MINUTES

**Mountrail County Planning & Zoning Commission**

**April 26, 2021**

The meeting of the Mountrail County Planning & Zoning Commission was called to order at 8:30 AM by Chairman Charlie Sorenson with Commissioners Trudy Ruland, Gary (Fritz) Weisenberger, Roger Hovda, Joan Hollekim, Arlo Borud, Thomas Bieri, Zachary Gaaskjolen, present. Thomas Nash, absent from the meeting. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Linda Wienbar, Mountrail County Tax Equalization Director Lori Hanson, Mountrail County Property Assessor Kim Savage, and Mountrail County Engineer Jana Hennessy. Mountrail County States Attorney Wade Enget, absent.

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

1. **8:35 a.m. Danny Helmers-Lease Holder; Mountrail County-Landowner (PZ-2021-0062) Variance**

Variance Application request for the following described property: A tract of land described as Lot 2, Block 2 of Original Townsite of Van Hook, also known as Lot 4, Block 7 leased lot at Traynor Park in the NW1/4 of Section, 32, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450014101)

The applicant is seeking a variance for a 0’ setback on the east end of leased lot (front) for the purpose of placing a garage, 38’ x 34’ with living quarters, on the lot line, on an 80’ street. 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 Danny Helmers for a variance request for a 0’ front setback rather than the required 25’ front setback for the construction of a garage, 38’ x 34’ with living quarters located in Lot 2, Block 2 of Original Townsite of Van Hook, also known as Lot 4, Block 7 leased lot at Traynor Park in the NW1/4 of Section 32, Township 152, Range 91 West (Van Hook Township) as Danny Helmers has met all criteria as set forth in Article IV, Section V, of the Mountrail County Zoning Ordinance and is further contingent upon Danny Helmers complying with all other terms and conditions of the Mountrail County Zoning Ordinance. The 0’ front setback was allowed as the front street is 80’ in width. All present voted yes. Motion carried.

1. **8:40 a.m. Pronghorn, LLC-Applicant/Landowner (PZ-2021-0049) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: An 80 acre, more or less, tract of land described as the E1/2SE1/4 of Section 13, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450007200)

The applicant (represented by Rob Fogarty with Pronghorn, LLC) is seeking a Conditional Use Permit to use agricultural land for the mining and sale of clay and gravel on a tract of land 80 acres more or less. Applicant has met all requirements of the Planning & Zoning Board pending the completion of the application checklist and submission of a letter of credit if any mining begins.

Moved by Commissioner Hovda, seconded by Commissioner Ruland to approve the zoning request filed by Pronghorn LLC, landowner for a Conditional Use Permit to use land zoned agricultural for the mining and sale of clay and gravel on a tract of land 80 acres more or less in the E1/2SE1/4 of Section 13, Township 152 North, Range 91 West. (Van Hook Township) for a period of five (5) year term, requiring a $125,000.00 letter of credit to be renewed and filed with the Planning & Zoning office annually if any mining begins (beyond cleaning up existing materials), as Pronghorn LLC, landowner has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and Pronghorn LLC, landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

Motion made by Hovda, seconded by Ruland, to reconsider the motion above pertaining to the Conditional Use Permit granted to Pronghorn LLC. All present voted yes. Motion carried. The Board discussed amending the motion to include wording that the conditional use permit would remain valid if the applicant’s request to zone this same land to industrial is approved by the Board of Commissioners as the applicant submitted an application to change this same parcel of land to industrial.

Motion made by Hovda, seconded by Ruland, to approve, as amended, the zoning request filed by Pronghorn LLC, landowner for a Conditional Use Permit to use land zoned agricultural for the mining and sale of clay and gravel on a tract of land 80 acres, more or less, in the E1/2SE1/4 of Section 13, Township 152 North, Range 91 West. (Van Hook Township) for a period of five (5) year term, requiring a $125,000.00 letter of credit to be renewed and filed with the Planning & Zoning office annually if any mining begins (beyond cleaning up existing materials), and that the Conditional Use Permit will remain valid if the Board of Mountrail County Commissioners grant an amendment to rezone such land industrial, as Pronghorn LLC, landowner has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and Pronghorn LLC, landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:45 a.m. Pronghorn, LLC-Applicant/Landowner (PZ-2021-0066) Amendment**

Amendment to Zoning request for the following described property: A tract of land described as the SE1/4 of Section 13, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450007200)

The applicant (represented by Ryan Waters with Pronghorn, LLC) is seeking an Amendment to Zoning to re-zone a tract of land from Agricultural to Industrial for the construction of water storage ponds to supply fresh water to the oil and gas industry. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Hollekim to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Pronghorn LLC, landowner for an amendment to change land zoned Agricultural to Industrial for the purpose of construction of water storage ponds to supply fresh water to the oil and gas industry on a tract of land in the SE1/4 of Section 13, Township 152 North, Range 91 West (Van Hook Township) as Pronghorn LLC, landowner has met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Pronghorn LLC, landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:50 a.m. Pronghorn, LLC-Applicant/Landowner (PZ-2021-0068) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: A tract of land described as the SE1/4 of Section 13, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450007200)

The applicant (represented by Ryan Waters with Pronghorn, LLC) is seeking a conditional use permit to use industrial land to construct storage ponds for the use to supply fresh water to the oil and gas industry. Applicant needs to supply more information before this will be approved. Planning & Zoning Board wants detailed plans, water permits, and notification sent to the Army Corps of Engineers before they will approve this. This will be tabled until the May 24th, 2021 Planning & Zoning meeting.

Moved by Commissioner Hovda, seconded by Commissioner Borud to table to the call of the chair the zoning request filed by Pronghorn LLC, landowner for a Conditional Use Permit to use industrial land to construct storage ponds for the use to supply fresh water to the oil and gas industry until further information is received for a tract of land in the SE1/4 of Section 13, Township 152 North, Range 91 West (Van Hook Township). All present voted yes. Motion carried.

1. **8:55 a.m. Storms Construction, Inc.-Applicant/Landowner (PZ-2021-0070) Amendment**

Amendment to Zoning request from Agricultural to Industrial for the following described property: Outlot 2 of the N1/2NE1/4 of Section 32, Township 152 North, Range 90 West (Parshall Township) (Parcel# 440014705)

The applicant (represented by Leonard Storms with Storms Construction, Inc.) is seeking an Amendment to Zoning to re-zone land from Agricultural to Industrial for the operation of a water and sewer company. Certified notification wasn’t sent to all adjacent landowners but will be sent by the Planning & Zoning office before the meeting of the Mountrail County Commissioners. Applicant has met all requirements of the Planning & Zoning board.

Moved by Commissioner Weisenberger, seconded by Commissioner Borud to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Storms Construction Inc., landowner for an amendment to change land zoned Agricultural to Industrial for the operation of a water and sewer company for the described property, Outlot 2 of the N1/2NE1/4 of Section 32, Township 152 North, Range 90 West (Parshall Township) as Storms Construction Inc., landowner has met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Storms Construction Inc., landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:00 a.m. Storms Construction, Inc.-Applicant/Landowner (PZ-2021-0071) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: Outlot 2 of the N1/2NE1/4 of Section 32, Township 152 North, Range 90 West (Parshall Township) (Parcel# 440014705)

The applicant (represented by Leonard Storms with Storms Construction, Inc.) is seeking a Conditional Use Permit for the purpose of using Industrial land for workforce housing for employees during the operation of their water and sewer company contingent on the approval of the amendment to zoning request. Applicant has met all requirements of the Planning & Zoning Board pending making the recommended wording change from “temporary housing” to “workforce housing”.

Moved by Commissioner Hollekim, seconded by Commissioner Hovda to approve the zoning request for a Conditional Use Permit filed by Storms Construction Inc., landowner, subject to the approval of amendment to zoning by the Mountrail County Commissioners, for the described property, Outlot 2 of the N1/2NE1/4 of Section 32, Township 152 North, Range 90 West (Parshall Township) for the purpose of using Industrial land for workforce housing for employees during the operation of their water and sewer company as Storms Construction Inc., landowner has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Storms Construction Inc., landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:05 a.m. Jason Thurlo-Applicant/Landowner (PZ-2021-0074) Variance**

Variance application (represented by Jason Thurlo) request for the following described property: Sublot J of Outlot 1 in the NE1/4NE1/4 of Section 30, Township 152 North, Range 91 West. (Van Hook Township) (Parcel# 450014044)

The applicant is seeking a variance to place a 1989 mobile home which is older than the 8 years allowed by ordinance on the described property. The mobile home is in good condition and has had several upgrades done to it. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request filed by Jason Thurlo, landowner for a variance request for a 1989 mobile home which is older than the 8 years allowed by ordinance to be placed on land described as Sublot J of Outlot 1 in the NE1/4NE1/4 of Section 30, Township 152 North, Range 91 West. (Van Hook Township) as Jason Thurlo, landowner has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent on the landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:05 a.m. Jason Thurlo-Applicant/Landowner (PZ-2021-0112) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: Sublot J of Outlot 1 in the NE1/4NE1/4 of Section 30, Township 152 North, Range 91 West. (Van Hook Township) (Parcel# 450014044)

The applicant (represented by Jason Thurlo) is seeking a Conditional Use Permit to place a 1989 mobile home on a parcel zoned as residential. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Hovda to approve the zoning request filed by Jason Thurlo, landowner for a Conditional Use Permit to place a 1989 mobile home on a parcel zoned residential on land described as Sublot J of Outlot 1 in the NE1/4NE1/4 of Section 30, Township 152 North, Range 91 West. (Van Hook Township) as Jason Thurlo, landowner has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent on the 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. Gratech Company LLC-Applicant; Robert Western-Landowner (PZ-2021-0075) Water Variance**

Zoning Request/Conditional Use Permit for the following described property: A tract of land described as the SE1/4 of Section 36, Township 158 North, Range 92 West (Powers Township) (Parcel# 050018500)

Board will move to deny due to facts of finding (no landowner signatures, no road haul agreement, applicant was a no show).

Moved by Commissioner Hovda, seconded by Commissioner Borud to deny the zoning request filed by Gratech Company LLC in concurrence with Robert Western, landowner, for a Conditional Use Permit for the purpose of a temporary water depot for transferring slough water by truck for a road construction project on a tract of land in the SE1/4 of Section 36, Township 158 North, Range 92 West (Powers Township) due to facts of finding. All present voted yes. Motion carried.

1. **9:15 a.m. Sam and Megan Fritel-Applicants; Larry and Karen Fritel-Landowners (PZ-2021-0077) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: A tract of land described as Outlot 2 of Government Lots 2, 3, & 7 containing 69.72 acres more or less in Section 22, Township 157 North, Range 90 West (Clearwater Township) (Parcel# 100009820)

The applicant (represented by Megan Fritel) is seeking a Conditional Use Permit for the purpose of having seasonal campers on land currently zoned Rural Recreational. P & Z Administrator Vachal gave an updated legal description to the board due to applicants wishing to amend the description on their request from Government Lots 2, 3, & 7 to a portion of Outlot 2 that is in Government Lot 2 only. Applicant has met all requirements of the Planning & Zoning Board pending notification to emergency services and submittal of an updated site plan with roads being drawn in.

Moved by Commissioner Weisenberger, seconded by Commissioner Hollekim to approve the zoning request filed by Sam and Megan Fritel in concurrence with Larry and Karen Fritel, landowners, for a Conditional Use Permit on a tract of land described as a portion of Outlot 2 of Government Lot 2 containing 24 acres more or less in Section 22, Township 157 North, Range 90 West (Clearwater Township) for the purpose of having seasonal campers on land currently zoned Rural Recreational as Sam and Megan Fritel in concurrence with Larry and Karen Fritel, landowners, have met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Sam and Megan Fritel complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

**Public Concerns**

Wayne Johnson was present to express concern about the noise level coming from the generators on the two well pads at Van Hook and to seek advice on where to direct his and other lot lessees’ complaints. Board recommended to him to reach out to the State Land Commissioner.

**Minutes**

Commissioner Ruland asked that minutes be converted to PDF before sending them out onto the cloud to make them more accessible to everyone.

Moved by Commissioner Borud, seconded by Commissioner Hollekim to approve the Planning and Zoning Commission minutes of the March 22, 2021 meeting as corrected. All present voted yes. Motion carried.

**Temporary Conditional Use for a Temporary Freshwater Industrial Use Point of Diversion Permits – Non-Transferable - Renewals**

Gary Krieger PR/Edward S. Krieger Estate - Permit Number – ND2021-20448 / PZ-2021-0063

Pumping of industrial water by lay flat hose; Gary Krieger-PR for Edward S. Krieger, Landowner.

 NW1/4 Section 10, Township 154 North, Range 94 West (Unorganized Township)

Highline Water LLC – Permit Number – ND2021-20516 / PZ-2021-0069

Pumping of industrial water by lay flat hose; Rice Ranch LLLP, Landowners. SE1/4SE1/4 Section 34, Township 156 North, Range 94 West (Myrtle Township)

Maverick Water Resources LLC – Permit Number – ND2021-20458 / PZ-2021-0086 Pumping of industrial water by lay flat hose; Lillian Meiers, Grace Lystad and Diane Gustafson, Landowners. E1/2SE1/4 Section 18, Township 154 North, Range 90 West (Austin Township)

**Building Permits**

2159 – PZ-2021-0040 – Gabe Crowder, Applicant/Landowner. Parcel #12-0005900 – ENE Less Outlot 1 NWNENENW Section 13, Township 157 North, Range 92 West (Cottonwood Township) 54’x92’ non-commercial General use Repair Shop.

2160 – PZ-2021-0041 – Randy Bechtold, Applicant/Landowner. Parcel #47-0024000 – Lot 16, Block 2 Bridgeview Subdivision SE1/4 Section 11, Township 152 North, Range 93 West (Unorganized Township) 30’x32’ House.

2161 – PZ-2021-0050 – Monte Lund, Applicant/Landowner. Parcel #’s 28-0005600 and 28-0005800 – NE1/4SW1/4 and NW1/4SE1/4 Section 12, Township 155 North, Range 94 West (Unorganized Township) Single Family Residence.

2162 – PZ-2021-0051 – Shirley Campbell, Applicant. Mountrail County, Landowner. Parcel #45-0014101 – Lot 4, Block 16, also known as Lot 4, Block 13 of the Original Townsite of Van Hook/Traynor Park, NW1/4 Section 32, Township 152 North, Range 91 West (Van Hook Township) Replacing old deck with a new 18’x12’ Deck. (This building permit was pre-approved by P&Z Administrator)

2163 – PZ-2021-0053 – Larry Gullickson, Applicant/Landowner. Parcel # 51-0000626 – Lot 7 of Brendle’s 2nd Subdivision. Section 10, Township 151 North, Range 91 West (Liberty Township) 60’x100’ Home/Shop.

2164 – PZ-2021-0061 – Danny Helmers, Applicant. Mountrail County, Landowner. Parcel # 45-0014101 – Lot 2, Block 2 Original Townsite of Van Hook, also known as Lot 4, Block 7 leased lot at Van Hook Traynor Park. NW1/4 of Section 32, Township 152 North, Range 91 West (Van Hook Township). 38’x34’ Garage w/ Living Quarters.

2165 – PZ-2021-0064 – Neil P. Johnson Estate / Valoie Olson – PR, Applicant/Landowner. Parcel # 10-0011700 - NE1/4NW1/4 Section 26, Township 157 North, Range 90 West (Clear Water Township). 16’x80’ Mobile Home.

2166 – PZ-2021-0065 – Renae Quick, Applicant/Landowner. Parcel # 45-0014023 – Lot 20 of Varloe Subdivision. NE1/4 Section 30, Township 152 North, Range 91 West (Van Hook Township). 5’x10’ Breezeway.

2167 – PZ-2021-0072 – Storms Construction Inc., Applicant/Landowner. Parcel # 44-00114705 – Outlot 2 of N1/2NE1/4 Section 32, Township 152 North, Range 90 West (Parshall Township). 50’x120’ – Warehouse and 16’x76’ – Tri-Plex.

2168 – PZ-2021-0075 – Jason Thurlo, Applicant/Landowner. Parcel # 45-0014044 – Sublot J of Outlot 1 of NE1/4NE1/4 Section 30, Township 152 North, Range 91 West (Van Hook Township). 16’x74’ – Mobile Home and 40’x56’ – Shop.

2169 – PZ-2021-0082 – Matthew Miller, Applicant/Landowner. Parcel# 51-0000624 –

Lot 5 Brendle’s 2nd Subdivision located in S1/2NE1/4 Section 10, Township 151 North, Range 91 West (Liberty Township). 30’x40’ – Garage.

2170 – PZ-2021-0083 – Joseph or Lorna Lautenschlager, Applicant/Landowner. Parcel# 51-0000654 – Lot 15 Brendle’s 3rd Subdivision located in S1/2NE1/4 Section 10, Township 151 North, Range 91 West (Liberty Township).40’x96’ Pole Frame-House and Garage.

2171 – PZ-2021-0085 – Beau Vachal, Applicant. John Vachal, Landowner. Parcel# 27-0009800 – SE1/4 Section 22, Township 155 North, Range 93 West (Debing Township). 40’ x 60’ Pre-fab Pole Building.

2172 – PZ-2021-0088 – Leonard Jones, Applicant/Landowner. Parcel# 23-0004900 –

NW1/4NE1/4 Section 11, Township 155 North, Range 89 West (McAlmond Township) 80’ x 160’ Cold Storage Machine Shed.

2173 – PZ-2021-0094 – Chris Mosbrucker, Applicant. Mountrail County, Landowner.

Parcel# 45-0014101 – Lot 15, Block 4, Olson’s 2nd Addition, Van Hook/Traynor Park, also known as Leased Lot 5, Block 4 of Traynor Park in the SW1/4 Section 29, Township 152 North, Range 91 West (Van Hook Township) 16 x 80 Mobile Home.

Moved by Commissioner Hovda, seconded by Commissioner Ruland to approve building permits 2159 through 2173. All present voted yes. Motion carried.

**BOARD CONCERNS:**

Commissioner Ruland brought up the State suspending water permits and that maybe Mountrail County can tie in drought ratings into their permits. Commissioner Ruland also suggested the State Water Commission phone numbers to be posted on the P&Z website so people know who to contact about this, and permit holders should be told to notify the county if their state permit is suspended.

**ONGOING BUSINESS:**

Gravel Pits

J&J Oilfield

White Earth Bay

Green Acres Subdivision

Stanley Blaisdell RV Park

**STAFF CONCERNS**

-Building permits being pre-approved by P&Z Administrator as long as no variances are required and applications meet all setbacks. The board collectively is okay with this.

-Regarding fences on property lines at Van Hook Park: need park approval, consent letter from neighbor(s) and building permit. Board to advise Administration how to answer to the Park. It was stated to Dawn Ritts that they need to make sure their leases allow fences to be placed onto the property. Planning & Zoning has visited with States Attorney Wade Enget regarding this.

-Subdivisions and fences on property lines-taking into consideration of the 10’ easement for utilities. Could put a clause on the consent form that this will not subordinate existing easements. The board feels this should be taken to States Attorney Wade Enget.

-ND Department of Health-Food and Lodging has been in contact with the office about RV Parks and that several RV Parks are not in compliance with the State nor do they have a conditional use current. One of these is the Stanley Blaisdell RV Park and possibly some of the County Parks but they did not specify which ones. Administration addressed to NDDOH that all items regarding County Parks would need to be taken to the Park Board.

-Regarding Temporary Use Permits Non-Transferable on Water Permits: if the state should not renew or permit a state water permit to areas in Mountrail County that have been permitted and given a Water Variance in the past, once the state starts to permit again will there be a requirement to start the process over with a Water Variance or if the applicant has never lapsed on their applications will they be given a Temporary Use Permit Non-Transferable to continue where they should’ve been before? Commissioner Hollekim suggested the applicant submit verification from the State that their permit has been suspended.

-Administration has been in contact with the beehive owners to inform them that they need a Conditional Use Permit to have workforce housing. They do not want to re-zone it from industrial as it falls under the warehouse for permitted use. They have not been in contact with the office for a couple of weeks now. Administration will reach out to them again before the April 30th deadline for the May meeting. The board collectively feels Administration should begin the violation process for this.

-MBI Real Estate LLC concerning the building that was leased by MBI Energy Services. MBI Energy Services needs their letter of credit released as they are no longer using the building or the workforce housing. The board feels they need to clean up and reclaim the site or MBI Real Estate LLC will need to begin the application process again and issue P&Z a new letter of credit.

-There is a lot in Van Hook that the lot doesn’t match the GIS drawing and the process of re-platting and vacating an alleyway will need to be started. Mountrail County Auditor Steph Pappa and Dawn Ritts of the park have been informed of this.

-SRF update will be presenting at the May meeting with what was discussed at the last steering committee meeting.

Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday May 24, 2021** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

Accepted and approved this 24th day of May 2021.

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\***