

PROCEEDINGS OF THE MOUNTRAIL COUNTY
PLANNING & ZONING COMMISSION

Monday, October 24, 2016

The Mountrail County Planning & Zoning Commission met on Monday, October 24th 2016 at the Mountrail County South Complex with the following voting members present: Roger Hovda, Charlie Sorenson, Trudy Ruland, Gary Weisenberger, Thomas Bieri and Linda Wienbar. Absent were Arlo Borud, Chase Lindberg and Bill Klug. Also present were 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, Lisa Lee, Assistant Planning & Zoning Administrator and Liz Hollowell, Planning & Zoning Administrative Assistant. Absent was Lori Hanson, Mountrail County Tax Director.

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

Chairman Hovda requested a motion to review and approve the current meeting agenda. Moved by Commissioner Wienbar, seconded by Commissioner Ruland to approve the agenda as is. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 8:30 a.m. public hearing to order regarding the zoning request filed by Sundre Sand & Gravel with concurrence from Bonita K Hornberger & Quintin J Lee, landowners, for a conditional use permit to use land zoned agricultural for mining gravel on a 80 acre, more or less, tract of land described as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 156 North, Range 89 West (**McGahan Township**). Two certified mail receipts were received with no other comments received on the project.

Present for this hearing was Dave Able of Sundre Sand and Gravel. Mr. Able stated they are renewing this pit. Don Longmuir, Planning & Zoning Administrator stated their letter of credit does not list a land description and asked Wade Enget, Mountrail County States Attorney if that should be listed. Each letter of credit has a specific number tying it to the conditional use permit, this should be sufficient. Mr. Able stated the bank asked for the legal descriptions of each pit for each letter of credit.

Moved by Commissioner Sorenson, seconded by Commissioner Bieri to approve the zoning request filed by Sundre Sand & Gravel with concurrence from Bonita K Hornberger & Quintin J Lee, landowners, for a conditional use permit to use land zoned agricultural for mining gravel on a 80 acre, more or less, tract of land described as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ & SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 156 North, Range 89 West (**McGahan Township**) for a five year term, requiring a \$125,000.00 letter of credit to be renewed and filed with the Planning & Zoning office annually for five years as Sundre Sand & Gravel has met all the criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon Sundre Sand &

Gravel complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 8:33 a.m. public hearing to order regarding a zoning request filed by Sundre Sand & Gravel with concurrence from Bonita K Hornberger and Quintin J Lee, landowners, for a conditional use permit to use land zoned agricultural for mining gravel on a 80 acre, more or less, tract of land described as the NE $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 156 North, Range 89 West (**McGahan Township**). Three certified mail receipts have been received and no other comments were received on the project.

Present for this hearing was Dave Able of Sundre Sand & Gravel. Mr. Able stated this is relatively the same area and is where they store their stockpile. They plan to have this location reclaimed shortly. This location will also require a letter of credit unless the landowner signs off on the stockpile.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to approve the zoning request filed by Sundre Sand & Gravel with concurrence from Bonita K Hornberger and Quintin J Lee, landowners, for a conditional use permit to use land zoned agricultural for mining and stockpiling gravel on a 80 acre, more or less, tract of land described as the NE $\frac{1}{4}$ NW $\frac{1}{4}$ & NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, Township 156 North, Range 89 West (**McGahan Township**) for a five year term, requiring a \$125,000.00 letter of credit to be renewed and filed with the Planning & Zoning office annually for five years or until the landowner signs a pit release as Sundre Sand & Gravel has met all the criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon Sundre Sand & Gravel complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 8:36 a.m. public hearing to order regarding a zoning request filed by Sundre Sand & Gravel with concurrence from Dennis & Karen Patterson Family Trust, Dennis Dilworth, Karen Patterson, Laurel Johnson, Leslie Wheeler, Wesley Wheeler and Kristy Donaldson, landowners, for a conditional use permit to use land zoned agricultural for mining gravel on a 60 acre, more or less, tract of land described as the SE $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 153 North, Range 92 West (**Knife River Township**). Two certified mail receipts have been received and no other comments on the project.

Present for this hearing was Dave Able of Sundre Sand & Gravel. Mr. Able stated this is also a renewal and they met with Knife River Township for the road haul agreement. Knife River Township reserves the right to wait until Mountrail County Planning & Zoning has approved the request before they will approve a road haul agreement. Commissioner Ruland asked about the legal description listed. She stated the legal description is for 80 acres but they have it listed as 60 acres on the application. Commissioner Ruland asked about the portion that was marked out on the application. Mr. Able stated the landowner preferred no mining be done there unless it

was for a large project, so Sundre Sand & Gravel didn't include that area with the rest of the legal for this conditional use permit. Lisa Lee, Assistant Planning & Zoning Administrator reminded Mr. Able that per the updated Mountrail County Ordinances, a sign is required at each pit to include the legal description. Mr. Able stated all their pits already have signs and are getting the legal description to add to the sign for each pit.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to approve the zoning request filed by Sundre Sand & Gravel with concurrence from Dennis & Karen Patterson Family Trust, Dennis Dilworth, Karen Patterson, Laurel Johnson, Leslie Wheeler, Wesley Wheeler and Kristy Donaldson, landowners, for a conditional use permit to use land zoned agricultural for mining gravel on a 80 acre, more or less, tract of land described as the SE $\frac{1}{4}$ SW $\frac{1}{4}$ & SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 30, Township 153 North, Range 92 West (**Knife River Township**) for a five year term, requiring a \$125,000.00 letter of credit to be renewed and filed with the Planning & Zoning office annually for five years and a road haul agreement from Knife River Township as Sundre Sand & Gravel has met all the criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon Sundre Sand & Gravel complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 8:39 a.m. public hearing to order regarding a zoning request filed by Edwards Gravel & Trucking LLC with concurrence from Randy & Kori Hodgson landowners, for a conditional use permit to use land zoned agricultural for mining gravel on a 66.06 acre, more or less, tract of land described as Gov't Lots 2 & 3 of Section 18, Township 152 North, Range 90 West (**Parshall Township**). Five certified mail receipts have been received. One more receipt is needed as well as a road haul agreement. No written comments were received.

Present for this hearing was Robbie Edwards of Edwards Gravel & Trucking LLC. Mr. Edwards stated this request is a renewal. This pit is a State pit and the gravel is being used for the County. Chairman Hovda asked about a road haul agreement. Mr. Edwards stated they are waiting on the township response. Chairman Hovda stated he is on the Parshall Township Board and have not heard of any road haul agreement being requested from them or from Van Hook Township as it's about a half mile to the highway. Chairman Hovda stated a letter of credit to the Township might be required to ensure the road stays in good shape and that would be handled by the Township with the road haul agreement. Chairman Hovda asked when Edwards Gravel & Trucking LLC was going to start using the pit. Mr. Edwards stated next spring. Commissioner Ruland stated this request should be tabled until the receipt card and road haul agreement was received.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to table the zoning request filed by Edwards Gravel & Trucking LLC with concurrence from Randy & Kori Hodgson landowners, for a conditional use permit to use land zoned agricultural for mining gravel on a 66.06 acre, more or less, tract of land described as Gov't Lots 2 & 3 of Section 18, Township 152

North, Range 90 West (**Parshall Township**) until the last receipt card and a road haul agreement is received. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 8:42 a.m. public hearing to order regarding a zoning request filed Rockwater Energy Solutions in concurrence with Jack Fladeland, landowner, for a variance to use land zoned agricultural to draw slough water for hydrostatic testing on a tract of land described as the $W\frac{1}{2}SE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$ of Section 27, Township 153 North, Range 91 West (**Crane Creek Township**). Three certified mail receipts were needed. One written comment received from Galen and Kristy Halverson opposing the request due to concerns about possible contamination. Commissioner Ruland stated Mr. Halverson called her this morning with his concerns and there is a question about how people are getting to water source.

Present for this hearing was Devin Merritt of Rockwater Energy Solutions. Chairman Hovda asked about the receipt cards. Mr. Merritt stated didn't know he was required to mail out notifications. Lisa Lee, Assistant Planning & Zoning Administrator stated she spoke with Mr. Merritt regarding the diversion point and confirmed it is the $W\frac{1}{2}NE\frac{1}{4}$ as shown on the water permit. Assistant Planning & Zoning Administrator Lee asked if the project was completed. Mr. Merritt stated yes. Mr. Merritt stated everything was submitted before the project began. Commissioner Ruland stated that didn't matter as Rockwater Energy Solution didn't have a variance permit from Mountrail County to do the project. Mr. Merritt stated this was first time working with Mountrail County and was led to believe if he had all the water permits it would be ok to do the project since getting a variance permit took so long. Wade Enget, Mountrail County States Attorney stated Rockwater Energy Solutions had no permission from Mountrail County to do this project regardless of permissions or procedures from other counties. Chairman Hovda stated the board is very familiar with this water source. Commissioner Ruland asked when the project was completed. Mr. Merritt stated two weeks ago. Commissioner Ruland asked about amount of water used and where the water was discharged. Mr. Merritt did not know. Lisa Lee, Assistant Planning & Zoning Administrator stated there were several entities related to this application but only Rockwater Energy Solutions signed the application. There is a question about liability if something was damaged. Commissioner Ruland stated this project has been in violation for 2 weeks. Wade Enget, Mountrail County States Attorney discussed the requirement of discharge permits and the steps taken when a company is out of compliance. Mr. Merritt stated his company didn't handle the discharge permits, Boyd Construction did. The Board agreed Rockwater Energy Solutions was not in compliance and penalties will be levied according to the North Dakota State Statue.

Moved by Commissioner Sorenson, seconded by Commissioner Weisenberger to deny the zoning request filed by Rockwater Energy Solutions in concurrence with Jack Fladeland, landowner, for a variance to use land zoned agricultural to draw slough water for hydrostatic testing on a tract of land described as the $W\frac{1}{2}SE\frac{1}{4}$, $W\frac{1}{2}NE\frac{1}{4}$ of Section 27, Township 153 North, Range 91 West (**Crane Creek Township**) as Rockwater Energy Solution did not obtain a permit prior to testing. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 8:45 a.m. public hearing to order regarding an Outlot Plat Review request filed by Travis, Shane, & Shalene Trulson, landowners, for a 49.64 acre, more or less, tract of land to be known as Outlot 1 in the SW¼ of Section 7, Township 154 North, Range 88 West (**Osloe Township**). No certified mail receipts have been received and no one was present at the hearing.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to table the Outlot Plat Review request filed by Travis, Shane, & Shalene Trulson, landowners, for a 49.64 acre, more or less, tract of land to be known as Outlot 1 in the SW¼ of Section 7, Township 154 North, Range 88 West (**Osloe Township**) as no certified mail receipts have been received, no one was present at the hearing and the final plat not received. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 8:48 a.m. public hearing to discuss a Subdivision Review request filed by V Gail Brendle Trustee, Brendle Living Trust, landowner, for a 39.66 acre, more or less, tract of land in the S½NE¼ of Section 10, Township 151 North, Range 91 West (**Liberty Township**) to be known as Brendle's 3rd Subdivision. No certified return receipts were received and no written comments.

Present for this hearing was Wayne Tuttle. Mr. Tuttle stated he wasn't aware of the required mailing. Don Longmuir, Planning & Zoning Administrator advised the Board that no signed development agreement had been received and no letter of credit is needed for the road per Mountrail County Road & Bridge.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to table the Subdivision Review request filed by V Gail Brendle Trustee, Brendle Living Trust, landowner, for a 39.66 acre, more or less, tract of land in the S½NE¼ of Section 10, Township 151 North, Range 91 West (**Liberty Township**) to be known as Brendle's 3rd Subdivision due to no certified receipt cards nor the signed development agreement received. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 8:51 a.m. public hearing to discuss a zoning request filed by Egan Crest, LLC, landowner, for a conditional use permit to use land zoned commercial for employee housing on a 71.48 acre, more or less, tract of land described S½ SE¼ less hwy right of way Section 15, Township 156 North, Range 88 West (**Egan Township**). Six certified return receipts had been received and no written comments.

Present for this hearing was Kevin Schoen, Dan Blankenan, Lynn Colip, & Carrie Hall with Egan Crest. Mr. Schoen gave the history of Egan Crest LLC and requested an extension of the conditional use permit. Each Board member received additional application materials. Don Longmuir, Planning & Zoning Administrator gave the history of the original application and stated that what was done at the site was not what was originally permitted. Commissioner

Sorenson stated Egan Crest is asking for something Mountrail County doesn't allow. Temporary housing is only allowed when it is directly tied to a project. Mr. Schoen stated they would be happy to work with Planning & Zoning and need just a little time to develop that plan while keeping the cash flow coming. Wade Enget, Mountrail County States Attorney explained the development of the new temporary housing ordinance and how it applies to Egan Crest. It was recommended that Egan Crest work with Planning & Zoning to develop a permanent housing solution.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to deny the zoning request filed by Egan Crest, LLC, landowner, for a conditional use permit to use land zoned commercial for employee housing on a 71.48 acre, more or less, tract of land described S½ SE¼ less hwy right of way Section 15, Township 156 North, Range 88 West (**Egan Township**) per Article II, Section XII, paragraph B. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 8:54 a.m. public hearing to order regarding a zoning request filed by Dakota Energy Resources Corp with concurrence from Carl Kannianen, landowner, for a variance permit to use land zoned agricultural for pumping slough water under the terms and conditions of *ND State Water permit ND2016-17588*, using a flat hose on a 160 acre, more or less, tract of land described as the SW¼SW¼ of Section 7, Township 153 North, Range 91West (**Crane Creek Township**). Three certified return receipts were received and no written comments received. This application was tabled in September.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to un-table Dakota Energy Resources Corp's request. Upon roll call, all present voted yes. Motion carried. Present for the discussion was Mike Childs of Dakota Energy Resources Corp. Mr. Childs verified he would be pumping water and no trucks would be involved.

Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar to approve the zoning request filed by Dakota Energy Resources Corp with concurrence from Carl Kannianen, landowner, for a variance permit to use land zoned agricultural for pumping slough water under the terms and conditions of *ND State Water permit ND2016-17588*, using a flat hose, no trucks and with affected landowners permission on a 160 acre, more or less, tract of land described as the SW¼SW¼ of Section 7, Township 153 North, Range 91West (**Crane Creek Township**) as Dakota Energy Resources Corp has met all the criteria as set forth in Article IV, Section V in the Mountrail County Zoning Ordinance and is further contingent upon Dakota Energy Resources Corp complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 8:57a.m. public hearing to order regarding a zoning request filed by Dakota Energy Resources Corp with concurrence from Jerome Anderson, landowner, for a variance permit to use land zoned agricultural for pumping slough water under the terms and conditions of *ND State Water Permit ND2016-17616*, using a flat hose on a 120 acre, more or less,

tract of land described as the NW¼ of Section 15, Township 155 North, Range 92 West (**Alger Township**). Five certified mail receipts have been received and no written comments were received. This application was tabled in September.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to un-table Dakota Energy Resources Corp request. Upon roll call, all present voted yes. Motion carried.

Present for the discussion was Mike Childs. Mr. Childs stated this request will also use a flat hose with no trucking.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the zoning request filed by Dakota Energy Resources Corp with concurrence from Jerome Anderson, landowner, for a variance permit to use land zoned agricultural for pumping slough water under the terms and conditions of *ND State Water Permit ND2016-17616*, using a flat hose, no trucks and landowners permission on a 120 acre, more or less, tract of land described as the NW¼ of Section 15, Township 155 North, Range 92 West (**Alger Township**) as Dakota Energy Resources Corp has met all the criteria as set forth in Article IV, Section V in the Mountrail County Zoning Ordinance and is further contingent upon Dakota Energy Resources Corp complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried. Upon roll call, all present voted yes, Motion carried.

Chairman Hovda called the 9:00 a.m. public hearing to order regarding a zoning request filed by Dakota Energy Resources Corp with concurrence from Jerome Anderson, landowner, for a variance permit to use land zoned agricultural for pumping slough water under the terms and conditions of *ND State Water Permit ND2016-17614*, using a flat hose on a 160 acre, more or less, tract of land described as the SW¼ of Section 15, Township 155 North, Range 92 West (**Alger Township**). Six certified mail receipts have been received and no written comments were received. This application was tabled in September.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to un-table Dakota Energy Resources Corp's request. Upon roll call, all present voted yes. Motion carried.

Present for the discussion was Mike Childs. Mr. Childs stated this request is also using a flat hose with no trucking.

Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar to approve the zoning request filed by Dakota Energy Resources Corp with concurrence from Jerome Anderson, landowner, for a variance permit to use land zoned agricultural for pumping slough water under the terms and conditions of *ND State Water Permit ND2016-17614*, using a flat hose, no trucks and affected landowner permission on a 160 acre, more or less, tract of land described as the SW¼ of Section 15, Township 155 North, Range 92 West (**Alger Township**) as Dakota Energy Resources Corp has met all the criteria as set forth in Article IV, Section V in the Mountrail County Zoning Ordinance and is further contingent upon Dakota Energy Resources Corp

complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 9:03 a.m. public hearing to order regarding a zoning request filed by Bakken Water Transfer Inc. with concurrence from Roger A Rogstad, landowner, for a variance permit to use land zoned agricultural for pumping slough water under the terms and conditions of *ND State Water Permit ND2016-17682*, using a flat hose on a 160 acre, more or less, tract of land described as the NW¼ of Section 12, Township 155 North, Range 91West (**Purcell Township**). Six certified mail receipts had been received and no written comments were received on the project. This application was tabled in September.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to un-table Bakken Water Transfer Inc.'s request. Upon roll call, all present voted yes. Motion carried.

Present for the discussion was Mike Childs. Mr. Childs stated this application is also for pumping water and only flat hoses will be used, no trucks.

Moved by Commissioner Bieri, seconded by Commissioner Ruland to approve the zoning request filed by Bakken Water Transfer Inc. with concurrence from Roger A Rogstad, landowner, for a variance permit to use land zoned agricultural for pumping slough water under the terms and conditions of *ND State Water Permit ND2016-17682*, using a flat hose, no trucks and landowners permission on a 160 acre, more or less, tract of land described as the NW¼ of Section 12, Township 155 North, Range 91West (**Purcell Township**) as Bakken Water Transfer Inc. has met all the criteria as set forth in Article IV, Section V in the Mountrail County Zoning Ordinance and is further contingent upon Bakken Water Transfer Inc. complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 9:06 a.m. public hearing to order regarding a zoning request filed by Bakken Water Transfer Inc. with concurrence from Ronald Aadnes, landowner, for a variance permit to use land zoned agricultural for pumping slough water under the terms and conditions of *ND State Water Permit ND2016-17613*, using a flat hose on a 160 acre, more or less, tract of land described as the NE¼ of Section 36, Township 157 North, Range 91West (**James Hill Township**). Four certified mail receipts have been received and two written comments against the project were received. This application was tabled in September.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to un-table Bakken Water Transfer Inc. request. Upon roll call, all present voted yes. Motion carried.

Present for the discussion was Mike Childs. Mr. Childs stated this is the same type of project for pumping water using flat hose and no trucks.

Moved by Commissioner Weisenberger, seconded by Commissioner Bieri to approve the zoning request filed by Bakken Water Transfer Inc. with concurrence from Ronald Aadnes, landowner, for a variance permit to use land zoned agricultural for pumping slough water under the terms and conditions of *ND State Water Permit ND2016-17613*, using a flat hose, no trucks and landowners permission on a 160 acre, more or less, tract of land described as the NE $\frac{1}{4}$ of Section 36, Township 157 North, Range 91West (**James Hill Township**) as Bakken Water Transfer Inc. has met all the criteria as set forth in Article IV, Section V in the Mountrail County Zoning Ordinance and is further contingent upon Bakken Water Transfer Inc. complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 9:09 a.m. public hearing to order regarding a zoning request filed by Dakota Chemical, with concurrence from Great Western Energy Service LLC, landowner, for an amendment to change land zoned agricultural to industrial on a 60 acre, more or less, tract of land described as Outlot 1 in Gov't lots 1 & 2 in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 1, Township 152 North, Range 90 West (**Parshall Township**). Three certified mail receipts have been received with two more needed. No written comments were received and this application was tabled in September.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to un-table Dakota Chemical's request. Upon roll call, all present voted yes. Motion carried.

Present for the discussion Brent Youngbird. Mr. Youngbird stated they only use a part of the building and it's used as a drop off site only when the chemicals can't be shipped directly to the well site. He stated chemicals are not stored there very long. Lisa Lee, Assistant Planning & Zoning Administrator stated a list of the types and quantities of chemicals stored there is required. Commissioner Ruland explained the need for the list of chemicals. Wade Enget, Mountrail County States Attorney explained if the lot is zoned industrial then the people living in the houses on the lot will have to move. He stated Dakota Chemical would need to sub lot the land around the houses if people wanted to stay. It was determined no conditional use permit was needed.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to table the zoning request filed by Dakota Chemical, with concurrence from Great Western Energy Service LLC, landowner, for an amendment to change land zoned agricultural to industrial on a 60 acre, more or less, tract of land described as Outlot 1 in Gov't lots 1 & 2 in the S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 1, Township 152 North, Range 90 West (**Parshall Township**) to work with Planning and Zoning to ensure Dakota Chemical needs all of Outlot 1 changed to industrial and to produce the missing two receipt cards.

Chairman Hovda called the next public hearing to order regarding the zoning request filed by William Brandt, landowner, for a conditional use permit to use land zoned residential for multi-family housing unit on a tract of land described as Lots 21 & 22 Block 1 Original Townsite,

Palermo, ND (**City of Palermo**). Six certified mail receipts had been received with no other comments on the project.

Don Longmuir, Planning & Zoning Administrator advised an email was received from the City of Palermo stating they had no objections with William Brandt's project and a motion was needed to accept the findings. This application was tabled in August.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to un-table William Brandt's request. Upon roll call, all present voted yes. Motion carried.

Moved by Commissioner Bieri, seconded by Commissioner Wiesenberger to approve the zoning request filed by William Brandt, landowner, for a conditional use permit to use land zoned residential for multi-family housing unit on a tract of land described as Lots 21 & 22 Block 1 Original Townsite, Palermo, ND (**City of Palermo**) with the approval from the City of Palermo, as William Brant has met all the criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon William Brant complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the minutes from the September 26th 2016 Planning & Zoning Meeting as presented. Upon roll call, all present voted yes, Motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to approve the building permit # 1956. Upon roll call, all present voted yes. Motion carried.

Board Concerns: The Board discussed concerns over the Brendle's Subdivision landowners' situation. Clay Sorenson was present for this discussion. Wade Enget, Mountrail County States Attorney discussed building permits/renewal's and how they apply to the RV situation.

Chairman Hovda advised that he had spoken with Gail Brendle about the use of the subdivision and it is to be residential with stick built homes.

Staff Concerns: Pit Release – Sundre/Smith – E½NE¼, Lots 1 & 2, SW¼, less 21.075 acres, W½SE¼ of Section 19, Township- 153N, Range 91W (Crane Creek Township) – Reclaimed to owner's satisfaction

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to approve the pit release for Sundre Sand & Gravel - E½NE¼, Lots 1 & @, SW¼, less 21.075 acres, W½SE¼ of Section 19, Township- 153N, Range 91 (Crane Creek Township) as pit is reclaimed to owner's satisfaction. Upon roll call, all present voted yes. Motion carried.

Don Longmuir, Planning & Zoning Administrator advised the Board that a cease and desist was served on Marty Jorstad to stop the mining of clay in White Earth Township as he does not have a permit to operate.

Wade Enget, Mountrail County States Attorney requested the plat book used for the Planning and Zoning packet be from the Atlas of Mountrail County as those maps give much more information about who owns the land.

Chairman Hovda adjourned the meeting.

The next regular meeting of the Mountrail County Planning & Zoning Board is Monday, November 28th 2016 at 8:30 am at the Mountrail County South Complex, 8103 61st St. NW Stanley, ND 58784.

Accepted and approved this 28th day of November 2016.

Roger Hovda, Chairman
Mountrail County
Planning & Zoning Commission

Liz Hollowell
Administrative Assistant
Planning & Zoning