

MINUTES

Mountrail County Planning and Zoning Commission April 24, 2017

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

Chairman Hovda called the meeting to order at 8:33 a.m.

In Attendance

Board members present: Roger Hovda, Charlie Sorenson, Gary Weisenberger, Arlo Borud, Bill Klug, Tom Bieri and Trudy Ruland. Also present: Lori Hanson, Mountrail County 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 Linda Wienbar, Brittany Uran, and Teresa Captain, Mountrail County Deputy Tax Director

Approval of Agenda

Chairman Hovda requested a motion to review and approve the current meeting agenda. Lisa Lee, Planning & Zoning Administrator requested to add the revocation of Mon-Dak Water & Septic conditional use permit as the bond was released last month and permit is valid until May 27, 2019. Commissioner Borud moved to accept the agenda with the proposed additions, Commissioner Ruland seconded. Upon roll call all present voted yes. Motion carried.

8:30 Public Hearing

Conditional Use Permit

Mobile Home

Applicant/Landowner: Spencer King/Kevin King

Location: Lot 3, Block 5 Coulee Village Less right of way Section 2, Township 158 North, Range 88 West (**Lowland Township**).

Purpose: To place a mobile home

Discussion: Lisa Lee, Planning & Zoning Administrator stated this application was published in error as the location is zoned Agricultural and no CUP is needed to place a mobile home on Ag land.

Outcome: Cancelled

Motion: Moved by Commissioner Borud, seconded by Commissioner Ruland to cancel the request from Spencer King in concurrence with Kevin King, landowner, for a Conditional Use Permit to place a mobile home on land zoned agricultural Lot 3, Block 5 Coulee Village Less right of way Section 2, Township 158 North, Range 88 West (**Lowland Township**) as the land is zoned Agricultural therefore no CUP is necessary. Upon roll call, all present voted yes. Motion carried.

8:33 Public Hearing

Conditional Use Permit

Electric Transmission Line

Applicant: Basin Electric Power Cooperative

Location: Beginning at the Mountrail Williams Electric Cooperative Blaisdell substation in Outlot 1 of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, Township 156 North, Range 89 West (**McGahan Township**) traveling south through **Egan, Kickapoo, Osloe, and Spring Coulee Townships**, and ending at the Mountrail Williams

Electric Cooperative Plaza substation in Outlot 1 of the NE¼NE¼ of Section 20, Township 152 North, Range 88 West (Plaza Township) for a total route distance of 29.3 miles, more or less.

Purpose: To place a 26 mile electrical transmission line (115kV)

Number of certified mailing receipts provided: 58

Present: Jon Madison, Amanda Wangler-Brown & Tyler McNulty of Basin Electric Power Cooperative

Discussion: Chairman Hovda asked for clarification of the ‘H’ structures noted in the application. Mr. Madison stated there would be approximately eight structures per mile being either steel H frame structures or steel single pole structures with no guy wires. Mr. Madison stated the set backs are within the existing right of ways. Mr. McNulty stated the set backs on established county roads or section lines would be 75 feet to accommodate potential road expansion. Mr. McNulty stated they have 81% of landowner easements. He stated Basin Electric Power Cooperative will follow NDDOT height guidelines. Vice-Chairmen Sorenson asked for clarification on how many times the poles will be placed inside the 75’ required right of way. Mr. McNulty stated none. Lisa Lee, Planning & Zoning Administrator asked about the US Fish and Wildlife permit. Mr. Madison stated it is on its way. Lisa Lee, Planning & Zoning Administrator asked the status of the Minot Air Force Base encroachment. Mr. Madison stated Cy Munos with the Minot Airforce base public relations office gave verbal approval and Basin is expecting a formal written response soon. Jana Heberlie, Mountrail County Road & Bridge asked about approaches and reclamation plans once the heavy equipment is done. Mr. McNulty stated Basin will submit all new approach requests to Mountrail County Road & Bridge. They will also provide a list of any existing approaches with a reclamation plan once those approaches are identified. Lisa Lee, Planning & Zoning Administrator asked about the North Dakota Department of Health Storm Water permit. Mr. Madison stated Basin has deferred this permit to their contractor to obtain. Commissioner Borud asked the project time frame for completion. Mr. Madison stated once construction starts, they hope to be done with final construction by November 2017 with reclamation being complete by spring 2018. A discussion was held regarding the Rolling Prairie cemetery. It was determined that Basin Electric Power Cooperative would need to work with Mountrail County Commissioners for an easement.

Also present to speak at the hearing was Irene Van Eeckhout who stated she has been in touch with Basin regarding the route and believes any issues have been settled. Mr. McNulty stated this was one of the areas Basin adjusted to accommodate the landowner and farming operations.

Also present was Susan Arneson who stated there was an issue with Mountrail Williams regarding pole placement and she was concerned about the Basin Electric Power Cooperative adding more poles. The Arneson’s and Basin Electric Power Cooperative met after the meeting to discuss this matter further.

Outcome: Approved with contingencies

Motion: Moved by Commissioner Bieri, seconded by Commissioner Weisenberger to approve a zoning request filed by Basin Electric Power Cooperative for a conditional use permit to use land zoned agricultural for placing a 115-kilovolt electrical transmission line beginning at the Mountrail Williams Electric Cooperative Blaisdell substation in Outlot 1 of the SE¼SE¼ of Section 11, Township 156 North, Range 89 West (**McGahan Township**) traveling south through **Egan, Kickapoo, Osloe, and Spring Coulee Townships**, and ending at the Mountrail Williams Electric Cooperative Plaza substation in Outlot 1 of the NE¼NE¼ of Section 20, Township 152 North, Range 88 West (**Plaza Township**) for a total route distance of 29.3 miles, more or less contingent on Basin Electric Power Cooperative securing 100% easement from landowners, Special Use Permit from US Fish & Wildlife, written approval from Minot Airforce Base on possible encroachment, access permits from Mountrail County Road & Bridge, and the

Department of Health's Storm Water Permit as Basin Electric Power Cooperative has met all the criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon Basin Electric Power Cooperative complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Approval of Minutes

Motion: Moved by Commissioner Wiesenberger, seconded by Commissioner Ruland to approve the March 27, 2017 minutes as written. Upon roll call, all present voted yes. Motion carried.

Approval of Building Permits

Motion: Moved by Commissioner Borud, seconded by Vice-Chairman Klug to approve building permits #1968-1971. Upon roll call, all present voted yes. Motion carried.

Staff Concerns

- **Cancellation of Permit:** A conditional use permit for Mon-Dak Water & Septic in the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 31, Township 155 North, Range 93 West needs to be cancelled. The bond was released March 27, 2017 but the CUP is valid until May 27, 2019. Since the bond was released, the conditional use permit needs to be cancelled per the bond company.

Moved by Commissioner Ruland, seconded by Commissioner Klug to cancel Mon-Dak Water & Septic's conditional use permit to mine gravel on an 80 acre, more or less, tract of land described at the W $\frac{1}{2}$ SE $\frac{1}{4}$ Section 31, Township 155 North, Range 93 West (Debing Township) as the landowner has signed off on reclamation and the bond has been released. Upon roll call, all present voted yes. Motion carried.

- **Zoning Violation:** Mr. Humbert was invited to address a zoning violation involving the storage of industrial equipment on agricultural land Section 10, Township 155 North, Range 89 West (McAlmond Township). Mr. Humbert would like to propose a solution to the issue which would include creating a living quarters on the proposed Outlot. Mr. Humbert was not able to attend today's meeting. He will be submitting an application to rezone the Outlot.
- **New application for Bridger Terminals Outlot, Amendment & CUP forthcoming:** Bridger Terminals has applied for an Outlot, Amendment & CUP for a crude oil trucking terminal connected to the Dakota Access Pipeline on Hwy 2 & 85th. A discussion was held on traffic and the roads.
Staff has requested an NDDOT traffic study regarding installation of turn lanes, a Power of Attorney document & a Ross township road haul agreement.
- **Zoning Violation:** Three Affiliated Tribes – There are currently approximately 24 homes in the Parshall Bay Subdivision with no building permits. Staff is working with the Tribe to attain building permits and a possible re-plat of the subdivision.
- **Temporary Housing:** Staff has sent letters to owners of expired temporary housing units in Mountrail County requesting status updates regarding reclamation. Most permits have now expired

and the Health Department has contacted Planning and Zoning with concerns. A discussion was held on temporary housing per the current ordinances.

- **Comprehensive Plan timeline** – Souris Basin Economic Planning Council will submit the grant proposal on May 1st with a tentative start date in the fall of 2017. The project may take 12-18 months to complete.
- **Planning and Zoning Training:** This event was hosted in April by Vision West in Stanley and was a success. Future training opportunities will be shared as they arise.
- **Senate Bill 2286:** Passed both houses and the Governor has signed the bill into law. Staff will come up with a form regarding transmission lines. Wade Enget, Mountrail County States Attorney stated the biggest thing to emphasize is staying off of section lines.
- **Failure to reclaim gravel pits:** Wade Enget, Mountrail County States Attorney discussed the North Dakota Century Code statute for failure to reclaim gravel pits within one year is a Class B Misdemeanor (civil penalty). A discussion was held about how to determine when a pit has been abandoned.
- **Ordinance updates:** Staff is continuing to take ideas from the board regarding zoning ordinance updates.
- **Evensvold Subdivision Zoning & Additional Building Permit:** Neil Footh was present to address any issues regarding his building permit. Lisa Lee, Planning & Zoning Administrator stated Mr. Footh owns Lot 2 in the Evensvold Subdivision which is zoned agricultural and would like to place a mobile home, build a barn for his tractor and have a mini-horse. There was a discussion about zoning in that area. It was determined that Mr. Footh would not have to rezone and he could have his mini-horses as the land is zoned agricultural. Building permit #1973 was approved by Vice Chairman Sorenson, seconded by Commissioner Ruland. Upon roll call, all present voted yes. Motion carried.

Board Concerns

Commissioner Weisenberger commented on a potential Rural Residential zoning district. He stated he is in favor of smaller sized lots being zoned as such allowing an animal or two depending on the type of animal as well as the lot size. Vice Chairman Sorenson stated Rural Residential lots should require liability insurance coverage to help cover any cost that an escaped animal might cause.

Commissioner Borud stated that gravel pits which are no longer active and just sitting there need to be reclaimed as soon as possible.

Chairman Hovda asked about the stockpiles by his place and how they should be handled. Wade Enget, Mountrail County States Attorney stated weed control is necessary and should be enforced.

Commissioner Bieri asked for more information on how to prove a pit is abandoned. Wade Enget, Mountrail County States Attorney explained the process. The White Star pit in Section 15, Township 156 North, Range 89 West was discussed.

Next Meeting

The next regular meeting of the Mountrail County Planning & Zoning Board is Monday, May 22, 2017 at 8:30 am at the Mountrail County South Complex, 8103 61st St. NW Stanley, ND 58784.

Meeting was adjourned at 9:42 a.m.

Approval

Accepted and approved this 22nd day of May 2017

Roger Hovda, Chairman
Mountrail County
Planning & Zoning Commission

Liz Hollowell
Administrative Assistant
Planning & Zoning