MiNUTES

**Mountrail County Planning & Zoning Commission**

**June 22, 2020**

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| **Mountrail County Courthouse, 101 North Main Street, Stanley, ND 58784** |

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

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| **In Attendance** |

**Board members present**: Charlie Sorenson, Trudy Ruland, Gary (Fritz) Weisenberger, Linda Wienbar, Roger Hovda, Thomas Nash, Joan Hollekim and Arlo Borud.

**Also present:** Lori Hanson, Mountrail County Tax Director, Stephanie Pappa, Mountrail County Auditor, Heidi Kory, Planning & Zoning Interim Administrator, Kim Savage, Mountrail County Property Assessor and Wade Enget, Mountrail County States Attorney.

**Absent:** Tom Bieri

**Public attending:** Jeffrey Verhey, Kelsey Langham, Robert Fogarty, Todd Farden, Caroline Farden and Beth Hall.

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| **Approval of Agenda** |

Moved by Commissioner Hovda, seconded by Commissioner Borud, to approve the agenda. Upon roll call, all present voted yes. Motion carried.

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| 8:33 a.m. Public Hearing –  *Variance* | Jeffrey & Janelle Verhey |

**Applicant**: Jeffrey & Janelle Verhey

**Location**: On a tract of land described as Lease Lot 10 Block 15 Van Hook/Traynor Park Section 32, Township 152 North, Range 91 West **(Van Hook Township**).

**Number of certified mailing receipts provided**: 1

**Purpose**: Request for a 0’ setback rather than the required 25’ setback for a new mobile home with decks.

**Present:** Jeffrey Verhey

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Weisenberger, to approve the zoning request filed by Jeffrey & Janelle Verhey for a variance request for a 0’ front setback rather than the required 25’ front setback for a new mobile home with decks on a tract of land described as Lease Lot 10 Block 15 Van Hook/Traynor Park Section 32, Township 152 North, Range 91 West (Van Hook Township) as Jeffrey & Janelle Verhey has met all criteria as set forth in Article IV, Section V, of the Mountrail County Zoning Ordinance and is further contingent upon Jeffrey & Janelle Verhey 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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| 8:36 a.m. Public Hearing –  *Variance* | Sam Fritel/Larry & Karen Fritel Landowners/ |

**Applicant**: Sam Fritel

**Location**: 3 acre, more or less, tract of land zoned rural recreation and described as Outlot 2 of Government Lots 2, 3 & 7 of Section 22, Township 157 North, Range 90 West (**Clearwater Township**).

**Number of certified mailing receipts provided**: 3

**Purpose**: The construction of two buildings.

**Absent:** Sam Fritel

**Motion:** Moved by Commissioner Ruland, seconded by Commissioner Weinbar, to table to the call of the chair for the zoning request filed by Sam Fritel with concurrence from Larry & Karen Fritel, landowners for a variance request for a 100’ setback off the center of road rather than the required 150’ setback off the center of road for the construction of two buildings on a 3 acre more or less, tract of land zoned rural recreation and described as Outlot 2 of Government Lots 2, 3 & 7 of Section 22, Township 157 North, Range 90 West (Clearwater Township). Upon roll call, all present voted yes. Motion carried.

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| 8:39 a.m. Public Hearing –  *Variance* | Kelsey Langham/ Dale Folven, Landowner |

**Applicant**: Kelsey Langham with concurrence from Dale Folven, landowner.

**Location**: 3 acre, more or less, tract of land described as Outlot 1 of the S½SE¼ Less Sublots A thru Q of Section 19, Township 152 North, Range 91 West (**Van Hook Township**).

**Number of certified mailing receipts provided**: 14

**Purpose**: To re-open an RV Park.

**Present:** Kelsey Langham

**Discussion:** Kelsey Langham stated would just like 23 lots for camping. Discussion was held what the zoning requirements from Van Hook Township when Mountrail County took over the Planning and Zoning. Lori Hanson, Tax Director stated it is currently being assessed as commercial. Commissioner Hollekim is wondering how to handle this and if this would be grandfathered in or do they start over again. Commissioner Sorenson is questioning with the dog kennel being commercial how we move forward with zoning on the camping sites. State’s Attorney Enget recommended the 23 lots should be rural recreational and be outlotted for this portion. Kelsey Langham will move forward with getting an outlot created for the camping sites.

**Motion:** Moved by Commissioner Hollekim, seconded by Commissioner Hovda, to deny the request filed by Kelsey Langham in concurrence with Dale Folven, landowner for a variance request to re-open an RV Park on a 3 acre, more or less, tract of land described as Outlot 1 of the S½SE¼ Less Sublots A thru Q of Section 19, Township 152 North, Range 91 West (Van Hook Township) and have applicant(s) resubmit proper paperwork. Upon roll call, all present voted yes. Motion carried.

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| 8:42 a.m. Public Hearing –  *Conditional Use Permit* | JMAC Resources, Inc./ Brown Grain & Cattle, LLC, Landowner |

**Applicant**: JMAC Resources, Inc. with concurrence from Brown Grain & Cattle, LLC, landowner.

**Location**: 15 acre, more or less, tract of land described as Government Lot 2 of the SE¼NW¼ Less USA Tract, Section 30, Township 156 North, Range 88 West (**Egan Township**).

**Number of certified mailing receipts provided**: 3

**Purpose**: Mining gravel

**Present:** Robert Fogarty

**Discussion:** Documentation for the haul route agreement was approved by email from the township.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Weinbar, to approve the zoning request filed by JMAC Resources, Inc. with concurrence from Brown Grain & Cattle, LLC landowner for a conditional use permit to use land zoned agricultural for the purpose of mining gravel on a 15 acre more or less, tract of land described as the Government Lot 2 of the SE¼NW¼ Less USA Tract, of Section 30, Township 156 North, Range 88 West (Egan 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 as well as a road haul agreement with Township, providing road maintenance, and dust control of the roads and pit area when necessary, as JMAC Resources, Inc. with concurrence from Brown Grain & Cattle, LLC landowner has met all criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon JMAC Resources, Inc. with concurrence from Brown Grain & Cattle, LLC landowner 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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| 8:45 a.m. Public Hearing –  *Conditional Use Permit* | JMAC Resources, Inc./ James Edwards, Landowner |

**Applicant**: JMAC Resources, Inc. with concurrence from James Edwards, landowner.

**Location**: 15 acre, more or less, tract of land located in the W½NW¼ of Section 14, Township 154 North, Range 89 West (**Oakland Township**).

**Number of certified mailing receipts provided**: 6

**Purpose**: Mining gravel

**Present:** Robert Fogarty

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Nash, to approve the zoning request filed by JMAC Resources, Inc. with concurrence from James Edwards, landowner for a conditional use permit to use land zoned agricultural for the purpose of mining gravel on a 15 acre more or less, tract of land located in the W½NW¼ of Section 14, Township 154 North, Range 89 West (Oakland Township) for five (5) years (which ends on 2023 with the lease agreement) contingent upon a $125,000.00 letter of credit payable to Mountrail County and renewed yearly for the 5 year period as well as a road haul agreement with Township, providing road maintenance, and dust control of the roads and pit area when necessary, as JMAC Resources, Inc. with concurrence from James Edwards, landowner has met all criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon JMAC Resources, Inc. with concurrence from James Edwards, landowner 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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| 8:48 a.m. Public Hearing –  *Conditional Use Permit* | Farden Construction, Inc./ Badlands Power Fuels, LLC Landowner |

**Applicant**: Farden Construction, Inc. with concurrence from Badlands Power Fuels, LLC landowner.

**Location**: 20 acre, more or less, tract of land located in the S½SE¼ lying South of U.S. Highway 2, Section 16, Township 156 North, Range 90 West (**Palermo Township**).

**Number of certified mailing receipts provided**: 7

**Purpose**: Mining gravel

**Present:** Todd Farden, Caroline Farden and Beth Hall with Farden Construction.

**Motion:** Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar, to approve the zoning request filed by Farden Construction, Inc. in with concurrence from Badlands Power Fuels, LLC landowner for a conditional use permit to use land zoned agricultural for the purpose of mining gravel on a 20 acre more or less, tract of land located in the S½SE¼ lying South of U.S. Highway 2, of Section 16, Township 156 North, Range 90 West (Palermo Township) for five (5) years contingent upon a $125,000.00 letter of credit payable to Mountrail County and changing the wording with the letter of credit and renewed yearly for the 5 year period as well as a road haul agreement with Township, providing road maintenance, and dust control of the roads and pit area when necessary, as Farden Construction, Inc., with concurrence from Badlands Power Fuels, LLC landowner has met all criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent upon Farden Construction, Inc. with concurrence from Badlands Power Fuels, LLC landowner 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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| **Approval of Building Permits** |

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Weisenberger, to approve building permit 2118. Upon roll call, all present voted yes. Motion carried.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Hollekim, to approve building permit 2119. Upon roll call, all present voted yes. Motion carried.

**Motion:** Moved by Commissioner Wienbar, seconded by Commissioner Nash, to approve building permit 2124. Upon roll call, all present voted yes. Motion carried.

**Motion**: Moved by Commissioner Borud, seconded by Commissioner Ruland, to approve building permits 2113-2117, 2120, 2123 and 2125 except for 2121 and 2122. Upon roll call, all present voted yes. Motion carried.

**Discussion:** Building permit 2121 and 2122 will be on hold until the next Planning and Zoning meeting.

**Building Permits 2113-2120 & 2123-2126**

2113-Daniel & Bethanie Letch, Applicant/Landowners-Parcel#210005405, Section 10, Township 156 North, Range 94 West, Outlot 1 of ESW – 3280 sq. ft. Modular.

2114-Justin Bentz, Applicant/Landowner-Parcel#450014014, Section 30, Township 152 North, Range 91 West, Section 30, Township 152 North, Range 91 West, Varloe Subdivision, Lot 11- 3200 sq.ft. Modular with unfinished basement & 36’ x 42 Garage.

2115-Kraken Oil, Applicant/ Dan & Becky Johnson, Landowner-Parcel#320003502, Section 7, Township 154 North, Range 91 West, Gov’t Lot 2 -30 x 50’ Shop.

2116-Jaycey & Dylan Stammen Applicant/Landowners-Parcel#300009805, Section 24, Township 154 North, Range 89 West, Outlot 1 of NWSW-30’ x 30’ Pole Barn.

2117-John Knecht & Brekka Kramer, Applicant/Landowners-Parcel#470006700, Section 1, Township 152 North, Range 93 West, SWSW Lot 13 Little Knife Cottage Site- 12’ x 16’ Shed.

2118-Larry & Joan Barstad, Applicants-Parcel#450014101-Van Hook/Traynor Park Section 32, Township 152 North, Range 91 West, Lot 2, Block 17, adding an extra 8’ onto garage to make it a 36’ x 48’ Garage.

2119-Jeffrey & Janelle Verhey, Applicants-Parcel#450014101-Van Hook/Traynor Park Section 32, Township 152 North, Range 91 West, Lot 10, Block 15- New 27’ x 56’ Mobile Home and a 54’ x 7½’ deck and a 27½’ x 12’ deck.

2120-Malinda Gunderson, Applicant/Landowner & Leroy & Melvin Gunderson, Landowners-Parcel#040014000, Section 34, Township 158 North, Range 91 West, Outlot 1 of SE-16’ x 80’ Mobile Home.

2123-Jerry & Shirley Pennington, Applicant/Landowner-Parcel#470003300, Section 26, Township 152 North, Range 93 West, Outlot 3 of the NW¼ - 30’ x 50’ Garage.

2124-Mason & Leslie Nelson, Applicants-Parcel#450014101, Van Hook/Traynor Park Section 32, Township 152 North, Range 91 West, Lot 5, Block 7 – 10’ x 16’ Deck.

2125-John & Elaine Vachel, Applicant/Landowners-Parcel#270014700, Section 32, Township 155 North, Range 93 West, SESESE – 24’ x 24’ Garage.

2126-Brad Abel, Applicant/Landowner-Parcel#500001101, Section 3, Township 151 North, Range 90 West, Sublot A of Outlot 1 of N½-28’ x 66’ Mobile Home and a 30’ x 30’ Stick built three seasons room.

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| **Approval of Minutes** |

**Motion**: Moved by Commissioner Borud, seconded by Commissioner Hovda, to approve the May 26, 2020 minutes. Upon roll call, all present voted yes. Motion carried.

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| **Staff Concerns** |

**Ongoing Business:** Discussion was held and updated on Stanley RV, Sylvia Fladeland, J&J Oilfield, Terry Jones and camper concerns with the privately owned lots in White Earth Bay. State’s Attorney, Wade Enget stated the White Earth Bay was controlled by the Corps of Engineers and now the Corps of Engineers stated they don’t control the zoning ordinance. State’s Attorney Enget along with Administrator Heidi Kory will get together to see which are non-compliant and follow up.

**Discussion:** A building permit supplied by Brad Abel will be bringing in two mobile homes and connecting them for a larger living space. Chairman Sorenson stated as long as it is combined as one this shouldn’t be an issue. State’s Attorney Enget stated a unique situation so that was the reason to bring it in front of the board to discuss.

**Building Permit:** Moved by Commissioner Hollekim, seconded by Commissioner Nash, to approve the building permit 2126 as one structure. Upon roll call, all present voted yes. Motion carried.

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| **Next Meeting** |

Next regular meeting of the Mountrail County Planning & Zoning Board is ***Monday July 27, 2020*** at 8:30 am over via GOTOMEETING or in the Commissioners room at the courthouse.

Meeting adjourned at 9:39 a.m.

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| **Approval** |

Accepted and approved this 27th day of July 2020.

Charlie Sorenson, Chairman Heidi Kory, Interim Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning