MINUTES

**Mountrail County Planning & Zoning Commission**

**May 24, 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, Gary (Fritz) Weisenberger, Trudy Ruland, and Megan Fritel 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 were Commissioners Thomas Nash and Zachary Gaaskjolen.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Moved by Commissioner Hovda, seconded by Commissioner Weisenberger to approve the Planning and Zoning Commission minutes of the April 25, 2022 meeting as corrected. All present voted yes. Motion carried.

1. **8:35 a.m. Powers Lake Sportsman’s Club-Applicant; Philip Eugene & Judy Hegstad-Landowners (PZ-2022-0059) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 41.08 acres more or less located in Gov’t Lot 8 and the SE1/4SW1/4 of Section 6, Township 158 North, Range 92 West (Powers Township) (Parcel# 050002900)

The applicant (represented by Jeremiah Gibson with Powers Lake Sportsman’s Club) requested to postpone this hearing until the June 27, 2022 meeting. Commissioner Hollekim suggested that administration send out new notices to the public that the hearing has been postponed and provide them with the new date and time. Hearing has been tabled to the call of the chair.

1. **8:38 a.m. Powers Lake Sportsman’s Club-Applicant; Philip Eugene & Judy Hegstad-Landowners (PZ-2022-0060) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 41.08 acres more or less located in Gov’t Lot 8 and the SE1/4SW1/4 of Section 6, Township 158 North, Range 92 West (Powers Township) (Parcel# 050002900)

The applicant (represented by Jeremiah Gibson with Powers Lake Sportsman’s Club) requested to postpone this hearing until the June 27, 2022 meeting. Commissioner Hollekim suggested that administration send out new notices to the public that the hearing has been postponed and provide them with the new date and time. Hearing has been tabled to the call of the chair.

1. **8:41 a.m.** **August Neumann-Applicant/Landowner (PZ-2022-0093) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land described as Lot 5 of Block 21 of Lake Sanish Addition to the Village of Sanish located in the SE1/4NW1/4 of Section 23, Township 152 North, Range 93 West (Unorganized Township) (Parcel# 470014110)

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

Moved by Commissioner Borud, seconded by Commissioner Fritel to approve the zoning request filed by August Neumann for a Permanent Conditional Use Permit for the purpose of placing a mobile home on a tract of land zoned as Residential described as Lot 5 of Block 21 of Lake Sanish Addition to the Village of Sanish located in the SE1/4NW1/4 of Section 23, Township 152 North, Range 93 West (Unorganized Township) as August Neumann has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon August Neumann complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:44 a.m. Sundre Sand & Gravel, Inc.-Applicant; Jeffrey Ranch Trust-Landowner (PZ-2022-0095) 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 21 acres more or less located in the NW1/4SW1/4 of Section 22, Township 155 North, Range 94 West (Unorganized Township) (Parcel# 280010100)

The applicant (represented by Dave Abel with Sundre Sand & Gravel Inc.) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose for washing aggregate. 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 Sundre Sand & Gravel Inc. with concurrence from Jeffrey Ranch Trust-landowner, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water via lay flat hose for washing aggregate on a tract of land 21 acres more or less located in the NW1/4SW1/4 of Section 22, Township 155 North, Range 94 West (Unorganized Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-20988 valid 5/1/22 through 9/30/22, 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 Sundre Sand & Gravel Inc. with concurrence from Jeffrey Ranch Trust-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 Jeffrey Ranch Trust-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:48 a.m. Wallsauger Properties LLC-Applicant; Brent & Kayla Wollschlager-Landowners (PZ-2022-0090) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 4.24 acres more or less located in the SE1/4SE1/4 of Section 36, Township 152 North, Range 91 West to be known as Outlot 1 of the SE1/4SE1/4 of Section 36, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450015200)

The applicant (represented by Brent Wollschlager with Wallsauger Properties LLC) is seeking an Amendment to Zoning to re-zone a tract of land from Agricultural to Commercial for the purpose of constructing rental storage units. Commissioner Hollekim asked if the applicant will meet all of the setbacks and Administrator Vachal confirmed they will and that the building permit to be discussed later shows that information. 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 Wallsauger Properties LLC with concurrence from Brent & Kayla Wollschlager-landowners for an amendment to change land zoned Agricultural to Commercial for the purpose constructing rental storage units on a tract of land 4.24 acres more or less located in the SE1/4SE1/4 of Section 36, Township 152 North, Range 91 West to be known as Outlot 1 of the SE1/4SE1/4 of Section 36, Township 152 North, Range 91 West (Van Hook Township) as Wallsauger Properties LLC with concurrence from Brent & Kayla Wollschlager -landowners has met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Wallsauger Properties LLC with concurrence from Brent & Kayla Wollschlager -landowners complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:51 a.m. Wallsauger Properties LLC-Applicant; Brent & Kayla Wollschlager-Landowners (PZ-2022-0091) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 4.24 acres more or less located in the SE1/4SE1/4 of Section 36, Township 152 North, Range 91 West to be known as Outlot 1 of the SE1/4SE1/4 of Section 36, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450015200)

The applicant (represented by Brent Wollschlager with Wallsauger Properties LLC) is seeking a Conditional Use Permit for the purpose of constructing rental storage units. The applicant clarified that they will have 30 enclosed units. Administrator Vachal requested that an expiration date be stated by the board based on the zoning ordinance’s stipulation that Conditional Use Permits are only valid for one year unless otherwise stated by the board’s motion. Commissioner Hollekim stated it would be a Permanent Conditional Use Permit because the applicant is placing a permanent structure on the property. This permit will be contingent upon the passage of the Amendment to Zoning by the Mountrail County Commissioners. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Borud to approve the zoning request filed by Wallsauger Properties LLC with concurrence from Brent & Kayla Wollschlager-landowners for a Permanent Conditional Use Permit for the purpose of constructing rental storage units on a tract of land 4.24 acres more or less located in the SE1/4SE1/4 of Section 36, Township 152 North, Range 91 West to be known as Outlot 1 of the SE1/4SE1/4 of Section 36, Township 152 North, Range 91 West (Van Hook Township) contingent upon the passage of the Amendment to Zoning request by the Mountrail County Commissioners as Wallsauger Properties LLC with concurrence from Brent & Kayla Wollschlager-landowners has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Wallsauger Properties LLC with concurrence from Brent & Kayla Wollschlager-landowners complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:54 a.m. John Van Eeckhout & James Van Eeckhout, Trustees-Applicant; JJM Trust & Anna Van Eeckhout Trust-Landowners (PZ-2022-0097) Outlot Plat**

Outlot Plat Review Application for the following described property: a tract of land 71.62 acres more or less in the W1/2SW1/4 of Section 21, Township 152 North, Range 88 West to be known as Outlot 1 of the W1/2SW1/4 (Plaza Township) (Parcel#’s 420016700, 420016800, 420016900, 420017100, 420017000, & 420009400)

The applicant (represented by John Van Eeckhout, Trustee of JJM Trust & Anna Van Eeckhout Trust) is seeking an outlot plat for an irregular tract of land. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request platting an outlot of land 35.01 acres or greater filed by John Van Eeckhout & James Van Eeckhout, Trustees with concurrence from JJM Trust & Anna Van Eeckhout Trust-landowners, for a tract of land 71.62 acres more or less in the W1/2SW1/4 of Section 21, Township 152 North, Range 88 West to be known as Outlot 1 of the W1/2SW1/4 (Plaza Township) as John Van Eeckhout & James Van Eeckhout, Trustees with concurrence from JJM Trust & Anna Van Eeckhout Trust-landowners has met all criteria as set forth in Mountrail County Subdivision Resolution. All present voted yes. Motion carried.

**FRED EVANS, TTT**

Mr. Evans was present in front of the board to discuss two water permits submitted by West Dakota Water that did not meet the deadline and the process of following the Planning & Zoning requirements on a First Application for a Temporary Water Permit. Mr. Evans stated they missed the deadline because of a delay with the State Water Permit. Chairman Sorenson did feel that the language of the Temporary Fresh Water Industrial Point of Diversion permits in the Land Development Code (LDC) might need to be looked at and see if re-writing that portion would be possible to allow for administrative approval since the applicants have to have a State Water Permit prior to their application being approved by Planning & Zoning. States Attorney Enget stated that could be possible since the LDC hasn’t gone through its final reading and hasn’t been officially passed by the Mountrail County Commissioners. Chairman Sorenson advised that Mr. Evans should attend the final reading of the LDC at the June 21, 2022 Mountrail County Commissioners meeting to voice his concerns about this process and how the application and approval process is written. Commissioner Hollekim feels the lay flat hoses shouldn’t be a concern of the board unless it crosses a public right of way. Commissioner Ruland had a concern about the pumps and the impact of them on the neighboring property owners.

**BUILDING PERMITS 2217-2227**

2228 – PZ-2022-0092 – Wallsauger Properties LLC – Applicant. Brent & Kayla Wollschlager - Landowner. Parcel #45-0015200 – SE1/4SE1/4 of Section 36, Township 152 North, Range 91 West **(Van Hook Township)** 64’x165’ Storage Building.

2229 – PZ-2022-0094 – August Neumann-Applicant/Landowner. Parcel #47-0014110 – Lot 5 of Block 21 of Lake Sanish Addition to the Village of Sanish. SE1/4NW1/4 of Section 23, Township 152 North, Range 93 West **(Unorganized Township)** 50’x14’ Mobile Home.

2230 - PZ-2022-0101 – McKenna & Rhett Wolter – Applicant/Landowner. Parcel #14-0016800 –NW1/4SW1/4 of Section 28, Township 157 North, Range 94 West **(White Earth Township)** 30’x60’ Home with Decks.

2231 – PZ-2022-0102 – Bonnie Strand aka Bonnie Lovdahl– Applicant/Landowner. Parcel #30-0003100 – NE1/4NE1/4 of Section 7, Township 154 North, Range 89 West **(Oakland Township)** 30’x40’ Storage Building.

2232\* – PZ-2022-0103 – Daniel Reid – Applicant. Mountrail County Park Board – Landowner. Parcel #45-0014101 - Mountrail County Park Board - Landowner. Lease Lot 6 Block 8 Traynor Park also known as Lot 4 Block 1 of the original Townsite of Van Hook in the NW1/4 Section 31, Township 152 North, Range 91 West **(Van Hook Township)** 110’x6’ Fence.

\*Applicant (Daniel Reid) requested to postpone until June 27, 2022 meeting.

2233 – PZ-2022-0104 – Sutton Homes – Applicant. Fabien Kjorstad –Landowner. Parcel #47-0021600 & 47-0021500 – Lots 4 & 5 Block 1 of the Replat of Bridgeview Subdivision – SE1/4 of Section 11, Township 152 North, Range 93 West **(Unorganized Township)** 40’x60’ Garage.

Commissioner Hollekim felt that the setbacks need to be consistently included on the building permit applications because some have them and some don’t. Administrator Vachal will make sure that information is on there going forward. Commissioner Hollekim also asked for clarification on Permit #2233 on whether or not the house is behind the required 30’ setback or not because she feels it isn’t and doesn’t feel comfortable allowing the garage to be placed in line with the house and that it should follow the required 30’ setback. Administrator Vachal will advise the applicant they will have to abide by the required setback when constructing the garage.

Moved by Commissioner Hollekim, seconded by Commissioner Hovda to approve building permits 2228-2231 and 2233. All present voted yes. Motion carried.

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

**Craig H Anderson** – Permit Number – State Water Permit ND2022-20895 / PZ-2022-0098

Pumping of industrial water by lay flat hose: Craig H Anderson-Applicant/Landowner. N1/2NE1/4 Section 35, Township 154 North, Range 91 West (Sikes Township) Period of Authorized usage: 05/01/2022 through 04/30/2023 Parcel # 32-0019400 (Ref# PZ-2021-0095)

**Craig H Anderson –** Permit Number – State Water Permit ND2022-20894 / PZ-2022-0099

Pumping of industrial water by lay flat hose: Craig H Anderson-Applicant. Roger & Michelle Harstad-Landowners. W1/2SW1/4 Section 29, Township 155 North, Range 90 West (Burke Township) Period of Authorized usage: 05/01/2022 through 12/31/2022 Parcel #24-0013100 (Ref# PZ-2021-0097)

**Craig H Anderson –** Permit Number – State Water Permit ND2022-20893 / PZ-2022-00100

Pumping of industrial water by lay flat hose; Craig H Anderson-Applicant. Roger & Michelle Harstad-Landowners. E1/2SE1/4 Section 29, Township 155 North, Range 90 West (Burke Township) Period of Authorized usage: 05/01/2022 through 12/31/2022 Parcel #24-0012700(Ref# PZ-2021-0098)

**ONGOING BUSINESS**

Gravel Pits-Remains ongoing Administration working on Report

Still working with Jim Hennessey about the gravel pits and weeds

White Earth Bay-Waiting for State’s Attorney Enget’s report for Court Cases

-Court cases that have been looked at mostly asked what was allowed by the boards previously

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**

* Update on Board of Commissioners meeting and the 1st Hearing of the Land Development Code
  + Administrator Vachal is working with the board on the administrative fees
* Conditional Use Permits and their expiration dates
  + Currently, the requirement is that if no expiration date is stated they are to expire in a year. States Attorney Enget asked how the permits relating to mobile homes should be handled especially if the applicant/landowner decides to sell the property and if that permit will follow the property or if it will expire at that point. Commissioner Hollekim stated the City of Stanley does non-transferrable permits. States Attorney Enget isn’t sure about making the county’s permits non-transferrable. Chairman Sorenson feels that a line could be added to the form about the mobile home and the permit being for the usable life of the structure. Commissioner Fritel asked if a landowner were to decide to upgrade the mobile home after the current one has passed its usable life, would they have to come back and apply for a new permit. States Attorney Enget clarified that yes, they would need a building permit and a new Conditional Use Permit for the new mobile home. Chairman Sorenson feels this should be added on the Variance as well.

**BOARD CONCERNS**

* Commissioner Ruland had a question about the temporary water permits possibly being included with the conditional use permit when it comes to washing aggregate and it just being an additional use of mining the gravel. Chairman Sorenson and States Attorney Enget feel that applicants can add any condition they want to their application and it’s up to the board to approve or deny those conditions. The State Water Permit does stipulate what use they are permitted for so if they were to be caught doing something outside of that (such as selling the water) violation letters could be sent based on that.
* Commissioner Hovda asked if the board was going to move forward with making the Temporary Fresh Water Point of Diversion permits able to be administratively approved. States Attorney Enget stated that Administrator Vachal could present the board’s recommendation to the Mountrail County Commissioners on June 21, 2022. Chairman Sorenson stated that there are complaint forms available if a landowner were to have an issue with the pumps. States Attorney Enget stated that Administrator Vachal could still make the application go to the board for approval if she didn’t feel comfortable administratively approving it. Commissioner Fritel had a concern about the notification of adjacent landowners if these permits change to being administratively approved. Administrator Vachal advised that administration could still send out notice letters to adjacent landowners regarding these applications. Commissioner Hollekim feels that the contact information for the State Water Commission could be included in the notification for landowners to contact them with concerns. This change will be drafted by SRF so that Administrator Vachal can present this to the Mountrail County Commissioners at the next reading of the Land Development Code so that it can be changed.

The Board adjourned at 9:47am. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Tuesday, June 27, 2022,** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

Accepted and approved this 24th day of May 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\***