

PROCEEDINGS OF THE MOUNTRAIL COUNTY  
PLANNING & ZONING COMMISSION  
Monday, September 28<sup>th</sup>, 2015

The Mountrail County Planning & Zoning Commission met on Monday, September 28<sup>th</sup>, 2015 2015 at the Mountrail County Court House with the following voting members present: Arlo Borud, Charlie Sorenson, Gary Weisenberger, and Linda Wienbar. Absent were Roger Hovda, Bill Klug, and Trudy Ruland. Also present were Lori Hanson, Mountrail County Tax Director, Teresa Captain, Mountrail County Deputy Tax Director, Wade Enget, Mountrail County States Attorney, Heather Greenlee, Mountrail County Auditor's Office, Don Longmuir, Planning & Zoning Administrator, Liz Hollowell, Planning & Zoning Administrative Assistant and Lisa Lee, Assistant Planning & Zoning Administrator.

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

Vice Chairman Borud called the 8:30 a.m. public hearing to order to discuss a zoning request filed by Jerimey Bruhn for a variance to allow for the placement of grain bins on land zoned commercial on a 24.13 acre, more or less tract of land described as Outlot 1 of the SE $\frac{1}{4}$  of Section 1, Township 156 North, Range 89 West (McGahan Township). No one was present for this discussion. No comments were received.

Moved by Commissioner Bieri, seconded by Commissioner Wienbar to table action to the call of the chairman regarding a zoning request filed by Jerimey Bruhn for a variance to allow for the placement of grain bins on land zoned commercial on a 24.13 acre, more or less tract of land described as Outlot 1 of the SE $\frac{1}{4}$  of Section 1, Township 156 North, Range 89 West (McGahan Township).

Vice Chairman Borud called the 8:33 a.m. public hearing to order regarding the subdivision review request filed by Quentin R. & Sharon M. Bangen for a 15.82 acre, more or less, tract to be known as Outlot 1 in Government Lot 2 of the NE $\frac{1}{4}$  of Section 2, Township 152 North, Range 88 West (Plaza Township). No one was present for this discussion and there were no adjacent landowners to notify. Discussion included this is for a sale to immediate family who will run the farm. The plat was reviewed and no further comments were received.

Moved by Commissioner Sorenson, seconded by Commissioner Weisenberger to approve the subdivision review request filed by Quentin R. & Sharon M. Bangen for a 15.82 acre, more or less, tract to be known as Outlot 1 in Government Lot 2 of the NE $\frac{1}{4}$  of Section 2, Township 152 North, Range 88 West (Plaza Township as Quentin R. & Sharon M. Bangen has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Vice Chairman Borud called the 8:36 a.m. public hearing to order regarding the zoning request filed by EOG Resources Inc. for a variance to allow for a building to be 77' from a section line in Outlot 3 of the NW<sup>1</sup>/<sub>4</sub> Section 10, Township 152 North, Range 90 West (Parshall Township). Present for this discussion was Cally Wescoat and Jennifer Yu of EOG Resources who presented 6 certified return receipt cards from adjacent landowners. Discussion included this is to place a pump house within 100 ft. from a section line in order to accommodate the location of the existing reservoir. Cally Wescoat requested to amend her application from originally requested set back of 77 ft. to 100 ft. This is for a 21.46 acre lot and would be reevaluated after a five year period.

Moved by Commissioner Sorenson, seconded by Commissioner Bieri to approve the zoning request filed by EOG Resources Inc. for a variance to allow for a building to be 100' from a section line in Outlot 3 of the NW<sup>1</sup>/<sub>4</sub> Section 10, Township 152 North, Range 90 West (Parshall Township) for a five year period as EOG Resources has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon EOG Resources complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Vice Chairman Borud called the 8:39 a.m. public hearing to order regarding the zoning request filed by Dakota Energy Resources Corporation with concurrence from Jerome & Peggy Anderson, landowners, for a variance to allow for the pumping of slough water for fracking purposes on a 160 acre, more or less, tract of land described as the SW<sup>1</sup>/<sub>4</sub> Section 15, Township 155 North, Range 92 West (Alger Township). Present for this discussion was Mike Childs of Dakota Energy who presented 5 certified return receipt cards from adjacent landowners. Discussion included this is for a temporary water depot, the time period is determined by the State water permit, flat hose only, and easements would be obtained from landowners prior to laying hose,

Moved by Commissioner Weisenberger, seconded by Commissioner Bieri to approve the zoning request filed by Dakota Energy Resources Corporation with concurrence from Jerome & Peggy Anderson, landowners, for a variance to allow for the pumping of slough water for fracking purposes on a 160 acre, more or less, tract of land described as the SW<sup>1</sup>/<sub>4</sub> Section 15, Township 155 North, Range 92 West (Alger Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015- 16924 with no trucking and with landowner permission obtained as Dakota Energy 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 complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Vice Chairman Borud called the 8:41 a.m. public hearing to order regarding the zoning request filed by Dakota Energy Resources Corporation, with concurrence from Jerome & Peggy Anderson, landowners, for a variance to allow for the pumping of slough water for fracking purposes on a 160 acre, more or less, tract of land described as the NW<sup>1</sup>/<sub>4</sub> Section 15, Township 155 North, Range 92

West (Alger Township). Present for this discussion was Mike Childs of Dakota Energy who presented 5 return receipt cards from adjacent landowners. Discussion included landowner permission would be obtained prior to laying a flat hose, the time period tied to the State water permit, and no trucking.

Moved by Commissioner Weisenberger, seconded by Commissioner Bieri to approve the zoning request filed by Dakota Energy Resources Corporation, with concurrence from Jerome & Peggy Anderson, landowners, for a variance to allow for the pumping of slough water for fracking purposes on a 160 acre, more or less, tract of land described as the NW $\frac{1}{4}$  Section 15, Township 155 North, Range 92 West (Alger Township contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015- 16925 with no trucking and landowner easements obtained as Dakota Energy 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 complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Vice Chairman Borud called the 8:44 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 to allow for the pumping of slough water for fracking purposes on a 38.91 acre, more or less, tract of land described as the SW $\frac{1}{4}$ SW $\frac{1}{4}$  (Government Lot 4) Section 7, Township 153 North, Range 91 West (Crane Creek). Present for this discussion was Mike Childs of Dakota Energy who presented 4 return receipt cards from adjacent landowners. Discussion included there would be no trucking, landowner permission would be obtained prior to laying a flat hose, and time period is tied to State Water permit.

Moved by Commissioner Sorenson, seconded by Commissioner Bieri to approve the zoning request filed by Dakota Energy Resources Corporation, with concurrence from Carl P. Kannianen, landowner, for a variance to allow for the pumping of slough water for fracking purposes on a 38.91 acre, more or less, tract of land described as the SW $\frac{1}{4}$ SW $\frac{1}{4}$  (Government Lot 4) Section 7, Township 153 North, Range 91 West (Crane Creek) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015- 16921 with no trucking and landowner easements obtained as Dakota Energy 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 complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Vice Chairman Borud called the 8:47 a.m. public hearing to order regarding the zoning request filed by Bakken Water Transfer Services Inc., with concurrence from Jorn K. Oulie Trustee, landowner, for a variance to allow for the pumping of slough water for fracking purposes on a 160 acre, more or less, tract of land described as the NE $\frac{1}{4}$  Section 18, Township 154 North, Range 90 West (Austin Township). Present for this discussion was Mike Childs who presented 7 return receipt cards from

adjacent landowners. Discussion included there would be no trucking, time period tied to the State Water Permit, and landowner permission would be obtained prior to laying a flat hose.

Moved by Commissioner Wienbar, seconded by Commissioner Lindberg to approve the zoning request filed by Bakken Water Transfer Services Inc., with concurrence from Jorn K. Oulie Trustee, landowner, for a variance to allow for the pumping of slough water for fracking purposes on a 160 acre, more or less, tract of land described as the NE¼ Section 18, Township 154 North, Range 90 West (Austin Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015- 16893 with no trucking and landowner easements obtained as Bakken Water Transfer Services Inc. has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Bakken Water Transfer Services Inc. complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion

Moved by Commissioner Wienbar, seconded by Commissioner Weisenberger to approve the minutes from the August 24<sup>th</sup> 2015 meeting with corrections. Upon roll call all present voted yes, motion carried.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to approve the minutes from the September 11<sup>th</sup> 2015 special meeting. Upon roll call, all present voted yes, motion carried.

Moved by Commissioner Wienbar, seconded by Commissioner Lindberg to approve the building permits # 1901-1906. Upon roll call all present voted yes, motion carried.

Board concerns included increasing wages for special meetings due to the extra time, paperwork, publishing, notifications, and other additional demands necessary to host an additional meeting. States Attorney, Wade Enget discussed issues with the September 11, 2015 special meeting held for Phillips and Jordan which presented excess demand on the County and a lack of preparation on behalf of the company. It appeared Phillips and Jordan had done no further follow up from the date of the last regular meeting and was ill prepared with previously requested documentation. Additionally it appeared the company could have just as easily waited until the next scheduled regular meeting without suffering a hardship. He requested that the board consider not accommodating special meetings requests in the future.

Staff concerns include a letter received from Diane Seibel regarding a landfill / waste pit on her agricultural property. The letter explained that due to limited disposal services in the county, she was burying trash from her RV Park in Ross on her property. Her letter will be forwarded to the State Health Department and a cease and desist order will be served.

Also discussed was the vacancy rate in temporary work force housing and whether or not there is additional need for “man camps” within the county.

Jerimey Bruhn appeared for his 8:30 a.m. public hearing regarding his zoning request for a variance to allow for the placement of grain bins on land zoned commercial on a 24.13 acre, more or less tract of land described as Outlot 1 of the SE¼ of Section 1, Township 156 North, Range 89 West (McGahan Township). However he did not have the required notification cards from adjacent landowners. The item was left tabled to the call of the chairman as previously motioned earlier in the meeting.

The City of Ross held a meeting September 15<sup>th</sup> regarding the annexation of some additional property and submitted an informational notification to the Board.

Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar 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, October 26<sup>th</sup>, 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 26<sup>th</sup> day of October 2015.

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Arlo Borud, Vice Chairman  
Mountrail County Planning & Zoning Commission

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Lisa Lee  
Assistant Zoning Administrator