MINUTES

**Mountrail County Planning & Zoning Commission**

**November 22, 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 Joan Hollekim, Arlo Borud, Roger Hovda, Zachary Gaaskjolen, and Trudy Ruland 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 Property Assessor Kim Savage. Absent were Commissioners Gary (Fritz) Weisenberger, Thomas Nash, and Thomas Bieri.

**Approval of Agenda**

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

**Approval of Minutes**

Moved by Commissioner Hollekim, seconded by Commissioner Ruland to approve the Planning and Zoning Commission minutes of the October 25, 2021 meeting as corrected. All present voted yes. Motion carried.

1. **8:35 a.m. Jonathan & Sandra Johnson-Applicants; Mountrail County Park Board-Landowner (PZ-2021-0281) Variance**

Variance Application request for the following described property: a tract of land described as Lease Lot 4 Block 2 Traynor Park, also known as Lot 4 Block 7 of Olsen’s First Addition to Van Hook located in the SW1/4 of Section 29, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450014101)

The applicant (represented by Jonathan Johnson) is seeking a Variance to build a 28’x36’ garage with a 0’ setback on the west side of a leased lot zoned Rural Recreational. Discussion was had on the garage being kept in line with the other garages on the street. Adjacent landowners Mike Luther and Kathy Beard were present to discuss Mr. Johnson’s plans regarding his trailer and whether the water well will be affected. The board made the applicant aware that they are not to have an apron on the driveway. 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 Jonathan & Sandra Johnson with concurrence from Mountrail County Park Board, landowner for a variance request for a 0’ setback rather than the required 25’ setback on the west side for the construction of a 28’x36’ garage on land zoned Rural Recreational described Lease Lot 4 Block 2 Traynor Park, also known as Lot 4 Block 7 of Olsen’s First Addition to Van Hook located in the SW1/4 of Section 29, Township 152 North, Range 91 West (Van Hook Township) as Jonathan & Sandra Johnson 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 Jonathan & Sandra Johnson 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 side street is 80’ in width. All present voted yes. Motion carried.

1. **8:40 a.m. Ruach Resources LLC-Applicant; Fred Sorenson-Landowner (PZ-2021-0282) Conditional Use Permit**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 80 acres, more or less, in the N1/2SE1/4 & SE1/4NE1/4 of Section 4, Township 154 North, Range 94 West (Unorganized Township) (Parcel# 35001900)

The applicant (represented by Samuel Dyk of Ruach Resources LLC) is seeking a Conditional Use Permit to use land zoned Agricultural to mine gravel. Chairman Sorenson did not participate in this discussion. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Gaaskjolen to approve the zoning request filed by Ruach Resources LLC with concurrence from Fred Sorenson, landowner 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 80 acres, more or less, in the N1/2SE1/4 & SE1/4NE1/4 of Section 4, Township 154 North, Range 94 West (Unorganized Township) for a period of five (5) years expiring on 11-30-2026, contingent upon a $125,000 letter of credit payable to Mountrail County and renewed on 4-2-2022 and yearly thereafter during the term of the Conditional Use Permit as well as a current haul road agreement with Mountrail County Road & Bridge providing road maintenance and/or dust control of the roads and pit area when necessary, as Ruach Resources LLC with concurrence from Fred Sorenson, landowner has met all other criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Ruach Resources LLC with concurrence from Fred Sorenson, landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Commissioners Hollekim, Borud, Hovda, Gaaskjolen, and Ruland voted yes. Chairman Sorenson abstained. Motion carried.

1. **8:45 a.m. Gravel Products Inc.-Applicant; Robert & Jerrolyn Wirtz-Landowners (PZ-2021-0280) Conditional Use Permit**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 59 acres, more or less, in the N1/2SW1/4 of Section 19, Township 156 North, Range 88 West (Egan Township) (Parcel# 150010800)

Moved by Commissioner Ruland, seconded by Commissioner Hovda, to table to the call of the chair due to lack of attendance. All present voted yes. Motion carried.

The applicant (represented by Tore Knudson of Gravel Products Inc.) joined the meeting immediately after this was tabled.

Moved by Commissioner Ruland, seconded by Commissioner Hovda, to un-table to the call of the chair once applicant joined the meeting. All present voted yes. Motion carried.

The applicant (represented by Tore Knudson of Gravel Products Inc.) is seeking a Conditional Use Permit to use land zoned Agricultural to mine gravel. 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 Gravel Products Inc. with concurrence from Robert & Jerrolyn Wirtz, 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 59 acres, more or less, in the N1/2SW1/4 of Section 19, Township 156 North, Range 88 West (Egan Township) for a period of four (4) years expiring on 9-16-2025, 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 Egan Township providing road maintenance and/or dust control of the roads and pit area when necessary, as Gravel Products Inc. with concurrence from Robert & Jerrolyn Wirtz, 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 Gravel Products Inc. with concurrence from Robert & Jerrolyn Wirtz, landowners complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:50 a.m. August (Gus) Neumann-Applicant; Mark & Cheryl Lee-Landowners (PZ-2021-0284) Amendment**

Amendment to Zoning request for the following described property: a tract of land described as Lot 5, Block 21 Lake Sanish Addition to the Village of Sanish located in the N1/2 of Section 23, Township 152 North, Range 93 West (Unorganized Township) (Parcel# 470014110)

The applicant (represented by August Neumann) is seeking an Amendment to Zoning to re-zone a tract of land from Agricultural to Industrial for the purpose of operating an auto salvage operation. Discussion was had on whether or not there are other industrial operations in this area and whether there are any residences near this lot. Additional discussion was had on how Mr. Neumann operates the salvage yard and if he stores these vehicles or just crushes them and moves them out. Administrator Vachal presented the board with e-mails submitted by adjacent landowners Alan Seitzer & Holly Weninger against the salvage yard. The board will move to deny this application because there are too many limitations for a salvage operation and the lot being too small for this kind of operation.

Moved by Commissioner Hovda, seconded by Commissioner Hollekim to make recommendation to the Mountrail County Commissioners to deny the zoning request filed by August (Gus) Neumann with concurrence from Mark & Cheryl Lee, Landowners for an amendment to change land zoned Agricultural to Industrial for purpose of operating an auto salvage operation on a tract of land described as Lot 5, Block 21 Lake Sanish Addition to the Village of Sanish located in the N1/2 of Section 23, Township 152 North, Range 93 West (Unorganized Township). All present voted yes. Motion carried.

1. **8:55 a.m. August (Gus) Neumann-Applicant; Mark & Cheryl Lee-Landowners (PZ-2021-0285) Conditional Use Permit**

Zoning Request/Conditional Use Permit for the following described property: a tract of land described as Lot 5, Block 21 Lake Sanish Addition to the Village of Sanish located in the N1/2 of Section 23, Township 152 North, Range 93 West (Unorganized Township) (Parcel# 470014110)

The applicant (represented by August Neumann) is seeking a Conditional Use Permit to use land zoned Agricultural for the purpose of operating an auto salvage operation. The board will move to deny this application due to the reasons noted in the discussion of the amendment application. Applicant will have until 12-31-2021 to move everything off of the lot.

Moved by Commissioner Hovda, seconded by Commissioner Ruland to set a deadline of 12-31-2021 for August (Gus) Neumann to have everything associated with the auto salvage operation moved off of the property. All present voted yes. Motion carried.

Moved by Commissioner Hovda, seconded by Commissioner Ruland to deny the zoning request filed by August (Gus) Neumann with concurrence from Mark & Cheryl Lee, landowners for a Conditional Use Permit to use land zoned Agricultural for the purpose of operating an auto salvage operation on a tract of land described as Lot 5, Block 21 Lake Sanish Addition to the Village of Sanish located in the N1/2 of Section 23, Township 152 North, Range 93 West (Unorganized Township). All present voted yes. Motion carried.

1. **9:00 a.m. Cates Earth Science Technologies Inc.-Applicant; David Hilleren-Landowner (PZ-2021-0286) Conditional Use Permit**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 10 acres, more or less, in the NW1/4NW1/4 of Section 2, Township 150 North, Range 92 West (Unorganized Township) (Parcel# 540000400)

The applicant (represented by Steve Cates of Cates Earth Science Technologies Inc.) is seeking a Conditional Use Permit to use land zoned Industrial to renovate an existing water depot. Discussion was had on the location of the depot in regards to the nearest paved road, the estimated truck traffic in and out of the depot, and also about another truck depot that is already in the area. David Hilleren, landowner, was present for discussion to assure the board there hadn’t been any issues with nearby landowners the last time this depot was in use and that there is an approach from the paved road that will need some work in order to be utilized for access to the property. Applicant has met all requirements of the Planning & Zoning Board contingent upon the applicant obtaining an approved approach permit by Mountrail County or approval from Three Affiliated Tribes.

Moved by Commissioner Hovda, seconded by Commissioner Gaaskjolen to approve the zoning request filed by Cates Earth Science Technologies Inc. with concurrence from David Hilleren, landowner for a Conditional Use Permit to use land zoned Industrial to renovate an existing water depot on a tract of land 10 acres, more or less, in the NW1/4NW1/4 of Section 2, Township 150 North, Range 92 West (Unorganized Township) for a period of five (5) years, contingent upon the applicant obtaining an approved approach permit by Mountrail County or approval from Three Affiliated Tribes as well as a current haul road agreement with Mountrail County Road & Bridge and Three Affiliated Tribes providing road maintenance and/or dust control of the roads and pit area when necessary, as Cates Earth Science Technologies Inc. with concurrence from David Hilleren, landowner has met all other criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Cates Earth Science Technologies Inc. with concurrence from David Hilleren, landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

**Building Permits**

2208 – PZ-2021-0283 – Jonathan & Sandra Johnson – Applicant. Mountrail County Park Board-Landowner. Lease Lot 4 Block 2 Traynor Park also known as Lot 4 Block 7 of Olsen’s First Addition of Van Hook in the SW1/4 of Section 29, Township 152 North, Range 91 West (Van Hook Township) Parcel #450014101. 27’x52’ mobile home with deck and 28’x36’ garage.

2209 – PZ-2021-0287 – Michael Patterson – Applicant. Ann Nelson, Trustee of the Alfred L and Margaret M Royer Irrevocable Family Trust - Landowner. Outlot 1 located in the NE1/4SE1/4 of Section 16, Township 156 North, Range 94 West (Myrtle Township) Parcel #210008305. 20’x36’ Garage.

2210-PZ-2021-0288 – Roers Construction Joint Venture – Applicant. Lot 1 Block 1 of Tollefson First Addition located in the SW1/4SE1/4 of Section 17, Township 152 North, Range 91 West (Van Hook Township) Parcel #450008901. Remodeling of gas station/C-store.

Moved by Commissioner Ruland, seconded by Commissioner Hovda to approve building permits 2208 through 2210. All present voted yes. Motion carried.

**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**

Thomas Bieri’s term expires on 12-31-2021 and the Auditor’s Office has not heard from him yet. Administration will ask Heather Greenlee in Auditor’s office to get in touch with County Commissioner Jason Rice about this since Thomas Bieri represents his district. This will need to go on the agenda for the Mountrail County Commissioner meeting.

Next steering committee meeting for the Land Development Code is set for December 17th from 9:00 a.m. to 1:00 p.m.

Planning & Zoning staff will be having a meeting with ENEL Green Power North America, Inc. They have a project coming our way for wind power. They want to go over their plan and ideas and make sure they have everything into place once they are able to move forward. This meeting is set to be December 9th at 2:00 p.m.

**BOARD CONCERNS**

Commissioner Ruland had a concern about the zoning in the Sanish area. Discussion was had on getting a draft map of the area and doing some amendments to the zoning of the area as it all is zoned Ag.

The Board adjourned at 10:17A.M.

Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, December 27th, 2021,** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

Accepted and approved this 27th day of December 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\***