

# MINUTES

## Mountrail County Planning & Zoning Commission

October 22, 2018

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Mountrail County South Complex 8103 61<sup>st</sup> St NW Stanley, ND 58784

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

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### **In Attendance**

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**Board members present:** Charlie Sorenson, Gary Weisenberger, Roger Hovda, Bill Klug, Arlo Borud, Trudy Ruland and Joan Hollekim.

**Also present:** Lori Hanson, Mountrail County Tax Director, Jana Hennessy, Road & Bridge Engineer, Teresa Captain, Mountrail County Deputy Tax Director and Liz Hollowell, Planning & Zoning Administrative Assistant.

**Public attending:** Tara Fox, Deanna Julsen, Tom Van Bische, Clay Cameron all with Nextera Energy Resources, Casey Furey with Crowley Fleck Attorneys, and Hyrum Zitting with Green Acres Subdivision.

**Absent:** Linda Wienbar, Thomas Bieri, Nate Sem, Mountrail County Administrator, Wade Enget, Mountrail County States Attorney and Heather Greenlee, Mountrail County Deputy Auditor.

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### **Approval of Agenda**

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

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

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**8:30 Public Hearing**      *Conditional Use Permit*      **NextEra Energy Resources dba Burke Wind, LLC**

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**Applicant:** NextEra Energy Resources dba Burke Wind, LLC

**Location:** Beginning in Burke County traveling south through **Powers Lake Township (Township 158 North, Range 93 West), Sorkness Township**

**(Township 157 North, Range 93 West), west through White Earth Township (Township 157 North, Range 94 West) and ending at the Tande Substation Section 29, Township 157 North, Range 94 West** for a total route distance in Mountrail County of 17.3 miles, more or less

**Number of certified mailing receipts provided:** Notification by easement agreements.

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

**Present:** Tara Fox, Deanna Julsen, Tom Van Bische, Clay Cameron all with Nextera Energy Resources and Casey Furey with Crowley Fleck Attorneys

**Discussion:** Mr. Cameron stated Nextera Energy Resources dba Burke Wind, LLC have their permits from Burke County for their wind towers and are here at Mountrail County to get the permit for their transmission line. Chairman Sorenson asked the approximate cost of the project so far. Mr. Cameron stated approximately 10 million dollars. Commissioner Hovda asked if Burke County made any changes to their permit. Mr. Cameron stated there are conditions that must, and will, be met. Chairman Sorenson stated the route they have proposed is not reasonable and not sure if their route would fit in Mountrail County Comprehensive Plan due to the impact on land value. A discussion was held on why the route had corners and what was attempted to try to avoid the corners, as Nextera Energy Resources dba Burke Wind, LLC would have preferred to go straight. Mr. Van Bische advised the Board that NextEra Energy Resources dba Burke Wind, LLC does not have eminent domain. Placing their transmission line where they want it, is only successful when landowners agree. In the case of the corners, that landowner did not.

**Outcome: Approved.**

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

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## Building Permits - None

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## Approval of Minutes

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Motion: Moved by Commissioner Hovda, seconded by Commissioner Klug to approve the September 24, 2018 minutes as presented. Upon roll call, all present voted yes. Motion carried

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## Staff Concerns

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Green Acres Subdivision (Shotcrete Services, LLC) - Jana Hennessy, Road & Bridge Engineer stated she went to inspect the roads in Green Acres Subdivision on September 24, 2018 to see how things have progressed since her last visit August 27, 2018. New pictures were shown of the condition of the road from the recent visit. Jana Hennessy, Road & Bridge Engineer outlined what each picture showed and what should have been done to keep water from pooling or flooding the adjacent property owners. Hyrum Zitting with Green Acres Subdivision gave his feedback on some of the pictures. Jana Hennessy, Road & Bridge Engineer explained her inspection was based on the plans that the engineer, hired by Shotcrete Services LLC, had written for Green Acres Subdivision. Mr. Zitting stated he is not an engineer or a road builder but a home builder who agreed to help the owners of Green Acres Subdivision complete the road. Commissioner Hollekim asked who would be maintaining the road until the lots were sold. Mr. Zitting stated the owners of Green Acres Subdivision will and after that it would be the home owners. Liz Hollowell, Planning & Zoning Administrative Assistant reminded the Board Green Acres Subdivision's Letter of Credit (LOC) expired September 30, 2018 and per the development agreement, Shotcrete Services LLC must have a LOC in place until Planning & Zoning signs off on the plans. Chairman Sorenson reminded Mr. Zitting that a Cease and Desist will be issued if the LOC is not promptly renewed. Commissioner Borud stated the road must be completed before any building permits will be approved. Jana Hennessy, Road & Bridge Engineer stated the road must be built to the set of plans submitted before anyone approves the road. Mr. Zitting stated he will speak with the owners about getting these items taken care of.

*Mountrail County Temporary Use Permit application (TUP), and checklists.* It was decided to wait for the full board before making decisions. All Members present were in agreement.

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## Board Concerns

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None

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## Next Meeting

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

Meeting adjourned at 10:05 a.m.

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## Approval

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Accepted and approved this 26<sup>th</sup> day of November 2018

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Charlie Sorenson, Chairman  
Mountrail County  
Planning & Zoning Commission

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Liz Hollowell  
Administrative Assistant  
Planning & Zoning