

PROCEEDINGS OF THE MOUNTRAIL COUNTY
PLANNING & ZONING COMMISSION
SPECIAL MEETING
Friday, September 11th, 2015

The Mountrail County Planning & Zoning Commission met on Friday, September 11, 2015 at the Mountrail County Court House with the following voting members present: Roger Hovda, Trudy Ruland, Bill Klug, Charlie Sorenson, Gary Weisenberger, and Linda Wienbar. Absent were Arlo Borud, Chase Lindberg and Rose Marie Bieri. Also present were Teresa Captain, Mountrail County Deputy Tax Director, Wade Enget, Mountrail County States Attorney, Heather Greenlee, Mountrail County Auditor's Office, Liz Hollowell, Planning and Zoning Administrative Assistant 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 Phillips & Jordan Inc., with concurrence from Gary and Caroline S. Satterthwaite and Barbara Satterthwaite, 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 SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, Township 153 North, Range 92 West (Knife River Township) Present for this discussion was Patrick Bagley who previously submitted four certified return receipt cards from four adjacent landowners. One comment was received by Knife River Township's Lou Marmon. Also present was Gary and Caroline S. Satterthwaite, Jerady Sticka, Jamie Hyatt, and Lou Marmon, Discussion included this is for the purpose of mining sand and gravel in order to supplement gravel for a major highway project already in progress, a road haul agreement was signed between county, townships and Phillips and Jordan, \$100,000 insurance exists but the county requires proof of a bond, there was a change to the road haul agreement that was not initialed, and this would need to be verified by Mountrail County Road and Bridge. Lou Marmon of the Knife River board stated she has not received notification of the approach permit for the Sioux Pit and that the existing approach was intended for farming use only and has poor visibility. Gary Satterthwaite indicated that this approach goes back to the homestead and that Whiting Oil has one nearby. Lou Marmon also indicated some previous issues between Knife River Township and the already approved King pit with Phillips and Jordan. Mr. Bagley stated he would address any residual issues from the King Oil Field Services LLP pit.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to approve the zoning request filed by Phillips & Jordan Inc., with concurrence from Gary and Caroline S. Satterthwaite and Barbara Satterthwaite, 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 SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 8, Township 153 North, Range 92 West (Knife River Township) contingent upon verifying a change to the road haul agreement including truck weights to 80,000 pounds, evidence of a bond in the amount of \$50,000, an approved approach permit, for a five year term, requiring a \$50,000 reclamation bond along with a road haul agreement, and dust control as Phillips and Jordan 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 Phillips and Jordan complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, while Commissioner Ruland abstained, and the motion was carried.

Chairman Hovda called the 8:33 a.m. public hearing to order regarding the zoning request filed by Phillips & Jordan Inc., with concurrence from Gary and Caroline S. Satterthwaite and Barbara Satterthwaite, 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, Township 153 North, Range 92 West (Knife River Township). Present for this discussion was Patrick Bagley who previously submitted certified mail return receipt cards to the Planning and Zoning office. Also present was Gary and Caroline S. Satterthwaite, Jerady Sticka, Jamie Hyatt, and Lou Marmon. Discussion included the same issues included in the previous public hearing to include proof of a bond, an approach permit from the Mountrail County Road and Bridge Department, and verifying a change to the existing road haul agreement. Also discussed was gravel cannot be mined on a section line and within 33 feet on each side of the section line due to public access.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to approve the zoning request filed by Phillips & Jordan Inc., with concurrence from Gary and Caroline S. Satterthwaite and Barbara Satterthwaite, 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 SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, Township 153 North, Range 92 West (Knife River Township) contingent upon verifying a change to the road haul agreement including truck weights to 80,000 pounds, evidence of a reclamation bond in the amount of \$50,000, an approved Mountrail County Road and Bridge approach permit, for a five year term with a road haul agreement, and dust control as Phillips and Jordan 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 Phillips and Jordan complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, while Commissioner Ruland abstained, and the motion was carried.

Chairman Hovda called the 8:36 a.m. public hearing to order regarding the zoning request filed by Phillips & Jordan Inc., with concurrence from Gary and Caroline S. Satterthwaite and Barbara Satterthwaite, for a variance to use land zoned agricultural land to mine gravel from a 160 acre, more or less, tract of land described as the NW $\frac{1}{4}$ Section 17, Township 153 North, Range 92 West (Knife River Township) although they intended to apply to pump water. Present for this discussion was Patrick Bagley who requested that this application be tabled until a future date as the application was not yet complete.

Moved by Commissioner Klug, seconded by Commissioner Wienbar to table this zoning request to the call of the chairman filed by Phillips & Jordan Inc., with concurrence from Gary and Caroline S. Satterthwaite and Barbara Satterthwaite, for a variance to use land zoned agricultural land to mine gravel from a 160 acre, more or less, tract of land described as the NW $\frac{1}{4}$ Section 17, Township 153 North, Range 92 West (Knife River Township). Upon roll call, all present voted yes, motion carried.

Moved by Commissioner Ruland, 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 61st St. NW Stanley, ND 58784.

Accepted and approved this 28th day of September 2015.

Arlo Borud, Vice Chairman
Mountrail County Planning & Zoning Commission

Lisa Lee
Assistant Zoning Administrator