MINUTES

**Mountrail County Planning & Zoning Commission**

**March 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, Mountrail County Property Assessor Kim Savage, and Mountrail County Engineer Jana Hennessy. Absent was Commissioner Thomas Nash.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve the Planning and Zoning Commission minutes of the February 28, 2022 meeting. All present voted yes. Motion carried.

1. **8:35 a.m.** **Jim Hennessy, Mountrail County Ag Agency/Weed Control**

Jim Hennessy approached the board to discuss weed free aggregate and the possibility of certifying new pits prior to being opened as weed infested gravel is one of the biggest spreaders of weeds in our area. Having gravel pits certified could potentially save the taxpayers money on weed control if weed infested gravel isn’t being used for roads or oil sites. In the past, pits have been certified for $500 and that covered the yearly renewals for 10 years. Mr. Hennessy would like the board to consider adding something to the Conditional Use Permit application regarding certifying gravel pits. The Board was receptive to adding the requirement of having pits certified. Mr. Hennessy would research wording to be added to the application process and the procedure for implementing this requirement and report back to the Board.

1. **8:40 a.m. 2nd Reading of the Mountrail County Land Development Code-Scott Harmstead, SRF**

-Review of changes that were suggested at the last reading and discuss any other concerns

-Commissioner Ruland had a concern about the letter of credit for gravel pits

-States Attorney Enget suggested changing the word “town” to “governmental subdivision” and also mentioned the changes that need to be added for violations (once being a class B misdemeanor for any violations and now shifting to certain administrative penalties and criminal penalties only if the violation is egregious enough)

-Administrator Vachal mentioned some typos that will need to be corrected (administration will provide a list of those corrections to SRF or sit down and go over them with Scott)

-Final reading of the Land Development Code will be scheduled for the April 25th meeting due to the public notice for March lacking the location of the meeting

-Chad Little representing Mountrail Wind Project approached the board about concerns he has about the challenges the Land Development Code will present to any landowner that wants to be part of the development of wind energy in Mountrail County. Mr. Little feels the Land Development Code as written makes it nearly impossible to develop wind energy in Mountrail County.

1. **8:55 a.m. Highline Water LLC-Applicant; CLKM LLLP-Landowner (PZ-2022-0033) 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 acres more or less in the SE1/4SE1/4 of Section 25, Township 157 North, Range 94 West (White Earth Township) (Parcel# 140014900)

The applicant (represented by Landon Eskew 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. Commissioner Hollekim inquired if the partnership paperwork for CLKM LLLP has been turned in with the application. Administrator Vachal stated it has not but the applicant will get it to the office as soon as possible. Applicant has met all other requirements of the Planning & Zoning Board.

Moved by Commissioner Gaaskjolen, seconded by Commissioner Hovda, to approve the zoning request filed by Highline Water LLC with concurrence from CLKM LLLP-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 acres more or less in the SE1/4SE1/4 of Section 25, Township 157 North, Range 94 West (White Earth Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-20833 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 and/or township(s) temporary ROW use requirements as Highline Water LLC with concurrence from CLKM LLLP-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 CLKM LLLP-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:58 a.m.** **Allison Parizek-Applicant/Landowner (PZ-2022-0034) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 00.28 acres more or less described as Sublot Q of Outlot 1 of the S1/2SE1/4 of Section 19, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450010118)

The applicant is seeking a Conditional Use Permit for the purpose of operating a dog holding sanctuary on a tract of land zoned Residential. Letters of concern from nearby landowners were presented to the board.

No certified receipts were turned in and the applicant did inform the P&Z office that they are moving and will not be moving forward with this project. Due to this, Administrator Vachal is asking the board to deny this request.

Moved by Commissioner Ruland, seconded by Commissioner Hollekim to deny the zoning request filed by Allison Parizek for a Conditional Use Permit to use land zoned residential for the purpose of operating a dog holding sanctuary on a tract of land 00.28 acres, more or less, described as Sublot Q of Outlot 1 of the S1/2SE1/4 of Section 19, Township 152 North, Range 91 West (Van Hook Township) as the applicant withdrew their request. All present voted yes. Motion carried.

1. **9:01 a.m. Andeavor Field Services LLC-Applicant; Brenda & Curtis Kralicek-Landowners (PZ-2022-0035) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 16.74 acres more or less described as Outlot 2 of the NE1/4NE1/4 of Section 36, Township 153 North, Range 92 West (Knife River Township) (Parcel# 400016600)

The applicant (represented by Kurt VonBokern with Andeavor Field Services LLC) is seeking an Amendment to Zoning to re-zone a tract of land from Agricultural to Industrial for the purpose of building a gas compressor station. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Weisenberger to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Andeavor Field Services LLC with concurrence from Brenda & Curtis Kralicek-landowners for an amendment to change land zoned Agricultural to Industrial for the purpose of building a gas compressor station on a tract of land 16.74 acres, more or less, described as Outlot 2 of the NE1/4NE1/4 of Section 36, Township 153 North, Range 92 West (Knife River Township) as Andeavor Field Services LLC with concurrence from Brenda & Curtis Kralicek-landowners has met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Andeavor Field Services LLC with concurrence from Brenda & Curtis Kralicek-landowners complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:04 a.m. Andeavor Field Services LLC-Applicant; Brenda & Curtis Kralicek-Landowners (PZ-2022-0036) Conditional Use Permit**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 16.74 acres more or less described as Outlot 2 of the NE1/4NE1/4 of Section 36, Township 153 North, Range 92 West (Knife River Township) (Parcel# 400016600)

The applicant (represented by Kurt VonBokern with Andeavor Field Services LLC) is seeking a Conditional Use Permit to use land zoned Industrial (contingent upon the approval of the Amendment to Zoning by the Mountrail County Commissioners) for the purpose of building a gas compressor station. 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 Andeavor Field Services LLC with concurrence from Brenda & Curtis Kralicek-landowners for a Conditional Use Permit to use land zoned Industrial for the purpose of building a gas compressor station on a tract of land 16.74 acres, more or less, described as Outlot 2 of the NE1/4NE1/4 of Section 36, Township 153 North, Range 92 West (Knife River Township) as Andeavor Field Services LLC with concurrence from Brenda & Curtis Kralicek-landowners has met all other criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Andeavor Field Services LLC with concurrence from Brenda & Curtis Kralicek-landowners complying with all other terms and conditions of the Mountrail County Zoning Ordinance and approval by the Mountrail County Commissioners of the Amendment to Zoning request for this same tract of land. All present voted yes. Motion carried.

1. **9:07 a.m. Beau Vachal-Applicant; Enviro Waste Solutions LLC-Landowner (PZ-2022-0040) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 13.75 acres more or less in the NW1/4NE1/4 of Section 32, Township 155 North, Range 93 West to be known as Outlot 1 of the NW1/4NE1/4 (Debing Township) (Parcel# 270014702)

This application was withdrawn by the applicant prior to the meeting but after the agenda was made.

1. **9:10 a.m. Beau Vachal-Applicant; Enviro Waste Solutions LLC-Landowner (PZ-2022-0041) Outlot Plat**

Outlot Plat Review Application for the following described property: a tract of land 23.95 acres more or less in the NW1/4NE1/4 of Section 32, Township 155 North, Range 93 West to be known as Outlot 2 of the NW1/4NE1/4 (Debing Township) (Parcel# 270014702)

This application was withdrawn by Administration prior to the meeting but after the agenda was made due to an error in the legal description on the public notice. This will be moved to the April 25th meeting with the correct information being published.

1. **9:13 a.m. Gene & Patricia Brown-Applicant/Landowners (PZ-2022-0043) Amendment**

Amendment to Zoning Request for the following described properties: tracts of land 30.92 & 9.08 acres more or less described as the SE1/4NW1/4 including Outlot 1 of the E1/2SE1/4NW1/4 of Section 30, Township 156, Range 93 West (Manitou Township) (Parcel#s 200016800 & 200016801)

The applicant (who was not present for this hearing) is seeking an Amendment to Zoning to re-zone a tract of land from Industrial to Agricultural. Commissioner Hollekim informed administration that the land is held in a trust and should have the name of the trust and the trustees on the amendment. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Gene & Patricia Brown trustees of the Gene E & Patricia K Brown Living Trust for an amendment to change land zoned Industrial to Agricultural on tracts of land 30.92 & 9.08 acres, more or less, described as the SE1/4NW1/4 including Outlot 1 of the E1/2SE1/4NW1/4 of Section 30, Township 156, Range 93 West (Manitou Township) as Gene & Patricia Brown have met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Gene & Patricia Brown complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:16 a.m. Sundre Sand & Gravel Inc.-Applicant; ND Department of Trust Lands-Landowner (PZ-2022-0044) 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 157 acres more or less in the NW1/4 of Section 36, Township 156, Range 89 West (McGahan Township) (Parcel# 160017701)

The applicant (represented by David Abel with Sundre Sand & Gravel Inc.) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water for a wash plant for a highway project via lay flat hose. Applicant presented the board with a letter from the ND Department of Trust Lands regarding this application to act in place of their signature on the application itself. Commissioner Hollekim would like the approval of this application to be subject to the conditions that the water permit from the State of North Dakota is turned into the P&Z office and that this allowed only because this is specific to a municipal project. Applicant has met all other requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Weisenberger, to approve the zoning request filed by Sundre Sand & Gravel Inc. with concurrence from ND Department of Trust Lands-landowner, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water for a wash plant for DOT Project NH-7-002 on a tract of land 157 acres, more or less, in the NW1/4 of Section 36, Township 156, Range 89 West (McGahan Township) contingent upon the receipt of the ND Water Permit, using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge and/or township(s) temporary ROW use requirements as Sundre Sand & Gravel Inc. with concurrence from ND Department of Trust Lands-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 Sundre Sand & Gravel Inc. with concurrence from ND Department of Trust Lands-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:19 a.m. Sundre Sand & Gravel Inc.-Applicant; Dallas & Debbie Moore-Landowners (PZ-2022-0046) 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 61.26 acres more or less in the E1/2NE1/4 of Section 26, Township 156 North, Range 89 West (McGahan Township) (Parcel# 160013000)

The applicant (represented by David Abel with Sundre Sand & Gravel Inc.) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water for a wash plant for a highway project via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Weisenberger, to approve the zoning request filed by Sundre Sand & Gravel Inc. with concurrence from Dallas & Debbie Moore-landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water for a wash plant for DOT Project NH-7-002 on a tract of land 61.26 acres more or less in the E1/2NE1/4 of Section 26, Township 156 North, Range 89 West (McGahan Township) using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge and/or township(s) temporary ROW use requirements as Sundre Sand & Gravel Inc. with concurrence from Dallas & Debbie Moore-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 Sundre Sand & Gravel Inc. with concurrence from Dallas & Debbie Moore-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

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

**Schenk LLC** – Permit Number – State Water Permit ND2021-20699 / PZ-2022-0037 Pumping of industrial water by lay flat hose: Schenk LLC-Applicant. Bartelson Investments LLLP-Landowner. SW1/4SE1/4 Section 4, Township 152 North, Range 90 West (Parshall Township) Period of Authorized usage: 02/20/2022 through 7/31/2022 Parcel # 440001600 & 440001500 (Ref# PZ-2021-0008)

**ND Energy Services** – **Lay Flat Hose Permit only** – Permit Number – State Conditional Water Permit 6459 / PZ-2022-0042 Pumping of industrial water by lay flat hose point of beginning in Williams County; SE1/4 Section 11, Township 154 North, Range 96 West and N1/2 Section 13, Township 154 North, Range 96 West ending in Burke County; Period of Authorized usage: 3-2-2022 through 5-2-2022

**Petro-Hunt LLC** - **Lay Flat Hose Permit only** - Permit Number – State Conditional Water Permit 6459 / PZ-2022-0049 Pumping of industrial water by lay flat hose point of beginning in SE1/4SE1/4 Section 31, Township 158 North, Range 94 West (Bicker Township) to Section 5, Township 157 North, Range 94 West (White Earth Township); Period of Authorized usage: 03/14/2022 through 5/14/2022 Parcel #140003000

**Dallas Lalim** – Permit Number – State Conditional Water Permit ND2021-20793 / PZ-2022-0061 Pumping of industrial water by lay flat hose; Dallas Lalim-Applicant/Landowner. NW1/4SW1/4 Section 7, Township 157 North, Range 93 West (Sorkness Township); Period of Authorized usage: 03/15/2022 through 11/30/2022 Parcel #13-0003900 (Ref# PZ-2021-0149)

**Penelope Berry** – Permit Number – State Water Permit ND2021-20802 / PZ-2022-0062 Pumping of industrial water by lay flat hose; Penelope Berry-Applicant/Landowner. SE1/4 Section 6, Township 157 North, Range 53 West (Sorkness Township); Period of Authorized usage: 3/15/22 through 11/30/2022 Parcel # 13-0003200 (Ref# PZ-2021-0266)

**BUILDING PERMITS**

2216 – PZ-2022-0038 – Jim Wznick – Applicant/Owner. Parcel #18-0023200 – W1/2SW1/4NW1/4 of Section 36, Township 156, Range 91 (Idaho Township) 20’x36’ family room and 20’x36’ basement additions.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland to approve building permit 2216. 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

**STAFF UPDATES**

1. Administration asked for the board’s permission to refund half of the application fees that were paid for the withdrawn Amendment to Zoning application filed by Enviro Waste Solutions (PZ-2022-0040) at the applicant’s request. The board doesn’t want to set the precedence of refunding fees because they are intended to be non-refundable.
2. Jason Rice, Mountrail County Commissioner, informed the P&Z office that the state is allowing some companies to move salt water through lay flat hose. Administration wanted to make sure the board is informed in case there is some action the board would like to take. The board feels they may want to discuss the definitions in the Land Development Code of fresh water versus salt water because there isn’t anything currently about salt water in there.
3. Presentation and discussion of fees and the fee spreadsheet report.
4. Mountrail County Engineer Jana Hennessy had a concern about townships being properly notified about the moving of compressor stations across their roads. Administration stated that all townships get sent a copy of public notices when applications come in front of the board.

**BOARD CONCERNS**

Commissioner Hovda would like the fee spreadsheet e-mailed to him.

The Board adjourned at 10:21am. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, April 25, 2022,** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

Accepted and approved this 25th day of April 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\***