MINUTES

**Mountrail County Planning & Zoning Commission**

**February 28, 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 Joan Hollekim, Arlo Borud, Roger Hovda, Zachary Gaaskjolen, Gary (Fritz) Weisenberger, Megan Fritel and Trudy Ruland present. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County States Attorney Wade Enget, Mountrail County Tax Equalization Director Lori Hanson, and Mountrail County Property Assessor Kim Savage. Absent was Commissioner Thomas Nash.

**APPROVAL OF AGENDA**

Chairman Sorenson would like to amend the agenda to add Sundre Sand & Gravel with a question for the board between agenda items 11 and 12.

Moved by Commissioner Hovda, seconded by Commissioner Borud, 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 and Zoning Commission minutes of the January 24, 2022 meeting. All present voted yes. Motion carried.

1. **8:35 a.m. Northwest Water Transfer-Applicant; Sydney & Carol Craft-Landowners (PZ-2022-0014) Temporary Fresh Water Industrial Use Point of Diversion**

Zoning Request/Temporary Fresh Water Industrial Use Point of Diversion for the following described property: a tract of land 156.02 acres more or less in the SE1/4 of Section 16, Township 155 North, Range 91 West (Purcell Township) (Parcel# 250007200)

The applicant (represented by Molly Reinhardt with Northwest Water Transfer) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water for fracking purposes via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Weisenberger, seconded by Commissioner Gaaskjolen, to approve the zoning request filed by Northwest Water Transfer with concurrence from Sydney & Carol Craft-landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water from a slough for fracking purposes on a tract of land 156.02 acres more or less in the SE1/4 of Section 16, Township 155 North, Range 91 West (Purcell Township) contingent upon adhering to the ND State Temporary Water Permit ND2021-20780 valid 12/15/21 through 12/14/22 using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW use requirements when applicable as Northwest Water Transfer with concurrence from Sydney & Carol Craft-landowners, has met all criteria as set forth in Article II, Section XVI, and Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Northwest Water Transfer with concurrence from Sydney & Carol Craft-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:40 a.m. Nevets & Michelle Hoff-Applicant/Landowner (PZ-2022-0015) Outlot Plat**

Outlot Plat Review Application for the following described property: a tract of land 69.75 acres more or less in Gov’t Lots 1, 2 & E1/2NW1/4 of Section 31, Township 151 North, Range 88 West to be known as Outlot 5 of Gov’t Lots 1, 2 & E1/2NW1/4 of Section 31, Township 151 North, Range 88 West (Mountrail Township) (Parcel# 480012600)

The applicant (represented by Nevets Hoff) 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 Hovda to approve the zoning request platting an outlot of land over 35.01 acres filed by Nevets & Michelle Hoff-landowners, for a tract of land 69.75 acres more or less to be known as Outlot 5 of Gov’t Lots 1, 2 & E1/2NW1/4 of Section 31, Township 151 North, Range 88 West (Mountrail Township). Nevets & Michelle Hoff-landowners have met all criteria as set forth in Mountrail County Subdivision Resolution. All present voted yes. Motion carried.

1. **8:45 a.m. Nevets & Michelle Hoff-Applicant/Landowner (PZ-2022-0016) Outlot Plat**

Outlot Plat Review Application for the following described property: a tract of land 86.04 acres more or less in Gov’t Lots 3, 4 & E1/2SW1/4 of Section 31, Township 151 North, Range 88 West to be known as Outlot 6 of Gov’t Lots 3, 4 & E1/2SW1/4 of Section 31, Township 155 North, Range 88 West (Mountrail Township) (Parcel# 480012700)

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

Moved by Commissioner Hovda, seconded by Commissioner Borud to approve the zoning request platting an outlot of land over 35.01 acres filed by Nevets & Michelle Hoff-landowners, for a tract of land 86.04 acres more or less to be known as Outlot 6 of Gov’t Lots 3, 4 & E1/2SW1/4 of Section 31, Township 155 North, Range 88 West (Mountrail Township). Nevets & Michelle Hoff-landowners have met all criteria as set forth in Mountrail County Subdivision Resolution. All present voted yes. Motion carried.

1. **8:50 a.m. Highline Water LLC-Applicant; Fred Sorenson-Landowner (PZ-2022-0019) Temporary Fresh Water Industrial Use Point of Diversion**

Zoning Request/Temporary Fresh Water Industrial Use Point of Diversion for the following described property: a tract of land 40.00 acres more or less in the SW1/4NW1/4 of Section 3, Township 154 North, Range 94 West (Unorganized Township) (Parcel# 350001500)

Chairman Sorenson relinquished the Chair to Vice-Chairman Weisenberger. Chairman Sorenson did not participate in this discussion nor did he cast a vote after the motion.

The applicant (represented by Yvonne Storlie with Highline Water LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water for fracking purposes via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Gaaskjolen, to approve the zoning request filed by Highline Water LLC with concurrence from Fred Sorenson-landowner, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water from a slough for fracking purposes on a tract of land 40.00 acres more or less in the SW1/4NW1/4 of Section 3, Township 154 North, Range 94 West (Unorganized Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-20832 valid 2/1/22 through 11/30/22 using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW use requirements when applicable as Highline Water LLC with concurrence from Fred Sorenson-landowner, has met all criteria as set forth in Article II, Section XVI, and Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Highline Water LLC with concurrence from Fred Sorenson-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

Vice-Chairman Weisenberger gave the chair back to Chairman Sorenson.

1. **8:55 a.m. Highline Water LLC-Applicant; Boyd & Connie Anderson-Landowners (PZ-2022-0020) Temporary Fresh Water Industrial Use Point of Diversion**

Zoning Request/Temporary Fresh Water Industrial Use Point of Diversion for the following described property: a tract of land 72.56 acres more or less in the NW1/4SE14 of Section 16, Township 156 North, Range 94 West (Myrtle Township) (Parcel# 210008200)

The applicant (represented by Yvonne Storlie with Highline Water LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water for fracking purposes via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger, to approve the zoning request filed by Highline Water LLC with concurrence from Boyd & Connie Anderson-landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water from a slough for fracking purposes on a tract of land 72.56 acres more or less in the NW1/4SE14 of Section 16, Township 156 North, Range 94 West (Myrtle Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-20835 valid 2/1/22 through 11/30/22 using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW use requirements when applicable as Highline Water LLC with concurrence from Boyd & Connie Anderson-landowners, has met all criteria as set forth in Article II, Section XVI, and Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Highline Water LLC with concurrence from Boyd & Connie Anderson-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:00 a.m. Highline Water LLC-Applicant; Thomas & Jackie Heinle-Landowners (PZ-2022-0021) Temporary Fresh Water Industrial Use Point of Diversion**

Zoning Request/Temporary Fresh Water Industrial Use Point of Diversion for the following described property: a tract of land 40.00 acres more or less in the NW1/4NE1/4 of Section 22, Township 156 North, Range 94 West (Myrtle Township) (Parcel# 210012000)

The applicant (represented by Yvonne Storlie with Highline Water LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water for fracking purposes via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger, to approve the zoning request filed by Highline Water LLC with concurrence from Thomas & Jackie Heinle-landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water from a slough for fracking purposes on a tract of land 40.00 acres more or less in the NW1/4NE1/4 of Section 22, Township 156 North, Range 94 West (Myrtle Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-20836 valid 2/1/22 through 11/30/22 using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW use requirements when applicable as Highline Water LLC with concurrence from Thomas & Jackie Heinle-landowners, has met all criteria as set forth in Article II, Section XVI, and Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Highline Water LLC with concurrence from Thomas & Jackie Heinle-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:05 a.m. Highline Water LLC-Applicant; Gerald Neset-Landowner (PZ-2022-0022) Temporary Fresh Water Industrial Use Point of Diversion**

Zoning Request/Temporary Fresh Water Industrial Use Point of Diversion for the following described property: a tract of land 40.00 acres more or less in the SE1/4NE1/4 of Section 15, Township 155 North, Range 94 West (Unorganized Township) (Parcel# 280007400)

The applicant (represented by Yvonne Storlie with Highline Water LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water for fracking purposes via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Ruland, to approve the zoning request filed by Highline Water LLC with concurrence from Gerald Neset-landowner, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water from a slough for fracking purposes on a tract of land 40.00 acres more or less in the SE1/4NE1/4 of Section 15, Township 155 North, Range 94 West (Unorganized Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-20837 valid 2/1/22 through 11/30/22 using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge temporary ROW use requirements when applicable as Highline Water LLC with concurrence from Gerald Neset-landowner, has met all criteria as set forth in Article II, Section XVI, and Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Highline Water LLC with concurrence from Gerald Neset-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:10 a.m. Joan Thompson-Applicant/Landowner (PZ-2022-0024) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land described as Sublot K of Outlot 1 in the S1/2SE1/4 of Section 19, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450010112)

The applicant (represented by Malinda Rasmusson) is seeking a Conditional Use Permit to place a mobile home on a tract of land zoned Residential. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Hollekim to approve the zoning request filed by Joan Thompson-landowner, for a Conditional Use Permit for the purpose of placing a mobile home on a tract of land zoned Residential described as Sublot K of Outlot 1 in the S1/2SE1/4 of Section 19, Township 152 North, Range 91 West (Van Hook Township), as Joan Thompson-landowner, has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Joan Thompson-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:15 a.m. Joan Thompson-Applicant/Landowner (PZ-2022-0025) Variance**

Variance Application request for the following described property: a tract of land described as Sublot K of Outlot 1 in the S1/2SE1/4 of Section 19, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450010112)

The applicant (represented by Malinda Rasmusson) is seeking a variance to place a mobile home with an 11 ½’ setback on the west lot line and a 0’ setback on the east lot line. Administrator Vachal explained the dimensions of the lot to the board to help clarify why the applicant is asking for this variance. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Gaaskjolen to approve the zoning request filed by Joan Thompson-landowner, for a Variance to place a mobile home with an 11 ½’ setback on the west lot line and a 10’ setback on the east lot line rather than the 25’ front setback and 30’ Rear setback as required by ordinance on a tract of land described as Sublot K of Outlot 1 in the S1/2SE1/4 of Section 19, Township 152 North, Range 91 West (Van Hook Township) as Joan Thompson-landowner, has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Joan Thompson-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

**SUNDRE SAND & GRAVEL: QUESTION FOR THE BOARD RE: WATER PERMITS**

Dave Abel with Sundre Sand & Gravel was present to ask the board about State Water Permits and the expiration dates and what would constitute a lapsed permit. Administrator Vachal stated they are given a 2 month grace period before it is considered lapsed. Mr. Abel would also like to know if they would be able to submit an application for a Temporary Fresh Water Industrial Use Point of Diversion before they get the State Water Permit and just have the application approval contingent upon receiving the state permit because applications aren’t typically accepted before the State Water Permit is obtained. Sundre Sand & Gravel has a project coming up but if they waited to submit their application, they may miss the State’s deadlines and then their permit would lapse. Chairman Sorenson and Commissioner Hollekim both feel that because the project Mr. Abel is referring to is a municipal project that the board should probably think about not causing a delay in that project. Administrator Vachal stated Sundre Sand & Gravel should keep the office updated as plans form and change and that they will be found in non-compliance if a State Water Permit doesn’t get turned in as soon as possible. Commissioner Hollekim feels the application should at least be specific to the project. The board feels as long as Sundre Sand & Gravel provides a copy of their State Water Permit to the P&Z office as soon as they get it, that it should be okay to submit an application.

**SRF-SCOTT HARMSTEAD: MOUNTRAIL COUNTY LAND DEVELOPMENT CODE**

Discussion was had on changes that have been made to the Mountrail County Land Development Code from the last steering committee meeting and any other changes the board feels should be made.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to approve the first reading and to set the second public hearing of the Mountrail County Land Development Code for March 28, 2022 at 8:35am. All present voted yes. Motion carried.

**TEMPORARY WATER PERMIT – NON-TRANSFERABLE RENEWALS**

**Edward S Kreiger Estate** – Permit Number – State Water Permit ND2021-02732 / PZ-2022-0018 Pumping of industrial water by lay flat hose: Edward S Krieger Estate, Gary Krieger PR-Applicant/Landowner. NW1/4 Section 10, Township 154 North, Range 94 West (Unorganized Township) Period of Authorized usage: 02/01/2022 through 11/30/2022 Parcel # 35-0004600 (Ref# PZ-2021-0063)

**H20 Connections LLC** – Permit Number – State Water Permit ND2021-20803 / PZ-2022-0023 Pumping of industrial water by lay flat hose; H2O Connections LLC-Applicant. Doug Niemitalo-Landowner. SE1/4SW1/4 Section 12, Township 154 North, Range 91 West (Sikes Township) Period of Authorized usage: 01/01/2022 through 12/31/2022 Parcel # 32-0006200 (Ref# PZ-2021-0005)

**West Dakota Water** – Lay Flat Hose Permit only – Permit Number – State Conditional Water Permit 6459 / PZ-2022-0017 Pumping of industrial water by lay flat hose point of beginning in Williams County; NW1/4 Section 11, Township 154 North, Range 96 West and N1/2 Section 13, Township 154, Range 96 ending in Mountrail County; S1/2SE1/4 Section 23, Township 155 North, Range 93 West and NW1/4NW1/4 Section 14, Township 155 North, Range 93 West. (Debing Township) Period of Authorized usage: 01/01/2022 through 12/31/2022 Parcel # 27-0010600 & 27-0005900 (Ref# PZ-2021-0299)

**West Dakota Water** – Permit Number – State Water Permit ND2021-02811 / PZ-2022-0031 Pumping of industrial water by existing buried pipeline: West Dakota Water–Applicant. Roger & Darlene Vesey-Landowner. Lot 9 (SE1/4SW1/4) Section 18, Township 155 North, Range 89 West. (McAlmond Township) Period of Authorized usage: 01/01/2022 through 12/31/2022 Parcel #23-0008200 (Ref# PZ-2021-0139)

**BUILDING PERMITS**

2215 – PZ-2022-0026 – Joan Thompson – Applicant/Owner. Parcel #45-0010112 – Sublot K of Outlot 1 located in the S1/2SE1/4 Section 19, Township 152, Range 91 (Van Hook Township) 16’ x 66’ Mobile Home.

Moved by Commissioner Hollekim, seconded by Commissioner Ruland to approve building permit 2215. 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

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

Stanley Blaisdell RV Park-New entrance gate put up as of 9-14-21

Manitou RV Park-the last RV will be moving soon and Alan Rehak is aware he’s not to have anyone else living there

**STAFF UPDATES**

Administration will be attending the reclamation seminar in Dickinson this week.

**BOARD CONCERNS**

None.

The Board adjourned at 10:51 A.M. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, March 28, 2022,** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

Accepted and approved this 28th day of March 2022.

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\***