MINUTES

**Mountrail County Planning & Zoning Commission**

**February 26, 2024**

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 (only for the beginning of the meeting due to virtual connection issues), Douglas Braatvold, Kirk Johnson and Jesse Weyrauch 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, Mountrail County State’s Attorney Wade Enget and Mountrail County Auditor Stephanie Pappa.

**APPROVAL OF AGENDA**

Moved by Commissioner Hollekim, seconded by Commissioner Ruland, to approve the agenda as amended. All present voted yes. Motion carried.

**APPROVAL OF MINUTES**

Moved by Commissioner Borud, seconded by Commissioner Ruland, to approve the Planning & Zoning Commission minutes of the January 22, 2024 meeting as amended. All present voted yes. Motion carried.

1. **8:38 a.m. Gary Swensrud-Applicant; Quentin Stevick-Landowner (PZ-2024-0011) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 80.00 acres more or less, described as the N1/2NE1/4 of Section 35, Township 156 North, Range 89 West (McGahan Township) (Parcel #16-0017700 & 16-0017600)

The applicant (represented by Gary Swensrud & Quentin Stevick) is seeking a Conditional Use Permit for the purpose of mining gravel on land zoned Agricultural. Administrator Vachal did receive some concerns from the Minot Air Force Base about the proximity of the gravel pit to their missile site but Mr. Swensrud assured the board that they will maintain an adequate distance from the missile site. 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 Gary Swensrud with concurrence from Quentin Stevick -landowner, for a Conditional Use Permit for the purpose of mining gravel on land zoned Agricultural a tract of land 80.00 acres more or less, described as the N1/2NE1/4 of Section 35, Township 156 North, Range 89 West (McGahan Township) for a period of 5 years, expiring on 2-26-2029, as Gary Swensrud with concurrence from Quentin Stevick -landowner, has met all other criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Gary Swensrud with concurrence from Quentin Stevick -landowner, 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. Sundre Sand & Gravel Inc.-Applicant; Wallace D. Lee Living Trust-Landowner (PZ-2024-0014) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 80.00 acres more or less, described as the N1/2SW1/4 of Section 1, Township 154 North, Range 89 West (Oakland Township) (Parcel# 30-0000300)

The applicant (represented by Dave Abel with Sundre Sand & Gravel Inc.) is seeking a Conditional Use Permit for the purpose of mining gravel on land zoned Agricultural. Shane Anderson, who owns property across the road from the planned pit, addressed the board with his objections to the application. Commissioner Fritel asked if Sundre plans to enter and exit the pit from the side near the Anderson farm or if they plan to use the approach on the south side of the pit. Mr. Abel stated they had planned to enter and exit from side near the Anderson farm but, in light of Mr. Anderson’s objections, they would be willing to use the approach on the south side. Other concerns from Mr. Anderson are their hours of operation, dust control, Sundre’s reclamation plans, and the location of the actual pit in relation to his farm. Mr. Abel addressed these concerns, telling the board and Mr. Anderson that they usually operate from 6:00 a.m. to 6:00 p.m., that they are more than willing to use some sort of dust suppression, they have a 3-year lease and plan to reclaim the pit as they go, and that the pit will be more toward the NE corner of the parcel roughly 1,000 feet from the road that goes by Mr. Anderson’s farm. Commissioner Ruland thinks a buffer zone between the pit and the nearby residents would be appropriate. The board will approve the application with the stipulations that the gravel is hauled out through the south side of the pit, there will be a buffer of 500 feet on the west side of the pit, and that there is communication between Mr. Anderson & Sundre if any issues related to the pit arise. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Ruland, seconded by Commissioner Borud, to approve the zoning request filed by Sundre Sand & Gravel Inc. with concurrence from Wallace D. Lee Living Trust-landowner, for a Conditional Use Permit for the purpose of mining gravel on land zoned Agricultural on a tract of land 80.00 acres more or less, described as the N1/2SW1/4 of Section 1, Township 154 North, Range 89 West (Oakland Township) for a period of 3 years, expiring on 2-26-2027, contingent upon Sundre Sand & Gravel Inc. using the south approach to enter and exit the pit, maintaining a buffer zone of 500 feet on the west side of the pit, and maintaining communication with Shane Anderson if any issues with the pit arise as Sundre Sand & Gravel Inc. with concurrence from Wallace D. Lee Living Trust-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 Wallace D. Lee Living Trust-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. Select Water-Applicant; H & J Rehak Family Farms LLLP-Landowner (PZ-2024-0016) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 40.00 acres more or less, located in the NW1/4NW1/4 (Gov’t Lot 1) of Section 7, Township 155 North, Range 93 (Debing Township) (Parcel# 27-0002700)

The applicant (represented by Greg Nelson with Select Water) is seeking an Amendment to Zoning to re-zone a tract of land zoned Agricultural to Industrial for the purpose of building water storage ponds to supply fresh water to the oil & gas industry. Due to a conflict of interest, Chairman Sorenson relinquished his chair and in the absence of the vice chair appointed Commissioner Hollekim to conduct this hearing. Charlie Sorenson, representing himself as a neighboring landowner as well as the Chairman of the township board of Debing Township, addressed the board with his and the township board’s concerns about this project and its effect on the area. Mr. Sorenson feels that Select Energy has some accountability issues and takes issue with the fact that they haven’t approached the township board about this at all. Select Energy has not met with the Mountrail County Water Resource Board and does not have a construction permit from the State of North Dakota yet. Commissioner Ruland feels there is a lot of groundwork that needs to take place before the board can make recommendation to the Mountrail County Board of Commissioners for re-zoning the property. The board would like to table this until the next meeting so that Select Energy can address some of the issues around this project and meet with both the Water Resource Board and the township board of Debing Township as well as work on obtaining their construction permit from the State of North Dakota.

Moved by Commissioner Borud, seconded by Commissioner Ruland to table until the next meeting of the Mountrail County Planning & Zoning Commission on March 25, 2024 the zoning request filed by Select Water with concurrence from H & J Rehak Family Farms LLLP-landowner, for an amendment to re-zone a tract of land zoned Agricultural to Industrial for the purpose of building water storage ponds to supply fresh water to the oil & gas industry on a tract of land 40.00 acres more or less located in the NW1/4NW1/4 (Gov’t Lot 1) of Section 7, Township 155 North, Range 93 (Debing Township) so that Select Energy may make contact with both the Mountrail County Water Resource Board and the township board of Debing Township as well as work on obtaining their construction permit from the State of North Dakota. All present voted yes. Motion carried.

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

PZ-2024-0006 – Highline Water LLC – Applicant. Boyd & Connie Anderson – Landowner. State Water Permit #ND2023-21944. Period of Authorized usage: 4/15/2024 through 6/15/2024. Pump placement on a tract of land 160.00 acres more or less located in the NE1/4 of Section 13, Township 157 North, Range 94 West (White Earth Township) (11) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0007 – Highline Water LLC – Applicant. Jeffrey Ranch Trust – Landowner. State Water Permit #ND2023-21917. Period of Authorized usage: 2/1/2024 through 11/30/2024. Pump placement on a tract of land 160.00 acres more or less located in the W1/2NW1/4 & W1/2SW1/4 of Section 22, Township 155 North, Range 94 West (Unorganized Township) (6) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0013 – West Dakota Water – Applicant. Pronghorn LLC – Landowner. State Water Permit #ND2023-21962. Period of Authorized usage: 2/16/2024 through 11/20/2024. Pump placement on a tract of land 160.06 acres more or less located in the SE1/4 of Section 13, Township 152 North, Range 91 West (Van Hook Township) (11) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0017 – H2O Connections LLC – Applicant. Joey Evensvold – Landowner. State Water Permit #ND2024-22071. Period of Authorized usage: 2/20/2024 through 12/31/2024. Pump placement on a tract of land 80.00 acres more or less located in the S1/2SW1/4 of Section 23, Township 157 North, Range 91 West (James Hill Township) (20) CERTIFIED RECEIPTS RECEIVED. Pending approval on 2/20/2024 by P&Z Administrator.

PZ-2024-0019 – Atlas Engineering – Applicant. Jack & Judene Cvancara – Landowner. State Water Permit #ND2024-22050. Period of Authorized usage: 2/21/2024 through 5/01/2024. Pump placement on a tract of land 152.77 acres more or less located in the NE1/4 less Outlot 1 of Section 20, Township 155 North, Range 92 West (Alger Township) (10) CERTIFIED RECEIPTS RECEIVED. Pending approval on 2/21/2024 by P&Z Administrator.

PZ-2024-0020 – Quality Water Systems– Applicant. Nyhus Farms – Landowner. State Water Permit #ND2023-22017. Period of Authorized usage: 2/23/2024 through 12/15/2024. Pump placement on a tract of land 80.00 acres more or less located in the W1/2SW1/2 of Section 20, Township 156 North, Range 90 West (Palermo Township) (10) CERTIFIED RECEIPTS RECEIVED. Pending approval on 2/23/2024 by P&Z Administrator.

PZ-2024-0021 – Highline Water LLC – Applicant. Derrick & Payton Erie – Landowner. State Water Permit #ND2024-22104. Period of Authorized usage: 2/23/2024 through 11/30/2024. Pump placement on a tract of land 157.48 acres more or less located in the SE1/4 of Section 2, Township 157 North, Range 93 West (Sorkness Township). (9) CERTIFIED RECEIPTS RECEIVED. Pending approval on 2/23/2024 by P&Z Administrator.

PZ-2024-0022 – Highline Water LLC – Applicant. Derrick & Shayla Erie – Landowner. State Water Permit #ND2024-22103. Period of Authorized usage: 2/23/2024 through 11/30/2024. Pump placement on a tract of land 40.00 acres more or less located in the SE1/4SE1/4 of Section 7, Township 157 North, Range 92 West (Cottonwood Township). (9) CERTIFIED RECEIPTS RECEIVED. Pending approval on 2/23/2024 by P&Z Administrator.

PZ-2024-0023 – H2O Connections LLC – Applicant. Curt & Summer Meyer – Landowner. State Water Permit #ND2024-22092. Period of Authorized usage: 2/23/2024 through 12/31/2024. Pump placement on a tract of land 40.00 acres more or less located in the NE1/4SW1/4 of Section 19, Township 155 North, Range 89 West (McAlmond Township). (7) CERTIFIED RECEIPTS RECEIVED. Pending approval on 2/23/2024 by P&Z Administrator.

PZ-2024-0024 – H2O Connections LLC – Applicant. Michael & Brenda Kok – Landowner. State Water Permit #ND2024-22070. Period of Authorized usage: 2/23/2024 through 12/31/2024. Pump placement on a tract of land 40.00 acres more or less located in the SW1/4NE1/4 of Section 1, Township 153 North, Range 91 West (Crane Creek Township). (8) CERTIFIED RECEIPTS RECEIVED. Pending approval on 2/23/2024 by P&Z Administrator.

PZ-2024-0025 – H2O Connections LLC – Applicant. Michael & Brenda Kok – Landowner. State Water Permit #ND2024-22069. Period of Authorized usage: 2/23/2024 through 12/31/2024. Pump placement on a tract of land 40.00 acres more or less located in the SE1/4NW1/4 of Section 1, Township 153 North, Range 91 West (Crane Creek Township). (11) CERTIFIED RECEIPTS RECEIVED. Pending approval on 2/23/2024 by P&Z Administrator.

PZ-2024-0028 – Bakken Water Transfer Services LLC – Applicant. D & R Lalim LLLP – Landowner. State Water Permit #ND2023-21957. Period of Authorized usage: 3/01/2024 through 10/31/2024. Pump placement on a tract of land 160.00 acres more or less located in the NE1/4 of Section 26, Township 156 North, Range 94 West (Myrtle Township). (4) CERTIFIED RECEIPTS RECEIVED. Pending approval on 2/23/2024 by P&Z Administrator.

PZ-2024-0029 – Quality Water Systems – Applicant. Rice Ranch LLLP – Landowner. State Water Permit #ND2024-22118. Period of Authorized usage: 3/15/2024 through 5/31/2024. Pump placement on a tract of land 40.00 acres more or less located in the NW1/4NW1/4 (Gov’t Lot 4) of Section 2, Township 155 North, Range 94 West (Unorganized Township). (5) CERTIFIED RECEIPTS RECEIVED. Pending approval on 2/28/2024 by P&Z Administrator.

PZ-2024-0030 – Headwaters Inc – Applicant. Rice Ranch LLLP – Landowner. State Water Permit #ND2024-22121. Period of Authorized usage: 2/29/2024 through 7/05/2024. Pump placement on a tract of land 40.00 acres more or less located in the NW1/4SE1/4 of Section 34, Township 156 North, Range 94 West (Myrtle Township). (6) CERTIFIED RECEIPTS RECEIVED. Pending approval on 2/29/2024 by P&Z Administrator.

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

Highline Water LLC – State Water Permit #ND2023-21911 / PZ-2024-0008. Highline Water LLC – Applicant. Charles Sorenson, Michael Sorenson, Sara Sorenson & William Sorenson – Landowners. NE1/4NW1/4 (Gov’t Lot 3) of Section 3, Township 154 North, Range 94 West (Unorganized Township). Period of Authorized usage: 2/01/2024 through 11/30/2024. Parcel #35-0001500. Approved by P&Z Administrator.

Highline Water LLC – State Water Permit #ND2023-21908 / PZ-2024-0009. 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: 2/01/2024 through 7/01/2024. Parcel #14-0014700. Approved by P&Z Administrator.

Highline Water LLC – State Water Permit #ND2023-21909 / PZ-2024-0010. 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: 2/01/2024 through 11/30/2024. Parcel #21-0008200. Approved by P&Z Administrator.

Northwest Water Transfer – State Water Permit #ND2024-22068 / PZ-2024-0015. Northwest Water Transfer – Applicant. Cindy L Blikre GST Trust – Landowner. NE1/4NW1/4 (Gov’t Lot 2) & SE1/4NW1/4 & SW1/4NE1/4 (Gov’t Lot 5) of Section 18, Township 158 North, Range 92 West (Powers Township). Period of Authorized usage: 2/15/2024 through 1/14/2025. Parcel #05-0009500. Approved by P&Z Administrator.

H2O Connections LLC – State Water Permit #ND2024-22065 / PZ-2024-0018. H2O Connections LLC – Applicant. Douglas Niemitalo – Landowner. SE1/4SW1/4 of Section 12, Township 154 North, Range 91 West (Sikes Township). Period of Authorized usage: 1/25/2024 through 12/31/2024. Parcel #32-0006200. Approved by P&Z Administrator.

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

ASWS LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #6459 / PZ-2024-0027. Pumping of industrial water by lay flat hose: ASWS LLC – Applicant. Beginning in Williams County ending in the SW1/4SW1/4 of Section 8, Township 156 North, Range 94 West (Myrtle Township). Period of Authorized usage: 2/15/2024 through 3/31/2024. Parcel #21-0004600. Approved by P&Z Administrator.

**Building Permits 2349-2350**

2349 – PZ-2024-0012 – Randall Jarmin – Applicant. Randall Jarmin, Jubal & Deann Jarmin – Landowners. Parcel #27-0016300. SW1/4 of Section 35, Township 155 North, Range 93 West. (Debing Township) 40’x64’ cold storage building.

2350 – PZ-2024-0030 – Tanner Johnson – Applicant/Landowner. Parcel #45-0014034. Lot 31 of Varloe Subdivision located in the NE1/4 of Section 30, Township 152 North, Range 91 West. (Van Hook Township) 35’x40’ storage building.

Moved by Commissioner Ruland, seconded by Commissioner Hollekim, to approve building permits 2349-2350. 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
* Subdivision Letter of Credit

**STAFF UPDATES**

* Administrator Vachal presented the board with a Public Notice Hearing for the Stanley Municipal Airport runway project in case anyone would like to attend.
* Administration is seeing an increase of interest with permanent water lines from a Temporary Conditional Use Permit Point of Diversion. Administration has met with States Attorney Enget who felt it would fall under a Temporary Use Permit for this water line and it would be permitted for a year. Administration would like to make sure this is how the board would like the office to handle these. The board feels where they want to start the line it would be a Conditional Use Permit and each tap would be a point of diversion.

**BOARD CONCERNS**

None.

The Board adjourned at 10:03 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, March 25, 2024,** at 8:30 am via GOTOMEETING or in the Commissioners Room at the Mountrail County Courthouse.

Accepted and approved this 25th day of March, 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\***