MINUTES

**Mountrail County Planning & Zoning Commission**

**May 24, 2021**

The meeting of the Mountrail County Planning & Zoning Commission was called to order at 8:30 a.m. by Chairman Charlie Sorenson with Commissioners Trudy Ruland, Gary (Fritz) Weisenberger, Roger Hovda, Joan Hollekim, Arlo Borud, and Zachary Gaaskjolen present. 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, Mountrail County States Attorney Wade Enget, and Mountrail County Engineer Jana Hennessy. Absent were Commissioners Thomas Nash and Thomas Bieri.

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

1. **8:35 a.m. Maverick Water Resources LLC-Applicant; Clarence & Janice Kvamme-Landowner (PZ-2021-0087) 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 SE1/4SW1/4 of Section 5, Township 155 North, Range 90 West (Burke Township) (Parcel# 240002000)

The applicant (represented by Jon Walsh of Maverick Water Resources LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose for fracking on the above described property. Commissioner Hollekim would like the description on the map corrected to show just the SE1/4SW1/4 not the E1/2SW1/4 and the wording corrected on the permit type to match the wording of the county ordinances. Flora Davidson, adjacent landowner, approached the board with concerns about this application and after her questions were answered by the applicant, the board directed her to the ND Water Commission for any further concerns about her water use. Applicant has met all requirements of the Planning & Zoning Board pending the correction of the map as described.

Moved by Commissioner Hollekim, seconded by Commissioner Hovda, to approve the zoning request filed by Maverick Water Resources LLC with concurrence from Clarence & Janice Kvamme-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 acres more or less in the SE1/4SW1/4 of Section 5, Township 155 North, Range 90 West (Burke Township) contingent upon adhering to the ND State Temporary Water Permit ND2021-20519 valid 4-15-21 through 4-14-22 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 Maverick Water Resources LLC with concurrence from Clarence & Janice Kvamme-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 Maverick Water Resources LLC with concurrence from Clarence & Janice Kvamme-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. Basin Electric Power Cooperative-Applicant/Landowner (PZ-2021-0103) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: A tract of land located in Outlot 1 within Government Lot 1 and NE1/4NW1/4 of Section 31, Township 155 North, Range 92 West (Alger Township) (Parcel# 260014505)

The applicant (represented by Kevin Solie & Shauna Laber of Basin Electric Power Cooperative) is seeking a Conditional Use Permit for the construction of the Northshore Electrical Substation on the above described property. 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 Basin Electric Power Cooperative, landowner for a Conditional Use Permit for the construction of the Northshore Electrical Substation on a tract of land located in Outlot 1 within Government Lot 1 and NE1/4NW1/4 of Section 31, Township 155 North, Range 92 West (Alger Township), as Basin Electric Power Cooperative, landowner has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and Basin Electric Power Cooperative, 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. Basin Electric Power Cooperative-Applicant (PZ-2021-0104) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: A tract of land starting at Northshore Substation located on Outlot 1 within Government Lot 1 and NE1/4NW1/4 Section 31 Township 155 North Range 92 West, south of Ross, ND to an existing Neset Substation located on Outlot 9 of SW1/4 Section 20, Township 157 North, Range 94 West near Tioga, ND

The applicant (represented by Kevin Solie & Shauna Laber of Basin Electric Power Cooperative) is seeking a Conditional Use Permit for the construction of a cooperative overhead power line beginning at the proposed Northshore Substation located on Outlot 1 within Government Lot 1 and NE1/4NW1/4 Section 31 Township 155 North Range 92 West, south of Ross, ND to an existing Neset Substation located located on Outlot 9 of SW1/4 Section 20, Township 157 North, Range 94 West near Tioga, ND for a total of 26.5 miles more or less. Chairman Sorenson expressed a conflict of interest with this hearing and yielded the chair to Commissioner Weisenberger. Applicant stated they need 54 easements along the route and they are 2 short at this time. Commissioner Ruland asked for clarification to the setbacks from the roads. Mrs. Laber stated there are minimums and that they are at least 100’ off of the road. Commissioner Hollekim would like to add all of the townships this line will go through to the application. Charlie Sorenson, landowner expressed concern over the board approving this before all of the easements are done. Mr. Sorenson also represents Debing Township board as president and the board has decided not to sign any agreement until all land owners agree to it in the township. Construction would begin late summer of 2021 once permits are complete. This will be tabled to the call of the chair until all of the easements are completed.

Moved by Commissioner Hovda, seconded by Commissioner Borud to table to the call of the chair the zoning request filed by Basin Electric Power Cooperative, landowner for a Conditional Use Permit for the construction of a cooperative overhead power line beginning at the proposed Northshore Substation located on Outlot 1 within Government Lot 1 and NE1/4NW1/4 Section 31 Township 155 North Range 92 West, south of Ross, ND to an existing Neset Substation located on Outlot 9 of SW1/4 Section 20, Township 157 North, Range 94 West near Tioga, ND for a total of 26.5 miles. All present voted yes. Motion carried.

1. **8:50 a.m. Lynn & Marlene Grabow-Applicant/Landowners (PZ-2021-0105) Amendment**

Amendment to Zoning request for the following described property: a tract of land 18 acres more or less located in the S1/2SE14 of Section 10, Township 156 North, Range 91 West. (Idaho Township) (Parcel# 1800005300) to be known as Lots 1 through 8 Grabow Ranch View Estates

The applicant (represented by Lynn & Marlene Grabow) is seeking an Amendment to Zoning to re-zone a tract of land from Agricultural to Residential for the development of residential lots to be sold. Applicant has met all requirements of the Planning & Zoning board.

Moved by Commissioner Hollekim, seconded by Commissioner Borud to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Lynn & Marlene Grabow, landowners for an amendment to change land zoned Agricultural to Residential for the development of residential lots to be sold on a tract of land 18 acres more or less located in the S1/2SE14 of Section 10, Township 156 North, Range 91 West to be known as lots 1 through 8 of Grabow Ranch View Estates (Idaho Township) as Lynn & Marlene Grabow, landowners have met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Lynn & Marlene Grabow, landowners complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:55 a.m. Lynn & Marlene Grabow-Applicant/Landowners (PZ-2021-0052) Sublot Plat Review**

Sublot Plat Review Application for the following described property: a tract of land 18 acres more or less located in the S1/2SE1/4 of Section 10, Township 156 North, Range 91 West to be known as Lots 1 through 8 of Grabow Ranch View Estates (Idaho Township) (Parcel# 180005300)

The applicant (represented by Lynn & Marlene Grabow) is seeking a subdivision plat for the future sale of residential lots. Applicant has met all requirements of the Planning & Zoning board. Commissioner Hovda asked about campers being allowed onto the lot during construction. Mr. Grabow stated that they have covenants onto these lots and this will not be allowed.

Moved by Commissioner Hovda, seconded by Commissioner Weisenberger to approve the zoning request of platting a sublot as filed by Lynn & Marlene Grabow, landowners for a tract 18 acres more or less located in the S1/2SE1/4 of Section 10, Township 156 North, Range 91 West to be known as Lots 1 through 8 of Grabow Ranch View Estates (Idaho Township) as Lynn & Marlene Grabow, landowners have met all criteria as set forth in Mountrail County Subdivision Resolution. Motion is contingent on the approval of the Amendment approval by the Mountrail County Commissioners. All present voted yes. Motion carried.

1. **9:00 a.m. Kelsey Langham-Applicant/Landowner (PZ-2021-0110) Amendment**

Amendment to Zoning request for the following described property: A tract of land 3 acres more or less in Sublot R of Outlot 1 of Section 19, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450010101)

The applicant (represented by Kelsey Langham) is seeking an Amendment to Zoning to re-zone a tract of land from Commercial to Rural Recreational for the purpose of creating RV Camper Sites. This is a reopening of the camper site from 2008. The site has sewer, water, and electrical and has 36 spots set up but applicant will only be making 22 available for use right now. Applicant has the capability to pump the sewer tanks. Mountrail County Zoning Ordinance states under Rural Recreation that camp sites need to be 5 acres so applicant will need a variance due to this tract being only 3 acres. Per Chairman Sorenson, Planning & Zoning will waive the application fee for the variance. Applicant has met all requirements of the Planning & Zoning Board pending the variance application being submitted.

Moved by Commissioner Hollekim, seconded by Commissioner Ruland to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Kelsey Langham, landowner for an amendment to change land zoned Commercial to Rural Recreational for the purpose of creating RV Camper Sites on a tract of land 3 acres more or less in Sublot R of Outlot 1 of Section 19, Township 152 North, Range 91 West (Van Hook Township) as Kelsey Langham, landowner has met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance pending the submission of a variance application and is further contingent upon Kelsey Langham, 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. Kelsey Langham-Applicant/Landowner (PZ-2021-0111) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: A tract of land 3 acres more or less in Sublot R of Outlot 1 of Section 19, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450010101)

The applicant (represented by Kelsey Langham) is seeking a Conditional Use Permit for the purpose of placing RV campers on designated camping sites contingent upon the approval of the amendment to zoning request. 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 Kelsey Langham, landowner for a Conditional Use Permit for the purpose of placing RV campers on designated camping sites contingent upon the approval of the amendment to zoning request on a tract of land 3 acres more or less in Sublot R of Outlot 1 of Section 19, Township 152 North, Range 91 West (Van Hook Township), as Kelsey Langham, landowner has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and Kelsey Langham, 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. Pronghorn LLC-Applicant/Landowner (PZ-2021-0068) Conditional Use**

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

Un-table to the call of the chair/tabled at April 26, 2021 meeting. Moved by Commissioner Ruland, seconded by Commissioner Hovda to un-table the zoning request for discussion. All present voted yes. Motion carried.

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, contingent upon the approval of the amendment to zoning request. Commissioner Ruland stated applicant still needs a construction permit approved by the Mountrail County Water Resource District. This will be tabled until the June 28th, 2021 Planning & Zoning meeting until applicant has all required documentation.

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 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.

**Minutes**

Mountrail County Tax Director Lori Hanson asked for clarification on roll call of the last meeting and pointed out a typo in the motion to approve building permits as well as a spelling error within the staff concerns.

Moved by Commissioner Borud, seconded by Commissioner Gaaskjolen to approve the Planning and Zoning Commission minutes of the April 26, 2021 meeting as corrected. All present voted yes. Motion carried.

**Temporary Water Applications – Non-Transferable**

Commissioner Hollekim noted before discussing water applications that signatures of all landowners are needed on the applications.

Craig H. Anderson – Permit Number – ND2021-20442/PZ-2021-0095

Pumping of industrial water by lay flat hose; Craig H. Anderson, Applicant/Landowner

NE1/4NE1/4 Section 35, Township 154 North, Range 91 West (Sikes Township)

Period of authorized usage: 5/1/2021 through 4/30/2022

Craig H. Anderson – Permit Number – ND2021-20443/PZ-2021-0096

Pumping of industrial water by lay flat hose; Craig H. Anderson, Applicant/Landowner

NE1/4 Section 12, Township 154 North, Range 92 West (Brookbank Township)

Period of authorized usage: 5/1/2021 through 4/30/2022

Craig H. Anderson – Permit Number – ND2021-20444/PZ-2021-0097

Pumping of industrial water by lay flat hose; Craig H. Anderson, Applicant. Roger & Michelle Harstad, Landowners. SW1/4 Section 29, Township 155 North, Range 90 West (Burke Township)

Period of authorized usage: 5/1/2021 through 4/30/2022

Craig H. Anderson – Permit Number – ND2021-20445/PZ-2021-0098

Pumping of industrial water by lay flat hose; Craig H. Anderson, Applicant. Roger & Michelle Harstad, Landowners. SE1/4 Section 29, Township 155 North, Range 90 West (Burke Township)

Period of authorized usage: 5/1/2021 through 4/30/2022

Beverly Fretheim Trust – Permit Number – ND2021-20402/PZ-2021-0118

Pumping of industrial water by lay flat hose; Beverly Fretheim, Applicant/Landowner

NW1/4 Section 3, Township 154 North, Range 93 West (Rat Lake Township)

Period of authorized usage: 5/26/2021 through 5/25/2022

**Building Permits**

2174 – PZ-2021-0101 – Charles Patterson, Applicant/Landowner. Parcel #51-0000651

Lot 12 Brendle’s 3rd Subdivision. S1/2NE1/4 Section 10, Township 151 North, Range 91 West (Liberty Township) 30’x40’ Pole Barn style storage building.

2175 – PZ-2021-0106 – Storms Construction Inc, Applicant/Landowner. Parcel #44-0013705 – Outlot 1 of S1/2SE1/4 Section 29, Township 152 North, Range 90 West (Parshall Township) 28’x48’ House.

2176 – PZ-2021-0107 – David Peterson, Applicant/Landowner. Parcel #51-0000635

Lot 16 Brendle’s 2nd Subdivision. S1/2NE1/4 Section 10, Township 151 North, Range 90 West (Liberty Township) 5’ Chain link fence.

Moved by Commissioner Hovda, seconded by Commissioner Weisenberger to approve building permits 2174 through 2176. All present voted yes. Motion carried.

**Scott Harmstead – SRF Consulting Group**

Mr. Harmstead gave an update on the Mountrail County Zoning Ordinances regarding section updates.

**ONGOING BUSINESS:**

Gravel Pits

White Earth Bay

Green Acres Subdivision

Stanley Blaisdell RV Park

**STAFF CONCERNS**

- Greg Holmen up by Powers Lake is wanting to place two grain bins onto his property that is not allowing him to have the setback of 150’. There would need to be a variance per the board for the setback.

-The Planning & Zoning Department has been doing some driving around the county to check up on some complaints that have been turned into the department. The P&Z Department will be doing follow up letters to all.

-Kline Overlook – they are not in compliance with their conditional use. SE1/4 Section 32, Township 152 North, Range 90 West. J&L was to get spacing correct and to get the correct zoning split out into three areas.

-Farden Construction on two gravel pits east of Stanley located on Badlands Power Fuels LLC land - there is no signage at these two pits. Tract of land of Section 16, Township 156 North Range 90 West PZ-2020-0495 application number.

-Linda Palmer (landowner with the bee hives in McGahan Township) The P&Z Department stopped in to visit with Brandon and we were told by people in the skid shacks that he and Brian (his father) are in California bringing the bees to ND right now. They have not followed through with what is needed for their workforce housing. Parcel # 440000101 & 160010100

-Dallas and Deborah Moore-Stanley Blaisdell RV Park-the P&Z Department have been receiving several complaints regarding garbage blowing all over the country side. What are the steps that need to be done, conditional use was stated that it was to be put back into its original state if they didn’t renew it.

-Letter will be sent out to Aggregate Construction as well in the gravel pit on parcel # 160012400 on Dallas & Deborah Moore’s land because there is no signage.

-The P&Z Department drove by Cory Johnson’s in the Plaza area, parcel # 430006100 because we were told that he was diking the slough behind his house. There does appear to be piles of dirt that have been piled across the south side of the slough. Those with complaints on this will be referred to the water resource district.

-Letters are being sent out to the White Earth Bay Cottage Site lot owners letting them know that they are allowed one single family cottage and not campers, the P&Z Department will be sending with the letter a copy of the original deed from the Army Corps of Engineers and a copy of our Zoning ordinance regarding Re-Rec and the violation that could be placed due to the violation.

-End of May the P&Z Department will be going out to the Zachary Fritel property as the extension that was given to Fritel Construction will be expiring.

-The P&Z Department will be continuing to enter data into our system along with going out and inspecting sites.

**Board Concerns**

Commissioner Ruland would like to see a list of phone numbers and names of agencies for contact information for the public.

Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday June 28, 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\***