MiNUTES

**Mountrail County Planning & Zoning Commission**

**January 25, 2021**

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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, Roger Hovda, Joan Hollekim, Arlo Borud, Tom Bieri and Zachary Gaaskjolen.

**Also present:** Lori Hanson, Mountrail County Tax Director; Stephanie Pappa, Mountrail County Auditor; and Melissa Vachal, Planning & Zoning Administrator; Linda Wienbar, Planning & Zoning Assistant; and Wade Enget, Mountrail County States Attorney.

**Absent:** Board member Thomas Nash

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| **Approval of Agenda** |

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

**Election of Officers**

Chairman Sorenson opened the floor for nominations for Chairman. Commissioner Hollekim moved to nominate Charlie Sorenson, seconded by Commissioner Weisenberger. Commissioner Borud moved to cease nominations and cast a unanimous ballot, seconded by Commissioner Hovda. Upon roll call, all present voted yes. Motion carried.

Chairman Sorenson opened the floor for nominations for Vice-Chairman. Commissioner Hollekim moved to nominate Gary (Fritz) Weisenberger. Commissioner Borud moved to cease nominations and cast a unanimous ballot, seconded by Commissioner Bieri. Upon roll call, all present voted yes. Motion carried.

Chairman Sorenson opened the floor for nominations for Secretary. Discussion was had on whether the Planning & Zoning Administrator would serve as Secretary per statute. No motions were made due to statute.

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| 8:40 a.m. *Plat Outlot*   |  Basin Electric Power Cooperative - Applicant  Franklin D. and Rosemary Martens – Landowner  |

**Location:** Legal Description: A Tract 36.44 acres, more or less in Government Lot 1, NE1/4NW1/4 Section 31, Township 155 North, Range 92 West to be known as Outlot 1. (Alger Township)

**PZ-2020-0068**

**Parcel#** 260014500

**Number of Certified mailing receipts provided:** 3 Certified Receipts Received

**Present:** Shauna Laber, Sr. Property & Right of Way Specialist, Basin Electric Power Cooperative; Robert Nasset, Engineer, Basin Electric Power Cooperative

**Purpose**: Discuss an Outlot Plat Review Application filed Basin Electric Cooperative in concurrence with Franklin D. and Rosemary Martens, Landowners.

**Discussion:** Shauna Laber of Basin Electric Cooperative discussed their plans to purchase this parcel for a future substation.

**Motion:** Moved by Commissioner Hollekim, seconded by Commissioner Ruland, to approve the zoning request of platting an outlot as filed by Basin Electric Power Cooperative, applicant, in concurrence with Franklin D. and Rosemary Martens, landowners for a Tract 36.44 acres more or less, located in Government Lot 1, NE1/4NW1/4 Section 31, Township 155 North, Range 92 West to be known as Outlot 1. This request meets all criteria as set forth in Mountrail County Subdivision Resolution. All present voted yes. Motion carried.

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| 8:45 a.m.*Plat Outlot*  |  Hess ND Pipelines, LLC - Applicant Beverly Fretheim Trust Dated 8/29/18-  Trustee - Landowner  |

**Location:** Legal Description: A Tract 63.69 acres, more or less, in NE1/4 Section 3, Township 154 North, Range 93 West to be known as Outlot 2 of NE1/4 (Rat Lake Township)

**Number of Certified mailing receipts provided:** 3 Certified Receipts Received

**PZ-2020-0070**

**Parcel#** 340001200

**Purpose**: Discuss an Outlot Plat Review Application filed by Hess ND Pipelines, LLC in concurrence with Beverly Fretheim Trust Dated 8/29/18 – Trustee.

**Present:** Brent Lohnes, General Manager, Hess; Rachel Williamson, Hess; Meghan Bratvold, Manager Land Dept., Hess; Steven Marchesi, Sr. Project Manager, Hess; Beverly Fretheim, Landowner.

**Discussion:** Steven Marchesi, Sr. Project Manager for Hess presented a PowerPoint presentation regarding this outlot and their plan for the parcel as well as their zoning amendment application and conditional use request.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Hovda, to approve the zoning request of platting an outlot as filed by Hess North Dakota Pipelines, LLC, applicant, in concurrence with Beverly Fretheim Trust Dated 8/29/18, Beverly Fretheim, trustee, landowner, for a Tract 63.69 acres, more or less, located in the NE1/4 Section 3, Township 154 North, Range 93 West to be known as Outlot 2. This request meets all criteria as set forth in Mountrail County Subdivision Resolution. All present voted yes. Motion carried.

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| 8:50 a.m. *Amendment*  |  Hess ND Pipelines, LLC – ApplicantsBeverly Fretheim Trust Dated 8/29/18-Trustee-Landowner |

**Location:** Legal Description: A Tract 63.69 acres, more or less, in NE1/4 Section 3, Township 154 North, Range 93 West to be known as Outlot 2 of NE1/4 (Rat Lake Township)

**Number of Certified mailing receipts provided:** 3 Certified Receipts Received

**PZ-2020-0071**

**Parcel#** 340001200

**Purpose**: Discuss a Zoning Request Application Amendment to re-zone a tract of land from Agricultural to Industrial.

**Present:** Brent Lohnes, General Manager, Hess; Rachel Williamson, Hess; Meghan Bratvold, Manager Land Dept., Hess; Steven Marchesi, Sr. Project Manager, Hess; Beverly Fretheim, Landowner.

**Discussion:** Discussion on this matter was included in the discussion of the review of the plat of Outlot 2. Chairman Sorenson commented on this parcel’s location relevant to the pipeline being a cause for approving this request. Commissioner Hollekim wanted to clarify that this is just a recommendation to the Mountrail County Commissioners.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Weisenberger, to make recommendation to the Mountrail County Commissioners to approve the zoning request application, filed by Hess North Dakota Pipelines, LLC, Applicant in concurrence with Beverly Fretheim Trust Dated 8/29/18, Beverly Fretheim Trustee, landowner, for an amendment to re-zone, 63.69 acres, more or less described as the NE1/4 Section 3, Township 154 North, Range 93 West to be known as Outlot 2 (Rat Lake Township) from Agricultural to Industrial for the purpose of building a compressor station to be known as East Nesson Compressor Station 2, as Hess North Dakota Pipelines, LLC in concurrence with Beverly Fretheim Trust has met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Hess North Dakota Pipelines, LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

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| 8:55 a.m. *Conditional Use*  |  Hess ND Pipelines, LLC - Applicants  Beverly Fretheim Trust Dated 8/29/18  Trustee – Landowner |

**Location:** Legal Description: A Tract 63.69 acres more or less in NE1/4 Sections 3, Township 154 North, Range 93 West (**Rat Lake Township)**

**Number of Certified mailing receipts provided:** 3 Certified Receipts Received

**PZ-2020-0072**

**Parcel# 340001200**

**Purpose**: Discuss a Zoning Request/Conditional Use Permit filed by Hess ND Pipelines, LLC, with concurrence from Beverly Fretheim Trust Dated 8/29/18, Beverly Fretheim Trustee – Landowner, to use Industrial land for construction and installation of a Compressor Station.

**Present:** Brent Lohnes, General Manager, Hess; Rachel Williamson, Hess; Meghan Bratvold, Manager Land Dept., Hess; Steven Marchesi, Sr. Project Manager, Hess; Beverly Fretheim, Landowner.

**Discussion:** Discussion on this matter was included in the discussion of the review of the plat of Outlot 2. Chairman Sorenson clarified what a conditional use permit is and offering the opportunity to add conditions before opening the floor to motions.

**Motion:**  Moved by Commissioner Hollekim, seconded by Commissioner Gaaskjolen, to approve the zoning request for a Conditional Use Permit, filed by Hess ND Pipelines, LLC, with concurrence from Beverly Fretheim Trust Dated 8/29/18, Beverly Fretheim Trustee, Landowner, subject to the approval of the amendment by the Mountrail County Commissioners, for a tract 63.69 acres, more or less, in NE1/4 Section 3, Township 154 North, Range 93 West, to be known as Outlot 2 (Rat Lake Township)to use Industrial land for construction and installation of a Compressor Station, as Hess North Dakota Pipelines, LLC in concurrence with Beverly Fretheim Trust has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Hess North Dakota Pipelines, LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

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| 9:00 a.m. *Conditional Use* |  Aggregate Construction, Inc – ApplicantsLyle and Gayle Gorseth – Landowners  |

**Location:** Legal Description: SE1/4SE1/4, SE1/4NE1/4SE1/4, E1/2SW1/4SE1/4 less right of way in Section 26, Township 156 North, Range 89 West (**McGahan Township)**

**Number of Certified mailing receipts provided:** 5 Certified Receipts Received

**PZ-2020-0065**

**Parcel#** 160013200

**Purpose**: Discuss a Zoning Request/Conditional Use Permit filed by Aggregate Construction, Inc. in concurrence with Lyle and Gayle Gorseth – Landowners, to use agricultural land to mine gravel on a 70 acres, more or less, tract of land.

**Present:** Max Shriock, Aggregate Construction; Lyle Gorseth, Landowner.

**Discussion:** Max Shriock, Aggregate Construction discussed that this was an existing gravel pit that they previously leased and had let the previous conditional use permit expire due to the haul road and they would now like to re-lease the pit. Chairman Sorenson asked if they had done any reclamation or if they will reclaim it. Mr. Shriock explained that it will be reclaimed as they exhaust the area.

**Motion:**  Moved by Commissioner Weisenberger, seconded by Commissioner Borud, to approve the zoning request for a Conditional Use Permit filed by Aggregate Construction, Inc. in concurrence with Lyle and Gayle Gorseth, Landowners, to use land zoned agricultural for the purpose of mining gravel on a 70 acres, more or less, tract of land described as the SE1/4SE1/4, SE1/4NE1/4SE1/4, E1/2SW1/4SE1/4 less right of way in Section 26, Township 156 North, Range 89 West (McGahan Township) for a period of 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 the County, providing road maintenance, and dust control of the roads and pit area when necessary, as Aggregate Construction, Inc. in concurrence with Lyle and Gayle Gorseth has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Aggregate Construction, Inc. complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

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| 9:05 a.m. *Conditional Use* |  Hyrum Zitting – Applicant/Landowner  |

**Location:** Legal Description: Outlot 1 of S1/2SW1/4 less Sublots A & B of Outlot 1 S1/2SW1/4 in Section 15, Township 156 North, Range 94 West (**Myrtle Township)**

**Number of Certified mailing receipts provided:** 8 Certified Receipts Received

**PZ-2020-0069**

**Parcel#** 210007900

**Purpose**: Discuss a Zoning Request/Conditional Use Permit filed by Hyrum Zitting – Applicant/Landowner to place a 1968 trailer to use as a Temporary Job Trailer.

**Present:** Hyram Zitting, Applicant/Landowner; Tressy Heinle and Lynn Heinle, adjacent landowners.

**Discussion:** Hyram Zitting discussed his plan for the mobile home while he is building his permanent home on the land. Chairman Sorenson asked for an end date for when Mr. Zitting thought he would no longer need the trailer. Mr. Zitting explained that he would probably need it until the road restrictions are lifted. Commissioner Hollekim asked about the existing structure on the land and Mr. Zitting explained that the existing structure is this trailer. Commissioner Hollekim asked about another old trailer on the property due to a concern received from Rosella Person and Mr. Zitting explained that the other trailer is being used for storage and will be removed eventually. Tressy Heinle expressed concern about the number of structures accumulating on the property. Chairman Borud suggested allowing this permit with the same expiration date as the building permit which is August 7th, 2021 at which time both trailers will need to be removed. Mr. Zitting asked where he should dispose of the second trailer and was referred to the Tioga Landfill or Chamley Pipe & Salvage.

**Motion:**  Moved by Commissioner Weisenberger, seconded by Commissioner Borud, to approve the zoning request for a Conditional Use Permit filed by Hyrum Zitting, applicant/landowner, on a tract of land described as Outlot 1 of S1/2SW1/4 less Sublots A & B of Outlot 1 S1/2SW1/4 in Section 15, Township 156 North, Range 94 West (Myrtle Township) to place a 1968 trailer to use as a Temporary Job Trailer along with the other work trailer until August 7th, 2021 then both will need to be removed as Hyrum Zitting has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Hyram Zitting complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

**Approval of Minutes of the December 28, 2021 Meeting**

Discussion was had on summarizing the minutes due to the cost of publishing them in the Mountrail County Promoter. Further discussion was had on the statute of time that the office has to retain documents (relating to the electronic recording of the meetings) and States Attorney Enget stated he wasn’t sure on the timeline but that there is a statute on how long documents have to be kept and how to dispose of them.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the corrected minutes of the December 28, 2020 meeting. All present voted yes. Motion carried.

**Temporary Water Applications – Non-Transferable**

Ron Schenk – Permit Number – ND2020-20326/ PZ-2021-0008

Pumping of industrial water by lay flat hose; Neil Bartelson, Landowner. SW1/4SE1/4 Section 4, Township 152 North, Range 90 West (Parshall Township)

H2O Connections, LLC – Permit Number – ND2021-20374 / PZ-2021-0006

Pumping of industrial water by lay flat hose; Jim Enge, Landowner.

NW1/4 Section 12, Township 155, Range 91 West (Purcell Township)

**Building Permits**

None

**ONGOING BUSINESS:**

Gravel Pits

J&J Oilfield

Terry Jones

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| **Staff Concerns**  |

**Water Variances:** Melissa Vachal, Planning & Zoning Administrator discussed water variances and questions regarding the expiration dates of the variances and the state water permits. Commissioner Ruland clarified that our expiration dates should match the state’s expiration dates.

**Stanley Blaisdell RV Park:** Administrator Vachal opened discussion by asking for an update from Wade Enget, Mountrail County States Attorney. States Attorney Enget stated Mountrail County Sheriff’s Department is doing patrols and that the eviction action has been stopped.

**Fritel Construction:** Administrator Vachal gave an update on Fritel Construction using land zoned residential for industrial purposes. Fritel’s have been instructed to file the necessary application(s) and submit for board action.

**BOARD CONCERNS:**

Commissioner Hollekim clarified the combining of supporting documents.

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| **Next Meeting** |

Next regular meeting of the Mountrail County Planning & Zoning Board is ***Monday February 22, 2021*** at 8:30 am over via GOTOMEETING or in the Commissioners room at the courthouse.

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| **Approval** |

\*Electronic recording of minutes are kept in the office per NDCC 44-04

 Accepted and approved this 22nd day of February 2021.

Charlie Sorenson, Chairman Melissa Vachal, Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning