

MINUTES

Mountrail County Planning and Zoning Commission February 26, 2018

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, Arlo Borud, Trudy Ruland, Linda Wienbar, Gary Weisenberger, Bill Klug, Joan Hollekim, and Tom Bieri.

Also present were Wade Enget, Mountrail County States Attorney, Nate Sem, Planning & Zoning Administrator, Jana Hennessy, Mountrail County Road & Bridge Engineer, Lori Hanson, Mountrail County Tax Director, Heather Greenlee, Mountrail County Deputy Auditor, Teresa Captain, Mountrail County Deputy Tax Director and Liz Hollowell, Planning & Zoning Administrative Assistant.

Public attending were John and Lila Cory, with Kline Overlook, Deanna Julsen, Clay Cameron, Tom Vonbische, all with NextEra Energy Resources, and Rob Carey with Andeavor Field Services LLC.

Absent was Roger Hovda.

Approval of Agenda

Vice Chairman Sorenson requested a motion to review and approve the current meeting agenda with elections to follow.

Commissioner Borud moved to accept the agenda as suggested. Commissioner Ruland seconded. Upon roll call, all present voted yes. Motion carried.

Elections

Vice Chairman Sorenson announced the reorganization of the Planning & Zoning Board. First item on the agenda was the election of the Chairman. Commissioner

Borud nominated Charlie Sorenson for Chairman. Moved by Commissioner Weisenberger to close nominations and cast a unanimous ballot for Charlie Sorenson as Chairman, seconded by Commissioner Klug. Commissioners Bieri, Borud, Klug, Weisenberger, Wienbar, Hollekim and Ruland voted yes. Motion carried.

Chairman Sorenson called for nominations for Vice Chairman. Commissioner Hollekim nominated Gary (Fritz) Weisenberger for Vice Chairman. Moved by Commissioner Borud to close nominations and cast a unanimous ballot for Gary (Fritz) Weisenberger as Vice Chairman, seconded by Commissioner Bieri. Commissioners Bieri, Borud, Klug, Sorenson, Wienbar, Hollekim and Ruland voted yes. Motion carried.

Chairman Sorenson called for nominations for Secretary. It was moved by Commissioner Ruland, seconded by Commissioner Borud to nominate Planning and Zoning Staff as Secretary. Upon roll call vote all present voted yes, motion carried.

8:30 Public Hearing Conditional Use Permit Cory/Johnson

Applicant/Landowner: John Cory, applicant and Gary Johnson, landowner

Location: Outlot 1 of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, Township 152 North, Range 90 West (**Parshall Township**).

Number of certified mailing receipts provided: Received 3 – Needed 4

Purpose: For an RV Park.

Present: John and Lila Cory

Discussion: Chairman Sorenson advised Mr. Cory that Mountrail County Planning & Zoning Ordinance does not allow for RV or mobile home parks in a commercially zoned area. RV parks are allowed in rural recreation zones and then only to be occupied April 1 to November 1. Mr. Cory stated they would like to change the area to a mobile home park removing the RV's. Wade Enget, Mountrail County States Attorney advised of the zoning requirements for a mobile home park and the requirements for spacing per the North Dakota Health Department. Lila Cory stated they were thinking about buying a piece of the property and building a commercial shop. Mrs. Cory asked if that would be allowed. Wade Enget, Mountrail County States Attorney stated they would need to separate the mobile home park by creating an outlot, to be able to open a commercial shop. Mr. Cory stated it

would be a while before they would be doing that kind of project. Wade Enget, Mountrail County States Attorney stated since they would be doing an amendment, a new conditional use permit would be necessary. The current application should be denied with a motion to apply the fee towards the conditional use permit that will accompany the amendment. Commissioner Weisenberger asked Mr. Cory if the existing cabins could be moved as they appear to be too close together. Mr. Cory stated they can be moved or removed if necessary. Wade Enget, Mountrail County States Attorney advised Mr. and Mrs. Cory to work with Planning & Zoning with any questions completing the applications.

Outcome: Denied

Motion: Moved by Commissioner Borud, seconded by Commissioner Bieri to deny the zoning request filed by John Cory of Kline Overlook LLP, for a conditional use permit to use commercial land for RV Park on a 15.63 acre, more or less, tract of land known as Outlot 1 of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 32, Township 152 North, Range 90 West (**Parshall Township**) as the parcel will need to be rezoned. The motion includes applying the fee from this application towards their next conditional use application that will accompany their amendment application. Upon roll call, all present voted yes. Motion carried.

8:33 Public Hearing

Variance

**Andeavor Field Services/
Gary Satterthwaite**

Applicant/Landowner: Andeavor Field Services LLC, applicant – Gary & Caroline Satterthwaite, landowners

Location: 20 acre, more or less, tract of land in the SW $\frac{1}{4}$ of Section 2, Township 153 North, Range 93 West (**Unorganized Township**)

Number of certified mailing receipts provided: 3

Purpose: A temporary staging and pipeline storage area

Present: Rob Carey, Andeavor Field Services

Discussion: Rob Carey stated this request is for a temporary lay down yard while they are building their pipeline. Lori Hanson, Mountrail County Tax Director stated they should reduce their legal description to S $\frac{1}{2}$ S $\frac{1}{2}$ SW $\frac{1}{4}$ instead of the whole SW $\frac{1}{4}$. Commissioner Hollekim asked if the lay down area was already there. Mr. Carey stated it was. Commissioner Borud asked about the current zoning. It was verified the parcel was zoned agricultural. It was determined the legal would be the

S½S½SW¼. Wade Enget, Mountrail County States Attorney asked if the lay down yard was gated. Mr. Carey stated it was. Commissioner Borud asked about possible fines for starting a project before getting a permit. Wade Enget, Mountrail County States Attorney stated there has been a discussion about administratively applying fees but nothing more than a discussion. Chairman Sorenson stated we are fortunate to have Andeavor work with us to get into compliance instead of us having to go to them. Wade Enget, Mountrail County States Attorney asked about the time period. Mr. Carey stated until October 2018.

Outcome: Approved

Motion: Moved by Commissioner Hollekim, seconded by Commissioner Bieri to approve the zoning request filed by Andeavor Field Services LLC in concurrence with Gary & Caroline Satterthwaite, landowners, for a variance permit to use land zoned agricultural for a temporary staging and pipeline storage area on a 20 acre, more or less, tract of land in the S½S½SW¼ of Section 2, Township 153 North, Range 93 West (**Unorganized Township**) for a period ending October 24, 2018 as Andeavor Field Services LLC has met all criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon Andeavor Field Services LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

8:36 Public Hearing Conditional Use Permit NextEra Energy Resources

Applicant: NextEra Energy Resources dba Burke Wind, LLC

Location: Beginning in Burke County traveling **south through Powers Lake Township, Sorkness Township, west through White Earth Township** and ending at the Tande Substation for a total route distance of 17.3 miles, more or less.

Purpose: Allow for placement of a 345-kilovolt electrical transmission line

Present: Deanna Julsen, Clay Cameron, Tom Vonbische with NextEra Energy Resources

Discussion: Mr. Cameron gave an update on the project. Mr. Cameron reported the route has changed slightly and they have received 100% landowner agreement. Chairman Sorenson asked about the three “Letters of Intent” and what would happen if those landowners declined. Mr. Cameron stated they are not anticipating that as the “Letters of Intent” were only due to absent landowners.

Troy Ramage from Burke County stated he was at this meeting to follow the progress and they are in favor of the project as it fits Burke County's plan and provides employment. Wade Enget, Mountrail County States Attorney asked NextEra where they were with Burke County approval. Mr. Cameron reported that a few things have changed with the project now making it a 300-watt project, so they had to acquire more land. Mr. Cameron stated they are about 90% landowner control on the T-line in Burke County which they anticipate having 100% early in March. NextEra also had to make adjustments for a brine spill. The next change is ND Game and Fish is developing a rule about setbacks regarding wetlands and native prairie. NextEra responded to this impending change and purchased more land to meet those setbacks. They anticipate submitting their application to Burke County in March and expect the approval shortly after. Chairman Sorenson stated this permit should be tied to Burke County's permit. Mr. Cameron stated giving them approval based on Burke County's approval is fine. NextEra does not anticipate any problems as they meet with the Burke County Commissioners regularly. Commissioner Hollekim asked the status of the landowner's with concerns from November's meeting. Mr. Cameron stated they chose not to participate so NextEra adjusted their route. Commissioner Borud asked the number of poles needed for a 300-watt line. Mr. Cameron stated approximately 120. Jana Hennessy, Mountrail County Road & Bridge Engineer asked if the map she had was the most current. It was determined it was. Mountrail County Road & Bridge Engineer Hennessy asked about 78th Street NW as there is construction scheduled for that road and NextEra's map shows they are crossing 78th Street NW. Tom Vonbische, NextEra Energy Resources, stated they are meeting with the Burke County Engineer about the crossing today at 1 pm. Mr. Cameron stated they will make an appointment with Engineer Hennessy after their meeting with Burke County to share information. It was determined that this application would be rescheduled for hearing at the April 23, 2018 Mountrail County Planning & Zoning meeting after the Burke County Planning & Zoning meeting on April 17, 2018 as the Burke County's decision will be known then. Mr. Cameron stated Burke County has asked for a review period of the application so it may be approved in their May 15, 2018 meeting. Chairman Sorenson stated the discussion on the table is to reserve Mountrail County Planning & Zoning's decision until after Burke County makes their decision.

Outcome: Tabled until April 23, 2018 Planning & Zoning Meeting

Motion: Moved by Commissioner Borud, seconded by Commissioner Klug to table the application until April 23, 2018 meeting to reserve the vote until after Burke County's decision. Upon roll call, all present voted yes. Motion carried.

Approval of Building/Sign Permit

Permit No.	Name/Address of applicant	Legal Description	Sec	TownShip	Range	Township Name	Building Type
2005	Andeavor Field Services LLC 19100 Ridgewood Parkway San Antonio, TX 78256 201-626-4229	NW¼NW¼	12	154	92	Brookbank	House Screw Compressor Electric Motor
2006	Andeavor Field Services LLC 19100 Ridgewood Parkway San Antonio, TX 78256 201-626-4229	SWSW	2	153	93	Unorganized	SIGN 3 X 5 feet

Commissioner Hollekim asked if landowners signed building permits. It was determined they had.

Motion: Moved by Commissioner Weisenberger, seconded by Commissioner Klug to approve building permits #2005 and 2006. Upon roll call, all present voted yes. Motion carried.

Approval of Minutes

Motion: Moved by Commissioner Weisenberger, seconded by Commissioner Klug to approve the January 22, 2018 minutes as written. Upon roll call, all present voted yes. Motion carried.

Staff Concerns

Nate Sem, Planning & Zoning Administrator stated each Board Member had a copy of a temporary use permit example and a copy of William County TUP. There was also a copy of McKenzie County's Temporary Waterline Permit. Commissioner

Ruland discussed suggested changes in Planning & Zoning fee schedule due to several applicants coming in after the fact. A discussion on possible additional fees was held. Wade Enget, Mountrail County States Attorney discussed possible administrative fees. Chairman Sorenson stated that the objective of these permits is to know where the water lines are placed in case there was a problem, so even if an applicant is “after the fact” they are still letting us know. The board held a discussion on what they liked about each example and what they would like for Mountrail County’s temporary use permit. Wade Enget, Mountrail County States Attorney stated his office will take all the discussions and ideas for the temporary use permit and write up an example for the Board to consider as changes like these would require an amendment to the Planning & Zoning Ordinance.

Lori Hanson, Mountrail County Tax Director asked about the 150 feet boundary for the landowner notifications regarding zoning changes. Mountrail County Tax Director Hanson asked if this boundary was enough and perhaps it should be increased. The Board held a discussion on the requirement and possible changes. Wade Enget, Mountrail County States Attorney read the current ordinance and how it might be changed. It was agreed more discussion was needed on this suggested change.

Board Concerns

Commissioner Ruland stated now that industrial water is part of Planning & Zoning Ordinance, we may need to let WAWSA know as they are considering supplying industrial water. Commissioner Ruland suggested a letter be sent letting them know of Planning & Zoning Ordinances requirements.

Commissioner Hollekim asked about the status of Mountrail County Comprehension plan. Wade Enget, Mountrail County States Attorney stated he had spoken with Don Longmuir regarding the comp plan and Mr. Longmuir stated he would look into it when he returns from his vacation.

Commissioner Wienbar asked if the rig mats located by Palermo have been moved. Wade Enget, Mountrail County States Attorney stated Mrs. Linda Ottesen wrote Planning & Zoning an email letting them know of the status of the rig mats. The email stated they were shut down for the winter. It was agreed that Planning & Zoning would monitor the progress from the highway. Wade Enget, Mountrail County States Attorney stated prosecution is the next step.

Next Meeting

Next regular meeting of the Mountrail County Planning & Zoning Board is ***Monday, March 26, 2018*** at 8:30 am at the Mountrail County South Complex, 8103 61st St. NW Stanley, ND 58784.

Meeting adjourned at 9:57 a.m.

Approval

Accepted and approved this 26th day of March 2018

Charlie Sorenson, Chairman
Mountrail County
Planning & Zoning Commission

Liz Hollowell
Administrative Assistant
Planning & Zoning