MiNUTES

**Mountrail County Planning & Zoning Commission**

**July 27, 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, Tom Bieri, Joan Hollekim and Arlo Borud.

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

**Public attending:** Sam & Megan Fritel and Byron Hanson

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| **Approval of Agenda** |

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

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| 8:33 a.m. Public Hearing – *Variance* |  Sam Fritel/Larry & Karen Fritel, Landowners   |

**Motion:** Un-tabled by the call of the chair.

**Applicant**: Sam and Megan Fritel with concurrence from Larry & Karen Fritel, landowners.

**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.

**Discussion:** Jeff King, Clearwater Township Supervisor mentioned he is not in support of moving forward with this decision and the Township would like to keep the 150’ ROW. Sam Fritel stated would like to remove this request. Supervisor King stated willing to do a compromise by doing 125’ for the building and trees installed at 100’. Discussion was also held with Sam Fritel on the request of moving the welding shop. Trudy Ruland stated this will never be able to be industrial due to the compliance of the zoning ordinance being right next to a paved road. Supervisor King stated this would never be able to be considered industrial or commercial due to being right next to the Clearwater Lake. Jeff King suggested utilizing the gravel pit portion which is zoned Agricultural to build his shops. The Clearwater Township will support as long as it doesn’t become a commercial property right beside of the lake. A lot of discussion was held on whether this will become an industrial location.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Hollekim, to deny 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) as Sam Fritel with concurrence from Larry & Karen Fritel, landowners. Upon roll call, all present voted yes. Motion carried.

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| 8:36 a.m. Public Hearing – *Variance* |  Claude & Patricia Sem, Landowners   |

**Applicant**: Claude & Patricia Sem, landowners

**Location**: 164 acre, more or less, tract of land described as Government Lots 1 & 4 of the NE¼ of Section 7, Township 158 North, Range 92 West (**Powers Township**).

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

**Purpose**: Pump water from the Powers Lake for fracking using a flat hose

**Discussion:** Claude Sem is wanting to go forward with having the ability to pump out of Powers Lake. State’s Attorney Wade Enget expressed the concerns of Jake Douts with the water level and working with the State Water Commission to continue to deny these requests when made. Commissioner Borud asked how many wells would be utilizing this permit. Claude Sem didn’t know how much or how many due to other permits already being utilized for Powers Lake.

**Motion:** Moved by Commissioner Weinberger, seconded by Commissioner Ruland, to approve the zoning request filed by Claude & Patricia Sem, landowners, for a temporary conditional use permit for a Temporary Freshwater Industrial Use Point of Diversion to pump water from Powers Lake for fracking on a 164 acre more or less, tract of land described as Government Lots 1 & 4 of the NE¼ of Section 7, Township 158 North, Range 92 West (Powers Township) contingent on adhering to the ND State Water Permit ND2020-19926 valid March 24, 2020 through March 23, 2021 using only flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when applicable as Claude & Patricia Sem, landowners has met all criteria as set forth in Article II, Section XVI and Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Claude & Patricia Sem, landowners, 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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| 8:39 a.m. Public Hearing – *Variance* |  Greg Simonson   |

**Applicant**: Greg Simonson, Applicant

**Location**: On a tract of land described as Lease Lot 9 Block 3 Van Hook/Traynor Park Section 29, Township 152 North, Range 91 West (**Van Hook Township**).

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

**Purpose**: Request for a 0’ front setback rather than the required 25’ front setback for the construction of a garage.

**Present:** Greg Simonson

**Discussion:** Greg Simonson stated would like to build a garage and in alignment with the rest of the garages down the road. Commissioner Hollekim stated no apron will not go past the lot line. This is the 80 feet boulevard.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Wienbar, to approve the zoning request filed by Greg Simonson for a variance request for a 0’ front setback rather than the required 25’ front setback for the construction of a garage on a tract of land described as Lease Lot 9 Block 3 Van Hook/Traynor Park Section 29, Township 152 North, Range 91 West (Van Hook Township) as Greg Simonson has met all criteria as set forth in Article IV, Section V, of the Mountrail County Zoning Ordinance and is further contingent upon Greg Simonson 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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| 8:42 a.m. Public Hearing – *Conditional Use Permit* |  JMAC Resources, Inc./ Marty & Amelia Jorstad, Landowners   |

**Applicant**: JMAC Resources, Inc. with concurrence from Marty & Amelia Jorstad, landowners.

**Location**: 23 acre, more or less, tract of land described as the SE¼SE¼ of Section 9, and 18 acres, more or less, tract of land described as the SW¼SW¼ of Section 10, Township 157 North, Range 94 West **(White earth Township).**

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

**Purpose**: Mining gravel

**Present:** Robert Fogarty

**Discussion:** Robert Fogarty is requesting one letter of credit and one conditional use permit due to it crossing the section line and being connected. State’s Attorney stated it is contiguous and under the acreage to be able to utilize the one letter of credit and one conditional use permit.

**Motion:** Moved by Commissioner Hollekim, seconded by Commissioner Weisenberger, to approve the zoning request filed by JMAC Resources, Inc. with concurrence from Marty & Amelia Jorstad, landowners, for a conditional use permit to use land zoned agricultural for the purpose of mining gravel on a 23 acre more or less, tract of land described as the SE¼SE¼ of Section 9, and 18 acres, more or less, tract of land described as the SW¼SW¼ of Section 10, Township 157 North, Range 94 West (White Earth 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 also with the section line staying intact, as JMAC Resources, Inc. with concurrence from Marty & Amelia Jorstad, landowners 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 Marty & Amelia Jorstad, landowners 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 – *Outlot Plat* |  Caleen Crider/ Michael Crider, Landowner   |

**Applicant**: Caleen Crider with concurrence from Michael Crider, landowner.

**Location**: 63.47 acre, more or less, plat to be known as Outlot 2 of the S½SE¼ of Section 35, Township 158 North, Range 89 West (**Crowfoot Township**).

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

**Purpose**: Selling Land

**Present:** Caleen Crider

**Discussion:** Caleen Crider stated is selling the land so is moving forward with the outlot. Commissioner Weisenberger is questioning why the charge of $1,000 fee. Commissioner Hollekim stated this should be looked at in the future when the zoning ordinance is redone.

**Motion**: Moved by Commissioner Hollekim, seconded by Commissioner Borud, to approve the Outlot Plat review request filed by Caleen Crider with concurrence from Michael Crider, landowner for a 63.47 acre, more or less, plat described as Outlot 2 of the S½SE¼ of Section 35, Township 158 North, Range 89 West (**Crowfoot Township)** as Caleen Crider with concurrence from Michael Crider, landowner have met all criteria as set forth in the Mountrail County Subdivision Resolution and is further contingent upon Caleen Crider with concurrence from Michael Crider, landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes except for Commissioner Wiesenberger who voted no. Motion carried.

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| **Approval of Building Permits** |

**Discussion**: The building permit was removed for 2121 per Sam Fritels request.

**Motion:**  Moved by Commissioner Borud, seconded by Commissioner Hollekim, to approve building permits 2127. Upon roll call, all present voted yes. Motion carried.

**Motion:** Moved by Commissioner Weisenberger, seconded by Commissioner Hovda, to approve building permit 2132 with approval of camper. Upon roll call, all present voted yes. Motion carried.

**Motion:** Moved by Commissioner Nash seconded by Commissioner Hovda, to approve building permit 2133 with approval of camper. Upon roll call, all present voted yes. Motion carried.

**Motion**: Moved by Commissioner Hovda, seconded by Commissioner Wienbar, to approve building permits, 2122 and 2128-2131. Upon roll call, all present voted yes. Motion carried.

**Building Permits 2121, 2122 & 2127-2133**

2121-Sam Fritel, Applicant/ Larry & Karen Fritel, Landowners-Parcel#100009820, Section 22, Township 157 North, Range 90 West, Outlot 2 Gov’t Lots 2, 3 & 7 – 37’ x 200’ Steel Building.

2122-Sam Fritel, Applicant/ Larry & Karen Fritel, Landowners-Parcel#100009820, Section 22, Township 157 North, Range 90 West, Outlot 2 Gov’t Lots 2, 3 & 7 – 30’ x 155’ Steel Building.

2127-Greg Simonson, Applicant-Parcel#450014101 – Van Hook/Traynor Park, Section 29, Township 152 North, Range 91 West, Lot 9, Block 3 – 30’ x 32’ Garage.

2128-James Hedwall, Applicant/Landowner-Parcel#260000301 – Knife River Valley Estates, Section 1, Township 155 North, Range 92 West, Lot 1 – 24’ x 56’ Concrete Slab only and a 6’ x 10’ Storm Shelter.

2129-Tibbs Moore, Applicant/Landowner-Parcel#310002410, Section 6, Township 154 North, Range 90 West, Outlot 1 of Gov’t Lot 4 of the NW – 28’ x 52’ Modular with finished basement and 28’ x 28’ Garage.

2130-Nicholas Schumacher, Applicant/Landowner-Parcel#470027511 – Riverview Estates, Section 12, Township 152 North, Range 93 West, Lot 9, Block 2 – 14’ x 28’ Garage.

2131-Megan Fritel, Applicant/Larry & Karen Fritel, Landowners-Parcel#100009820, Section 22, Township 157 North, Range 90 West, Outlot 2 Gov’t Lots 2, 3 & 7 – 12’ x 32’ FEMA trailer or small cabin.

2132-Larry Gullickson/Randy Taylor, Applicants/Landowners-Parcel#510000649, Section 10, Township 151 North, Range 91 West, Brendles 3rd Subdivision, Lot 10 – 30’ x 40’ Pole Barn Shop and 36’ x 30’ Pole Barn Living Quarters.

2133-Dan Jost, Applicant/Landowner-Parcel#510000647, Section 10, Township 151 North, Range 91 West, Brendles 3rd Subdivision, Lot 8 – 2400 sq. ft. Stick built house.

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| **Approval of Minutes** |

**Motion**: Moved by Commissioner Borud, seconded by Commissioner Wienbar, to approve the June 22, 2020 minutes as corrected. Upon roll call, all present voted yes. Motion carried.

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| **Staff Concerns** |

**Ongoing Business:** Kline Overlook is moving forward with the splitting of the lots etc. A letter was received from Larry Gullickson with complaint received that the eagle structures are too close to the road. State’s Attorney will check into the access easement and will bring it back to the Planning and Zoning Board. Discussion was held on Brooks Annala and Jack Fladeland on the RV Parks which both expired as of 2015. Brooks Annala was not happy but was told that it should have been rezoned as a trailer park. Kelsey Langham is in non-compliant with having campers on the premises. The two campers is not allowed due to zoning issues. Comm. Ruland stated she spoke to Kesley Langham who stated it was compliant with Van Hook Township zoning. Comm. Ruland stated she should receive the proof from the Van Hook Township. The Van Hook Township has nothing in the minutes proofing the ability to utilize the campers on the Langham residence. The Board will wait on documentation from Langhams. Kirk Hawkinson is requesting a business license to sell guns out of his house. Chairman Sorenson stated if this is your primary business than it would need to become commercial property.

**Discussion:** Heidi Kory, Planning and Zoning Administrator put her two week notice in and will end on July 31st, 2020. Administrator Kory is willing to temporarily work to help train the new Administrator.

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| **Next Meeting** |

Next regular meeting of the Mountrail County Planning & Zoning Board is ***Monday August 24, 2020*** at 8:30 am over via GOTOMEETING or in the Commissioners room at the courthouse.

Meeting adjourned at 9:55 a.m.

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| **Approval** |

Accepted and approved this 24th day of August 2020.

Charlie Sorenson, Chairman Heidi Kory, Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning