

MINUTES

Mountrail County Planning & Zoning Commission

March 25, 2019

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

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

In Attendance

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

Also present: Jana Hennessy, Road & Bridge Engineer, Lori Hanson, Mountrail County Tax Director, Stephanie Pappa, Mountrail County Auditor, Teresa Captain, Mountrail County Deputy Tax Director, Wade Enget, Mountrail County States Attorney and Liz Hollowell, Planning & Zoning Assistant Planner.

Public attending: Craig & Jenny Anderson, Grant Kailberg, Michele Dolezal, Wade Trulson, Kelly Gleave, Steve Kyathfield & Brett Brothers of Purity Oilfield Services, Jerry Shae of Northwest Water Transfer, Phillip Olson of ND Energy Services, Steve Potter & Robert Owens of Magnus LLC, Roger Arredondo of Select Energy Services, Landon Eskew with Highline Water LLC, Vent Wallace, Fishers Sand and Gravel Inc., Michelle Philips, Kelly Barnett, Michael Schrenk, & Stephen Marchesi of Hess North Dakota Pipeline LLC and Trevor A Hunter, Crowley Fleck PLLP.

Approval of Agenda

Chairman Sorenson requested a motion to review and approve the meeting agenda.

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

8:30 a.m. Public Hearing – *Variance -* Craig & Jeanette
Anderson, Donette Arndt, Larry
Arndt & Marleen Price,
Landowners

Applicant: Craig and Jeanette Anderson, landowners, in concurrence with Donette Arndt, Larry Arndt, and Marleen Price, landowners.

Location: NE¼ of Section 35, Township 154 North, Range 91 West (**Sikes Township**).

Number of certified mailing receipts provided: 6

Purpose: Pump water from Hanno North slough for fracking.

Present: Craig & Jenny Anderson

Discussion: Liz Hollowell, Planning & Zoning Assistant Planner stated the current ND State Temporary Water Permit on this site is valid until April 30, 2019 Jenny Anderson stated they will be using a flat hose and no trucks. Mrs. Anderson stated they do not have the new ND State temporary water permit but should any day now. Commissioner Ruland stated since this is a renewal, of sorts, this application could be made contingent on Planning & Zoning receiving a copy of their current water permit. Mrs. Anderson stated she would forward a copy to Planning & Zoning as soon as she receives it.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the zoning request filed by Craig and Jeanette Anderson, landowners, in concurrence with Donette Arndt, Larry Arndt, and Marleen Price, landowners, for a variance to pump water from Hanno North slough for fracking on a 160 acre, more or less, tract of land described as the NE¼ of Section 35, Township 154 North, Range 91 West (**Sikes Township**) contingent on Planning & Zoning receiving a copy of the ND State Temporary Water Permit, landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Craig and Jeanette Anderson have met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Craig and Jeanette Anderson complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:33 a.m. Public Hearing – *Variance* - Craig & Jeanette
Anderson, Donette Arndt,
Larry Arndt & Marleen Price,
Landowners

Applicant: Craig and Jeanette Anderson, landowners, in concurrence with Donette Arndt, Larry Arndt, and Marleen Price, landowners.

Location: 160 acre, more or less, tract of land described as the NE¼ of Section 12, Township 154 North, Range 92 West (**Brookbank Township**)

Number of certified mailing receipts provided: 8

Purpose: To pump water from Lee's slough for fracking.

Present: Craig & Jenny Anderson

Discussion: Liz Hollowell, Planning & Zoning Assistant Planner stated this site also has a ND State Temporary Water Permit valid until April 30, 2019. Mrs. Anderson stated they will only be using a lay flat hose and they are still waiting for the ND State Temp. Water permit as well. Mrs. Anderson stated she would forward a copy to Planning & Zoning as soon as she receives it.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request filed by Craig and Jeanette Anderson, landowners, in concurrence with Donette Arndt, Larry Arndt, and Marleen Price, landowners, for a variance to pump water from Lees slough for fracking on a 160 acre, more or less, tract of land described as the NE¼ of Section 12, Township 154 North, Range 92 West (**Brookbank Township**) contingent on Planning & Zoning receiving a copy of the ND State Temporary Water Permit, using only lay flat hose, landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Craig and Jeanette Anderson have met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Craig and Jeanette Anderson complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:36 a.m. Public Hearing – *Amendment* - Last Round Up Ranch LLLP, landowner

Applicant: Last Round Up Ranch LLLP, landowner

Location: 40.00 acre, more or less, tract of land described as the NE¼NE¼ of Section 22, Township 156 North, Range 90 West (**Palermo Township**).

Number of certified mailing receipts provided: 4

Purpose: Change zoning to Agricultural from Industrial

Present: Jerry Nichols, Last Round Up Ranch LLLP general partner.

Discussion: Mr. Nichols stated he has settled up with the company that was using this location as a pipe yard and all the pipe has been removed. It may take him a while to get the ground smoothed out again as they will be doing this job themselves and plan to start working on it this year.

Outcome: Recommendation of approval to the Mountrail County Commissioners.

Motion: Moved by Commissioner Ruland, seconded by Vice Chairman Weisenberger make a recommendation to the Mountrail County Commissioners to approve the zoning request filed by Last Round Up Ranch LLLP, landowner, for an amendment to change land zoned industrial to agricultural on a 40.00 acre, more or less, tract of

land described as the NE¼NE¼ of Section 22, Township 156 North, Range 90 West (**Palermo Township**) as Last Round Up Ranch LLLP has met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Last Round Up Ranch LLLP complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Stephanie Pappa, Mountrail County Auditor, gave Mr. Nichols a copy of the public notice for his meeting with the County Commissioners scheduled for April 16, 2019.

8:39 a.m. Public Hearing – *Conditional Use* - Fishers Sand & Gravel Co. / Olson Land Co., Landowner

Applicant: Fisher Sand and Gravel Co., in concurrence with Olson Land Co, landowner

Location: 38 acre, more or less, tract of land described as the N½SE¼ of Section 2, Township 156 North, Range 89 West (**McGahan Township**).

Number of certified mailing receipts provided: 1

Purpose: Mining gravel

Present: Vent Wallace with Olson Land Company

Discussion: Mr. Wallace stated they are doing a gravel pit and have a current road haul agreement with McGahan Township. Commissioner Borud asked if they would be taking care of dust control. Mr. Wallace stated they will and it is included in the agreement with McGahan Township. Commissioner Hollekim asked if Fisher's would be traveling through Blaisdell. Mr. Wallace stated it depends on which way the project was. Commissioner Bieri asked Jana Hennessy, Road & Bridge Engineer if the road through Blaisdell could handle that sort of traffic. Jana Hennessy, Road & Bridge Engineer recommended Fisher's Sand and Gravel not travel through Blaisdell no matter which way their project may be.

Outcome: Approved with contingencies.

Motion: Moved by Vice Chairman Weisenberger seconded by Commissioner Bieri to approve the zoning request filed by Fisher Sand and Gravel Co., in concurrence with Olson Land Co, landowner, for a conditional use permit to use land zoned agricultural for the purpose of mining gravel on a 38 acre, more or less, tract of land described as the N½SE¼ of Section 2, Township 156 North, Range 89 West (**McGahan Township**) for five (5) years contingent upon a \$125,000.00 letter of credit payable to Mountrail County and renewed yearly for the 5 year period as well as a current road haul agreement with McGahan Township that includes dust control and not traveling through Blaisdell as Fisher Sand and Gravel Co. has met all criteria as set forth in Article IV, Section IV in the Mountrail County Zoning

Ordinance and is further contingent upon Fisher Sand and Gravel Co. complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:42 a.m. Public Hearing – *Conditional Use*

Central Specialties, Inc.
/ Fisher Sand & Gravel
Co, landowner

Applicant: Central Specialties, Inc. in concurrence with Fisher Sand & Gravel Company, landowners

Location: 15 acre, more or less, tract of land described as the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 153 North, Range 92 West (**Knife River Township**)

Number of certified mailing receipts provided: 4

Purpose: Temporary workforce housing while completing road project AC-NH-SOIB-7-023(410)925, (ND 23) New Town Bypass

Present: Grant Minnerath with Central Specialties, Inc.

Discussion: Liz Hollowell, Planning & Zoning Assistant Planner stated Central Specialties Inc. has a letter of credit that expires November 1, 2019. Mr. Minnerath stated this would be only while they are working on the New Town Bypass. Commissioner Hollekim stated Fisher's Sand & Gravel Company does not own the complete SW $\frac{1}{4}$ so the legal would need to change to N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ to better reflect ownership and the 15 acres requested. Jana Hennessy, Road & Bridge Engineer asked about the LOC and clarified the amount.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Klug to approve the zoning request filed by Central Specialties, Inc. in concurrence with Fisher Sand & Gravel Company, landowners, for a conditional use permit to use land zoned agricultural for temporary workforce housing on a 15 acre, more or less, tract of land described as the N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, Township 153 North, Range 92 West (**Knife River Township**) while completing road project AC-NH-SOIB-7-023(410)925, (ND 23) New Town Bypass contingent on maintaining a letter of credit until the RV's are removed and all RV's must be removed when the road project is complete . Upon roll call, all present voted yes. Motion carried.

Liz Hollowell, Planning & Zoning Assistant Planner reminded Mr. Minnerath that if the CUP is not recorded in 120 days, it will be deemed null and void. Mr. Minnerath stated he would pass that information along.

8:45 a.m. Public Hearing – Variance Purity Oilfield Ser./
Roger Sorenson, Landowner

Applicant: Purity Oilfield Services in concurrence with Roger Sorenson, landowner

Location: 40 acre, more or less, tract of land described as the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 155 North, Range 92 West (**Alger Township**)

Number of certified mailing receipts provided: 2

Purpose: Pump water under ND State Temporary Water Permit ND2019-19236 from unnamed slough for fracking using a flat hose.

Present: Brett Brothers and Steve Kyathfield of Purity Oilfield Services.

Discussion: Mr. Brothers stated they would be using a lay flat hose to move the water.

Outcome: Approved with contingencies.

Motion: Vice Chairman Weisenberger seconded by Commissioner Hovda to approve the zoning request by Purity Oilfield Services in concurrence with Roger Sorenson, landowner, for a variance to pump water from an unnamed slough for fracking on a 40 acre, more or less, tract of land described as the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, Township 155 North, Range 92 West (**Alger Township**) contingent on adhering to the ND State Temporary Water Permit ND2019-19236 valid *February 1, 2019 to January 31, 2020*, using only flat hose, landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Purity Oilfield Services has met all criteria as set forth in Article IV, Section V of the Mountrail County and is further contingent upon Purity Oilfield Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:48 Public Hearing Variance Purity Oilfield Ser./
Kimberly Duchene & Karen
Hubbard, Landowners

Applicant: Purity Oilfield Services in concurrence with Kimberly Duchene & Karen Hubbard, landowners

Location: 40 acre, more or less, tract of land described as the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, Township 155 North, Range 92 West (**Alger Township**).

Number of certified mailing receipts provided: 2

Purpose: Pump water under ND State Temporary Water Permit ND2019-19213 from unnamed slough for fracking using a flat hose.

Present: Brett Brothers and Steve Kyathfield of Purity Oilfield Services.

Discussion: Mr. Brothers stated this one would also just be using flat hose for transfer of water. Commissioner Hollekim asked about the Outlot 1 and if Purity Oilfield Service would be crossing it with their hose. Mr. Brother stated only with landowner permission but most likely not. Commissioner Hollekim stated the legal should read “less outlot 1”. Liz Hollowell, Planning & Zoning Assistant Planner that will be added.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Borud seconded by Commissioner Hollekim to approve the zoning request by Purity Oilfield Services in concurrence with Kimberly Duchene & Karen Hubbard, landowners, for a variance to pump water from an unnamed slough for fracking on a 40 acre, more or less, tract of land described as the NE¼SE¼, less Outlot 1, of Section 21, Township 155 North, Range 92 West (**Alger Township**) contingent on adhering to the ND State Temporary Water Permit ND2019-19213 valid *February 1, 2019 to January 31, 2020*, using only flat hose, landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Purity Oilfield Services has met all criteria as set forth in Article IV, Section V of the Mountrail County and is further contingent upon Purity Oilfield Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:51 Public Hearing

Variance

Curtis & Lesley Trulson,
Landowners

Applicant: Curtis & Leslie Trulson, landowners

Location: 160 acre, more or less, tract of land described as the NE¼ of Section 20, Township 156 North, Range 92 West (**Ross Township**).

Number of certified mailing receipts provided: 6

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

Present: Wade Trulson

Discussion: Mr. Trulson stated the newest ND State Temporary Water permit should be here in a few days. It will replace the one that will expire March 31, 2019. Chairman Sorenson stated this is renewal of sort and this location is the first water variance in Mountrail County. Mr. Trulson stated they will email Planning & Zoning the approved water permit when they receive it.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Ruland to approve the zoning request filed by Curtis & Leslie Trulson, landowners, for a variance to pump surface water from an unnamed slough for fracking on a 160 acre, more or less, tract of land described as the NE¼ of Section 20, Township 156 North, Range 92 West (**Ross Township**) contingent on Planning & Zoning receiving a copy of the ND State Temporary Water Permit, landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Curtis & Leslie Trulson have met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Curtis & Leslie Trulson complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:54 Public Hearing

Variance

Northwest Water Transfer/
Shayne & Shannon Mollett,
Landowner

Applicant: Northwest Water Transfer in concurrence with Shayne & Shannon Mollett, landowners

Location: 33.33 acre, more or less, tract of land described as the SE¼SW¼ of Section 19, Township 158 North, Range 93 West (**Powers Lake Township**).

Number of certified mailing receipts provided: 3

Purpose: Pump water under ND State Temporary Water Permit ND2019-19228 from White Earth River for fracking.

Present: Jerry Shae with Northwest Water Transfer

Discussion: Mr. Shae stated they will only be using a flat hose. Wade Enget, Mountrail County States Attorney asked if they were crossing 74th. Mr. Shae stated he did not know at this time but would get any necessary permits if they do. Mr. Shae stated the job is scheduled to start sometime in May 2019.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Klug to approve the zoning request filed by Northwest Water Transfer in concurrence with Shayne & Shannon Mollett, landowners, for a variance to pump water from White Earth River for fracking on a 33.33 acre, more or less, tract of land described as the SE¼SW¼ of Section 19, Township 158 North, Range 93 West (**Powers Lake Township**) contingent on adhering to the ND State Temporary Water Permit ND2019-19228 valid February 7, 2019 through December 31, 2019, on using only flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements as required as Northwest Water Transfer has met all criteria as set forth in Article IV, Section V of

the Mountrail County Zoning Ordinance and is further contingent upon Northwest Water Transfer complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:57 Public Hearing

Variance

Select Energy Services/ Justin
& Bernadette Lund

Applicant: Select Energy Services in concurrence with Justin & Bernadette Lund, landowners

Location: 80 acre, more or less, tract of land described as the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 10, Township 155 North, Range 92 West (**Alger Township**)

Number of certified mailing receipts provided: 5

Purpose: Pump water from an unnamed slough for fracking.

Present: Roger Arredondo with Select Energy Services.

Discussion: Liz Hollowell, Planning & Zoning Assistant Planner asked Mr. Arredondo if he had the copy of the application with Mrs. Bernadette Lund signature. Mr. Arredondo stated he will get her signature and bring the signed application to Planning & Zoning today. Chairman Sorenson asked if this was the same location as last year. Mr. Arredondo stated it was and will be using only flat hose.

Michele Dolezal, adjacent landowner, stated that last time water was taken from the Lund slough it affected her slough as well and showed the area on the overhead map. Mrs. Dolezal would like the sloughs measured after the snow melts to be able to tell how much water is being taken from their slough. Mr. Arredondo stated they haven't taken water from that location in a while but once they have the ND State Temporary Water permit, then they will this year. Commissioner Ruland recommended that Mrs. Dolezal contact the ND State Water Commission to register her concerns as that Commission is who grants the temporary water permit. Mrs. Dolezal ask Mr. Arredondo to show her, on the map, where he would be taking the water from. Mr. Arredondo indicated the location and stated it was not a grantee they would be actually using it as this is for a potential job with Hess approximately June 2019. Commissioner Ruland advised Mrs. Dolezal how to contact the ND State Water Commission.

Outcome: Approved with contingencies

Motion: Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request filed by Select Energy Services in concurrence with Justin & Bernadette Lund, landowner, for a variance permit to pump water from an unnamed slough for fracking on an 80 acre, more or less, tract of land described as

the N½NW¼ of Section 10, Township 155 North, Range 92 West (**Alger Township**) contingent on adhering to the ND State Temporary Water Permit ND2019-19214 valid February 11, 2019 through February 9, 2020, both landowners signing application and permit, using only flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements as required as Select Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Select Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Chairman Sorenson turned the chair over to Vice Chairman Weisenberger to facilitate the 9:00 am public hearing.

9:00 Public Hearing	Variance	Select Energy Services/ Charlie Sorenson, Landowner
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Applicant: Select Energy Services in concurrence with Charlie Sorenson, Landowner

Location: 157 acre, more or less, tract of land described as the SW¼ of Section 2, Township 155 North, Range 92 West (**Alger Township**)

Number of certified mailing receipts provided: 6

Purpose: Pump water from an unnamed slough for fracking.

Present: Roger Arredondo with Select Energy Services

Discussion: Mr. Arredondo stated this would be for the same project as the Lund slough with Hess sometime in June 2019. He stated he will be using only flat hose and will notify any landowner that maybe affected.

Outcome: Approved with contingencies

Motion: Moved by Commissioner Borud, seconded by Commissioner Hollekim to approve the zoning request filed by Select Energy Services in concurrence with Charlie Sorenson, landowner, for a variance permit to pump water from an unnamed slough for fracking on a 157 acre, more or less, tract of land described as the SW¼ of Section 2, Township 155 North, Range 92 West (**Alger Township**) contingent on adhering to the ND State Temporary Water Permit ND2019-19198 valid February 4, 2019 through February 1, 2020, using only flat hose, all landowners being contacted about hose placement, and adhering to Mountrail

County Road & Bridge temporary ROW Use requirements as required as Select Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Select Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Chairman Sorenson did not participate in the motion nor the vote. Vice Chairman Weisenberger returned the chair to Chairman Sorenson.

9:03 Public Hearing *Variance* Select Energy Services/ Joey & Karlyn Meiers, Landowner

Applicant: Select Energy Services in concurrence with Joey & Karlyn Meiers, Landowners

Location: 35 acre, more or less, tract of land described as the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 10, Township 156 North, Range 93 West (**Manitou Township**)

Number of certified mailing receipts provided: 5

Purpose: Pump water from an unnamed slough for fracking

Present: Roger Arredondo with Select Energy Services

Discussion: Mr. Arredondo stated he is still waiting for the ND State Temporary Water permit and had spoken with Mr. Farrell from the ND State Water Commission. Mr. Arredondo stated the permit would be emailed directly to Planning & Zoning. He doesn't believe he has applied for a permit in this area before and this location has a wildlife easement. Mr. Farrell advised Mr. Arredondo that he would clearly note on the ND State Temporary Water permit that it would not be valid if approval from Fish & Wildlife was not granted. Mr. Arredondo stated the use was not planned until mid-May but he needs the variance permit before he can approach Fish & Wildlife for permission. Commissioner Ruland stated since this is not a "renewal" of sorts, it has been the policy to table the application until the ND State Temporary Water permit was received. Mr. Arredondo stated he will try to contact Mr. Farrell to see if the water permit was emailed and if not then this application will be tabled to the April meeting.

Landon Eskew of Highline Water LLC stated this water permit is in a location that has a wildlife easement and could cause the landowner harm if the water was drained. A brief discussion was held on wildlife easements and possible impacts on the slough.

Outcome: Tabled due to no ND State Temporary Water permit. Will be scheduled for April 22, 2019 P&Z meeting

Motion: Moved by Commissioner Borud, seconded by Commissioner Hovda to table the zoning request filed by Select Energy Services in concurrence with Joey & Karlyn Meiers, landowners, for a variance permit to pump water from an unnamed slough for fracking on a 35 acre, more or less, tract of land described as the SE¼SW¼ of Section 10, Township 156 North, Range 93 West (**Manitou Township**) due to no ND State Temporary Water Permit and this application will be moved to the April 22, 2019 Planning & Zoning meeting. Upon roll call, all present voted yes. Motion carried.

9:06 Public Hearing

Conditional Use

Hess North Dakota
Pipeline LLC / John Moe,
Landowner

Applicant: Hess North Dakota Pipeline LLC, with concurrence from John M Moe, Landowner

Location: 56.02 acre, more or less, tract of land known as Outlot 1 of the W½ of Section 6, Township 154 North, Range 94 West (**Unorganized Township**)

Number of certified mailing receipts provided: 2

Purpose: To build a substation as part of the oil pipeline facility

Present: Michelle Philips, Kelly Barnett, Michael Schrenk, & Stephen Marchesi of Hess North Dakota Pipeline LLC. Trevor A Hunter, Crowley Fleck PLLP

Discussion: Mr. Hunter gave a short overview of the project and then turned the floor over to Mr. Stephen Marchesi, project lead, to answer any questions. Mr. Hunter stated they did send more details regarding equipment loads and trailer configurations via email to Jana Hennessy, Road & Bridge Engineer as requested. Jana Hennessy, Road & Bridge Engineer asked for a set of plans sent to her electronically as the printed set is much too small. Mr. Marchesi stated he will do that. Mr. Hunter stated they also reached out to Williams County since 102nd Ave NW is a shared road and have the approved approach permits in hand. Mr. Hunter stated the last item from last meeting was the landowner in William County concerns. Mr. Hunter stated that Hess did meet with Mrs. Gleave and it was agreed they would plant trees on the west side of the road toward her rental property as a type of buffer.

Kelly Gleave, landowner, stated her biggest concern was the noise. Mr. Marchesi stated the compressor is electric driven so they do not have noise decimal concerns outside the facility boundary. Mrs. Gleave asked about the flaring. Mr. Marchesi stated this compressor station is to reduce flaring in the surrounding area and there will not be flaring on this location. The only time flaring would be used is if there was an upset in the facility or for the safety of the facility. Mrs. Gleave asked

about the increased dust. Mr. Marchesi stated that would be temporary during the construction between June and November. Hess would provide dust control during that time period. After that time, there will be less traffic as this compressor station is slotted to reduce truck traffic by approximately 40 trucks per day. Commissioner Hovda asked if the large fans needed by the compressor station could be pointed away from the road. Mr. Marchesi explained the site configuration. Mrs. Gleave asked the reasoning for the current location versus the initial location the landowner recommended. Mr. Marchesi stated it was due to the pipeline location. Chairman Sorenson asked if Hess had any other compressor station this close to a residence. Mr. Marchesi stated yes and they are well within the setback requirements from the ND Oil and Gas Commission at this location. Chairman Sorenson asked Mrs. Gleave if she was satisfied with the amount of trees and if there was a plan in place to maintain them. Michelle Philips with Hess stated they would work directly with Mrs. Gleave to develop that contract. Commissioner Borud asked Jana Hennessy, Road & Bridge Engineer about the inspections of the road. Jana Hennessy, Road & Bridge Engineer there is a requirement that any improvement of a section line must be approved by the Mountrail County Commissioners. Mr. Marchesi stated they had no plans to improve the road before construction began. Commissioner Hollekim asked if that road would be able to handle a heavy load. Jana Hennessy, Road & Bridge Engineer stated they would do a pre-inspection and test the road to find out what the road can handle. Commissioner Hollekim asked about a building permit. It was determined they would just need one for the facility.

Outcome: Approved with contingencies

Motion: Moved by Commissioner Bieri, Second by Commissioner Borud to approved the zoning request filed by Hess North Dakota Pipeline LLC, with concurrence from John M Moe, landowner, for a conditional use permit to use land zoned industrial for the purpose of building the East Nesson Compressor Station on a 56.02 acre, more or less, tract of land described as Outlot 1 of the W½ of Section 6, Township 154 North, Range 94 West (**Unorganized Township**) contingent on adhering to Mountrail County Road & Bridge approach and road haul agreement requirements, applying dust control on 102nd Ave NW as needed during the construction phase, creating and maintaining a buffer of trees as Hess North Dakota Pipeline LLC has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Hess North Dakota Pipeline LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

9:09 a.m. Public Hearing –

Amendment -

Rodney & Patricia
Barstad, Landowner

Applicant: Rodney & Patricia Barstad, Landowners

Location: 11.23 acre, more or less, tract of land described as Outlot 3 in the NW¼SW¼ of Section 4, Township 156 North, Range 91 West (**Idaho Township**)

Number of certified mailing receipts provided: 4

Purpose: Change zoning to Industrial from Agricultural

Present: Rodney Barstad, Landowner

Discussion: Liz Hollowell, Planning & Zoning Assistant Planner advised the Board that Mr. Barstad had submitted an outlot plat for this amendment and due to the size, it was not brought to the Planning & Zoning Board. Most of the plat review team has seen it and there is a copy of it on the cloud. Chairman Sorenson asked if this was an expansion of the current area. Liz Hollowell, Planning & Zoning Assistant Planner stated there was one comment received and gave the Planning & Zoning Board a copy. Commissioner Ruland asked if Mr. Barstad was building a pond. Mr. Barstad stated it was a 125,000 barrel tank for the purpose of pumping water from there, via flat hose, to well locations. Commissioner Ruland stated no additional truck will be allowed to transport this water, only flat hose. Mr. Barstad stated that is the reason for the tank to get away from the cost of trucking. Chairman Sorenson asked if this project would require a conditional use permit. Wade Enget, Mountrail County States Attorney stated Mr. Barstad would need to apply for one once the amendment is approved. Lori Hanson, Mountrail County Tax Director stated the outlot plat should be approved before the amendment since without it there is no actual legal description.

Outcome: Recommendation of approval to the Mountrail County Commissioners.

Motion: Moved by Vice Chairman Weisenberger, seconded by Commissioner Hovda make a recommendation to the Mountrail County Commissioners to approve the zoning request filed by Rodney & Patricia Barstad, landowners, for an amendment to change land zoned agricultural to industrial on 11.23 acre, more or less, tract of land described as Outlot 3 in the NW¼SW¼ of Section 4, Township 156 North, Range 91 West (**Idaho Township**) contingent on recording the outlot plat, only flat hose being used to transfer water, and having the conditional use permit approved, as Rodney & Patricia Barstad has met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Rodney & Patricia Barstad complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Stephanie Pappa, Mountrail County Auditor, gave Mr. Barstad a copy of the public notice for his meeting with the County Commissioners scheduled for April 16, 2019 at 9:40 a.m.

9:12 Public Hearing

Variance

ND Energy Services/
Robert J Grinolds Family
Testamentary Trust, Richard J
Grinolds, TTEE, Landowner

Applicant: ND Energy Services in concurrence with Robert J Grinolds Family Testamentary Trust, Richard J Grinolds, TTEE, landowners

Location: 40 acre, more or less, tract of land described as the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 156 North, Range 90 West (**Palermo Township**)

Number of certified mailing receipts provided: N/A

Purpose: Pump water from an unnamed slough for fracking

Present: Phil Olson with ND Energy Services

Discussion: Liz Hollowell, Planning & Zoning Assistant Planner stated the application with the ND State Water Commission for this location has been denied.

Outcome: Denied due to denial by the ND State Water Commission

Motion: Moved by Commissioner Borud, seconded by Commissioner Ruland to deny the zoning request filed by ND Energy Services in concurrence with Robert J Grinolds Family Testamentary Trust, Richard J Grinolds, TTEE, landowners, for a variance permit to pump water from an unnamed slough for fracking on a 40 acre, more or less, tract of land described as the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 156 North, Range 90 West (**Palermo Township**) as the ND State Temporary water permit was denied. Upon roll call, all present voted yes. Motion carried.

9:15 Public Hearing

Variance

ND Energy Services/
Robert J Grinolds Family
Testamentary Trust, Richard J
Grinolds, TTEE, Landowner

Applicant: ND Energy Services in concurrence with Robert J Grinolds Family Testamentary Trust, Richard J Grinolds, TTEE, landowners

Location: 40 acre, more or less, tract of land described as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 156 North, Range 90 West (**Palermo Township**)

Number of certified mailing receipts provided: N/A

Purpose: Pump water from an unnamed slough for fracking

Present: Phil Olson with ND Energy Services

Discussion: Liz Hollowell, Planning & Zoning Assistant Planner stated the application with the ND State Water Commission for this location has also been denied.

Outcome: Denied due to denial by the ND State Water Commission

Motion: Moved by Commissioner Ruland, seconded by Commissioner Hollekim to deny the zoning request filed by ND Energy Services in concurrence with Robert J Grinolds Family Testamentary Trust, Richard J Grinolds, TTEE, landowners, for a variance permit to pump water from an unnamed slough for fracking on a 40 acre, more or less, tract of land described as the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 156 North, Range 90 West (**Palermo Township**) as the ND State Temporary water permit was denied. Upon roll call, all present voted yes. Motion carried.

9:18 Public Hearing

Variance

ND Energy Services/
Robert J Grinolds Family
Testamentary Trust, Richard J
Grinolds, TTEE, Landowner

Applicant: ND Energy Services in concurrence with Robert J Grinolds Family Testamentary Trust, Richard J Grinolds, TTEE, landowners

Location: 79 acre, more or less, tract of land described as the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12, Township 156 North, Range 90 West (**Palermo Township**)

Number of certified mailing receipts provided: 2

Purpose: Pump water from an unnamed slough for fracking

Present: Phil Olson with ND Energy Services

Discussion: Mr. Olson stated he has the ND State Temporary Water Permit for this one. Commissioner Hollekim asked about the Trust paperwork giving Richard Grinolds the authorization to sign for the Trust. Mr. Potter stated he will speak with Mr. Grinolds about that and provide a copy to Planning & Zoning. Mr. Olson stated they would be using only flat hose to transport the water.

Outcome: Approved with contingencies

Motion: Moved by Commissioner Borud, seconded by Commissioner Hollekim to approve the zoning request filed by ND Energy Services in concurrence with Robert J Grinolds Family Testamentary Trust, Richard J Grinolds, TTEE, landowners, for a variance permit to pump water from an unnamed slough for fracking on a 79 acre, more or less, tract of land described as the W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 12, Township 156

North, Range 90 West (**Palermo Township**) contingent on providing the trustee paperwork to Planning & Zoning, adhering to the ND State Temporary Water Permit ND2019-19198 valid March 1, 2019 through December 31, 2019, using only flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements as required as ND Energy Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon ND Energy Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

9:21 Public Hearing

Variance

Magnus Services/
Guinn Revocable Living
Trust, Janet Guinn Trustee, Landowner

Applicant: Magnus Services in concurrence with Guinn Revocable Living Trust, Janet Guinn, Trustee

Location: 40 acre, more or less, tract of land described as NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, Township 154 North, Range 92 West (**Brookbank Township**)

Number of certified mailing receipts provided: 3

Purpose: Pump water from an unnamed slough for fracking

Present: Steve Potter with Magnus Services

Discussion: Mr. Potter stated he has the ND State Temporary Water Permit but there was a hold up at the Water Commission. Liz Hollowell, Planning & Zoning Assistant Planner stated Dan Farrell with the ND Water Appropriations Division, sent an email to Planning & Zoning to inform them that Magnus Services water permit was approved but not signed due to the State Engineer and Division Director being called to the Capital. Commissioner Hollekim asked about the application checklist. Liz Hollowell, Planning & Zoning Assistant Planner stated Mr. Potter had completed and submitted the checklist.

Outcome: Approved with contingencies

Motion: Moved by Vice Chairman Weisenberger, seconded by Commissioner Bieri to approve the zoning request filed Magnus Services in concurrence with Guinn Revocable Living Trust, Janet Guinn, Trustee, for a variance to pump water from an unnamed slough for fracking on a 40 acre, more or less, tract of land described as NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 13, Township 154 North, Range 92 West (**Brookbank Township**) contingent on receiving a physical copy of the ND State Temporary Water Permit, copy of the trustee paperwork, using only flat hose, all landowners being contacted about hose placement, and adhering to Mountrail County Road &

Bridge temporary ROW Use requirements as required as Magnus Services has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Magnus Services complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Grant Kallberg, landowner, next to Green Acres Subdivision, Section 20, Township 157 North, Range 94 West, asked what the outcome was with the Green Acres Subdivision regarding water flows. Mr. Kallberg had spoken with Planning & Zoning as well as Mountrail County Road & Bridge about this issue. Jana Hennessy, Road & Bridge Engineer stated she had spoken with Mr. Kallberg and invited him to this meeting for further discussion. Road & Bridge Engineer Hennessy stated she spoke with representatives of Green Acres Subdivision for more information regarding handling the water but had not received any reports or paperwork. Liz Hollowell, Planning & Zoning Assistant Planner stated Green Acres Subdivision does not have a letter of credit and Planning & Zoning had not received any other paperwork that was requested. Wade Enget Mountrail County States Attorney gave a summary of past discussions regarding Green Acres Subdivision. Mr. Kallberg explained the problem of the excess water. Commissioner Ruland asked what the Planning Board's options are now that Green Acres Subdivision is not in compliance or done what they agreed to do. Wade Enget Mountrail County States Attorney stated some of the locations that Mr. Kallberg is having problems with are Mountrail County's jurisdiction. A discussion was held on what would be the best way to solve the excess water problem. Wade Enget Mountrail County States Attorney stated he will write a letter to Green Acres Subdivision about the deficiencies and work with Road & Bridge to get the high spots in that area corrected.

Approval of Minutes

Motion: Moved by Vice Chairman Weisenberger, seconded by Commissioner Klug to approve the February 25, 2019 minutes as corrected. Upon roll call, all present voted yes. Motion carried.

Staff Concerns

Liz Hollowell, Planning & Zoning Assistant Planner asked the Board how the Armor Cloud was working and if anyone had questions. Commissioner Hovda asked if past meeting information was going to be loaded on the cloud. Liz Hollowell, Planning & Zoning Assistant Planner stated she could load some but didn't have the computer capacity to load all of them. Chairman Sorenson and Commission Wienbar gave their tablets back to Planning & Zoning as they do not use them.

Liz Hollowell, Planning & Zoning Assistant Planner advised the Board of the following upcoming projects and applications:

- Potentially 2 more applications for water storage ponds. Liz Hollowell, Planning & Zoning Assistant Planner has been in contact with Dan Farrell about requirements and since the ponds are less than 50 acre feet, no construction permit is needed.
- White Earth letters were mailed. The letter just let the Landowners know that Mountrail County Planning & Zoning has zoning jurisdiction.
- April's meeting now at 11 applications and the deadline is March 28th (Thursday). Activity in Mountrail County is picking up. Commissioner Hollekim talked about limiting applications if there were a lot of amendments.

Liz Hollowell, Planning & Zoning Assistant Planner ask about the ordinance for the Temporary Use Application. Wade Enget, Mountrail County States Attorney stated the ordinance is ready to be published so it can be approved and a motion would be needed to have that done.

Motion: Moved by Commissioner Hollekim, seconded by Commissioner Borud to approve publishing the Temporary Use Application Ordinance for final approval. Upon roll call, all present voted yes. Motion carried.

Board Concerns

Commissioner Borud stated the usage of the expanded 3 forks water depot will need to be monitored. A discussion was held on current usage and monitoring. Chairman Sorenson stated this area is zoned industrial meeting all the requirement of Planning & Zoning ordinances.

Commissioner Wienbar asked about Stanley Blaisdell RV Park and if they were going to clean that up? Wade Enget, Mountrail County States Attorney stated they are operating without a license and that's a State issue. Mountrail County States Attorney Enget will contact the ND State Health Department to get an update on the status.

Commissioner Borud asked the White Star gravel pit west of Blaisdell. Chairman Sorenson stated that pit was grandfathered before permitting gravel pits began. Planning & Zoning has a spreadsheet showing all gravel pits and will load it onto the cloud.

Lori Hanson, Mountrail County Tax Director asked the J&J Oilfield Service parcel with the used rig mats. Liz Hollowell, Planning & Zoning Assistant Planner stated

she had spoken with the potential buyer of the property and advised him how to apply for a burning permit.

Next Meeting

Next regular meeting of the Mountrail County Planning & Zoning Board is **Monday April 22, 2019** at 8:30 am at the Mountrail County South Complex, 8103 61st St. NW Stanley, ND 58784.

Meeting adjourned at 10:30 a.m.

Approval

Accepted and approved this 22nd day of April 2019

Charlie Sorenson, Chairman
Mountrail County
Planning & Zoning Commission

Liz Hollowell, Assistant Planner
Mountrail County
Planning & Zoning