MINUTES

**Mountrail County Planning & Zoning Commission**

**November 28, 2022**

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, Gary (Fritz) Weisenberger, Trudy Ruland, and Megan Fritel present. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County Tax Equalization Director Lori Hanson, Mountrail County Property Assessor Kim Savage, and Mountrail County Engineer Jana Hennessy. Absent were Commissioners Zachary Gaaskjolen and Douglas Bratvold.

**APPROVAL OF AGENDA**

Moved by Commissioner Borud, seconded by Commissioner Ruland, to approve the agenda. 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 October 24, 2022 meeting as corrected. All present voted yes. Motion carried.

1. **8:35 a.m. Audrey LaVallie-Applicant/Landowner (PZ-2022-0238) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land known as Lot 9, Block 3 of Riverview Estates Subdivision located in the W1/2 of Section 11 & W1/2 of Section 12, Township 152 North, Range 93 West (Unorganized Township) (Parcel# 47-0027534)

The applicant (represented by Audrey LaVallie) is seeking a Conditional Use Permit for the purpose of placing a 2021 modular home on land zoned Residential. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to approve the zoning request filed by Audrey LaVallie for a Conditional Use Permit for the purpose of placing a 2021 modular home on a tract of land zoned Residential known as Lot 9, Block 3 of Riverview Estates Subdivision located in the W1/2 of Section 11 & W1/2 of Section 12, Township 152 North, Range 93 West (Unorganized Township) as Audrey LaVallie has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Audrey LaVallie complying with all other terms and conditions of the Mountrail County Land Development Code. This permit does not supersede any existing Homeowner’s Association rules and regulations within Riverview Estates Subdivision. All present voted yes. Motion carried.

1. **8:38 a.m. Daniel & Becky Johnson-Applicant/Landowner (PZ-2022-0241) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 20.20 acres more or less, known as Outlot 1 located in Gov’t Lot 2 of Section 7, Township 154 North, Range 91 West (Sikes Township) (Parcel# 32-0003502)

The applicant (represented by Dan Johnson) is seeking an Amendment to Zoning to re-zone a tract of land from Commercial to Agricultural. Mr. Johnson states the property has been returned to him and reclaimed to his satisfaction and would now like it re-zoned back to Agricultural. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Daniel & Becky Johnson for an amendment to change land zoned Commercial to Agricultural on a tract of land 20.20 acres more or less, known as Outlot 1 located in Gov’t Lot 2 of Section 7, Township 154 North, Range 91 West (Sikes Township) as Daniel & Becky Johnson have met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Daniel & Becky Johnson 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. Jane Paulson Living Trust-Applicant/Landowner (PZ-2022-0262) Variance**

Variance Application request for the following described property: a tract of land 40.00 acres more or less located in the NW1/4SW1/4 of Section 20, Township 158 North, Range 92 West (Powers Township) (Parcel# 05-0010400)

The applicant (represented by Phil MacLellan) is seeking a variance for a 135’ setback from the section line rather than the required 150’ setback. Upon discussion, the board determined that the section line will probably never be developed in this particular location into a road and so the lessened setback shouldn’t be an issue. 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 Jane Paulson Living Trust for a Variance for a 135’ setback from the section line rather than the 150’ setback required by the Mountrail County Land Development Code on a tract of land 40.00 acres more or less located in the NW1/4SW1/4 of Section 20, Township 158 North, Range 92 West (Powers Township) as Jane Paulson Living Trust has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Jane Paulson Living Trust 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. Marty Holmen-Applicant; Marty Holmen & Marshall Holmen-Landowners (PZ-2022-0231) Variance**

Variance Application request for the following described property: a tract of land 157.49 acres more or less located in the SE1/4 of Section 11, Township 158 North, Range 93 West (Powers Lake Township) (Parcel# 06-0005100)

The applicant (represented by Marty Holmen) is seeking a variance for a 107’ setback from the south section line rather than the required 150’ setback. Mr. Holmen states 76th Street is used very little and shouldn’t be impacted by his request. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to approve the zoning request filed by Marty Holmen with concurrence from Marty Holmen & Marshall Holmen-landowners, for a Variance for a 107’ setback from the south section line rather than the 150’ setback required by the Mountrail County Land Development Code on a tract of land 157.49 acres more or less located in the SE1/4 of Section 11, Township 158 North, Range 93 West (Powers Lake Township) as Marty Holmen with concurrence from joint landowner Marshall Holmen, has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Marty Holmen with concurrence from joint landowner Marshall Holmen, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:47 a.m. John Cory-Applicant; Gary Johnson-Landowner (PZ-2022-0274) Variance**

Variance Application request for the following described property: a tract of land 4.36 acres more or less located in Sublot C of Outlot 1 of the NE1/4SE1/4 of Section 32, Township 152 North, Range 90 West (Parshall Township) (Parcel# 44-0015103)

The applicant (represented by Catherine Rogers) is seeking a variance to place a 2007 mobile home on land zoned Residential. Administrator Vachal informed the board that a previous Conditional Use Permit granted by the board allowed the applicant to have two mobile homes on this parcel and they are replacing one of them in this application. Ms. Rogers isn’t certain what year the mobile home is that will be replaced by this one but it is older than 2007. Commissioner Hovda questioned if the siding that seems to be missing from the new mobile home will be replaced and Ms. Rogers stated they will be completely re-siding the mobile home because there is hail damage to all of the siding. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Hovda to approve the zoning request filed by John Cory with concurrence from Gary Johnson-landowner, for a Variance to place a 2007 mobile home on a tract of land zoned Residential 4.36 acres more or less located in Sublot C of Outlot 1 of the NE1/4SE1/4 of Section 32, Township 152 North, Range 90 West (Parshall Township) as John Cory with concurrence from Gary Johnson-landowner, has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon John Cory with concurrence from Gary Johnson-landowner, 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-2022-0260 – H2O Connections LLC – Applicant. Curt & Summer Meyer – Landowners. State Water Permit #ND2022-21233. Period of Authorized usage: 09/30/2022 through 09/29/2023. Parcel #28-0009500. Pump placement on a tract of land 160.00 acres more or less located in the NE1/4 of Section 21, Township 155 North, Range 94 West (Unorganized Township). (3) CERTIFIED RECEIPTS RECEIVED – Pre-approved by P&Z Administrator

PZ-2022-0261 – H2O Connections LLC – Applicant. Curt & Summer Meyer – Landowners. State Water Permit #ND2022-21232. Period of Authorized usage: 09/30/2022 through 09/29/2023. Parcel #28-0012200. Pump placement on a tract of land 149.40 acres more or less located in the SE1/4 of Section 27, Township 155 North, Range 94 West (Unorganized Township). (3) CERTIFIED RECEIPTS RECEIVED – Approved by P&Z Administrator

PZ-2022-0268 – Quality Water Systems LLC – Applicant. Roger Sorenson – Landowner. State Water Permit #ND2022-21261. Period of Authorized usage: 11/01/2022 through 10/31/2023. Parcel #12-0002900. Pump placement on a tract of land 80.00 acres more or less located in the E1/2SE1/4 of Section 7, Township 155 North, Range 92 West (Alger Township). (3) CERTIFIED RECEIPTS RECEIVED – Approved by P&Z Administrator

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

H2O Connections LLC – Permit Number – State Water Permit ND2022-21287 / PZ-2022-0259. Pumping of industrial water by lay flat hose: H2O Connections LLC-Applicant. Jim Enge-Landowner. NW1/4 of Section 12, Township 155 North, Range 91 West (Purcell Township). Period of Authorized usage: 10/11/2022 through 10/10/2023. Parcel # 25-0005600 (Ref# PZ-2022-0071). – Approved by P&Z Administrator

Jane Paulson Living Trust – State Water Permit #ND2022-21269 / PZ-2022-0287. Jane Paulson Living Trust by Jane Paulson & Phil MacLellan Trustees – Applicant/Landowner. NW1/4 of Section 20, Township 158 North, Range 92 West (Powers Township). Period of Authorized usage: 11/16/2022 through 5/14/2023. Parcel #05-0010400. – Approved by P&Z Administrator

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

ND Energy Services – Lay Flat Hose Permit only – Permit Number – State Water Permit 6459 / PZ-2022-0266. Pumping of industrial water by lay flat hose: ND Energy Services-Applicant. Pumping of industrial water by lay flat hose point of beginning in Williams County; SE1/4 Section 11, Township 154 North, Range 96 West and N1/2 Section 13, Township 154 North, Range 96 West ending in Burke County; Period of Authorized usage: State CUP no end date (Ref# PZ-2022-0042). – Approved by P&Z Administrator

Savage Water Solutions – Lay Flat Hose Permit only – Permit Number – State Water Permit 6459 / PZ-2022-0279. Pumping of industrial water by lay flat hose: Savage Water Solutions-Applicant. John Moe-Landowner. NE1/4 of Section 31 & E1/2SE1/4 & NE1/4NE1/4 of Section 30, Township 155 North, Range 94 West (Unorganized Township). Period of Authorized usage: 11/11/2022 through 12/15/2022. – Approved by P&Z Administrator

Northwest Water Transfer – Lay Flat Hose Permit only – Permit Number – State Water Permit ND2022-21030 / PZ-2022-0280. Pumping of industrial water by lay flat hose: Northwest Water Transfer-Applicant. Pumping of industrial water by lay flat hose point of beginning in Burke County; W1/2 of Section 27, Township 159 North, Range 93 West, ending in Mountrail County SE1/4 Section 22, Township 158 North, Range 93 West (Power Lake Township). Period of Authorized usage: 7/15/2022 through 12/31/2022. – Approved by P&Z Administrator

Northwest Water Transfer – Lay Flat Hose Permit only – Permit Number – State Water Permit ND2022-21269 / PZ-2022-0289. Pumping of industrial water by lay flat hose: Northwest Water Transfer-Applicant. Jane Paulson Living Trust-Landowner. NW1/4 of Section 20, Township 158 North, Range 93 West, ending in Mountrail County SE1/4 Section 22, Township 158 North, Range 92 West (Powers Township). Period of Authorized usage: 11/20/2022 through 2/20/2023. – Approved by P&Z Administrator

**Building Permits 2273 & 2276-2282**

2273 – PZ-2022-02 – Marty Holmen – Applicant. Marty Holmen & Marshall Holmen – Landowners. Parcel #06-0005100 – SE1/4 of Section 11, Township 158 North, Range 93 West (Powers Lake Township). 40’x30’ Garage.

2276 – PZ-2022-02 – Audrey LaVallie – Applicant/Landowner. Parcel #47-0027534 – Lot 9, Block 3 of the Riverview Estates Subdivision located in the E1/2 of Section 11 and W1/2 of Section 12, Township 152 North, Range 93 West (Unorganized Township). 1438 sq. ft. Modular Home.

2277 – PZ-2022-02 – Phil MacLellan & Jane Paulson – Applicants. Jane Paulson Living Trust – Landowner. Parcel #05-0010400 – NW1/4SW1/4 of Section 20, Township 158 North, Range 92 West (Powers Township). 28’x20’ Workshop.

2278 – PZ-2022-02 – Colin & Susan Vachal – Applicant/Landowner. Parcel #35-0009205 –N1/2SE1/4 of Section 21, Township 154 North, Range 94 West (Unorganized Township). Home remodel, Garage with Breezeway.

2279 – PZ-2022-02 – Jonna Bischof – Applicant. Mountrail County Park Board – Landowner. Parcel #45-0014101 – Lease Lot 16, Block 3 also known as Lot 6, Block 3 of Olson’s Second Addition to the Village of Van Hook in the NW1/4 of Section 32, Township 152 North, Range 91 West (Van Hook Township). 16’x80’ Mobile Home with 14’x30’ Deck.

2280 – PZ-2022-0273 – Elite Enterprises LLC – Applicant. WAB Properties LLP – Owner. Parcel #46-0021507 – Sublot G of Outlot 1 in the E1/2NE1/4 of Section 31, Township 152 North, Range 92 West (Osborn Township). 30’x50’ Equipment Storage.

2281 – PZ-2022-0275 – Catherine Rogers – Applicant. Gary Johnson – Owner. Parcel #44-0015103 – Sublot C of Outlot 1 in the NE1/4SE1/4 of Section 32, Township 152 North, Range 90 West (Parshall Township). 16’x80’ Mobile Home with 10’x12’ Mud Room.

2282 – PZ-2022-0276 – Jeffrey Rogers – Applicant/Landowner. Parcel #50-0000201 – Outlot 1 of the SE1/4SW1/4 of Section 1, Township 151 North, Range 90 West (Fertile Township). 30’x30’ Home Addition.

Discussion was held on Building Permit 2276 because Ms. LaVallie stated it was a modular home not a mobile home and this affects the application process because a Conditional Use Permit isn’t necessary for a modular home. Administration will look into this and assess next steps. Commissioner Hollekim feels the application fee for the Conditional Use Permit should be refunded to the applicant if it is a modular home because the permit wouldn’t have been necessary.

Moved by Commissioner Hovda, seconded by Commissioner Fritel to approve building permits 2273 & 2276-2282. All present voted yes. Motion carried.

**ONGOING BUSINESS**

Gravel Pits- Remains ongoing Administration working on Report

White Earth Bay- Waiting for State’s Attorney Enget’s report for Court Cases

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

Subdivision Letter of Credit-State’s Attorney Enget is researching this

**STAFF UPDATES**

* We have sent a letter to Mr. Zunich regarding his fence needing to be removed off of the line of the Mountrail County right-of-way (ROW) as the Mountrail County Commissioners have denied his request for a Consent to be on the ROW. Mr. Zunich has contacted the office asking how far back his fence needs to be and he has been advised he just can’t be right on the ROW. Road & Bridge Engineer Hennessey will be driving there to double check that Mr. Zunich is off the ROW.
* Board Member of Planning & Zoning selection for the Transportation/Roads Advisory Committee. They are seeking a board member that is not a County Commissioner and this position will rotate every 2 years. Will need this decision before December 16th because the board will not meet again until December 27th. Commissioner Hollekim asked if they should be filling out the application form for this. Administrator Vachal states that application forms could be used or the board can just appoint someone.
* Moved by Commissioner Borud, seconded by Commissioner Fritel to make recommendation to the Mountrail County Board of Commissioners to nominate Chairman Sorenson to the Transportation/Roads Advisory Committee. All present voted yes. Motion carried.
* The courthouse is closed on the 4th Monday in December so the next meeting will be on Tuesday December 27th.

**BOARD CONCERNS**

* Commissioner Weisenberger had a concern about the White Earth Bay area regarding the campers that have been parked down there. Administrator Vachal stated it is the board’s decision as to what happens to them. Commissioner Ruland feels a decision needs to be made because landowners don’t want to look at lots with several campers on them and it is also a public safety issue right now. Commissioner Hollekim would like to know if States Attorney Enget has done any research on this and wants it on record that the board hasn’t grandfathered any landowner. Commissioner Ruland feels people need to understand that as of right now, just because enforcement isn’t happening yet doesn’t mean the rules don’t apply. Administrator Vachal reiterated to the board that it is a residential area and campers are not allowed on residential lots.
* Commissioner Fritel asked for clarification on the Johnson Amendment and whether or not the application fee was returned to them because she was under the impression that if the land is being returned to Agricultural that there isn’t a fee for that. Administrator Vachal stated a check arrived with the application and it is being returned to the applicant.

The Board adjourned at 9:28 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Tuesday, December 27, 2022,** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

Accepted and approved this 27th day of December, 2022.

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\***