

PROCEEDINGS OF THE MOUNTRAIL COUNTY
PLANNING & ZONING COMMISSION
Monday, July 27th 2015

The Mountrail County Planning & Zoning Commission met on Monday, July 27, 2015 at the Mountrail County South Complex with the following voting members present: Chase Lindberg, Roger Hovda, Arlo Borud, Rose Marie Bieri, 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, Don Longmuir, Planning and Zoning Administrator and Lisa Lee, Assistant Planning & Zoning Administrator.

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

Chairman Hovda called the 8:30 a.m. public hearing to order to discuss a zoning request filed by Curtis & Lesley Trulson, landowners, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as NW¼ Section 25, Township 156 North, Range 92 West (Ross Township). Present for this discussion was Curtis Trulson who provided three certified return receipt cards from adjacent landowners. No further comments were received. Discussion included the water will be piped, all landowners will be contacted prior to laying pipe, and no pipes are to be laid on unimproved section lines. If trucked, a road haul and maintenance agreement would be required along with dust control.

Moved by Commissioner Borud, seconded by Commissioner Sorenson to approve the zoning request filed by Curtis & Lesley Trulson, landowners, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as NW¼ Section 25, Township 156 North, Range 92 West (Ross Township) contingent upon a road haul agreement, dust control and maintenance agreement if trucked, and further contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015- 16733 as Curtis & Lesley Trulson have met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Curtis & Lesley Trulson 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 8:33 a.m. public hearing to order to discuss a zoning request filed by Curtis & Lesley Trulson, landowners, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as NE¼ Section 20, Township 156 North, Range 92 West (Ross Township). Present for this discussion was Curtis Trulson who presented five certified return receipt cards from adjacent landowners. Discussion included the water will be piped, all landowners will be contacted prior to laying pipe, no pipes to be placed on unimproved section lines. If trucked, a road haul and maintenance agreement would be required along with dust control.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to approve the zoning request filed by Curtis & Lesley Trulson, landowners, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as NE¼ Section 20, Township 156 North, Range 92 West (Ross Township) contingent upon a road haul agreement, dust control and maintenance agreement if trucked, and further contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015- 16687 as Curtis & Lesley Trulson have met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon

Curtis & Leslie Trulson 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 June 22, 2015 Planning and Zoning meeting as presented.

Chairman Hovda called the 8:36 a.m. public hearing to order regarding the zoning request filed by Dakota Energy Resources Corporation, with concurrence from R&K Family Farms LLLP, landowner, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as SW¼ Section 28, Township 153 North, Range 88 West (Spring Coulee Township). Present for this discussion was Mike Childs of Dakota Energy Resources Corporation who presented eight certified return receipt cards from adjacent landowners. No further comments were received. Discussion included Dakota Energy Resources Corporation will obtain landowner permission prior to placing pipe and will contact appropriate township and county entities.

Moved by Commissioner Klug, seconded by Commissioner Weisenberger to approve the zoning request filed by Dakota Energy Resources Corporation, with concurrence from R&K Family Farms LLLP, landowner, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as SW¼ Section 28, Township 153 North, Range 88 West (Spring Coulee Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015- 16758 as Dakota Energy Resources Corporation 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 Resources Corporation 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 8:39 a.m. public hearing to order regarding the zoning request filed by Dakota Energy Resources Corporation, with concurrence from the Wallace L. Nelson Decedents Trust, landowner, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as the NE¼ Section 1, Township 152 North, Range 89 West (Model Township). Present for this discussion was Mike Childs of Dakota Energy Resources Corporation who presented six certified return receipt cards from adjacent landowners. Discussion included the water is to be piped, the closest well is seven miles away, and landowners need to be contacted prior to laying pipe.

Moved by Commissioner Borud, seconded by Commissioner Lindberg to approve the zoning request filed by Dakota Energy Resources Corporation, with concurrence from the Wallace L. Nelson Decedents Trust, landowner, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as the NE¼ Section 1, Township 152 North, Range 89 West (Model Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015- 16760 as Dakota Energy Resources Corporation 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 Resources Corporation 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 8:42 a.m. public hearing to order regarding the zoning request filed by Dakota Energy Resources Corporation, with concurrence from the Risan Limited Partnership, landowner, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as SW¼ Section 26, Township 152 North, Range 90 West (Parshall Township). Present for this

discussion was Mike Childs of Dakota Energy Resources Corporation who requested this application be pulled due to the water permit not being approved.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to deny the zoning request filed by Dakota Energy Resources Corporation, with concurrence from the Risan Limited Partnership, landowner, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as SW¼ Section 26, Township 152 North, Range 90 West (Parshall Township) for lack of a State Water Permit. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 8:45 a.m. public hearing to order regarding the zoning request filed by Eugene H. & Penny M. Moe, landowners, for a variance to agricultural land to pump slough water for fracking from an 80 acre, more or less, tract of land described as SE¼NW¼, SW¼NE¼ Section 30, Township 156 North, Range 94 West (Myrtle Township). Present for this discussion was Eugene Moe who presented two certified return receipt cards from adjacent landowners. No further comments were received. Discussion included the water is to be piped, landowners to be contacted, and a road haul agreement is required if trucked.

Moved by Commissioner Sorenson, seconded by Commissioner Borud to approve the zoning request filed by Eugene H. & Penny M. Moe, landowners, for a variance to agricultural land to pump slough water for fracking from an 80 acre, more or less, tract of land described as SE¼NW¼, SW¼NE¼ Section 30, Township 156 North, Range 94 West (Myrtle Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015- 16557 and if trucked a road haul agreement, maintenance and dust control is also required as Eugene H. & Penny M. Moe have met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Eugene H. & Penny M. Moe 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 building permits #1888, 1889, 1890, 1892, and 1893, and exclude 1891, 1886, and 1887 until the next meeting. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 8:48 a.m. public hearing to order regarding the zoning request filed by Bryon W. & Lois Zacher Partnership LLP, landowners, for a 54.52 acre, more or less, plat to be known as Outlot 1 of the W½NE¼ Section 20, Township 152 North, Range 89 West (Model Township). Present for this discussion was Bryon and Lois Zacher who presented five certified return receipt cards from adjacent landowners. No further comments received. Discussion included this has been approved by the plat review committee, this is for the purpose of creating an outlot for a land trade, the land is not going to be rezoned and will stay agricultural, the fee for a subdivision paid was \$1,000 however, the rate should be reduced to \$100 as the use of the land will remain agricultural.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve the zoning request with a reduced fee of \$100 for Bryon W. & Lois Zacher Partnership LLP, landowners, for a 54.52 acre, more or less, plat to be known as Outlot 1 of the W½NE¼ Section 20, Township 152 North, Range 89 West (Model Township) as Bryon W. & Lois Zacher Partnership LLP, has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Planning and Zoning staff introduced Liz Hollowell, the new administrative assistant who started July 15, 2015.

The applicant for the 8:51 a.m. and 8:54 a.m. was running late so Chairman Hovda moved to the next scheduled hearing.

Board concerns included paper versus electronic mailings, increased need for zoning enforcement, verification that variance applicants have contacted the county and townships prior to pumping, and creating a checklist with specific requirements for pumping water that would be signed by township chairmen and county to pump water for fracking.

Chairman Hovda called the 8:57 a.m. public hearing to order regarding the zoning request filed by Citadel H₂O, with concurrence from Vaughn Niemitalo, landowner, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as SE $\frac{1}{4}$ Section 26, Township 154 North, Range 91 West (Sikes Township). Present for this discussion was Bryce Klasen who presented four certified return receipt cards. No further comments were received. Discussion included awaiting the appointment of an executor for the estate, the water will be piped, and the variance will need to be signed by the executor of the estate in order to be recorded.

Moved by Commissioner Borud, seconded by Commissioner Sorenson to approve the zoning request filed by Citadel H₂O, with concurrence from Vaughn Niemitalo, landowner, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as SE $\frac{1}{4}$ Section 26, Township 154 North, Range 91 West (Sikes Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015- 16659 as Citdel H₂O has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Citadel H₂O complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:00 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). Moved by Commissioner Ruland, seconded by Commissioner Wienbar to untable this item from the June 22nd 2015 meeting. Upon roll call all present voted yes, motion carried. Present for this discussion was Tom Young who presented the four certified return receipt cards from adjacent landowners. Discussion included the plat has been signed by Patricia Barstad, this is to increase the size of an existing salt water disposal site in order to accommodate truck turn around space for maintenance, and everything is currently trucked.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the outlot plat review 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) as White Owl has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:03 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 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). Moved by Commissioner Borud,

seconded by Commissioner Ruland to untable this item from the June 22nd 2015 meeting. Upon roll call all present voted yes, motion carried.

Present for this discussion was Tom Young who presented three certified return receipt cards from adjacent landowners. No further comments were received. Discussion included all issues from the previous meeting had been resolved.

Moved by Commissioner Ruland, seconded by Commissioner Klug to present findings of fact from the July 27th 2015 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning amendment filed by Warren Brown of White Owl Energy Services to the Mountrail County Zoning Map to change land zoned as agricultural to industrial for the purpose of increasing the size of a saltwater disposal facility on an 2.3 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) as White Owl 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 White Owl 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 8:51 a.m. public hearing to order regarding the zoning request filed by Select Energy Services, with concurrence from Michael J. Sorenson, landowner, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as NE $\frac{1}{4}$ Section 12, Township 155 North, Range 93 West (Debing Township). Present for this discussion was Roger Arredondo of Select Energy Services who presented three certified return receipt cards from adjacent landowners. Discussion included this is to be piped only, permission must be obtained from landowners, and unimproved section lines must be passable.

Moved by Commissioner Klug, seconded by Commissioner Lindberg to approve the zoning request filed by Select Energy Services, with concurrence from Michael J. Sorenson, landowner, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract of land described as NE $\frac{1}{4}$ Section 12, Township 155 North, Range 93 West (Debing Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015-16826 as Select Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Select Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 8:54 a.m. public hearing to order regarding the zoning request filed by Select Energy Services, with concurrence from the Diane Kjos Revocable Trust, landowner, for a variance on agricultural land to pump slough water for fracking from a 320 acre, more or less, tract described as W $\frac{1}{2}$ Section 13, Township 155 North, Range 93 West (Debing Township). Present for this discussion was Roger Arredondo who presented four certified return receipt cards from adjacent landowners. One comment was received regarding Clark Cvancara's water fowl easement, however this issue would fall under the jurisdiction of the State Water Commission. Discussion included contacting landowners prior to placing pipe, and unimproved section lines must be passable.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the zoning request filed by Select Energy Services, with concurrence from the Diane Kjos Revocable Trust, landowner, for a variance on agricultural land to pump slough water for fracking from a 320 acre, more or less, tract described as W $\frac{1}{2}$ Section 13, Township 155 North, Range 93 West (Debing Township) contingent upon the terms and conditions

of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015-16858 as Select Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Select Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Staff concerns included I. Jay and Kier Jackson's building permits and subdivision application will be discussed in August at the next Planning and Zoning meeting, and as for enforcement, several zoning violations will be recommended for further action by the Mountrail County States Attorney's office including Michael Parmeter, Donald D. Rhode, and Sy Grothe who have not complied with County Ordinances after receiving cease and desist orders. The County zoning is also working with the State Health Department on Sylvia Fladeland's land. Additionally, unreturned and unrecorded documents will be declared void after 60 days and will then be cited for being in violation.

Also discussed was Williams County has placed extreme restrictions on man camps, and other counties also considering taking similar measures.

Moved by Commissioner Borud, seconded by Commissioner Ruland, 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 August 24th, 2015 at 8:30 a.m. at the Mountrail County South Complex 8103 61st NW, Stanley, N.D.

Accepted and approved this 24th day of August 2015.

Roger Hovda, Chairman
Mountrail County Planning & Zoning Commission

Lisa Lee
Assistant Zoning Administrator