

# MINUTES

## Mountrail County Planning & Zoning Commission

August 27, 2018

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Mountrail County South Complex 8103 61<sup>st</sup> St NW Stanley, ND 58784

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*Chairman Sorenson called the meeting to order at 8:33 a.m.*

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### In Attendance

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

Also present were Nate Sem, Planning & Zoning Administrator, Wade Enget, Mountrail County States Attorney, Lori Hanson, Mountrail County Tax Director, Jana Hennessy, Road & Bridge Engineer, and Liz Hollowell, Planning & Zoning Administrative Assistant.

Public attending were Landon and Bill Eskew, Highline Water LLC

Absent were Teresa Captain, Mountrail County Deputy Tax Director and Heather Greenlee, Mountrail County Deputy Auditor.

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### Approval of Agenda

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Chairman Sorenson requested a motion to review and approve the meeting agenda. Nate Sem, Planning & Zoning Administrator added building permits 2036 to the agenda for Board approval.

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

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**8:30 Public Hearing**

**Variance Permit Highline Water LLC /  
Cindy Blikre, GST Trust**

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**Applicant/Landowner:** Highline Water, LLC/Cindy Blikre GST Trust, landowner,

**Location:** 40 acre, more or less, tract of land described as the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, Township 158 North, Range 92 West (**Powers Township**)

**Number of certified mailing receipts provided: 2**

**North Dakota Temporary Permit: ND2018-18970**

**Purpose:** Pump water for fracking

**Present:** Landon Eskew, Highline Water LLC

**Discussion:** Mr. Eskew stated they would be using flat hose that will travel only on the landowners land and no trucks will be necessary. A discussion was held on the pump placement location. It was determined the point of diversion would be in Gov't Lot 5 of Section 18

**Outcome:** **Approved with contingencies.**

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Hollekim to approve the zoning request filed by Highline Water LLC., in concurrence with Cindy L Blikre GST trust, landowner, for a variance permit to pump water (*ND State Temp Water Permit ND2018-18970*) from Powers Lake for fracking on a 40 acre, more or less, tract of land described as the Gov't Lot 5 of Section 18, Township 158 North, Range 92 West (**Powers Township**) contingent upon the terms and conditions of the ND State Temporary Water Permit ND2018-18970 valid Sept 1, 2018 through August 31, 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 Highline Water LLC has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent on Highline Water LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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**Approval of Building Permits**

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Per mit No.	Name/Address of applicant	Legal Description	Sec and Lot	Township	Range	Block	Lot	Township Name	building type
<a href="#">2028</a>	Todd & Kelly Woessner PO Box 335 Parshall, ND 58770 701-898-3375 <a href="mailto:firebug@restel.net">firebug@restel.net</a>	N½SW¼	27	154	90			Austin	Zoned: AG  Pole Barn
<a href="#">2029</a>	Gary & Jacolyn L Washecheck PO Box 488 Sidney, MT 59270 406-489-0634	Riverview  Estate Sub		152	93	3	13 & 14	Unorganized	Zoned: Ag  Garage

	<a href="mailto:1stchoice@restel.com">1stchoice@restel.com</a>								
<a href="#">2332</a>	Carly Fitzsimmons & Jericole Hart PO Box 1 New Town, ND 58763 701-421-0226 & 701-898-0087 <a href="mailto:Jericolem.hart@gmail.com">Jericolem.hart@gmail.com</a>	Holsinger Estates	13	152	92	8	Osborn	Zoned: Ag 2018 Mobile Home	
<a href="#">2033</a>	Arnold & Kathy Meduna 1808 8th Ave E Williston, ND 58801 701-572-0113 -	Riverview Estate	12	152	93	5 & 6	Unorganized	Zoned: AG Storage building	
<a href="#">2036</a>	Bradley Brandt PO Box 327 Glenburn, ND 58740 701-833-8548 <a href="mailto:lokbrandt@srt.com">lokbrandt@srt.com</a>	S½ Lot 27	10	151	91		Liberty	Zoned: Res Shop/living quarters 42 x 64	

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Klug to approve building permits 2028, 2029, 2332, 2033 and 2036 with no restrictions. Upon roll call, all present voted yes. Motion carried.

Planning & Zoning will include a letter with BP 2036 to advise the zoning in that area and that RV living is not allowed.

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### Approval of Minutes

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**Motion:** Moved by Commissioner Borud, seconded by Commissioner Klug to approve the July 23, 2018 minutes as written. Upon roll call, all present voted yes. Motion carried

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### Staff Concerns

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*Stanley/Blaisdell RV Park findings:* Nate Sem, Planning & Zoning Administrator advised he had spoken with the North Dakota Department of Health regarding different RV parks in Mountrail County including the Stanley/Blaisdell RV Park. Stanley/Blaisdell RV Park has 40 or so RV's and a bunch of junk on location now. Planning & Zoning Administrator Sem stated he received an email, on or about

August 13, 2018, from Mr. Doug Goodall, the manager of Stanley/Blaisdell RV Park. Mr. Goodall advised he had his application ready to submit. To date, Planning & Zoning has not heard from him.

Wade Enget, Mountrail County States Attorney stated Nate and he had a conference call with the ND Department of Health and requested they resend their "Notice of Requirement" letter to the owners of record for the Stanley/Blaisdell RV Park as Mr. Doug Goodall does not show as an owner. The ND Department of Health sent that letter the end of July 2018 and we have not received notification of the certified mailing cards being returned. Commissioner Wienbar asked how long the RV park has been in noncompliance. Wade Enget, Mountrail County States Attorney was not sure. Chairman Sorenson stated he thought they have been in violation about a year and a half. It was determined the Stanley/Blaisdell RV Park conditional use permit expired September 26, 2016.

Wade Enget, Mountrail County States Attorney stated some of the other RV parks have voluntarily closed. A discussion on Sylvia Fladeland and Jay Snyder parks was held.

Vice Chairman Weisenberger asked when a RV parks permit expires, are they allowed to store campers on that location? Wade Enget, Mountrail County States Attorney stated no and we may have to do a civil action to stop the storage of RV's with a temporary restraining order. Vice Chairman Weisenberger stated the RV park in Manitou has several RV's but it's very quiet there. Chairman Sorenson stated there is a small amount of activity.

Commissioner Hollekim asked if the State issue was separate from Mountrail County's. Wade Enget, Mountrail County States Attorney stated they are but we need their reports to show all the issues with the RV parks to clearly show the need to put an end to them. Commissioner Hollekim asked if there was a bond. It was determined there was not.

*Sanish Subdivision report:* Nate Sem, Planning & Zoning Administrator stated he visited Sanish and there were several items in the road right away. Pictures of the violations were shown. Wade Enget, Mountrail County States Attorney stated he was meeting with Jana Hennessy, Road & Bridge Engineer after today's meeting to identify which violators will receive Notice of Violation letters. Jana Hennessy, Road & Bridge Engineer stated the items in the right away move as soon as it's time to clear the snow from the roads. Commissioner Borud asked if owners of the items in the right away have been identified and suggested a contact person who could help with that.

*Mountrail County Temporary Use Permit application (TUP), and checklists.* Wade Enget, Mountrail County States Attorney gave the Board a hard copy of the proposed ordinance change as it had been updated from the edition that was

emailed earlier. Wade Enget, Mountrail County States Attorney gave an overview of what the new ordinance was for. A discussion was held on point of diversion and hose placement. Chairman Sorenson asked if this would be taking the place of variance permit for point of diversion since that activity is temporary. Wade Enget, Mountrail County States Attorney stated that is what this ordinance is for and will change the title to "Temporary Freshwater Industrial Use Point of Diversion". It was agreed by the Board to change the name. Commissioner Hovda recommended adding longitude and latitude on the application so it was easier to find the point of diversion. Wade Enget, Mountrail County States Attorney stated while this could be handled administratively, if at any time there was a question about the application, it could be brought to the Board for consideration and approval. Wade Enget, Mountrail County States Attorney asked the Board if they had any other changes. Commission Hollekim stated adding longitude and latitude on the application and checklists is a good idea. Wade Enget, Mountrail County States Attorney stated that can be added. Liz Hollowell, Planning & Zoning Administrative Assistant asked about the title of the application. Wade Enget, Mountrail County States Attorney stated since this was the only temporary use permit we have, the application name should match. Commissioner Hovda asked if the application should state it was only for the point of diversion and not for pipelines or flat hose. Chairman Sorenson stated the applicant would check the box on the application to identify what they are applying for. Commissioner Hollekim suggested removing the box since the application was only for the point of diversion. Commissioner Ruland stated there are water sources that are not temporary and they have flat hoses going all over, so this application should include flat hose as well. A discussion was held on the checklists for pump placement and hose placement. It was determined that both would be used. Wade Enget, Mountrail County States Attorney stated there would be no fee for the hose placement, only the pump placement. It was determined that the point of diversion would be within the ND State Temporary Water permit listed. Chairman Sorenson stated all "Point of Diversion" applications are heard by the Planning & Zoning Board. Chairman Sorenson asked since Road & Bridge has a checklist and Planning & Zoning has a checklist, perhaps we should merge them since they cover most of the same things. Jana Hennessy, Road & Bridge Engineer stated Road & Bridge checklist has more requirements. It was determined that the two hose placement checklists would combine and when a project didn't apply to county roads or unorganized townships, Planning & Zoning would just mark N/A or something similar. Chairman Sorenson stated a new checklist would be necessary each time a hose was moved. Jana Hennessy, Road & Bridge Engineer asked about permit number as Road & Bridge permit numbers are unique. Wade Enget, Mountrail County States Attorney stated Planning & Zoning and Road & Bridge will work together to combine the checklists. Wade Enget, Mountrail County States Attorney stated he will make the changes to the ordinance and bring it back to next meeting.

Wade Enget, Mountrail County States Attorney explained the handout from Lori Hanson, Mountrail County Tax Director showing the Board the parcels with 3 or

more acres. Mountrail County Tax Director Hanson explained how the information on handout was determined. Chairman Sorenson stated he likes the idea of the number of acres a parcel had would determine the number of animals a landowner could have and leaving the parcels at what they are currently zoned. Chairman Sorenson stated there is no reason to limit certain animals as there are already laws in place that will do that. A discussion was held on different parcels and how this change would affect them. Commissioner Hovda voiced concerns about animal waste and that must be addressed if animals are allowed. Commissioner Hollekim stated her idea of Rural Residential was someone who owned 10 acres out in the county, not the residents in established subdivisions. Lori Hanson, Mountrail County Tax Director stated this would work if the subdivision had this option included when it was established.

Wade Enget, Mountrail County States Attorney advised that section 31, Township 154, Range 93 Rat Lake Township is owned by Continental Resources Inc. Mountrail County States Attorney Enget stated this company is buying up several acres and if they are using any as agricultural, then they are in violation of the law against corporate farming and it is our responsibility to alert the North Dakota Attorney General.

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## **Board Concerns**

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Commissioner Borud was concerned about White Earth Bay and Mountrail County not overseeing building permits since December 2013. Commissioner Borud stated he wasn't sure why as Mountrail County owns land there and on Army Corp of Engineers land there is no building allowed. Commissioner Borud stated there are a lot of issue there and he was not sure how to correct them. Lori Hanson, Mountrail County Tax Director stated it was due to the deeds not specifying that landowners must adhere to the County's ordinances. Wade Enget, Mountrail County States Attorney advised their deeds were different and he had asked the Corp for clarification, but to date, had not received any clarification. Mountrail County States Attorney Enget, stated he will pull those deeds back up and take a look at them to get the exact verbiage. Lori Hanson, Mountrail County Tax Director stated it would be best if Mountrail County handle building permits so we could manage what is there. Commissioner Hollekim stated when she was auditor, they managed and issued building permit. She is not sure why or when that changed. Chairman Sorenson stated he had brought this to Planning & Zoning a year or so ago and was provided with a written document saying Mountrail County did not issue building permits in White Earth Bay. Liz Hollowell, Planning & Zoning Administrative Assistant advised of the Army Corp of Engineer website that shows the lands they own and that site show that the Corp does own White Earth Bay cottage sites. Commissioner Borud stated we should look into addressing this.

Commissioner Ruland stated since we have the landowner's addresses, Planning & Zoning could mail a letter to them advising them they are under Mountrail County's zoning authority. Lori Hanson, Mountrail County Tax Director stated we would need to advise why the change as residents from that area tried to file building permits a few years back and were told they didn't have to. Wade Enget, Mountrail County States Attorney stated he will bring back the documents to show who had authority to the Board for future discussion next meeting.

Commissioner Hollekim asked if the issued industrial water permits were being tracked. She had looked on the Water Resources site under the Information & Education heading, Maps/GIS & Data tab and noticed there were many temporary industrial water permits. Commissioner Hollekim stated there were over 100 industrial water sources there and wondered if they had permits. Liz Hollowell, Planning & Zoning Administrative Assistant stated Planning & Zoning does not verify if all temporary industrial water permits have variance permits but it's something Planning & Zoning can start doing now that we know where to find them.

Commissioner Wienbar asked the status of J & J Oilfield Service case. Wade Enget, Mountrail County States Attorney stated it was moving along.

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### Next Meeting

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Next regular meeting of the Mountrail County Planning & Zoning Board is **Monday September 24, 2018** at 8:30 am at the Mountrail County South Complex, 8103 61<sup>st</sup> St. NW Stanley, ND 58784.

Meeting adjourned at 9:56 a.m.

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### Approval

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Accepted and approved this 24<sup>th</sup> day of September 2018

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Charlie Sorenson, Chairman  
Mountrail County  
Planning & Zoning Commission

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Liz Hollowell  
Administrative Assistant  
Planning & Zoning