MINUTES

**Mountrail County Planning & Zoning Commission**

**February 27, 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 Roger Hovda, Trudy Ruland, Joan Hollekim, Megan Fritel, Lauren Frost and Zachary Gaaskjolen present. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County Engineer Jana Hennessy, Mountrail County Auditor Steph Pappa, Mountrail County Tax Equalization Director Lori Hanson, Mountrail County Property Assessor Kim Savage and Mountrail County States Attorney Wade Enget. Absent was Commissioner Douglas Bratvold.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Moved by Commissioner Hollekim, seconded by Commissioner Fritel, to approve the Planning & Zoning Commission minutes of the January 23, 2022 meeting as corrected. All present voted yes. Motion carried.

1. **8:35 a.m. BWB Honey Company-Applicant; Mike & Linda Palmer-Landowners (PZ-2023-0011) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 40.00 acres, more or less, located in the NW1/4NE1/4 of Section 20, Township 156, Range 89 West (McGahan Township) (Parcel# 16-0010100)

The applicant (represented by Brandon Buoye with BWB Honey Company) is seeking a Conditional Use Permit for the purpose of using land zoned Industrial for temporary workforce housing for seasonal employees. The applicant is asking for the permit to be for 8 seasonal employees. Administrator Vachal presented the board with a letter of complaint concerning the temporary housing from Jackie Deaver, a nearby landowner. Administrator Vachal and Chairman Sorenson have received verbal complaints from others including McGahan Township regarding the mess around the area. Commissioner Hollekim questioned how many structures the applicant is requesting under this permit. Administrator Vachal stated there are 6 structures on the south side of the property and 2 structures near the shop plus a FEMA trailer that, during a previous meeting, the board was told was going to be removed. Commissioner Hollekim suggested limiting the CUP to 1 year so that the situation can be more closely monitored to be sure the site has been cleaned up and kept clean as well as limiting it to 8 seasonal employees and 8 skid shacks. Applicant needs to turn in the H2A paperwork as well as the necessary P&Z fees. Applicant has met all other requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Fritel to approve the zoning request filed by BWB Honey Company, with concurrence from Mike & Linda Palmer-landowners, for a Conditional Use Permit for a period of 1 year beginning 2/27/23 contingent upon the applicant cleaning up the site and removing the FEMA trailer for the purpose of using land zoned Industrial for minor temporary workforce housing for 8 seasonal employees and 8 skid shacks on a tract of land 40.00 acres, more or less, located in the NW1/4NE1/4 of Section 20, Township 156, Range 89 West (McGahan Township) as BWB Honey Company, with concurrence from Mike & Linda Palmer-landowners, has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon BWB Honey Company, with concurrence from Mike & Linda Palmer-landowners, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:40 a.m. BWB Honey Company-Applicant; Mike & Linda Palmer-Landowners (PZ-2023-0012) Variance**

Variance Application request for the following described property: a tract of land 40.00 acres, more or less, located in the NW1/4NE1/4 of Section 20, Township 156, Range 89 West (McGahan Township) (Parcel# 16-0010100)

The applicant (represented by Brandon Buoye with BWB Honey Company) is seeking a variance for a 53.06’ setback on the west side of the property where it borders 70th Ave NW rather than the 150’ setback required by the Mountrail County Land Development Code for the purpose of bringing the 2 existing skid shacks on the property into compliance with the LDC for use as office space on land zoned Industrial. The structures are connected to water and electricity but are not used as housing and will not be used as such in the future. Commissioners Hollekim and Ruland feel that if McGahan Township chooses to improve or widen 70th Ave NW, the applicant will need to move the structure to accommodate those improvements. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Fritel to approve the zoning request filed by BWB Honey Company, with concurrence from Mike & Linda Palmer-landowners, for a Variance for a 53.06’ setback on the west side of the property where it borders 70th Ave NW rather than the 150’ setback required by the Mountrail County Land Development Code for the purpose of bringing the 2 existing skid shacks on the property into compliance with the LDC for use as office space on land zoned Industrial on a tract of land 40.00 acres, more or less, located in the NW1/4NE1/4 of Section 20, Township 156, Range 89 West (McGahan Township) contingent upon the applicant being required to move the structures in the event McGahan Township chooses to improve or widen 70th Ave NW as BWB Honey Company, with concurrence from Mike & Linda Palmer-landowners, has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon BWB Honey Company, with concurrence from Mike & Linda Palmer-landowners, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

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

PZ-2023-0023 – Highline Water LLC – Applicant. Fred Sorenson – Landowner. State Water Permit #ND2023-21397. Period of Authorized usage: 2/01/2023 through 11/30/2023. Parcel #35-0001500. Pump placement on a tract of land 40.00 acres more or less located in the Gov’t Lot 3 (NE1/4NW1/4) of Section 3, Township 154 North, Range 94 West (Unorganized Township). (2) CERTIFIED RECEIPTS RECEIVED. Pending approval by P&Z Administrator on 02/23/2023.

PZ-2023-0024 – Highline Water LLC – Applicant. Philip & Judy Hegstad – Landowners. State Water Permit #ND2023-21398. Period of Authorized usage: 2/01/2023 through 1/31/2024. Parcel #05-0002901. Pump placement on a tract of land 40.00 acres more or less located in the SW1/4NW1/4 of Section 6, Township 158 North, Range 92 West (Powers Township). (18) CERTIFIED RECEIPTS RECEIVED. Pending approval by P&Z Administrator on 02/23/2023.

PZ-2023-0025 – Highline Water LLC – Applicant. Boyd & Connie Anderson – Landowners. State Water Permit #ND2023-21399. Period of Authorized usage: 2/01/2023 through 11/30/2023. Parcel #14-0014700. Pump placement on a tract of land 150.34 acres more or less located in the SW1/4 of Section 25, Township 157 North, Range 94 West (White Earth Township). (52) CERTIFIED RECEIPTS RECEIVED. Pending approval by P&Z Administrator on 02/23/2023.

PZ-2023-0026 – Highline Water LLC – Applicant. Boyd & Connie Anderson – Landowners. State Water Permit #ND2023-21400. Period of Authorized usage: 2/01/2023 through 11/30/2023. Parcel #21-0008200. Pump placement on a tract of land 40.00 acres more or less located in the NW1/4SE1/4 of Section 16, Township 156 North, Range 94 West (Myrtle Township). (13) CERTIFIED RECEIPTS RECEIVED. Pending approval by P&Z Administrator on 02/23/2023.

PZ-2023-0027 – Highline Water LLC – Applicant. CLKM LLLP by Wayne Halvorson, General Partner – Landowner. State Water Permit #ND2023-21408. Period of Authorized usage: 2/01/2023 through 11/30/2023. Parcel #14-0014900. Pump placement on a tract of land 40.00 acres more or less located in the SE1/4SE1/4 of Section 25, Township 157 North, Range 94 West (White Earth Township). (13) CERTIFIED RECEIPTS RECEIVED. Pending approval by P&Z Administrator on 02/23/2023.

PZ-2023-0028 – Highline Water LLC – Applicant. Thomas & Jackie Heinle – Landowners. State Water Permit #ND2023-21409. Period of Authorized usage: 2/01/2023 through 11/30/2023. Parcel #21-0012000. Pump placement on a tract of land 40.00 acres more or less located in the NW1/4NE1/4 of Section 22, Township 156 North, Range 94 West (Myrtle Township). (15) CERTIFIED RECEIPTS RECEIVED. Pending approval by P&Z Administrator on 02/23/2023.

PZ-2023-0029 – Highline Water LLC – Applicant. Derrick & Payton Erie – Landowners. State Water Permit #ND2023-21411. Period of Authorized usage: 2/01/2023 through 11/30/2023. Parcel #13-0000800. 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). (8) CERTIFIED RECEIPTS RECEIVED. Pending approval by P&Z Administrator on 02/23/2023.

PZ-2023-0030 – Claude & Patricia Sem – Applicant/Landowners. State Water Permit #ND2023-21430. Period of Authorized usage: 3/1/2023 through 12/1/2023. Parcel #05-0004100. Pump placement on a tract of land 42.92 acres more or less located in Gov’t Lot 1 and Gov’t Lot 4 of the NE1/4 of Section 7, Township 158 North, Range 92 West (Powers Township). (15) CERTIFIED RECEIPTS RECEIVED. Pending approval by P&Z Administrator on 02/24/2023.

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

Ron Schenk – State Water Permit #ND2022-21331 / PZ-2023-0005. Schenk LLC – Applicant. Bartelson Investments LLLP - Landowner. S1/2 of Section 4, Township 152 North, Range 90 West (Parshall Township). Period of Authorized usage: 2/15/2023 through 7/31/2023. Parcel #44-0001600 & 44-0001500. Approved by P&Z Administrator.

H2O Connections LLC – State Water Permit #ND2023-21396 / PZ-2023-0015. H2O Connections LLC – Applicant. Doug Niemitalo - Landowner. SE1/4SW1/4 of Section 12, Township 154 North, Range 91 West (Sikes Township). Period of Authorized usage: 1/25/2023 through 1/24/2024. Parcel #32-0006200. Approved by P&Z Administrator.

Highline Water LLC – State Water Permit #ND2023-21410 / PZ-2023-0022. Highline Water LLC – Applicant. Derrick & Shayla Erie - Landowners. Gov’t Lot 8 (SE1/4SE1/4) of Section 7, Township 157 North, Range 92 West (Cottonwood Township). Period of Authorized usage: 2/1/2023 through 11/30/2023. Parcel #12-0003500. Approved by P&Z Administrator.

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

Hamlin Water – Permit Number – State Water Permit 6459 / PZ-2023-0006. Pumping of industrial water by lay flat hose: ASWS LLC dba Hamlin Water-Applicant. John Moe-Landowner. NE1/4 of Section 31 & E1/2SE1/4 & NE1/4NE1/4 of Section 30, Township 155 North, Range 94 West (Unorganized Township). Period of Authorized usage: 1/18/2023 through 2/20/2023. Parcel #28-0014000 ending at 28-0013500. Approved by P&Z Administrator.

Select Energy Services LLC – State Water Permit #ND2022-21153 / PZ-2023-0013. Pumping of industrial water by lay flat hose: Select Energy Services LLC – Applicant. Curtis & Lesley Trulson - Landowners. E1/2NW1/4 of Section 34, Township 156 North, Range 91 West (Idaho Township) ending at NE1/4 of Section 9, Township 155 North, Range 91 West (Purcell Township). Period of Authorized usage: 7/25/2022 through 7/10/2023. Parcel #18-0021800 ending at #25-0003900. Approved by P&Z Administrator.

Select Energy Services LLC – State Water Permit #ND2022-21339 / PZ-2023-0014. Pumping of industrial water by lay flat hose: Select Energy Services LLC – Applicant. Nelson Hubbard Properties - Landowner. SE1/4 of Section 33, Township 156 North, Range 91 West (Idaho Township) ending at NE1/4 of Section 9, Township 155 North, Range 91 West (Purcell Township). Period of Authorized usage: 1/1/2023 through 12/31/2023. Parcel #18-0021600 ending at #25-0003900. Approved by P&Z Administrator.

**Building Permits 2287-2288**

2287 – PZ-2023-0010 –BWB Honey – Applicant. Mike & Linda Palmer - Landowners. Parcel #16-0010100. NW1/4NE1/4 of Section 20, Township 156 North, Range 89 West (McGahan Township) 2 skid shacks.

2288 – PZ-2023-0031 –Darold & Alyce Halvorson – Applicant/Landowners. Parcel #47-0025000. Lot 4 Block 1 of Arrowhead Point Subdivision, Replat of Block 1 located in the SE1/4 of Section 11, Township 152 North, Range 93 West (Unorganized Township) 30’x50’ Garage.

Moved by Commissioner Hollekim, seconded by Commissioner Ruland, to approve building permit 2287 contingent upon the applicant maintaining a current Conditional Use Permit. All present voted yes. Motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Frost, to approve building permit 2288. 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-State’s Attorney Enget is researching this

-State’s Attorney Enget presented the board with the Financial Obligation of Developer currently used by McKenzie, Stark, and Williams counties as an example of what can be used for a Subdivision Letter of Credit. Commissioner Ruland is still concerned with the board defining an endpoint and having criteria to motivate the developer to finish the project and feels having an Application of Completion could be used to release the Letter of Credit.

**STAFF UPDATES**

-There is a Natural Resources Public Meeting on March 7th at 10:00 a.m. which P&Z staff will be attending and any board members that wish to attend are welcome. Commissioner Hollekim noted there is a registration fee so any board members wishing to attend should contact Administrator Vachal so she can register them for the meeting.

-States Attorney Enget gave an update on HB1423 which just passed through the House and the addition of a Model Zoning Review Taskforce to the bill.

**BOARD CONCERNS**

-Commissioner Hovda would like the area of BWB Honey Company monitored to be sure they are keeping the area clean. Administration can send out a letter to remind applicant/owner to clean up the trash. Chairman Sorenson feels photos should be taken to document any issues so that when the renewal of the Conditional Use Permit comes up, those can be added to the file and action can be taken.

The Board adjourned at 9:50 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, March 27, 2023,** at 8:30 am via GOTOMEETING and in the Commissioner’s Room at the Mountrail County Courthouse.

Accepted and approved this 27th day of March, 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\***