

PROCEEDINGS OF THE MOUNTRAIL COUNTY PLANNING AND ZONING COMMISSION
Monday, February 24, 2014

The Mountrail County Planning and Zoning Commission met on Monday, February 24, 2014 at the Mountrail County South Complex with the following voting members present: Rosie Bieri, Arlo Borud, Roger Hovda, David J. Hynek, Chase Lindberg, Trudy Ruland, Darrel Salter and Gary Weisenberger. Member absent was Michael Hynek. Also present were Lori Hanson, Mountrail County Tax Equalization Director, Wade Enget, Mountrail County State's Attorney, Teresa Capitan, Mountrail County Auditor's Office, and Kathy Craft, Administrative Assistant, Planning & Zoning Office.

Vice-Chairman D. Hynek called the meeting to order at 8:30 a.m. Roger Hovda was welcomed as the new member from District 1 replacing Karen Ruud who retired from the Board. Mr. Hovda presented his Oath of Office.

Vice-Chairman D. Hynek called the 8:30 a.m. public hearing to order. Moved by Commissioner Ruland, seconded by Commissioner Borud to remove from the table the zoning request filed by Bridger Pipeline LLC for an amendment to the Mountrail County Zoning Map to rezone a 7.37 acre, more or less, tract of land described as Outlot 1 of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, Township 152 North, Range 90 West (Parshall Township) from agricultural to industrial to allow for a crude oil storage tank connected to an existing pipeline. Present for this discussion was Cameron Tomjack representing Bridger Pipeline LLC. This item had been tabled to allow Bridger Pipeline LLC time to prepare a no increase in truck traffic agreement as a result of this project going forward and to designate an exact location for the tank. Mr. Tomjack stated he had a tentative approval with Parshall Township regarding the no truck agreement but could not give an exact location of the tank because of the EOG well being drilled in the area. Having the zoning amendment in place is necessary for Bridger Pipeline LLC to apply for an air quality permit. The setback for the tank will be at least 150' from the edge of the tank to the center of the sections line and there will be a berm around the tank.

Moved by Commissioner Borud, seconded by Commissioner Salter to present findings of fact from the February 24, 2014 public hearing and make a recommendation to the Mountrail County Commission for the approval of the zoning amendment filed by Bridger Pipeline LLC for an amendment to the Mountrail County Zoning Map to rezone a 7.37 acre, more or less, tract of land described as Outlot 1 of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, Township 152 North, Range 90 West (Parshall Township) from agricultural to industrial to allow for a crude oil storage tank connected to an existing pipeline 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 with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Vice-Chairman D. Hynek called the 8:35 a.m. public hearing to order. Moved by Commissioner Ruland, seconded by Commissioner Borud to remove from the table the zoning request filed by Bridger Pipeline LLC for a conditional use permit to use land zoned industrial for the placement of a crude oil storage tank connected to an existing pipeline on a 7.37 acre, more or less, tract of land described as Outlot 1 of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, Township 152 North, Range 90 West (Parshall Township). Present for this discussion was Cameron Tomjack representing Bridger Pipeline LLC.

Moved by Commissioner Borud, seconded by Commissioner Salter to approve the conditional use permit filed by Bridger Pipeline LLC for a conditional use permit to use land zoned industrial for the placement of a crude oil storage tank connected to an existing pipeline on a 7.37 acre, more or less, tract of land described as Outlot 1 of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, Township 152 North, Range 90 West (Parshall Township) contingent upon the approval of the zoning amendment by the Mountrail County

Commission, a signed copy of the “No Truck Increase Agreement” between Bridger Pipeline LLC and Parshall Township and placement of the edge of the tank at least 150 feet from the centerline of the section lines, as Bridger Pipeline LLC has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is further contingent upon Bridger Pipeline LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Vice-Chairman D. Hynek called the 8:40 a.m. public hearing to order regarding the continuance of the subdivision review request filed by Gail L. Neether for a 6.88 acre, more or less, tract of land to be known as Outlot 1 of Government Lot 7 of the SW¼ of Section 22, Township 157 North, Range 90 West (Clearwater Township) conducted last month but due to a lack of quorum no action could be taken. Staff reported the certified mail return receipt cards were received last month, no objections had been raised and the plat review committee has given its approval.

Moved by Commissioner Weisenberger, seconded by Commissioner Bieri to approve the 6.88 acre, more or less, tract of land to be known as Outlot 1 of Government Lot 7 of the SW¼ Section 22, Township 157 North, Range 90 West (Clearwater Township) as presented as Gail L. Neether has met 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 Ruland to approve the minutes of the January 27, 2014 meeting of the Mountrail County Planning & Zoning Board as presented. Upon roll call vote all present voted yes, motion carried.

Vice-Chairman D. Hynek called the 8:45 a.m. public hearing to order regarding the continuance of the subdivision review request filed by Summit Midstream, with concurrence from Allen & Debra Lund, landowners, for a 7 acre, more or less, tract of land to be described as Outlot 1 of Government Lot 3, Section 30, Township 156 North, Range 92 West (Ross Township) conducted last month but due to a lack of quorum no action could be taken. Staff reported the certified mail return receipt cards were received last month, no objections had been received and the plat review committee has given its approval.

Moved by Commissioner Borud, seconded by Commissioner Salter to approve the 7.00 acre, more or less, tract of land to be known as Outlot 1 of Government Lot 3, Section 30, Township 156 North, Range 92 West (Ross Township) as presented as Summit Midstream has met the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Moved by Commissioner Salter, seconded by Commissioner Weisenberger to approve building permits #1704, 1705, 1707, 1708, 1709 & 1710. Building permit #1706 was pulled to insure a variance has been filed. Upon roll call vote all present voted yes, motion carried. Moved by Commissioner Salter, seconded by Commissioner Hovda to approve building permit #1706 if the variance has already been approved. Upon roll call vote all present voted yes, motion carried.

Vice-Chairman D. Hynek called the 8:50 a.m. public hearing to order regarding the subdivision review request filed by Eric A. Fairbanks and Patricia K. Fairbanks, Trustees of the Eric A. Fairbanks Living Trust dated December 15, 1999, as to an undivided one-half (½) interest & the Patricia A. Fairbanks Living Trust dated December 15, 1999 as to an undivided one-half (½) interest, for a 7.25 acre, more or less, tract of land to be described as Sublots A, B, & C of Outlot 1 being Outlot 1 of the SW¼ Section 8, Township 156 North, Range 90 West (Palermo Township). Present for this discussion was

Eric A. Fairbanks. Mr. Fairbanks presented four certified mail return receipt cards and stated the three sublots were for him, his son and his daughter. Staff reported no comments had been received regarding this plat and the plat review committee recommended approval. There was discussion concerning the road into the property and who would be responsible for road maintenance. Mr. Fairbanks stated the landowners would be responsible for maintaining the road.

Moved by Commissioner Salter, seconded by Commissioner Bieri to approve the 7.25 acre, more or less tract of land to be known as Sublots A, B, & C of Outlot 1 being Outlot 1 of the SW $\frac{1}{4}$ of Section 8, Township 156 North, Range 90 West (Palermo Township) as presented as Eric A. Fairbanks and Patricia K. Fairbanks, Trustees of the Eric A. Fairbanks Living Trust dated December 15, 1999 & the Patricia A. Fairbanks Living Trust dated December 15, 1999 have met the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Vice Chairman D. Hynek called the 8:55 a.m. public hearing to order regarding the subdivision review request filed by Rosella D. Person for a 32.65 acre, more or less, tract of land to be described as Outlot 4 of Government Lot 3 of the NW $\frac{1}{4}$ of Section 4, Township 156 North, Range 94 West (Myrtle Township). Present for this discussion was Rosella D. Person and Anna Hysjulien. Staff reported 6 certified mail return receipt cards from the adjacent landowners had been received, no comments had been received regarding the plat, Mrs. Person has submitted a letter requesting the fee for this plat be reduced from the \$1,000 standard plat fee to the \$100 simple plat fee because this was between family members and being done as requested by her late husband and the plat review committee has reviewed the plat and recommends approval.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the 32.65 acre, more or less, tract of land to be known as Outlot 4 of Government Lot 3 of the NW $\frac{1}{4}$ of Section 4, Township 156 North, Range 94 West (Myrtle Township) as presented as Rosella D. Person has met 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 Lindberg to reduce the fee charged Rosella D. Person from the \$1,000 standard plat fee to the \$100 simple plat fee with the statement this land cannot be further subdivided without the approval of the Mountrail County Planning & Zoning Board and the payment of the appropriate fee. Upon roll call vote all present voted yes, motion carried.

Vice Chairman D. Hynek called the 9:00 a.m. public hearing to order regarding the subdivision review request filed by Fred W. & Joyce Evans for a 24.26 acre, more or less, tract of land described as Outlot 8 in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 3, Township 154 North, Range 91 West (Sikes Township). Present for this discussion was Fred W. Evans who presented 4 certified mail return receipt cards from the adjacent landowners. Staff reported no comments had been received regarding this plat and the plat review committee has reviewed the plat. Mr. Evans stated he previously talked to Great Western Resources regarding this property but he does not have a specific buyer for the property. There was discussion regarding the possibility of turning lanes off ND Highway #8, who would be responsible for the cost of turning lanes and the need to work these through the North Dakota Department of Transportation.

Moved by Commissioner Salter, seconded by Commissioner Borud to approve the 24.26 acre, more or less, tract of land to be known as Outlot 8 in the S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 3, Township 154 North, Range 91 West (Sikes Township) as presented as Fred W. & Joyce Evans have met the requirements

of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Vice Chairman D. Hynek called the 9:05 a.m. public hearing to order regarding the subdivision review application filed by Douglas E. Johnson, with concurrence from Wade Fred Williamson Jr., landowner, for a 12.02 acre, more or less, tract of land described as Outlot 2 of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, Township 151 North, Range 90 West (Fertile Township). Present for this discussion was Doug Johnson. Mr. Johnson presented the certified mail return receipt card from the adjacent landowner. Staff reported no comments had been received regarding this plat and the plat review committee has reviewed the plat.

Moved by Commissioner Weisenberger, seconded by Commissioner Borud to approve the 12.02 acre, more or less, tract of land to be known as Outlot 2 of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 5, township 151 North, Range 90 West (Fertile Township) as presented as Douglas E. Johnson has met the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call vote all present voted yes, motion carried.

Vice Chairman D. Hynek called the 9:10 a.m. public hearing to order regarding the zoning request filed by Jane Paulson & Phillip R. MacLellan, Trustees of the Jane Paulson Living Trust for an amendment to the Mountrail County Zoning Map to rezone a 37.70 acre, more or less, tract of land described as Government Lot 3 Section 20, Township 158 North, Range 92 West (Powers Township) from agricultural to industrial to allow for a water depot. Present for this discussion was Jane Paulson, Phillip R. MacLellan and Dennis Dosch. Staff reported they had received an email from Kenny MacDonald expressing his concern over this project, the certified mail return receipt card from the adjacent landowner had been received and the need to consider a variance as being a more appropriate method for allowing this type of operation, ie temporary water permit. Mr. MacLellan stated using the water from the lake would be better than water from wells because the surface water recharges quicker than aquifer, the State Water Commission regulates the issuance of temporary water permits, two million barrels of water can be drawn from the lake which equates to 257.89 acre feet and the water would be moved by pipeline rather than trucks. Dennis Dosch, volunteer group to improve Powers Lake, has major concerns regarding the long term effect of this project. He distributed a letter from the Burke County Commissioners objecting to this project and stated the City of Powers Lake and Powers Lake Planning & Zoning Commission are opposed to this project.

Moved by Commissioner Borud, seconded by Commissioner Lindberg to present findings of fact from the February 24, 2014 public hearing and make a recommendation to the Mountrail County Commission to deny the zoning request filed by Jane Paulson & Phillip R. MacLellan, Trustees of the Jane Paulson Living Trust for an amendment to the Mountrail County Zoning Map to rezone a 37.70 acre, more or less, tract of land described as Government Lot 3 Section 20, Township 158 North, Range 92 West (Powers Township) from agricultural to industrial to allow for a water depot because of the concerns expressed by the Powers Lake community, the City of Powers Lake and the Burke County Commission. Upon roll call vote Commissioners Borud, Hovda, Hynek, Lindberg, Salter, Weisenberger voted yes, Commissioners Bieri and Ruland voted no, motion carried.

Vice Chairman D. Hynek called the 9:15 a.m. public hearing to order regarding the zoning request filed by Sundre Sand & Gravel, Inc., with concurrence from Marlene M. Holmberg, Dorothy Tully, Leonard Scott, Kenneth Scott, Walter R. & Vivian Evens R&V Evens Family Trust, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on a 79.86 acre, more or less, tract of land described as NE $\frac{1}{4}$ SW $\frac{1}{4}$ & Lot 3 of Section 30, Township 153 North, Range 92 West

(Knife River Township). Staff reported the receipt of the certified mail return receipt card from the adjacent landowner, a road haul agreement between Sundre Sand & Gravel and Knife River Township and a bond in the amount of \$50,000. Present for this discussion was Todd Mantz, representing Sundre Sand & Gravel Inc. and Sam Uran. The road maintenance, the use of magnesium chloride and the problems encountered with contractors last year which included trucks parking on the road were discussed. Sam Uran stated the previous gravel mining company had left the field a mess with large holes in the field and no reclamation completed. Mr. Mantz stated Sundre Sand & Gravel Inc. would work with the landowner and the renter to address issues.

Moved by Commissioner Salter, seconded by Commissioner Bieri to approve the conditional use permit request filed by Sundre Sand & Gravel Inc., with concurrence from Marlene M. Holmberg, Dorothy Tully, Leonard Scott, Kenneth Scott, Walter R. & Vivian Evens R&V Evens Family Trust, landowners, for a conditional use permit to use land zoned agricultural to mine gravel on a 79.86 acre, more or less, tract of land described as NE $\frac{1}{4}$ SW $\frac{1}{4}$ & Lot 3 of Section 30, Township 153 North, Range 92 West (Knife River Township) for a period of five (5) years requiring road maintenance, dust control, reclamation bond, and no parking of trucks on the road as Sundre Sand & Gravel Inc. has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is contingent upon the provision Sundre Sand & Gravel Inc. comply with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Vice Chairman D. Hynek called the 9:20 a.m. public hearing to order regarding the zoning request filed by Municipal Shale LLC, with concurrence from Kelly & Judy Abrahamson, landowners, for a conditional use permit to use land zoned agricultural to place a 400' guy tower on a 10,000 square foot, more or less, tract of land located within the NW $\frac{1}{4}$ of Section 35, Township 155 North, Range 88 West (Kickapoo Township). Present for this discussion via telephone was John Throckmorton, representing Municipal Shale, LLC. Staff reported 7 certified mail return receipt cards from adjacent landowners and no comments had been received regarding this project. Mr. Throckmorton stated they have the FCC permit, there are no towers within 6 miles and this tower will improve voice and data reception in the area. There was discussion on the placement of the anchor points and whether or not this could be accomplished within the 10,000 square foot area.

Moved by Commissioner Borud, seconded by Commissioner Salter to approve the conditional use permit request filed by Municipal Shale LLC, with concurrence from Kelly & Judy Abrahamson, landowners, for a conditional use permit to use land zoned agricultural to place a 400' guy tower on a 10,000 square foot, more or less, tract of land located within the W $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 35, Township 155 North, Range 88 West (Kickapoo Township) contingent upon the accurate acreage with the anchor points being designated as Municipal Shale LLC has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is further contingent upon Municipal Shale LLC complying with all other rules and regulations as set forth in Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Vice Chairman D. Hynek called the 9:25 a.m. public hearing to order regarding the zoning request filed by Municipal Shale LLC, with concurrence from Kelly & Judy Abrahamson, landowners, for a variance to place a 400' guy tower which exceeds the 90' maximum height allowable in Mountrail County on a 10,000 square foot, more or less, tract of land located within the NW $\frac{1}{4}$ of Section 35, Township 155 North, Range 88 West (Kickapoo Township). Present for this discussion via telephone was John Throckmorton, representing Municipal Shale LLC. Staff reported 7 certified mail return receipt cards had been received from adjacent landowners and no comments regarding this project had been received.

Moved by Commissioner Salter, seconded by Commissioner Bieri to grant the variance filed by Municipal Shale LLC, with concurrence from Kelly & Judy Abrahamson, landowners, for a variance to place a 400' guy tower which exceeds the 90' maximum height allowable in Mountrail County on a 10,000 square foot, more or less, tract of land located within the W¹/₂NW¹/₄ of Section 35, Township 155 North, Range 88 West (Kickapoo Township) as Municipal Shale LLC has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Municipal Shale LLC complying with all other rules and regulations as set forth in the Mountrail County Zoning Ordinance.

Vice Chairman D. Hynek called the 9:30 a.m. public hearing to order regarding the zoning request filed by Municipal Shale LLC, with concurrence from Phyllis G. Hanson LE to Adrian A. Hanson, Gary W. Hanson, Devonne W. Hanson and Byron L. Hanson, landowners, for a conditional use permit to use land zoned agricultural to place a 350' guy tower on a 10,000 square foot, more or less, tract of land located within the NE¹/₄ of Section 28, Township 158 North, Range 89 West (Crowfoot Township). Present for this discussion was Byron Hanson, Miles Gustavson, Ray Neshem, Shirley Neshem and via telephone John Throckmorton, representing Municipal Shale LLC. Staff reported 5 certified mail return receipt cards and one U.S.P.S. Track and Confirm receipt had been received and this is the same project that Howard Gustavson had concerns about last month. Byron Hanson brought up a concern on how close this site was to a U.S. Air Force cable which is located in the area.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the conditional use permit filed by Municipal Shale LLC, with concurrence from Phyllis G. Hanson LE to Adrian A. Hanson, Gary W. Hanson, Devonne W. Hanson and Byron L. Hanson, landowners, for a conditional use permit to use land zoned agricultural to place a 350' guy tower on a 10,000 square foot, more or less, tract of land located within the NE¹/₄ of Section 28, Township 158 North, Range 89 West (Crowfoot Township) contingent upon Municipal Shale LLC insuring this tower and anchor points do not infringe upon the right of way of the U.S. Air Force cable and the final drawing showing the exact location of the tower and anchor points is submitted to the Planning & Zoning department, as Municipal Shale LLC has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is further contingent upon Municipal Shale LLC complying with all other rules and regulations as set forth in Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Vice Chairman D. Hynek called the 9:35 a.m. public hearing to order regarding the zoning request filed by Municipal Shale LLC, with concurrence from Phyllis G. Hanson LE to Adrian A. Hanson, Gary W. Hanson, Devonne W. Hanson and Byron L. Hanson, landowners, for a variance to place a 350' guy tower, which exceeds the 90' maximum height allowable in Mountrail County, on a 10,000 square foot, more or less, tract of land located within the NE¹/₄ of Section 28, Township 154 North, Range 91 West (Crowfoot Township). Present for this discussion was Byron Hanson, Miles Gustavson, Ray Neshem, Shirley Neshem and via telephone John Throckmorton, representing Municipal Shale LLC. Staff reported 5 certified mail return receipt cards and one U.S.P.S. Track and Confirm receipt had been received and this is the same project that Howard Gustavson had concerns about last month. Byron Hanson brought up a concern on how close this site was to a U.S. Air Force cable which is located in the area.

Moved by Commissioner Weisenberger, seconded by Commissioner Hovda to grant the variance filed by Municipal Shale LLC, with concurrence from, Phyllis G. Hanson LE to Adrian A. Hanson, Gary W. Hanson, Devonne W. Hanson and Byron L. Hanson landowners, for a variance to place a 350' guy tower which exceeds the 90' maximum height allowable in Mountrail County on a 10,000 square

foot, more or less, tract of land located within the NE $\frac{1}{4}$ of Section 28, Township 158 North, Range 89 West (Kickapoo Township) as Municipal Shale LLC has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon Municipal Shale LLC complying with all other rules and regulations as set forth in the Mountrail County Zoning Ordinance.

Vice Chairman D. Hynek called the 9:40 a.m. public hearing to order regarding the zoning request filed by Earthwater Bakken LLC, with concurrence from Fred W. & Joyce Evans, landowners, for an amendment to the Mountrail County Zoning Map to rezone a 70 acre, more or less, tract of land described as N $\frac{1}{2}$ SE $\frac{1}{4}$ less SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, Township 154 North, Range 91 West (Sikes Township) from agricultural to industrial to allow for the establishment of a water depot. Present for this discussion was Duane Sand and Fred W. Evans. Staff reported no comments had been received regarding this project and the reason for the land description was the SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ had previously been changed from agricultural to industrial. Mr. Sand presented three certified mail return receipt cards and one certified mail receipt from adjacent landowners. There was discussion concerning the size of land being amended, status of the water permit from the State, what would happen if no water permit was issued, the request is for 3,000 acre feet, would trucks be used to move the water, need to talk to Sikes Township if trucks are going to be used.

Moved by Commissioner Borud, seconded by Commissioner Bieri to present findings of fact from the February 24, 2014 public hearing and make a recommendation to the Mountrail County Commission to approve the zoning request filed by Earthwater Bakken LLC, with concurrence from Fred W. & Joyce Evans for an amendment to the Mountrail County Zoning Map to rezone a 70 acre, more or less, tract of land described as N $\frac{1}{2}$ SE $\frac{1}{4}$ less SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 22, Township 154 North, Range 91 West (Sikes Township) from agricultural to industrial to allow for the establishment of a water depot contingent upon the State Water Commission issuing a water permit for this location as Earthwater Bakken LLC has met all criteria as set forth in Article IV, Section III, Subsection E of the Mountrail County Zoning Ordinance and is further contingent upon Earthbakken Water LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call vote all present voted yes, motion carried.

Board concerns included status of the work group for developing a conditional use permit for special waste landfills and advertising for the Assistant Planner/Assistant Disaster Emergency Coordinator.

Staff reported the Mountrail County Commission has conditionally approved the zoning amendment for Green Group Holdings and on appeal has referred the denial of the conditional use permit back to Planning & Zoning for reconsideration. A new traffic study for the facility had been included in the Commissioner's packets and an email from Shane Goettle with a letter from the North Dakota State Health Department was at their locations. Shane Goettle was present and explained the North Dakota Health Department had not approved the site of their proposed waste pit and wants the site moved to the north and east. A new configuration has been developed and will be submitted to the State Health Department with a response expected by March 15th. A copy of the letter dated February 20, 2014 from Gerald D. Olson withdrawing his opposition to this project was at the Commissioners locations. They stated they have talked with the Ross and Alger Township Boards regarding the roads impacted by this project.

Mike & Emily Weaver submitted a letter requesting a waiver of the \$1,000 fee to the \$100 fee for a six acre tract they are purchasing to add to their property. No action was taken by the Board.

Staff reported that the Board had approved the Palkin Subdivision consisting of Lots 1 through 8 in

the NW¹/₄SW¹/₄ Section 29, Township 157 North, Range 94 West (White Earth Township) at the October 28, 2013 meeting. The final plat with all the necessary signatures has never been received and now Tobkin Construction is requesting the subdivision be lots 1 through 9. In order for the Plat Review Committee to consider the new request it is necessary for the previous approval to be rescinded

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to rescind the motion from the October 28, 2013 meeting approving the Palkin Subdivision consisting of Lots 1 through 8 in the NW¹/₄SW¹/₄ Section 29, Township 157 North, Range 94 West (White Earth Township). Upon roll call vote all present voted yes, motion carried.

Section 18 LLC would like to provide information regarding an alternative site for a special oil field waste facility. Present for this discussion was John McCain and Steve Burns. Steve Burns distributed "Alternative Special Waste Landfill Site" with a map of the proposed site to the Commissioners. They have submitted a pre-application to the State Health Department for this new location. This site was chosen to meet some of the concerns expressed by the Planning & Zoning Board. A copy of the pre-application submitted to the State was presented to the Planning & Zoning staff.

Clearwater Township Board submitted a letter dated February 22, 2014 rescinding their letter of July 9, 2013 restricting new gravel pits in the area. They expressed a concern regarding the number of gravel pits in the Township and the amount of damage they were causing.

Moved by Commissioner Borud, seconded by Commissioner Ruland to adjourn until the next regular meeting of the Mountrail County Planning & Zoning Board is to be held on Monday, March 24, 2013 at 8:30 a.m. at the Mountrail County South Complex, 8103 61st Street NW, Stanley, ND.

Accepted and approved this 24th day of March, 2014

David J. Hynek, Vice- Chairman
Mountrail County Planning & Zoning Commission

Donald W. Longmuir Jr., AICP
Zoning Administrator