MiNUTES

**Mountrail County Planning & Zoning Commission**

**November 23, 2020**

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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, Gary (Fritz) Weisenberger, Arlo Borud, Joan Hollekim, Roger Hovda, Trudy Ruland, Thomas Bieri and Zachary Gaaskjolen

**Also present:** Lori Hanson, Mountrail County Tax Director, Kim Savage, Jana Hennessy, Mountrail County Road & Bridge, Melissa Vachal, Planning & Zoning Administrator, Linda Wienbar, Planning & Zoning Assistant, and Wade Enget, Mountrail County States Attorney.

**Absent:** Board member Thomas Nash

**Public attending:** Rodney Johnson, Mountrail Williams Electric Coop.

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| **Approval of Agenda** |

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

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| 8:35 a.m.  *Plat Review* | R & K Family Farms LLLP - Landowner  Gary L. Johnson - Landowner |

**Location:** Legal Description: A Tract 56.89 acres, more or less, in the N1/2NE1/4 Section 32, Township 152 North, Range 90 West to be known as Outlot 2 of the N1/2NE1/4 (Parshall Township)

**Parcel #: 44-0014700**

**Number of Certified mailing receipts provided:** 4 Certified Receipts Received

**Purpose**: Discuss an Outlot Plat Review Application 35+ acres filed by R & K Family Farms LLLP; Gary L. Johnson/owner and Rodney G. Johnson / Trustee.

**Present:** Rodney Johnson

**Discussion:** Rodney Johnson was present to discuss the plat and stated it is being platted for the purpose of selling the tract. Commissioner Hollekim asked what the land is currently zoned as. Melissa Vachal, Planning & Zoning Administrator, stated it is Ag land. Rodney Johnson clarified that this tract is not the man camp that is currently there and that it is the tract that was a gravel pit. Commissioner Hollekim asked if all department heads had been able to review the plat and Mrs. Vachal stated that yes, all department heads have reviewed it and that the finalized plat has been brought in.

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Weisenberger, to approve the zoning request of platting an outlot of land over 35.01 acres filed by R & K Family Farms LLLP; Gary L. Johnson/owner and Rodney G. Johnson/Trustee for a Tract 56.89 acres more or less, located in the N1/2NE1/4 Section 32, Township 152 North, Range 90 West to be known as Outlot 2 of the N1/2NE1/4 **(Parshall Township)**. R & K Family LLLP and Gary L Johnson has met all criteria as set forth in Mountrail County Subdivision Resolution. Upon roll call, all present voted yes. Motion carried.

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| 8:40 a.m.  *Amendment* | Omar Enterprises LLC  Twyla Thorlaksen-Horvath – applicant |

**Location:** Legal Description: N1/2NW1/4 Less Outlot 1 and Outlot 2 Section 35, Township 156 North, Range 92 West (Ross Township)

**Parcel #: 19-0016900 & 19-0016950**

**Number of Certified mailing receipts provided:** 4 Certified Receipts Received

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

**Present:** Twyla Thorlaksen-Horvath

**Discussion:** Twyla Thorlaksen-Horvath was present to discuss the zoning amendment application. Ms. Thorlaksen-Horvath stated that of the original 80 acres that was zoned industrial, Outlots 1 and 2 were platted and recorded and one was zoned commercial and the other was zoned industrial and they would like the remaining unplatted land to be rezoned back to Agricultural.

**Motion:** Moved by Commissioner Hollekim, seconded by Commissioner Borud, to make recommendation to the Mountrail County Commissioners to approve the zoning request application, filed by landowner, Omar Enterprises LLC by Property Manager, Twyla Thorlaksen-Horvath, for an amendment to re-zone, 80 acres more or less described as the N1/2NW1/4 Less Outlot 1 and Outlot 2 of Section 35, Township 156 North, Range 92 West **(Ross Township)** from Industrial to Agricultural for the purpose of placing this land back into ag land as Omar Enterprises LLC has met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Omar Enterprises LLC complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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| 8:45 a.m.  *Variance* | Don and Becky Opozda - Applicants |

**Location:** Legal Description: Lot 2 Block 5 of Olsen’s 2nd Addition to the Village of Van Hook; Also known as Lot 11B Block 4 of the lease unit plat located in SW1/4 of Section 29, Township 152 North, Range 91 West (Van Hook Township)

**Parcel #: 45-0014101**

**Number of Certified mailing receipts provided:** 12 Certified Receipts Received

**Purpose**: Discuss a Zoning Request for a Variance of a 5’ setback on the north side yard of lot.

Present: Don and Becky Opozda

**Discussion:** Don and Becky Opozda were present to discuss the variance request. Mr. Opozda stated that they have a building permit to replace the structure currently on the lot with a new one that is 1’ wider than the current structure. Commissioner Borud asked to clarify that they are asking to change the current setback from 7.5’ to 5’.

Chairman Sorenson asked where this trailer is located and Melissa Vachal, Planning & Zoning Administrator explained that they are the end lot. Commissioner Hollekim expressed the importance of the trailer not going over the lot lines and also expressed some concern over how tight the spaces could get with a 5’ setback but because there is no other houses on the north side and it is only trees it isn’t as big of an issue with this lot. Chairman Sorenson would like a note made that this is being allowed because they are replacing an older structure with a newer one and that because this is an end lot and there aren’t any neighboring houses on the north side of this lot where they are asking for the variance.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Hovda, to approve the zoning request filed by Don and Becky Opozda for a variance of a 5’ setback on the north side yard of lot for placement of a new trailer located in Lot 2 Block 5 of Olsen’s 2nd Addition to the Village of Van Hook; Also known as Lot 11B Block 4 of the lease unit plat located in SW1/4 of Section 29, Township 152 North, Range 91 West (Van Hook Township) as Don and Becky Opozda have met all criteria as set forth in Article IV, Section V, of the Mountrail County Zoning Ordinance and is further contingent upon Don and Becky Opozda complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Facts of Finding are due to being an end lot and replacing a new trailer. Upon roll call, all present voted yes. Motion carried.

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| 8:50 a.m.  *Conditional Use and Variance* | Mountrail Williams Electric Cooperative  Applicants  Adjacent Landowners – Landowners |

**Location:** Legal Description: E1/2E1/2 Sections 13 & 24, Township 153 North, Range 93 West (Unorganized Township)

**Parcel#: 40-0003705**

**Number of Certified mailing receipts provided:** 0 CERTIFICATIONS REQUIRED AS THEY HAVE RECEIVED EASMENTS FROM LANDOWNERS

**Purpose**: Discuss a Conditional Use Permit request filed by Mountrail Williams Electric Cooperative with concurrence from the adjacent landowners, for a conditional use permit for a cooperative overhead power line, and a variance for a setback from the edge of the road referred to as 90th Avenue NW.

**Present:** Mountrail Williams Electric Cooperative

**Discussion:** Chris Brostuen with Mountrail Williams Electric Cooperative was present to discuss this matter. Also present were Leon Brackie, registered surveyor for Mountrail Williams Electric Cooperative, and Kyle Sorenson, engineer for Mountrail Williams Electric Cooperative. Mountrail Williams Electric Cooperative has acquired easements to build the powerline in sections 13 and 24 adjacent 90th Avenue NW and they were under the impression that because the road they are near is a township road that they only needed to be 33’ from the centerline of the road. Mr. Brostuen understands the board’s concern with the poles being too close to the section line road but feels the need to be 75’ from the centerline would be too large of a burden on Mountrail Williams Electric Cooperative in obtaining the easements for their powerline. Mr. Brostuen stated that they have never had to use eminent domain for right-of-way for utilities and would like to continue to not have to do that to landowners. Chairman Sorenson asked for clarification on what variance Mountrail Williams Electric Cooperative is asking for. Mr. Brostuen stated that they want to be between 40’ and 50’ off of the section line. Leon Brackie, registered surveyor for Mountrail Williams Electric Cooperative, stepped in to state that they are currently staked for this powerline at 50’ off of the section line and stated that the variance they submitted is for 45’ from the centerline of the road. Mr. Brackie is asking for clarification on where in the Century Code and County ordinance as he can’t find documentation on the 75’ right of way from the section line so that they can show it to landowners when asked why they have to be so far off the section lines into their fields. Commissioner Ruland stated her concerns with this is the cost to the taxpayers when they have to move the poles when it comes time to improve roads for the safety of the public. Chairman Sorenson referenced the resolution and it states that Mountrail County has a 150’ setback from section lines in ag land and states the county has been lax in some cases where it benefits everyone but not usually from substation to substation. Mr. Brackie stated from what he could see that the resolution seems to be more for buildings and that he couldn’t find where it says anything about utilities. Commissioner Ruland expressed concern again about the placement of some poles that are currently 36’ off the centerline that have caused issues with county road workers being able to move snow off the road and the safety issues with drivers on the road that those poles could cause. The issue comes down to a safety issue as its in the clear zone. Chairman Sorenson stated he believes in an unorganized township unless they’ve purchased the 75’ right of way that it is still 33’ and he doesn’t believe they’ve done that but that they need to be looking at if they are causing more harm to the road or the agricultural needs where the poles end up being placed. Mr. Brackie agreed to getting back to the fence line would be a good rule and would solve the safety concerns and would eliminate questions by the landowner. Commissioner Ruland stated that they should be back to the fence line to alleviate some issues with landowners and also addresses the safety risk with the poles being too close to the road. Wade Enget, Mountrail County States Attorney, stated that he agrees that they need to look at what is right in regards to the zoning ordinance and that if there is a change made to the setback that it’s done within the rules of the planning & zoning board and the county commission. Commissioner Ruland stated by looking at some pictures that were presented by Road & Bridge that some poles have been placed outside of the fence in the ditch but he doesn’t know why the fence was placed where it was if it was because of an easement or not. Commissioner Borud asked if Mountrail Williams Electric Cooperative would be willing to move some poles so that they are inside of the fence line. Mr. Brostuen and Mr. Brackie said they would do whatever they needed to do. Mr. Brackie said he did go out there with Jana Hennessy, Mountrail County Road & Bridge, to stake the portion of poles that are in question to be moved 6’ behind the property owners side of the fence line but that they would still only be 38’ to 40’ off of the centerline in those cases. Chairman Sorensen stated that the variance would probably need to be refunded to them because they aren’t variating from anything and asked for clarification on what they need the conditional use permit for. Mr. Brostuen with Mountrail Williams Electric Cooperative stated the line is a 115KB line and because of the high voltage Mountrail Williams Electric Cooperative provides is essentially a distribution line and not just a transmission line. This line would not be used to tap into with a home. Chairman Sorenson feels this would fall into a conditional use because of the size. Chairman Sorenson asked if all landowners have been contacted and Melissa Vachal, Planning and Zoning Administrator stated yes all landowners have been contacted. Chairman Sorenson asked if there were any other discussion. Commissioner Hollekim asked States Attorney Enget whose responsibility it will be to move the power poles if the road needs work. States Attorney Enget stated he can’t answer that right now because he doesn’t know what right-of-way the county has there. If the poles are placed within the right-of-way that the county has and the county commission gives permission to do so, the cost comes back to the commission but he can’t answer for planning and zoning purposes because he doesn’t know what right-of-way the county has right now. Commissioner Ruland asked States Attorney Enget about a 75’ setback from county roads and whether or not that applies here. States Attorney Enget says there is a 150’ or 250’ setback but that is for buildings and we have to look at what the right-of-way is and that it varies and he doesn’t have the documents on what that is right now. Mr. Brackie stated he does have those documents and that it is considered a township road and not a county road so it falls under the 33’ right-of-way and that the law regarding transmission lines needing to be 75’ from the centerline of the road doesn’t apply here because it is not a county road. Mr. Brackie stated that counties are only allowed so many miles of county roads that need to be approved by the State Highway Department. Mr. Brackie also state he wants clarification on this issue, not just for this project, but for all going forward because he wants to do right by the county commission and the landowners. Commissioner Hollekim states she disagrees with his statement on county roads regarding the State Highway Department because there are some county roads not on the FAS system and that they are clearly county roads but that she isn’t disputing that the road being discussed is a township road. Commissioner Ruland says that our county engineer has the county road map to determine what roads are county roads and that this is clearly a township road. Commissioner Ruland’s concern is still that even though they are legally within the 33’ prescribed setback, the road they’re on is heavily trafficked and the road is wider than normal because it needs to be to allow for semi-trucks to pass each other and she still feels the poles are too close for public safety. Chairman Sorenson stated while discussion was going on, he went to the GIS and looked at what the zoning and right-of-way shows on there and he can see a 33’ right-of-way. Commissioner Borud asked if all poles will be placed outside of the landowners fence line and Mountrail Williams Electric Cooperative answered yes they would be. Chairman Sorenson asked again if there was any more discussion.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Weisenberger, to approve the zoning request filed by Mountrail Williams Electric Cooperative with concurrence from adjacent landowners for a conditional use permit for a cooperative overhead power line and to refund the unneeded variance fee on a tract of land located in the E1/2E1/2 Sections 13 & 24, Township 153 North, Range 93 West (Unorganized Township) as Mountrail Williams Electric Cooperative has met all criteria as set forth in Article IV, Section IV in the Mountrail County Zoning Ordinance and is further contingent up Mountrail Williams Electric Cooperative with concurrence from adjacent landowners complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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| 8:55 a.m.  *Variance* | Brian Rice, Applicant and Landowner  Parcel#210009900 |

**Location:** Legal Description: N1/2NE1/4NE1/4 Section 18, Township 156 North, Range 94 West (**Myrtle Township)**

**Number of Certified mailing receipts provided:** 1 Certified Receipts Received

**Purpose**: Discuss a zoning request filed by Brian Rice landowner. For a variance request to place a pole barn with a variance of 50’ rather than the 150’ setback from center of the section line.

**Present:** Brian Rice

**Discussion:** Chairman Sorenson un-tabled the discussion that was tabled at the October 26, 2020 meeting. Chairman Sorenson asked Brian Rice what progress he has made since the last meeting when this was tabled. Mr. Rice stated that the road is no longer in use by anyone but himself and some oil company and that he has been in contact with Rick Hornaday about getting the tract platted. Melissa Vachal, Planning & Zoning Administrator, stated Mr. Rice attended the last county commission meeting asking to be granted the right-of-way of on the south and north side of the section line and that the commission did make a motion to grant him this as long as he plats the right-of-way at his own cost. Commissioner Hollekim stated that the county will not have any right-of way or responsibility in the right-of-way on that section line and that it isn’t maintained by the county anyway.

**Motion:** Moved by Commissioner Hollekim, seconded by Commissioner Borud, to approve the zoning request filed by Brian Rice landowner for a variance request to place a pole barn with a variance of 50’ rather than the 150’ setback from center of the section line on a tract of land described as N1/2NE1/4NE1/4 Section 18, Township 156 North, Range 94 West (**Myrtle Township)** as Brian Rice has met all criteria as set forth in Article IV, Section V, of the Mountrail County Zoning Ordinance and is further contingent upon Brian Rice platting the right of way for the County to Deed over to Brian Rice and complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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| 9:00 a.m.  *Temporary Use Permit* | H2O Connections, LLC, Applicant  Curt and Summer Meyer, Landowners  Parcel#280012200 |

**Location:** Legal Description: SE1/4 Section 27, Township 155 North, Range 94 West (**Unorganized Township)**

**Number of Certified mailing receipts provided:** 4 Certified Receipts Received

**Purpose**: Discuss a Temporary Use Permit request filed by H2O Connections, LLC with concurrence from Curt and Summer Meyer landowners, for a temporary water depot for transferring industrial water by lay flat hose

**Present:** Jaret Wirtz, DBA H2O Connections, LLC

**Discussion:** Chairman Sorenson un-tabled the discussion that was tabled at the October 26, 2020 meeting. Chairman Sorenson asked if all they were waiting for was the water permit and if Summer Meyer signed it. Melissa Vachal, Planning & Zoning Administrator stated that yes and the permit was received and Summer Meyer has signed it.

**Motion:** Moved by Commissioner Weisenberger, seconded by Commissioner Borud, to approve the zoning request filed by H2O Connections, LLC with concurrence from Curt and Summer Meyer, landowners, for a temporary conditional use permit for a Temporary Freshwater Industrial Use Point of Diversion to pump water from tract of land described as the: SE1/4 Section 27, Township 155 North, Range 94 West (**Unorganized Township)** contingent on adhering to the ND State Water Permit ND2020-20313 valid October 26, 2020 through March 31, 2021 using only flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when applicable as H2O Connections, LLC with concurrence from Curt and Summer Meyer, landowners has met all criteria as set forth in Article II, Section XVI and Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon H2O Connections, LLC with concurrence from Curt and Summer Meyer, landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

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| 9:05 a.m.  *Temporary Use Permit* | H2O Connections, LLC, Applicant  Curt and Summer Meyer, Landowners  Parcel#280009500 |

**Location:** Legal Description: NE1/4 Section 21, Township 155 North, Range 94 West (**Unorganized Township)**

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

**Purpose**: Discuss a Temporary Use Permit request filed by H2O connections, LLC with concurrence from Curt and Summer Meyer landowners, for a temporary water depot for transferring industrial water by lay flat hose.

**Present:** Jaret Wirtz, DBA H2O Connections, LLC

**Discussion:** Chairman Sorenson un-tabled the discussion that was tabled at the October 26, 2020 meeting. Chairman Sorenson asked if all they were waiting for was the water permit and if Summer Meyer signed it. Melissa Vachal, Planning & Zoning Administrator stated that yes and the permit was received and Summer Meyer has signed it.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Hovda, to approve the zoning request filed by H2O Connections, LLC with concurrence from Curt and Summer Meyer, landowners, for a temporary conditional use permit for a Temporary Freshwater Industrial Use Point of Diversion to pump water from tract of land described as the: NE1/4 Section 21, Township 155 North, Range 94 West (**Unorganized Township)** contingent on adhering to the ND State Water Permit ND2020-20312 valid December 1, 2020 through March 31, 2021 using only flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW Use requirements when applicable as H2O Connections, LLC with concurrence from Curt and Summer Meyer, landowners has met all criteria as set forth in Article II, Section XVI and Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon H2O Connections, LLC with concurrence from Curt and Summer Meyer, landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

**Western Dakota Energy Association & AE2S Nexus**

*Presenters: Geoff Simon and Brent Boger*

**Discussion:** Mr. Simon began the discussion on landfills and where oil waste is going. He states that a working group has been formed to work on this and they’ve gathered all of the zoning ordinances in the state to look at where everyone stands and what consistency or differences they have. They’ve found that there are 12 landfills in western ND that accept Technologically Enhanced Occurring Radioactive Material (TENORM) waste right now that may not be properly constructed to handle it. Mr. Boger state that the goal of this study and the recommendations were for a working group to be formed with the big 4 oil counties to work towards uniformity when dealing with waste in the state. They will be reviewing all of the zoning ordinances and looking at conditional use permits and what requirements Mountrail County might have vs other counties and look at the considerations of the landfills and ensure that not everything ends up going to one county because some might be more strict than others. This is to ensure that the waste stays closer to its source and not being trucked all over the place because right now most of it is being hauled out of state. Mr. Boger states the goal is to look at where the landfills are sited that will make sense from both a public safety standpoint and an industry use standpoint. Mr. Boger states there is a new process under way called a slurry injection well and is permitted and drilled and the facility is under construction in McKenzie County which will change how much capacity the state needs for this waste. Right now 92,000 tons are produced annually. The state would still require 4 landfills as each landfill can only handle 25,000 ton per year. Mr. Boger asked if there were any questions from the board. Chairman Sorenson stated there are two industrial waste landfills permitted in Mountrail County but neither have been constructed yet. Chairman Sorenson also stated that our ordinances are somewhat archaic and are undergoing a re-write and should be changed by next summer. Commissioner Ruland states that before the 2 landfills were permitted that Mountrail County had a moratorium and the rules on the special landfills were re-written at that time and so the ordinances on them aren’t that archaic as they were re-written in 2016 she believes. Chairman Sorenson stated that the ordinances are at least 8 years old. Chairman Sorenson believes the Black Mallard landfill that is one of the ones that hasn’t been constructed yet but is permitted may fall under the category of being able to handle TENORM waste. Mr. Boger stated ND Department of Environmental Quality (DEQ) requires special permitting to handle TENORM. Commissioner Ruland states that Black Mallard has contacted the county regarding plans for the cost of the inspector because in the conditional use they are required to fund a 3rd party inspector. Commissioner Ruland states the county does have a limit on how much TENORM can be allowed into that special landfill but doesn’t remember the number right now. Commissioner Ruland thanked Mr. Simon and Mr. Boger for coming to the board because she does feel we need to cooperate with other counties on this so that our county isn’t so strict that all of the waste is going to other counties or so lax that all of the waste is coming to our county and to forward any questions the board may have to her since she is part of the working group representing Mountrail County. Commissioner Hollekim stated she remembered the board adding a lot of extra stipulations to the Black Mallard permit that weren’t in the actual ordinance and that could be useful when working on the ordinances going forward. Wade Enget, Mountrail County States Attorney stated the ordinance states “any other regulations as set forth” and that is where they added the extra conditions to the conditional use regarding the specifics of what could and couldn’t be disposed there and the on-site inspector, they needed a double layer on the pit itself, among many other things. Commissioner Hollekim asked that the working group isn’t deciding locations for landfills and that they are just working on having similar regulations. Mr. Boger stated that is correct and the point of the study isn’t to pinpoint specific locations because that should stay at the local level however they did come up with a map showing what locations might make more sense without stating exactly where it should go. Mr. Simon asked if the board could provide a copy of the Black Mallard conditional use so they can look at what conditions were added to that for their study. Commissioner Hollekim asked when their study will be done and Mr. Boger stated they have a PowerPoint presentation already done that he can send a link to if someone wants to look at it. Commissioner Ruland asked if there were any other questions for Mr. Simon and Mr. Boger. Chairman Sorenson stated they will forward any questions to Commissioner Ruland as she is the contact for Mountrail County on this working group.

**Approval of Minutes of the October 26, 2020 Meeting**

Before approving minutes, Commissioner Hollekim stated she reviewed the minutes and suggested that the motions be re-written and minutes tabled because the motions are incomplete. She would like them e-mailed to the board prior to the meeting so they can review them. Commissioner Ruland agreed she would like the minutes e-mailed to them and she also suggested being more formal in addressing individuals and ensuring consistency through the discussion (using full names on the first instance of mentioning them and then Mr. or Mrs. after that).

**Motion:** Commissioner Hollekim moved to table to the call of the chair until minutes are re-written with the suggested corrections and seconded by Commissioner Ruland. Upon roll call, all present voted yes. Motion Carried.

**Temporary Water Applications – Non-Transferable**

H2O Connections Permit Number – ND2020-20298

Pumping of industrial water by lay flat hose; Clarence & Mae Helling Trust,

Landowner. S1/2NE1/4 Section 15, Township 154 North, Range 94 West

**(Unorganized Township)**

**Building Permits**

**2148-** Brian Rice, Applicant/Landowner-Parcel#210009900 – N1/2NE1/4NE1/4, Section 18, Township 156 North, Range 94 West (Myrtle Township) – 40’ x 102’ Pole Barn. Chairman Sorenson un-tabled the building permit from the October 26, 2020 meeting. **Motion:** Moved by Commissioner Borud, seconded by Vice Chairman Weisenberger to approve building permit #2148. Upon roll call, all present voted yes. Motion carried.

**2150**-Don & Becky Opozda, Applicant/Lease Holder – Placing a 15’ x 76’ mobile home on lot. Legal Description: Lot 2 Block 5 of Olsen’s 2nd Addition to the Village of Van Hook; Also known as Lot 11B of the lease unit plat located in SW1/4 of Section 29, Township 152 North, Range 91 West (Van Hook Township)

**2151**-Gregory Johnson, Applicant/Lease Holder – Placing a 15’2” x 72’ mobile home with a 7.5’ to 8’ side setback on lot. Legal Description: Lot 2 Block 12 of the Original Townsite of Van Hook; also known as Lot 5 Block 6 of the lease unit plat located in NW1/4 Section 32, Township 152 North, Range 91 West (Van Hook Township)

**2152-** Sherry Oja, Applicant/Lease Holder – Placing a 16’ x 72’ mobile home on lot with a 7.5’ setback on front side of lot. Legal Description: Lot 3 Block 3 of the Original Townsite of Van Hook; also known as Lot 5 Block 6 of the lease unit plate located in NW1/4 Section 21, Township 152 North, Range 91 West (Van Hook Township)

**2153**-Jim and Jennifer Wznick, Applicant/Landowner – 31’ x 36’ garage onto current house. Located in W1/2SW1/4NW1/4 Section 36, Township 156, Range 91 West (Idaho Township) **Motion:** Moved by Commissioner Hollekim, seconded by Commissioner Hovda, to approve building permit #2153. Upon roll call, all present voted yes. Motion carried.

**Motion:** Moved by Commissioner Hovda, seconded by Commissioner Borud to approve building permits 2150, 2151, and 2152. Upon roll call, all present voted yes. Motion carried.

**ONGOING BUSINESS:**

Gravel Pits

J&J Oilfield

Terry Jones

White Earth Bay

Green Acres

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| **Staff Concerns** |

**Green Acres Subdivision:** Melissa Vachal, Planning & Zoning Administrator began the discussion. Mrs. Vachal stated the office still has not received the letter of credit and that nothing has changed since the last meeting. Chairman Sorenson asked if there were any other comments on this matter.

**BOARD CONCERNS:**

Commissioner Hollekim began the discussion and asked Wade Enget, Mountrail County States Attorney about the Temporary Use Permit application from H2O Connections LLC that no action was taken on at the October 26, 2020 meeting. Commissioner Hollekim asked if it is right to take no action at all and feels the board should approve or deny an application so that the applicant knows what to do. Commissioner Hollekim stated no one on the board did anything that day and would like States Attorney Enget to answer if they should be taking action one way or the other so the applicant knows if it’s approved or denied. States Attorney Enget asked for clarification on which application she is referring to. Chairman Sorenson clarified which application it is and states he couldn’t get any interest from anyone during that meeting on that application. States Attorney Enget stated that the minutes would reflect that there was no motion made and that the Chairman could add that the application died due to a lack of a motion. Commissioner Hollekim would still like to know if that is the right thing to do because when someone submits an application, they’re expecting the board to take action on it. States Attorney Enget stated that is considered action and it is the same as denying it and it dies because there was no motion and added again that the minutes should reflect that it was denied due to lack of interest. Chairman Sorenson asked if there were any other concerns.

**Informational Only**

Melissa Vachal, Planning & Zoning Administrator began discussion on a letter received by the office in March from Brosz Engineering, Inc. letting the board know that the City of Stanley is doing an improvement plan for the next 2 years. Chairman Sorenson asked if there were any questions about this. Zachary Gaaskjolen stated that it is just a standard solicitation sent out when a project involves state funds to gather any feedback and keep everyone involved and informed about the project.

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| **Next Meeting** |

Next regular meeting of the Mountrail County Planning & Zoning Board is ***Monday December 28, 2020*** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

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| **Approval** |

Accepted and approved this 28th day of December 2020.

Charlie Sorenson, Chairman Melissa Vachal, Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning