

PROCEEDINGS OF THE MOUNTRAIL COUNTY  
PLANNING & ZONING COMMISSION  
Monday, August 24<sup>th</sup>, 2015

The Mountrail County Planning & Zoning Commission met on Monday, August 24<sup>th</sup>, 2015 at the Mountrail County South Complex with the following voting members present: Roger Hovda, Arlo Borud, Trudy Ruland, Bill Klug, Charlie Sorenson, Gary Weisenberger, and Linda Wienbar. Absent were Chase Lindberg and Rose Marie Bieri. 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 Pinky's Aggregates Inc. with concurrence from Paul R. & Tricia D. Wheeling, landowners for a conditional use permit to use land zoned agricultural for the mining of sand, gravel, scoria or clay on an 80 acre, more or less, tract of land described as the S½NW¼ Section 3, Township 153 North, Range 88 West (Spring Coulee Township). Present for this discussion was Jeff Martinson of Pinky's Aggregates who presented eight certified return receipt cards from adjacent landowners. This application was tabled at the May 26, 2015 meeting, denied at the June 22<sup>nd</sup> meeting as no one was present. Comments were received from the Minot Air Force Base, Robin and Kathy Funke, and Gary Johnson. Discussion included this gravel would service the Makoti/Plaza area road projects, landowners, Thunder Butte, and well pads. This pit would start with 40 acres and possibly develop 40 more acres in the future. The proposed route was to use 62<sup>nd</sup> Ave NW from Plaza to 47<sup>th</sup> St NW west and North on 63<sup>rd</sup> Ave NW half of a mile. 47<sup>th</sup> St. NW is currently a minimum maintenance road and 63<sup>rd</sup> Ave NW would be a section line road however, Pinky's does not have landowner easements. Paul Wheeling discussed the option of using Robert Wheeling's land as access. Also discussed was needing a Surety signature on the bond, approval from township supervisors, contractor's license needs renewal, improving public access and approval of section line development, landowner easements for legal access, and seasonal versus commercial use of a road. Randy Nielson also spoke about the costs of building a road; who is responsible for maintaining it, drainage issues, high water tables, minimum maintenance roads, and previous experience with Pinky's. Dennis Edwards spoke about damages to road and fields, a road was built but not surveyed, and he was not notified, water flow, and past experiences with the Moen pit.

Moved by Commissioner Sorenson, seconded by Commissioner Weisenberger to table this zoning request filed by Pinky's Aggregates Inc. with concurrence from Paul R. & Tricia D. Wheeling, landowners for a conditional use permit to use land zoned agricultural for the mining of sand, gravel, scoria or clay on an 80 acre, more or less, tract of land described as the S½NW¼ Section 3, Township 153 North, Range 88 West (Spring Coulee Township) until the issues including the bond, contractor's license, and access agreement could be addressed. Upon roll call, Commissioners Hovda, Weisenberger, Ruland, Klug, Sorenson, and Wienbar voted yes, Commissioner Borud voted nay, motion carried.

Chairman Hovda called the 8:33 a.m. public hearing to order regarding the zoning request filed by Mikey Weaver, with concurrence from Thomas D. Donna K. Haustveit, landowners, for a 6 acre, more or less, plat to be located in the W½ of Section 29, Township 157 North, Range 94 West (White Earth Township). Present for this discussion was Mikey Weaver who presented the four certified return receipt cards from adjacent

landowners. No further comments were received. Discussion included Mr. Weaver requested a \$100 fee as he was adding six acres in addition to his existing 15 acres with no subdividing planned. Mr. Weaver paid the \$1,000 fee last year for the same property. This would correct a previous issue with a driveway being on a neighbor's land. If sold, this would be a 21 acre lot.

Moved by Commissioner Borud, seconded by Commissioner Sorenson to approve the zoning request filed by Mikey Weaver, with concurrence from Thomas D & Donna K Haustveit, landowners, for a 6 acre, more or less, plat to be located in the W $\frac{1}{2}$  of Section 29, Township 157 North, Range 94 West (White Earth Township) at a fee of \$100 as Mikey Weaver 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 8:36 a.m. public hearing to order regarding the zoning request filed by Bryon & Bradley Zacher, with concurrence from Arlene C. Zacher Living Trust, landowner, for a conditional use permit to use land zoned agricultural for the mining of sand, gravel, scoria or clay on a 40 acre, more or less, tract of land described as the N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$  Section 7, Township 153 North, Range 90 West (Wayzetta Township). Present for this discussion was Bryon Zacher who presented seven certified return receipt cards from adjacent landowners. Discussion included this would be to stockpile gravel and at this time it will not be hauled. Assigned certificate of deposit for \$50,000 naming Mountrail County in lieu of a bond held by the county, and a road haul agreement required.

Moved by Commissioner Ruland, seconded by Commissioner Sorenson to approve the zoning request filed by Bryon & Bradley Zacher, with concurrence from Arlene C. Zacher Living Trust, landowner, for a conditional use permit to use land zoned agricultural for the mining of sand, gravel, scoria or clay on a 40 acre, more or less, tract of land described as the N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$  Section 7, Township 153 North, Range 90 West (Wayzetta Township) contingent upon the County holding the assigned certificate of deposit and a road haul agreement, as Bryon and Bradley Zacher 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 Bryon and Bradley Zacher 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 8:39 a.m. public hearing to order regarding the zoning request filed by Mountrail Williams Electric Cooperative Inc., landowner, for a variance on commercial land to allow for an electrical substation and the structure would be set back 100 feet from the centerline of 75<sup>th</sup> Avenue NW, on a 3.41 acre, more or less, tract of land described as a plot 475' x 475' in the NE $\frac{1}{4}$  Section 21, Township 154 North, Range 90 West (Austin Township). Present for this discussion was Chris Brostuen who presented three certified return receipt cards from adjacent landowners. Discussion included this is to place an electrical substation on commercial land and also for a setback of 100 feet. The site layout submitted to the board shows a 60 or 70 ft. setback for the fence and about 100 ft. for structures.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve the zoning request filed by Mountrail Williams Electric Cooperative Inc., landowner, for a variance on commercial land to allow for an electrical substation at 150 ft. setback from the centerline of 75<sup>th</sup> Avenue NW, on a 3.41 acre, more or less, tract of land described as a plot 475' x 475' in the NE $\frac{1}{4}$  Section 21, Township 154 North, Range 90 West (Austin Township) as Mountrail Williams Electric Cooperative Inc. has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Mountrail Williams Electric Cooperative Inc. complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman Hovda called the 8:42 a.m. public hearing to order regarding the zoning request filed by Mountrail Williams Electric Cooperative Inc., with concurrence from Karen Arndt & Bonnie Mahnke, landowners, for a conditional use permit to use land zoned industrial to construct a substation on a 16.953 acre, more or less, tract of land lying within the NW¼NW¼ Section 26, Township 156 North, Range 92 West (Ross Township). Present for this discussion was Chris Brostuen who presented five certified return receipt cards from adjacent landowners. Discussion included this is for the Hess pipeline storage yard, this would meet county set backs, Chris provided a testamentary agreement naming Rebecca Evans as the personal representative of the estate and Rebecca has signed the application.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the zoning request filed by Mountrail Williams Electric Cooperative Inc., with concurrence from Karen Arndt & Bonnie Mahnke, landowners, for a conditional use permit to use land zoned industrial to construct a substation on a 16.953 acre, more or less, tract of land lying within the NW¼NW¼ Section 26, Township 156 North, Range 92 West (Ross Township) as Mountrail Williams Electric Cooperative Inc. 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 Mountrail Williams Electric Cooperative Inc. complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman Hovda called the 8:45 a.m. public hearing to order regarding the subdivision review application filed by I. Jay & Kier Jackson for a subdivision to be located in Sublots A & B of Outlot 4 in Government Lot 4 in the NE¼SE¼ Section 34, Township 157 North, Range 91 West (James Hill Township). Present for this discussion was I. Jay and Kier Jackson who presented three certified return receipt cards from adjacent landowners. Discussion included this would be for the purpose of splitting the land up into one acre lots for family, the Jacksons met with States Attorney Enget and Planning Administrator Longmuir previously to discuss concerns regarding FEMA trailers on Outlot 2 which will be sold or stored on Sublot C as it is commercial. Outlot 4 has one house, Outlot 3 has two homes each with individual septic tanks and permits from the Upper Missouri Health District Unit. The Jacksons intend to plant tree rows, obtain rural water services, and install telephone lines. Also discussed was access was on a quarter line road, maintenance, no response from Key Energy regarding the road, previous surveys, this would be 9.58 acres total, sewer permits, and water.

Moved by Commissioner Borud, seconded by Commissioner Klug to approve the subdivision review application filed by I. Jay & Kier Jackson for a subdivision to be located in Sublots A & B of Outlot 4 in Government Lot 4 in the NE¼SE¼ Section 34, Township 157 North, Range 91 West (James Hill Township) as 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 8:48 a.m. public hearing to order regarding the zoning request filed by Dakota Energy Resources Corporation, with concurrence from Carl P. Kannianen, landowner, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract described as NE¼ Section 7, Township 153 North, Range 91 West (Crane Creek Township). Present for this discussion was Mike Childs of Dakota Energy who presented four certified return receipt cards from adjacent landowners. Discussion included there would be no trucks, this is to lay flat hose above ground, the water permit is valid for one year, and Dakota Energy will contact landowners and township supervisors prior to laying hose.

Moved by Commissioner Klug, seconded by Commissioner Borud To approve the zoning request filed by Dakota Energy Resources Corporation, with concurrence from Carl P. Kannianen, landowner, for a variance on agricultural land to pump slough water for fracking from a 160 acre, more or less, tract described as NE¼

Section 7, Township 153 North, Range 91 West (Crane Creek Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015- 16739 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 8:51 a.m. public hearing to order regarding the zoning request filed by Mildred Roggenbuck for a 24.05 acre more or less, plat to be located in the NW¼NW¼ Section 25, Township 153 North, Range 93 West (Unorganized Township). No one was present for this public hearing. There were no adjacent landowners within 150 ft. Discussion included this is for the purposes of separating what is used as an existing industrial water depot.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the zoning request filed by Mildred Roggenbuck for a 24.05 acre more or less, plat to be located in the NW¼NW¼ Section 25, Township 153 North, Range 93 West (Unorganized Township) 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 requested a motion to untable the 8:54 a.m. public hearing regarding the zoning request filed by Sundhagen Sand & Gravel Inc., with concurrence from the State of North Dakota, landowner, for a conditional use permit to use land zoned agricultural for the mining of sand, gravel, scoria or clay on an 80 acre, more or less, tract of land located in the SE¼ Section 28, Township 155 North, Range 94 West (Unorganized Township).

Moved by Commissioner Ruland, seconded by Commissioner Borud to remove this item from the table. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:54 a.m. public hearing to order regarding the zoning request filed by Sundhagen Sand & Gravel Inc., with concurrence from the State of North Dakota, landowner, for a conditional use permit to use land zoned agricultural for the mining of sand, gravel, scoria or clay on an 80 acre, more or less, tract of land located in the S½SE¼ Section 28, Township 155 North, Range 94 West (Unorganized Township). Present for this discussion was Curt Waldie who presented three certified return receipt cards from adjacent landowners. Discussion included this is for 80 acres, access point off of 1804, letter of credit for \$75,600 for reclamation approved by the State, this credit will expire 12/31/2019, this permit would be tied to the length of the credit for a period of four years.

Moved by Commissioner Ruland, seconded by Commissioner Sorenson to approve the zoning request filed by Sundhagen Sand & Gravel Inc., with concurrence from the State of North Dakota, landowner, for a conditional use permit to use land zoned agricultural for the mining of sand, gravel, scoria or clay on an 80 acre, more or less, tract of land located in the S½SE¼ Section 28, Township 155 North, Range 94 West (Unorganized Township) for a four year term, requiring a reclamation bond along with a road haul agreement, and dust control as Sundhagen Sand & Gravel Inc. 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 Sundhagen Sand & Gravel Inc. complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the minutes from the July 27<sup>th</sup> 2015 Planning and Zoning meeting. Upon roll call all present voted yes, motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Borud to approve building permits 1894-1899 and 1886. Upon roll call all present voted yes, motion carried.

Board concerns included the proper construction of and enforcement of road haul agreements. Also discussed was the proper application of dust suppression and the implications if improperly applied. The product can become a road grader repellent and has a useful life period. Alternative methods of dust suppression include using water to reactivate the product, blading the road, and reducing speed. Incorrect application can cause damage to roads and to farm equipment and vehicles. Additionally, road haul agreements need to be enforced to be useful. Township road haul agreements are the responsibility of the townships. County agreements are the responsibility of the county.

Staff concerns included two building permits issued for the same structure due to a clerical error. Moved by Commissioner Borud, seconded by Commissioner Wienbar to approve building permit number 1891 and voiding building permit number 1887. Upon roll call vote all present vote yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Ruland to release the amended conditional use permit dated September 27, 2010 filed by CMG Oil & Gas Inc., with concurrence from Rodney W., Patricia M. & Julia Barstad, landowners, allowing for 20 camper spaces and up to six 3-bedroom mobile homes for employees and their families on Outlot 1 of the E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 26, township 156 North, Range 93 West (Manitou Township) at the request of CMG Oil & Gas Inc. Upon roll call, all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to release the bonds for Riley Brothers including:

1. Bond #62041488 issued by Ohio Farmers Insurance Co, May 30, 2014 for the Arlene C. Zacher Living Trust pit located in the N $\frac{1}{2}$ SW $\frac{1}{4}$  Sec. 2, Twp. 153N, Rge. 90 W.
2. Bond #62041488 issued by Western Surety Company May 21, 2014 for the Arlene C. Zacher Living Trust pit located in the S $\frac{1}{2}$ SW $\frac{1}{4}$  Sec. 2, Twp. 153N, Rge. 90W.
3. Bond #62041516 issued by Western Surety Company May 21, 2014 for the Paul & Jean Hendrickson pit located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec.15, Twp. 153N, Rge.90W.

Upon roll call, all present voted yes, motion carried.

Staff discussed the industrial use of land owned by David Debertin in the NE $\frac{1}{4}$  of Section 20, Township 152 Range 90. Currently there are 15-20 oil field generators being stored on land zoned agricultural. Discussion included scrap yards around the county, current oil field slow down, leaving them on oil field sites, or finding other appropriately zoned locations for their storage. It is important to apply zoning regulations consistently around the county. It was the opinion of the board that the generators should be moved to commercial or industrially zoned land or the land needs to be rezoned. If none of the above, a cease and desist would be issued.

Patrick Bagley spoke on behalf of Phillips & Jordan, who submitted two applications for conditional use permits post deadline to mine gravel in Section 7 & 8 in Township 153 North Range 92 West (Knife River Township). The applications were not formally placed on the agenda or published in the newspaper because statutory publication deadlines had already passed. Mr. Bagley explained that when they originally bid the project with CSI for a major highway project from Johnson corner to Highway 22 South to Killdeer. The originally permitted

King Pit was expected to produce a million ton of gravel, but was full of clay. Currently Phillips and Jordan is trucking gravel from Fairview as a temporary solution but requests that their conditional use applications be considered for approval prior to the next meeting in order to keep the Highway project on schedule with proper permits. Discussion also included current publication policies and exigent circumstances warranting a special meeting. The next possible date for a meeting would be September 11<sup>th</sup> 2015 at 8:30 a.m. Publication would be made to the newspaper for two consecutive weeks prior to the special meeting and posted in the Mountrail County Courthouse and the Mountrail County South Complex.

Moved by Commissioner Borud, seconded by Commissioner Wienbar to approve a Planning and Zoning special meeting to be held on September 11, 2015 at 8:30 a.m. to hear two conditional use applications for the purpose of expanding an existing Phillips and Jordan gravel pit in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 7 & SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 8 in Township 153 North Range 92 West (Knife River Township). Upon roll call all present voted yes, motion carried.

Staff reviewed outstanding amendments and conditional use permits that have not been completed and returned for recording.

Moved by Commissioner Wiesenberger, seconded by Commissioner Wienbar to present findings of fact from the June 27, 2011 public hearing and make a recommendation to the Mountrail County Commission to deny the zoning amendment filed by CCS Midstream Services LLC, with concurrence from Jerome E., Ardis, Brian and Nancy Rice, landowners, to rezone a 320 acre, more or less, tract of land described as the E $\frac{1}{2}$  Section 7, Township 156 North, Range 94 West (Myrtle Township) from agricultural to industrial for the purpose of constructing and operating a special waste management facility for solid and liquid disposal of oil field waste for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Wiesenberger, seconded by Commissioner Klug to make a recommendation to the Mountrail County Commission to rescind the approval recommendation given September 26, 2011 and recommend the denial of the zoning amendment filed by Gregory T. Johnson to rezone a 230 acre, more or less, tract of land described as the NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$  less S $\frac{1}{2}$ S $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$  Section 35, Township 156 North, Range 93 West (Manitou Township) from agricultural to commercial to sell smaller lots for light oil field service & transportation for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Klug to make a recommendation to the Mountrail County Commission to rescind the approved recommendation given March 26, 2012 and recommend denial of the zoning amendment filed by Kelly Smith, with concurrence from the Jon R Corpron Revocable Trust Jon and Maynard Corpron Estate, landowners, to rezone Outlot 3 of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 10, Township 156 North, Range 91 West (Idaho Township) from agricultural to commercial for the purpose of parking trucks and building a shop for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Wiesenberger, seconded by Commissioner Klug to make a recommendation to the Mountrail County Commission to rescind the approval recommendation given April 23, 2012 and recommend denial of the zoning amendment filed by Kelly Smith, with concurrence from Jon R Corpron Revocable Trust & Maynard Corpron Estate to rezone a 3.00 acre more or less, tract of land described as Outlot 2 of the SW $\frac{1}{4}$ NW $\frac{1}{4}$  Section 10, Township 156 North, Range 91 West (Idaho Township) from agricultural to residential

for developing a residence for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Wienbar to make a recommendation to the Mountrail County Commission to rescind the approval recommendation given July 23, 2012 and recommend denial of the zoning amendment filed by Bundled Builders Solutions Inc., with concurrence from Rodney W. & Patricia M. Barstad and Julia Barstad, landowners, to rezone a 3.334 acre, more or less, tract of land described as Outlot 1 of the SW¼ of Section 23, Township 156 North, Range 93 West (Manitou Township) from agricultural to industrial to establish a fuel depot for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Klug to make a recommendation to the Mountrail County Commission to rescind the approval recommendation given July 23, 2012 and recommend denial of the zoning amendment filed by Bundled Builders Solutions Inc., with concurrence from Rodney W. & Patricia M. Barstad and Julia Barstad, landowners, to rezone a 5.049 acre, more or less, tract of land described as Outlot 2 of the SW¼ of Section 23, Township 156 North, Range 93 West (Manitou Township) from agricultural to commercial to establish a warehouse facility with sleeping quarters for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Wiesenberger to rescind the approval given January 23, 2012 regarding a conditional use permit filed by Aqua Terra, with concurrence from Leo Ringoen, landowner, to use agricultural land for mining gravel on a 40.00 acre, more or less, tract of land described as SW¼NW¼ of Section 35, Township 155N, Range 89W (McAlmond Township) for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Wienbar, seconded by Commissioner Klug to rescind the approval given March 26, 2012 regarding a conditional use permit filed by Michael Jones, with concurrence from landowners, Gilman Vedvig and Wayne Vedvig, to use agricultural land for mining gravel on a 80.00 acre, more or less, tract of land described as S½SW¼ of Section 13, Township 155N, Range 88W (Kickapoo Township) for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Wiesenberger, seconded by Commissioner Wienbar to rescind the approval given March 26, 2012 regarding a conditional use permit filed by Michael Jones, with concurrence from landowner, Elaine L. Cuddigan, to use agricultural land for mining gravel on a 40.00 acre, more or less, tract of land described as NW¼NE¼ of Section 28, Township 156N, Range 88W (Egan Township) for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Wienbar, seconded by Commissioner Sorenson to rescind the approval given March 26, 2012 regarding a conditional use permit filed by Eagle Rock Timber Inc., with concurrence from gravel owners, Roger K. Vesey and Darlene J. Vesey, to use agricultural land for mining gravel on a 160.00 acre, more or less, tract of land described as SW¼ of Section 3, Township 155N, Range 89W (McAlmond Township) for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Wienbar, seconded by Commissioner Sorenson to rescind the approval given March 26, 2012 regarding a conditional use permit filed by Eagle Rock Timber Inc., with concurrence from landowner, Gary L. Swensrud, to use agricultural land for gravel crushing on a 160.00 acre, more or less, tract of land described as SE¼ of Section 3, Township 155N, Range 89W (McAlmond Township) for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Wiesenberger, seconded by Commissioner Borud to rescind the approval given July 23, 2012 regarding a conditional use permit filed by Bundled Builders Solutions Inc., with concurrence from Rodney W. & Patricia M. Barstad and Julia Barstad, landowners, subject to the approval of the amendment to the Mountrail County Zoning Map filed by Bundled Builders Solutions Inc., to use industrial land to establish a fuel depot on a 3.334 acre, more or less, tract of land described as Outlot 1 of the SW¼ Section 23, Township 156 North, Range 93 West (Manitou Township) for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Wienbar, seconded by Commissioner Klug to rescind the approval given July 23, 2012 regarding a conditional use permit filed by Bundled Builders Solutions Inc., with concurrence from Rodney W. & Patricia M. Barstad and Julia Barstad, landowners, subject to the approval of the amendment to the Mountrail County Zoning Map filed by Bundled Builders Solutions Inc., to use commercial land for a warehouse facility with sleeping quarters on a 5.049 acre, more or less, tract of land described as Outlot 2 of the SW¼ Section 23, Township 156 North, Range 93 West (Manitou Township) for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Klug to rescind the approval given April 22, 2013 regarding a conditional use permit filed by Thermo Fluids Inc., with concurrence from Badlands Power Fuels, landowner to use industrial land for a used motor oil, used motor oil filters and used antifreeze recycling center on a 9 acre, more or less tract of land, described as Outlot 5 of the SW¼NE¼ Section 19, Township 156 North, Range 90 West (Palermo Township) for failure to follow through with the necessary paperwork to complete the application process. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Sorenson, seconded by Commissioner Klug 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, September 28, 2015 at 8:30 a.m. at the Mountrail County South Complex 8103 61<sup>st</sup> St. NW Stanley, ND 58784.

Accepted and approved this 28<sup>th</sup> day of September 2015.

---

Roger Hovda, Chairman  
Mountrail County Planning & Zoning Commission

---

Lisa Lee  
Assistant Zoning Administrator