

MINUTES

Mountrail County Planning & Zoning Commission

July 23, 2018

Mountrail County South Complex 8103 61st St NW Stanley, ND 58784

Chairman Sorenson called the meeting to order at 8:30 a.m.

In Attendance

Board members present: Charlie Sorenson, Roger Hovda, Trudy Ruland, Arlo Borud, Gary Weisenberger, Linda Wienbar, Tom Bieri and Joan Hollekim.

Also present were Nate Sem, Planning & Zoning Administrator, Wade Enget, Mountrail County States Attorney, Lori Hanson, Mountrail County Tax Director, Teresa Captain, Mountrail County Deputy Tax Director, Heather Greenlee, Mountrail County Deputy Auditor and Liz Hollowell, Planning & Zoning Administrative Assistant.

Public attending were Tony Watterud with First International Bank & Trust, Ryan Minnerath with Central Specialties, Inc., and Roger Arredondo with Select Energy.

Absent were Jana Hennessy, Mountrail County Road & Bridge Engineer and Bill Klug.

Approval of Agenda

Chairman Sorenson requested a motion to review and approve the meeting agenda. Nate Sem, Planning & Zoning Administrator added building permits 2030 and 2031 to the agenda for Board approval.

Commissioner Hovda moved to accept the agenda with updates. Vice Chairman Weisenberger seconded. Upon roll call, all present voted yes. Motion carried.

8:30 Public Hearing *Outlot Plat Review* **Ralph Brown Estate – First International Bank & Trust P.R.**

Applicant/Landowner: Ralph Brown Estate, First International Bank & Trust P.R., landowner

Location: 98.18 acre, more or less, outlot 1 being part of Gov't Lot 6 and E½SE¼ of Section 7, Township 156 North, Range 89 West (**McGahan Township**).

Number of certified mailing receipts provided: 3

Purpose: To create an outlot to sell

Present: Tony Watterud with First International Bank & Trust P.R.

Discussion: Mr. Watterud explained the history surrounding the plats. Lori Hanson, Mountrail County Tax Director advised the Board there were a total of 4 plats for the parcels, two of which are not required for Board approval due to size. All plats have been reviewed.

Commissioner Hollekim stated there is no reason to outlot the section of land that will be left once the outlot in the south of the railroad is created. Doing this will change legal descriptions by making Gov't Lot 6, E½SE¼ of section 7 an outlot. Mr. Watterud stated they were told to outlot all parcels per the Auditor's Office.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Borud to approve the outlot zoning request filed by Ralph Brown Estate, First International Bank & Trust P.R., landowners, for a 98.18 acre, more or less, outlot 1 of Gov't Lot 6 and E½SE¼ of Section 7, Township 156 North, Range 89 West (**McGahan Township**) contingent upon receiving the final plat as Ralph Brown Estate, First International Bank & Trust P.R. has met all criteria as set forth in Mountrail County Subdivision Resolution and is further contingent on Ralph Brown Estate, First International Bank & Trust P.R. complying with all other terms and conditions of the Mountrail County Subdivision Resolution. Upon roll call, all present voted yes. Motion carried.

8:33 Public Hearing *Outlot Plat Review* **Ralph Brown Estate – First International Bank & Trust P.R.**

Applicant/Landowner: Ralph Brown Estate, First International Bank & Trust P.R., landowner

Location: 144.63 acre, more or less, outlot 2 being part of the SW¼ of Section 8, Township 156 North, Range 89 West (**McGahan Township**)

Number of certified mailing receipts provided: 3

Purpose: To create an outlot to sell.

Present: Tony Watterud with First International Bank & Trust P.R.

Discussion: Mr. Watterud explained this plat was to complete the request for section 8.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Bieri, seconded by Commissioner Hovda to approve the outlot zoning request filed by Ralph Brown Estate, First International Bank & Trust P.R., landowner, for a 144.63 acre, more or less, plat to be known as outlot 2 of the SW¼ of Section 8, Township 156 North, Range 89 West (**McGahan Township**) contingent upon receiving the final plat as Ralph Brown Estate, First International Bank & Trust P.R. has met all criteria as set forth in Mountrail County Subdivision Resolution and is further contingent on Ralph Brown Estate, First International Bank & Trust P.R. complying with all other terms and conditions of the Mountrail County Subdivision Resolution. Upon roll call, all present voted yes. Motion carried.

Mr. Watterud will send the final plats to Planning & Zoning early next week.

8:36 Public Hearing *Variance Permit* **Bakken Water Transfer Services Inc. / Scott & Tori Anderson**

Applicant/Landowner: Bakken Water Transfer Services Inc., in concurrence with Scott & Tori Anderson, landowners,

Location: 160 acre, more or less, tract of land described as the NE¼ of Section 36, Township 157 North, Range 91 West (**James Hill Township**)

Number of certified mailing receipts provided: 6

North Dakota Temporary Permit: ND2018-18867

Purpose: Pump water for fracking

Present: Roger Arredondo with Select Energy Services

Discussion: Mr. Arredondo stated they would be using flat hose and no trucks. A written comment on this hearing was received from Mr. Greg Rugland and Mr. Arredondo stated they are reaching out to Mr. Rugland to address his concerns.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hollekim, seconded by Vice Chairman Weisenberger to approve the zoning request filed by Bakken Water Transfer

Services Inc., in concurrence with Scott & Tori Anderson, landowners, for a variance permit to pump water (*ND State Temp Water Permit ND2018-18867*) from an unnamed slough for fracking on a 160 acre, more or less, tract of land described as the NE¼ of Section 36, Township 157 North, Range 91 West (**James Hill Township**) contingent upon the terms and conditions of the ND State Temporary Water Permit ND2018-18867 valid June 25, 2018 through June 24, 2019, only using flat hose, landowners being contacted regarding hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements where applicable as Bakken Water Transfer Services Inc. has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent on Bakken Water Transfer Services Inc. complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:39 Public Hearing

Variance Permit

Bakken Water Transfer

Services LLC / Claude & Patricia Sem, landowners

Applicant/Landowner: Bakken Water Transfer Services Inc., in concurrence with Claude & Patricia Sem, landowners

Location: 40 acre, more or less, tract of land described as the NW¼NE¼ of Section 7, Township 158 North, Range 92 West (**Powers Township**)

Number of certified mailing receipts provided: 7

North Dakota Temporary Permit: ND2018-18942

Purpose: Pump water for fracking

Present: Roger Arredondo with Select Energy Services

Discussion: Mr. Arredondo stated they would be using flat hose and no trucks.

Outcome: **Approved with contingencies.**

Motion: Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request filed by Bakken Water Transfer Services Inc., in concurrence with Claude & Patricia Sem, landowners, for a variance permit to pump water from Powers Lake for fracking on a 40 acre, more or less, tract of land described as the NW¼NE¼ of Section 7, Township 158 North, Range 92 West (**Powers Township**) contingent upon the terms and conditions of the ND State Temporary Water Permit ND2018-18942 valid August 25, 2018 through August 24, 2019, only using flat hose, landowners being contacted regarding hose placement

and adhering to Mountrail County Road & Bridge temporary ROW use requirements where applicable as Bakken Water Transfer Services Inc. has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent on Bakken Water Transfer Services Inc. complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:42 Public Hearing *Variance Permit* Bakken Water Transfer Services Inc. /James Enge

Applicant/Landowner: Bakken Water Transfer Services Inc., in concurrence with James Enge, landowner

Location: 40 acre, more or less, tract of land described as the NW¹/₄NW¹/₄ of Section 12, Township 155 North, Range 91 West (**Purcell Township**)

Number of certified mailing receipts provided: 5

North Dakota Temporary Permit: ND2018-18940

Purpose: Pump water for fracking

Present: Roger Arredondo with Select Energy Services

Discussion: Mr. Arredondo stated they would be using flat hose and no trucks.

Outcome: **Approved with contingencies.**

Motion: Moved by Commissioner Hovda, seconded by Commissioner Wienbar to approve the zoning request filed by Bakken Water Transfer Services Inc., in concurrence with James Enge, landowner, for a variance permit to pump water from an unnamed slough for fracking on a 40 acre, more or less, tract of land described as the NW¹/₄NW¹/₄ of Section 12, Township 155 North, Range 91 West (**Purcell Township**) contingent upon the terms and conditions of the ND State Temporary Water Permit ND2018-18940 valid July 22, 2018 through July 21, 2019, only using flat hose, landowners being contacted regarding hose placement and adhering to Mountrail County Road & Bridge temporary ROW use requirements where applicable as Bakken Water Transfer Services Inc. has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Bakken Water Transfer Services Inc. complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote, all present voted yes. Motion carried.

8:45 Public Hearing *Conditional Use Permit* *Central Specialties, Inc./Fisher Sand & Gravel*

Applicant/Landowner: Central Specialties, Inc. in concurrence with Fisher Sand & Gravel Company, landowner

Location: East 15 acre, more or less, tract of land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ South of ND1804, Section 33, Township 153 North, Range 92 West (**Knife River Township**)

Number of certified mailing receipts provided: 5

Purpose: Workforce housing while completing road project AC-NH-SOIB-7-023(041)925, (ND 23) New Town Bypass.

Present: Ryan Minnerath with Central Specialties

Discussion: Mr. Minnerath stated they were using this location for workforce housing while completing work on the New Town bypass. That work is now completed so they are no longer using this location.

Outcome: Denied due to the project being completed.

Motion: Moved by Vice Chairman Weisenberger, seconded by Commissioner Hovda to deny the zoning request filed by Central Specialties, Inc. in concurrence with Fisher Sand & Gravel Company, landowner, for a conditional use permit to use land zoned agricultural for temporary workforce housing on the east 15 acre, more or less, tract of land in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ South of ND1804, Section 33, Township 153 North, Range 92 West (**Knife River Township**) due to the project being complete. Upon roll call vote, all present voted yes. Motion carried

8:48 Public Hearing *Conditional Use Permit* *Central Specialties, Inc. / Curt & Summer Meyer*

Applicant/Landowner: Central Specialties, Inc. in concurrence with Curt & Summer Meyer, landowners,

Location: North 15 acres, more or less, tract of land in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 155 North, Range 94 West (**Unorganized Township**)

Number of certified mailing receipts provided: 5

Purpose: Workforce housing while completing road project SOIB-7-801(060)267 (ND 1804).

Present: Ryan Minnerath with Central Specialties

Discussion: Mr. Minnerath stated they are using this location for workforce housing while completing work on ND1804.

Commissioner Hovda stated the application was not signed by the landowner and this is a requirement. Mr. Minnerath stated he will look into this and get that to Planning & Zoning.

Commissioner Hollekim asked is the housing fee, as written in Mountrail County's Planning & Zoning ordinance Article II, Section XII Paragraph 23, was required for housing request that are for less than a year. Wade Enget, Mountrail County States Attorney stated this project is such a short amount of time that fee doesn't apply and it is not prorated.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Bieri, seconded by Commissioner Borud to approve the zoning request filed by Central Specialties, Inc. in concurrence with Curt & Summer Meyer, landowners, for a conditional use permit to use land zoned agricultural for temporary workforce housing on the north 15 acre, more or less, tract of land in the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, Township 155 North, Range 94 West (**Unorganized Township**) while completing road project SOIB-7-801(060) 267 (ND 1804) contingent on getting the landowners signatures on the application as Central Specialties, Inc. has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Central Specialties, Inc. complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote, all present voted yes. Motion carried.

Approval of Building Permits

Permit No.	Name/Address of applicant	Legal Description	Sec and Lot	Township	Range	Township Name	building type
2023	Billy Joe Hess PO Box 1236 Stanley, ND 58784 406-467-9200 BillyJoeHess@msn.com	SW $\frac{1}{4}$ SE $\frac{1}{4}$	33 Lot 1	155	92	Alger	Zoned: Ag Shop /storage Personal Use

2024	Gordon and Danita Bye PO Box 1059 Stanley ND 58784	SWNWSE	18	154	91	Sikes	Zoned: Ag Storage Shed Personal Use
2025	Scott & Tammy Jacobson 28428 Nicholas Circle Saugus, CA 91350 661-714-0416 radicalhouse5@sbcglobal.net	S½NE¼	10 Lot 11	151	91	Liberty <i>Pending Board Approval</i>	Zoned: Res Garage with living quarters
2026	Rodney Nickle 15901 86th Ave NE Surrey, ND 58785 701-728-6840 nickle@minot.com	S½NE¼	10 Lot 28	151	91	Liberty <i>Pending Board approval</i>	Zoned: Res Steel Storage building
2027	Jeremy Berg 1304 34th Ave SW Minot, ND 58701 701-720-5417 Jeremy@pureminot.com	S½NE¼	10 Lot 14	151	91	Liberty <i>Pending Board approval</i>	Zoned: Res Lake Home and Shop

Motion: Moved by Commissioner Hovda, seconded by Vice Chairman Weisenberger to approve building permits 2023 and 2024. Upon roll call, all present voted yes. Motion carried.

Nate Sem, Planning & Zoning Administrator reported on his observations from visiting Brendle's Subdivision. The Board discussed each pending building permit in Brendle's Subdivision. It was decided that any applicant applying for a second building permit for the same location, would have to more closely adhere to the Mountrail County Planning & Zoning Ordinance regarding the residential zoning district of Brendle's Subdivision. Building permits are valid for 1 year and each applicant would receive a letter explaining the requirements and limitations as well as an excerpt of the residential district ordinance. There are 4 people in Brendle's subdivision that are in major violation and will be receiving affidavits.

- Scott & Tammy Jacobson - 2018 Building permit #2025 (BP# 1984 June 30, 2017) — approved for 1 year, RV not allowed.

Motion: Moved by Commissioner Borud, seconded by Commissioner Hovda to approve Building Permit #2025 for 1 year with no RV allowed and the second landowner signature on the application in Lot 11 Brendle's Subdivision, Section 10, Township 151, Range 91 (**Liberty Township**). Upon roll call vote, all present voted yes. Motion carried.

- Rodney Nickle – 2018 Building Permit #2026 – approved for 1 year. Camper only if active building.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Hollekim to approve Building Permit #2026 for 1 year and pending required signatures on the application in Lot 28 Brendle's Subdivision, Section 10, Township 151, Range 91 (**Liberty Township**). Upon roll call vote, all present voted yes. Motion carried.

- Jeremy Berg – 2018 Building Permit #2027 (BP #1879 May 21, 2015/*garage*, BP #1976 April 24, 2017) — approved for 1 year, RV not allowed

Motion: Moved by Commissioner Hovda, seconded by Vice Chairman Weisenberger to approve Building Permit #2025 for 1 year with no RV allowed in Lot 14 Brendle's Subdivision, Section 10, Township 151, Range 91 (**Liberty Township**). Upon roll call vote, all present voted yes. Motion carried.

- Elliot Hansen – 2018 Building Permit #2030 – approved for 1 year. Camper only if active building.

Motion: Moved by Vice Chairman Weisenberger, seconded by Commissioner Borud to approve Building Permit #2030 for 1 year for Lot 25 Brendle's Subdivision, Section 10, Township 151, Range 91 (**Liberty Township**). Upon roll call vote, all present voted yes. Motion carried.

- Larry Gullickson – 2018 Building Permit #2031 – *gazebo*

Motion: Moved by Commissioner Borud, seconded by Commissioner Ruland to approve Building Permit #2031 for 1 year in Lot 10 Brendle's Subdivision, Section 10, Township 151, Range 91 (**Liberty Township**). Upon roll call vote, all present voted yes. Motion carried.

Approval of Minutes

Motion: Moved by Commissioner Hollekim, seconded by Commissioner Hovda to approve the June 25, 2018 minutes as corrected. Upon roll call, all present voted yes. Motion carried.

Staff Concerns

Brendle's Subdivision report. Nate Sem, Planning & Zoning Administrator reported the letters sent to 4 of the offenders seemed to be counterproductive, as there are now more RV's on the lots in question. Wade Enget, Mountrail County States Attorney outlined the next steps Mountrail County will be taking.

A brief discussion was held on the enforcement procedures with J & J Oilfield Services Inc.

Mountrail County Temporary Use Permit application (TUP), and checklists. Nate Sem, Planning & Zoning Administrator advised the Board a project box was added to the application as requested last meeting and each member had an updated copy of the application. Wade Enget, Mountrail County States Attorney asked if the project box on the application should also be on the checklists to be able to track the application and checklists easier. Commissioner Hovda asked about a project number. It was decided that a project number would be located on the front, top right corner, similar to the building permit application. Commissioner Hollekim asked about adding the new TUP section to the ordinances. Wade Enget, Mountrail County States Attorney stated the initial application would come before the Board for approval. Everything after that, will be done administratively. For instance when a landowner initially applies for a TUP, it would be approved by the Board. After that, as long as the landowner doesn't change locations, the TUP could be administratively approved for another year. Wade Enget, Mountrail County States Attorney suggested the TUP be changed to a temporary conditional use permit (TCUP) so it can easily be added to each zoning district under conditional use as already listed in the ordinances. Chairman Sorenson stated a TUP should not be required to be recorded or be put on a landowner's record because it's simply temporary. A discussion was held about TUP and temporary workforce housing. Commissioner Hollekim stated the temporary housing section is written very well and should not be changed. It was decided this would be looked at later when the ordinances are updated. Chairman Sorenson stated the TUP ordinance should be its own subsection. Wade Enget, Mountrail County States Attorney stated the TUP ordinance could be put after section 14, page 43, right after *Fences and Walls* section. Mountrail County States Attorney Enget stated he will write up the TUP subsection and send it to the Board for review before next meeting.

Burke Wind, LLC CUP application update – Nate Sem, Planning & Zoning Administrator reported Tom Vonbische, with NextEra Energy Resources, called to update us on their process with Burke County. They are still working on the permit and hope to have it finalized with Burke County in August. As soon as they do,

they will contact us to move forward on their conditional use permit that was tabled in February. The Board agreed to leave the CUP tabled until NextEra Energy Resources requests to be heard.

Green Acres Subdivision update – Nate Sem, Planning & Zoning Administrator reported Bremer bank, who holds the letter of credit for Shotcrete Service LLC, called to see since Shotcrete Service LLC current LOC expires end of July, can they extend it for just 60 more days as they expect the requirements to be met by then. Planning & Zoning Administrator Sem stated he visited the site a few days ago and the roads are just now being improved with a lot more work needing to be done.

Chairman Sorenson stated the next subdivision project should require a buffer around the boundary of the subdivision to give more room to the adjacent landowners. It could be a row of trees or something like that. A buffer should be considered as a requirement for any new subdivision.

Motion: Moved by Commissioner Borud, seconded by Commissioner Hollekim to approve Shotcrete Service LLC request to extend their letter of credit through September 30, 2018, with the understanding another extension would be required if the Developer Agreement requirements are not completed by September 30, 2018.

Upon roll call vote, all present voted yes. Motion carried.

Board Concerns

Commissioner Ruland advised Lot 10 of Holsinger Estate (13-152-92) have moved 2 or 3 mobile homes onto it. The mobile homes are up on blocks. Holsinger Estate is zoned residential. Nate Sem, Planning & Zoning Administrator will identify which lot was out of compliance and write the landowner a letter on how to correct the issue.

Commissioner Ruland stated in Rat Lake Township there is a compressor station right on the section line in Section 35, Township 154, Range 93. Commissioner Ruland asked if Mountrail County handled this or does the Rat Lake Township. Wade Enget, Mountrail County States Attorney stated this issue would go to Rat Lake Township Board first and then they would bring the complaint to Mountrail County if needed.

Commissioner Wienbar asked about the Stanley/Blaisdell RV Park located on Section 24, Township 156, Range 89 west. Wade Enget, Mountrail County States Attorney stated an email from the ND Department of Health had been received. He and Nate Sem, Planning & Zoning Administrator will have a conference call with the Department of Health regarding this site this week. Mountrail County States

Attorney Enget stated he is gathering the paperwork to find out who leased and/or owns the property.

Commissioner Hovda reported he had to contact EOG to have a hose removed as it was on the section line and then crossed the section line. EOG did move it and Commissioner Hovda thinks these instances will become more common.

Chairman Sorenson shared his idea on how to manage animals in a residential district. It would be based on acres. The number of acres a parcel had would determine the number of animals a landowner could have. The parcel would have to be a minimum size. Chairman Sorenson stated this would simplify the zoning. A discussion was held on what type of animal's people could have in a residential district. Wade Enget, Mountrail County States Attorney stated it's important to identify know what we have and be able to make it work for them since some of lots are less than 5 acres. Vice Chairman Weisenberger requested a proposal be written so the Board could look at it and go from there. Wade Enget, Mountrail County States Attorney asked Lori Hanson, Mountrail County Tax Director if there was a way we could get a list of all the parcels with 3 acres or more. Mountrail County Tax Director Hanson stated they will look into it.

Commissioner Borud asked Nate Sem, Planning & Zoning Administrator if he was able to visit Sanish to see if things were in the right or away. Planning & Zoning Administrator Sem stated not recently but will make a point to visit and report back to the Board next month.

Next Meeting

Next regular meeting of the Mountrail County Planning & Zoning Board is **Monday August 27, 2018** at 8:30 am at the Mountrail County South Complex, 8103 61st St. NW Stanley, ND 58784.

Meeting adjourned at 10:09 a.m.

Approval

Accepted and approved this 27th day of August 2018

Charlie Sorenson, Chairman
Mountrail County
Planning & Zoning Commission

Liz Hollowell
Administrative Assistant
Planning & Zoning