MINUTES

**Mountrail County Planning & Zoning Commission**

**October 25, 2021**

The meeting of the Mountrail County Planning & Zoning Commission was called to order at 8:30 a.m. by Chairman Charlie Sorenson with Commissioners Gary (Fritz) Weisenberger, Joan Hollekim, Arlo Borud, Roger Hovda, and Trudy Ruland present. Commissioner Thomas Nash was present from 9:00 a.m. until 9:30 a.m. 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 Property Assessor Kim Savage. Absent were Commissioners Zachary Gaaskjolen and Thomas Bieri.

**Approval of Agenda**

Moved by Commissioner Borud, seconded by Commissioner Ruland, to approve the agenda as corrected. All present voted yes. Motion Carried.

**Approval of Minutes**

Moved by Commissioner Hovda, seconded by Commissioner Hollekim to approve the Planning and Zoning Commission minutes of the September 27, 2021, meeting as corrected. All present voted yes. Motion carried.

1. **8:35 a.m. Keith Horntvedt-Applicant/Lease Holder; Mountrail County Park Board-Landowner (PZ-2021-0247) Variance**

Variance Application request for the following described property: a tract of land described as Lease Lot 7 Block 6 Traynor Park, also known as Lot 5 Block 3 of the Original Townsite of Van Hook in the NW1/4 of Section 32, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450014101)

The applicant (represented by Keith Horntvedt) is seeking a Variance to build a 30’x30’ garage with a 0’ setback on the south and west side of a leased lot zoned Rural Recreational. Discussion was had on the placement of the garage on the lot and making sure the apron does not get built out into the street. It will line up with existing garages in the area and they will be moving the trailer slightly to make room for the garage. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Borud, to approve the zoning request filed by Keith and Peggy Horntvedt with concurrence from Mountrail County Park Board, landowner for a variance request for a 0’ setback rather than the required 25’ setback on the south and west side for the construction of a 30’x30’ garage on land zoned Rural Recreational described as Lease Lot 7 Block 6 Traynor Park, also known as Lot 5 Block 3 of the Original Townsite of Van Hook in the NW1/4 of Section 32, Township 152 North, Range 91 West (Van Hook Township) as Keith and Peggy Horntvedt with concurrence from Mountrail County Park Board, landowner has met all criteria as set forth in Article IV, Section V, of the Mountrail County Zoning Ordinance and is further contingent upon Keith Horntvedt with concurrence from Mountrail County Park Board, landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. The 0’ setback was allowed as the front and side streets are both 80’ in width. All present voted yes. Motion Carried.

1. **8:40 a.m. Knife River Corporation-Applicant; JoAnne Enger, Carol McIntry, Janet Lalim, & Cheryl Swedenborg-Landowners (PZ-2021-0253) Conditional Use Permit**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 70 acres, more or less, in the N1/2SW1/4 of Section 17, Township 157 North, Range 91 West (White Earth Township) (Parcel# 140009200)

The applicant (represented by Lucy Snowden with Knife River Corporation) is seeking a Conditional Use Permit to use land zoned Agricultural to mine and stockpile sand and gravel. Applicant will be using an existing gravel pit. Applicant would like the permit to be valid for the life of the lease, which is August 2030, but the board wishes to stay with the 5 years normally given with the ability to come back and renew it after that point. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request filed by Knife River Corporation with concurrence from JoAnne Enger, Carol McIntry, Janet Lalim, and Cheryl Swedenborg, landowners for a Conditional Use Permit to use land zoned agricultural for the purpose of mining and stockpiling sand and gravel on a tract of land 70 acres, more or less, in the N1/2SW1/4 of Section 17, Township 157 North, Range 91 West (White Earth Township) for a period of five (5) years expiring on 10-20-2026, contingent upon a $125,000 letter of credit payable to Mountrail County and renewed yearly during the term of the Conditional Use Permit as well as a current haul road agreement with White Earth Township providing road maintenance and/or dust control of the roads and pit area when necessary, as Knife River Corporation with concurrence from JoAnne Enger, Carol McIntry, Janet Lalim, and Cheryl Swedenborg, landowners has met all other criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Knife River Corporation with concurrence from JoAnne Enger, Carol McIntry, Janet Lalim, and Cheryl Swedenborg, landowners complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:45 a.m. Knife River Corporation-Applicant; JoAnne Enger, Carol McIntry, Janet Lalim, & Cheryl Swedenborg-Landowners (PZ-2021-0254) Amendment**

Amendment to Zoning request for the following described property: a tract of land 70 acres, more or less, in the N1/2SW1/4 of Section 17, Township 157 North, Range 91 West (White Earth Township) (Parcel# 140009200)

This application was withdrawn by the applicant.

1. **8:50 a.m. Knife River Corporation-Applicant; JoAnne Enger, Carol McIntry, Janet Lalim, & Cheryl Swedenborg-Landowners (PZ-2021-0255) Variance**

Variance Application request for the following described property: a tract of land 70 acres, more or less, in the N1/2SW1/4 of Section 17, Township 157 North, Range 91 West (White Earth Township) (Parcel# 140009200)

This application was withdrawn by the applicant.

1. **8:55 a.m. Knife River Corporation-Applicant; JoAnne Enger, Carol McIntry, Janet Lalim, & Cheryl Swedenborg-Landowners (PZ-2021-0256) Conditional Use Permit**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 70 acres, more or less, in the N1/2SW1/4 of Section 17, Township 157 North, Range 91 West (White Earth Township) (Parcel# 140009200)

This application was withdrawn by the applicant.

**Building Permits**

2202 – PZ-2021-0245 – Jon Allen – Applicant/Landowner. Lot 20 Brendle’s Second Subdivision located in the S1/2NE1/4 of Section 10, Township 151 North, Range 91 West (Liberty Township) Parcel #510000639. 3800 sq. ft shop with living quarters.

2203 – PZ-2021-0248 – Keith Horntvedt – Applicant. Mountrail County Park Board - Landowner. Lease Lot 7 Block 6 Traynor Park also known as Lot 5 Block 3 of the original Townsite of Van Hook in the NW1/4 Section 31, Township 152 North, Range 91 West (Van Hook Township) Parcel #450014101. 30’x30’ garage, 12’x30’ (or less) covered patio.

2204 – PZ-2021-0259 – Jared Gustafson – Applicant. Allen & Diane Gustafson – Landowner. Lot 8 of Outlot 2 located in the W1/2NE1/4 of Section 30, Township 152 North, Range 91 West (Van Hook Township) Parcel #450013992. 40’x40’ shop with living quarters.

2205 – PZ-2021-0261 – Allen Fenstermacker – Applicant/Landowner. Outlot 1 of the E1/2 of Section 24, Township 156 North, Range 91 West (Idaho Township) Parcel #180013500. 32’x60’ garage.

2206 – PZ-2021-0262 – Meggy Durfee – Applicant/Landowner. Outlot 2 in the S1/2SE1/4 of Section 24, Township 157 North, Range 91 West (James Hill) Parcel #110011401. 30’X76’ home.

2207 - PZ-2021-0227 – Curtis Edwards-Applicant/Landowner. Outlot 1 of the W1/2SW1/2 of Section 22, Township 154 North, Range 88 West (Osloe Township) Parcel #2900106505. 30’x76’ home, 30’x40’ garage and decks.

Permit 2203 was amended to add a 12’x30’ covered patio. Discussion was had on Permit 2207 to clarify that the landowner is removing the house currently on the property to place the new one.

Moved by Commissioner Hovda, seconded by Commissioner Hollekim to approve building permits 2202 through 2207 including the amendment to permit 2203. All present voted yes. Motion carried.

**Scott Harmstead-SRF Consulting Group: Update on Mountrail County Ordinance-Section Updates**

* Utilities Section
* Subdivision Regulation Section
* Fences and Walls
* Mineral Exploration and Mineral Production
* Temporary Housing/Workforce Housing (Minor)
* Temporary Housing/Workforce Housing (Major)
* Landfills

**ONGOING BUSINESS:**

Gravel Pits- Remains ongoing and administration is working on the report.

White Earth Bay- Administration is still waiting for State’s Attorney Enget’s report for Court Cases.

Green Acres Subdivision – No recent activity and still no Letter of Credit

Stanley Blaisdell RV Park – New entrance gate put up as of 9-14-21

Manitou RV Park-Administration is addressing the Conditional Use Permit that expired in 2016

**STAFF UPDATES**

1. Staff is working on a spreadsheet of the gravel pits that are still active in the county and are working on doing compliance checks on all gravel pits to see if there is any activity and seeing if they have been or need to be reclaimed.
2. Shooting Range has been in contact with the Planning & Zoning Department and is in the process of filling out forms. Administrator Vachal did question if this would be Recreational or Commercial for zoning purposes. They will be operating under a membership base. States Attorney Enget feels this would be considered Commercial. The board feels they need to look into No Blue Sky and also installing a permanent backstop and not a gravel one.
3. Manitou RV Park will be moving forward with addressing this RV Park as CUP has expired as of 9-26-2016
4. Administrator Vachal had questions for the board about the enforcement capabilities of the P&Z office under the new ordinance. States Attorney Enget brought up enforcing administrative fees that can be certified on property taxes. He will visit with Scott Harmstead about this and look into it some more.

**BOARD CONCERNS**

Commissioner Hollekim had a question about something she’s seen recently about TENORM and States Attorney Enget said he would look into this matter.

Commissioner Ruland had a concern about road haul agreements needing to include MHA because some of those roads aren’t under county control so Mountrail County Road & Bridge can’t sign off on those road haul agreements.

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

Accepted and approved this 22nd day of November 2021.

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\***