MINUTES

**Mountrail County Planning & Zoning Commission**

**October 24, 2022**

The meeting of the Mountrail County Planning & Zoning Commission was called to order at 8:30 a.m. by Chairman Charlie Sorenson with Commissioners Joan Hollekim, Arlo Borud, Roger Hovda, Gary (Fritz) Weisenberger, Trudy Ruland, Zachary Gaaskjolen, Douglas Bratvold and Megan Fritel present. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County States Attorney Wade Enget, Mountrail County Tax Equalization Director Lori Hanson, and Mountrail County Engineer Jana Hennessy.

**APPROVAL OF AGENDA**

Administrator Vachal presented an amended agenda to the board with a correction to a parcel number under the temporary water permits and an additional staff update item.

Moved by Commissioner Borud, seconded by Commissioner Fritel, to approve the agenda as amended. All present voted yes. Motion carried.

**APPROVAL OF MINUTES**

Moved by Commissioner Hovda, seconded by Commissioner Fritel to approve the Planning and Zoning Commission minutes of the September 26, 2022 meeting as corrected. All present voted yes. Motion carried.

1. **8:35 a.m. Jorey Bartsch-Applicant/Landowner (PZ-2022-0230) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 1.04 acres more or less known as Lot 7 of Varloe’s Subdivision located in the NE1/4 of Section 30, Township 152, Range 91 West (Van Hook Township) (Parcel# 45-0014010)

The applicant (not present at this hearing) is seeking a Conditional Use Permit for the purpose of placing a 2011 mobile home on land zoned Residential. Commissioner Hollekim questioned if there is a Homeowner’s Association (HOA) in this subdivision and would like verbiage added to the motion that this permit does not supersede the HOA restrictions. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Hollekim to approve the zoning request filed by Jorey Bartsch for a Conditional Use Permit for the purpose of placing a 2011 mobile home on a tract of land zoned Residential 1.04 acres more or less known as Lot 7 of Varloe’s Subdivision located in the NE1/4 of Section 30, Township 152 North, Range 91 West (Van Hook Township) as Jorey Bartsch has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Jorey Bartsch complying with all other terms and conditions of the Mountrail County Land Development Code. This permit does not supersede any existing HOA rules and regulations within Varloe Subdivision. All present voted yes. Motion carried.

1. **8:38 a.m. Jorey Bartsch-Applicant/Landowner (PZ-2022-0231) Variance**

Variance Application request for the following described property: a tract of land 1.04 acres more or less known as Lot 7 of Varloe’s Subdivision located in the NE1/4 of Section 30, Township 152, Range 91 West (Van Hook Township) (Parcel# 45-0014010)

The applicant (not present at this hearing) is seeking a variance to place a 2011 mobile home on land zoned Residential. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Fritel to approve the zoning request filed by Jorey Bartsch for a Variance to place a 2011 mobile home on a tract of land zoned Residential 1.04 acres more or less known as Lot 7 of Varloe’s Subdivision located in the NE1/4 of Section 30, Township 152 North, Range 91 West (Van Hook Township) as Jorey Bartsch has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Jorey Bartsch complying with all other terms and conditions of the Mountrail County Land Development Code. This permit does not supersede any existing HOA rules and regulations within Varloe Subdivision. All present voted yes. Motion carried.

**Temporary Water Permits--New**

PZ-2022-0228 – Jane Paulson Living Trust by Jane Paulson & Phillip MacLellan Trustee’s – Applicant/Landowner. State Water Permit #ND2019-19419. Period of Authorized usage: 05/15/2022 through 11/15/2022. Parcel #05-0010400. Pump placement on a tract of land 37.07 acres more or less located in the NW1/4 of Section 20, Township 158 North, Range 92 West (Powers Township). (3) CERTIFIED RECEIPTS RECEIVED

PZ-2022-0227 – Northwest Water Transfer LLC – Applicant. Brittin DuPuis, Megan DuPuis, Kerry DuPuis, Brigitte Funk & Mathew DuPuis – Landowners. State Water Permit #ND2022-21208. Period of Operation 08/20/2022 through 08/19/2023. Parcel #22-0013500. Pump placement on a tract of land 40.00 acres more or less located in the NE1/4NW1/4 of Section 29, Township 155 North, Range 88 West (Kickapoo Township). (3) CERTIFIED RECEIPTS RECEIVED

PZ-2022-0237 – Quality Water Systems LLC – Applicant. Jane Rismon, Melissa Johnson, Amy Farhart & Chad Rismon – Landowners. State Water Permit #ND2022-21290. Period of Operation 10/01/2022 through 09/15/2023. Parcel #12-0002900. Pump placement on a tract of land 80.00 acres more or less located in the N1/2SE1/4 of Section 6, Township 157 North, Range 92 West (Cottonwood Township). () CERTIFIED RECEIPTS RECEIVED

**Temporary Water Permits--Non-Transferable Renewals**

H2O Connections LLC – Permit Number – State Water Permit ND2022-21285 / PZ-2022-0234. Pumping of industrial water by lay flat hose: H2O Connections LLC-Applicant. Robert & Lavonne Patten-Landowners. SW1/4 of Section 36, Township 154 North, Range 91 West (Sikes Township) Period of Authorized usage: 09/27/2022 through 09/26/2023. Parcel # 32-0020100 (Ref# PZ-2022-0232).

H2O Connections LLC – Permit Number – State Water Permit ND2022-21286 / PZ-2022-0235. Pumping of industrial water by lay flat hose: H2O Connections LLC-Applicant. Robert & Lavonne Patten-Landowners. NW1/4 of Section 36, Township 154 North, Range 91 West (Sikes Township) Period of Authorized usage: 09/27/2022 through 09/26/2023. Parcel # 32-0019900 (Ref# PZ-2022-0231).

**Building Permits 2269-2272 & 2274-2275**

2269 – PZ-2022-0223 – Roger Harstad – Applicant. Roger & Michelle Harstad - Landowners. Parcel #24-0008300 – SW1/4SE1/4 of Section 19, Township 155 North, Range 90 West (Burke Township). 32’x78’ Mobile Home with 2 decks.

2270 – PZ-2022-0229 – Troy Huber – Applicant. Mountrail County Park Board - Landowner. Parcel #45-0014101 – Lease Lot 15, Block 17 of Traynor Park also known as Lot 15, Block 14 of the Original Townsite of Van Hook located in the NW1/4 of Section 31, Township 152 North, Range 91 West (Van Hook Township). 30’x30’ Storage/Garage.

2271 – PZ-2022-0232 – Jorey Bartsch – Applicant/Landowner. Parcel #45-0014010 – Lot 7 of Varloe’s Subdivision located in the NE1/4 Section 30, Township 152 North, Range 91 West (Van Hook Township). 16’x80’ Mobile Home & 50’x60’ Garage.

2272 – PZ-2022-0233 – Julie Okeson – Applicant/Landowner. Parcel #35-0015800 – Lots 45 & 46 White Earth Cottage Site located in the SE1/4SW1/4 of Section 26, Township 154 North, Range 94 West (Unorganized Township). 130’x60’ Garage/Shouse. (Ref: PZ-2021-0145, reapplying due to expired permit).

2274 – PZ-2022-0240 – Sam Fritel – Applicant. Karen A Fritel Living Trust, Larry & Karen Fritel Trustee’s – Landowner. Parcel #10-0009820 – Outlot 2 of Lots 2, 3 & 7 of Section 22, Township 157 North, Range 90 West (Clearwater Township). 38’x56’ Garage with Bonus Room above & Breezeway.

2275 – PZ-2022-0242 – Oswald Tande – Applicant. Oswald Tande Living Trust, Oswald & Jane Tande Trustee’s – Landowner. Parcel #06-0006000 – SW1/4 of Section 13, Township 158 North, Range 93 West (Powers Lake Township). 40’x64’ Pole Barn for Machine Storage.

Moved by Commissioner Hollekim, seconded by Commissioner Borud to approve building permits 2269-2272 & 2274-2275. All present voted yes. Motion carried.

**Demolition Permit**

PZ-2022-00243 – Oswald Tande – Applicant. Oswald Tande Living Trust, Oswald & Jane Tande Trustee’s – Landowner. Parcel #06-0006000 – SW1/4 of Section 13, Township 158 North, Range 93 West (Powers Lake Township). Remove existing structures to make room for Machine Storage building.

Moved by Commissioner Borud, seconded by Commissioner Fritel to approve demolition permit PZ-2022-00243. All present voted yes. Motion carried.

**ONGOING BUSINESS**

Gravel Pits- Remains ongoing Administration working on Report

White Earth Bay- Waiting for State’s Attorney Enget’s report for Court Cases

Green Acres Subdivision – No new activity; still no Letter of Credit

Subdivision Letter of Credit-State’s Attorney Enget is researching this

**STAFF UPDATES**

* Permit Fees were approved by the Mountrail County Commissioners on October 6th, 2022. They have tabled the Subdivision Letter of Credit to get comments from the P&Z Board on what their recommendations would be. States Attorney Enget explained that the question on this was whether or not there should be more than one Letter of Credit for subdivisions that just have approaches for access and subdivisions that have actual roads within them. Commissioner Hollekim feels there should be more than one Letter of Credit for these situations because of the excess financial burden it could put on those that do not have roads within their subdivision to require the same Letter of Credit as a subdivision that does have roads within it. Commissioner Ruland questioned how long the developers are required to maintain the Letter of Credit and States Attorney Enget clarified that there is a process by which they can be released as long as the developers have done everything required of them by P&Z and the Board of County Commissioners and the infrastructure is completed. Commissioner Ruland feels in that case, the smaller subdivisions could just be released sooner than the larger ones and it wouldn’t cost them as much because of that. Commissioner Gaaskjolen questioned if the board could require the HOA to handle remediation of any issues with the roads in the subdivisions. State’s Attorney Enget will research what other counties are doing to handle this situation and bring his findings to the board later.

Moved by Commissioner Hollekim, seconded by Commissioner Gaaskjolen to table to the call of the chair. All present voted yes. Motion carried.

* Commissioner Rice has contacted our office regarding the wind energy setback for an airport as he’s spoken to a few airport authority members and they felt that a 1-mile setback may not be far enough when it comes to the future of an airport and possibilities of expanding if a wind tower project moves into that area. After a short discussion, it was determined that the Federal Aviation Administration (FAA) has this covered.
* Update on Mr. Zunich from last meeting about his fence being in the county Right of Way (ROW): He has moved his fence per Road & Bridge and it is now right on the property line. He did come into P&Z and fill out a consent form which has been given to Auditor Pappa to bring to the Board of County Commissioners to either approve or deny his request to have the fence on the ROW line. If they choose to not allow this, the setback on his lot is 25’ for structures and a variance may be needed for a different setback. Administration would like the board’s thoughts on what that setback should be if he does ask for a variance. The Land Development Code (LDC) doesn’t have a setback for fences, only the 25’ setback for structures on Residential lots. The only thing the code requires is that fences cannot be in the ROW and does not mention a setback from the line. Discussion was had on whether the board can even issue a variance for something that isn’t in the LDC and what P&Z will do if the Board of County Commissioners chooses not to approve his consent form. Chairman Sorenson feels a rule will have to be written going forward about how far off the property line fences need to be. Discussion was had on Section 4.3 of the LDC where it states “all fences shall be placed completely outside of all acquired public road right-of-way (all political subdivisions) and railroad right-of-way. Placement deviations must be reviewed by the impacted political subdivision(s) and approved by the Board of County Commissioners” and whether or not this would apply to Mr. Zunich. States Attorney Enget feels if the Board of County Commissioners denies the consent form, his fence must be fully outside of the ROW because of the wording within the LDC.

**BOARD CONCERNS**

None.

The Board adjourned at 9:20 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, November 28th, 2022,** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

Accepted and approved this 28th day of November, 2022.

Charlie Sorenson, Chairman Melissa Vachal, Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning

**\*Electronic recordings of full meetings are kept in the office per NDCC 44-04\***