

PROCEEDINGS OF THE MOUNTRAIL COUNTY
PLANNING & ZONING COMMISSION
Monday, December 28th, 2015

The Mountrail County Planning & Zoning Commission met on Monday, December 28th, 2015 at the Mountrail County South Complex with the following voting members present: Roger Hovda, Charlie Sorenson, Bill Klug, Arlo Borud, Gary Weisenberger, Linda Wienbar, Trudy Ruland, and Rosie Bieri. Absent was Chase Lindberg. Also present were Wade Enget, States Attorney, Teresa Captain, Mountrail County Deputy Tax Director, Heather Greenlee, Mountrail County Auditor's Office, Lisa Lee, Assistant Planning & Zoning Administrator, Liz Hollowell, Planning & Zoning Administrative Assistant and Don Longmuir, Planning and Zoning Administrator. Also absent was Lori Hanson, Mountrail County Tax Director,

Chairman Hovda called the Planning and Zoning meeting to order at 8:30 a.m.

Chairman Hovda called the 8:30 a.m. public hearing to order regarding the zoning request filed by Dale Honsey of Pinky's Aggregates Inc., with concurrence from Jerry Wurtz, landowner, for a conditional use permit to use land zoned agricultural for mining aggregate on an 80 acre, more or less, tract of land described as the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 18, Township 152 North, Range 90 West (Parshall Township). Present for this discussion was Jeff Martinson of Pinky's Aggregates Inc. who submitted seven return receipt cards from adjacent landowners. A letter of comment had been received from Randy and Kori Hodgson stating that the described land does not have access and Pinky's does not have authorization to cross their land. Discussion included there is a road haul agreement with Van Hook and Parshall Township, but not written easement from landowners for access. There is a bond in place pending approval of the conditional use permit. Pinky's will need to get permission from Marion Evenson. Jeff Martinson stated Jerry Wurtz's attorney said there is a grandfather clause that states Pinky's can use the road because it has been in use since 1978. The board stated that the grandfather clause would apply if there was not a change in use of the land and a gravel business with trucks is different from how a farmer uses a prairie trail. Also if Pinky's uses a section line, they will need easements from landowners whether the road is developed or undeveloped.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to table the zoning request filed by Dale Honsey of Pinky's Aggregates Inc., with concurrence from Jerry Wurtz, landowner, for a conditional use permit to use land zoned agricultural for mining aggregate on an 80 acre, more or less, tract of land described as the E $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 18, Township 152 North, Range 90 West (Parshall Township). Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:33 a.m. public hearing to order regarding the zoning request filed by Abe Musser with H₂O Partners, in concurrence with Robert Patton, landowner, for a variance to transfer water via flat hose on 160 acre, more or less, tract of land described as the SW $\frac{1}{4}$ Section 36, Township 154 North, Range 91 West (Sikes Township).

Moved by Commissioner Weisenberger, seconded by Commissioner Wienbar to untable this request. Upon roll call, all present voted yes, motion carried.

Present for this discussion was Abe Musser who provided four certified return receipt cards to adjacent landowners which were missing last month. Discussion included there would be no trucks, only flat hose, and the access is on private property. The board requested a written copy of the landowner easement.

Moved by Commissioner Weisenberger, seconded by Commissioner Bieri to approve the zoning request filed by Abe Musser with H₂O Partners, in concurrence with Robert Patton, landowner, for a variance to transfer water via flat hose on 160 acre, more or less, tract of land described as the SW $\frac{1}{4}$ Section 36, Township 154 North, Range 91 West (Sikes Township) contingent upon receiving a written copy of the landowner easement and the terms and conditions under State Water Permit #ND2015-16971 as Abe Musser has met the criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is contingent upon H₂O Partners complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:36 a.m. public hearing to order regarding the zoning request filed by Abe Musser with H₂O Partners, in concurrence with Jeffrey Lapica, landowner, for a variance to transfer water via flat hose on 160 acre, more or less, tract of land described as the SE $\frac{1}{4}$ Section 23, Township 155 North, Range 93 West (Debing Township).

Moved by Commissioner Ruland, seconded by Commissioner Bieri to untable this request. Upon roll call all present voted yes, motion carried.

Present for this discussion was Abe Musser of H₂O Partners who presented five certified return receipt request cards from adjacent landowners. Discussion included there would be no trucks, this is to lay flat hose only, access is via private property, and the legal description for the point of diversion should read S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 23, Township 155 North, Range 93 West, as Jeffrey Lapica does not own the entire SE $\frac{1}{4}$. The current water permit from the State of North Dakota is written to include the entire SE $\frac{1}{4}$ however the State Water Commission does not factor in landownership. Planning and Zoning approval would be for the S $\frac{1}{2}$ SE $\frac{1}{4}$ only.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to approve the zoning request filed by Abe Musser with H₂O Partners, in concurrence with Jeffrey Lapica, landowner, for a variance to transfer water via a lay flat hose on 160 acre, more or less, tract of land described as the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 23, Township 155 North, Range 93 West (Debing Township) contingent upon the terms and conditions of the State of North Dakota Temporary Water Permit SWC Project #1400A Permit Number ND 2015-17026 and H₂O Partners complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:39 a.m. public hearing to order regarding the subdivision review request filed by Randy B and Bonnie L Nichols, landowners, for a 9.53 acre, more or less, plat in the E½NE¼ of Section 19, Township 154 North, Range 89 West (Oakland Township). There were no adjacent landowners within 150 ft. of the request. Discussion included this is a one-time family split to transfer land to a daughter. The corrected plat showing a 40 ft. easement is in the mail and on its way to the Planning and Zoning office from the surveyor. No further comments were received. Planning and Zoning staff requested a motion to reduce the subdivision fee from \$1,000 to \$100 for the one-time family split exception.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve a \$100 fee for the Nichols subdivision application. Upon roll call, all present voted yes, motion carried.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve the zoning request filed by Randy B and Bonnie L Nichols, landowners, for a 9.53 acre, more or less, plat in the E½NE¼ of Section 19, Township 154 North, Range 89 West (Oakland Township) as Randy Nichols has met all of the requirements of the Mountrail County Land Subdivision Resolution. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:42 a.m. public hearing to order regarding the subdivision review request filed by BNSF Railway in concurrence with Ralph W Brown, landowner, for a 5.18 acre, more or less, plat to be known as Outlot 1 of the NE¼NW¼ and the NW¼NE¼ of Section 18, Township 156 North, Range 89 West (McGahan Township). Discussion included the simple versus standard subdivision application fee, \$1,000 was paid for this application, and no return receipt cards had been received from the applicant. This item was tabled from the October meeting. Chairman Hovda suggested the board leave this item on the table and therefore no action would be taken at this meeting.

Moved by Commissioner Weisenberger, seconded by Commissioner Klug to approve the minutes from the October 26th, 2015 Planning and Zoning meeting. Upon roll call, all present voted yes, motion carried.

Moved by Commissioner Bieri, seconded by Commissioner Sorenson to approve the building permits #1913-1916. Upon roll call, all present voted yes, motion carried.

Board concerns included City of Stanley extraterritorial limits and bonding requirements for man camps and trailers to pay for the cleanup when these sites are abandoned. As of 2012, Mountrail County Zoning Ordinances require a bond prior to application based on the number of beds (0-100 \$100,000 bond/ 101-300 \$250,000 bond/ 301 or more \$350,000 bond).

Staff concerns include the denied application of Terry Jones of Water Inc. in the NW¼NE¼SE¼ of Section 17, Township 154 North, Range 94 West for a water depot which has been submitted to the State's Attorney's office as a complaint. Upon site evaluation, this project has been on going major construction without Planning and Zoning approval for a long period of time. A second identical application submitted by Terry Jones is scheduled for the next Planning and Zoning meeting in December.

Additionally, Planning and Zoning staff discussed the Open Records Request submitted by Balstad Law Firm. Fees would be assessed for the amount of time and pages required to collect, copy, and compile the information requested.

Kurt Urbanski of Egan Crest met with the board to provide an informational overlook at a possible subdivision which would convert existing modular units in Egan Township over to single family and twin homes. The plan would be to create affordable starter or retirement homes priced under \$200,000 in an area where there is existing infrastructure. There is an existing waste water treatment plant on site with a pond and they are already permitted by the State Health Department. Also discussed were lot sizes, whether or not there is demand for housing, and the existing conditional use permit is to expire in August of 2016. The developer also mentioned placing a convenience store with fuel off of Highway 2 as a possibility. The next step would be to lay out how the site would look in a preliminary plat to be submitted to Planning and Zoning.

The next regular meeting of the Mountrail County Planning and Zoning Board is Monday, December 28th 2015 at 8:30 a.m. at the Mountrail County South Complex 8103 61st street, NW Stanley, ND 58784.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to adjourn the meeting. Upon roll call all present voted yes, motion carried.

Accepted and approved this 28th day of December 2015.

Roger Hovda, Chairman
Mountrail County Planning & Zoning Commission

Lisa Lee
Assistant Zoning Administrator