

PROCEEDINGS OF THE MOUNTRAIL COUNTY
PLANNING & ZONING COMMISSION
Monday, April 25th 2016

The Mountrail County Planning & Zoning Commission met on Monday, April 25th 2016 at the Mountrail County South Complex with the following voting members present: Roger Hovda, Charlie Sorenson, Arlo Borud, Bill Klug, Gary Weisenberger, Thomas Bieri, Linda Wienbar, Trudy Ruland, and Chase Lindberg. Also present were Teresa Captain, Mountrail County Deputy Tax Director, Heather Greenlee, Mountrail County Auditor's Office, Don Longmuir, Planning & Zoning Administrator, Lisa Lee, Assistant Planning & Zoning Administrator and Liz Hollowell, Planning & Zoning Administrative Assistant. Absent were Wade Enget, Mountrail County States Attorney and Lori Hanson, Mountrail County Tax Director.

Chairman Hovda called the Planning and Zoning meeting to order at 8:30 a.m.

Chairman Hovda requested a motion to review and approve the current meeting agenda. Moved by Commissioner Sorenson, seconded by Commissioner Wienbar to approve the agenda as is with no changes. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:30 a.m. public hearing to order regarding the subdivision review request filed by James C. and Debra J. Moen, landowners, for a 32.29 acre, more or less, plat to be known as Outlot 1 of the S $\frac{1}{2}$ NE $\frac{1}{4}$ & N $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 35, Township 154 North, Range 89 West (Oakland Township). Planning & Zoning Administrator Longmuir advised this request had been denied at the March meeting due to no representation but was later discovered the Moen's were not notified of the hearing time/date. Administrator Longmuir asked the Board for a motion to reconsider the March 28th motion.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve the motion to reconsider. Upon roll call, all present voted yes, motion carried.

Present for the hearing was Debra Moen, landowner. Mrs. Moen stated they are selling the houses that are on the location and per instructions from the bank the buyers are going through, they need to separate them. They surveyed the 3rd plat as Mr. Moen wanted the farmstead separated as well. Administrator Longmuir asked how the three lots were staying agricultural. Mrs. Moen stated the people buying the property have farmed there for over a year and will be buying both of the smaller lots. Commissioner Wienbar asked about fee. Mrs. Moen stated since it was all still agricultural and is all one family, the lesser fee would be more appropriate. Commissioner Sorenson asked if the reason for the three lots was due to the bank requirements and without that, these would be one lot. Mrs. Moen stated yes. No other comments received.

Moved by Commissioner Borud, seconded by Commissioner Sorenson to approve the subdivision review request filed by James C. and Debra J. Moen, landowners, for a 32.29 acre, more or less, plat to be known as Outlot 1 of the S½NE¼ & N½SE¼ of Section 35, Township 154 North, Range 89 West (Oakland Township) and the \$100.00 fee complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:33 a.m. public hearing to order regarding a zoning request filed by Statoil Oil & Gas LP in concurrence with Gene Brown, landowner, for conditional use permit to use land zoned agricultural for the purpose of the construction of a 50' communication tower on a 160 acre, more or less, tract of land described as the NW¼ of Section 31, Township 156 North, Range 93 West (Manitou Township). No adjacent land owners and no other comments received.

Present for this discussion was Josh Skluzacek. Mr. Skluzacek stated Statoil Oil & Gas LP is putting up a communication tower for better visibility eliminating the need to have someone drive out to the site. Chairman Hovda verified 50' tower, not close to a road. Mr. Skluzacek agreed.

Moved by Commissioner Weisenberger, seconded by Commissioner Klug to approve the zoning request filed by Statoil Oil & Gas LP in concurrence with Gene Brown, landowner, for conditional use permit to use land zoned agricultural for the purpose of the construction of a 50' communication tower on a 160 acre, more or less, tract of land described as the NW¼ of Section 31, Township 156 North, Range 93 West (Manitou Township) complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:36 public hearing to order regarding a zoning request filed by Statoil Oil & Gas LP in concurrence with Jeffrey Lapica, landowner, for conditional use permit to use land zoned agricultural for the purpose of the construction of a 50' communication tower on a 40 acre, more or less, tract of land described as the SW¼SW¼ of Section 20, Township 155 North, Range 92 West (Alger Township). Four certified return receipt cards from adjacent landowners were received and no other comments.

Present for this discussion was Josh Skluzacek. Mr. Skluzacek stated Statoil Oil & Gas LP is putting up the same type of communication tower for better visibility on this location as well.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the zoning request filed by Statoil Oil & Gas LP in concurrence with Jeffrey Lapica, landowner, for conditional use permit to use land zoned agricultural for the purpose of the construction of a

50' communication tower on a 40 acre, more or less, tract of land described as the SW¼SW¼ of Section 20, Township 155 North, Range 92 West (Alger Township) complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:39 a.m. public hearing to order regarding the subdivision review request filed by Statoil LP, landowner, for a 9.81 acre, more or less, plat to be known as Outlot 2 of the SW¼ of Section 31, Township 156 North, Range 92 West (Ross Township). Eight certified return receipt cards from adjacent landowners were received and no other comments.

Present for this discussion was Josh Skluzacek. Planning & Zoning Administrator Longmuir ask for final plat to verify required changes have been made. Outlot Plat number is to be known as Outlot 1. All changes meet the requirements. Mr. Skluzacek stated the intention is to separate the parcel as their midstream is being broke off into a separate business unit. Administrator Longmuir verified this plat is due to the pipelines gathering point is located there. Commissioner Sorenson commented the quarter belongs to Statoil and is already zoned industrial, so they are selling the Outlot to themselves. Administrator Longmuir stated Statoil is doing corporate restructuring so moving assets from one entity to another. Commissioner Weisenberger asked about 60th being a gravel road and wondered about access. Chairman Hovda stated already operate on the site now, so they already access it. Commissioner Ruland asked about the easement as is a different entity. Administrator Longmuir stated the easement is off 60th street NW which is already a road.

Moved by Commissioner Klug seconded by Commissioner Borud to approve the subdivision review request filed by Statoil LP, landowner, for a 9.81 acre, more or less, plat to be known as Outlot 1 of the SW¼ of Section 31, Township 156 North, Range 92 West (Ross Township) complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, motion carried.

The plat was signed by Chairman Hovda and returned to LJ Hoffman with instructions that the next step to finalize the plat is to have it recorded at the Mountrail County Recorder's Office located in the Mountrail County courthouse.

Chairman Hovda called the 8:42 a.m. public hearing to order regarding a zoning request filed by Beverly Fretheim landowner, for a variance to pump slough water to sell on a tract of land described as the NW¼ of Section 3, Township 154 North, Range 93 West (Rat Lake Township). Three certified return receipt cards from adjacent landowners were received and no other comments.

Present for this discussion was Kevin Fretheim. Mr. Fretheim stated was applying to potentially pump water for fracking. Chairman Hovda advised when pumping water that no trucks are allowed without road haul agreements from the Township or County. Also need permission from all landowners or townships to lay hose in the ditch, across the road or under the road. Discussion was had about limiting how to transfer the water. Administrator Longmuir stated in the past we knew how they were transporting so wrote the variance with the requirements. Mr. Fretheim stated limited them to no trucking would make it difficult to sell small amounts. Commissioner Ruland stated road haul agreements should have been done before applying for the variance. Commission Borud stated should be by pipeline only.

Moved by Commissioner Sorenson, seconded by Commissioner Bieri to approve the zoning request filed by Beverly Fretheim landowner, for a variance to pump slough water, via pipeline only, to sell on a tract of land described as the NW¼ of Section 3, Township 154 North, Range 93 West (Rat Lake Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015-17060 and Beverly Fretheim complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:45 a.m. public hearing to order regarding the subdivision review request filed by Ronald & Carolyn Brandt in concurrence with Duane & Connie Kinnoin Joint Revocable Trust, landowners, for a 14.22 acre, more or less, plat to be known as Outlot 2 of the S½SW¼ of Section 13, Township 154 North, Range 91 West (Sikes Township). Five certified return receipt cards from adjacent landowners were received and no other comments

Present for this discussion was Junior Brandt. Mr. Brandt stated they moved there 18 years ago and have now decided to make it an Outlot so they can put it in their names. Planning & Zoning Administrator, Longmuir stated they request a one-time family split with a fee of \$100.00 and the fee was collected.

Moved by Commissioner Sorenson, seconded by Commissioner Weisenberger to approve the subdivision review request filed by Ronald & Carolyn Brandt in concurrence with Duane & Connie Kinnoin Joint Revocable Trust, landowners, for a 14.22 acre, more or less, plat to be known as Outlot 2 of the S½SW¼ of Section 13, Township 154 North, Range 91 West (Sikes Township) and the \$100 fee complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, motion carried.

The plat was signed by Chairman Hovda and returned to Junior Brandt with instructions that the next step to finalize the plat is to have it recorded at the Mountrail County Recorder's Office located in the Mountrail County courthouse.

Chairman Hovda called the 8:48 a.m. public hearing to order regarding the subdivision review request filed by Brian Rice in concurrence with Jerome and Ardis Rice, landowners, for a 17.32 acre, more or less, plat to be known as the Outlot 1 of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 156 North, Range 94 West (Myrtle Township). No adjacent landowners and no other comments received. A motion was needed to remove this item from the table.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to remove this item from the table. Upon roll call, all present voted yes, motion carried

Present for this discussion was Brian Rice. Mr. Rice stated they are doing an Outlot to get something in their name to build a house. Commissioner Ruland stated they really needed an official easement. Mr. Rice stated the road to the property is a private road. Mr. Rice stated he would speak with his father, Jerome Rice, to get the easement. Planning & Zoning Administrator Longmuir recommended the easement should be recorded with the plat. Commissioner Weisenberger stated could approve the plat with the requirement that an easement would need to be obtained.

Moved by Commissioner Sorenson, seconded by Commissioner Weisenberger to approve the subdivision review request filed by Brian Rice in concurrence with Jerome and Ardis Rice, landowners, for a 17.32 acre, more or less, plat to be known as the Outlot 1 of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 156 North, Range 94 West (Myrtle Township) with the requirement that the plat must be filed with an official easement and complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, motion carried.

Administrator Longmuir stated Planning and Zoning would hold the plat at the office until Mr. Rice comes with the signed easement to ensure they are recorded together.

Planning & Zoning Administrator Longmuir ask the Board to move to Staff Items to speak with Jesse Locken at this time. Administrator Longmuir stated Mr. Locken had built a large shop for his farming operation and also runs an oil services hotshot business. Mr. Locken currently has oil field equipment stored at the shop and this would require the land be zoned industrial. Administrator Longmuir stated Mr. Locken advised him this was just temporary. Mr. Locken stated since the oil field slowed down, he has had to move the equipment to his shop because it was being vandalized on the oil pad locations. Assistant Planning & Zoning Administrator Lisa Lee reported when she stopped by to check about a business there; the people who answered the door were wearing Locken Oil Field Services shirts and told her it was the hotshot company. Mr. Locken stated he can't stop people from coming into his shop but they do not work out of there. He stated Locken Oil Field Services has been in business for 6 years and the shop has only been there 4 months. Commissioner Ruland stated other people have stored equipment on their property and they had to rezone the area as the equipment they were storing is not farm equipment. Mr. Locken agreed the equipment was Locken Oil Field

Service's not farming equipment. Mr. Locken stated got paperwork from Planning and Zoning to rezone his property. Administrator Longmuir advised can only rezone the acreage around the shop and would need to either do an Outlot with a surveyor or be able to show a legal description using the rectangular system to show 5 acres. Chairman Hovda stated once that is done, to work with Planning and Zoning to get the zoning changed. Mr. Locken agreed.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the minutes from the March 28th 2016 Planning and Zoning Meeting with stated corrections. Upon roll call, all present voted yes, motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to approve the building permit #1926 - 1928. Upon roll call, all present voted yes, motion carried.

Administrator Longmuir reported King Oil Field Services applied for an Amendment November 20, 2012 and Mountrail County Commissioner's tabled the application. No further action has been taken. Commissioner Ruland stated they are using the location for what they applied for. Administrator Longmuir stated the amendment was never approved. This was brought to the Board for a recommendation to the Mountrail County Commissioners to have it revoked as they have not completed their paperwork. Chairman Hovda recommended a visit before any action. Administrator Longmuir stated will set a meeting up as King Oil Field Services as they also continue to have a section line blocked. Planning and Zoning will also visit with State Attorney on this matter.

Administrator Longmuir reported Bakken Water LLC, applied for an amendment to rezone 120 acre to construct a water reclamation center July 17, 2012. The County Commissioners returned the application back to Planning and Zoning and the applicant did not resubmit. Planning and Zoning brought this to the Board for a recommendation to the Mountrail County Commissioners to revoke the amendment from Bakken Water LLC as they have not completed their paperwork.

Moved by Commissioner Ruland, seconded by Commissioner Lindberg to recommend the amendment from Bakken Water LLC, with concurrence from Krystal Bolles, landowner, to rezone a 120 acre, more or less, tract of land described as Outlot 1 of the S½ Section 17 Township 156 North, Range 90 West (Palermo Township) from agricultural to industrial for constructing and operating a water reclamation center be revoked as Bakken Water LLC has not completed the required paperwork. Upon roll call, all present voted yes, motion carried.

Next application to consider is a conditional use permit from Ponderosa Properties LLC, with concurrence from Michael D. & Sandra D. Corcoran, landowners, to use land zoned residential locating a single wide mobile home on a tract of land described as Lot 4, Block 7, Original Townsite, Palermo ND (Palermo City). Conditional use permit was approved June 24, 2013,

but was not filed. Administrator Longmuir doesn't believe they placed a mobile home on the site but wants to double check to make sure. He will report his finding at the next Planning and Zoning meeting.

Chairman Hovda asked for Board Concerns. Commissioner Lindberg asked about Egan Crest and what has happen. Administrator Longmuir stated an email was received from them saying they are pursuing it but was not clear on what "it" was. No application has been received and their conditional use permit is valid until August 2016. Commissioner Ruland discussed a study done by NDSU on temporary housing and the outcome. Administrator Longmuir presented ideas on temporary housing for the ordinances. More discussion was held on temporary house and available permanent housing. Commissioner Weisenberger liked Blaisdell idea where half is permanent housing and the other is RV parking. Commissioner Ruland suggested definition on temporary housing. Commissioner Klug suggested specific project timeline for temporary housing permits. Commissioner Borud agreed. Commissioner Sorenson suggested a provision needs to be included that any campers must be removed and to require the zoning be rural recreational when campers/RV involved as well as make them for seasonal use only.

Assistant Planning & Zoning Administrator Lisa Lee and Planning & Zoning Administrative Assistant Liz Hollowell introduced the Planning & Zoning Board to the new zoning layer on Mountrail County's GIS map.

Commissioner Borud asked for an update on the Seibel case. Assistant Administrator Lee stated Mrs. Seibel submitted paperwork from the Health Department certifying her cleanup plan and she is scheduled to begin in the spring. Assistant Administrator Lee will visit Mrs. Seibel for a timeline.

The Board discussed abandoned campers/RV's, places they have been left, and what can be done with them.

Planning & Zoning Administrator Longmuir discussed the North Dakota Industrial Commission changing who could testify at public hearings to only "Interested Party" and their definition of interested party. The ND Industrial Commission also wanted to remove the requirement of the well sites to obtain a 911 address. Administrator Longmuir drafted a letter to the Industrial Commission against these proposed changes to the regulations and shared excerpts of the letter with the Board.

Discussion was held on the authority of Planning and Zoning regarding oil well pads and what they build on them. Discussion was also held about oil companies getting road permits.

Chairman Hovda asked about adjacent Zoning authorities working together as some locations in Mountrail County, who don't have Mountrail County zoning authority, really need some

direction. Administrator Longmuir stated zoning authorities aren't required to work with each other, but one could always have a conversation with them.

Planning & Zoning Administrator Longmuir open the discussion about ordinance changes and suggested additional language for temporary housing section. Commissioner Ruland suggested adding seasonally appropriate temporary housing language. Commissioner Sorenson suggested requiring locations be zoned rural recreation when campers/RV's are being used and to remove them from the definition of temporary housing. Discussion was held on the benefits of requiring campers/RV sites being rural recreation and the timeline for seasonal use. Administrator Longmuir advised changing property zoning is permanent and perhaps a variance would be more appropriate for job specific camp sites. Discussion was held on development in Van Hook. Timeline for adopting the ordinance was clarified.

The next regular meeting of the Mountrail County Planning and Zoning Board is Monday, May 23rd 2016 at 8:30 a.m. at the Mountrail County South Complex 8103 61st street, NW Stanley, ND 58784.

Accepted and approved this 23rd day of May 2016.

Roger Hovda, Chairman
Mountrail County
Planning & Zoning Commission

Liz Hollowell
Administrative Assistant
Planning & Zoning