

PROCEEDINGS OF THE MOUNTRAIL COUNTY  
PLANNING & ZONING COMMISSION  
Monday, July 25, 2016

The Mountrail County Planning & Zoning Commission met on Monday, July 25<sup>th</sup> 2016 at the Mountrail County South Complex with the following voting members present: Roger Hovda, Charlie Sorenson, Arlo Borud, Bill Klug, Trudy Ruland, and Thomas Bieri. Absent were Chase Lindberg, Gary Weisenberger, and Linda Wienbar. Also present were Lori Hanson, Mountrail County Tax Director, Heather Greenlee, Mountrail County Auditor's Office, Amber Fiesel, Mountrail County Assistant States Attorney, Lisa Lee, Assistant Planning & Zoning Administrator and Liz Hollowell, Planning & Zoning Administrative Assistant. Absent were Wade Enget, Mountrail County States Attorney, Don Longmuir, Planning & Zoning Administrator and Teresa Captain, Mountrail County Deputy Tax Director.

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

Chairman Hovda requested a motion to review and approve the current meeting agenda. Moved by Commissioner Ruland, seconded by Commissioner Klug to approve the agenda to include one additional staff item. Upon roll call, all present voted yes, Motion carried.

Chairman Hovda called the 8:33 a.m. public hearing to order regarding the zoning request filed by Aaron Olson, in concurrence with David Debertin, landowner, for an amendment to change land zoned agricultural to industrial for the purpose of storing generators on a 4.454 acre, more or less, tract of land described as Outlot 2 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 20, Township 152 North, Range 90 West (Parshall Township). Lisa Lee Assistant Planning & Zoning Administrator reported this hearing was tabled in June. She also stated that Mr. Olson received the instruction for mailing late due to mail delivery problems. Mr. Olson did mail the notifications out and does have 4 certified mailing receipts. It is the recommendation of Planning and Zoning to hear the zoning request today as the hearing was published for two months in the paper.

Chairman Hovda requested a motion to remove the hearing from the table. Moved by Commissioner Ruland, seconded by Commissioner Borud to remove the hearing from the table. Upon roll call, all present voted yes, Motion carried.

Present for this hearing was Aaron Olson. Mr. Olson stated he is changing zoning to bring the property into compliance. They are storing generators on the site so they need to change the zoning to industrial. They have recorded the plat.

Moved by Commissioner Borud, seconded by Commissioner Sorenson to present finding of fact from the July 25, 2016 public hearing and make a recommendation to the Mountrail County Commissioners for approval of the zoning request filed by Aaron Olson, in concurrence with

David Debertin, landowner, for an amendment to change land zoned agricultural to industrial for the purpose of storing generators on a 4.454 acre, more or less, tract of land described as Outlot 2 in the SE¼NE¼ of Section 20, Township 152 North, Range 90 West (Parshall Township) as Aaron Olson has met all criteria as set forth in Article IV, Section III, of the Mountrail County Zoning Ordinance and is further contingent upon Aaron Olson complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

Heather Greenlee, Mountrail County Auditor's Office, gave Aaron Olson a copy of the Amendment public notice that assigned meeting time and date for the Mountrail County Commissioners to hear Mr. Olson's zoning request.

Chairman Hovda called the 8:36 a.m. public hearing to order regarding a zoning request filed by Western Area Water Supply Association, in concurrence with Kevin D. and Sharon C. Mell, landowners, for an amendment to change land zoned agricultural to industrial for the placement of a 1,000,000 gallon water storage tank and pump station to serve rural water customers on a 1 acre, more or less, tract of land to be known as Outlot 2 in the S½SW¼ of Section 21, Township 156 North, Range 93 West (Manitou Township). Lisa Lee, Assistant Planning & Zoning Administrator reported this hearing was tabled in June. Four certified mail receipts have been received with no other comments on the project. This project was approved to begin preliminary dirt work prior to official approval.

Chairman Hovda requested a motion to remove the hearing from the table. Moved by Commissioner Ruland, seconded by Commissioner Bieri to remove the hearing from the table. Upon roll call, all present voted yes, Motion carried.

Dave Bauer, representing Western Area Water Supply Association, was present for the meeting. Mr. Bauer stated they are removing the current water tank and replacing it with a much larger water tank to meet the water needs of the City of Stanley and surrounding rural areas as the water is shipped from Williston to Stanley and this tank will store a lot of water.

Moved by Commissioner Bieri, seconded by Commissioner Klug present finding of fact from the July 25, 2016 public hearing and make a recommendation to the Mountrail County Commissioners for approval of the zoning request filed by Western Area Water Supply Association, in concurrence with Kevin D. and Sharon C. Mell, landowners, for an amendment to change land zoned agricultural to industrial for the placement of a 1,000,000 gallon water storage tank and pump station to serve rural water customers on a 1 acre, more or less, tract of land to be known as Outlot 2 in the S½SW¼ of Section 21, Township 156 North, Range 93 West (Manitou Township) as Western Area Water Supply Association has met all criteria as set forth in Article IV, Section III, of the Mountrail County Zoning Ordinance and is further contingent

upon Western Area Water Supply Association complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

Heather Greenlee, Mountrail County Auditor's Office, gave Dave Bauer, with Western Area Water Supply Association a copy of the Amendment public notice that assigned meeting time and date for the Mountrail County Commissioners to hear Western Area Water Supply Association's zoning request.

Chairman Hovda called the 8:39 a.m. public hearing to order regarding a zoning request filed by Western Area Water Supply Association, in concurrence with Kevin D. and Sharon C. Mell, landowners, for a conditional use permit for the placement of a 1,000,000 gallon water storage tank and pump station to serve rural water customers on a 1 acre, more or less, tract of land to be known as Outlot 2 in the S½SW¼ of Section 21, Township 156 North, Range 93 West (Manitou Township). Lisa Lee, Assistant Planning & Zoning Administrator reported this hearing was also tabled in June. Four certified mail receipts have been received with no other comments on the project.

Chairman Hovda requested a motion to remove the hearing from the table. Moved by Commissioner Ruland, seconded by Commissioner Klug to remove the hearing from the table. Upon roll call, all present voted yes, Motion carried.

Dave Bauer, representing Western Area Water Supply Association, was present for the meeting and this is to allow the tank to be placed on industrial land.

Moved by Commissioner Ruland, seconded by Commissioner Klug to approve the zoning request filed by Western Area Water Supply Association, in concurrence with Kevin D. and Sharon C. Mell, landowners, for a conditional use permit for the placement of a 1,000,000 gallon water storage tank and pump station to serve rural water customers on a

1 acre, more or less, tract of land to be known as Outlot 2 in the S½SW¼ of Section 21, Township 156 North, Range 93 West (Manitou Township) contingent upon the amendment being approved as Western Area Water Supply Association has met all criteria as set forth in Article IV, Section IV, of the Mountrail County Zoning Ordinance and is further contingent upon Western Area Water Supply Association complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

Chairman Hovda called the 8:42 a.m. public hearing to order regarding a zoning request filed by Western Area Water Supply Association, in concurrence with Kevin D. and Sharon C. Mell, landowners, for a variance permit for the placement of a 1,000,000 gallon water storage tank and pump station 200 feet from the center line of Highway 2 to serve rural water customers on a 1 acre, more or less, tract of land to be known as Outlot 2 in the S½SW¼ of Section 21, Township

156 North, Range 93 West (Manitou Township). Lisa Lee, Assistant Planning & Zoning Administrator reported this hearing was tabled in June. Four certified mail receipts have been received with no other comments on the project.

Chairman Hovda requested a motion to remove the hearing from the table. Moved by Commissioner Ruland, seconded by Commissioner Bieri to remove the hearing from the table. Upon roll call, all present voted yes, Motion carried.

Dave Bauer, representing Western Area Water Supply Association, was present for the meeting and the variance permit is to allow the tank to be set back 200 feet from the center line of Highway 2. Commissioner Ruland asked if the tank was outside the highway right away. Mr. Bauer advised that it is. Mr. Bauer stated the new tank will take the place of the existing tank and they will lengthen the tank east and west, so it will not be any closer to the highway.

Moved by Commissioner Borud, seconded by Commissioner Klug to approve the zoning request filed by Western Area Water Supply Association, in concurrence with Kevin D. and Sharon C. Mell, landowners, for a variance permit for the placement of a 1,000,000 gallon water storage tank and pump station 200 feet from the center line of Highway 2 to serve rural water customers on a 1 acre, more or less, tract of land to be known as Outlot 2 in the S½SW¼ of Section 21, Township 156 North, Range 93 West (Manitou Township) contingent upon the amendment being approved as Western Area Water Supply Association has met all criteria as set forth in Article IV, Section V, of the Mountrail County Zoning Ordinance and is further contingent upon Western Area Water Supply Association complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

Moved by Commissioner Borud, seconded by Commissioner Klug to approve the minutes from the June 27<sup>th</sup> 2016 Planning and Zoning Meeting with no corrections. Upon roll call, all present voted yes, Motion carried.

Chairman Hovda called the 8:45 a.m. public hearing to order regarding a zoning request filed by Aggregates Construction Inc., with concurrence from Kenneth & Hope Lystad landowners, for a conditional use permit to use land zoned agricultural for mining aggregate on a 66.11 acre, more or less, tract of land described as the E½SE¼, less Outlots 1 & 2, of Section 9, Township 156 North, Range 90 West (Palermo Township). Four certified mail receipts have been received with no other comments on the project. Lisa Lee, Assistant Planning & Zoning Administrator reported we have received a bond as well as road haul agreement and reclamation agreement. This request is for a renewal of an existing pit.

Present for this discussion was Max Schriock of Aggregates Constructions Inc. Chairman Hovda asked which way the pit was accessed. Mr. Schriock stated they are using the township road off

of old Highway 2 for no more than a half mile north. When they leave the pit they will go south toward old Highway 2 as this pit is for the reconstruction of old Highway 2. Commissioner Borud asked if the material from this pit was the correct material to rebuild old Highway 2. Mr. Schriock stated it is. Lisa Lee, Assistant Planning & Zoning Administrator reported we have State certification of the material. Commissioner Ruland asked for the length of conditional use permit and had concerns about trucks on newly rebuilt highway. Assistant Planning & Zoning Administrator Lee stated the time frame is up to Planning & Zoning and can be up to 5 years or limited to a project. Chairman Hovda asked the weights of the new highway. Commissioner Borud stated 105,500 pounds. Chairman Hovda stated with that weight limit, truck traffic shouldn't be a problem.

Moved by Commissioner Sorenson, seconded by Commissioner Borud to approve a zoning request filed by Aggregates Construction Inc., with concurrence from Kenneth & Hope Lystad landowners, for a five (5) year conditional use permit to use land zoned agricultural for mining aggregate on a 66.11 acre, more or less, tract of land described as the E½SE¼, less Outlots 1 & 2, of Section 9, Township 156 North, Range 90 West (Palermo Township) contingent upon a \$50,000 bond payable to Mountrail County including road haul and reclamation agreements as Aggregates Construction Inc. has met all criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is contingent upon Aggregates Construction Inc. complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

Chairman Hovda called the 8:48 a.m. public hearing to order regarding a zoning request filed by Curtis Trulson, landowner, for a variance permit to pump water on a 40 acre, more or less, tract of land known as the NE¼NE¼ of Section 20, Township 156 North, Range 92 West (Ross Township). Seven certified mail receipts have been received with no other comments on the project.

Present for this discussion was Curtis Trulson. Mr. Trulson stated he is pumping water for EOG's use. Chairman Hovda stated he needs to contact all township, counties and landowners for lying of the pipe. Mr. Trulson stated EOG is using the water and he has made the contacts. Chairman Hovda stated having the state water permit is good, great that EOG is pumping the water and it's better than using ground water.

Moved by Commissioner Sorenson, seconded by Commissioner Bieri to approve a zoning request filed by Curtis Trulson, landowner, for a variance permit to pump water on a 40 acre, more or less, tract of land known as the NE¼NE¼ of Section 20, Township 156 North, Range 92 West (Ross Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2016-17496 as Curtis Trulson has met all criteria as set forth in Article IV, Section V, of the Mountrail County Zoning

Ordinance and is further contingent upon Curtis Trulson complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

Chairman Hovda called the 8:51 a.m. public hearing to order regarding a zoning request filed by Knife River – North Central, with concurrence from JoAnne Enger, Carol McIntry, Janet Lalim & Cheryl Swedenborg, landowners, for a conditional use permit to use land zoned agricultural for mining sand & gravel, and other asphalt operations on a 70 acre, more or less, tract of land described as the N½SW¼ of Section 17, Township 157 North, Range 94 West (White Earth Township). Three certified return receipt cards from adjacent landowners were received and no other written comments were received. This is a renewal of the pit and we have evidence of a bond.

Present for the discussion was Chris Kautz of Knife River – North Central. Commissioner Ruland asked if they are washing gravel and if so they will need a water permit. Mr. Kautz stated they are washing gravel for the concrete and they have the required State permits. Mr. Kautz stated no fresh water is used for this. He stated there is not much gravel left in the pit but the concrete plant is there. Commissioner Ruland asked if they are bringing material into the pit. Mr. Kautz stated no material will be brought in as there are stockpiles already there for them to use. Mr. Kautz stated will use the rubble piles there to crush down as needed. Chairman Hovda asked about a haul route. Mr. Kautz stated he has permission in writing from the township to travel on the roads. Mr. Kautz stated Knife River does not bury material as the pit is not a landfill. All material is crushed and used. Commissioner Borud asked about dust control and asked who dictates when that will be done. Mr. Kautz stated the operation manger takes care of that. Kautz stated if Knife River does big hauls, their water trucks are there. Commissioner Sorenson stated Knife River's haul route agreement covers dust control.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to approve a zoning request filed by Knife River – North Central, with concurrence from JoAnne Enger, Carol McIntry, Janet Lalim & Cheryl Swedenborg, landowners, for a five (5) year conditional use permit to use land zoned agricultural for mining sand & gravel, and other asphalt operations on a 70 acre, more or less, tract of land described as the N½SW¼ of Section 17, Township 157 North, Range 94 West (White Earth Township) contingent upon a \$50,000 bond payable to Mountrail County including road haul and reclamation agreements as Knife River – North Central has met all the criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon Knife River – North Central complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 8:54 a.m. public hearing to order regarding a subdivision review request filed by Pro Pipe Corporation in concurrence with Betty Neset Restated Family Trust, landowners, for a 5.5 acre, more or less, tract of land described as an Outlot in the NW¼ of

Section 30, Township 157 North, Range 94 West (White Earth Township). One certified mail receipt has been received and no other comments have been received. Assistant Planning & Zoning Administrator Lee stated this is a project that has been in existence since 2008 and they are working on getting the property into compliance.

Present for this hearing was Ron Marsh of Pro Pipe Corporation. Mr. Marsh stated in 2008 Pro Pipe leased the property for a project with Enbridge. Once that project was completed, the economy exploded so Pro Pipe just stayed there. In 2013 the landowner got a notice the property needed to be brought into compliance, however Mrs. Stone was in a severe car accident that year, so the paperwork wasn't completed. This spring the landowner received another notice, so Mr. Marsh volunteered to do the leg work. So while it has been a very busy project getting the landowner's signature, he was able to get the paperwork complete to bring the property into compliance. Commissioner Borud asked about the amount of traffic to the business. Mr. Marsh stated there is more traffic going by, not to, at this time. He stated Pro Pipe has bought property in McKenzie County, so the majority of Pro Pipe's business is located there. He stated this site is not that busy now, but could go up to 8 to 10 pickups if they were to get busy. Commissioner Sorensen asked how many people live there. Mr. Marsh stated there is a skid shack for an office and his mobile home is there as his office. He lives offsite. Mr. Marsh stated everything around the shop is portable. Commissioner Ruland stated no one can live on the site if it's industrial. Commissioner Ruland asked if material were stored inside the road easement. Mr. Marsh stated all that material has been moved closer to the shop and will move anything that might be still in the road easement of 68<sup>th</sup> street NW. Assistant Planning & Zoning Administrator Lee stated Pro Pipe has also submitted a variance permit as the building on the site is within the 75' easement of 102<sup>nd</sup> Ave SW. Mr. Marsh stated the landowner built that building before Pro Pipe was there. Commissioner Sorenson stated the trailer house there must be removed as it looks like someone is living there as there is a deck and entry way. Commissioner Sorenson stated the trailer is not an office. Mr. Marsh stated the trailer house will continue to be used as an office and will remove the deck. Commissioner Sorenson recommended the trailer be removed as it shows that someone is living in it. Chairman Hovda asked if anyone was living there. Mr. Marsh stated used to be him. Chairman Hovda asked the date of the picture they were looking at. Lori Hanson, Mountrail County Tax Director stated Google Earth is about 2 years old and they know Mr. Marsh purchased property to live on as the deed is recorded. Commissioner Sorenson stated someone is living in the camper showing in the picture and the camper must be removed. Mr. Marsh stated that camper is not there any longer. Commissioner Ruland reminded Mr. Marsh that all section lines must remain open, even if for only walking traffic. Mr. Marsh stated all the crane mats that show on the picture have been moved from the site. Chairman Hovda asked if there was a fence between the property and the road. Mr. Marsh stated yes. Chairman Hovda stated if they approved this plat, Assistant Planning & Zoning Administrator Lee will need to go out to make sure that things are moved from the easements and section line. Lisa stated she was out there prior to Pro Pipe application to bring the property into compliance and would go out there again to verify the items were removed. Mr. Marsh stated it would take him about an

hour to get everything moved. Commissioner Borud stated it's good to get this into compliance. Mr. Marsh stated he would like to continue to operate out of this site but if they had to, they could move everything to another location. Commissioner Sorenson stated we need to get down to our permitted uses and not use this site as a housing facility. Commissioner Hovda asked if there were any other questions. Lori Hanson, Mountrail County Tax Director reminded the Board this is just to approve the plat.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve a subdivision review request filed by Pro Pipe Corporation in concurrence with Betty Neset Restated Family Trust, landowners, for a 5.5 acre, more or less, tract of land described as Outlot 1 in the NW¼ of Section 30, Township 157 North, Range 94 West (White Earth Township) as Pro Pipe Corporation has met all criteria as set forth in Chapter 4, of the Mountrail County Land Subdivision Resolution and is further contingent upon Pro Pipe Corporation complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

The final plat was signed by Chairman Hovda and given back to Ron Marsh of Pro Pipe Corporation with instructions to take the original plat to the Mountrail County courthouse to be recorded.

Chairman Hovda called the 8:57 a.m. public hearing to order regarding a zoning request filed by Pro Pipe Corporation in concurrence with Betty Neset Restated Family Trust, landowners, for an amendment to change land zoned agricultural to industrial for the purpose of operating a construction business on a 5.5 acre, more or less, tract of land described as an Outlot in the NW¼ of Section 30, Township 157 North, Range 94 West (White Earth Township). One certified mail receipt has been received and no other comments have been received.

Present for this hearing was Ron Marsh of Pro Pipe Corporation. Chairman Hovda confirmed this is to change the zoning from agricultural to industrial and since this was already discussed, is there any other thoughts or concerns. Commissioner Sorenson stated these types of businesses are normally located next to a highway. Commissioner Borud stated when possible. Chairman Hovda asked how far from the highway. Mr. Marsh stated Pro Pipe is a mile west of the gas plant and a mile east of Air Liquide plant. Commissioner Ruland stated 68<sup>th</sup> street NW is a very wide gravel road. Mr. Marsh stated Knife River runs on it a lot but keep up with the dust control. Lori Hanson, Mountrail County Tax Director stated there are several industrial locations around this site as well as several gravel pits. Commissioner Ruland asked if industrial was the correct zoning for this type of business. Assistant Planning & Zoning Administrator Lee stated pipe storage is listed as a conditional use on industrial land. Chairman Hovda stated industrial is the correct zoning.



Moved by Commissioner Borud, seconded by Commissioner Bieri present finding of fact from the July 25, 2016 public hearing and make a recommendation to the Mountrail County Commissioners for approval of the zoning request filed by Pro Pipe Corporation in concurrence with Betty Neset Restated Family Trust, landowners, for an amendment to change land zoned agricultural to industrial for the purpose of operating a construction business on a 5.5 acre, more or less, tract of land described as an Outlot in the NW¼ of Section 30, Township 157 North, Range 94 West (White Earth Township) as Pro Pipe Corporation has met all criteria as set forth in Article IV, Section III, of the Mountrail County Zoning Ordinance and is further contingent upon Pro Pipe Corporation complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

Heather Greenlee, Mountrail County Auditor's Office, gave Ron Marsh of Pro Pipe Corporation a copy of the amendment public notice that assigned a meeting time and date for the Mountrail County Commissioners to hear Pro Pipe Corporation's zoning request.

Chairman Hovda called the 9:00 a.m. public hearing to order regarding a zoning request filed by Pro Pipe Corporation in concurrence with Betty Neset Restated Family Trust, landowners, for a variance for an existing shop 50' from the section line for the purpose of operating a construction business on a 5.5 acre, more or less, tract of land described as an Outlot in the NW¼ of Section 30, Township 157 North, Range 94 West (White Earth Township). One certified mail receipt has been received and no other comments have been received. Assistant Planning & Zoning Administrator Lee clarified the shop was already there when Pro Pipe leased the shop in 2008. This variance is for the set back.

Present for this hearing was Ron Marsh of Pro Pipe Corporation. Chairman Hovda asked Mr. Marsh to show them the building in question on the map shown on the screen and verified the section line is unimproved. Commissioner Ruland reminded everyone that section lines must remain open even if they are unimproved. Lori Hanson, Mountrail County Tax Director stated Pro Pipe must leave open 33' on either side of the section line. Chairman Hovda asked if Pro Pipe has the section line identified; since it was recently platted there would be pins in the ground to show the boundaries. Mr. Marsh stated will have the section line identified for Lisa to see when she arrives for a site check.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve a zoning request filed by Pro Pipe Corporation in concurrence with Betty Neset Restated Family Trust, landowners, for a variance for an existing shop 50' from the section line for the purpose of operating a construction business on a 5.5 acre, more or less, tract of land described as an Outlot in the NW¼ of Section 30, Township 157 North, Range 94 West (White Earth Township) contingent upon the amendment being approved as Pro Pipe Corporation has met all criteria as set forth in Article IV, Section V, of the Mountrail County Zoning Ordinance and is further contingent upon Pro

Pipe Corporation complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

Chairman Hovda called the 9:03 a.m. public hearing to order regarding a subdivision review request filed by Katie & Josh Steele in concurrence with Kevin & Delaine Uran, landowners, for a 9.99 acre, more or less, tract of land described as Outlot 1 in the NE¼ of Section 21, Township 154 North, Range 93 West (Rat Lake Township). Two certified mail receipts have been received and no other comments have been received.

Present for this hearing was Katie Steele. Mrs. Steele stated her father is giving her the land her house is built on.

Moved by Commissioner Ruland, seconded by Commissioner Klug to approve a subdivision review request filed by Katie & Josh Steele in concurrence with Kevin & Delaine Uran, landowners, for a 9.99 acre, more or less, tract of land described as Outlot 1 in the NE¼ of Section 21, Township 154 North, Range 93 West (Rat Lake Township) with a \$100 fee as Katie & Josh Steele have met all criteria as set forth in Chapter 4, of the Mountrail County Land Subdivision Resolution and is further contingent upon Katie & Josh Steele complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

The final Plat was signed by Chairman Hovda and given back to Katie Steele with instructions to take the original plat to the Mountrail County courthouse to be recorded.

Chairman Hovda called the 9:07 a.m. public hearing to order regarding a zoning request filed by Jensen Bros Construction Inc., with concurrence from Robert Allan Nielsen landowners, for a conditional use permit to use land zoned agricultural for the mining of aggregate on a 29.49 acre, more or less, tract of land described as Gov't Lot 1, of Section 8, Township 156 North, Range 90 West (Palermo Township). Three certified mail receipts have been received with no other comments on the project. Lisa Lee, Assistant Planning & Zoning Administrator asked about the bond as well as road haul agreement and reclamation agreement.

Present for this hearing was Dean Jensen of Jensen Bros Construction Inc. Mr. Jensen stated they are not mining aggregate but just digging borrow for County Road 2. Mr. Jensen presented a reclamation bond as well as landowner signatures and reclamation plan.

Moved by Commissioner Borud, seconded by Commissioner Sorenson to approve a zoning request filed by Jensen Bros Construction Inc., with concurrence from Robert Allan Nielsen landowners, for a conditional use permit to use land zoned agricultural for a borrow pit on a 29.49 acre, more or less, tract of land described as Gov't Lot 1, of Section 8, Township 156 North, Range 90 West (Palermo Township) contingent upon the pit is used only for County Road 2 and will be

reclaimed this year. This is also contingent upon a \$25,000 bond payable to Mountrail County including a reclamation agreement as Jensen Bros Construction Inc. has met all the criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon Jensen Bros Construction Inc. complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve the building permits #1907, 1925, 1941 - 1951. Upon roll call, all present voted yes. Motion carried.

Board Concerns – Commissioner Ruland discussed the gravel pit language needs to be clear on the conditional use permits to prevent contractors from bringing in other materials.

Commissioner Ruland also asked about the King Pit. Lisa Lee, Assistant Planning & Zoning Administrator advised the parties are working on a road haul agreement and would be a violation to move anything until that agreement is final. Also discussed was the importance of gravel pits being certified weed free. Commissioner Sorenson suggested an addendum to conditional use permits for gravel to include hauling in materials if needed because sometime other materials are needed. Commissioner Borud agreed if the State requires pits must be weed free, then so should the Counties.

Commissioner Sorenson stated the time-frame for processing water permits should be shorter. He stated he knows the State water permits can take some time, but the county takes too much time. Commissioner Ruland stated the process is to give the landowners notices so these request need to take time. Lori Hanson, Mountrail County Tax Director suggested applicants can apply for a variance the same time they apply for a State permit to possibly speed up the process. We would just need the application. Chairman Hovda stated could put language in the variance tying it to the State water permit.

Staff Concerns:

Ames Construction/Hamed Juma Sr – Pit release – NE½NW¼ Section 15, Township 156, Range 93 (Manitou Township). Conditional Use Permit issued May 27, 2014 to mine clay and other borrow materials.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to approve releasing the bond for Ames Construction/Hamed Juma Sr. on an 80 acre, more or less, tract of land described as the W½SW¼ Section 15, Township 156, Range 93 (Manitou Township) as the project has been completed. Upon roll call, all present voted yes. Motion carried

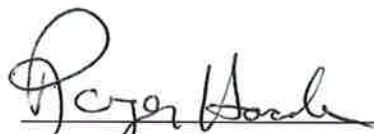
JMAC release of bond. E½SW¼SW¼ Section 10, Township 157, Range 94 (White Earth Township). This Conditional Use Permit was revoked in March, 2016 by Planning & Zoning. No gravel was mined from this site. Marty Jorstad is the landowner.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve releasing bond number SUR0006673 for JMAC/Marty Jorstad on a 20 acre, more or less, tract of land described as the E½SW¼SW¼ Section 10, Township 157, Range 94 (White Earth Township) as the permit was revoked March 28, 2016 due to the permit not being filed and no gravel was mined from the site. Upon roll call, all present voted yes. Motion carried

Chairman Hovda adjourned the meeting.

The next regular meeting of the Mountrail County Planning & Zoning Board is Monday, August 22<sup>nd</sup> 2016 at 8:30 am at the Mountrail County South Complex, 8103 61<sup>st</sup> St. NW Stanley, ND 58784.

Accepted and approved this 22<sup>nd</sup> day of August 2016.



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Roger Hovda, Chairman  
Mountrail County  
Planning & Zoning Commission



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Liz Hollowell  
Administrative Assistant  
Planning & Zoning