

PROCEEDINGS OF THE MOUNTRAIL COUNTY
PLANNING & ZONING COMMISSION
Monday, June 22nd, 2015

The Mountrail County Planning & Zoning Commission met on Monday, June 22nd, 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. 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, and Lisa Lee, Assistant Planning & Zoning Administrator. Also absent was Planning and Zoning Administrator Don Longmuir.

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 Jeffrey A. Rogers, landowner, for an amendment to change land zoned agricultural to residential for the purpose of placing a home on a tract of land described as consisting of 3.43 acres, more or less, known as Outlot 2 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 151 North, Range 90 West (Fertile Township). Present for this discussion was Jeffrey Rogers who presented three certified return receipt cards from adjacent landowners. A comment from the Minot Air Force Base was received noting assets in the area. No further comments were received. Discussion included plans to place a home, and this plat has already been filed.

Moved by Commissioner Borud, seconded by Commissioner Bieri to present findings of fact from the June 22nd, 2015 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning amendment filed by Jeffrey A. Rogers, landowner, for an amendment to change land zoned agricultural to residential for the purpose of placing a home on a tract of land described as consisting of 3.43 acres, more or less, known as Outlot 2 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 1, Township 151 North, Range 90 West (Fertile Township)) as Jeffrey Rogers 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 Jeffrey Rogers 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 8:33 a.m. public hearing to order regarding the zoning request filed by Warren Brown of White Owl Energy Services Inc., in concurrence with Rodney and Patricia Barstad, landowners, for a 2.30 acre, more or less, plat to be known as Outlot 2 of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 156 North, Range 93 West (Manitou Township). Present for this discussion was Garret Neal who did not have the certified return receipt cards from adjacent landowners. No further comments were received. Discussion included this is for the purpose of expanding an existing salt water disposal facility in order to change the truck capacity and increase space for truck turn-arounds. Mr. Rodney Barstad, landowner was present to sign the application. Patricia Barstad's signature was also necessary. Mr. Neal stated that he hand delivered adjacent landowners copies of the public hearing notices. The notices need to be sent certified mail return receipt request.

Moved by Commissioner Borud, seconded by Commissioner Ruland to table this zoning request filed by Warren Brown of White Owl Energy Services Inc., in concurrence with Rodney and Patricia Barstad, landowners, for a 2.30 acre, more or less, plat to be known as Outlot 2 of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 156 North, Range 93 West (Manitou Township). Upon roll call all present voted yes, motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to table the 8:34 a.m. public hearing filed by Warren Brown of White Owl Energy Services Inc., in concurrence with Rodney and Patricia Barstad, landowners, for an amendment to change land zoned agricultural to industrial for the purpose of increasing the size of a saltwater disposal facility on a 2.30 acre, more or less, tract of land described as Outlot 2 of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 25, Township 156 North, Range 93 West (Manitou Township) until adjacent landowners could be contacted and Patricia Barstad could sign the application. Upon roll call all present voted yes, motion carried.

Chairman Hovda called the 8:37 a.m. public hearing to order regarding the zoning request filed by Midwest Water Group, in concurrence with Clayton M. Howell, landowner, for a variance to pump slough water for fracking on a 150 acre, more or less, tract of land described as the NW $\frac{1}{4}$ of Section 13, Township 156 North, Range 91 West (Idaho Township). Present for this

discussion was Max Holm who presented five certified mail return request receipt cards from adjacent landowners. No further comments were received. Discussion included piping the water to the frack site, contacting landowners prior to laying pipe, no trucking of water, no laying pipe on an open section line without a road, and this wetland is owned by the US Fish and Wildlife Service.

Moved by Commissioner Klug, seconded by Commissioner Borud to approve the zoning request filed by Midwest Water Group, in concurrence with Clayton M. Howell, landowner, for a variance to pump slough water for fracking on a 150 acre, more or less, tract of land described as the NW $\frac{1}{4}$ of Section 13, Township 156 North, Range 91 West (Idaho Township) as Midwest Water Group 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 2014-16368 as Midwest Water Group has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Midwest Water Group complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 8:40 a.m. public hearing to order regarding the zoning request filed by Mike Mickelsen, in concurrence with Anton Mickelsen, landowner, for a variance to sell surface water on an 20 acre, more or less, tract of land described as being part of the W $\frac{1}{2}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 26, Township 158 North, Range 90 West (Sidonia Township). Present for this discussion was Mike Mickelson who presented three certified return receipt request cards from adjacent landowners. No further comments were received. Discussion included the water will be piped, and this application is for the W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 26 Township 158 North, Range 90 West (Sidonia Twp.).

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the zoning request filed by Mike Mickelsen, in concurrence with Anton Mickelsen, landowner, for a variance to sell surface water on an 20 acre, more or less, tract of land described as being part of the W $\frac{1}{2}$ NW $\frac{1}{4}$ and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 26, Township 158 North, Range 90 West (Sidonia Township) as Mike Mickelsen 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 2015-16778 as Midwest Water Group has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Midwest Water Group complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 8:41 a.m. public hearing to order regarding the zoning request filed by Mike Mickelsen, in concurrence with Anton Mickelsen, landowner, for a variance to sell surface water on a 40 acre, more or less, tract of land described as being part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 158 North, Range 90 West (Sidonia Township). Present for this discussion was Mike Mickelson who presented three certified return receipt request cards from adjacent landowners. No further comments were received. Discussion included this will also be piped.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the zoning request filed by Mike Mickelsen, in concurrence with Anton Mickelsen, landowner, for a variance to sell surface water on a 40 acre, more or less, tract of land described as being part of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 27, Township 158 North, Range 90 West (Sidonia Township) by pipe only as Mike Mickelson 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 2015-16777 as Midwest Water Group has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Midwest Water Group 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 Borud to untable the 8:44 a.m. public hearing for a zoning request filed by Dale Honsey of Pinky's Aggregates Inc., with concurrence from Paul Wheeling, landowner, for a conditional use permit to use land zoned agricultural for mining aggregate on an 80 acre, more or less, tract of land described as the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 3, Township 153 North, Range 88 West (Spring Coulee Township). Upon roll call all present voted yes, motion carried.

Chairman Hovda called the 8:44 a.m. public hearing to order regarding the zoning request filed by Dale Honsey of Pinky's Aggregates Inc., with concurrence from Paul Wheeling, landowner, for a conditional use permit to use land zoned agricultural for mining aggregate on an 80 acre, more or less, tract of land described as the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 3, Township 153 North, Range

88 West (Spring Coulee Township). No one was present from Pinky's Aggregates for this public hearing. A comment was received from the Minot Air Force Base requiring clearance prior to any excavation. A letter was also received from Robin and Kathy Funk opposing this application due to the construction of a new road on the quarter line with different landowners involved. No adjacent landowner notification cards were received. Missing from the application was a bond and a road haul agreement.

Moved by Commissioner Borud, seconded by Commissioner Ruland to deny this application filed by Dale Honsey of Pinky's Aggregates Inc., with concurrence from Paul Wheeling, landowner, for a conditional use permit to use land zoned agricultural for mining aggregate on an 80 acre, more or less, tract of land described as the S $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 3, Township 153 North, Range 88 West (Spring Coulee Township) as no one was present to speak for Pinky's Aggregates. Upon roll call, all present voted yes, motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Klug to untable the 8:47 a.m. public hearing for a 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 8:47 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). Present for this discussion was Rob Tersteeg who presented four certified return receipt request cards from adjacent landowners. Discussion included McKenzie County is no longer allowing man camps, current vacant apartments, the temporary nature of these jobs, clean-up of a man camp versus clean-up of other abandoned businesses and building, affordable housing, shortening the term lengths for temporary workforce housing "man-camps," this currently houses 50-60 men, there is a bond in place, this is for a two year term, and the Minot Air Force Base has assets in the area.

Moved by Commissioner Sorenson, seconded by Commissioner Bieri to approve 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) as MBI Energy Services 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 MBI Energy Services 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 8:50 a.m. public hearing to order regarding the zoning request filed by Mike Childs of Dakota Energy Resources Corp., in concurrence with Scott Meiers, landowner, for a variance to transfer water to a tank via an 8" rubber hose on a 160 acre, more or less, tract of land described as the SW $\frac{1}{4}$ of Section 28, Township 156 North, Range 92 West (Ross Township). Present for this discussion was Mike Childs who presented three certified mail return receipt cards from adjacent landowners. No further comments were received. Discussion included this water would be piped, landowners would be contacted, and there would be no trucks.

Moved by Commissioner Borud, seconded by Commissioner Wienbar to approve the zoning request filed by Mike Childs of Dakota Energy Resources Corp., in concurrence with Scott Meiers, landowner, for a variance to transfer water to a tank via an 8" rubber hose on a 160 acre, more or less, tract of land described as the SW $\frac{1}{4}$ of Section 28, Township 156 North, Range 92 West (Ross Township) as contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015- 16737 as Dakota Energy has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Dakota Energy complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the minutes from the May 26th, 2015 public hearing. Upon roll call all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Sorenson to approve building permits #1881-1885, and holding building permit #1886 until further information could be obtained regarding a proposed subdivision. Additionally, two trailers on the Jackson property need to be removed prior to placing any additional buildings. Upon roll call all present voted yes, motion carried.

Board items discussed include Blaisdell Rodeo RV Park, the need to attract families to the area with affordable housing, reducing term limits on man camps, subdivisions and mobile home parks,

Staff items include the release of bonds listed for Gratech and Mon-Dak Water & Septic.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to release bonds listed for Gratech in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 16, Township 156 North, Range 93 West, Bond #190-029-269; the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 17, Township 156 North, Range 93 West, Bond #190-029-267; and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 22, Township 156 North, Range 93 West Bond #190-029-268 as mining has been completed and landowners Bernard and Debra Wright have signed off on each site. Upon roll call all present voted yes, motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to release bonds listed for Mon-Dak Water & Septic Bond in the N $\frac{1}{2}$ NE $\frac{1}{4}$ Sec. 25, Township 154 North, Range 88 West, Bond #1101254 as mining never commenced on the site and the bond was returned. Planning and Zoning staff will send a notice to the landowner, Shane Erickson and rescind the existing conditional use permit. Upon roll call all present voted yes, motion carried

Additionally, Planning and Zoning staff requested a motion to approve an unrecorded variance issued by the County Commissioners in 2013 for Sand Creek Resources Inc. in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 153 North, Range 93 West. This item had been tabled by the Planning and Zoning Board until Sand Creek could contact NDDOT regarding installing turn lanes. NDDOT stated that they could not install turn lanes at this location.

Moved by Commissioner Borud, seconded by Commissioner Klug to approve the zoning request filed by Sand Creek Resources for a variance to place a water depot 160 ft. from the centerline of Highway 1804 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, Township 153 North, Range 93 West as Sand Creek Resources has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Sand Creek Resources 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 Weisenberger to adjourn the meeting. Upon roll call all present voted yes, motion carried.

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

Accepted and approved this 27th day of July 2015.

Roger Hovda, Chairman
Mountrail County Planning & Zoning Commission

Lisa Lee
Assistant Zoning Administrator