MINUTES

**Mountrail County Planning & Zoning Commission**

**December 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, Kirk Johnson and Jessie Weyrauch present. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County Property Assessor Kim Savage, Mountrail County State’s Attorney Wade Enget and Mountrail County Auditor Steph Pappa. Absent were Commissioner Doug Braatvold & Mountrail County Tax Equalization Director Lori Hanson.

**WELCOME NEW BOARD MEMBERS**

The board welcomed two new commissioners representing the Stanley City Council to fill the vacant seats left by the departure of Commissioners Zachary Gaaskjolen & Lauren Frost. Commissioner Jessie Weyrauch will finish Commissioner Gaaskjolen’s term which expires on 12-31-2026 and Commissioner Kirk Johnson will finish Commissioner Frost’s term which expires on 12-31-2025.

**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 Tomjack, to approve the Planning and Zoning Commission minutes of the November 27, 2023 meeting as amended. All present voted yes. Motion carried.

1. **8:35 a.m. Carlyn Fitzimmons-Applicant/Landowner (PZ-2023-0381) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 4.43 acres more or less, described as Lot 8 of Holsinger Estates located in the E1/2SE1/4 of Section 13, Township 152 North, Range 92 West (Osborne Township) (Parcel# 46-0009400)

The applicant (represented by Carlyn Fitzimmons) is seeking a Conditional Use Permit for the purpose of using land zoned Residential to operate a home salon known as Carlyn’s Salon. Commissioner Hollekim questioned if the applicant should have also had a variance application because this technically isn’t considered a home occupation because the applicant is using a separate building for it which would then make it more of a commercial use. Commissioner Sorenson doesn’t feel that it meets the definition of a Variance. States Attorney Enget pointed out that the definition of a home occupation in the Land Development Code doesn’t specify whether it needs to be within the home just that it is on the premises. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Weyrauch, to approve the zoning request filed by Carlyn Fitzimmons for a Conditional Use Permit for using land zoned Residential to operate a home salon known as Carlyn’s Salon on a tract of land 4.43 acres more or less, described as Lot 8 of Holsinger Estates located in the E1/2SE1/4 of Section 13, Township 152, Range 92 West (Osborne Township) as Carlyn Fitzimmons has met all other criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Carlyn Fitzimmons complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:38 a.m. S-Bar Ranch Declaration of Trust & Mutual Trust Agreement-Applicant/Landowner (PZ-2023-0363) Outlot Plat**

Outlot Plat Review Application for the following described property: a tract of land 49.71 acres more or less located in the N1/2NW1/4 & NW1/4NE1/4 of Section 8, Township 153 North, Range 92 West, to be known as Outlot 1 of the N1/2NW1/4 & NW1/4NE1/4 (Knife River Township) (Parcel# 40-0003900 & 40-0004200)

The applicant (represented by Gary Satterthwaite) is seeking an outlot plat for an irregular tract of land. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Borud to approve the zoning request of platting an outlot of land over 35 acres filed by S-Bar Ranch Declaration of Trust & Mutual Trust Agreement for a tract of land 49.71 acres more or less located in the N1/2NW1/4 & NW1/4NE1/4 of Section 8, Township 153 North, Range 92 West, to be known as Outlot 1 of the N1/2NW1/4 & NW1/4NE1/4 (Knife River Township) as S-Bar Ranch Declaration of Trust & Mutual Trust Agreement has met all criteria as set forth in Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:41 a.m. Sundre Sand & Gravel, Inc.-Applicant; Leo Ringoen-Landowner (PZ-2023-0394) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 20.00 acres more or less located in the SW1/4NW1/4 & NW1/4SW1/4 of Section 35, Township 155, Range 89 West (McAlmond Township) (Parcel# 23-0016000 & 23-0016200)

The applicant (represented by Todd Mantz with Sundre Sand & Gravel, Inc.) is seeking a Conditional Use Permit for the purpose of using land zoned Agricultural to mine gravel. Application was missing the road haul agreement and a copy of the gravel lease. These will need to be provided to Administration as soon as possible. Applicant has met all other requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Tomjack, to approve the zoning request filed by Sundre Sand & Gravel, Inc. with concurrence from Leo Ringoen-landowner, for a Conditional Use Permit for the purpose of using land zoned Agricultural to mine gravel on a tract of land 20.00 acres more or less located in the SW1/4NW1/4 & NW1/4SW1/4 of Section 35, Township 155, Range 89 West (McAlmond Township) expiring on the same date as the gravel lease contingent upon Administration receiving a road haul agreement and a copy of the signed gravel lease as Sundre Sand & Gravel, Inc. with concurrence from Leo Ringoen-landowner, has met all other criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Sundre Sand & Gravel, Inc. with concurrence from Leo Ringoen-landowner, 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. Dan & Lenore Pausig-Landowners**

This hearing is to discuss issues with compliance surrounding land zoned Agricultural on a tract of land 120.00 acres more or less described as Outlot 1 of Gov’t Lots 6 (NW1/4SW1/4) & 7 (SW1/4SW1/4) & E1/2SE1/4 of Section 6, Township 154 North, Range 91 West (Sikes Township) (Parcel# 32-0003000). Administration has been in contact with Dan & Lenore Pausig on several occasions regarding their continued non-compliance regarding setbacks and the presence of 7-8 campers on the property. Administration has offered assistance in getting the correct applications to bring the property into compliance with the Land Development Code (LDC). Mr. & Mrs. Pausig are in the process of developing the property with plans to build several houses for themselves and family. Administration and the Board’s largest issue is the number of campers on the property because the LDC allows for a camper to be lived in only during the construction phase of the permanent dwelling or until the end of the building permit which is one year. The LDC also allows for one camper per dwelling as an accessory (not to be lived in once the permanent dwelling is constructed). Currently there are 7-8 campers on the property and no dwellings which the board also feels is a safety issue in the event of an emergency because first responders won’t know what they are responding to with no idea of how many or what kind of structures are on the property. The second issue is the presence of a shop that is currently on the property which does not meet the required setbacks which the board doesn’t feel fits the definition of needing a variance because there aren’t any unusual conditions of the property that cause the shop to be built closer to the road and moving the shop to meet the setbacks would likely not cause a hardship on the property. Not moving the shop may cause a continued violation until it is fixed. Options were presented to Mr. Pausig including applying for a building permit for a house to be moved in or built which would allow him the use of one camper during the year the permit is valid for during the construction phase and that possibly by applying to re-zone one of the outlots to Rural Recreational, he could ask to have up to 3 campers on it as an RV park which would be only seasonal use. This matter will be discussed more once applications are submitted to Administration and board hearings have been set.

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

PZ-2023-0382 – Atlas Engineering – Applicant. Nancy Parkhill – Landowner. State Water Permit #ND2023-21939. Period of Authorized usage: 11/21/2023 through 11/20/2024. Pump placement on a tract of land 160.00 acres more or less located in the

NW1/4 of Section 21, Township 156 North, Range 92 West (Ross Township) (9 out of 10) CERTIFIED RECEIPTS RECEIVED Approved by P&Z Administrator on 11/30/2023

PZ-2023-0390 – Highline Water LLC – Applicant. Charles Sorenson, Michael Sorenson, Sara Sorenson & William Sorenson – Landowners. State Water Permit #ND2023-21910. Period of Authorized usage: 12/01/2023 through 1/31/2024. Pump placement on a tract of land 40.00 acres more or less located in the NE1/4NW1/4 (Gov’t Lot 3) of Section 3, Township 154 North, Range 91 West (Unorganized Township) (2) CERTIFIED RECEIPTS RECEIVED Approved by P&Z Administrator on 12/12/2023

PZ-2023-0391 – Highline Water LLC – Applicant. Horizon Land Holdings LLLP –Landowner. State Water Permit #ND2023-21912. Pump placement on a tract of land 40.00 acres more or less located in the SW1/4NE1/4 of Section 7, Township 156 North, Range 92 West (Ross Township) (7) CERTIFIED RECEIPTS RECEIVED Approved by P&Z Administrator on 12/12/2023

PZ-2023-0395 – Quality Water Systems – Applicant. Harvey & Merryellen Peterson Family Revocable Living Trust – Landowner. State Water Permit #ND2023-21949. Period of Authorized usage: 12/13/2023 through 10/26/2024. Pump placement on a tract of land 80.00 acres more or less located in the E1/2SE1/4 of Section 17, Township 155 North, Range 92 West (Alger Township) (8 out of 9) CERTIFIED RECEIPTS RECEIVED Approved by P&Z Administrator on 12/13/2023

PZ-2023-0400 – West Dakota Water LLC – Applicant. Scott C & Nancy L Meiers Living Trust – Landowner. State Water Permit #ND2023-21524. Period of Authorized usage: 12/20/2023 through 5/07/2024. Pump placement on a tract of land 80.00 acres more or less located in the S1/2NW1/4 of Section 28, Township 156 North, Range 92 West (Ross Township) (11 out of 11) CERTIFIED RECEIPTS RECEIVED Approved by P&Z Administrator on 12/27/2023.

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

Highline Water LLC – State Water Permit #ND2023-21906 / PZ-2023-0388. Pumping of industrial water by lay flat hose: Pumping of industrial water by lay flat hose: Highline Water LLC–Applicant. Boyd & Connie Anderson – Landowner. SW1/4 of Section 25, Township 157 North, Range 94 West (White Earth Township). Period of Authorized usage: 12/01/2023 through 1/31/2024. Parcel #14-0014700. (Ref #PZ-2023-0179).

Highline Water LLC – Permit Number – State Water Permit #ND2023-21907 / PZ-2023-0389. Pumping of industrial water by lay flat hose: Highline Water LLC–Applicant. Boyd & Connie Anderson–Landowner. NW1/4SE1/4 of Section 16, Township 156 North, Range 94 West (Myrtle Township) Period of Authorized usage: 12/01/2023 through 1/31/2024. Parcel # 21-0008200. (Ref# PZ-2023-0180).

Highline Water LLC – Permit Number – State Water Permit #ND2023-21943 / PZ-2023-0392. Pumping of industrial water by lay flat hose: Highline Water LLC–Applicant. Aaron & Ashley Skarsgard–Landowner. NE1/4SE1/4 of Section 23, Township 156 North, Range 92 West (Ross Township) Period of Authorized usage: 12/01/2023 through 11/30/2024. Parcel # 19-0011000 (Ref# PZ-2023-0246).

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

Streamline Water Services – Permit Number – State Water Permit #ND2023-21936 / PZ-2023-0385. Pumping of industrial water by lay flat hose: Streamline Water Services – Applicant. Donald & Theresa Heinle – Landowner. N1/2SW1/4 of Section 22, Township 156 North, Range 94 West (Myrtle Township) ending in Williams County. Period of Authorized usage: 11/18/2023 through 1/31/2024. Approved by P&Z Administrator

Streamline Water Services – Permit Number – State Water Permit #ND2023-21681 / PZ-2023-0386. Pumping of industrial water by lay flat hose: Streamline Water Services – Applicant. Robert & Connie Tosdale et al– Landowners. S1/2N1/2SE1/4NW1/4 of Section 15, Township 156 North, Range 93 West (Manitou Township) ending in the SW1/4NW1/4 of Section 22, Township 156 North, Range 94 West (Myrtle Township). Period of Authorized usage: 11/23/2023 through 3/31/2024. Approved by P&Z Administrator

EOG Resources Inc – Permit Number – State Water Permit #ND2023-21791 / PZ-2023-0397. Pumping of industrial water by lay flat hose: EOG Resources Inc – Applicant. Bryon Zacker– Landowner. SW1/4NW1/4 (Gov’t Lot 2) of Section 19, Township 153 North, Range 90 West (Wayzetta Township) ending in Outlot 2 in Gov’t Lot 1 of the NW1/4 of Section 19, Township 153 North, Range 90 West (Wayzetta Township). Period of Authorized usage: 9/20/2023 through 1/31/2023. Approved by P&Z Administrator

**Building Permits 2347-2348**

2347 – PZ-2023-0387 – Carlyn Fitzsimmons – Applicant/Landowner. Parcel #46-0009400. Lot 8 of Holsinger Estates located in E1/2SE1/4 of Section 13, Township 152 North, Range 92 West (Osborne Township) 16’x28’ Salon. Pending Conditional Use approval.

2348 – PZ-2023-0398 – 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. (Renewal).

Moved by Commissioner Hollekim, seconded by Commissioner Fritel, to approve building permits 2347-2348. 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**

* Melissa will be attending the listening sessions that were sent out to all board members on the American Farms and Rural Benefits.
* Data Centers what are some of the things you would like Administration to be watching for. I’ve been contacted by landowners, Developer. I just want to be ready to be able to answer questions. I know a big concern to all is the noise levels that these centers bring. Just looking for a direction from you as a board. I know the zoning is to be Industrial.

**BOARD CONCERNS**

None.

The Board adjourned at 9:37 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, January 22nd, 2024,** at 8:30 am via GOTOMEETING and in the Commissioners Room at the Mountrail County Courthouse.

Accepted and approved this 22nd day of January, 2024.

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\***