MINUTES

**Mountrail County Planning & Zoning Commission**

**October 28, 2024**

The meeting of the Mountrail County Planning & Zoning Commission was called to order at 8:30 a.m. by Chairman Charlie Sorenson with Commissioners Trudy Ruland, Cameron Tomjack, Jesse Weyrauch and Megan Fritel, Kirk Johnson and Doug Bratvold present. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County State’s Attorney Wade Enget and Mountrail County Auditor Stephanie Pappa. Absent were Commissioners Joan Hollekim and Arlo Borud.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Moved by Commissioner Ruland, seconded by Commissioner Weyrauch, to approve the Planning & Zoning Commission minutes of the September 23, 2024 meeting as corrected. All present voted yes. Motion carried.

**Approval of 2025 Planning & Zoning Application Fees**

Administrator Vachal presented the board with the current fee schedule stating there are no suggested changes as of right now. The Planning & Zoning Board will need to address the application fees for Data Centers and Battery Storage Facilities once the Land Development Code Amendment has been approved and will need to move to recommend those to the Mountrail County Commissioners for approval at a later date. A suggestion was made earlier this year by Administrator Vachal to address the fees for building permits specifically concerning Commercial and Industrial permits. Administrator Vachal feels that an increase specifically for Industrial permits would be beneficial because these types of permits require more work from administration and more site visits to ensure compliance. Commissioner Ruland suggested splitting Commercial and Industrial building permits into separate categories and to leave Commercial permits at $350 while increasing Industrial permits to $500. Commissioner Ruland also suggested the board eliminate the need to designate a value of the construction on all other building permits and leave that fee at $100.

Moved by Commissioner Ruland, seconded by Commissioner Tomjack to separate Commercial and Industrial building permits and to remove the requirement of the value of construction for all other building permits and to amend the application fees for building permits as follows: Industrial-$500, Commercial-$350, all others-$100. All present voted yes. Motion carried.

Administration has no other suggested changes for application fees until the committee for the amendment to the Land Development Code meets and the changes concerning Subdivision Letter of Credit, Data Centers and Battery Storage Facilities have been decided. Fees for those categories will be decided once the amendment is complete.

Moved by Commissioner Tomjack, seconded by Commissioner Ruland to make recommendation to the Mountrail County Commissioners to approve the amended fee schedule of the Mountrail County Planning & Zoning Board. All present voted yes. Motion carried.

1. **8:35 a.m. Troy Heinle-Applicant; Thomas & Jackie Heinle-Landowners; (PZ-2024-0354) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 104.06 acres more or less located in the S1/2SE1/4 of Section 15, Township 156 North, Range 94 West (Myrtle Township) (Parcel# 21-0007800)

The applicant (represented by Troy Heinle) is seeking a Conditional Use Permit to place a mobile home on land zoned Agricultural. The mobile home will be for temporary living quarters until Mr. Heinle is able to build a more permanent residence on the property which he expects to have done in a couple of years. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Ruland, seconded by Commissioner Weyrauch, to approve the zoning request filed by Troy Heinle with concurrence from Thomas & Jackie Heinle-landowners, for a Conditional Use Permit for the purpose of placing a mobile home on land zoned Agricultural on a tract of land 104.06 acres more or less located in the S1/2SE1/4 of Section 15, Township 156 North, Range 94 West (Myrtle Township) for a period of 5 years, expiring on 10-28-2029 with the option to revisit the situation if necessary at expiration, as Troy Heinle with concurrence from Thomas & Jackie Heinle-landowners, has met all other criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Troy Heinle with concurrence from Thomas & Jackie Heinle-landowners, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:38 a.m. Lorena Vergara & Rene Vergara Aguirre-Applicant; Get it Done Service & Repair LLC-Landowner; (PZ-2024-0356) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 0.64 acres more or less located in the N 46.05’ of Outlot 53 located in the SE1/4SE1/4 of Section 10, Township 156 North, Range 90 West (Palermo Township) (Parcel# 57-0019600)

The applicant (represented by Lorena Vergara) is seeking an Amendment to Zoning to re-zone land from Agricultural to Commercial for the purpose of annexing the additional footage that was platted & wasn’t part of the original zoning. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Weyrauch, seconded by Commissioner Johnson, to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Lorena Vergara & Rene Vergara Aguirre with concurrence from Get it Done Service & Repair LLC-landowner, for an amendment to change land zoned Agricultural to Commercial for the purpose of annexing the additional footage that was platted & wasn’t part of the original zoning on a tract of land 0.64 acres more or less located in the N 46.05’ of Outlot 53 located in the SE1/4SE1/4 of Section 10, Township 156 North, Range 90 West (Palermo Township) as Lorena Vergara & Rene Vergara Aguirre with concurrence from Get it Done Service & Repair LLC-landowner, have met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Lorena Vergara & Rene Vergara Aguirre with concurrence from Get it Done Service & Repair LLC-landowner, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:41 a.m. Lorena Vergara & Rene Vergara Aguirre-Applicant; Get it Done Service & Repair LLC-Landowner (PZ-2024-0357) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 2.91 acres more or less known as Outlot 51 located in the SE1/4SE1/4 of Section 10, Township 156 North, Range 90 West (Palermo Township) (Parcel# 57-0019600)

The applicant (represented by Lorena Vergara) is seeking an Amendment to Zoning to re-zone land from Commercial to Rural Residential for the purpose of building a home. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Ruland, seconded by Commissioner Tomjack, to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Lorena Vergara & Rene Vergara Aguirre with concurrence from Get it Done Service & Repair LLC-landowner, for an amendment to change land zoned Commercial to Rural Residential for the purpose of building a home on a tract of land 2.91 acres more or less known as Outlot 51 located in the SE1/4SE1/4 of Section 10, Township 156 North, Range 90 West (Palermo Township) as Lorena Vergara & Rene Vergara Aguirre with concurrence from Get it Done Service & Repair LLC-landowner, have met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Lorena Vergara & Rene Vergara Aguirre with concurrence from Get it Done Service & Repair LLC-landowner, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:44 a.m. Teresa Miller-Applicant/Landowner (PZ-2024-0360) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 0.20 acres more or less located in the NE1/4SE1/4 of Section 30, Township 156 North, Range 94 West, to be known as Outlot 3 of the NE1/4SE1/4 of Section 30, Township 156 North, Range 94 West (Myrtle Township) (Parcel# 21-0015600)

The applicant (represented by Brent Boeddeker with Ohnstad Twichell, P.C. in West Fargo) is seeking an Amendment to Zoning to re-zone a tract of land from Agricultural to Rural Residential for the purpose of selling the property. Administrator Vachal explained that there was an error made by the surveyor that platted Outlot 2 which resulted in the house and garage being cut off so State’s Attorney Enget suggested platting Outlot 3 to correct the mistake which is what needs to be re-zoned today. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Weyrauch, seconded by Commissioner Ruland, to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Teresa Miller for an amendment to change land zoned Agricultural to Rural Residential for the purpose of selling the property on a tract of land 0.20 acres more or less located in the NE1/4SE1/4 of Section 30, Township 156 North, Range 94 West, to be known as Outlot 3 of the NE1/4SE1/4 of Section 30, Township 156 North, Range 94 West (Myrtle Township) as Teresa Miller has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Teresa Miller complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

**City of Stanley Planning & Zoning Notice of Moratorium**

Regarding this notice, Administrator Vachal stated that in 2009 the Mountrail County Planning & Zoning Commission made a resolution and entered in to an agreement with the Planning & Zoning Commissions of the cities of Mountrail County that would allow them control over their extraterritorial zoning limits. It is because of this agreement that the City of Stanley Planning & Zoning Commission has provided Mountrail County with their own Notice of Moratorium on Data Centers & Battery Storage Facilities. Administrator Vachal informed the board that State’s Attorney Enget needs this board to reaffirm the written agreement under N.D.C.C. 40-47-01.1 that allows the City of Stanley Planning & Zoning Commission full control of the regulation of the entirety of the extraterritorial zoning limits to the exclusion of the Mountrail County Planning & Zoning Commission and to acknowledge the same action of the board at this meeting with a letter sent to the City of Stanley Planning & Zoning Commission memorializing said action. Amanda Dennis, Planning & Zoning Administrator for the City of Stanley, addressed the board stating that the city issued this letter to ensure that the City of Stanley is staying informed of this board’s actions and that someone from the city may attend public meetings to assure that the city and the county are presenting a united front on this issue. The City of Stanley has scheduled a City Council meeting on November 12, 2024 at 7 p.m. and welcomes anyone from the Mountrail County Planning & Zoning Commission to attend if they have any concerns that they would like heard.

**Temporary Water Permits – New – For Board Information Only**

PZ-2024-0340 – Donald & Theresa Heinle – Applicant/Landowner. State Water Permit #ND2024-22613. Period of Authorized usage: 9/27/2024 through 9/01/2025. Pump placement on a tract of land 51.14 acres more or less located in S1/2SW1/4 of Section 15, Township 156 North, Range 94 West (Myrtle Township) (16) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

**Lay Flat Hose Permits – For Board Information Only**

ASWS LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22473/PZ-2024-0341. Pumping of industrial water by lay flat hose: ASWS LLC – Applicant. Rice Ranch LLP – Landowner. SE1/4 of Section 34, Township 156 North, Range 94 West (Myrtle Township) ending in NE1/4NW1/4 (Gov’t Lot 3) of Section 3, Township 155 North, Range 94 (Unorganized Township).

ASWS LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22179/PZ-2024-0342. Pumping of industrial water by lay flat hose: ASWS LLC – Applicant. JamJam Blessings LLP – Landowner. SW1/4SE1/4 of Section 2, Township 156 North, Range 94 West (Myrtle Township) ending in NE1/4NE1/4 of Section 14, Township 156 North, Range 94 (Myrtle Township).

Streamline Water Services – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22033/PZ-2024-0343. Pumping of industrial water by lay flat hose: Streamline Water Services – Applicant. Ronald Rugland – Landowner. NW1/4NE1/4 (Gov’t Lot 2) of Section 32, Township 157 North, Range 94 West (Redmond Township) ending in NW1/4NE1/4 of Section 19, Township 157 North, Range 89 (Redmond Township).

Streamline Water Services – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22033/PZ-2024-0344. Pumping of industrial water by lay flat hose: Streamline Water Services – Applicant. Ronald Rugland – Landowner. NW1/4NE1/4 of Section 19, Township 157 North, Range 89 West (Redmond Township) ending in the N1/2NE1/4 of Section 24, Township 157 North, Range 90 (Clearwater Township).

Streamline Water Services – Lay Flat Hose Permit only – Permit Number – State Water Permit #6172/PZ-2024-0362. Pumping of industrial water by lay flat hose: Streamline Water Services – Applicant. Coteau Cattle LLP – Landowner. Outlot 1 of NW1/4NW1/4 of Section 15, Township 157 North, Range 90 West (Clearwater Township) ending in the N1/2NE1/4 of Section 24, Township 157 North, Range 90 (Clearwater Township).

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22226/PZ-2024-0348. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Evelyn P Miller Revocable Living Trust & Roger L Miller – Landowners. E1/2NE1/4 of Section 35, Township 157 North, Range 91 West (James Hill Township) ending in the SE1/4SE1/4 of Section 8, Township 156 North, Range 91 (Idaho Township).

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22112/PZ-2024-0351. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Evelyn P Miller Revocable Living Trust & Roger L Miller – Landowners. E1/2NE1/4 of Section 35, Township 157 North, Range 91 West (James Hill Township) ending in the NW1/4 less Outlot 4 of Section 17, Township 156 North, Range 91 (Idaho Township).

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22112 & ND2024-22226/PZ-2024-0350. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Evelyn P Miller Revocable Living Trust & Roger L Miller – Landowners. (Ties in with PZ-2024-0348 & PZ-2024-0351) SE1/4SE1/4 of Section 8, Township 156 North, Range 91 West (Idaho Township) ending in the SW1/4SW1/4 of Section 8, Township 156 North, Range 91 (Idaho Township).

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22112 & ND2024-22226/PZ-2024-0349. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Evelyn P Miller Revocable Living Trust & Roger L Miller – Landowners. (Ties in with PZ-2024-0348 & PZ-2024-0351) SE1/4SE1/4 of Section 8, Township 156 North, Range 91 West (Idaho Township) ending in the NE1/4NW1/4 of Section 8, Township 156 North, Range 91 (Idaho Township).

**Building Permits 2395-2398**

2395 – PZ-2024-0355 – Troy Heinle – Applicant. Thomas & Jackie Heinle – Landowner. Parcel #21-0007800. S1/2SE1/4 of Section 15, Township 156 North, Range 94 West. (Myrtle Township) 12’x60’ mobile home.

2396 – PZ-2024-0358 – Get it Done Service & Repair – Applicant/Landowner. Parcel #57-0019600. Outlot 51 located in the SE1/4SE1/4 of Section 10, Township 156 North, Range 90 West (Palermo Township) 15’x30’ deck.

2397 – PZ-2024-0361 – Trudy Ruland – Applicant. Scott & Trudy Ruland & William Ruland – Landowners. Parcel #47-0003000. SE1/4 of Section 25, Township 152 North, Range 93 West. (Unorganized Township) 50’x 100’ storage building.

2398 – PZ-2024-0374 – Kurt Myers – Applicant. Kurt & Michele Myers – landowner. Parcel #22-0005100. Outlot 2 of the NE1/4 & SE1/4 of Section 11, Township 155 North, Range 88 West. (Kickapoo Township) 48’x80’ barn.

Moved by Commissioner Fritel, seconded by Commissioner Johnson, to approve building permits 2395-2398. All present voted yes. Motion carried.

**ONGOING BUSINESS**

* Gravel Pits-remains ongoing; Administration working on report
* Green Acres Subdivision-no new activity; no new Letter of Credit; no activity regarding plan of action
* Subdivision Letter of Credit
* Data Centers
* Battery Storage Facilities

**STAFF UPDATES**

* + Administrator Vachal presented an update regarding the NDACo Conference she recently attended. There was a round table meeting of County Planning Administrators from several other counties and some of the topics discussed were Data Centers and Battery Storage Facilities in which Administrator Vachal informed those in attendance of the moratorium by Mountrail County. Some of these administrators may be attending future meetings of this board for informational purposes. Administrator Vachal also attended a class called *Zoning Decisions in a World of Economic Development* which was presented by North Dakota Public Service Commissioner Randy Christmann, North Dakota Agriculture Commissioner Doug Goehring and Morton County Planning & Zoning Director Natalie Pierce.
  + SRF is working on a correction to the contract and will be submitting it to the Mountrail County Commissioners for approval. Administration has sent letters to all township officers, city boards, and the Three Affiliated Tribes offices informing them of the moratorium and that the board welcomes them all to attend the meetings once they are scheduled. Meeting dates for the committee for the amendment to the Land Development Code will be set following the approval of the contract with SRF.
  + Mountrail County has been part of a study on feeding operations: Rural Development Site Analysis on the Large Animal Feeding Operations. GIS maps were sent to all involved administrators for them to go through and to make any necessary updates or changes. Administration has gone through Mountrail County’s map and reported a couple minor changes. They will be wrapping up the study soon and setting up meetings with the Mountrail County Commissioners. This study will help pinpoint areas where large animal feeding operations will be best located.
  + We have received a letter from Bryan Zacher regarding a gravel mining pit located in the SW1/4 of Section 7, Township 153 North, Range 90 West directing the board to release the Certificate of Deposit with Cornerstone Bank. The letter is to release D&L Construction Inc. as Mr. Zacher states the site meets his specifications and there are no gravel stock piles left on site.
    - Moved by Commissioner Ruland, seconded by Commissioner Weyrach, to release the Certificate of Deposit with Cornerstone Bank regarding D&L Construction Inc. as the Mountrail County Planning & Zoning has received notification that the gravel mining pit has been properly reclaimed and released by the landowner. All present voted yes. Motion carried.
  + Administration received a letter from the Department of Energy regarding a Presidential Permit that Basin Electric Power Cooperative is seeking for a transmission line that will run from Wheelock up to the Canadian border. Administrator Vachal will attend this meeting in Tioga on October 30th, 2024.

**BOARD CONCERNS**

None.

The Board adjourned at 9:26 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, November 25, 2024,** at 8:30 am via GOTOMEETING or in the Commissioners Room at the Mountrail County Courthouse.

Accepted and approved this 25th day of November, 2024.

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\***