

PROCEEDINGS OF THE MOUNTRAIL COUNTY  
PLANNING & ZONING COMMISSION

Monday, January 9, 2017  
(Rescheduled December 27, 2016 meeting)

The Mountrail County Planning & Zoning Commission met on Monday, January 9, 2017 at the Mountrail County South Complex with the following voting members present: Charlie Sorenson, Arlo Borud, Tom Bieri, Trudy Ruland, Gary Weisenberger, Bill Klug and Linda Wienbar. Roger Hovda was present by phone. Absent was Chase Lindberg. Also present were Lori Hanson, Mountrail County Tax Director, Wade Enget, Mountrail County States Attorney, Lisa Lee, Planning & Zoning Administrator, Heather Greenlee, Mountrail County Auditor's Office and Liz Hollowell, Planning & Zoning Administrative Assistant. Absent was Teresa Captain, Mountrail County Deputy Tax Director.

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

Vice Chairman Borud requested a motion to review and approve the current meeting agenda. Moved by Commissioner Sorenson, seconded by Commissioner Klug to approve the agenda as is. Upon roll call, all present voted yes. Motion carried.

Vice Chairman Borud called the 8:30 a.m. public hearing to order regarding an Outlot Plat Review request filed by Travis, Shane, & Shalene Trulson, landowners, for a 49.64 acre, more or less, tract of land to be known as Outlot 1 in the SW $\frac{1}{4}$  of Section 7, Township 154 North, Range 88 West (**Osloe Township**). Two certified mail receipts were received with no other comments received on the project. This application was tabled in November.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to un-table the Travis, Shane, & Shalene Trulson's request. Upon roll call, all present voted yes. Motion carried.

Present for the hearing was Travis Trulson. Lisa Lee, Planning & Zoning Administrator stated the final plat was signed and ready for recording.

Moved by Commissioner Wienbar, seconded by Commissioner Sorenson to approve the Outlot Plat Review request filed by Travis, Shane, & Shalene Trulson, landowners, for a 49.64 acre, more or less, tract of land to be known as Outlot 1 in the SW $\frac{1}{4}$  of Section 7, Township 154 North, Range 88 West (**Osloe Township**) as Travis, Shane, & Shalene Trulson have met all criteria as set forth in Chapter 4, of the Mountrail County Land Subdivision Resolution and is further contingent upon Travis, Shane, & Shalene Trulson

complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

The final plat was given to Travis Trulson with instructions to take it to the Mountrail County Courthouse for recording.

Vice Chairman Borud called the 8:33 a.m. public hearing to order regarding a subdivision review request filed by Whiting Oil & Gas Corporation, landowners, for a 21.77 acre, more or less, tract of land to be known as an Outlot in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 23, Township 153 North, Range 91 West (**Crane Creek Township**). Whiting Oil & Gas Corporation requested the hearing be tabled as there was a miscommunication on who was doing the notifications.

Moved by Commissioner Wienbar, seconded by Commissioner Ruland to table the hearing filed by Whiting Oil & Gas Corporation, landowners, for a 21.77 acre, more or less, tract of land to be known as an Outlot in the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 23, Township 153 North, Range 91 West (**Crane Creek Township**) as they did not mail out the notification on time.

Vice Chairman Borud called the 8:36 a.m. public hearing to order regarding a zoning request filed by E.S. Krieger, landowner, for a variance permit to use land zoned agricultural for pumping water using a flat hose under the terms of condition of *ND Temporary Water Permit number ND2016-17766* on a 160 acre, more or less, tract of land described as the NE $\frac{1}{4}$  of Section 9, Township 154 North, Range 94 West (**Unorganized Township**). One certified mail receipt was received and no other comments on the project.

Dan Krieger was present for the hearing. Vice Chairman Borud asked if the water was being piped. Mr. Krieger stated it was and no trucks would be used. Wade Enget, Mountrail County States Attorney discussed snow removal and that any hoses or pipes laid over the road would cause problems. Mountrail County States Attorney Enget advised Mr. Krieger to speak with Jana Heberlie, Mountrail County Engineer before laying any hose or pipes. Mr. Krieger stated he would. Lisa Lee, Planning & Zoning Administrator requested Mr. Krieger to advise Planning & Zoning of what company they hire to transfer the water. Mr. Krieger stated he would.

Moved by Commissioner Klug, seconded by Commissioner Ruland to approve the zoning request filed by E.S. Krieger, landowner, for a variance permit to use land zoned agricultural for pumping river water using a flat hose and no trucks under the terms of

condition of *ND Temporary Water Permit number ND2016-17766* on a 160 acre, more or less, tract of land described as the NE¼ of Section 9, Township 154 North, Range 94 West (**Unorganized Township**) as E.S. Krieger has met all the criteria as set forth in Article IV, Section V in the Mountrail County Zoning Ordinance and is further contingent upon E.S. Krieger complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Vice Chairman Borud called the 8:39 a.m. public hearing to order regarding a zoning request filed by Triple Aggregate, LLC with concurrence from Fred Sorenson, landowner, for a conditional use permit to use land zoned agricultural for mining gravel on a 80 acre, more or less, tract of land described as N½SE¼ East of the White Earth River of Section 4, Township 154 North, Range 94 West (**Unorganized Township**). The hearing was tabled in November, so a motion to un-table is necessary.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to un-table the Triple Aggregate, LLC's request. Upon roll call, all present voted yes. Motion carried.

Present for this hearing was Sam and Scott Dyk of Triple Aggregate, LLC. Lisa Lee, Planning & Zoning Administrator reviewed the paperwork received and issues discussed at the November meeting. Triple Aggregate LLC provided the required Storm Water Agreement from the State of North Dakota prior to this meeting. The requirement for approach permits were discussed and it was determined that Triple Aggregate, LLC would need to work with Mountrail County Road & Bridge to get those permits. Mr. Dyk stated the road was built by request of the landowner to help lessen the traffic on the county road and has been there for over four years. Vice Chairman Borud asked Gary Krieger if his concerns have been addressed. Mr. Krieger asked about the current approach. Mary Trahan, Administrative Assistant of Mountrail County Road & Bridge advised the current approaches do not meet Mountrail County specification and Road & Bridge would be happy to work Triple Aggregate, LLC to bring them into compliance. Mr. Dyk stated he has been in contact with Jana Heberlie, Mountrail County Engineer on getting the approach permits approved. Commissioner Sorenson reminded the Board about the other concerns regarding the pit: dust control, weed control and erosion issues. Mr. Krieger asked about the possibility of moving the road to the section line. That would allow them to use an additional six acres that is current between the road and the section line. Mr. Greg Krieger expressed concern regarding the need for dust and weed control. Mr. Dyk outlined the steps Triple Aggregate, LLC has taken to reduce the weeds around the pit. Mr. Greg Krieger asked about reclamation on the pit. Mr. Dyk stated they must follow State and County guidelines as well as there is a bond on the pit to

make sure that reclamation gets done. Mr. Dyk stated the landowner, Fred Sorenson, must sign off on the reclamation before it can be completed. A discussion on the property lines and setbacks was held. Commissioner Ruland stated it's important to protect the river. Mr. Dyk stated they are taking care of the outstanding issues and request the renewal of the conditional use permit to be approved so they could continue working. Vice Chairman Borud asked about how the dust control was handled. Discussion included dust suppression and who was responsible for application. Commissioner Sorenson stated the permit should include dust control and weed control as well as the cleanup of the pit in Section 3. Mr. Dyk stated they have spoken with the landowner regarding the reclamation in Section 3 and they are very close to that being complete. Commissioner Ruland asked for clarification on the pit in Section 3. Lisa Lee, Planning & Zoning Administrator reviewed the requirements for the permit.

Moved by Commissioner Weisenberger, seconded by Commissioner Bieri to approve the zoning request filed by Triple Aggregate, LLC with concurrence from Fred Sorenson, landowner, for a conditional use permit to use land zoned agricultural for mining gravel on a 80 acre, less or more, tract of land described as N½SE¼ East of the White Earth River of Section 4, Township 154 North, Range 94 West (**Unorganized Township**) for a five year term, requiring a \$125,000.00 letter of credit to be renewed and filed with the Planning & Zoning office annually for five years, at least two applications of dust suppression on the private road per year, weed control, approved approach permits from Mountrail County Road & Bridge, and reclamation of the existing pit in Section 3 of the same township and range by June 1, 2017 as Triple Aggregate, LLC has met all the criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon Triple Aggregate, LLC complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, Commissioner Bieri, Commissioner Ruland, Commissioner Weisenberger, Commissioner Klug and Commissioner Wienbar voted yes. Commissioner Sorenson abstained. Motion carried.

Vice Chairman Borud called the 8:42 a.m. public hearing to discuss a zoning request filed by Johnny David Kulczyk, landowner, for an amendment to change land zoned agricultural to industrial for a water depot with ponds and a well on a 10 acre, more or less, tract of land described as NE¼NE¼SE¼ Section 17, Township 153N, Range 91 W and 40 acres, more or less, tract of land described as SE¼NE¼NE¼, NE¼SE¼NE¼, SE¼SE¼NE¼, NE¼NE¼SE¼ Section 20, Township 153N, Range 91W (**Unorganized Township**). No one was present at the hearing.

Moved by Commissioner Sorenson, seconded by Commissioner Weisenberger to present finding of fact from the January 9, 2017 public hearing and make a recommendation to

the Mountrail County Commissioners for denial of the zoning request filed by Johnny David Kulczyk, landowner, for an amendment to change land zoned agricultural to industrial for a water depot with ponds and a well on a 10 acre, more or less, tract of land described as NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 17, Township 153N, Range 91 W and 40 acres, more or less, trace of land described as SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$  Section 20, Township 153N, Range 91W (**Unorganized Township**) as no one was present at the hearing. Upon roll call, all present voted yes. Motion carried.

Further discussion was held on the history of Mr. Kulczyk's application.

Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar to approve the minutes from the November 28<sup>th</sup> 2016 Planning & Zoning Meeting. Upon roll call, all present voted yes, Motion carried.

#### Board Concerns:

Commissioner Klug asked about how gravel pits are going to be handled based on how Triple Aggregate, LLC was handled. Wade Enget, Mountrail County States Attorney suggested a spreadsheet of all gravel pits be added to the Mountrail County Portal. It was agreed that landowner's have the final say regarding reclamation.

A discussion was held on weed control for gravel pits and the best way to ensure that is done correctly.

#### Staff Concerns:

Wade Enget, Mountrail County States Attorney advised the Board that 3 Board members were meeting with Mike Gietzen for further discussion on the Brendle Bay camper issue today after the Planning & Zoning meeting to gather more comments. The Brendle Bay issue will be revisited by the Planning & Zoning Board at the February 27, 2016 meeting.

Lisa Lee, Planning & Zoning Administrator asked about Edwards Gravel. The application was denied in November and a fine was assessed. Now Edwards Gravel has their Road Haul Agreement and the work has been completed. Planning & Zoning Administrator Lee asked if Edwards Gravel would need to reapply for a CUP. It was decided that no CUP was necessary since the project is done, but the fine will remain.

Vice Chairman Borud adjourned the meeting.

The next regular meeting of the Mountrail County Planning & Zoning Board is Monday, January 23, 2017 at 8:30 am at the Mountrail County South Complex, 8103 61<sup>st</sup> St. NW Stanley, ND 58784.

Accepted and approved this 23<sup>rd</sup> day of January 2017.

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Roger Hovda, Chairman  
Mountrail County  
Planning & Zoning Commission

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Liz Hollowell  
Administrative Assistant  
Planning & Zoning