

PROCEEDINGS OF THE MOUNTRAIL COUNTY PLANNING & ZONING COMMISSION
Monday October 27, 2014

The Mountrail County Planning & Zoning Commission met on Monday, October 27th, 2014 at the Mountrail County South Complex with the following voting members present: Arlo Borud, Roger Hovda, Trudy Ruland, Gary Weisenberger, Charlie Sorenson, Rosemarie Bieri, and Linda Wienbar. Members absent were Terry Mathson and Chase Lindberg. Also present were Tom Nash, of New Town City Council, Lori Hanson, Mountrail County Tax Equalization Director, Wade Enget, Mountrail County States Attorney, Teresa Captain, Mountrail County Auditor's Office, Don Longmuir, Mountrail County Zoning Administrator/Planner, and Lisa Lee of Planning and Zoning.

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

Chairman Hovda requested a motion to remove from the table a subdivision application filed by Fred W. and Joyce Evans for an 18.02 acre, more or less, plat to be known as Outlot 9 located in Government Lot 2 of Section 3, Township 154 North, Range 91 West (Sikes Township).

Moved by Commissioner Borud, seconded by Commissioner Ruland to remove from the table the subdivision application filed by Fred W. and Joyce Evans. Upon roll call vote all present voted yes, motion carried. This discussion will be a continuation of last month's public hearing.

Chairman Hovda called the 8:30 a.m. August 25, 2014 public hearing regarding the subdivision review request filed by Fred W. and Joyce Evans for an 18.02 acre, more or less, plat to be known as Outlot 9 located in Government Lot 2 of Section 3, Township 154 North, Range 91 West (Sikes Township). Present for this discussion was Fred W. Evans. Mr. Evans previously provided four certified return mail receipt cards from adjacent landowners. Discussion included Outlot 8 has been recorded. Outlot 6 and Outlot 7 were outstanding, however, this has no effect on Mr. Evan's application. No further comments received.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to approve the subdivision review request filed by Fred W. & Joyce Evans for an 18.02 acre, more or less, plat to be known as Outlot 9 located in Government Lot 2 of Section 3, Township 154 North, Range 91 West (Sikes Township) as Fred W. Evans has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda requested a motion to remove from the table a zoning request filed by Fred W. and Joyce Evans for a subdivision review request for Outlot 10 in Government Lots 1&2 and the NW¹/₄SE¹/₄NE¹/₄ of Section 3, Township 154 North, Range 91 West (Sikes Township).

Moved by Commissioner Ruland, seconded by Commissioner Bieri to remove from the table the subdivision review application filed by Fred W. and Joyce Evans. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:35 a.m. public hearing to order regarding the subdivision review request filed by Fred W. & Joyce Evans for a 10.87 acre, more or less, plat to be known as Outlot 10 in Government Lots 1&2 and the NW¹/₄SE¹/₄NE¹/₄ of Section 3, Township 154 North, Range 91 West (Sikes Township). Present for this discussion was Fred W. Evans who previously presented the certified return receipt cards from adjacent landowners. No further comments were received.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to approve the subdivision review request filed by Fred W. & Joyce Evans for a 10.87 acre, more or less, plat to be known as Outlot 10 in Government Lots 1&2 and the NW¹/₄SE¹/₄NE¹/₄ of Section 3, Township 154 North, Range 91 West (Sikes Township) as Fred W. Evans has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Wienbar to approve the September 22, 2014 Planning & Zoning meeting minutes. Upon roll call vote all present voted yes, motion carried

Chairman Hovda called the 8:40 a.m. public hearing to order regarding the zoning request filed by Guy Zitting of North Water LLC, with concurrence from Roger K. and Darlene J. Vesey for a variance for pumping slough water for fracking on a 38.80 acre, more or less, tract of land described as Government Lot 9 of Section 18, Township 155 North, Range 89 West (McAlmond Township). No one was present representing North Water LLC and no certified mail return receipt cards from adjacent landowners had been received.

Moved by Commissioner Weisenberger, seconded by Commissioner Bieri to table the zoning request filed by Guy Zitting of North Water LLC, with concurrence from Roger K. and Darlene J. Vesey for a variance for pumping slough water for fracking on a 38.80 acre, more or less, tract of land described as Government Lot 9 of Section 18, Township 155 North, Range 89 West (McAlmond Township) due the fact no one was present representing the applicant and no certified mail return receipt cards had been received from the adjacent land owners. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the building permits excluding #1822 which would be issued a refund.

Guy Zitting, North Water LLC arrived. Moved by Commissioner Borud, seconded by Commissioner Ruland to remove the zoning request filed by Guy Zitting of North Water LLC, with concurrence from Roger K. and Darlene J. Vesey for a variance for pumping slough water for fracking on a 38.80 acre, more or less, tract of land described as Government Lot 9 of Section 18, Township 155 North, Range 89 West (McAlmond Township) from the table. Upon roll call vote all present voted yes, motion carried.

Present for this discussion was Guy Zitting, North Water LLC. Mr. Zitting provided certified mail return receipt cards from adjacent landowners, a copy of the State Water Permit and stated the water would be brought to this location via permanent underground water pipeline replacing approximately 600 trucks a day.

Moved by Commissioner Borud, seconded by Commissioner Bieri, to approve the zoning request filed by Guy Zitting of North Water LLC, with concurrence from Roger K. and Darlene J. Vesey for a variance for pumping slough water for fracking on a 38.80 acre, more or less, tract of land described as Government Lot 9 of Section 18, Township 155 North, Range 89 West (McAlmond Township). Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 8:45 a.m. public hearing to order regarding the zoning request filed by Bryan Gray, landowner, for a variance to waive the 150' setback requirements from a section line on a 4.0 acre, more or less, tract of land described as Sublot A of Outlot 1 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 156 North, Range 91 West (Idaho Township). Present for this discussion was Bryan Gray who presented the certified return receipt cards from adjacent landowners. No further comments were received. Discussion included the future plans for the road and the proposed set back of 60 feet.

Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar to approve the zoning request filed by Bryan Gray, landowner, for a variance to waive the 150' setback requirements from a section line on a 4.0 acre, more or less, tract of land described as Sublot A of Outlot 1 in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 5, Township 156 North, Range 91 West (Idaho Township) as Bryan Gray has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Bryan Gray 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 8:50 a.m. public hearing to order regarding the zoning request filed by Jane Paulson with concurrence from Jane Paulson Living Trust, landowner, for a variance to place a water depot for fracking along with a temporary above ground pipeline on a 37.7 acre, more or less, tract of land described as Government Lot 3 of Section 20, Township 158 North, Range 92 West (Powers Township). Present for this discussion was Phil MacLellan and Jane Paulson who presented the certified return receipt request cards from adjacent landowners. No further comments were received. Discussion included this would only be for occasional use, water will be pipelined out and will reduce truck traffic, Ms. Paulson would also need permission of the township to move forward and provide a copy of the easement.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the zoning request filed by Jane Paulson with concurrence from Jane Paulson Living Trust, landowner, for a variance to place a water depot for fracking along with a temporary above ground pipeline on a 37.7 acre, more or less, tract of land described as Government Lot 3 of Section 20, Township 158 North, Range 92 West (Powers Township) as Jane Paulson has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Jane Paulson Living Trust 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 8:55 a.m. public hearing to order regarding the subdivision review request filed by Perry Byers, with concurrence from Conrad & Sherry Varnum, landowners, for a 4.95 acre, more or less, plat to be known as Sublot A & B of Outlot 1 located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 152 North, Range 92 West (Osborn Township). Present for this discussion was Perry Byers who provided the certified return receipt request cards from adjacent landowners. Discussion included the operation of a portable toilet business.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the zoning subdivision review request filed by Perry Byers, with concurrence from Conrad & Sherry Varnum, landowners, for a 4.95 acre, more or less, plat to be known as Sublot A & B of Outlot 1 located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 152 North, Range 92 West (Osborn Township), as Perry Byers has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:00 a.m. public hearing to order regarding the zoning request filed by Perry Byers, with concurrence from Conrad and Sherry Varnum, landowners, for an amendment to the Mountrail County Zoning Map to change land zoned agricultural to industrial for the purpose of accommodating a commercial waste disposal site including four 1800 gallon storage tanks on a 4.95 acre, more or less, tract of land described as Sublot B of Outlot 1 of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 152 North, Range 92 West (Osborn Township). Discussion included this is for a portable toilet business, state and health permits which are not required under 25,000 gallons, the tanks are made of cement and will be stored underground which helps eliminate odor issues, the tanks will be pumped out weekly and hauled off site.

Moved by Commissioner Bieri, seconded by Commissioner Weisenberger to present findings of fact from the October 27, 2014 public hearing and make a recommendation to the Mountrail County Commission for approval of the zoning request filed by Perry Byers, with concurrence from Conrad and Sherry Varnum, landowners, for an amendment to the Mountrail County Zoning Map to change land zoned agricultural to industrial for the purpose of accommodating a commercial waste disposal site including four 1800 gallon storage tanks on a 4.95 acre, more or less, tract of land described as Sublot B of Outlot 1 of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 152 North, Range 92 West (Osborn Township) as Perry Byers has met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon Perry Byers 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 9:05 a.m. public hearing to order regarding the zoning request filed by Perry Byers, with concurrence from Conrad & Sherry Varnum, landowners, for a conditional use permit to use land zoned industrial for the purpose of installing four 1800 gallon storage tanks for containment of waste on a 4.95 acre, more or less, tract of land described as Sublot B of Outlot 1 of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 152 North, Range 92 West (Osborn Township).

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the zoning request filed by Perry Byers, with concurrence from Conrad & Sherry Varnum, landowners, for a conditional use permit to use land zoned industrial for the purpose of installing four 1800 gallon storage tanks for containment of waste on a 4.95 acre, more or less, tract of land described as Sublot B of Outlot 1 of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 29, Township 152 North, Range 92 West (Osborn Township) contingent upon the approval of the amendment by the Mountrail County Commission, as Perry Byers 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 Perry Byers 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 9:10 a.m. public hearing to order regarding the zoning request filed by Mike & Dottie Hanson for a conditional use permit to use land zoned residential to construct and operate a small dog kennel on a 9 acre, more or less, tract of land known as Outlot 1 less Sublot A of Outlot 1 of the S¹/₂SW¹/₄ of Section 15, Township 156 North, Range 94 West (Myrtle Township). Present for this discussion was Mike and Dottie Hanson who provided certified return receipt cards from adjacent landowners. Also present were Lynn Heinle and Arlan Anderson. Last month a letter was received from Rose Person with some ideas for licensing and regulations imposed on similar boarding facilities in other states. This item was tabled last month and was previously applied for as a variance rather than conditional use. Discussion included a waste management plan, number of dogs limited to 15-20, a secondary perimeter fence for containment, acreage requirements, liability insurance, noise, vaccinations, staffing requirements and hours, and making the conditional use permit non-transferable. Arlan Anderson expressed concern about his cattle, liability insurance, waste, noise, and whether or not the Hanson's will reside at this location. Lynn Heinle expressed concern about compost run off and high fencing. The total acreage available for this site is 6.84 acres. It was suggested that the Hansons bring a business plan showing ideas for waste management and liability insurance prior to the next public hearing.

Moved by Commissioner Borud, seconded by Commissioner Sorenson to table the zoning request filed by Mike & Dottie Hanson for a conditional use permit to use land zoned residential to construct and operate a small dog kennel on a 9 acre, more or less, tract of land known as Outlot 1 less Sublot A of Outlot 1 of the S¹/₂SW¹/₄ of Section 15, Township 156 North, Range 94 West (Myrtle Township) until next month to allow for the receipt of a waste management plan, proof of insurance and other information. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:15 a.m. public hearing to order regarding a subdivision review request filed by Delvine DeTienne, landowner, for a 10.33 acre, more or less, plat to be known as an Outlot 1 in the SE¹/₄ of Section 3, Township 153 North, Range 90 West (Wayzetta Township). Present for this discussion was Delvine DeTienne who presented the certified return receipt cards from adjacent landowners.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the subdivision review request filed by Delvine DeTienne, landowner, for a 10.33 acre, more or less, plat to be known as Outlot 1 in the SE¹/₄ of Section 3, Township 153 North, Range 90 West (Wayzetta Township) as Delvine DeTienne has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:20 a.m. public hearing to order regarding the subdivision review request filed by EOG Resources, Inc. with concurrence from Ehlert Enterprises, LLC., landowner, for an 18.41 and 18.55 acre, more or less, plats to be known as Outlot 2 in the NW¹/₄SW¹/₄ and Outlot 3 in the NE¹/₄SW¹/₄ located in the of Section 26, Township 153 North, Range 90 West (Wayzetta Township). Present for this discussion was Beau Hill of EOG Resources Inc. who presented the certified return receipt cards from adjacent landowners. No further comments were received. Discussion included cleaning up the survey by using solid black lines, making sure the roads were labeled and removing fence lines, and the proposed right of way. Final approval would be contingent upon plat review committee.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the subdivision request filed by EOG Resources, Inc. with concurrence from Ehlert Enterprises, LLC., landowner, contingent upon a final approval of the plat review committee, for an 18.41 acre, more or less, plat to be known as Outlot 2 located in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 153 North, Range 90 West (Wayzetta Township) as Beau Hill has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Sorenson, seconded by Commissioner Weisenberger to approve the subdivision review request filed by EOG Resources, Inc. with concurrence from Ehlert Enterprises, LLC., landowner, contingent upon final approval of the plat review committee, for an 18.55 acre, more or less, plat to be known as Outlot 3 located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 153 North, Range 90 West (Wayzetta Township) as Beau Hill has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:25 a.m. public hearing to order regarding the zoning request filed by EOG Resources, Inc. with concurrence from Ehlert Enterprises, LLC., landowner, for an amendment to the Mountrail County Zoning Map to change land zoned agricultural to industrial for the purpose of expanding existing storage facilities on a 36.469 acre, more or less, tract of land described as Outlot 2 NW $\frac{1}{4}$ SW $\frac{1}{4}$ (18.414+/-) and Outlot 3 (18.055+/-) of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 153 North, Range 90 West (Wayzetta Township). Beau Hill was present for this discussion who presented the certified return receipt cards from adjacent landowners.

Moved by Commissioner Weisenberger, seconded by Commissioner Borud to present findings of fact from the October 27, 2014 public hearing and make a recommendation to the Mountrail County Commissioners for approval of the zoning request filed by EOG Resources, Inc. with concurrence from Ehlert Enterprises, LLC., landowner, for an amendment to the Mountrail County Zoning Map to change land zoned agricultural to industrial for the purpose of expanding existing storage facilities on a 36.469 acre, more or less, tract of land described as Outlot 2(18.414+/-) of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and Outlot 3(18.055+/-) of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 153 North, Range 90 West (Wayzetta Township) as EOG has met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon EOG complying will 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 9:30 a.m. public hearing to order regarding the zoning request filed by EOG Resources, Inc. with concurrence from Ehlert Enterprises, LLC., landowner, for a conditional use permit to use land zoned as industrial for the purpose of expanding existing storage facilities on an 36.469 acre, more or less, tract of land described as Outlot 2(18.414+/-) of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ and Outlot 3(18.055+/-) of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 26, Township 153 North, Range 90 West (Wayzetta Township). Present for this discussion was Beau Hill who presented the certified return receipt cards from adjacent landowners. This conditional use would be subject to approval of the amendment by the Mountrail County Commissioners.

Moved by Commissioner Weisenberger, seconded by Commissioner Bieri to approve the zoning request filed by EOG Resources, Inc. with concurrence from Ehlert Enterprises, LLC., landowner, for a conditional use permit to use land zoned as industrial for the purpose of expanding existing storage facilities on a

36.469 acre, more or less, tract of land described as Outlot 2 (18.414+/-) of the NW¹/₄SW¹/₄ and Outlot 3 (18.055+/-) of the NE¹/₄SW¹/₄ of Section 26, Township 153 North, Range 90 West (Wayzetta Township) contingent upon the approval of the amendment by the Mountrail County Commission as EOG 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 EOG 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 9:35 a.m. public hearing to order regarding the zoning request filed by Justin Owen of Verizon Wireless, with concurrence from Larry and Beverly Thompson, landowners, for a conditional use permit to use land zoned agricultural for the purpose of placing a telecommunications tower and shelter on a 10,000 sq. ft., more or less, tract of land described as the NE¹/₄NE¹/₄ of Section 18, Township 155 North, Range 94 West (Unorganized Township). Present for this discussion was Justin Owen who presented the certified return receipt cards from adjacent landowners. No further comments were received. Discussion included the set back from the East section line is 722 ft. and the height of the tower.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to approve the zoning request filed by Justin Owen of Verizon Wireless, with concurrence from Larry and Beverly Thompson, landowners, for a conditional use permit to use land zoned agricultural for the purpose of placing a telecommunications tower and shelter on a 10,000 sq. ft., more or less, tract of land described as the NE¹/₄NE¹/₄ of Section 18, Township 155 North, Range 94 West (Unorganized Township) as 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 Verizon Wireless 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 9:40 a.m. public hearing to order regarding the zoning request filed by Justin Owen of Verizon Wireless, with concurrence from Larry and Beverly Thompson, landowners, for a variance to place a 259' telecommunications tower which exceeds the 90' maximum height allowable in Mountrail County on a 10,000 sq. ft., more or less, tract of land described as the NE¹/₄NE¹/₄ of Section 18, Township 155N, Range 94W (Unorganized Township). Present for this discussion was Justin Owen. No further comments were received.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the zoning request filed by Justin Owen of Verizon Wireless, with concurrence from Larry and Beverly Thompson, landowners, for a variance to place a 259' telecommunications tower which exceeds the 90' maximum height allowable in Mountrail County on a 10,000 sq. ft., more or less, tract of land described as the NE¹/₄NE¹/₄ of Section 18, Township 155N, Range 94W (Unorganized Township) as Verizon Wireless has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Verizon Wireless complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Commissioner Bieri left the meeting.

Chairman Hovda called the 9:45 a.m. public hearing to order regarding the subdivision review request filed by Iron Horse, Inc., with concurrence from Jack Fladeland, landowner, for a 9.50 acre, more or less, plat to

be known as Outlot 1 of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 27, Township 153 North, Range 91 West (Crane Creek Township). Present for this discussion was Jim and Seth Mickelson who presented the certified return receipt cards from adjacent landowners. No further comments received. Discussion included the 150' easement on county roads, proximity to Highway 8, reclamation of a gravel pit, spot zoning, water quality, liability, and changing the access road for the site. Christie Halverson also spoke about the site having been an open gravel pit since 2008 with no easement or access.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to table action on this subdivision request filed by Iron Horse, Inc., with concurrence from Jack Fladeland, landowner, for a 9.50 acre, more or less, plat to be known as Outlot 1 of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 27, Township 153 North, Range 91 West (Crane Creek Township) until next month to allow for time to address concerns raised at this public hearing. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:50 a.m. public hearing to order regarding the zoning request filed by Iron Horse, Inc., with concurrence from Jack Fladeland, landowner, for an amendment to the Mountrail County Zoning Map to change land zoned agricultural to industrial for the purpose of accommodating a water depot and shop on a 9.50 acre, more or less, tract of land described as Outlot 1 of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 27, Township 153 North, Range 91 West (Crane Creek Township). Present for this discussion was Seth and Jim Mickelson who handed in the certified mail receipt cards from adjacent landowners.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to table action on this zoning request filed by Iron Horse, Inc., with concurrence from Jack Fladeland, landowner, for an amendment to the Mountrail County Zoning Map to change land zoned agricultural to industrial for the purpose of accommodating a water depot and shop on a 9.50 acre, more or less, tract of land described as Outlot 1 of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 27, Township 153 North, Range 91 West (Crane Creek Township) until next month to allow for time to address concerns raised at this public hearing. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 9:55 a.m. public hearing to order regarding the subdivision review request filed by Steve Blenker of Amerigas, with concurrence from BNSF, landowners, for a 0.95 acre, more or less, plat in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 156 North, Range 90 West (Myrtle Township). Present for this discussion was Steve Blenker who presented return receipt cards from adjacent landowners. Discussion included the land is leased from BNSF and therefore does not require a subdivision review.

Moved by Commissioner Borud, seconded by Commissioner Ruland to remove this item from the agenda. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 10:00 a.m. public hearing to order regarding the zoning request filed by Steven Blenker, with concurrence from BNSF, landowner, for an amendment to the Mountrail County Zoning Map to change land zoned as agricultural to industrial for the purpose of installing a propane tank and fencing on a 0.95 acre, more or less, tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 156 North, Range 90 West (Palermo Township). Present for this discussion was Steven Blenker of Amerigas who presented certified return receipt cards from adjacent landowners. Nancy and Greg Helland submitted a letter of objection regarding the dangerous nature of propane.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to present findings of fact and make a recommendation to the Mountrail County Commission for approval of the zoning request filed by Steven Blenker, with concurrence from BNSF, landowner, for an amendment to the Mountrail County Zoning Map to change land zoned as agricultural to industrial for the purpose of installing a propane tank and fencing on a 0.95 acre, more or less, tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 156 North, Range 90 West (Palermo Township) as Amerigas has met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon Amerigas 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 10:05 a.m. public hearing to order regarding the zoning request filed by Steve Blenker of Amerigas, with concurrence from BNSF, landowners, for a conditional use permit to use land zoned industrial to install a propane tank and fencing on a 0.95 acre, more or less, tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 156 North, Range 90 West (Palermo Township). Present for this discussion was Steve Blenker.

Moved by Commissioner Borud, seconded by Commissioner Ruland, to approve the zoning request filed by Steve Blenker of Amerigas, with concurrence from BNSF, landowners, for a conditional use permit to use land zoned industrial to install a propane tank and fencing on a 0.95 acre, more or less, tract of land in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 156 North, Range 90 West (Palermo Township) contingent upon the approval of the zoning amendment by the Mountrail County Commission as Amerigas 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 Amerigas 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 10:10 a.m. public hearing to order regarding the subdivision review request filed by Matthew Bisson of Plains Pipeline, with concurrence from Lucinda Biladeau, landowner, for a 10 acre, more or less, tract of land known as Outlot 3 of the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 23, Township 153 North, Range 91 West (Crane Creek Township). Present for this discussion was Robert Harms who stated that the certified return receipt cards from adjacent landowners would arrive by FedEx the next day. (The certified mailing receipts were received on Tuesday 10/28/14 in the Planning and Zoning office.) Also present was Tucker Gordon and Cory Schmidt. Discussion included reducing truck traffic and the approval of Mountrail County Road and Bridge for their approach.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to approve the subdivision review request filed by Matthew Bisson of Plains Pipeline, with concurrence from Lucinda Biladeau, landowner, for a 10 acre, more or less, tract of land known as Outlot 3 of the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 23, Township 153 North, Range 91 West (Crane Creek Township) contingent upon approval of their approach by the Mountrail County Road and Bridge Department, as Plains Pipeline has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Chairman Hovda called the 10:15 a.m. public hearing to order regarding the zoning request filed by filed by Matthew Bisson of Plains Pipeline, with concurrence from Lucinda Biladeau, landowner, for an

amendment to the Mountrail County Zoning Map to change land zoned as agricultural to industrial for the purpose of accommodating a 150,000 barrel crude oil storage tank on a 10 acre, more or less, tract of land described as Outlot 3 of the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 23, Township 153 North, Range 91 West (Crane Creek Township). Present for this discussion was Robert Harms. Discussion included approval of the approach, and the size of the storage tank.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to present findings of fact from the October 27th, 2014 public hearing, and make a recommendation to the Mountrail County Commissioners for approval of the zoning request filed by Matthew Bisson of Plains Pipeline, with concurrence from Lucinda Biladeau, landowner, for an amendment to the Mountrail County Zoning Map to change land zoned as agricultural to industrial for the purpose of accommodating a 150,000 barrel crude oil storage tank on a 10 acre, more or less, tract of land described as an Outlot 3 of the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 23, Township 153 North, Range 91 West (Crane Creek Township), as Plains Pipeline has met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon Plains Pipeline 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 10:20 a.m. public hearing to order regarding the zoning request filed by Matthew Bisson of Plains Pipeline L.P., with concurrence from Lucinda Biladeau, landowner, for a conditional use permit to use land zoned industrial to install a 150,000 barrel crude oil storage tank on a 10 acre, more or less, tract of land known as Outlot 3 of the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 23, Township 153 North, Range 91 West (Crane Creek Township). Present for this discussion was Robert Harms.

Moved by Commissioner Ruland, seconded by Commissioner Sorenson to approve the zoning request filed by Matthew Bisson of Plains Pipeline L.P., with concurrence from Lucinda Biladeau, landowner, for a conditional use permit to use land zoned industrial to install a 150,000 barrel crude oil storage tank on a 10 acre, more or less, tract of land known as Outlot 3 of the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 23, Township 153 North, Range 91 West (Crane Creek Township) contingent upon the approval of the zoning amendment by the Mountrail County Commission as Plains Pipeline 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 Plains Pipeline 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 10:25 a.m. public hearing to order regarding the zoning request filed by Iva Fox, landowner, for a conditional use permit to use land zoned residential to accommodate a mobile home on Lots 22, 23 and 24, Block 2, City of Palermo. Present for this discussion was Iva Fox who presented the certified return receipt cards from adjacent landowners. Discussion included the prior approval of the mayor of Palermo. No further comments were received.

Moved by Commissioner Weisenberger, seconded by Commissioner Sorenson to approve the zoning request filed by Iva Fox, landowner, for a conditional use permit to use land zoned residential to accommodate a mobile home on Lots 22, 23 and 24, Block 2, City of Palermo, as Iva Fox 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 Iva Fox 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 10:30 a.m. public hearing to order regarding the zoning request filed by Trulson Farms, with concurrence from Curtis Trulson, landowner, for a variance to draw slough water for fracking, on a 136.10 acre, more or less, tract of land, described as the NW¼ including Outlot 1 of the NW¼ of Section 25, Township 156, Range 92 West (Ross Township). Chairman Hovda requested a motion to remove this item from the table. Present for this discussion was Lesley and Curtis Trulson who provided certified return receipt cards from adjacent landowners. Discussion included water would be pipelined.

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

Moved by Commissioner Sorenson, seconded by Commissioner Borud to approve the zoning request filed by Trulson Farms, with concurrence from Curtis Trulson, landowner, for a variance to draw slough water for fracking on a 136.10 acre, more or less, tract of land, described as the NW¼ including Outlot 1 of the NW¼ of Section 25, Township 156, Range 92 West (Ross Township), as Curtis Trulson has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Curtis Trulson/Trulson Farms complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

No board concerns were noted.

Staff concerns were discussed including the purchase of tablets for Planning and Zoning Board Members, subdivision review procedures, the lack of a county nuisance ordinance, cell tower conditional use permits and keeping local vote on oilfield waste sites.

Moved by Commissioner Borud, seconded by Commissioner Ruland to adjourn the meeting. Upon roll call vote all present voted yes, motion carried.

The next regular meeting of the Mountrail County Planning & Zoning Board is to be held on Monday, November 25th, 2014 at 8:30 a.m. at the Mountrail County South Complex, 8103 61st Street NW, Stanley, ND.

Accepted and approved this 24th day of November, 2014

Trudy Ruland, Acting Chairman
Mountrail County Planning & Zoning Commission

Lisa Lee
Assistant Zoning Administrator