township 156 North, Range 90 West (Palermo Township) as TowerCo as met the criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon TowerCo 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 M. Hynek called the 9:55 a.m. public hearing to order regarding the zoning request filed by TowerCo with concurrence from Jacolyn Rae Nelson, landowner, for a variance to place a 190' tower which exceeds the 90' maximum height allowable in Mountrail County on a 10,000 square foot tract of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, Township 156 North, Range 90 West (Palermo Township). Matt Kundert, representing TowerCo, attended via telephone and has the certified mail return receipt cards from the adjacent landowners.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the zoning request filed by TowerCo with concurrence from Jacolyn Rae Nelson, landowner, for a variance to place a 190' tower which exceeds the 90' maximum height allowable in Mountrail County on a 10,000 square foot tract of land located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 20, Township 156 North, Range 90 West (Palermo Township) as TowerCo has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon TowerCo 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 M. Hynek called the 10:00 a.m. public hearing to order regarding the zoning request filed by TowerCo, with concurrence from Boyd & Connie Anderson, landowners, for a conditional use permit to use land zoned agricultural to place a wireless communications facility including a tower and shelter on a 10,000 square foot tract of land located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, Township 157 North, Range 94 West (White Earth Township). Matt Kundert, representing TowerCo, attended via telephone and has the certified mail return receipt cards from adjacent landowners.

Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request filed by TowerCo, with concurrence from Boyd & Connie Anderson, landowners, for a conditional use permit to use land zoned agricultural to place a wireless communications facility including a tower and shelter on a 10,000 square foot tract of land located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, Township 157 North, Range 94 West (White Earth Township) as TowerCo has met all of the criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and contingent upon TowerCo 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 M. Hynek called the 10:05 a.m. public hearing to order regarding the zoning request filed by TowerCo, with concurrence from Boyd & Connie Anderson, landowners, for a variance to place a 190' tower which exceeds the 90' maximum height allowable in Mountrail County on a 10,000 square foot tract of land located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, Township 157 North, Range 94 West (White Earth Township). Matt Kundert, representing TowerCo, attended via telephone and has the certified mail return receipt cards from the adjacent landowners.

Moved by Commissioner Hovda, seconded by Commissioner Borud to approve the zoning request filed by TowerCo, with concurrence from Boyd & Connie Anderson, landowners, for a variance to place a 190' tower which exceeds the 90' maximum height allowable in Mountrail County on a 10,000 square foot tract of land located in the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, Township 157 North, Range 94 West (White Earth Township) as TowerCo has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon TowerCo 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 M. Hynek called the 10:10 a.m. public hearing to order regarding the subdivision review application filed by Curtis & Lesley Trulson for an 11.35 acre, more or less, plat to be known as Outlot 2 in the NE $\frac{1}{4}$ Section 25, Township 156 North, Range 92 West (Ross Township). Present for this discussion were Curtis & Lesley Trulson. Staff reported this plat has been reviewed by the Plat Review Committee and they have recommended passage. Mr. Trulson presented three certified mail return receipt cards and three certified mail receipts from adjacent landowners.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the 11.35 acre, more or less, plat to be known as Outlot 2 in the NE $\frac{1}{4}$ Section 25, Township 156 North, Range 92 West (Ross

Township) as Curtis & Lesley Trulson have met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Chairman M. Hynek called the 10:15 a.m. public hearing to order regarding the zoning request filed by Curtis & Lesley Trulson for an amendment to the Mountrail County Zoning Map to rezone an 11.35 acre, more or less, tract of land described as Outlot 2 of the NE $\frac{1}{4}$ Section 25, Township 156 North, Range 92 West (Ross Township) from agricultural to industrial to allow for a shop and shop condo. Present for this discussion were Curtis & Lesley Trulson who presented three certified mail return receipt cards and three certified mail receipts from the adjacent landowners and the Township Chairman. Mr. Trulson explained this was an area that needed to be cleaned up and would be a good use of this land.

Moved by Commissioner Weisenberger, seconded by Commissioner Hovda to present findings of fact from the May 27, 2014 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning request filed by Curtis & Lesley Trulson for an amendment to the Mountrail County Zoning Map to rezone an 11.35 acre, more or less, tract of land described as Outlot 2 of the NE $\frac{1}{4}$ Section 25, Township 156 North, Range 92 West (Ross Township) from agricultural to industrial to allow for a shop and shop condos as Curtis & Lesley Trulson have met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon Curtis & Lesley Trulson 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 M. Hynek called the 10:20 a.m. public hearing to order regarding the zoning request filed by Curtis & Lesley Trulson for an amendment to the Mountrail County Zoning Map to rezone a 20.37 acre, more or less, tract of land described as Outlot 1 of the NW $\frac{1}{4}$ Section 25, Township 156 North, Range 92 West (Ross Township) from agricultural to industrial to allow for the construction of a water depot. Present for this discussion were Curtis & Lesley Trulson who presented five certified mail return receipt cards and one certified mail receipt from adjacent landowners and the Township Chairman. Mr. Trulson stated they have drilled all their test wells and have the conditional water permit (SWC Water Permit No. 6349) from the State Water Commission. There was discussion regarding a road haul agreement with the Township.

Moved by Commissioner Borud, seconded by Commissioner Ruland to present findings of fact from the May 27, 2014 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning request filed by Curtis & Lesley Trulson for an amendment to the Mountrail County Zoning Map to rezone a 20.37 acre, more or less, tract of land described as Outlot 1 of the NW $\frac{1}{4}$ Section 25, Township 156 North, Range 92 West (Ross Township) from agricultural to industrial to allow for the construction of a water depot contingent upon a road haul agreement with Ross Township as Curtis & Lesley Trulson have met all the criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is further contingent upon Curtis & Lesley Trulson complying with all other regulations as set for the in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman M. Hynek called the 10:25 a.m. public hearing to order regarding the zoning request filed by North Water LLC with concurrence from Roger K. & Darlene J. Vesey, landowners, for a variance to draw slough water on Government Lot 9, Section 18, Township 155 North, Range 89 West (McAlmond Township). Present for this discussion was Roger Vesey and James Zetting. Three certified mail return receipt cards and one certified mail receipt from adjacent landowners and the Township Chairman were presented. Staff reported a letter had been received from Wallace Wagner

regarding this project. Water will be pumped through a pipeline, no trucks saving about 600 trips a day, and they have easements for the pipeline.

Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the variance request filed by North Water LLC with concurrence from Roger K. & Darlene J. Vesey, landowners, to allow for the drawing of slough water on Government Lot 9, Section 18, Township 155 North, Range 89 West (McAlmond Township) as per the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project No A Permit Number ND-2013-15266 as North Water LLC has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon North Water LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman M. Hynek called a recess until 11:15 a.m.

Chairman M. Hynek called the 10:30 a.m. public hearing to order regarding the zoning request filed by Verizon Wireless with concurrence from Gary A. & Gordon L. Lien, landowners, to place a 190' tower, which exceeds the 90' maximum height in Mountrail County on a 75'x75' tract of land located in the SW¹/₄ Section 4, Township 152 North, Range 88 West (Plaza Township) more specifically Latitude N 48° 00' 27.47" Longitude W 101° 57' 08.31". Rob Viera, representing Verizon Wireless attended via telephone. Staff reported copies of seven certified mail return receipt cards from the adjacent landowners and Township Chairman had been received. Mr. Viera reported this tower is designed to collapse into itself in case of tower failure.

Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request filed by Verizon Wireless with concurrence from Gary A. & Gordon L. Lien, landowners, to place a 190' tower, which exceeds the 90' maximum height in Mountrail County on a 75'x75' tract of land located in the SW¹/₄ Section 4, Township 152 North, Range 88 West (Plaza Township) more specifically Latitude N 48° 00' 27.47" Longitude W 101° 57' 08.31" 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 of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman M. Hynek called the 10:35 a.m. public hearing to order regarding the zoning request filed by Ames Construction Inc. with concurrence from Hamed Sr. & Zina Juma Life Estate to Hamed Juma Jr., Sammy Juma & Alley Juma, landowners for a conditional use permit to use land zoned agricultural to mine clay and other borrow materials on an 80 acre, more or less, tract of land described as that part of the SW¹/₄ lying South of GN RY RW Section 15, Township 156 North, Range 93 West (Manitou Township). Present for this discussion representing Ames Construction Inc. were Josh Brudellie and Scott Gamstad. Five certified mail return receipt cards from adjacent landowners and the Township Chairman were received. Mr. Gamstad stated they would not be using any Township or County roads.

Moved by Commissioner Hovda, seconded by Commissioner Bieri to approve the zoning request filed by Ames Construction Inc. with concurrence from Hamed Sr. & Zina Juma Life Estate to Hamed Juma Jr., Sammy Juma & Alley Juma, landowners for a conditional use permit to use land zoned agricultural to mine clay and other borrow materials on an 80 acre, more or less, tract of land described as that part of the SW¹/₄ lying South of GN RY RW Section 15, Township 156 North, Range 93 West (Manitou Township) as Ames Construction Inc. has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is

contingent upon Ames Construction 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 M. Hynek called the 10:40 a.m. public hearing to order regarding the zoning request filed by Ames Construction Inc. with concurrence from Roger E. & Adeline Evans, landowners, for a conditional use permit to use land zoned agricultural to mine clay and other borrow materials on a 10 acre, more or less, tract of land described as that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying North of the RR Section 23, Township 156 North, Range 93 West (Manitou Township). Present for this discussion representing Ames Construction Inc. were Josh Brudelic and Scott Gamstad. Five certified mail return receipt cards from adjacent landowners and the Township Chairman were received. Staff reported according to tax records this property is owned by Roger E. & Adeline Evans.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the zoning request filed by Ames Construction Inc. with concurrence from Roger E. & Adeline Evans, landowners, for a conditional use permit to use land zoned agricultural to mine clay and other borrow materials on a 10 acre, more or less, tract of land described as that part of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying North of the RR Section 23, Township 156 North, Range 93 West (Manitou Township) as Ames Construction Inc. has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon Ames Construction 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 M. Hynek called the 10:45 a.m. public hearing to order regarding the zoning request filed by Beverly Fretheim for a variance to draw slough water on Government Lots 1 & 2 less RW, Government Lots 3 & 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 3, Township 154 North, Range 93 West (Rat Lake Township) and S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 34, Township 155 North, Range 93 West (Debing Township). Present for this discussion was Beverly Fretheim. Ms. Fretheim presented seven certified mail return receipt cards from the adjacent landowners and Township Chairman and stated she was not sure if they would be piping or trucking the water.

Moved by Commissioner Bieri, seconded by Commissioner Weisenberger to approve the zoning request filed by Beverly Fretheim for a variance to draw slough water on Government Lots 1 & 2 less RW, Government Lots 3 & 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 3, Township 154 North, Range 93 West (Rat Lake Township) and S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 34, Township 155 North, Range 93 West (Debing Township) as per the terms and conditions of State of North Dakota Temporary Water Permit SWC Project No. 1400A Permit Number ND2014-15758 as Beverly Fretheim has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Beverly Fretheim 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 M. Hynek called the 10:50 a.m. public hearing to order regarding the zoning request filed by Bridger Pipeline LLC, with concurrence from Steven M. & Jeanette A. Hoff, landowners, for an amendment to the Mountrail County Zoning Map to rezone a 3.213 acre, more or less, tract of land described as Outlot 2 of the NW $\frac{1}{4}$ Section 10, Township 152 North, Range 90 West (Parshall Township) from agricultural to industrial to allow for the placement of a crude oil storage tank. Present for this discussion representing Bridger Pipeline LLC were Cameron Tomjack and Kurt Dockweiler. Four certified mail return receipt cards and one certified mail receipt from adjacent landowners and Township Chairman were received. Mr. Dockweiler presented a site drawing for the proposed storage tank. He stated this crude oil storage tank is a holding facility for the pipeline and there will be no trucks.

Moved by Commissioner Borud, seconded by Commissioner Hovda to present findings of fact from the May 27, 2014 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning request filed by Bridger Pipeline LLC, with concurrence from Steven M. & Jeanette A. Hoff, landowners, for an amendment to the Mountrail County Zoning Map to rezone a 3.213 acre, more or less, tract of land described as Outlot 2 of the NW¼ Section 10, Township 152 North, Range 90 West (Parshall Township) from agricultural to industrial to allow for the placement of a crude oil storage tank as Bridger Pipeline LLC has met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon Bridger Pipeline LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman M. Hynek called the 10:55 a.m. public hearing to order regarding the zoning request filed by Bridger Pipeline LLC with concurrence from Steven M. & Jeanette A. Hoff, landowners, for a conditional use permit to use land zoned industrial to place a crude oil storage tank on a 3.213 acre, more or less, tract of land described as Outlot 2 of the NW¼ Section 10, Township 152 North, Range 90 West (Parshall Township). Present for this discussion representing Bridger Pipeline LLC were Cameron Tomjack and Kurt Dockweiler. Four certified mail return receipt cards and one certified mail receipt from adjacent landowners and Township Chairman had been received.

Moved by Commissioner Weisenberger, seconded by Commissioner Bieri to approve the zoning request filed by Bridger Pipeline LLC with concurrence from Steven M. & Jeanette A. Hoff, landowners, for a conditional use permit to use land zoned industrial to place a crude oil storage tank on a 3.213 acre, more or less, tract of land described as Outlot 2 of the NW¼ Section 10, Township 152 North, Range 90 West (Parshall Township) contingent upon the approval of the zoning amendment by the Mountrail County Commission as Bridger Pipeline LLC has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is further contingent upon the provision Bridger Pipeline LLC 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 M. Hynek called the 11:00 a.m. public hearing to order regarding the zoning request filed by Bridger Pipeline LLC with concurrence from Steven M. & Jeanette A. Hoff, landowners, for a variance to place a crude oil storage tank within the 150' setback requirement as established in the Mountrail County Zoning Ordinance in Outlot 2 of the NW¼ Section 10, Township 152 North, Range 90 West (Parshall Township). Present for this discussion representing Bridger Pipeline LLC were Cameron Tomjack and Kurt Dockweiler. Four certified mail return receipt cards and one certified mail receipt from the adjacent landowners and Township Chairman had been received. Mr. Dockweiler stated they will meet the 150' setback from 41st Street NW on the north side of the property but the four foot berm would be within 75' of 75th Avenue NW on the west of the property.

Moved by Commissioner Hovda, seconded by Commissioner Borud to approve the zoning request filed by Bridger Pipeline LLC with concurrence from Steven M. & Jeanette A. Hoff, landowners, for a variance to place a crude oil storage tank within the 150' setback requirement as established in the Mountrail County Zoning Ordinance in Outlot 2 of the NW¼ Section 10, Township 152 North, Range 90 West (Parshall Township) contingent upon the approval of the zoning amendment by the Mountrail County Commission as Bridger Pipeline LLC has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Bridger Pipeline LLC complying with all other regulations of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman M. Hynek called the 11:05 a.m. public hearing to order regarding the zoning request filed by the Mountrail County Road & Bridge Department with concurrence from Paul R. & Tricia D. Wheeling, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 3, Township 153 North, Range 88 West (Spring Coulee Township). Present for this discussion representing the Mountrail County Road & Bridge Department was Greg Nabours, Engineering Technician. Mr. Nabours presented seven certified mail return receipt cards and stated they would be accessing this gravel pit through an existing gravel pit and he had talked to Leo Edwards and Daryl Edwards regarding their concerns.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the zoning request filed by the Mountrail County Road & Bridge Department with concurrence from Paul R. & Tricia D. Wheeling, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as S $\frac{1}{2}$ NW $\frac{1}{4}$ Section 3, Township 153 North, Range 88 West (Spring Coulee Township) for a period of five (5), with a road haul agreement and contingent upon receipt of the bond as Mountrail County Road & Bridge Department has met all the criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is further contingent upon the Mountrail County Road & Bridge Department 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 M. Hynek called a five minute recess.

Chairman M. Hynek called the 11:10 a.m. public hearing to order regarding the zoning request filed by Dennis & Sandra Bergstrom for an amendment to the Mountrail County Zoning Map to rezone a 4.22 acre, more or less, tract of land described as Outlots 1 & 2 of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 152 North, Range 92 West (Osborn Township) from agricultural to industrial for future sale. Present for this discussion was Dennis Bergstrom. Mr. Bergstrom presented three certified mail return receipt cards and five certified mail receipts. He stated he is looking to divest himself of this property and he has been advised this zoning change would assist in the sale of the land and currently there are storage facilities on this site.

Moved by Commissioner Hovda, seconded by Commissioner Borud to present findings of fact from the May 27, 2014 public hearing and recommend approval to the Mountrail County Commission for the zoning request filed by Dennis & Sandra Bergstrom for an amendment to the Mountrail County Zoning Map to rezone a 4.22 acre, more or less, tract of land described as Outlots 1 & 2 of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 152 North, Range 92 West (Osborn Township) from agricultural to industrial for future sale as Dennis & Sandra Bergstrom have meet all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon Dennis & Sandra Bergstrom 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 M. Hynek called the 11:15 a.m. public hearing to order regarding the zoning request filed by Mon-Dak Water & Septic with concurrence from John H. & Elaine K. Vachal, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less tract of land described as W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 31, Township 155 North, Range 93 West (Debing Township). Present for this meeting was Elaine Vachal and representing Mon-Dak Water & Septic, Beau Vachal. Mr. Vachal presented five certified mail return receipt cards and two returned certified mail letters from the adjacent landowners and Township Chairman and said the road haul agreement and bond are in place.

Moved by Commissioner Borud, seconded by Commissioner Lindberg to approve the zoning request filed by Mon-Dak Water & Septic with concurrence from John H. & Elaine K. Vachal, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less tract of land described as W½SE¼ Section 31, Township 155 North, Range 93 West (Debing Township) for a period of five (5) years, road haul agreement, dust control and bond as Mon-Dak Water & Septic has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon Mon-Dak Water & Septic 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 M. Hynek called the 11:20 a.m. public hearing to order regarding the zoning request filed by Mon-Dak Water & Septic with concurrence from Shane R. & Jennifer L. Erickson, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as the N½NE¼ Section 25, Township 154 North, Range 88 West (Oslo Township). Present for this discussion representing Mon-Dak Water & Septic was Beau Vachal. Staff reported Leo Edwards, Township Chairman, had contacted the office regarding the road haul agreement. Mr. Vachal presented six certified mail return receipt cards from adjacent landowners and the Township Chairman. There was concern regarding whether or not 49th Avenue could handle the traffic.

Moved by Commissioner Weisenberger, seconded by Commissioner Hovda to approve the zoning request filed by Mon-Dak Water & Septic with concurrence from Shane R. & Jennifer L. Erickson, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as the N½NE¼ Section 25, Township 154 North, Range 88 West (Oslo Township) for a period of five (5) years with a road haul agreement, dust control and bond as Mon-Dak Water & Septic has met all criteria set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon Mon-Dak Water & Septic 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 M. Hynek called the 11:25 a.m. public hearing to order regarding the zoning request filed by Section 18 LLC with concurrence from Rodney W. & Patricia M. Barstad, landowners, for an amendment to the Mountrail County Zoning Map to rezone a 224.03 acre, more or less, tract of land described as S½NW¼, NE¼NW¼, S½NW¼NW¼, NE¼NW¼NW¼ less highway ROW and the N½SW¼ Section 25, Township 156 North, Range 93 West (Manitou Township) from agricultural to industrial to allow for the construction and operation of a special waste landfill. Present for this discussion was Rodney Barstad; John McCain and Steve Burns representing Section 18 LLC; Elaine Vachal; Carol Vachal; Lisa Willey; and Todd Rambur. Staff reported the County Commission has a one year moratorium on special oil field waste sites and a letter from Carol Vachal questioning the ability of Rodney and Patricia to sign any agreements based on the fact Rodney & Patricia have a contract for deed on the property and the Julia Barstad Estate is the Seller on the contract for deed and it has not been satisfied. John McCain presented two certified mail return receipt cards, two certified mail receipts from adjacent landowners and the Township Chairman, and a proposal of how the site would be used. He stated a pre-application has been submitted to the North Dakota Department of Health. A letter from Sheldon A. Smith of Smith Bakke Porsborg Schwigert & Armstrong stating there is nothing in the contract for deed to prevent the development of this land or leasing it out to other parties. Carol Vachal, Personal Representative of the Julia Barstad Estate, questioned the ability of Rodney & Patricia to do this project based on the assignability clause listed on page 2 of the contract for deed. Mr. Enget stated there were no documents showing the land being sold and that Rodney & Patricia Barstad would remain owners of the land. Steve Burns

commented Section 18 LLC would be leasing the property and the contract for deed would be paid off. Lisa Willey, a resident of the CMG man-camp has questions regarding the health & safety of this type of facility at this location. There was discussion regarding the distance from an occupied residence. Todd Rambur, a resident of the CMG man-camp expressed his concern regarding environmental impacts this close to their living area. Elaine Vachal expressed concern regarding the water table in the area.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to present findings of fact from the May 27, 2014 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning amendment filed by Section 18 LLC with concurrence from Rodney W. & Patricia M. Barstad, landowners, for an amendment to the Mountrail County Zoning Map to rezone a 224.03 acre, more or less, tract of land described as S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ less highway ROW and the N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, Township 156 North, Range 93 West (Manitou Township) from agricultural to industrial to allow for the construction and operation of a special waste landfill as Section 18 LLC has met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon Section 18 LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote Commissioners Borud, Hovda, Hynek, Lindberg, Ruland and Weisenberger voted yes, Commissioner Bieri voted no, motion carried.

Chairman M. Hynek called the 11:30 a.m. public hearing to order regarding the zoning request filed by Section 18 LLC, with concurrence from Rodney W. & Patricia M. Barstad, landowners, for a conditional use permit to use land zoned industrial to construct and operate a special waste landfill on a 224.03 acre, more or less, tract of land described as S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ less Hwy ROW, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, Township 156 North, Range 93 West (Manitou Township). Present for this discussion was Rodney Barstad; John McCain and Steve Burns representing Section 18 LLC; Elaine Vachal; Carol Vachal; Lisa Willey; and Todd Rambur. John McCain presented two certified mail return receipt cards, two certified mail receipts from adjacent landowners and the Township Chairman.

Moved by Commissioner Weisenberger, seconded by Commissioner Hovda to approve the zoning request filed by Section 18 LLC, with concurrence from Rodney W. & Patricia M. Barstad, landowners, for a conditional use permit to use land zoned industrial to construct and operate a special waste landfill on a 224.03 acre, more or less, tract of land described as S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ less Hwy ROW, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 25, Township 156 North, Range 93 West (Manitou Township) contingent upon the approval of the amendment by the Mountrail County Commission and contingent upon meeting the following requirements:

1. Composite/synthetic liners, leachate detection systems, and leachate removal systems must be compatible with waste disposed and the waste's leachate.
2. Leachate removal and management systems must be capable of collection and removing leachate and contaminated surface water.
3. Synthetic liners and leachate removal systems must withstand all physical and chemical stresses during the operating period and through the post-closure period.
4. The synthetic liners and leachate removal systems must have a collection efficiency of ninety-seven percent (97%) or better of precipitation falling on the fill area before closure and must be capable of removing leachate to limit the hydraulic head above the upper liner, exclusive of collection sumps, to twelve (12) inches [30.5 centimeters] or less within thirty-six (36) hours of a precipitation event.
5. A composite line is required which includes at a minimum from bottom to top:

- a. At least three (3) feet [91.4 centimeters] of re-compacted clay with a hydraulic conductivity not to exceed 1×10^{-7} centimeters per second;
 - b. A synthetic flexible membrane liner at least sixty (60) mils thick;
 - c. A secondary drainage layer with a hydraulic conductivity of 1×10^{-3} centimeters per second or greater throughout and with sufficient thickness to provide a transmissivity of 3×10^{-2} centimeters squared per second or greater;
 - d. A synthetic flexible membrane line an least eighty (80) mils thick;
 - e. A drainage layer with a hydraulic conductivity of 1×10^{-3} centimeters per second or greater and with sufficient thickness to provide a transmissivity of 3×10^{-2} centimeters squared per second or greater;
 - f. No composite liner may be exposed to freezing more than one winter season. At least three (3) feet of waste or other material approved by the ND Department of Health must be placed above the upper drainage layer on all lined areas by December 1st. No disposal may take place after December 1st in areas which have not met this requirement without first testing the composite liner's integrity.
6. The facility must include a leachate detection and removal system and an onsite leachate management system or offsite leachate management.
 - a. The amount of leachate collected for onsite or offsite management must be measured and recorded;
 - b. The quality of the leachate must be evaluated annually;
 - c. Construction of onsite surface impoundments for leachate storage to achieve the equivalent or better design standards of the onsite landfill.
 7. Runoff must be contained, collected, and transferred to an onsite surface impoundment.
 8. Waste to include oil field cuttings and oil related spill materials with oil related spill materials limited to twenty-five thousand (25,000) tons per year. Regulated infectious waste, used oil as a free liquid, which can be recovered or recycled, hazardous waste, and radioactive waste above regulatory limits may not be accepted for disposal at the landfill.
 9. All wastes deposited at the landfill must be placed, spread or compacted to minimize or prevent settlement and to promote drainage of surface water. The sequence and direction of below-grade operations must be conducted to prevent surface water from entering the active fill area.
 10. On all areas of the landfill where final cover or additional waste will not be placed within ninety (90) days, eight (8) inches [20.3 centimeters] or more of compacted clay-rich soil material, similar material, or a synthetic cover must be placed to prevent ponding of surface water, to minimize infiltration of surface water and to control windblown dust.
 11. The owner or operator must place intermittent cover on all exposed waste.
 - a. Unless specified otherwise in the operation plan, the waste must not be left uncovered for more than ninety (90) days. Cover must be provided by additional waste or with a suitable material proposed by the landfill owner.
 - b. The cover materials used and cover depth must be sufficient to cover the waste completely.
 12. The final cover at closure must include from bottom to top:
 - a. A barrier layer consisting of at least twenty-four (24) inches [61.0 centimeters] of compacted earthen materials with a hydraulic conductivity no greater than 1×10^{-7} centimeters per second;
 - b. A synthetic flexible membrane liner which is at least sixty (60) mils thick;
 - c. A drainage layer consisting of at least six (6) inches [15.2 centimeters] with a transmissivity of 3×10^{-2} centimeters squared per second or greater; or an equivalent drainage geocomposite;

- d. A layer which is at least thirty-six (36) inches [91.4 centimeters] thick to protect the synthetic liner, drainage layer and barrier layer from freezing , the upper twelve (12) inches [30.5 centimeters] of this layer must be suitable as a plant root zone; and
- e. A top layer at least six (6) inches [15.2 centimeters] thick consisting of suitable plant growth material.

13. The actual size of the landfill waste footprint if limited to a maximum of 70 acres.
 14. The landfill footprint and leachate ponds are to be set-back two thousand six hundred forty (2,640) feet from any occupied residence.
 15. Landfill designed to insure all run-off from trucks delivering materials is managed within the landfill site.
 16. Installation of stationary screening system to include but not limited to radiation monitoring and visual site inspections.
 17. All materials that are disposed at the landfill site must be limited to those wastes identified under condition number eight (8) of this conditional use permit and the North Dakota Department of Health permit issued for this landfill site. Further, all waste must be below all radioactivity levels established by the North Dakota Department of Health as specified either in the North Dakota Century Code or the North Dakota Administrative Code.
 18. A landscaping plan will be prepared and submitted to the Planning Commission for approval prior to the start of actual construction on the landfill site, which shall include a visual and audio buffer on the exterior of the property.
 19. There must be a four (4) strand barbed wire fence around the entire exterior boundary of the landfill and a controlled access gate or gates which must be secured.
 20. To the extent a project utilized County/Township roads, the applicant must have impact/road use agreements in place with all of the affected political subdivisions.
 21. The applicant must pay by July 31st of each year to Mountrail County for the Mountrail County Landfill Site Inspector's salary, benefits and operating expenses associated with such duties. The amount of the assessment shall be set annually by the Board of Mountrail County Commissioners, and be for the purpose of providing the necessary funds to reimburse Mountrail County for the Site Inspector's salary, benefits and operating expenses associated with such duties.
 22. Bi-annual waste sampling around the landfill's waste footprint for Resource Conservation & Recovery Act (RCRA) metals, volatile organic compounds (VOC's) and radiation.
 23. Semi-annual ground water sampling from a minimum of six (6) monitoring wells.
 24. A Ten Million Dollar (\$10,000,000) insurance policy with pollution coverage listing Mountrail County as an additional insured party. This policy shall be in place during the operation of the site and for thirty (30) years post-closure.
 25. Terms and conditions of this conditional use permit goes with the land and cannot be separated through sale to other parties.
 26. Primary access must be off a State or Federal highway and must be within one (1) mile of a State or Federal highway.
- as Section 18 LLC has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is further contingent upon Section 18 LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote Commissioners Borud, Hovda, Lindberg, Ruland and Weisenberger voted yes, Commissioners Bieri and M. Hynek voted no, motion carried.

Chairman M. Hynek called the 11:35 a.m. public hearing to order regarding the referral back from the Mountrail County Commission and originally brought before the Planning & Zoning Board on March 24, 2014, filed by Earthwater Bakken LLC, with concurrence from Susan K. Leljestrand and Jane Van Havermaet, landowners, for an amendment to the Mountrail County Zoning Map to rezone

a 14.72 acre, more or less, tract of land described as Government Lot 2 Section 10, Township 152 North, Range 90 West (Parshall Township) from agricultural to industrial to allow for water sales . Present for this discussion was Duane Sand and Kevin Koach representing Earthwater Bakken LLC. Mr. Sand explained this request is similar to the permit granted for the property on Highway 8. Earthwater Bakken LLC is looking to attach to the EOG water pipeline in about a year and there would be no truck traffic for moving the water.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to present findings of fact from the March 24, 2014 public hearing and make a recommendation to the Mountrail County Commission for approval of the zoning request filed by Earthwater Bakken LLC, with concurrence from Susan K. Liljestrand and Jane Van Havermaet, landowners, for an amendment to the Mountrail County Zoning Map to rezone 14.72 acres, more or less, tract of land described as Government Lot 2, Section 10, Township 152 North, Range 90 West (Parshall Township) from agricultural to industrial for the construction and operation of a water depot contingent upon the approval of a water permit from the North Dakota State Water Commission as Earthwater Bakken LLC has met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon Earthwater Bakken 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 M. Hynek called the 11:40 a.m. public hearing to order regarding the zoning request filed by EOG Resources Inc., with concurrence from Shirley Hovda Life Estate to Ronald J. Hovda, Renee J. Andes & Richard G. Hovda, landowners, for a variance to use land zoned agricultural to obtain surface water for oil well fracking in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, Township 152 North, Range 90 West (Parshall Township). Present for this discussion was Dan Luers representing EOG Resources Inc. Mr. Luers presented nineteen certified mail return receipt cards from the adjacent landowners and Township Chairman and stated the pipeline in place are the ones that will be used and they have talked to all landowners whose land is affected by these pipelines.

Moved by Commissioner Hovda, seconded by Commissioner Borud to approve the zoning request filed by EOG Resources Inc., with concurrence from Shirley Hovda Life Estate to Ronald J. Hovda, Renee J. Andes & Richard G. Hovda, landowners, for a variance to use land zoned agricultural to obtain surface water for oil well fracking in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, Township 152 North, Range 90 West (Parshall Township) as per the terms and conditions of State of North Dakota Temporary Water Permit SWC Project No. 1400A Permit Number ND2014-15733 as EOG Resources Inc. has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon EOG Resources 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 M. Hynek called the 11:45 a.m. public hearing to order regarding the subdivision review application filed by Aarmac Transport for a 10.76 acre, more or less, tract of land to be known as Outlot 1 of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, Township 156 North, Range 89 West (McGahan Township). Present for this discussion was Todd Miller. Staff reported this plat has been through the plat review committee and has been recommended for approval. Mr. Miller presented five certified mail return receipt cards from the adjacent landowners and Township Chairman.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the 10.76 acre, more or less, plat to be known as Outlot 1 of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, Township 156 North, Range 89 West (McGahan Township). Upon roll call vote all present voted yes motion carried.

Chairman M. Hynek called the 11:50 a.m. public hearing to order regarding the zoning request filed by Bountiful Tanks LLC with concurrence from Roy Dunham Life Estate to Derek N. & Elizabeth L. Dunham, landowners, for a variance to construct a temporary water depot and freshwater storage tank on land zoned agricultural located on the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, Township 155 North, Range 90 West (Burke Township). Present for this discussion was J.P. Shepard representing Bountiful Tanks LLC. Staff reported the receipt of five certified mail return receipt cards and that they had requested a two year variance for this water storage tank. Mr. Shepard stated the water storage tank will be drawing from different sources and there will be no trucks.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the zoning request filed by Bountiful Tanks LLC with concurrence from Roy Dunham Life Estate to Derek N. & Elizabeth L. Dunham, landowners, for a variance to construct a temporary water depot and freshwater storage tank on land zoned agricultural located on the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 23, Township 155 North, Range 90 West (Burke Township) for a two (2) year period as Bountiful Tanks LLC has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Bountiful Tanks LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman M. Hynek called the 11:55 a.m. public hearing to order regarding the subdivision review application filed by V. Gail Brendle, Trustee of the Brendle Living Trust, for a 21.35 acre, more or less, tract of land to be known as Brendle's 2nd Subdivision Lots 1 through 20 located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10, Township 151 North, Range 91 West (Liberty Township). Present for this discussion was Wayne Tuttle representing Gail Brendle. Staff reported this plat has been through the plat review committee and they recommend approval. Sewer will be individual septic and they are planning to attach to the rural water coming into the area.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the subdivision review application filed by V. Gail Brendle, Trustee of the Brendle Living Trust, for a 21.35 acre, more or less, tract of land to be known as Brendle's 2nd Subdivision Lots 1 through 20 located in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 10, Township 151 North, Range 91 West (Liberty Township) as Gail Brendle has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes motion carried.

Chairman M. Hynek called the 12:00 p.m. public hearing to order regarding the zoning request filed by Eagle Rock Timber Inc. with concurrence from Steven & Karen Ruud, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, Township 154 North, Range 89 West (Oakland Township). Staff reported a phone call had been received from Eagle Rock Timber Inc. requesting this project be tabled.

Moved by Commissioner Borud, seconded by Commissioner Ruland to table the zoning request filed by Eagle Rock Timber Inc. with concurrence from Steven & Karen Ruud, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 28, Township 154 North, Range 89 West (Oakland Township). Upon roll call vote all present voted yes motion carried.

Chairman M. Hynek called the 12:05 p.m. public hearing to order regarding the zoning request filed by Aggregate Construction Inc. with concurrence from Jack & Aneda Fladeland, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less,

tract of land described as E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 34, Township 153 North, Range 91 West (Crane Creek Township). Present for this discussion was Max Schriock representing Aggregate Construction Inc. Mr. Schriock presented three certified mail return receipt cards from adjacent landowners and Township Chairman. Mr. Schriock stated Aggregate Construction Inc. is in the process of reclaiming a number of pits in Mountrail County, dust control will be water or mag chloride and they have road haul agreements with Crane Creek Township and Van Hook Township.

Moved by Commissioner Weisenberger, second by Commissioner Bieri to approve the zoning request filed by Aggregate Construction Inc. with concurrence from Jack & Aneda Fladeland, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 34, Township 153 North, Range 91 West (Crane Creek Township) for a period of five (5) years, dust control, road maintenance and a \$50,000 bond as Aggregate Construction Inc. has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 in the Mountrail County Zoning Ordinance and is contingent upon Aggregate Construction 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 M. Hynek called the 12:10 p.m. public hearing to order regarding the zoning request filed by Aggregate Construction Inc. with concurrence from Jack & Aneda Fladeland, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33, Township 153 North, Range 91 West (Crane Creek Township). Present for this discussion was Max Schriock representing Aggregate Construction Inc. Mr. Schriock had presented three certified mail return receipt cards from adjacent landowners and Township Chairman.

Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request filed by Aggregate Construction Inc. with concurrence from Jack & Aneda Fladeland, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 33, Township 153 North, Range 91 West (Crane Creek Township) for a period of five (5) years, dust control, road maintenance and a \$50,000 bond as Aggregate Construction Inc. has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 in the Mountrail County Zoning Ordinance and is contingent upon Aggregate Construction 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 M. Hynek called the 12:15 p.m. public hearing to order regarding the zoning request filed by Aggregate Construction Inc. with concurrence from Jack & Aneda Fladeland, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 34, Township 153 North, Range 91 West (Crane Creek Township). Present for this discussion was Max Schriock representing Aggregate Construction Inc. Mr. Schriock had presented three certified mail return receipt cards from adjacent landowners and Township Chairman.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the zoning request filed by Aggregate Construction with concurrence from Jack & Aneda Fladeland, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 34, Township 153 North, Range 91 West (Crane Creek Township) for a period of five (5) years, dust control, road maintenance and a \$50,000 bond as Aggregate Construction Inc. has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 in the Mountrail County Zoning Ordinance and is contingent upon Aggregate

Construction 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 M. Hynek called the 12:20 p.m. public hearing to order regarding the zoning request filed by Pinky's Aggregate Inc. with concurrence from Moen Family LLLP, landowner, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less tract of land described as SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, Township 154 North, Range 89 West (Oakland Township). Present for this discussion was Jeff Martinson representing Pinky's Aggregate Inc. He presented six certified mail return receipt cards from adjacent landowners and said he had talked to Greg Nabours, Road & Bridge Department, regarding dust control and road maintenance. There was discussion concerning mining across a section line.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the zoning request filed by Pinky's Aggregate Inc. with concurrence from Moen Family LLLP, landowner, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less tract of land described as SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 2, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, Township 154 North, Range 89 West (Oakland Township) for a period of five (5) years, dust control, road maintenance and \$50,000 bond as Pinky's Aggregate Inc. has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 in the Mountrail County Zoning Ordinance and is contingent upon Pinky's Aggregate 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 M Hynek called the 12:25 p.m. public hearing to order regarding the zoning request filed by Pinky's Aggregate Inc. with concurrence from Roger Vesey, landowner, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Township 155 North, Range 89 West (McAlmond Township). Present for this discussion was Jeff Martinson representing Pinky's Aggregate Inc. Mr. Martinson presented seven certified mail return receipt cards from adjacent landowners and Township Chairman.

Moved by Commissioner Ruland, seconded by Commissioner Hovda to approve the zoning request filed by Pinky's Aggregate Inc. with concurrence from Roger Vesey, landowner, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 29, Township 155 North, Range 89 West (McAlmond Township) for a period of five (5) years, dust control, road maintenance and \$50,000 bond as Pinky's Aggregate Inc. has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 in the Mountrail County Zoning Ordinance and is contingent upon Pinky's Aggregate 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 M. Hynek called the 12:30 p.m. public hearing to order regarding the zoning request filed by Pinky's Aggregate Inc. with concurrence from Leo Ringoen, landowner, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ Section 35, Township 155 North, Range 89 West (McAlmond Township). Present for this discussion was Jeff Martinson representing Pinky's Aggregate Inc. Mr. Martinson presented two certified mail return receipt cards from the adjacent landowner and Township Chairman.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the zoning request filed by Pinky's Aggregate Inc. with concurrence from Leo Ringoen, landowner, for a conditional use permit to use land zoned agricultural to mine gravel on an 80 acre, more or less, tract of land described as

SW¹/₄NW¹/₄, NW¹/₄SW¹/₄ Section 35, Township 155 North, Range 89 West (McAlmond Township) for a period of five (5) years, dust control, road maintenance and \$50,000 bond as Pinky's Aggregate Inc. has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 in the Mountrail County Zoning Ordinance and is contingent upon Pinky's Aggregate 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.

Moved by Commissioner Borud, seconded by Commissioner Hovda to approve building permits #1735 through #1748. Upon roll call vote all present voted yes motion carried.

Moved by Commissioner Hovda, seconded by Commissioner Bieri to approve the April 28th, 2014 minutes as presented.

There was concern expressed regarding the special oil field waste landfills being proposed for the County, why the push for industrial waste designation, and temporary housing.

Staff presented a letter from Hess assigning their interest in two conditional use permits to Hess North Dakota Pipelines LLC.

Verizon Wireless contacted the office regarding their variance for a 350' cell tower. When they talked to the landowners and the Minot Air Force Base they said it would be a 400' tower but their variance is only for a 350' tower.

Moved by Commissioner Hovda, seconded by Commissioner Borud to amend the variance granted at the February 24, 2014 Planning & Zoning meeting from a 350' tower to a 400' tower. Upon roll call vote all present voted yes motion carried.

Staff reported that on May 28, 2013 Planning & Zoning had approved a conditional use permit for a gravel pit with Aggregate Construction Inc. on Lot 1 and the SE¹/₄NE¹/₄ Section 4, Township 157 North, Range 90 West (Clearwater Township). Neal Biwer signed the application as owner of the gravel on the property and Blue Water Farms is the surface owner but without gravel rights. Aggregate Construction is reclaiming the property but in order to release the bond the landowner needs to sign off on the reclamation. Blue Water Farms is refusing to sign the release in order to release the bond. In consultation with Attorney Enget it was recommended the Planning & Zoning Board waive the requirement of the landowner's signature to release the bond. Staff will check the area to insure it is cleaned up.

Moved by Commissioner Borud, seconded by Commissioner Hovda to waive the requirement of the landowner having to sign the release for this particular project. Upon roll call vote all present voted yes motion carried.

City of Palermo would like to see the land described as Outlot 7 of the NW¹/₄NE¹/₄ Section 15, Township 156 North, Range 90 West (Palermo Township) changed from agricultural to residential to insure residential development in the area.

Moved by Commissioner Bieri, seconded by Commissioner Weisenberger to adjourn. All present voted yes motion carried.

The next regular meeting of the Mountrail County Planning & Zoning Board is to be held on Monday, June 23, 2014 at 8:30 a.m. at the Mountrail County South Complex, 8103 61st Street NW, Stanley, ND.

Accepted and approved this 23rd day of June, 2014

Michael Hynek, Chairman
Mountrail County Planning & Zoning Commission

Donald W. Longmuir Jr., AICP
Zoning Administrator