

MINUTES

Mountrail County Planning and Zoning Commission September 25, 2017

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

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

In Attendance

Board members present: Roger Hovda, Charlie Sorenson, Gary Weisenberger, Arlo Borud, Tom Bieri, Joan Hollekim and Trudy Ruland.

Also present were Wade Enget, Mountrail County States Attorney, Don Longmuir, Interim Planning & Zoning Administrator, Nate Sem, Planning & Zoning Administrator, Jana Heberlie, Mountrail County Road & Bridge Engineer, Lori Hanson, Mountrail County Tax Director, Heather Greenlee, Mountrail County Auditor's Office, Teresa Captain, Mountrail County Deputy Tax Director and Liz Hollowell, Planning & Zoning Administrative Assistant.

Absent were Linda Wienbar and Bill Klug.

Approval of Agenda

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

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

8:30 Public Hearing	Conditional Use Permit	Mining Gravel
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Applicant/Landowner: Aggregate Construction, Inc. with concurrence from Dallas & Debbi Moore and Kutter Moore, landowners

Location: 53.5 acre, more or less, tract of land described as the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (40.00 acres) and a portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ (13.50 acres), of Section 24, Township 156 North, Range 89 West (**McGahan Township**).

Number of certified mailing receipts provided: 7

Letter of Credit provided: Yes

Purpose: Mine sand and gravel from an existing gravel pit.

Present: Max Shriock, with Aggregate Construction, Inc.

Discussion: Mr. Shriock stated he is renewing the conditional use permit for this pit as there are several stockpiles of useable material left. Once those stockpiles are removed, the reclamation will be done. Vice Chairman Sorenson asked if any part of the pit had been reclaimed. Mr. Shriock outlined where the reclamation had been done. Mr. Shriock stated they would be using 66th Street NW straight to Highway 2 and will not be using the road that passes the RV Park. Commissioner Ruland stated 66th Street NW is a township road and shared by McGahan and Egan Township. Mr. Shriock stated they have a road haul agreement with McGahan. The Board determined Aggregate Construction, Inc. would need a road haul agreement with Egan Township as well. Vice Chairman Sorenson stated the Conditional Use Permit could be approved pending the road haul with Egan Township.

Outcome: Approved with contingencies

Motion: Moved by Commissioner Bieri, seconded by Vice Chairman Sorenson to approve the zoning request filed by Aggregate Construction, Inc. with concurrence from Dallas & Debbi Moore and Kutter Moore, landowners, for a conditional use permit to use land zoned agricultural for mining sand & gravel, on a 53.5 acre, more or less, tract of land described as the SE $\frac{1}{4}$ SE $\frac{1}{4}$ (40.00 acres) and a portion of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ (13.50 acres), of Section 24, 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. Also including road haul and reclamation agreements with Egan and McGahan Townships as Aggregate Construction, Inc. has met all criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon Aggregate Construction, Inc. complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, Motion carried.

8:33 Public Hearing

Variance

Pumping water for fracking

Applicant/Landowner: Scott and Trudy Ruland, landowners
For the record, Trudy Ruland has left the table.

Location: SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, Township 151 North, Range 93 West (**Big Bend Township**).

Number of certified mailing receipts provided: 4

North Dakota Temporary Water Permit: Pending

Purpose: Pump water from an unnamed slough
Present: Jerome Anderson

Discussion: Mr. Anderson stated they would be using flat hose and all landowners would be contacted.

Outcome: Approved with contingencies

Motion: Moved by Commissioner Weisenberger, seconded by Commissioner Borud to approve the zoning request filed by Jerome, Peggy & Irene Anderson, landowners, for a variance to pump water from an unnamed slough for fracking on a 80 acre, more or less, tract of land described as the E½SE¼ of Section 32, Township 156 North, Range 92 West (**Ross Township**) contingent upon the terms and conditions of the ND State Temporary Water Permit ND2017-18331 valid September 14, 2017 to September 13, 2018, using only flat hose, landowners being contacted regarding hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements as Jerome, Peggy & Irene Anderson has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Jerome, Peggy & Irene Anderson 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 **Conditional Use Permit** **Mining Sand & Gravel**

Applicant/Landowner: Edwards Gravel & Trucking, with concurrence from James Edwards, landowner

Location: N½NW¼ of Section 14, Township 154 North, Range 89 West (**Oakland Township**)

Number of certified mailing receipts provided: 4

Letter of Credit provided: Yes

Purpose: Mine sand and gravel from an existing gravel pit.

Present: Robbie and Stephanie Edwards, Edwards Gravel & Trucking

Discussion: Mr. Edwards stated this is an existing gravel pit. Chairman Hovda asked the route they use when hauling out of the pit. Mr. Edwards stated they use 68th Avenue to 51st Street. Chairman Hovda asked if that was a County Road, Mr. Edward stated yes. Commissioner Hollekim asked about a road haul agreement with the County as that is a

requirement per the Mountrail County Ordinances. Mr. Edwards stated they do not have a road haul agreement with the County and the majority of the gravel is used by the County. Chairman Hovda asked Jana Heberlie, Mountrail County Road & Bridge Engineer about her thoughts regarding needing a road haul agreement. Mountrail County Road & Bridge Engineer Heberlie stated if it is a requirement per the Mountrail County Ordinance then one is necessary, and Edwards Gravel & Trucking does not have one at this time. Commissioner Borud stated they should have one. Commissioner Hollekim stated at least a shared agreement as Edwards Gravel & Truck does use the road. Vice Chairman Sorenson asked if any reclamation had been done on the existing dig. Mr. Edwards stated the landowner does not want it reclaimed as when black dirt is used to reclaim the pit, it contaminates it for future use.

Outcome: Approved with contingencies

Motion: Moved by Commissioner Borud, seconded by Commissioner Weisenberger to approve the zoning request filed by Edwards Gravel & Trucking, with concurrence from James Edwards, landowner, for a conditional use permit to use land zoned agricultural for mining sand & gravel, on a 80 acre, more or less, tract of land described as the N½NW¼ of Section 14, Township 154 North, Range 89 West (**Oakland 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. Also contingent on requiring a road haul agreement with Mountrail County, providing road maintenance, and dust control of the roads and pit area when necessary as Edwards Gravel & Trucking has met all criteria as set forth in Article IV, Section IV, Paragraph E, Items 1 through 6 of the Mountrail County Zoning Ordinance and is further contingent upon Edwards Gravel & Trucking complying with all other requirements as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Approval of Building Permits

Motion: Moved by Commissioner Borud, seconded by Commissioner Hollekim to approved Building Permit #1996. Upon roll call, all present voted yes. Motion carried.

Approval of Minutes

Motion: Moved by Commissioner Ruland, seconded by Commissioner Borud to approve the August 28, 2017 minutes as corrected. Upon roll call, all present voted yes. Motion carried.

Staff Concerns

- Don Longmuir, Interim Planning & Zoning Administrator officially introduced Nathan Sem the new Planning and Zoning Administrator who started on September 1, 2017.
- Don Longmuir, Interim Planning & Zoning Administrator officially introduced Joan Hollekim as Mountrail County Planning and Zoning Commissioner from the 2nd District.
- Don Longmuir, Interim Planning & Zoning Administrator advised the Board he will be working mornings four days a week, or until his hours run out, until the end of the year. He will work a little in January to finish closing out the FEMA files if necessary. Interim Planning & Zoning Administrator Longmuir gave an update on Mr. Sem's training.
- Wade Enget, Mountrail County States Attorney asked if Planning and Zoning received an invitation about the Vision West ND meeting in Killdeer on the topic of medical marijuana. Don Longmuir, Interim Planning & Zoning Administrator stated they had and Nate Sem, Planning and Zoning Administrator would be attending.

Board Concerns

- Commissioner Hollekim asked about the legal descriptions on Variance Permit applications and the actual Variance Permit. Don Longmuir, Interim Planning & Zoning Administrator stated the Public Notice will match the application but the actual Variance Permit will match what the ND State Water Commission says and many times Planning & Zoning doesn't have the actual ND State Water Permit before the meeting. Commissioner Hollekim stated minutes should state that the legal description is per the application and the permit should state the legal description is per the ND State Water Commission. The Board agreed.
- Commissioner Borud advised the Board of Jana Heberlie, Mountrail County Road & Bridge Engineer's attempt to have three gravel companies, that were extensively using the Tagus Road South, help with dust control and road maintenance, none of them would agree to help. Don Longmuir, Interim Planning & Zoning Administrator ask for the names of those gravel companies.
- Commissioner Ruland recommended the Board look at road haul agreements. That it should specify gravel companies would need a road haul agreement to the closest main road. Jana Heberlie, Mountrail County Road & Bridge Engineer stated the route would need to be defined as sometimes the nearest main road is not where they are hauling to.
- Chairman Hovda discussed the new race track close to where he lives. This establishment is located on the Reservation so it is questionable if the Mountrail County Planning and Zoning regulates it. Wade Enget, Mountrail County States

Attorney stated will provide more information to the Planning and Zoning Board regarding zoning on Reservations.

Next Meeting

Next regular meeting of the Mountrail County Planning & Zoning Board is Monday, October 23, 2017 at 8:30 am at the Mountrail County South Complex, 8103 61st St. NW Stanley, ND 58784.

Meeting was adjourned at 9:20 a.m.

Approval

Accepted and approved this 23rd day of October 2017

Roger Hovda, Chairman
Mountrail County
Planning & Zoning Commission

Liz Hollowell
Administrative Assistant
Planning & Zoning