MiNUTES

**Mountrail County Planning & Zoning Commission**

**October 28, 2019**

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| **Mountrail County South Complex, 8103 61st St NW, Stanley, ND 58784** |

*Chairman Sorenson called the meeting to order at 8:30 a.m.*

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| **In Attendance** |

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

**Also present:** Jana Hennessy, Road & Bridge Engineer, Lori Hanson, Mountrail County Tax Director, Stephanie Pappa, Mountrail County Auditor/Planning and Zoning Administrator, Wade Enget, Mountrail County States Attorney, Heidi Kory, Planning & Zoning Assistant Administrator

**Public attending:**

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| **Approval of Agenda** |

Moved by Commissioner ??????, seconded by Commissioner ?????, to approve the agenda. Upon roll call, all present voted yes. Motion carried.

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| 8:33 a.m. Public Hearing –  *Variance* | H2O Connections LLC /  Dakota Sky Properties LLC, Landowner |

**Applicant**: H2O Connections LLC in concurrence with Dakota Sky Properties LLC, landowner.

**Location**: NE¼ of Section 25, Township 154 North, Range 91 West (**Sikes Township**).

**Purpose**: Pump water from unnamed slough for fracking using a flat hose.

**Outcome:**

**Motion**: Moved by Commissioner ?????, seconded by Commissioner ????? to approve the zoning request filed by H2O Connections, LLC with concurrence from Dakota Sky Properties, LLC, landowner for a variance to pump water from an unnamed slough for fracking on a 160 acre, more or less, tract of land described as the NE¼ of Section 25, Township 154 North, Range 91 West (**Sikes Township)** contingent on adhering to the ND State Temporary Water Permit ND2019-19712 valid September 19,2019 through August 7, 2020, using only flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as H20 Connections, LLC in concurrence with Dakota Sky Properties, LLC, landowner, has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon H2O Connections, LLC in concurrence with Dakota Sky Properties, LLC, landowner, 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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| 8:36 a.m. Public Hearing –  *Variance* | H2O Connections LLC /  Dakota Sky Properties, LLC Landowner |

**Applicant**: H2O Connections LLC in concurrence with Dakota Sky Properties LLC, landowner

**Location**: SE¼ of Section 25, Township 154 North, Range 91 West (**Sikes Township**).

**Purpose**: Pump water from unnamed slough for fracking using a flat hose.

**Outcome**:

**Motion**: Moved by Commissioner ?????, seconded by Commissioner ????? to approve the zoning request filed by H2O Connections, LLC with concurrence from Dakota Sky Properties, LLC, landowner for a variance to pump water from an unnamed slough for fracking on a 160 acre, more or less, tract of land described as the SE¼ of Section 25, Township 154 North, Range 91 West (**Sikes Township)** contingent on adhering to the ND State Temporary Water Permit ND2019-19711 valid September 19,2019 through August 7, 2020,using only lay flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as H2O Connections LLC in concurrence with Dakota Sky Properties LLC, landowner, has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon H2O Connections, LLC in concurrence with Dakota Sky Properties, LLC, landowner, 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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| 8:39 a.m. Public Hearing –  *Amendment* | Hydra XL LLC / Double Eagle LLP, Landowner |

**Applicant**: Hydra XL LLC in concurrence with Double Eagle LLP, landowner.

**Location**: 40 acre, more or less, tract of land described as the SW¼NE¼ of Section 4, Township 153 North, Range 92 West (**Knife River Township**).

**Number of certified mailing receipts provided**: 6

**Purpose**: Constructing an earthen freshwater holding pond on a 40 acres.

**Present**: Michael Cymbaluk, Hydra XL LLC

**Discussion:** Michael Cymbaluk stated the earthen pond will be utilized as a frac pit. Michael stated he would have water resources to fill the frac pits with no trucks being utilized.

**Outcome:** Approved with contingencies for frac water only.

**Motion**: Moved by Commissioner ?????, seconded by Commissioner ????? to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Hydra XL, LLC with concurrence from Double Eagle, LLP, landowner, for an amendment to change land zoned agricultural to industrial for the purpose of constructing an earthen freshwater holding pond on a 40 acre, more or less, tract of land described as the SW¼NE¼ of Section 4, Township 153 North, Range 92 West **(Knife River Township)** to be utilized for frac water only as Hydra XL, LLC with concurrence from Double Eagle, LLP, landowner, has met all criteria as set forth in Article IV, Section III, of the Mountrail County Zoning ordinance and is further contingent upon Hydra XL, LLC with concurrence from Double Eagle, LLP, landowner, 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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| 8:42 a.m. Public Hearing –  *Conditional Use* | Hydra XL LLC /  Double Eagle LLP, Landowner |

**Applicant**: Hydra XL LLC in concurrence with Double Eagle LLP, landowner.

**Location**: 40 acre, more or less, tract of land described as the SW¼NE¼ of Section 4, Township 153 North, Range 92 West (**Knife River Township**).

**Number of certified mailing receipts provided**: 6

**Purpose** Constructing an earthen freshwater holding pond on a 40 acres.

**Present**: Michael Cymbaluk, Hydra XL LLC

**Discussion:** Michael Cymbaluk stated the earthen pond will be utilized as a frac pit. Michael stated he would have water resources to fill the frac pits with no trucks being utilized.

**Outcome**: Approved with contingencies for frac water only.

**Motion**: Moved by Commissioner ?????, seconded by Commissioner ????? to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Hydra XL, LLC with concurrence from Double Eagle, LLP, landowner, for an amendment to change land zoned agricultural to industrial for the purpose of constructing an earthen freshwater holding pond on a 40 acre, more or less, tract of land described as the SW¼NE¼ of Section 4, Township 153 North, Range 92 West **(Knife River Township)** to be utilized for frac water only as Hydra XL, LLC with concurrence from Double Eagle, LLP, landowner, has met all criteria as set forth in Article IV, Section III, of the Mountrail County Zoning ordinance and is further contingent upon Hydra XL, LLC with concurrence from Double Eagle, LLP, landowner, 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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| 8:45 a.m. Public Hearing –  *Variance* | Troy & Jenny Smith, Landowners |

**Applicant**: Troy & Jenny Smith, Landowners

**Location**: 160 acre, more or less, tract of land described as the NE¼ of Section 34, Township 157 North, Range 88 West **(Stave Township).**

**Number of certified mailing receipts provided:**

**Purpose**: To place a FEMA trailer on a 160 acres.

**Present**:

**Discussion:**

**Outcome**:

**Motion**: Moved by Commissioner ????? seconded by Commissioner ????? to approve the zoning request filed by Troy & Jenny Smith, landowners for an variance to place a FEMA trailer on a 160 acre, more or less, tract of land described as the NE¼ of Section 34, Township 157 North, Range 88 West **(Stave Township)** as Troy & Jenny Smith, landowners has met all criteria as set forth in Article IV, Section V, of the Mountrail County Zoning Ordinance and is further contingent upon Troy & Jenny Smith, landowners, 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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| 8:48 a.m. Public Hearing –  *Conditional Use* | Fritel Construction Company, Inc./Sam Fritel, Landowner |

**Applicant**: Fritel Construction Company, Inc. in concurrence with Sam Fritel, landowner.

**Location**: 80 acre, more or less, tract of land described as the NW¼NW¼, Lots 2 & 3 Less Outlot 2 of Section 22, Township 157 North, Range 90 West **(Clearwater Township)**

**Purpose**: Re-opening a gravel pit to complete mining.

**Present**:

**Discussion:**

**Outcome**:

**Motion**: Moved by Commissioner ?????? seconded by Commissioner ?????? to approve the zoning request filed by Fritel Construction Company, Inc. with concurrence from Sam Fritel, landowner for a conditional use permit to use land zoned agricultural for the purpose of re-opening a gravel pit to complete mining on a 80 acre, more or less, tract of land described as the NW¼NW¼, Lots 2 & 3 Less Outlot 2 of Section 22, Township 157 North, Range 90 West (Clearwater Township) for ????? years contingent upon a $125,000.00 letter of credit payable to Mountrail County and renewed yearly for the ??? year period as well as a current road haul agreement with Clearwater Township that includes dust control as Fritel Construction Company, Inc. with concurrence from Sam Fritel, landowner has met all criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon Fritel Construction Company, Inc. with concurrence from Sam Fritel, landowner 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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| 8:51 a.m. Public Hearing –  *Variance* | Highline Water LLC /  Rice Ranch LLLP, Landowner |

**Applicant**: Highline Water LLC, with concurrence from Rice Ranch LLLP, landowner.

**Location**: SE¼ of Section 34, Township 156 North, Range 94 West (**Myrtle Township**)

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

**Purpose**: Pump water from unnamed slough for fracking using a flat hose.

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

**Outcome**:

**Discussion:**

**Motion:**  Moved by Commissioner ?????, seconded by Commissioner ????? to approve the zoning request filed by Highline Water LLC with concurrence from Rice Ranch LLLLP, landowner for a variance to pump water from an unnamed slough for fracking on a 160 acre, more or less, tract of land described as the SE¼ of Section 34, Township 156 North, Range 94 West (**Myrtle Township)** contingent on adhering to the ND State Temporary Water Permit ND2019-19693 valid October 22,2019 through January 31, 2020,using only lay flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Highline Water LLC in concurrence with Rice Ranch LLLP, landowner, has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Highline Water LLC with concurrence with Rice Ranch LLLP, landowner, 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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| 8:54 a.m. Public Hearing –  *Conditional Use* | J & L Inc./  Gary L. Johnson, Landowner |

**Applicant**: J & L Inc. with concurrence from Gary L. Johnson, landowner

**Location**: 15.63 acres, more or less, tract of land described as Outlot 1 of the NE¼SE¼ of Section 32, Township 152 North, Range 90 West **(Parshall Township).**

**Number of certified mailing receipts provided**:

**Purpose**: Man Camp

**Outcome**:

**Discussion:**

**Motion:** Moved by Commissioner ??????? seconded by Commissioner ??????? to ?????? the zoning request filed by J & L Inc. with concurrence from Gary L. Johnson, landowner for a conditional use permit to use land zoned commercial for the purpose of a man camp on 15.63 acres, more or less, tract of land described as Outlot 1 of the NE¼SE¼ of Section 32, Township 152 North, Range 90 West **(Parshall Township)**

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| 8:57 a.m. Public Hearing –  *Conditional Use* | Sylvia Fladeland, Landowner |

**Applicant**: Sylvia Fladeland, landowner.

**Location**: 11.24 acres, more or less, tract of land described as Outlot 4 of the SW¼ of Section 24, Township 156 North, Range 93 West **(Manitou Township)**

**Number of certified mailing receipts provided**:

**Purpose**: RV Park

**Outcome**:

**Discussion:**

**Motion:** Moved by Commissioner ?????? seconded by Commissioner ??????? to ?????? the zoning request filed by Sylvia Fladeland, landowner for a conditional use permit to use land zoned commercial for the purpose of a RV park on 11.24 acres, more or less, tract of land described as Outlot 4 of the SW¼ of Section 24, Township 156 North, Range 93 West **(Manitou Township)**

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| **Approval of Building Permits** |

**Building Permits 2076-2086**

**2076-Troy & Jenny Smith, Landowners-Parcel#080017500, NE¼ of Section 34, Township 157N, Range 88 West, (Stave Township) 40’x12’ FEMA Trailer.**

**2077-Troy & Jenny Smith, Landowners-Parcel#080017500, NE¼ of Section 34, Township 157N, Range 88 West, (Stave Township) 44’x80’ Living, Farm, Ranch Workshop.**

**2078-Brett Fladeland, Applicant/Jacqui Snyder, Landowner-Parcel#400006100, NW¼ of Section 12, Township 153 North, Range 92 West (Knife River Township) 100’x27’ New Stick Built Home**

**2079-Jason McDonald, Landowner-Parcel#110013201, Outlot 1 of the NE¼NW¼ of Section 27, Township 157 North, Range 91 West (James Hill Township) 40’x50’ Pole Barn.**

**2080-Danny Wienbar, Landowner-Parcel#240004000, SW¼ of Section 9, Township 155 North, Range 90 West (Burke Township) 48’x32’ Garage & 2014 Mobile Home.**

**2081-B. Easling & L. Easling, Landowners-Parcel#240005110, Outlot 1 of the W½NW¼ of Section 11, Township 155 North, Range 90 West (Burke Township) 1398 sq.ft. Stick built home addition.**

**2082-Scott Ruland, Landowner-Parcel#530005000, SE¼NW¼ of Section 16, Township 151 North, Range 93 West (Big Bend Township) 30’x40’ Pole Barn.**

**2083-Joseph Giroux, Landowner-Parcel#510000641, Section 10, Township 151, Range 91, Lot 2, Brendle’s 3rd Subdivision (Liberty Township) 48’x84’ Living/Storage Stick Built Home.**

**2084-Mickey Krefting, Landowner-Parcel#510000621, Section 10, Township 151, Range 91, Lot 1, Brendle’s 2nd Subdivision (Liberty Township) 66’x59’ Stick built new home.**

**2085-Ada Miller, Landowner-Parcel#470025700, Lot 7, Block 2 of Arrowhead Point Subdivision (Unorganized Township) 1605 sq.ft. Modular with partial basement/garage underneath.**

**2086-Walter Northrup, Landowner-Parcel#470003301, Outlot 1 of SW¼NW¼ of Section 26, Township 152 North, Range 93 West (Unorganized Township) 20’x20’ post frame storage shed.**

**Temporary Use Applications: Approved**

**Temporary Use Applications**

**Penelope Berry-ND2019-19467-Expires 8/20/20-Parcel#130003200**

**Bakken Water Transfer-ND2019-19581-Expires 8/22/20-Parcel#110011800**

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| **Approval of Minutes** |

**Motion**: Moved by Commissioner ??????, seconded by Commissioner ????? to approve the September 23, 2019 minutes. Upon roll call, all present voted yes. Motion carried.

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| **Staff Concerns** |

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| **Board Concerns** |

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| **Next Meeting** |

Next regular meeting of the Mountrail County Planning & Zoning Board is ***Monday November 25, 2019*** at 8:30 am at the Mountrail County South Complex, 8103 61st St. NW Stanley, ND 58784.

Meeting adjourned at

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| **Approval** |

Accepted and approved this 28th day of October 2019.

Charlie Sorenson, Chairman Stephanie A Pappa, Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning