MINUTES

**Mountrail County Planning & Zoning Commission**

**December 27, 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 Roger Hovda, Douglas Bratvold, Trudy Ruland, Megan Fritel, and Arlo Borud 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 State’s Attorney Wade Enget. Absent were Commissioners Zachary Gaaskjolen and Joan Hollekim. Commissioner Gary (Fritz) Weisenberger was also not present due to NDCC once Mr. Weisenberger no longer is on the City of Stanley Board the City of Stanley will need to appoint a new board member for this unexpired term.

**APPROVAL OF AGENDA**

Moved by Commissioner Borud, seconded by Commissioner Fritel, to approve the agenda. All present voted yes. Motion carried.

**APPROVAL OF MINUTES**

Moved by Commissioner Fritel, seconded by Commissioner Borud, to approve the Planning and Zoning Commission minutes of the November 28, 2022 meeting as corrected. All present voted yes. Motion carried.

1. **8:35 a.m. CNB Properties LLP-Applicant; Enviro Waste Solutions LLC-Landowner (PZ-2022-0291) Outlot Plat**

Outlot Plat Review Application for the following described property: a tract of land 23.95 acres more or less located in the NW1/4NE1/4 of Section 32, Township 155 North, Range 93 West to be known as Outlot 2 of the NW1/4NE1/4 (Debing Township) (Parcel# 270014702)

The applicant (not represented at this hearing) is seeking an outlot plat for an irregular tract of land. Since no one representing the applicant or landowner was present for this hearing, Administrator Vachal offered what information she had on this parcel. The applicant will not be changing the current use of the lagoon that is located here and they are just platting out the balance of the property after Outlot 1 was done previously. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Hovda, to approve the zoning request platting an outlot of land over 15 acres filed by CNB Properties LLP, with concurrence from Enviro Waste Solutions LLC-landowner, for a tract of land 23.95 acres more or less located in the NW1/4NE1/4 of Section 32, Township 155 North, Range 93 West to be known as Outlot 2 of the NW1/4NE1/4 (Debing Township). CNB Properties LLP, with concurrence from Enviro Waste Solutions LLC-landowner, has met all criteria as set forth in Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:38 a.m. Montana-Dakota Utilities-Applicant/Landowner (PZ-2022-0292) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 11.95 acres more or less located in the NW1/4SW1/4 less Outlot 9 and a portion of Outlot 10 of the SW1/4 of Section 20, Township 157 North, Range 94 West (White Earth Township) (Parcel# 140011000)

The applicant (represented by Andrew Seeberg with Montana-Dakota Utilities) is seeking a Conditional Use Permit for the purpose of bringing an existing 4.20 acres into compliance with the Mountrail County Land Development Code and to add an additional 2.90 acres to increase the size of an electrical substation. Mr. Seeberg explained to the board that the other existing substation in the area is quite old and so they will be expanding and upgrading on this substation and demolishing the old one once they are able to re-route transmission lines to this upgraded substation. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Ruland, to approve the zoning request filed by Montana-Dakota Utilities for a Conditional Use Permit for the purpose of bringing an existing 4.20 acres into compliance with Mountrail County Land Development Code and to add an additional 2.90 acres to increase the size of an electrical substation on a tract of land 11.95 acres more or less located in the NW1/4SW1/4 less Outlot 9 and a portion of Outlot 10 of the SW1/4 of Section 20, Township 157 North, Range 94 West (White Earth Township) as Montana-Dakota Utilities has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Montana-Dakota Utilities complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

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

Dallas C Lalim Living Trust & Valarie C Lalim Living Trust – State Water Permit #ND2022-21338 / PZ-2022-0306. Dallas C Lalim Living Trust & Valarie C Lalim Living Trust by Dallas C Lalim & Valarie C Lalim – Applicant/Landowners. NW1/4SW1/4 of Section 7, Township 157 North, Range 93 West (Sorkness Township). Period of Authorized usage: 12/10/2022 through 12/9/2023. Parcel #13-0003900. Approved by P&Z Administrator

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

Select Energy Services LLC – Lay Flat Hose Permit only – State Water Permit ND2022-21216 / PZ-2022-0290. Pumping of industrial water by lay flat hose: Select Energy Services-Applicant. Pumping of industrial water by lay flat hose point of beginning at S1/2SE1/4 of Section 28, Township 156 North, Range 92 West & ending at NE1/4 & SE1/4 of Section 31, Township 156 North, Range 92 West (Ross Township). Period of Authorized usage: 8/15/2022 through 7/30/2022. – Approved by P&Z Administrator

Williston Water Management – Lay Flat Hose Permit only – State Water Permit 7114 / PZ-2022-0294. Pumping of industrial water by lay flat hose: Williston Water Management-Applicant. Pumping of industrial water by lay flat hose point of beginning at: NW1/4 of Section 34, Township 152 North, Range 92 West, ending at NW1/4 & NE1/4 Section 33, Township 152 North, Range 91 West (Van Hook Township). Period of Authorized usage: 7/15/2022 through 12/31/2022. – Approved by P&Z Administrator

**Building Permits 2283-2284**

2283 – PZ-2022-0293 – Montana-Dakota Utilities – Applicant/Landowner. Parcel #14-0011000 – NW1/4SW1/4 less Outlot 9 and a portion of Outlot 10 of the SW1/4 of Section 20, Township 157 North, Range 94 West (White Earth Township). 60’x40’ Electrical Storage Building.

2284 – PZ-2022-0297 – Michael Voss – Applicant/Landowner. Parcel #47-0026300 – Lot 13, Block 2 of the Arrowhead Point Subdivision located in the SE1/2 of Section 11 and W1/2 of Section 12, Township 152 North, Range 93 West (Unorganized Township). 102’x62’ Home with attached Garage.

Moved by Commissioner Borud, seconded by Commissioner Fritel, to approve building permits 2283-2284. 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

-Administrator Vachal stated the issue of multiple campers being set up on lots is still ongoing and would like to know what administration should be doing about that. Discussion was held on whether those landowners with multiple campers on their lots are considered out of compliance with State of North Dakota regulations. Administrator Vachal stated the office is having some issues getting the State to take any action. State’s Attorney Enget suggested trying to get the State to take a joint approach on the issue with administration. State’s Attorney Enget will continue to work on this and that the landowners that are not complying with setbacks need to have that enforced and be brought into compliance. The board feels this area needs to be cleaned up and because it is zoned Residential, it needs to look like a residential area and not an RV park.

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

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

-State’s Attorney Enget presented the board with McKenzie County, Ward County, and Stark County’s requirements for subdivisions for discussion and the different bonds they use for construction and/or reclamation. State’s Attorney Enget did point out that Mountrail County has gone back and forth on the use of bonds versus letters of credit roughly 10 years ago due to the issues in dealing with out-of-state bond companies. State’s Attorney Enget will post the McKenzie County information on bonds to the board’s cloud so that all board members are able to view it and continue this discussion at a later time. Administrator Vachal will reach out to McKenzie County as well for more information.

**STAFF UPDATES**

* Approval of Planning and Zoning Meeting Dates and Deadlines.
* Meetings will stay as is on the 4th Monday of each month with the exception of December which will need to be moved to Wednesday, December 27th due to the courthouse being closed Monday, December 25th and Tuesday, December 26th.
  + Moved by Commissioner Ruland, seconded by Commissioner Fritel, to approve the meeting dates and deadlines for 2023 as proposed. All present voted yes. Motion carried.
* In going through Conditional Use Permits for gravel pits, Administration had a question they would like clarified by the board. If the landowner is issued a CUP for the gravel pit is the board requiring the gravel company to come in for an additional CUP to mine and pull the gravel? Administration has come across some files where the landowner holds a CUP but the company that is doing the mining has a CUP as well and some files the company mining doesn’t and, for the sake of consistency, would like to know how the board would like to proceed. Chairman Sorenson feels the person or entity holding the CUP holds the responsibility of ensuring proper reclamation is done regardless of who is doing the mining. Commissioner Ruland feels it is the business of the landowner if they want to obtain the CUP themselves and then lease the area to a company to mine it for them. Administrator Vachal does feel there could be issues with the landowner not having a letter of credit on file in these cases but that could be taken care of with a waiver signed by the landowner.

**BOARD CONCERNS**

None.

The Board adjourned at 9:23 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, January 23, 2023,** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

Accepted and approved this 23th day of January, 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\***