

MINUTES

Mountrail County Planning and Zoning Commission February 27, 2017

Mountrail County South Complex 8103 61st St NW Stanley, ND 58784

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

In Attendance

Board members present: Charlie Sorenson, Gary Weisenberger, Bill Klug, Linda Wienbar, Arlo Borud and Trudy Ruland. Roger Hovda was present by phone. Also present: Teresa Captain, Mountrail County Deputy Tax Director, Jana Heberlie, Mountrail County Road & Bridge, Wade Enget, Mountrail County States Attorney, Lisa Lee, Planning & Zoning Administrator, Heather Greenlee, Mountrail County Auditor's Office and Liz Hollowell, Planning & Zoning Administrative Assistant. Absent were Tom Bieri and Lori Hanson.

Approval of Agenda

Vice Chairman Sorenson requested a motion to review and approve the current meeting agenda. Lisa Lee, Planning & Zoning Administrator requested to add J&J Oilfield Services zoning violation as an additional staff item. Commissioner Borud moved to accept the agenda with the proposed additions, Commissioner Klug seconded. Upon roll call all present voted yes, motion carried.

8:30 Public Hearing

Variance Permit

Landowner/ Applicant: Select Energy/Kimberly D Duchene & Karen C Hubbard

Location: NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 155 North, Range 92 West (**Alger Township**).

Purpose: Select Energy has requested to lay down flat hose to pump slough water for fracking.

Number of certified mailing receipts provided: Four

Present: Roger Arredondo, Select Energy Services.

Discussion: Mr. Arredondo stated he is doing an above ground water transfer for a frack. Mr. Arredondo stated he is not sure of the start date as it changed. He stated they will get the landowner easement once the job is ordered. Vice Chairman Sorenson reminded Mr. Arredondo that Select Energy could not block culverts. Mr. Arredondo agreed.

Motion: Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the zoning request filed by Select Energy with concurrence from Kimberly D Duchene & Karen C Hubbard, landowners, for a variance to pump slough water under *State of North Dakota Temporary Water Permit ND2017-17815* for fracking on an 40 acre tract of land described as the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 155 North, Range 92 West (**Alger Township**) with landowner and township approval as Select Energy has met all the criteria as set forth in Article IV, Section V in the Mountrail County Zoning Ordinance and is further contingent upon Select Energy complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

8:33 Public Hearing

Subdivision Review

Landowner/Applicant: Shotcrete Service LLC

Location: Lots 1 through 12 in Outlots 6, 7, 8 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 157 North, Range 94 West (**White Earth Township**).

Purpose: Shotcrete has requested to create twelve residential lots for sale.

Number of certified mailing receipts provided: Five

Present: Joel Homan & Hyrum Zitting of Shotcrete Service LLC

Discussion: Mr. Homan stated Shotcrete Service LLC is developing a subdivision as there is interest from the public to purchase lots and Shotcrete Service LLC wants to get out of the rental business. Lisa Lee, Planning and Zoning Administrator stated the final plat has been received as well as the Development agreement and covenants. It was confirmed Lots 1 through 12 in Outlots 6, 7, 8 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 157 North, Range 94 West (White Earth Township) is zoned residential.

Also present for this hearing was Michael and Kathy Grubb. Mrs. Grubb voiced her opposition to this subdivision. She stated they moved there to live in the country and a subdivision with 12 lots would end that way of life. Mrs. Grubb stated with the 3 houses already there, they have had to deal with trash, weeds, and dogs. There was a discussion on the ownership of undeveloped portion of 68th street NW in section 20. It was determined it is a section line and therefore it is open to the public regardless of who built it or maintains it. Wade Enget, Mountrail County States Attorney stated road maintenance could be required per Shotcrete Service LLC development agreement as it has not been finalized.

Wade Enget, Mountrail County States Attorney stated the financial assurance amount needs to be determined. He recommended that Lisa Lee, Planning and Zoning Administrator and Jana Heberlie, Mountrail County Road & Bridge come up with the dollar amount.

Moved by Commissioner Ruland seconded by Commissioner Borud to approve with Lisa Lee, Planning and Zoning Administrator and Jana Heberlie, Mountrail County Road & Bridge determining the dollar amount for the development agreement financial assurance. Upon roll call, all present voted yes, Motion carried.

Motion: Moved by Commissioner Borud seconded by Commissioner Ruland to approve a subdivision review request filed by Shotcrete Service LLC, landowners, for a 14.25 acre, more or less, tract of land to be Lots 1 through 12 in Outlots 6, 7, 8 of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, Township 157 North, Range 94 West (**White Earth Township**) contingent upon proof of a financial assurance at an amount to be determined by Planning & Zoning and the Road & Bridge department as well as a completed and signed development agreement, as Shotcrete Service LLC have met all criteria as set forth in the Mountrail County Land Subdivision Resolution and is further contingent upon Shotcrete Service LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

Approval of Minutes

Motion: Moved by Chairman Hovda, seconded by Commissioner Wienbar to approve the January 23, 2017 minutes as written. Upon roll call, all present voted yes, Motion carried.

Approval of Building Permits

Motion: Moved by Commissioner Borud, seconded by Commissioner Klug to approve building permit #1963. Upon roll call, all present voted yes, Motion carried.

Staff Concerns

Zoning violation: J&J Oilfield Services: Joseph Ottesen - Storage of Rig mats on agricultural land in Outlot 1 of Section 17, Township 156 North, Range 90 West. Mr. Ottesen was present for a discussion regarding a cease and desist issued January 30, 2017. Mr. Ottesen stated the rig mats are unusable and this location is scheduled to be cleaned up with the buildings being burned down by July 2017. Lisa Lee, Planning and Zoning Administrator reminded Mr. Ottesen that the old rig mats cannot be burned per NDDOH trade waste laws. Commissioner Borud

asked Mr. Ottesen where he would take the rig mats. Mr. Ottesen stated to a landfill that would accept them or they would chip them and haul them out. This issue will be reevaluated and placed on the agenda for June 2017.

Letter of credit discussion: Present for this discussion was Max Shriock of Aggregate Construction, Dave Able of Sundre Sand & Gravel, Jeff Martinson of Pinky's Aggregates Inc., and Paul Severson of Gravel Products Inc. Discussion included impact to gravel companies borrowing power, the actual cost to reclaim a gravel pit, mining versus stock piling, and publication of ordinance change requirements.

Brendle's 1st and 2nd Subdivision: Final discussion included determining that campers were not an allowable use on residential land. Landowners who were not in compliance would receive notification of violation.

Changes to the board: Chase Lindberg was removed and Jana Heberlie, Mountrail County Engineer representing the Road & Bridge Department was added as an advisory member to the board. A board member from District 2 will be appointed.

Senate Bill 2286: This bill establishes Public Service Commission as zoning authority for gas or liquid transmission facilities including pumping and gas compressor stations along the pipelines. Discussion was held on right of way issues, set-backs, local zoning control, and enforcement issues.

Rural residential district: The board members would like to see more information regarding the development of a new zoning classification to include lots less than 40 acres allowing livestock. Staff will continue to gather information and present it to the board for future discussion.

Ward County right of way issue: Mountrail County requires 75 ft. right of way on section lines as a no build zone but landowners are compensated if and/or when a road is built or expanded.

Board Concerns

None

Next Meeting

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

Meeting was adjourned at 10:00 a.m.

Approval

Accepted and approved this 27th day of March 2017

Roger Hovda, Chairman
Mountrail County
Planning & Zoning Commission

Liz Hollowell
Administrative Assistant
Planning & Zoning