MiNUTES

**Mountrail County Planning & Zoning Commission**

**September 23, 2019**

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

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

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| **In Attendance** |

**Board members present**: Charlie Sorenson, Gary (Fritz) Weisenberger, Arlo Borud, Roger Hovda, Trudy Ruland, Tom Bieri, Linda Wienbar, Bill Klug and Joan Hollekim.

**Also present:** Jana Hennessy, Road & Bridge Engineer, Lori Hanson, Mountrail County Tax Director, Heidi Kory, Planning & Zoning Assistant Administrator.

**Public attending:** Thadd Barker and Jenni Dean with Tradewind Energy. Chris Brostuen and Leon Brackey with Mountrail Williams Electric Cooperative. Marlis & Tony Russell and Deb Footh from Evensvold Subdivision. Casey Furey, Clay Cameron and Tom VonBische with Northern Divide Wind LLC/Burke Wind LLC. Landon Eskew with Highline Water. Starla Norstedt landowner on behalf of Northern Divide Wind LLC/Burke Wind LLC. Tom Fox and Jim Wotff.

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| **Approval of Agenda** |

Moved by Commissioner Borud, seconded by Commissioner Hovda, to approve the agenda. Upon roll call, all present voted yes. Motion carried.

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| 8:33 a.m. Public Hearing –  *Variance* | H2O Connections LLC /  Dakota Sky Properties LLC, Landowner |

**Applicant**: H2O Connections LLC in concurrence with Dakota Sky Properties LLC, landowner.

**Location**: NE¼ of Section 25, Township 154 North, Range 91 West (**Sikes Township**).

**Purpose**: Pump water from unnamed slough for fracking using a flat hose.

**Outcome:** Tabled

**Motion**: Moved by Commissioner Hovda, seconded by Commissioner Ruland to table the zoning request filed by H2O Connections, LLC with concurrence from Dakota Sky Properties, LLC landowner for a variance to pump water from an unnamed slough for fracking on a 160 acre, more or less, tract of land described as the NE¼ of Section 25, Township 154 North, Range 91 West (**Sikes Township)** Upon roll call, all present voted yes. Motion carried.

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| 8:36 a.m. Public Hearing –  *Variance* | H2O Connections LLC /  Dakota Sky Properties, LLC Landowner |

**Applicant**: H2O Connections LLC in concurrence with Dakota Sky Properties LLC, landowner

**Location**: SE¼ of Section 25, Township 154 North, Range 91 West (**Sikes Township**).

**Purpose**: Pump water from unnamed slough for fracking using a flat hose.

**Outcome**: Tabled

**Motion**: Moved by Commissioner Hollekim, seconded by Commissioner Klug to table the zoning request filed by H2O Connections, LLC with concurrence from Dakota Sky Properties, LLC landowner for a variance to pump water from an unnamed slough for fracking on a 160 acre, more or less, tract of land described as the SE¼ of Section 25, Township 154 North, Range 91 West (**Sikes Township)** Upon roll call, all present voted yes. Motion carried.

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| 8:39 a.m. Public Hearing –  *Conditional Use* | Mountrail Williams Electric Cooperative /  Gary Lee & Caroline Sue Satterthwaite as Trustees of the S-Bar Ranch Declaration of Trust and Mutual Trust Agreement, Landowners |

**Applicant**: Mountrail Williams Electric Cooperative in concurrence with Gary Lee & Caroline Sue Satterthwaite as Trustees of the S-Bar Ranch Declaration of Trust and Mutual Trust Agreement, landowner

**Location**: Outlot 1 of Government Lot 4 of Section 7, Township 153 North, Range 92 West (**Knife River Township**).

**Number of certified mailing receipts provided**: 3

**Purpose**: Constructing, operating and maintaining a rural electrical substation

**Present**: Leon Brackey and Chris Brostuen, Mountrail Williams Electric Cooperative.

**Outcome**: Approved with contingencies.

**Motion**: Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request filed by Mountrail Williams Electric Cooperative with concurrence from Gary Lee & Caroline Sue Satterthwaite as Trustees of the S-Bar Ranch Declaration of Trust and Mutual Trust Agreement, landowners for a conditional use permit to use land zoned agricultural for the purpose of constructing, operating and maintaining a rural electrical substation on a 6 acre, more or less, tract of land described as Outlot 1 of Government Lot 4 of Section 7, Township 153 North, Range 92 West (**Knife River Township)**as Mountrail Williams Electric Cooperative with concurrence from Gary Lee & Caroline Sue Satterthwaite as Trustees of the S-Bar Ranch Declaration of Trust and Mutual Trust Agreement, landowners has met all criteria as set forth in Article IV, Section IV, of the Mountrail County Zoning Ordinance and is further contingent upon Mountrail Williams Electric Cooperative with concurrence from Gary Lee & Caroline Sue Satterthwaite as Trustees of the S-Bar Ranch Declaration of Trust and Mutual Trust Agreement, landowners complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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| 8:42 a.m. Public Hearing –  *Variance* | Kory Russell /  Tony & Marlis Russell, Landowners |

**Applicant**: Kory Russell, with concurrence from Tony & Marlis Russell, landowners.

**Location**: Lot 3, Evensvold Subdivision of Section 22, Township 157 North, Range 91 West (**James Hill Township**).

**Number of certified mailing receipts provided**: 4

**Purpose**: to place a mobile home and a storage shed on 3 acres

**Present**: Tony and Marlis Russell, landowners, and Deb Footh, adjacent landowner.

**Discussion:** Tony Russell was made aware of the allowed animal units per acre and the Lot1 and Lot 4 would not be buildable to comply with regulations under the agricultural district. Deb Footh had no problem with the animals on the Russell’s land. Heidi Kory with Planning & Zoning stated Amber Fiesel, Assistant States Attorney, would be in contact with Personal Representatives of the Rudy Evensvold’s Estate to see if they would be willing to sign something stating that there would be no building on Lot 1 of Evensvold Subdivision.

**Outcome**: Approved with contingencies, subject to Personal Representatives of the Rudy Evensvold’s Estate willing to sign something showing that no building could be done on Lot 1 of Evensvold Subdivision and that buildings would also be restricted on Lot 4 of Evensvold Subdivision.

**Motion**: Moved by Commissioner, Hovda, seconded by Commissioner Borud to approve a zoning request filed by Kory Russell, with concurrence from Tony & Marlis Russell, landowners for a variance to place a mobile home and a storage shed on a 3 acre, more or less, tract of land described as Lot 3, Evensvold Subdivision of Section 22, Township 157 North, Range 91 West (**James Hill Township**)as Kory Russell with concurrence from Tony and Marlis Russell, landowners, has met all criteria as set forth in Article IV, Section V, of the Mountrail County Zoning Ordinance and is further contingent upon Kory Russell with concurrence from Tony & Marlis Russell, landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Said approval is subject to Lot 4 of Evensvold Subdivision being restricted to having nonresidential structures only. Upon roll call, all present voted yes. Motion carried.

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| 8:47 a.m. Public Hearing –  *Conditional Use Extension-* | Tradewind Energy /  Aurora Wind Project LLC |

**Applicant**: Tradewind Energy/Aurora Wind Project LLC

**Location**: White Earth Township in Section 18 and Section 17, then South in Section 20, Township 157 North, Range 94 (West White Earth Township) and ending at the Tande Substation, Outlot 4 of the NE¼ of Section 29, Township 157 North, Range 94 West (White Earth Township) for a total route distance in Mountrail County of 3.3 miles.

**Purpose**: Placement of a 345-kilovolt electrical transmission line.

**Present**: Thadd Barker and Jenni Dean, Tradewind Energy

**Discussion:** Thadd Barker stated they intend to start construction next year, but some staking, surveying and tree clearing will be done this year.

**Outcome**: Approved with Contingencies.

**Motion**: Moved by Commissioner Hovda seconded by Commissioner Klug to approve the zoning request filed by Tradewind Energy/Aurora Wind Project LLC for an conditional use permit extension for a one year term to allow for placement of a 345-kilovolt electrical transmission line on agricultural land beginning in Williams County traveling east through White Earth Township in Section 18 and Section 17, then South in Section 20, Township 157 North, Range 94 West (White Earth Township) and ending at the Tande Substation, Outlot 4 of the NE¼ of Section 29, Township 157 North, Range 94 West (White Earth Township) for a total route distance in Mountrail County of 3.3 miles as Tradewind Energy/Aurora Wind Project LLC has met all criteria as set forth in Article IV, Section IV, of the Mountrail County Zoning Ordinance and is further contingent upon Tradewind Energy/Aurora Wind Project LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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| 8:52 a.m. Public Hearing –  *Conditional Use Extension-* | Northern Divide Wind LLC/ Burke Wind LLC |

**Applicant**: Northern Divide Wind LLC/Burke Wind LLC

**Location**: Burke County traveling south through Powers Lake Township (Township 158 North, Range 93 West), Sorkness Township (Township 157 North, Range 93 West), west through White Earth Township ( Township 157 North, Range 94 West) and ending at the Tande Substation ( Section 29, Township 157 North, Range 94 West)

**Purpose**: Placement of a 345-kilovolt electrical transmission line.

**Present**: Clay Cameron, Tom VonBische and Casey Furey Northern Divide Wind LLC/Burke Wind LLC, Starla Norstedt, adjacent landowner.

**Outcome**: Approved with contingencies

**Motion**: Moved by Commissioner Hollekim seconded by Commissioner Borud to approve the zoning request filed by Northern Divide Wind LLC/Burke Wind LLC for an conditional use permit extension for a one year term to allow for placement of a 345-kilovolt electrical transmission line on agricultural land beginning in Burke County traveling south through Powers Lake Township (Township 158 North, Range 93 West), Sorkness Township (Township 157 North, Range 93 West), west through White Earth Township (Township 157 North, Range 94 West) and ending at the Tande Substation (Section 29, Township 157 North, Range 94 West) for a total route distance in Mountrail County of 18.3 miles, more or less, as Northern Divide Wind LLC/Burke Wind LLC has met all criteria as set forth in Article IV, Section IV, of the Mountrail County Zoning Ordinance and is further contingent upon Northern Divide Wind LLC/Burke Wind LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Approval also allows for the company name change for the extension of the conditional use permit. Upon roll call, all present voted yes. Motion carried.

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| 8:55 a.m. Public Hearing –  *Variance* | Highline Water LLC /  Rice Ranch LLLP, Landowner |

**Applicant**: Highline Water LLC, with concurrence from Rice Ranch LLLP, landowner.

**Location**: SE¼ of Section 34, Township 156 North, Range 94 West (**Myrtle Township**)

**Number of certified mailing receipts provided**: 2

**Purpose**: Pump water from unnamed slough for fracking using a flat hose.

**Present**: Landon Eskew, Highline Water LLC

**Outcome**: Remained tabled as per action in the August 26, 2019 Minutes of the P&Z Commission.

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| 8:58 a.m. Public Hearing –  *Amendment* | Hydra XL LLC /  Double Eagle, LLP Landowner |

**Applicant**: Hydra XL LLC in concurrence with Double Eagle LLP, landowner.

**Location**: 40 acre, more or less, tract of land described as the SW¼NE¼ of Section 4, Township 153 North, Range 92 West (**Knife River Township**).

**Number of certified mailing receipts provided**: 6

**Purpose**: Constructing an earthen freshwater holding pond on a 40 acres.

**Outcome**: Remained tabled as per action in the August 26, 2019 Minutes of the P&Z Commission.

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| 9:01 a.m. Public Hearing –  *Conditional Use* | Hydra XL LLC /  Double Eagle LLP, Landowner |

**Applicant**: Hydra XL LLC in concurrence with Double Eagle LLP, landowner.

**Location**: 40 acre, more or less, tract of land described as the SW¼NE¼ of Section 4, Township 153 North, Range 92 West (**Knife River Township**).

**Number of certified mailing receipts provided**: 6

**Purpose**: Constructing an earthen freshwater holding pond on a 40 acres.

**Outcome**: Remained tabled as per action in the August 26, 2019 Minutes of the P&Z Commission.

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| **Approval of Building Permits** |

**Discussion:** Building permits 2063 and 2069 were approved contingent on hearing back from Amber Fiesel, Assistant States Attorney regarding contact with Personal Representatives of the Rudy Evensvold’s Estate. Building permit 2071 was approved pending Heidi Kory with Planning & Zoning speaking with Butch from Slawson Companies to have them rezone there land from industrial to commercial. Building permit 2074 will be sent to the City of Stanley.

**Motion:** Moved by Commissioner Ruland seconded by Commissioner Borud to approve the Building Permit 2071 subject to the owner rezoning their property from industrial to commercial. Upon roll call, all present voted yes. Motion carried.

**Motion:** Moved by Commissioner Hollekim, seconded by Commissioner Hovda, to approve the Building Permit 2073 to build on 40 acres in the SE¼SE¼ subject to owner(s) signing the application. Upon roll call, all present voted yes. Motion carried.

**Motion:** Moved by Commissioner Hovda, Seconded by Commissioner Wienbar to approve the Building Permits 2063,2069,2070,2072 and 2075. Upon roll call, all present voted yes. Motion carried.

**2063-Kory Russell, Applicant/Tony & Marlis Russell, Landowner-Parcel#110010222, Lot#3 Evensvold Subdivision, Section 22, Township 157N, Range 91 West, (James Hill Township) 30’x60’ Mobile Home.**

**2069-Kory Russell, Applicant/Tony & Marlis Russell, Landowner-Parcel#110010222, Lot #3 Evensvold Subdivision, Section 22, Township 157N, Range 91 West, (James Hill Township) 30’x48’ Machine Shed.**

**2070-Oneok Rockies, Landowner-Parcel#550000900, NE¼SE¼ of Section 4, Township 150 North, Range 93 West (Unorganized Township) (4) 40’x18’ Compressor Bldgs.**

**2071-BJ Baas Builders, Applicant/Ponderosa ND, LLC, Landowner-Parcel#460021501, Sublot A of Outlot 1 of the E½NE¼ of Section 31, Township 152 North, Range 92 West (Osborne Township) 16,000 sq. ft. Commercial Bldg.**

**2072-Andrew Walter-Parcel#470022900, Lot#5, Block #2 Clark Drive Bridgeview Subdivision, Township 152 North, Range 93 West (Unorganized Township) 28’x32’ Garage**

**2073-Bryan Boher-Parcel#320002500, SE¼SE¼ of Section 5, Township 154 North, Range 91 West (Sikes Township) 60’x80’ Steel Frame Shop**

**2075-Patroit Homes, Applicant/Rikki & Delmar Crowsbreast, Landowner-Parcel#420007501, Outlot 1 of NE¼SE¼ of Section 15, Township 152 North, Range 89 West (Model Township) 2500sq. ft. Stick Built Home.**

**Temporary Use Applications: Approved**

1. **Temporary Use Applications**

**3-Select Energy Services-#ND2019-19432-Expires 8/8/20-Parcel#280010100**

**4-Bakken Water Transfer-ND2019-19722-Expires 9/19/20-Parcel#250005600**

**5-Ken Littlefield-ND2019-19735-Expires 9/14/20-Parcel#390005900**

**6-Dallas Lalim-ND2019-19445-Expires 8/12/20-Parcel#130003900**

**7-Magnus Services-ND2019-19169-Expires 12/31/19-Parcel#26007600**

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| **Approval of Minutes** |

**Motion**: Moved by Commissioner Wienbar, seconded by Commissioner Borud to approve the August 26, 2019 minutes as corrected. Upon roll call, all present voted yes. Motion carried.

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| **Staff Concerns** |

Discussion was held that the County will be taking over VanHook Township and Traynor Park at the first of the year.

Discussion was held regarding the 75 ft. right away.

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| **Board Concerns** |

No Board concerns were expressed.

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| **Next Meeting** |

Next regular meeting of the Mountrail County Planning & Zoning Board is ***Monday October 28, 2019*** at 8:30 am at the Mountrail County South Complex, 8103 61st St. NW Stanley, ND 58784.

Meeting adjourned at 10:15 a.m.

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| **Approval** |

Accepted and approved this 28th day of October 2019.

Charlie Sorenson, Chairman Stephanie A Pappa, Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning