

# MINUTES

## Mountrail County Planning and Zoning Commission October 23, 2017

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

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

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### In Attendance

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

Also present were Wade Enget, Mountrail County States Attorney, Don Longmuir, Interim Planning & Zoning Administrator, Nate Sem, Planning & Zoning Administrator, Jana Heberlie, Mountrail County Road & Bridge Engineer, Lori Hanson, Mountrail County Tax Director, Heather Greenlee, Mountrail County Auditor's Office, Teresa Captain, Mountrail County Deputy Tax Director and Liz Hollowell, Planning & Zoning Administrative Assistant.

Absent was Arlo Borud.

### Approval of Agenda

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Chairman Hovda requested a motion to review and approve the current meeting agenda.

Commissioner Wienbar moved to accept the agenda with corrections.  
Commissioner Hollekim seconded. Upon roll call, all present voted yes. Motion carried.

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### 8:30 Public Hearing    Conditional Use Permit    Place a mobile home

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**Applicant/Landowner:** I. Jay & Kier Jackson, landowners

**Location:** 1.26 acre, more or less, tract of land described as Lot 5 of Sublot B of Gov't Lot 4 in the NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 34, Township 157 North, Range 91 West (**James Hill Township**).

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

**Purpose:** To place a manufactured home on a lot zoned residential

**Present:** Kier Jackson.

**Discussion:** Mrs. Jackson stated they are applying for a permit to have a mobile home placed there. Commissioner Ruland asked the age of the mobile home. Mrs. Jackson stated it is a new one, built 2017. Commissioner Hollekim asked about the legal description. Since the plat has been filed, the legal should be listed as Lot 5 of Jackson Subdivision. Don Longmuir, Interim Planning & Zoning Administrator stated he would verify that the plat is filed and if so, the legal description will be corrected. Commissioner Weisenberger asked how many homes were there now. Mrs. Jackson stated 4 homes are there and they have 7 lots. Mrs. Jackson stated they have applied for all necessary permits for each unit.

**Outcome:** **Approved**

**Motion:** Moved by Commissioner Hollekim, seconded by Commissioner Bieri to approve the zoning request filed by I. Jay & Kier Jackson, landowners, for a Conditional Use Permit to place a 2017 manufactured home on a lot zoned residential on 1.26 acre, more or less, tract of land described as Lot 5 of Jackson Subdivision, Section 34, Township 157 North, Range 91 West (**James Hill Township**) as I. Jay & Kier Jackson have met all criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon I. Jay & Kier Jackson 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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**8:33 Public Hearing**                      **Variance**                      **Pumping water for fracking**

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**Applicant/Landowner:** Wildfire Hyperheaters, applicant. Kevin Harstad & Warren Craft, landowners

**Location:** 320 acre tract of land described as the S½ of Section 16, Township 155 North, Range 91 West (**Purcell Township**)

**Number of certified mailing receipts provided:** 5

**North Dakota Temporary Water Permit** ND State Temporary Water Permit ND2017-18276

**Purpose:** Pump water from an unnamed slough

**Present:** Clay Carlson with Wildfire Hyperheaters.

**Discussion:** Mr. Carlson stated they would be using a 10” flat hose and all landowners would be contacted. Commissioner Hollekim asked about the landowner signatures and if all landowners would need to sign the application. Chairman Hovda stated only for the point of diversion which the landowner is Warren Craft. Lori Hanson, Mountrail County Tax Director asked if Warren Craft had a power of attorney (POA) as the land is in a life estate. Wade Enget, Mountrail County States Attorney stated a copy of the POA would need to be filed with the application.

**Outcome: Approved with contingencies**

**Motion:** Moved by Vice Chairman Sorenson, seconded by Commissioner Ruland to approve the zoning request filed by Wildfire Hyperheaters with concurrence from Kevin Harstad & Warren Craft, landowners, for a variance to pump water from an unnamed slough for fracking on a 320 acre, more or less, tract of land described as the S½ of Section 16, Township 155 North, Range 91 West (**Purcell Township**) contingent upon the terms and conditions of the ND State Temporary Water Permit ND2017-18276 valid September 8, 2017 to September 7, 2018, using only flat hose, landowners being contacted regarding hose placement, copy of landowner POA and adhering to Mountrail County Road & Bridge temporary ROW use requirements as Wildfire Hyperheaters has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Wildfire Hyperheaters 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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Chairman Hovda stated building permit 1997 should be section 34 not section 3.

**Motion:** Moved by Commissioner Weisenberger, seconded by Commissioner Klug to approve Building Permits #1997 to #2002 as corrected. Upon roll call, all present voted yes. Motion carried.

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**Approval of Minutes**

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**Motion:** Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the September 25, 2017 minutes as corrected. Upon roll call, all present voted yes. Motion carried.

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## Staff Concerns

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- Don Longmuir, Interim Planning & Zoning Administrator gave the Board an overview of NextEra Energy Resources and their upcoming conditional use permit application expected in November 2017. Wade Enget, Mountrail County States Attorney stated the Mountrail County Ordinance states a company does not need a conditional use permit to put up a wind monitoring station and perhaps this should be changed if the station is intended to be permanent. Commissioner Ruland stated anytime there is a building, new or adding on, a building permit should be required. Wade Enget, Mountrail County States Attorney recommended the Planning & Zoning Board look at the Wind Turbine Zoning ordinance and work on updating it to include temporary wind monitoring stations.
- Don Longmuir, Interim Planning & Zoning Administrator reported the zoning request filed by Michael D & Karolyn Moltzan, landowners, for a conditional use permit to use land zoned residential for the purpose of placing a mobile home on a 2.16 acre, more or less, tract of land described as Sublot B of Outlot 1 of the S½SW¼ of Section 15, Township 156 North, Range 94 West (Myrtle Township) is no longer needed as the Moltzan's are selling the lot. This hearing was tabled in July and will need to be untabled. After which, on the recommendation of Planning & Zoning, the application should be denied.

**Motion:** Moved by Commissioner Ruland, seconded by Commissioner Bieri to untable the zoning request filed by Michael D & Karolyn Moltzan, landowners, for a conditional use permit to use land zoned residential for the purpose of placing a mobile home on a 2.16 acre, more or less, tract of land described as Sublot B of Outlot 1 of the S½SW¼ of Section 15, Township 156 North, Range 94 West (Myrtle Township). Upon roll call, all present voted yes. Motion carried.

**Motion:** Moved by Commissioner Wienbar, seconded by Vice Chairman Sorenson to deny the zoning request filed by Michael D & Karolyn Moltzan, landowners, for a conditional use permit to use land zoned residential for the purpose of placing a mobile home on a 2.16 acre, more or less, tract of land described as Sublot B of Outlot 1 of the S½SW¼ of Section 15, Township 156 North, Range 94 West (Myrtle Township) as they are selling the lot. Upon roll call, all present voted yes. Motion carried.

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## Board Concerns

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Commissioner Wienbar asked if the rig mats located by Palermo have been moved. Liz Hollowell, Planning & Zoning Administrative Assistant reported that Linda Ottesen of J&J Oil Field Services had emailed Planning and Zoning about selling the mats to someone on the reservation but no detailed information was shared. Commissioner Ruland stated we would need specific information about where the mats are and that they have indeed been moved as that is a requirement of the *Cease and Desist*. Planning and Zoning will follow up with J&J Oil Field Services to find out more information as well as do a site visit.

Commissioner Hollekim inquired about the information regarding zoning on reservations that Wade Enget, Mountrail County States Attorney was looking into for the Board. Wade Enget, Mountrail County States Attorney stated he is working on determining the ownership of the property by Parshall. It needs to be determined if the land was put into a trust. It was mentioned the Zoning Ordinance's need to be followed on land not in trust on the Reservation.

Vice Chairman Sorenson advised the Board there is a water line coming into Mountrail County. It's coming from the Ames/ Savage water depot in Williams County. They are proposing to build a water pipeline from their depot to an Oasis oil well south of Highway 1804. This will be a fresh water pipeline. Vice Chairman Sorenson asked if this project would be considered a utility and therefore Mountrail County Planning & Zoning would have jurisdiction. Wade Enget, Mountrail County States Attorney referred to the Mountrail County Ordinances. Commissioner Ruland stated careful wording should be used as not to adversely affect the landowners who have fresh water pipeline to water their cattle.

Wade Enget, Mountrail County States Attorney advised the Board that the Corps of Engineers has decided they are not going to manage White Earth Bay any longer and the responsibility falls to Mountrail County. Mountrail County States Attorney Enget stated the zoning may need to be changed as there are people living there year around. Jana Heberlie, Mountrail County Road & Bridge Engineer identified the road that Mountrail County is now responsible for. Mountrail County Road & Bridge Engineer Heberlie expressed concern about possible overweight traffic on 101<sup>st</sup> Ave NW. This road is rated 6 Ton/80000lbs and cannot handle overweight loads. Wade Enget, Mountrail County States Attorney advised Hess Corporation was planning to move their barge to White Earth Bay for testing of their pipeline and have agreed to build a playground at the White Earth campground. A discussion was held on the different options available for heavyweight equipment needing to reach the water.

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## Next Meeting

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Next regular meeting of the Mountrail County Planning & Zoning Board is Monday, November 27, 2017 at 8:30 am at the Mountrail County South Complex, 8103 61<sup>st</sup> St. NW Stanley, ND 58784.

Meeting was adjourned at 9:20 a.m.

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## Approval

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Accepted and approved this 27<sup>th</sup> day of November 2017

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Roger Hovda, Chairman  
Mountrail County  
Planning & Zoning Commission

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Liz Hollowell  
Administrative Assistant  
Planning & Zoning