MINUTES

**Mountrail County Planning & Zoning Commission**

**February 24, 2025**

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, Joan Hollekim, Cameron Tomjack, Douglas Bratvold, Jessie Weyrauch and Arlo Borud present. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County State’s Attorney Wade Enget, Mountrail County Engineer Jana Hennessy and Mountrail County Auditor Stephanie Pappa. Absent were Commissioner Kirk Johnson and Mountrail County Tax Equalization Director Kim Savage.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Moved by Commissioner Hollekim, seconded by Commissioner Tomjack, to approve the Planning & Zoning Commission minutes of the January 27, 2025 meeting. All present voted yes. Motion carried.

1. **8:35 a.m. Basin Electric Power Cooperative-Applicant/Landowner; (PZ-2025-0018) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 40.86 acres more or less, known as Outlot 1 of the W1/2SW1/4 of Section 26, Township 153 North, Range 91 West (Crane Creek Township) (Parcel# 39-0012105)

The applicant (represented by Bobby Nasset with Basin Electric Power Cooperative) is seeking a Conditional Use Permit to use land zoned Agricultural for the construction of a new 115-kilovolt electrical substation. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Bratvold, to approve the zoning request filed by Basin Electric Power Cooperative for a Conditional Use Permit to use land zoned Agricultural for the construction of a new 115-kilovolt electrical substation on a tract of land 40.86 acres more or less, known as Outlot 1 of the W1/2SW1/4 of Section 26, Township 153 North, Range 91 West (Crane Creek Township) as Basin Electric Power Cooperative has met all other criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Basin Electric Power Cooperative 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. Basin Electric Power Cooperative-Applicant; Multiple-Landowners; (PZ-2025-0019) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land beginning in Mercer County traveling north through the Townships of Plaza, Spring Coulee, Shell, Wayzetta, Crane Creek, Knife River, Unorganized Township of 153-93, Rat Lake, Unorganized Townships of 154-94 & 155-94, Myrtle & White Earth, ending at Outlot 4 of the E1/2NW1/4NE1/4 & W1/2NE1/4NE1/4 of Section 29, Township 157 North, Range 94 West (White Earth Township) for a total route distance of 70.00 miles, more or less. Multiple parcel numbers.

The applicant (represented by Bobby Nasset with Basin Electric Power Cooperative) is seeking a Conditional Use Permit to use land zoned Agricultural for the construction of a new 345-kilovolt electrical transmission line. Due to a conflict of interest, Chairman Sorenson relinquished his chair and Vice-Chairman Tomjack stepped in to conduct this hearing. Mr. Nasset expressed several benefits to residents of the county including more reliable access to electricity and lower electricity costs (rates could increase with congestion charges without this line). Alex Vournas, General Manager of Mountrail-Williams Electric Cooperative spoke in support of the benefits given by Mr. Nasset and also pointed out that North Dakota is having to import power now and without a transmission line residents could start seeing reliability issues. Mountrail County Engineer Jana Hennessy presented those in attendance with information regarding setbacks and the safety concerns that surround having a transmission line in the right-of-way. Several landowners were present with concerns regarding the impact of the transmission line including the location of the proposed power poles (going through their fields versus following along the roads with the 75’ setback that is required by the Mountrail County Land Development Code), the possibility of a 150’ setback being enforced (would move the line even further into their land), the destruction that would be caused to the prairies by allowing the project, and the possibility of Basin Electric taking the easements by eminent domain. Board members expressed concern over the number of landowners that have not signed easements yet and whether or not potential data centers would be using the power from this line. The applicant currently has about 90% of the landowner agreements signed and they’re working on the rest of them and while it’s not the immediate plan and they don’t want to use it; they admit that they may have to look to using eminent domain as a last resort to obtain access from landowners that refuse to sign. Charlie Sorenson stated the township that he chairs won’t sign off on something until all affected landowners have signed off first and he feels the Planning & Zoning board should hold off on approving this project until all of the landowners have agreed to it. Commissioner Borud agrees with Mr. Sorenson that this matter should be tabled until the next Planning & Zoning meeting in March so the applicant can work on getting the rest of the landowner agreements signed.

Moved by Commissioner Borud, seconded by Commissioner Bratvold, to table to the call of the Chair until the March 24, 2025 meeting the zoning request filed by Basin Electric Power Cooperative with concurrence from multiple landowners, for a Conditional Use Permit to use land zoned Agricultural for the construction of a new 345-kilovolt electrical transmission line on a tract of land beginning in Mercer County traveling north through the Townships of Plaza, Spring Coulee, Shell, Wayzetta, Crane Creek, Knife River, Unorganized Township of 153-93, Rat Lake, Unorganized Townships of 154-94 & 155-94, Myrtle & White Earth, ending at Outlot 4 of the E1/2NW1/4NE1/4 & W1/2NE1/4NE1/4 of Section 29, Township 157 North, Range 94 West (White Earth Township) for a total route distance of 70.00 miles, more or less, so that the applicant can finish gathering the rest of the required landowner agreements. All present voted yes. Motion carried.

1. **8:41 a.m. Basin Electric Power Cooperative-Applicant; Robert R. & Arlene M. Stone Trust-Landowner (PZ-2025-0020) Temporary Use**

Zoning Request/Temporary Use Permit for the following described property: a tract of land 75.43 acres more or less, located in the SW1/4NE1/4 & NW1/4SE1/4 of Section 29, Township 157 North, Range 94 West (White Earth Township) (Parcel# 14-0017800)

The applicant (represented by Ryan King with Basin Electric Power Cooperative) is seeking a Temporary Use Permit to use land zoned Agricultural for a temporary substation material storage area. During discussion it was decided that this should be a Temporary Use Permit and not a Variance as initially applied for and published in the agenda. The applicant will not be doing any dirt work with this permit, it is just to store construction materials for the transmission line project. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Bratvold, to approve the zoning request filed by Basin Electric Power Cooperative with concurrence Robert R. & Arlene M. Stone Trust-landowner, pending approval from Mountrail County Road & Bridge, for a Temporary Use Permit to use land zoned Agricultural for a temporary substation material storage area on a tract of land 75.43 acres more or less, located in the SW1/4NE1/4 & NW1/4SE1/4 of Section 29, Township 157 North, Range 94 West (White Earth Township) for only construction period pending approval from Mountrail County Road and Bridge for road improvement needs, as Basin Electric Power Cooperative with concurrence Robert R. & Arlene M. Stone Trust-landowner, has met all other criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Basin Electric Power Cooperative with concurrence Robert R. & Arlene M. Stone Trust-landowner, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **9:00 a.m. Discussion regarding zoning for the City of Ross**

Julie Woodbury and Travis Torrence with the City of Ross approached the board to discuss the possibility of moving the zoning jurisdiction of the city of Ross back to Mountrail County Planning & Zoning. Mrs. Woodbury states that the city lacks the manpower and funding necessary to keep up with the zoning. States Attorney Enget cautioned that it will take a lot of work to find out how things have been zoned in Ross and that the city will lose local control of their zoning if the county takes over. Mrs. Woodbury states that local control isn’t their biggest concern and that the Planning & Zoning Board for the City of Ross hasn’t been active for years because she cannot find any recent mention of it in the city council’s meeting minutes. Commissioner Ruland suggested that SRF Consulting may be able to assist the city with going through their records and finding out where their zoning currently stands and that maybe funds from Job Development Authority or Vision West could help with the cost of that consultation so that the burden of the extra work doesn’t fall on the Mountrail County Planning & Zoning Administration. Commissioner Hollekim suggested the City of Ross could get a list of all of the parcels in Ross from the Mountrail County Tax Director and color code a map of all of their zoning classifications instead of going through the cost of hiring SRF. Commissioner Hollekim also suggested contacting Souris Basin Planning Council or AmeriCorps and seeing what help they can offer. Mrs. Woodbury will speak with KLJ and try to get a map of their zoning classifications together and take what information she’s gathered from this discussion to the City Council for further discussion.

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

PZ-2025-0021 – Mwiley Resources Inc – Applicant. C O Hanson Trust – Landowner. State Water Permit #ND2025-22771. Period of Authorized usage: 2/15/2025 through 12/31/2025. Pump placement on a tract of land 49.77 acres more or less located in the NW1/4SW1/4 of Section 21, Township 156 North, Range 90 West (Palermo Township) (15) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator

PZ-2025-0022 – Quality Water Systems – Applicant. Rice Ranch LLLP – Landowner. State Water Permit #ND2025-22811. Period of Authorized usage: 3/01/2025 through 7/01/2025. Pump placement on a tract of land 40.00 acres more or less located in the SW1/4NE1/4 of Section 11, Township 155 North, Range 94 West (Unorganized Township) (6) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator

PZ-2025-0023 – Highline Water LLC – Applicant. Michael Sorenson – Landowner. State Water Permit #ND2025-22726. Period of Authorized usage: 2/20/2025 through 11/30/2025. Pump placement on a tract of land 80.00 acres more or less located in the SW1/4NE1/4 & SE1/4NW1/4 of Section 3, Township 154 North, Range 94 West (Unorganized Township) (5) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator

**ONGOING BUSINESS**

Gravel Pits- Remains ongoing Administration working on Report

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

Hyrum Zetting Plan of action for Green Acres Subdivision

Subdivision Letter of Credit

Data Centers

Battery Storage Facilities

**STAFF UPDATES**

* Next special meeting of the Mountrail County Land Development Code Committee is scheduled for May 20, 2025.
* Administration is still watching legislation for any bills pertaining to Planning & Zoning. Senate Bill 2208 has been defeated.

**BOARD CONCERNS**

* Commissioner Hollekim asked if the board could get a new gravel pit listing. Administrator Vachal will get a new listing for the last five years to everyone.
* Commissioner Ruland received a phone call concerning the Department of Energy setting up a 75-mile corridor for any energy south of Bismarck. This corridor is federally controlled and will cut out the state and county control.

The Board adjourned at 10:19 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, March 24, 2025,** at 8:30 am via GOTOMEETING or in the Commissioners Room at the Mountrail County Courthouse.

Accepted and approved this 24th day of March, 2025.

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\***