MINUTES

**Mountrail County Planning & Zoning Commission**

**November 27th, 2023**

The meeting of the Mountrail County Planning & Zoning Commission was called to order at 8:30 a.m. by Chairman Charlie Sorenson with Commissioners Megan Fritel, Trudy Ruland, Arlo Borud, Joan Hollekim, Cameron Tomjack and Lauren Frost present. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County Property Assessor Kim Savage, Mountrail County Tax Equalization Director Lori Hanson, Mountrail County State’s Attorney Wade Enget and Mountrail County Auditor Steph Pappa. Commissioner Doug Bratvold and Mountrail County Engineer Jana Hennessy were on-line.

**APPROVAL OF AGENDA**

Moved by Commissioner Borud, seconded by Commissioner Hollekim, to approve the Planning and Zoning Commission agenda as amended. All present voted yes. Motion carried.

**APPROVAL OF MINUTES**

Moved by Commissioner Hollekim, seconded by Commissioner Frost, to approve the Planning and Zoning Commission minutes of the September 25, 2023 meeting. All present voted yes. Motion carried.

1. **8:35 a.m. Neal & Cherlyn Biwer-Applicant/Landowner (PZ-2023-0346) Variance**

Variance Application request for the following described property: a tract of land described as the NW1/4NW1/4NW1/4 of Section 15, Township 158 North, Range 91 West (Lostwood Township) (Parcel# 04-0004700)

The applicant (represented by Neal Biwer) is seeking a variance for a 60’ setback from the road rather than the 150’ setback required by the Mountrail County Land Development Code (LDC) for the purpose of building a lean-to onto the existing barn. Commissioner Hollekim asked for clarification on whether the requested 60’ is from the centerline of the section line or starting from the end of the 33’ right of way. The applicant states his request is for 60’ from the 33’ right of way. Commissioner Hollekim and Chairman Sorenson feel the variance should be amended to state the requested setback is 93’ from the centerline of the section line because the 150’ setback required by the Land Development Code (LDC) is measured from the centerline of the section line. Mr. Biwer commented that Lostwood Township Board has no objections to the variance request. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Frost, seconded by Commissioner Tomjack, to approve the zoning request filed by Neal & Cherlyn Biwer for a Variance for a setback of 93’ from the centerline of the section line on 76th Street NW rather than the 150’ setback required by the Mountrail County Land Development Code for the purpose of building a lean-to onto the existing barn on a tract of land described as the NW1/4NW1/4NW1/4 of Section 15, Township 158 North, Range 91 West (Lostwood Township) as Neal & Cherlyn Biwer have met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Neal & Cherlyn Biwer complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

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

PZ-2023-0338 – H2O Connections LLC – Applicant. Kenneth & Mayumi Tenborg – Landowner. State Water Permit #ND2023-21658. Period of Authorized usage: 5/15/2023 through 5/14/2024. Pump placement on a tract of land 40.00 acres more or less located in the NW1/4NW1/4 (Gov’t Lot 1) of Section 19, Township 155 North, Range 90 West (Burke Township) (6 out of 6) CERTIFIED RECEIPTS RECEIVED Approved by P&Z Administrator on 10/25/2023

PZ-2023-0339 – H2O Connections LLC – Applicant. Kenneth & Mayumi Tenborg – Landowner. State Water Permit #ND2023-19990. Period of Authorized usage: 5/15/2023 through 5/14/2024. Pump placement on a tract of land 40.00 acres more or less located in the NE1/4NE1/4 of Section 24, Township 155 North, Range 91 West (Purcell Township) (5 out of 5) CERTIFIED RECEIPTS RECEIVED Approved by P&Z Administrator on 10/25/2023

PZ-2023-0364 – Rachel Wurtz, Jerry Wurtz & Richard Wurtz – Applicant/Landowners. State Water Permit #6656. Pump placement on a tract of land 160.00 acres more or less located in the SE1/4 of Section 24, Township 152 North, Range 91 West (Van Hook Township) (11 out of 11) CERTIFIED RECEIPTS RECEIVED Approved by P&Z Administrator on 11/13/2023

PZ-2023-0366 – H2O Connections LLC – Applicant. Donald & Theresa Heinle – Landowner. State Water Permit #ND2023-21936. Period of Authorized usage: 11/01/2023 through 10/31/2024. Pump placement on a tract of land 80.00 acres more or less located in the N1/2SW1/4 of Section 22, Township 156 North, Range 94 West (Myrtle Township) (10 out of 10) CERTIFIED RECEIPTS RECEIVED Approved by P&Z Administrator on 11/17/2023

PZ-2023-0368 – Schenk LLC – Applicant. Brent & Kayla Wollschlager – Landowner. State Water Permit #ND2023-21864. Period of Authorized usage: 1/01/2024 through 12/31/2024. Pump placement on a tract of land 155.43 acres more or less located in the SE1/4 less Outlot 1 of Section 36, Township 152 North, Range 91 West (Van Hook Township) (14 out of 14) CERTIFIED RECEIPTS RECEIVED Approved by P&Z Administrator on 11/17/2023

PZ-2023-0373 – H2O Connections LLC – Applicant. Lynn & Marlene Grabow – Landowner. State Water Permit #ND2023-21938. Period of Authorized usage: 10/25/2023 through 10/24/2024. Pump placement on a tract of land 160.00 acres more or less located in the SW1/4 of Section 13, Township 156 North, Range 91 West (Idaho Township) (12 out of 12) CERTIFIED RECEIPTS RECEIVED Approved by P&Z Administrator on 11/18/2023

PZ-2023-0375 – Terence & Debra Ortloff – Applicant/Landowner. State Water Permit #5761. Pump placement on a tract of land 40.00 acres more or less located in the NE1/4NE1/4 of Section 21, Township 156 North, Range 93 West (Manitou Township) Approved by P&Z Administrator on 11/08/2023 Non-Conforming Use Permit due to permit received in 2008 that didn’t require a TUP. Did paperwork for office purposes. He still would need a TUP for lay flat.

**Temporary Water Permits – Non-Transferable Renewals – For Board Information Only**

H2O Connections LLC – State Water Permit #ND2023-21858 / PZ-2023-0356. Pumping of industrial water by lay flat hose: Pumping of industrial water by lay flat hose: H2O Connections LLC–Applicant. James Enge – Landowner. NW1/4 of Section 12, Township 155 North, Range 91 West (Purcell Township). Period of Authorized usage: 10/23/2023 through 8/15/2024. Parcel #25-0005600. (Ref #PZ-2022-0259).

Patten Water Holdings dba H2O Connections LLC – Permit Number – State Water Permit #ND2023-21932 / PZ-2023-0359. Pumping of industrial water by lay flat hose: Patten Water Holdings–Applicant. Robert & Lavonne Patten–Landowner. SW1/4 of Section 36, Township 154 North, Range 91 West (Sikes Township) Period of Authorized usage: 10/20/2023 through 09/22/2024. Parcel # 32-0020100. (Ref# PZ-2022-0234).

Patten Water Holdings dba H2O Connections LLC – Permit Number – State Water Permit #ND2023-21931 / PZ-2023-0360. Pumping of industrial water by lay flat hose: Patten Water Holdings–Applicant. Robert & Lavonne Patten–Landowner. NW1/4NW1/4 of Section 36, Township 154 North, Range 91 West (Sikes Township) Period of Authorized usage: 10/20/2023 through 09/22/2024. Parcel # 32-0019900 (Ref# PZ-2022-0235).

H2O Connections LLC – Permit Number – State Water Permit #ND2023-21937 / PZ-2023-0367. Pumping of industrial water by lay flat hose: H2O Connections LLC–Applicant. Curt & Summer Meyer–Landowner. SE1/4 of Section 27, Township 155 North, Range 94 West (Unorganized Township) Period of Authorized usage: 11/01/2023 through 10/31/2024. Parcel # 28-0012200 (Ref# PZ-2022-0261).

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

Select Water Solutions LLC – Permit Number – State Water Permit #ND2023-21918 / PZ-2023-0345. Pumping of industrial water by lay flat hose: Select Energy Solutions LLC – Applicant. Gerald Neset – Landowner. SE1/4NE1/4 of Section 15, Township 155 North, Range 94 West (Unorganized Township) ending in the E1/2SW1/4 of Section 7, Township 154 North, Range 94 West (Unorganized Township). Period of Authorized usage: 10/11/2023 through 9/20/2024. Approved by P&Z Administrator

Beaver Creek LLC dba ASWS LLC – Permit Number – State Water Permit #7015 / PZ-2023-0355. Pumping of industrial water by lay flat hose: Beaver Creek LLC – Applicant. Bartelson Investments LLLP– Landowner. SW1/4 of Section 4, Township 152 North, Range 90 West (Parshall Township) ending in the SE1/4 of Section 32, Township 151 North, Range 90 West (Fertile Township). Period of Authorized usage: 10/22/2023 through 12/25/2023. Approved by P&Z Administrator

ASWS LLC – Permit Number – State Water Permit #6656 / PZ-2023-0365. Pumping of industrial water by lay flat hose: ASWS LLC – Applicant. Richard Wurtz, Jerry Wurtz & Rachel Wurtz– Landowners. SE1/4 of Section 24, Township 152 North, Range 91 West (Van Hook Township) ending in Outlot 2 of the N1/2NE1/4 of Section 32, Township 152 North, Range 90 West (Parshall Township). Period of Authorized usage: 10/22/2023 through 12/25/2023. Approved by P&Z Administrator

Select Water Solutions LLC – Permit Number – State Water Permit #ND2023-21554 / PZ-2023-0369. Pumping of industrial water by lay flat hose: Select Energy Solutions LLC – Applicant. James & Peggy Stewart Family Trust – Landowner. NE1/4NW1/4SW1/4 of Section 15, Township 156 North, Range 93 West (Manitou Township) ending in the SW1/4 of Section 15, Township 156 North, Range 93 West (Manitou Township). Period of Authorized usage: 9/28/2023 through 1/15/2024. Approved by P&Z Administrator

Select Water Solutions LLC – Permit Number – State Water Permit #ND2023-21554 / PZ-2023-0370. Pumping of industrial water by lay flat hose: Select Energy Solutions LLC – Applicant. Hamed Juma Jr, Sammy Juma & Alley Juma – Landowners. SW1/4 of Section 15, Township 156 North, Range 93 West (Manitou Township) ending in the N1/2N1/2NW1/4 less tract of land of Section 22, Township 156 North, Range 93 West (Manitou Township). Period of Authorized usage: 10/11/2023 through 1/01/2024. Approved by P&Z Administrator

Select Water Solutions LLC – Permit Number – State Water Permit #ND2023-21554 / PZ-2023-0371. Pumping of industrial water by lay flat hose: Select Energy Solutions LLC – Applicant. Hamed Juma Jr, Sammy Juma & Alley Juma – Landowners. SW1/4 of Section 15, Township 156 North, Range 93 West (Manitou Township) ending in the N1/2N1/2NW1/4 less tract of land of Section 22, Township 156 North, Range 93 West (Manitou Township). Period of Authorized usage: 10/11/2023 through 1/01/2024. Approved by P&Z Administrator

Select Water Solutions LLC – Permit Number – State Water Permit #ND2023-21554 / PZ-2023-0372. Pumping of industrial water by lay flat hose: Select Energy Solutions LLC – Applicant. Hamed Juma Jr, Sammy Juma & Alley Juma – Landowners. SW1/4 of Section 15, Township 156 North, Range 93 West (Manitou Township) ending in the N1/2N1/2NW1/4 less tract of land of Section 22, Township 156 North, Range 93 West (Manitou Township). Period of Authorized usage: 10/11/2023 through 1/01/2024. Approved by P&Z Administrator

Ortloff Water Depot Inc – Permit Number – State Water Permit #5761 / PZ-2023-0376. Pumping of industrial water by lay flat hose: Ortloff Water Depot Inc – Applicant. Terence & Debra Ortloff – Landowner. NE1/4NE1/4 of Section 21, Township 156 North, Range 93 West (Manitou Township) ending in the NE1/4NE1/4 of Section 21, Township 156 North, Range 93 West (Manitou Township). Period of Authorized Usage: 11/22/2023 through 11/21/2024. Approved by P&Z Administrator

Select Water Solutions LLC – Permit Number – State Water Permit #ND2023-21554 / PZ-2023-0377. Pumping of industrial water by lay flat hose: Select Energy Solutions LLC – Applicant. Hamed Juma Jr, Sammy Juma & Alley Juma – Landowners. SW1/4 of Section 15, Township 156 North, Range 93 West (Manitou Township) ending in the NE1/4 of Section 21, Township 156 North, Range 93 West (Manitou Township). Period of Authorized usage: 11/05/2023 through 1/15/2024. Approved by P&Z Administrator

Select Water Solutions LLC – Permit Number – State Water Permit #ND2023-21554 / PZ-2023-0378. Pumping of industrial water by lay flat hose: Select Energy Solutions LLC – Applicant. Terence & Debra Ortloff – Landowner. NE1/4 of Section 21, Township 156 North, Range 93 West (Manitou Township) ending in the SW1/4 of Section 15, Township 156 North, Range 93 West (Manitou Township). Period of Authorized usage: 11/09/2023 through 1/15/2024. Approved by P&Z Administrator

**Building Permits 2344-2346**

2344 – PZ-2023-0348 – Jake Estvold – Applicant/Landowner. Parcel #40-0011500. SW1/4 of Section 25, Township 153 North, Range 92 West (Knife River Township) 12’x24’ industrial pump house.

2345 – PZ-2023-0347 – Neal & Cherlyn Biwer – Applicant/Landowner. Parcel #04-0004700. NW1/4NW1/4NW1/4 of Section 15, Township 158 North, Range 91 West (Lostwood Township) 2-185’x30’ lean to on existing barn. Required a Variance approval.

2346 – PZ-2023-0357 – Adam Jarmin – Applicant/Landowner. Parcel #35-0015000. Lot 35 of White Earth Cottage Site located in SW1/4SE1/4 of Section 26, Township 154 North, Range 94 West (Unorganized Township) 12’x16’ covered camper deck.

Moved by Commissioner Frost, seconded by Commissioner Ruland, to approve building permits 2344-2346. All present voted yes. Motion carried.

**ONGOING BUSINESS**

Gravel Pits- Remains ongoing Administration working on Report

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

Subdivision Letter of Credit

**STAFF UPDATES**

* The non-compliant letters that had been previously sent to Lenore Pausig concerning Parcel #32-0003000 were returned undeliverable because of an incorrect address. Administration has been made aware that Lenore has moved and have been able to obtain her new address so a new certified letter has been sent to her and Administration hopes to hear from her soon.
* Administration has heard from some of the residents in Holsinger Estates regarding the letter that was previously sent to them with mostly positive feedback. Residents seem happy to finally know who has jurisdiction over the zoning for their area and some non-compliant issues have been discovered. Administration has sent out letters to those not in compliance and are already working with some landowners on getting them the proper permits to bring them into compliance.
* Administration presented the board with the the 2024 calendar of Planning & Zoning deadlines and meetings for their approval.
  + Moved by Commissioner Borud, seconded by Commissioner Frost to approve the 2024 calendar for Planning & Zoning deadlines and meetings. All present voted yes. Motion carried.

**BOARD CONCERNS**

Commissioner Bratvold stated he has been contacted by some residents of Holsinger Estates concerning someone wanting to open a salon on their property and a landowner that has some various animals on their property. Administrator Vachal stated the office is already aware of these and is working on it.

The Board adjourned at 8:53 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Wednesday, December 27th, 2023,** at 8:30 am via GOTOMEETING and in the Commissioners Room at the Mountrail County Courthouse.

Accepted and approved this 27th day of December, 2023.

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\***