

PROCEEDINGS OF THE MOUNTRAIL COUNTY  
PLANNING & ZONING COMMISSION  
Monday, October 26<sup>th</sup>, 2015

The Mountrail County Planning & Zoning Commission met on Monday, October 26<sup>th</sup>, 2015 at the Mountrail County Court House with the following voting members present: Roger Hovda, Charlie Sorenson, Bill Klug, Chase Lindberg, and Rosie Bieri. Absent were Arlo Borud, Gary Weisenberger, Linda Wienbar, Trudy Ruland, Lori Hanson, Mountrail County Tax Director, Wade Enget, States Attorney, and Don Longmuir, Planning and Zoning Administrator. Also present were Teresa Captain, Mountrail County Deputy Tax Director, Heather Greenlee, Mountrail County Auditor's Office, Lisa Lee Assistant Planning & Zoning Administrator, and Liz Hollowell, Planning & Zoning Administrative Assistant.

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

Chairman Hovda called the 8:30a.m. public hearing to order regarding the zoning request filed by Matt Kundert with Tower Co representing Verizon Wireless., in concurrence with Mildred Roggenbuck, landowner, for a conditional use permit to install an unmanned wireless communication facility including a tower and shelter on a 103 acre, more or less, tract of land described as the W $\frac{1}{2}$ NE $\frac{1}{4}$ , less Outlot 1 of the W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 26, Township 153 North, Range 93 West of (Unorganized Township). No one from Tower Co. was present for this discussion. The two certified return receipt request cards from adjacent landowners had been received by Planning and Zoning staff. Discussion included this is for the placement of a cell tower only.

Moved by Commissioner Bieri, seconded by Commissioner Lindberg to approve the zoning request filed by Matt Kundert with Tower Co representing Verizon Wireless., in concurrence with Mildred Roggenbuck, landowner, for a conditional use permit to install an unmanned wireless communication facility including a tower and shelter on a 103 acre , more or less, tract of land described as the W $\frac{1}{2}$ NE $\frac{1}{4}$ , less Outlot 1 of the W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 26, Township 153 North, Range 93 West of (Unorganized Township) as Tower Co. representing Verizon Wireless 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 Tower Co. complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman Hovda called the 8:33 a.m. public hearing to order regarding the zoning request filed by Matt Kundert with Tower Co representing Verizon Wireless., in concurrence with Mildred Roggenbuck, landowner, for a variance to install a 170' tower on an 103 acre, more or less, tract of land described as the W $\frac{1}{2}$ NE $\frac{1}{4}$ , less Outlot 1 of the W $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$  Section 26, Township 153 North, Range 93 West of (Unorganized Township). No one from Tower Co. was present for this discussion. Two certified return receipt cards had been received by Planning and Zoning Staff. Discussion included this is for the height of the tower and county set-backs will be required.

Moved by Commissioner Klug, seconded by Commissioner Bieri to approve the zoning request filed by Matt Kundert with Tower Co representing Verizon Wireless., in concurrence with Mildred Roggenbuck, landowner, for a variance to install a 170' tower on an 103 acre, more or less, tract of land described as the W½NE¼, less Outlot 1 of the W½NE¼, NE¼NE¼ Section 26, Township 153 North, Range 93 West of (Unorganized Township) as Tower Co. has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Tower Co. complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman Hovda called the 8:36 a.m. public hearing to order regarding the zoning request filed by I. Jay & Kier Jackson, landowner, for a conditional use permit to place a manufactured home on a lot zoned residential on 1.3 acre , more or less, tract of land described as the Sublot A & B of Outlot 4 in gov't lot 4 in the NE¼SE¼ Section 34, Township 157 North, Range 91 West of (James Hill Township). Present for this discussion was Kier Jackson who presented four certified return receipt cards from adjacent landowners. Discussion included this is for the placement of a manufactured home on a one acre lot with its own septic system.

Moved by Commissioner Sorenson, seconded by Commissioner Lindberg to approve the zoning request filed by I. Jay & Kier Jackson, landowner, for a conditional use permit to place a manufactured home on a lot zoned residential on 1.3 acres , more or less, tract of land described as the Sublot A & B of Outlot 4 in gov't lot 4 of the NE¼SE¼ Section 34, Township 157 North, Range 91 West of (James Hill Township) as I. Jay & Kier Jackson 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 I. Jay & Kier Jackson complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman Hovda called the 8:39 a.m. public hearing to order regarding the zoning request filed by I. Jay & Kier Jackson, landowner, for a conditional use permit to place a manufactured home on a lot zoned residential on 1.26 acre, more or less, tract of land described as the Sublot A & B of Outlot 4 in in gov't lot 4 in the NE¼SE¼ Section 34, Township 157 North, Range 91 West of (James Hill Township). Present for this discussion was Kier Jackson who presented four certified return receipt cards from landowners. Discussion included this is for the placement of a manufactured home on a one acre lot with its own septic system.

Moved by Commissioner Lindberg, seconded by Commissioner Sorenson to approve the zoning request filed by I. Jay & Kier Jackson, landowner, for a conditional use permit to place a manufactured home on a lot zoned residential on 1.26 acre, more or less, tract of land described as the Sublot A & B of Outlot 4 in gov't lot 4 in the NE¼SE¼ Section 34, Township 157 North, Range 91 West of (James Hill Township) as I. Jay & Kier Jackson 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 I. Jay & Kier Jackson complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman Hovda called the 8:42 a.m. public hearing to order regarding the zoning request filed by Abe Musser with H2O Partners, in concurrence with Robert Patton, landowner, for a variance to transfer water via flat hose on 160 acre, more or less, tract of land described as the SW $\frac{1}{4}$  Section 36, Township 154 North, Range 91 West (Sikes Township). No one from H2O Partners was present for this discussion. No certified return receipt cards had been sent.

Moved by Commissioner Klug, seconded by Commissioner Bieri to table this zoning request filed by Abe Musser with H2O Partners, in concurrence with Robert Patton, landowner, for a variance to transfer water via flat hose on 160 acre, more or less, tract of land described as the SW $\frac{1}{4}$  Section 36, Township 154 North, Range 91 West (Sikes Township). Upon roll call all present voted yes, motion carried.

Chairman Hovda called the 8:45 a.m. public hearing to order regarding the zoning request filed by Abe Musser with H2O Partners, in concurrence with Jeffrey Lapica, landowner, for a variance to transfer water via a lay flat hose on 160 acre, more or less, tract of land described as the SE $\frac{1}{4}$  Section 23, Township 155 North, Range 93 West (Debing Township). No one from H2O Partners was present. Planning and Zoning staff informed the board that the certified return receipt cards to adjacent landowners had not been sent out.

Moved by Commissioner Bieri, seconded by Commissioner Klug to table this zoning request filed by Abe Musser with H2O Partners, in concurrence with Jeffrey Lapica, landowner, for a variance to transfer water via a lay flat hose on 160 acre, more or less, tract of land described as the SE $\frac{1}{4}$  Section 23, Township 155 North, Range 93 West (Debing Township). Upon roll call all present voted yes, motion carried.

Moved by Commissioner Sorenson, seconded by Commissioner Bieri to approve the minutes from the September 26<sup>th</sup> 2015 Planning and Zoning meeting. Upon roll call all present voted yes, motion carried.

Chairman Hovda called the 8:48 a.m. public hearing to order regarding the zoning request filed by Terry Jones of Water Inc., in concurrence with Johnny David Kulczyk, landowner, for an amendment to change land zoned agricultural to industrial for the purpose of building a water depot with one main pump building and two loadout buildings with pit and pipeline on a 10 acre, more or less, tract of land described as the N $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 17, Township 154 North, Range 94 West (Unorganized Township). No one from Water Inc. was present for this discussion. No certified return receipt cards had been received. Discussion included an error in the legal land description, the site is not included in the legal description provided, the site was completed in August prior to Planning and Zoning approval, and the dike is on the property line.

Moved by Commissioner Sorenson, seconded by Commissioner Lindberg to deny the zoning request by Terry Jones of Water Inc., in concurrence with Johnny David Kulczyk, landowner, for an amendment to change land zoned agricultural to industrial for the purpose of building a water depot with one main pump building and two loadout building with pit and pipeline on a 10 acre, more or less, tract of land described as the N $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 17, Township 154 North, Range 94 West (Unorganized

Township) due to errors on the application and no representation at the meeting. Upon roll call all present voted yes, motion carried.

Chairman Hovda called the 8:51 a.m. public hearing to order regarding the zoning request filed by BNSF Railway in concurrence with Ralph W Brown, landowner, for a 5.18 acre, more or less, plat to be known as Outlot 1 of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, Township 156 North, Range 89 West (McGahan Township). No one was present from BNSF at this meeting. No certified return receipt card had been received.

Moved by Commissioner Sorenson, seconded by Commissioner Bieri to table the zoning request filed by BNSF Railway in concurrence with Ralph W Brown, landowner, for a 5.18 acre, more or less, plat to be known as Outlot 1 of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  and the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, Township 156 North, Range 89 West (McGahan Township) until the township chairman was notified. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:54 a.m. public hearing to order regarding the zoning request filed by Dale Honsey of Pinky's Aggregates Inc., with concurrence from Paul & Tricia D Wheeling, landowner, for a conditional use permit to use land zoned agricultural for mining aggregate on an 80 acre, more or less, tract of land described as the S $\frac{1}{2}$ NW $\frac{1}{4}$  of Section 3, Township 153 North, Range 88 West (Spring Coulee Township). Present for this discussion was Jeff (last name?) from Pinky's Aggregates, Paul Wheeling, Dennis Edwards, and Gary Johnson. Previous attendees of the last public hearing were informed of the new hearing date. Six certified return receipt notification cards were received from adjacent landowners. Gary Johnson submitted a letter in support of the gravel pit on behalf of Spring Coulee Township. This application was denied at the June 2015 meeting and tabled at the August 2015 meeting.

Moved by Commissioner Lindberg, seconded by Commissioner Klug to remove this item from the table. Upon roll call, all present voted yes, motion carried.

Discussion included the approach from 62<sup>nd</sup> Avenue using Paul Wheeling's father's land, using the south section line, and an existing prairie trail on a section line which is open to the public. Also discussed was the county requirement of a road haul agreement for gravel companies and the difference between agricultural use of a prairie trail and commercial use it for sales of gravel. A road haul agreement between Pinky's Aggregates and Spring Coulee Township would clarify what improvements would need to be made to make the road suitable to the number of gravel trucks it will bring. Gary Johnson spoke in support of the gravel pit and stated that it will help townships get their roads graveled. The last time Pinky's attended a public hearing with the county there was no bond and no contractor's license. Both of these issues have been addressed; however there is still a need for a more specific route to be agreed upon by parties involved and a need to improve the road to be used by building it up and adding gravel. Also discussed were setback requirements and ways to ensure they were obeyed, culverts, diverting the flow of water off the road, the need to be a good neighbor, and landowners own the land up until the center line of the section line, however the public has the right of way to cross the land on the section line. The board requested an updated road haul agreement which

would include 63<sup>rd</sup> Avenue and 47<sup>th</sup> Street and would be agreed upon by landowners, Pinky's and the township.

Moved by Commissioner Bieri, seconded by Commissioner Lindberg to approve the zoning request filed by Dale Honsey of Pinky's Aggregates Inc., with concurrence from Paul & Tricia D Wheeling, landowner, for a conditional use permit to use land zoned agricultural for mining aggregate on an 80 acre, more or less, tract of land described as the S½NW¼ of Section 3, Township 153 North, Range 88 West (Spring Coulee Township) contingent upon a revised road haul agreement between Pinky's Aggregates and Spring Coulee Township, as Pinky's Aggregate 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 Pinky's Aggregate complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Chairman Hovda called the 8:57 a.m. public hearing to order regarding the zoning request filed by Jerimey & Nichl Bruhn, landowners, for variance permit to use land zoned commercial for the purpose of allowing grain bids to be placed on a tract of land described as Outlot 1 of the SE¼ Section 1, Township 156 North, Range 89 West (McGahan Township). Present for this discussion was Jerimey Bruhn who presented two certified return receipt cards from adjacent landowners. Discussion included this is to place grain bins in an area which currently houses fourteen trailers.

Moved by Commissioner Sorenson, seconded by Commissioner Lindberg to approve the zoning request filed by Jerimey & Nichl Bruhn, landowners, for variance permit to use land zoned commercial for the purpose of allowing grain bids to be placed on a tract of land described as Outlot 1 of the SE¼ Section 1, Township 156 North, Range 89 West (McGahan Township) as Jerimey Bruhn has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Jerimey Bruhn complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes motion carried.

Moved by Commissioner Klug, seconded by Commissioner Lindberg to approve the building permits #1906-1912. Upon roll call, all present voted yes, motion carried.

Board concerns included the discussion of sales tax on gravel pits and government entities are exempt from sales tax for government projects. Additionally discussed was that Green Group is moving forward with their special waste oil field landfill site south of Ross. This project has preliminary approval from the Health Department and is open for public comment on the Health Department website. If approved, the landfill would begin construction in the spring of 2016.

Staff concerns included an update on the Seibel waste pit, the Debertin land is being surveyed, and Phillips and Jordan representatives informed the Planning and Zoning Office that there was no longer a need for a rushed permit despite the special meeting previously held.

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 Court House 101 N. Main St. Stanley, ND 58784.

Moved by Commissioner Bieri, seconded by Commissioner Lindberg to adjourn the meeting. Upon roll call all present voted yes, motion carried.

Accepted and approved this 23<sup>rd</sup> day of November 2015.

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Roger Hovda, Chairman  
Mountrail County Planning & Zoning Commission

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Lisa Lee  
Assistant Zoning Administrator