

PROCEEDINGS OF THE MOUNTRAIL COUNTY
PLANNING & ZONING COMMISSION
Monday December 22nd, 2014

The Mountrail County Planning & Zoning Commission met on Monday, December 22, 2014 at the Mountrail County South Complex with the following voting members present: Roger Hovda, Arlo Borud, Trudy Ruland, Gary Weisenberger, Charlie Sorenson, Linda Wienbar, and Bill Klug. Members absent were Chase Lindberg and Rosemarie Bieri. Also present were Lori Hanson, Mountrail County Tax Equalization Director, Wade Enget, Mountrail County States Attorney, 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.

Planning and Zoning staff advised that the 8:30 a.m. public hearing for an amendment filed by Seth Mickelson of Iron Horse would need to be pushed back as the applicant was running late.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the minutes from the November 24, 2014 meeting. Upon roll call, all present voted yes, motion carried.

Moved by Commissioner Weisenberger, seconded by Commissioner Weinbar to approve the building permits #1842-1845. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:35 a.m. public hearing to order regarding the zoning request filed by Montana Dakota Utilities with concurrence from Curtis Trulson, landowner, for a conditional use permit to use land zoned agricultural for the purpose of building an electrical distribution substation on a 0.517 acre, more or less, tract of land described as Outlot 4 of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 156 North, Range 92 West (Ross Township). Present for this discussion was Dennis Bieberstedt with Montana Dakota Utilities. No adjacent land owner notification cards were collected, and no further comments were received. Discussion included bringing in adjacent landowner notification cards, location of site south of 63rd with corners on the section lines, right of way distance for township roads and easements.

Moved by Commissioner Ruland, seconded by Commissioner Borud to table the zoning request filed by Montana Dakota Utilities. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:40 a.m. continuation of public hearing to order regarding the zoning request filed by Larry Hoffman of Sundhagen Sand & Gravel, with concurrence from Garrett Lalim, landowner, for a conditional use permit to use land zoned agricultural for the purpose of mining gravel on an 80 acre, more or less, tract of land known as the SW $\frac{1}{4}$ NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, Township 157 North, Range 93 West (Sorkness Township). Prior to this public hearing, Larry Hoffman called the Planning and Zoning office to request an extension due to not having a bond or road haul agreement in place in time for the meeting.

Moved by Commissioner Ruland, seconded by Commissioner Borud to table this zoning request filed by Sundhagen Sand and Gravel. 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 Roger Arredondo of Select Energy Services, with concurrence from John and Elaine Vachal, landowners, for a variance permit to use land zoned agricultural for the purpose of pumping slough water for fracking on a 10 acre, more or less, tract of land described as the S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 31, Township 155 North, Range 93 West (Debing Township). Present for this discussion was Landon Eskew of Select Energy. No further comments were received. No adjacent landowner notification cards were received. Prior to this public hearing, Roger Arredondo had stopped into the Planning and Zoning office to state that the work had already been completed and removed from this location. Discussion included changing the use of the land from agricultural to industrial, the need to notify townships of upcoming projects, easements from landowners, and notification of landowners within 150 feet from the point of diversion.

Moved by Commissioner Ruland, seconded by Commissioner Sorenson to remove this item from the agenda and reapply with variances moving forward for 2015.

Chairman Hovda called the 8:30 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 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 W½NE¼ of Section 27, Township 153 North, Range 91 West (Crane Creek Township). Present for this discussion was Jim Mickelson. No further comments were received. Discussion included meeting with the State's Attorney to create a developer's agreement, getting easements from landowners, and Mr. Mickelson needed more time to work with landowners.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to present findings of fact from the December 22, 2014 public hearing and make a recommendation to the Mountrail County Commission to table this zoning request filed by Iron Horse. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:50 a.m. public hearing to order regarding the zoning request filed by Cameron Tomjack of Bridger Pipeline LLC, with concurrence from James Enge, landowner, for an amendment to change land zoned agricultural to industrial for the purpose of expanding an existing pump site for access and additional workspace on a 1 acre, more or less, tract of land described as Outlot 2 of the NE¼ of Section 36, Township 155 North, Range 91 West (Purcell Township). Present for this discussion was Cameron Tomjack. There were no adjacent landowners necessary to notify within 150 ft. Discussion included expanding the existing site, no new permanent structures, will be using the same approach, 75 ft. set back from section line, and .69 acres remaining taxable land.

Moved by Commissioner Borud, seconded by Commissioner Ruland to present findings of fact from the December 22nd, 2014 public hearing and make a recommendation to the Mountrail County Commission for approval of the zoning request filed by Cameron Tomjack of Bridger Pipeline LLC, with concurrence from James Enge, landowner, for an amendment to change land zoned agricultural to industrial for the purpose of expanding an existing pump site for access and additional workspace on a 1 acre, more or less, tract of land described as Outlot 2 of the NE¼ of Section 36, Township 155 North, Range 91 West (Purcell Township) as Bridger Pipeline LLC has met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon Bridger Pipeline LLC complying will all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, 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 Ardith Lucy for a plat to be known as Outlot 1 (including all of vacated Lunds Valley Subdivision) of the SE¼NW¼ of Section 15, Township 158 North, Range 92 West (Powers Township). Present for this discussion was Mike Lucy who presented the adjacent landowner notification cards. No further comments were received. Discussion included a signed letter from Ellen and Lynn Clark stating that they had no objections to the zoning request, the vacating of Lunds Valley, and all of the land will remain agricultural.

Moved by Commissioner Weisenberger, seconded by Commissioner Klug to approve the subdivision review request filed by Ardith Lucy for a plat to be known as Outlot 1 (including all of vacated Lunds Valley Subdivision) of the SE¼NW¼ of Section 15, Township 158 North, Range 92 West (Powers Township) as Ardith Lucy has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 9:00 a.m. public hearing to order regarding the zoning request filed by Mountrail-Williams Electric Coop, with concurrence from Bernard Wright, landowner, for a conditional use permit to use land zoned agricultural for the purpose of constructing an electrical substation on a 5.0 acre, more or less, tract of land known as Outlot 2 in the SE¼ of Section 16, Township 156 North, Range 93 West (Manitou Township). Present for this discussion was Chris Brostuen of Mountrail Williams Electric Coop who presented the adjacent landowner notification cards. No

other comments received. Discussion included fencing around the entire area, the substation will serve a gas plant in Manitou, and getting an approach permit from the Road & Bridge department.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to approve the zoning request filed by Mountrail-Williams Electric Coop, with concurrence from Bernard Wright, landowner, for a conditional use permit to use land zoned agricultural for the purpose of constructing an electrical substation on a 5.0 acre, more or less, tract of land known as Outlot 2 in the SE¼ of Section 16, Township 156 North, Range 93 West (Manitou Township) as Mountrail Williams Electric Coop 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 Mountrail Williams Electric Coop complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 9:05 a.m. public hearing to order regarding the zoning request filed by Ryan Dahl of Hiland Crude LLC, with concurrence from Duane R. and Doris E. Liffriq, landowners, for an amendment to change land zoned agricultural to industrial for the purpose of constructing a crude oil booster station on a 3.95 acre, more or less, tract of land known as Outlot 1 of the NE¼NE¼ of Section 32, Township 156 North, Range 93 West (Manitou Township). Present for this discussion was Ryan Dahl of Hiland Crude who presented the adjacent landowner notification cards. No further comments were received. Discussion included the start date of this project, original date of application, a letter from Lawrence Bender stating that the NDIC has zoning authority over this project, the importance of this site location due to the pipeline, the project went on line December 19th (prior to Planning and Zoning approval), and appropriate fines for completing work prior to approval. A fee of \$1,000 per day will be assessed for each day in operation prior to approval.

Moved by Commissioner Borud, seconded by Commissioner Sorenson to present findings of fact from the December 22nd 2014 public hearing and make a recommendation to the Mountrail County Commission for approval with a fine of \$1,000 per day in operation of the zoning request filed by Ryan Dahl of Hiland Crude LLC, with concurrence from Duane R. and Doris E. Liffriq, landowners, for an amendment to change land zoned agricultural to industrial for the purpose of constructing a crude oil booster station on a 3.95 acre, more or less, tract of land known as Outlot 1 of the NE¼NE¼ of Section 32, Township 156 North, Range 93 West (Manitou Township) as Hiland Crude LLC has met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is contingent upon Hiland Crude LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 9:10 a.m. public hearing to order regarding the zoning request filed by Ryan Dahl of Hiland Crude LLC, with concurrence from Duane R. and Doris E. Liffriq, landowners, for a conditional use permit to use land zoned agricultural for the purpose of constructing a crude oil booster station on a 3.95 acre, more or less, tract of land known as Outlot 1 of the NE¼NE¼ of Section 32, Township 156 North, Range 93 West (Manitou Township). Present for this discussion was Ryan Dahl of Hiland Crude LLC. Discussion included access, approach permits, and the property will be fenced off.

Moved by Commissioner Sorenson, seconded by Commissioner Weisenberger to approve the zoning request contingent upon an approach permit filed by Ryan Dahl of Hiland Crude LLC, with concurrence from Duane R. and Doris E. Liffriq, landowners, for a conditional use permit to use land zoned agricultural for the purpose of constructing a crude oil booster station on a 3.95 acre, more or less, tract of land known as Outlot 1 of the NE¼NE¼ of Section 32, Township 156 North, Range 93 West (Manitou Township) as Hiland Crude LLC 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 Hiland Crude LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 9:15 a.m. public hearing to order regarding the zoning request filed by Scott Quale of Quale Trucking, with concurrence from Kenneth V. and Joan A. Littlefield, and John and Kathleen Warberg, landowners, for a variance permit to use land zoned agricultural for the purpose of pumping excess water for industrial use on tracts of land described as the SW¼, SE¼NW¼, W½NW¼ of Section 13, Township 153 North, Range 91 West (Crane Creek Township). No one from Quale Trucking was present for this discussion. No adjacent landowner notification cards were

collected and no further comments were received. Discussion included the water permits are given on two separate landowner's land, is the water going to be trucked, and the need for a road haul agreement, dust control and maintenance.

Moved by Commissioner Borud, seconded by Commissioner Sorenson to table this zoning request filed by Scott Quale of Quale Trucking until the next planning and zoning meeting.

Board concerns included companies are starting construction and work prior to applying for permits through the county, fines, and notification of the Public Service Commission and the State Water Commission.

Staff Concerns included a letter from Craig Weinbar and stamping applications with "date received" to verify when they come in to the Planning and Zoning Office.

Elections for the Planning and Zoning chairman will take place in January.

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

Next regular meeting of the Mountrail County Planning and Zoning Board is Monday January 26th at 8:30 a.m. at the Mountrail County South Complex 8103 61st NW, Stanley, N.D.

Accepted and approved this 26th day of January, 2015.

Arlo Borud, Vice-Chairman
Mountrail County Planning & Zoning Commission

Donald W. Longmuir Jr., AICP
Zoning Administrator