

MINUTES

Mountrail County Planning & Zoning Commission

May 28, 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) Weisenberger, Arlo Borud, Roger Hovda, Trudy Ruland, Linda Wienbar, Tom Bieri and Joan Hollekim.

Also present: Jana Hennessy, Road & Bridge Engineer, Lori Hanson, Mountrail County Tax Director, Teresa Captain, Mountrail County Deputy Tax Director, Wade Enget, Mountrail County States Attorney, Stephanie Pappa, Mountrail County Auditor and Heather Greenlee, Mountrail County Deputy Auditor.

Public attending: Dave Able, Sundre Sand & Gravel, Steve Kyathfield, Purity Oilfield Services, Shauna Laber, Basin Electric Power Coop, Yvonne Starlie, Highline Water LLC, Roger Rostad, Farden Construction, & Holden Russell, Savage Water Services.

Absent: Bill Klug, Arlo Borud and Liz Hollowell, Planning & Zoning Assistant Planner.

Approval of Agenda

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

Commissioner Ruland asked to add a discussion on road construction and the need for a variance permit. Stephanie Pappa, Mountrail County Auditor stated this could be added to staff concerns. Commissioner Ruland stated Board Concerns would be a good place as well.

Commissioner Wienbar moved to accept the agenda with additions. Commissioner Hovda seconded. Upon roll call, all present voted yes. Motion carried.

8:30 a.m. Public Hearing – *Variance* - Jane Paulson Living Trust
Jane Paulson Trustee, Landowner

Applicant: Jane Paulson Living Trust, Jane Paulson Trustee, Landowner

Location: NE¼NE¼ of Section 19, Township 158 North, Range 92 West (**Powers Township**).

Discussion: This hearing was moved to June 25, 2019 per Landowner's request. No one from the public was present to speak for or against this hearing.

8:33 a.m. Public Hearing – *Variance* - Purity Oilfield Services
Curt & Summer Meyer, Landowners

Applicant: Purity Oilfield Services, / Curt & Summer Meyer, Landowners

Location: 40 acre, more or less, tract of land described as the NE¼NE¼ of Section 21, Township 155 North, Range 94 West (**Unorganized Township**)

Certified mailing receipts provided: Yes

Purpose: To pump water from White Earth River for fracking.

Present: Steve Kyathfield, Purity Oilfield Services

Discussion: Mr. Kyathfield stated they would not be using this site until after the construction on 101st Ave NW is complete. Commissioner Hovda asked if he had his ND State Water permit, Mr. Kyathfield stated no.

Outcome: Tabled.

Motion: Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to table the zoning request filed by filed by Purity Oilfield Services, with concurrence from Curt & Summer Meyer, Landowners, for a variance to pump water from White Earth River for fracking on a 40 acre, more or less, tract of land described as the NE¼NE¼ of Section 21, Township 155 North, Range 94 West (**Unorganized Township**) until Purity Oilfield Services has their ND State Temporary Water Permit contingent on Planning & Zoning receiving a copy of the ND State Temporary. Upon roll call, all present voted yes. Motion carried.

8:36 a.m. Public Hearing – *Variance* - Martin Construction Inc. /
Ernest & Sharon Mau, Landowner

Applicant: Martin Construction Inc./ Ernest & Sharon Mau, Landowners

Location: 40 acres, more or less, tract of land described as the NW¼NW¼ of Section 31, Township 158 North, Range 88 West (**Lowland Township**).

Certified mailing receipts provided: Yes

Purpose: To pump water from unnamed slough for road construction under ND State Temporary Water Permit ND2019-19342

Present: Korey Burkhead with Martin Construction.

Discussion: Mr. Burkhead stated this is for their road project, dust control and batch plant. Commissioner Ruland asked if this site was close to their project. Mr. Burkhead stated yes. Commissioner Ruland asked if the site was within their road construction easement. Mr. Burkhead stated he didn't know. Wade Enget, Mountrail County States Attorney stated per the map that was included with their application, the slough is not at the road construction site.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hovda, seconded by Vice Chairman Weisenberger to approve the zoning request filed by Martin Construction Inc., with concurrence from Ernest & Sharon Mau, Landowners, for a variance to pump water from unnamed slough for road construction on a 40 acre, more or less, tract of land described as the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, Township 158 North, Range 88 West (**Lowland Township**) contingent on adhering to the ND State Temporary Water Permit ND2019-19342 valid April 1, 2019 through October 1, 2019, 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 Martin Construction Inc. has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Martin Construction Inc. complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:39 Public Hearing *Variance* Sundre Sand & Gravel, Inc. /
Jeffrey Ranch Trust, Landowner

Applicant: Sundre Sand & Gravel, Inc. / Jeffrey Ranch Trust, Landowner

Location: 40 acre, more or less, tract of land described as the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, Township 155 North, Range 94 West (**Unorganized Township**).

Certified mailing receipts provided: Yes

Purpose: To pump water from White Earth River for washing aggregate under ND State Temporary Water Permit ND2019-19435

Present: Dave Able with Sundre Sand & Gravel, Inc.

Discussion: Commissioner Hollekim asked if Planning & Zoning had the trust paperwork. Mr. Able stated yes.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hollekim, seconded by Vice Chairman Weisenberger to approve the zoning request filed by Sundre Sand & Gravel, Inc. with concurrence from Jeffrey Ranch Trust, Landowner, for a variance to pump water from White Earth River for washing aggregate on a 40 acre, more or less, tract of land described as the NW¼SW¼ of Section 22, Township 155 North, Range 94 West (**Unorganized Township** contingent on adhering to the ND State Temporary Water Permit ND2019-19435 valid May 1, 2019 through November 1, 2019 to be used only for washing aggregate or dust control, and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when necessary as Sundre Sand & Gravel, Inc. has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Sundre Sand & Gravel, Inc. complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:42 Public Hearing

Variance Bakken Water Transfer Services
Inc. / Vernon L Nelson, Landowner

Applicant: Bakken Water Transfer Services Inc. / Vernon L Nelson, Landowner

Location: 40 acre, more or less, tract of land described as the NE¼NW¼ of Section 33, Township 155 North, Range 94 West (**Unorganized Township**).

Certified mailing receipts provided: Yes

Purpose: To pump water from unnamed slough for fracking

Present: John Anderson with Bakken Water Transfer Service Inc.

Discussion: Chairman Sorenson stated this same location was permitted in February 2019. It was determined that Bakken Water Transfer Services Inc. was adding to the already permitted site adding this second water permit for additional water allotment. Chairman Sorenson asked how Bakken Water Transfer access point. Mr. Anderson stated they would be using the field for access, staying on Mr. Nelson property.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Ruland, seconded by Commissioner Bieri to approve the zoning request filed by Bakken Water Transfer Services Inc. in concurrence with Vernon L Nelson, Landowner, for a variance to pump water from White Earth River for fracking on a 40 acre, more or less, tract of land described as the NE¼NW¼ of Section 33, Township 155 North, Range 94 West (**Unorganized Township**) contingent on proving the ND State Temporary Water Permit to

Planning & Zoning, 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 Bakken Water Transfer Services Inc. has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Bakken Water Transfer Services Inc. complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

8:45 Public Hearing

Variance Bakken Water Transfer Services Inc. / Robert & Joan Liebl, Landowner

Applicant: Bakken Water Transfer Services Inc. / Robert & Joan Liebl, Landowners

Location: 40 acre, more or less, tract of land described as the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 156 North, Range 93 West (**Manitou Township**).

Certified mailing receipts provided: Yes

Purpose: To pump water from unnamed slough for fracking under ND State Temporary Water Permit ND2019-19395

Present: John Anderson with Bakken Water Transfer Service Inc.

Discussion: Mr. Anderson stated they will be only using flat hose and will contact all landowners that may be affected. Commissioner Hollekim asked if both landowners had signed the application. Stephanie Pappa, Mountrail County Auditor stated Planning & Zoning had the application with both landowner signatures.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Wienbar to approve the zoning request Bakken Water Transfer Services Inc. in concurrence with Robert & Joan Liebl, Landowners, for a variance to pump water from unnamed slough for fracking on a 40 acre, more or less, tract of land described as the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, Township 156 North, Range 93 West (**Manitou Township**) contingent on the ND State Temporary Water Permit ND2019-19395 valid April 29, 2019 through April 28, 2020, 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 Bakken Water Transfer Services Inc has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Bakken Water Transfer Services Inc complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Applicant: Basin Electric Power Cooperative, Landowner

Location: a 40 acre, more or less, plat to be known as the amended Outlot 4 of the NE¼ of Section 29, Township 157 North, Range 94 West (**White Earth Township**).

Certified mailing receipts provided: Yes

Purpose: Amend the current outlot plat.

Present: Shauna Laber with Basin Electric Power Cooperative

Discussion: Wade Enget, Mountrail County States Attorney asked if this was a request due to an error. Ms. Laber stated it was and explained where the mistake was. Commissioner Hollekim asked if this should have been administratively done. Mountrail County States Attorney Enget stated due to the size of the plat being over 15.01 acres, it must come before the Planning & Zoning Board. Wade Enget, Mountrail County States Attorney stated Basin would need to include the Metes and Bounds description on this plat's explanation to make sure this new plat was the same as the original plat. Mountrail County States Attorney Enget stated he would recommend approval with these changes. Commissioner Ruland asked if this could be made contingent on the changes being made. It was agreed that the plat could be approved once the Plat Review Team looks at the changes.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Borud, seconded by Commissioner Weisenberger to approve the amended Outlot Plat request filed by Basin Electric Power Cooperative, Landowner, for a 40 acre, more or less, plat to be known as the amended Outlot 4 of the NE¼ of Section 29, Township 157 North, Range 94 West (**White Earth Township**) contingent on the required changes being made to the explanation statement and approval of those change by the Plat Review Team as Basin Electric Power Cooperative have met all the criteria as set forth in the *Mountrail County Subdivision Resolution* and is further contingent upon Basin Electric Power Cooperative complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Applicant: Farden Construction Inc. / Grant Family Farms LLC, Landowners

Location: 40 acre tract of land described as the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 156 North, Range 88 West (**Egan Township**).

Certified mailing receipts provided: Yes

Purpose: Pump water from unnamed slough under *ND State Water Permit ND2019-19492 Valid May 15, 2019 through October 1, 2019*

Present: Ryan Rostad with Farden Construction Inc.

Discussion: Chairman Sorenson asked if this was a County job. Jana Hennessy, Road & Bridge Engineer stated project was for old highway 2. Commissioner Hollekim asked about the legal description between the application and ND State Temporary Water permit. It was determined the location was the NE $\frac{1}{4}$ NW $\frac{1}{4}$. Stephanie Pappa, Mountrail County Auditor asked if Mr. Rostad had the application signed by the landowner. Mr. Rostad stated yes and gave the copy to the Board. Wade Enget, Mountrail County States Attorney stated this project is where the question came up if road construction would need to get a variance, if the water source was directly by the road construction in the construction easement. A brief discussion was held on the requirement of a variance when it comes to road construction. Chairman Sorenson stated this could be discussed during board concerns.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Ruland, seconded by Commissioner Hollekim to approve the zoning request filed by Farden Construction Inc., with concurrence from Grant Family Farms LLC, Landowners, for a variance to pump water from unnamed slough for road construction on a 40 acre tract of land described as the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 156 North, Range 88 West (**Egan Township**) contingent on adhering to the *ND State Temporary Water Permit ND2018-19169 valid January 2, 2019 to December 31, 2019*, only using the water for road construction to include dust control if necessary and adhering to Mountrail County Road & Bridge temporary ROW use requirements when necessary as Farden Construction Inc. have met all criteria as set forth in Article IV, Section V of the Mountrail County and is further contingent upon Farden Construction Inc., 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 Conditional Use 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 N½SW¼ of Section 4, Township 156 North, Range 91 West (**Idaho Township**).

Certified mailing receipts provided: Yes

Purpose: Build a water storage tank.

Present: Rod Barstad, Landowner

Discussion: Mr. Barstad stated this was for just a temporary water tank. A discussion was held on the current zoning and the possible uses of the land.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Wienbar to approve the zoning request filed Rodney & Patricia Barstad, Landowners, for a conditional use permit to use land zoned industrial to build a water storage tank on a 11.23 acre, more or less, tract of land described as Outlot 3 in the N½SW¼ of Section 4, Township 156 North, Range 91 West (**Idaho Township**) as Rodney & Patricia Barstad have met all criteria as set forth in Article IV, Section IV 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.

8:57 Public Hearing

Amendment

Ames Savage Water
Solutions, LLC. / Kevin &
Sharon Mell, Landowner

This application was tabled in April and will need to be un-tabled to be heard today.

Motion: Moved by Commissioner Ruland, seconded by Commissioner Hovda to un-table the zoning request filed by Ames Savage Water Solutions, LLC, with concurrence from Kevin and Sharon Mell, Landowners, for an amendment to change land zoned agricultural to industrial for the purpose of building a water storage pond for frack water on a 40 acre, more or less, tract of land in the NW¼SW¼ of Section 21, Township 156 North, Range 93 West (**Manitou Township**) to discuss the application. Upon roll call, all present voted yes. Motion carried.

Applicant: Ames Savage Water Solutions, LLC / Kevin and Sharon Mell, Landowners

Location: 40 acre, more or less tract of land in the NW¼SW¼ of Section 21, Township 156 North, Range 93 West (**Manitou Township**)

Certified mailing receipts provided: Yes

Purpose: Building a water storage pond for frack water

Present: Holden Russel with Savage Water Solutions, LLC

Discussion: Chairman Sorenson asked if this project was ¼ mile off of Highway 2. Mr. Russell stated yes. Wade Enget, Mountrail County States Attorney asked if this water temporary. Mr. Russell stated it will be there for about 5 years and then removed per agreement with the Landowners. Mr. Russell explained how the ponds are built, the size the ponds are, and what they would be used for. Commissioner Ruland stated ponds were the way the industry was going and it greatly minimizes truck traffic. Commissioner Hollekim asked the site was going to be fenced. Mr. Russell stated yes.

Outcome: Approved with contingencies.

Motion: Moved by Commissioner Hollekim, seconded by Commissioner Bieri to make a recommendation to the Mountrail County Commissioners to approve the zoning request filed by Ames Savage Water Solutions, LLC, with concurrence from Kevin and Sharon Mell, Landowners, for an amendment to change land zoned agricultural to industrial for the purpose of building a water storage pond for frack water on a 40 acre, more or less, tract of land in the NW¼SW¼ of Section 21, Township 156 North, Range 93 West (**Manitou Township**) contingent on a reclamation agreement with the landowners and the site being fenced as Ames Savage Water Solutions, LLC have met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Ames Savage Water Solutions, LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

9:00 Public Hearing

Conditional Use

Ames Savage Water
Solutions, LLC. / Kevin &
Sharon Mell, Landowner

This application was tabled in April and will need to be un-tabled to be heard today.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Ruland to un-table the zoning request filed by Ames Savage Water Solutions, LLC with concurrence from Kevin and Sharon Mell, Landowners, for a conditional use permit to use land zoned industrial for the purpose of building a water storage pond for frack water on a 40 acre, more or less, tract of land in the NW¼SW¼ of Section 21, Township 156 North, Range 93 West (**Manitou Township**) to discuss the application. Upon roll call, all present voted yes. Motion carried.

Applicant: Ames Savage Water Solutions, LLC/Kevin and Sharon Mell,
Landowners

Location: 40 acre, more or less tract of land in the NW¹/₄SW¹/₄ of Section 21, Township 156 North, Range 93 West (**Manitou Township**)

Certified mailing receipts provided: Yes

Purpose: Building a water storage pond for frack water

Present: Holden Russel with Savage Water Solutions, LLC

Discussion: Commissioner Bieri asked about the water pipe and how it was being laid. Mr. Russell stated Ames Savage Water is not doing any work on this location yet. Commissioner Bieri stated there is work going on there now. Mr. Russell stated he will visit the site to find out just what is being built.

Outcome: Approved with contingencies

Motion: Moved by Commissioner Hovda, seconded by Commissioner Ruland to approve the zoning request filed by Ames Savage Water Solutions, LLC, with concurrence from Kevin & Sharon Mell, Landowners, for a conditional use permit to use land zoned industrial for the purpose of building a water storage pond for frack water on a 40 acre, more or less, tract of land in the NW¹/₄SW¹/₄ of Section 21, Township 156 North, Range 93 West (**Manitou Township**) contingent on approval and conditions of the amendment as Ames Savage Water Solutions, LLC has met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Ames Savage Water Solutions, LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

9:03 Public Hearing

Amendment

Ames Savage Water
Solutions, LLC./ Scott & Debbie
Fladeland, Landowners

This application was tabled in April and will need to be un-tabled to be heard today.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Hollekim to un-table the zoning request filed by Ames Savage Water Solutions, LLC, with concurrence from Scott & Debbie Fladeland, Landowners for an amendment to change land zoned agricultural to industrial for the purpose of building a water storage pond for frack water on a 40 acre, more or less, tract of land in the NW¹/₄NW¹/₄ of Section 10, Township 154 North, Range 92 West (**Brookbank Township**) to discuss the application. Upon roll call, all present voted yes. Motion carried.

Applicant: Ames Savage Water Solutions, LLC/Scott & Debbie Fladeland, Landowners

Location: 40 acre, more or less, tract of land in the NW¼NW¼ of Section 10, Township 154 North, Range 92 West (**Brookbank Township**)

Certified mailing receipts provided: Yes

Purpose: Building a water storage pond for frack water

Present: Holden Russel with Savage Water Solutions, LLC

Discussion: Mr. Russel briefly explained the project. Commissioner Hollekim stated the application needs to be more complete as it doesn't state what the purpose was for. Commissioner Ruland stated the public notice does.

Outcome: Approved with contingencies

Motion: Moved by Commissioner Hovda, seconded by Vice Chairman Weisenberger to make a recommendation to the Mountrail County Commissioners to approve the zoning request filed by Ames Savage Water Solutions, LLC, with concurrence from Scott & Debbie Fladeland, Landowners, for an amendment to change land zoned agricultural to industrial for the purpose of building a water storage pond for frack water on a 40 acre, more or less, tract of land in the NW¼NW¼ of Section 10, Township 154 North, Range 92 West (**Brookbank Township**) contingent on a reclamation agreement with the Landowners and the site being fenced as Ames Savage Water Solutions, LLC have met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Ames Savage Water Solutions, LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

9:06 Public Hearing

Conditional Use

Ames Savage Water
Solutions, LLC./ Scott & Debbie
Fladeland, Landowner

This application was tabled in April and will need to be un-tabled to be heard today.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Wisenberger to un-table the zoning request filed by Ames Savage Water Solutions, LLC with concurrence from Scott & Debbie Fladeland, Landowners, for a conditional use permit to use land zoned industrial for the purpose of building a water storage pond for frack water on a 40 acre, more or less, tract of land in the NW¼NW¼ of Section 10, Township 154 North, Range 92 West (**Brookbank Township**) to discuss the application. Upon roll call, all present voted yes. Motion carried.

Applicant: Ames Savage Water Solutions, LLC, with concurrence from Scott & Debbie Fladeland, Landowners

Location: 40 acre, more or less in the NW¹/₄NW¹/₄ of Section 10, Township 154 North, Range 92 West (**Brookbank Township**)

Certified mailing receipts provided: Yes

Purpose: Building a water storage pond for frack water

Present: Holden Russel with Savage Water Solutions, LLC

Discussion: Commissioner Hollekim asked if a time limit was put on this conditional use. Wade Enget, Mountrail County States Attorney stated only if the Board wanted to.

Outcome: Approved with contingencies

Motion: Moved by Commissioner Ruland, seconded by Commissioner Hollekim to approve the zoning request filed by Ames Savage Water Solutions, LLC, with concurrence from Scott & Debbie Fladeland, Landowners, for a conditional use permit to use land zoned industrial for the purpose of building a water storage pond for frack water on a 40 acre, more or less, tract of land, in the NW¹/₄NW¹/₄ of Section 10, Township 154 North, Range 92 West (**Brookbank Township**) contingent on approval and conditions of the amendment as Ames Savage Water Solutions, LLC has met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Ames Savage Water Solutions, 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 Public Hearing	<i>Variance</i>	Highline Water LLC/ Gary, Caroline, & Barbara Satterthwaite Trustee, Landowners
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This application was tabled in April and will need to be un-tabled to be heard today.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Ruland to un-table the zoning request filed by Highline Water, LLC., in concurrence with Gary, Caroline, & Barbara Satterthwaite trustees, Landowners, for a variance to pump surface water from Little Knife River for fracking on a 40 acre, more or less, tract of land described as the NW¹/₄NW¹/₄ (North of 46th St NW) of Section 17, Township 153 North, Range 92 West (**Knife River Township**) to be heard today. Upon roll call, all present voted yes. Motion carried.

Applicant: Highline Water LLC/ Gary, Caroline, & Barbara Satterthwaite trustees, Landowners

Location: 40 acre, more or less, tract of land described as the NW¹/₄NW¹/₄ (North of 46th St NW) of Section 17, Township 153 North, Range 92 West (**Knife River Township**)

Certified mailing receipts provided: Yes

Purpose: To pump water from Little Knife River for fracking

Present: Yvonne Storlie with Highline Water LLC

Discussion: Chairman Sorenson asked about the permit. Stephanie Pappa, Mountrail County Auditor stated it was received.

Outcome: Approved with contingencies

Motion: Moved by Vice Chairman Weisenberger, seconded by Commissioner Hollekim to approve the zoning request filed by Highline Water, LLC in concurrence with Gary, Caroline, & Barbara Satterthwaite trustees, Landowners, for a *variance* to pump surface water from Little Knife River for fracking on a 40 acre, more or less, tract of land described as the NW¹/₄NW¹/₄ (North of 46th St NW) of Section 17, Township 153 North, Range 92 West (**Knife River Township**) contingent on the ND State Temporary Water Permit ND2019-19259 valid May 24, 2019 through December 31, 2019, 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 Highline Water, LLC has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Highline Water, LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Approval of Minutes

Motion: Moved by Commissioner Hovda, seconded by Vice Chairman Weisenberger to approve the April 22, 2019 minutes as corrected. Upon roll call, all present voted yes. Motion carried.

Approval of Building Permit

Permit No.	Name/Address of applicant	Legal Description	Sec and Lot	Township	Range	Township Name	building type
2042	Municipal Communications 3495 Piedmont Rd NE						Zoned: Ag Cell

	Bldg 11, Ste 411 Atlanta, GA 30305 hcorry@municipalcom.com 404-854-0181	W½NW¼	35	155	88	Kickapoo	Tower <i>CUP approved 2014</i>
2043	Wayne Evans PO Box 655 Stanley, ND 58784 701-629-1276 wdevans@live.com	Outlot 1 of NENW & NWNE	11	155	91	Purcell	Zoned: Ag Personal Residence
2044	Jon LeBaron 5975 84th Ave NW Lot #4 Stanley ND 58784 480-206-6982 bigjonnaz@yahoo.com	Knife River Valley Estates	1 Lot 4	155	92	Alger	Zoned: Res Garage and Vinyl Fence
2045	Randal Bechtold 1405 Hiawatha St Minot, ND 58701 701-839-0421	Bridgeview Subdivision	11 Lot 16	152	93	Unorganized	Zoned: Ag Garage for Boat
2046	Mark & Thea Lee 8960 69th Lane NW Powers Lake, ND 58773 701-464-3888 markthea@nccray.net	W½W½NE ¼	18	157	92	Cottonwood	Zoned: Ag Barn
2047	Joey & Nicole Zieska 505 25th St SW Minot, ND 587014 952-292-1877 jzieska@live.com	Brendles 3rd Sub S½NE¼	10 Lot 32	151	91	Liberty 1st BP	Zoned: Res Single Family residence with garage & Shop
2048	Ryan & Kara Dosch 1636 11th St SW Minot, ND 58701	Brendles Sub	10 Lot	151	91	Liberty	Zoned: Res Residence

	rdosch@hotmail.com 701-720-5900	(original)	7				1 st BP	
2049	Bison Midstream LLC 707 Wapiti Ave, Suite 202 Rifle, CO 81650 832-608-6175 zcovar@summitmidstream.com	Outlot 1 E½SE¼	8	156	92	Ross		Zoned: Ind. Natural Gas Compressor
2050	Bison Midstream LLC 707 Wapiti Ave, Suite 202 Rifle, CO 81650 832-608-6175 zcovar@summitmidstream.com	Outlot 1 E½SE¼	8	156	92	Ross		Zoned: Ind. Condensate Tank

Motion: Moved by Commissioner Ruland, seconded by Commissioner Wienbar to approve the listed Building Permit as presented except for Building Permit 2047 & 2048. Upon roll call, all present voted yes. Motion carried.

Building Permits 2047 & 2048: Commission Hovda question if the setbacks were correct on 2047. It was confirmed side yard setbacks are 7 feet.

Motion: Moved by Commissioner Hovda, seconded by Commissioner Wiesenberger to approved Building Permit 2047 and 2048 for one year and approve the landowner to live in an RV while building, if they make the request in writing, for one year. Upon roll call, all present voted yes. Motion carried.

Commissioner Hollekim stated on page 64 of the Mountrail County Zoning Ordinance, lists the fees for a moving or demolition permit and if we don't do those, why are those listed there? A discussion was held on why Mountrail County would need a demolition permit. Commissioner Ruland asked if there would be a time we would not approve one. If not, then why have a permit. The Board discussed removing the demolition permit or clarifying where one would be required.

Staff Concerns

Wade Enget, Mountrail County States Attorney stated he would be able to start the process of dealing with the RV's in a residential zone once he receives the "Affidavit of Probable Cause".

A discussion was held on the benefits of changing the date of the Planning and Zoning meetings. Stephanie Pappa, Mountrail County Auditor stated Monday's are difficult for the auditor's office as she would like all four members of the auditor's

office to attend the Planning & Zoning meetings. It was determined this would be revisited in November on making a changes since the schedule has already been published for 2019.

Construction and variance permits requirements: Chairman Sorenson stated that anytime a company is taking dirt or water for a public works project, they should not have to come to Planning & Zoning for a permit. Commissioner Ruland asked if there would be a time we would not approve this type of permit. A discussion was held on the requirement. Commissioner Hollekim stated when it comes to construction project, we should not require a variance permit if the water source is within the easement. Chairman Sorenson stated that should apply for borrow pits as well.

Board Concerns

Commissioner Bieri asked about Stanley Blaisdell RV Park. Wade Enget, Mountrail County States Attorney stated he would need the “Affidavit of Probable Cause” and he will follow up with them.

Vice Chairman Weisenberger stated Manitou needs to be looked at as well.

Commissioner Hollekim asked about Palermo and all the Semi’s parking in what looks like residential lots. Lori Hanson, Mountrail County Tax Director stated those lots are zoned commercial.

Commissioner Ruland stated it should be added to the checklist that if someone is doing a project on a site that cannot be described in a rectangular survey, then they must do an outlot. This would save Planning & Zoning Board time.

Commissioner Hollekim stated Planning & Zoning should hire a company to do the Comprehensive Plan. Stephanie Pappa, Mountrail County Auditor and Wade Enget, Mountrail County States Attorney will work on finding a company.

J&J Oilfield Services: Wade Enget, Mountrail County States Attorney stated their fines and fees were paid and they have until June 6 to get everything moved. If the place isn’t cleaned up by that date, Mountrail County States Attorney Enget will file a motion to proceed with the penalties.

Next Meeting

Next regular meeting of the Mountrail County Planning & Zoning Board is **Monday June 24, 2019** at 8:30 am at the Mountrail County South Complex, 8103 61st St. NW Stanley, ND 58784.

Meeting adjourned at 10:53 a.m.

Approval

Accepted and approved this 24th day of June 2019

Charlie Sorenson, Chairman
Mountrail County
Planning & Zoning Commission

Liz Hollowell, Assistant Planner
Mountrail County
Planning & Zoning