MINUTES

**Mountrail County Planning & Zoning Commission**

**June 24, 2024**

The meeting of the Mountrail County Planning & Zoning Commission was called to order at 8:30 a.m. by Chairman Charlie Sorenson with Commissioners Megan Fritel, Trudy Ruland, Joan Hollekim, Cameron Tomjack, Douglas Bratvold, Jesse Weyrauch, Arlo Borud and Kirk Johnson present. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County Property Assessor Kim Savage, Mountrail County Engineer Jana Hennessy, Mountrail County State’s Attorney Wade Enget and Mountrail County Auditor Stephanie Pappa.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Moved by Commissioner Hollekim, seconded by Commissioner Weyrauch, to approve the Planning & Zoning Commission minutes of the May 28, 2024 meeting as corrected. All present voted yes. Motion carried.

**FINDINGS OF THE DATA CENTER COMMITTEE MEETING**

Chairman Sorenson presented the board with the suggestions from the committee with help from Scott Harmstead with SRF for the checklist of items needed for data centers to obtain a Conditional Use Permit. As of right now, this checklist is a work in progress and the findings of the committee are just a baseline. Administrator Vachal will be working with State’s Attorney Enget to go over the initial checklist and add any further items they see as necessary. As with other CUP checklists, the board will still be able to add additional terms and conditions on a case-by-case basis if necessary.

1. **8:33 a.m. JDE Holdings LLC-Applicant; Myron & Della Mader-Landowners (PZ-2024-0144) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 3.00 acres more or less located in the SW1/4 less Outlot 1 of SW1/4SW1/4 of Section 26, Township 158 North, Range 91 (Lostwood Township) (Parcel# 04-0009700)

The Planning & Zoning Board chose not to untable this discussion until Administrator Vachal and State’s Attorney Enget are able to finalize the checklist items for the Conditional Use Permit application regarding data centers.

1. **8:36 a.m. JDE Holdings LLC-Applicant; Myron & Della Mader-Landowners (PZ-2024-0145) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 3.00 acres more or less located in the SW1/4 less Outlot 1 of SW1/4SW1/4 of Section 26, Township 158 North, Range 91 (Lostwood Township) (Parcel# 04-0009700)

The Planning & Zoning Board chose not to untable this discussion until Administrator Vachal and State’s Attorney Enget are able to finalize the checklist items for the Conditional Use Permit application regarding data centers.

1. **8:39 a.m. JDE Holdings LLC-Applicant; Curtis Frey, et. al.-Landowners (PZ-2024-0146) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 3.00 acres more or less located in the NE1/4 of Section 21, Township 154 North, Range 90 (Austin Township) (Parcel# 31-0008400)

The Planning & Zoning Board chose not to untable this discussion until Administrator Vachal and State’s Attorney Enget are able to finalize the checklist items for the Conditional Use Permit application regarding data centers.

1. **8:42 a.m. JDE Holdings LLC-Applicant; Curtis Frey, et. al.-Landowners (PZ-2024-0147) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 3.00 acres more or less located in the NE1/4 of Section 21, Township 154 North, Range 90 (Austin Township) (Parcel# 31-0008400)

The Planning & Zoning Board chose not to untable this discussion until Administrator Vachal and State’s Attorney Enget are able to finalize the checklist items for the Conditional Use Permit application regarding data centers.

1. **8:45 a.m. JDE Holdings LLC-Applicant; Nevets & Michelle Hoff-Landowners (PZ-2024-0148) Amendment**

Amendment to Zoning Request for the following described property: a tract of 3.00 acres more or less located in the SE1/4 less Outlots 2 & 3 & tract of land in the SE1/4SE1/4 of Section 14, Township 152 North, Range 90 (Parshall Township) (Parcel# 44-0007400)

The Planning & Zoning Board chose not to untable this discussion until Administrator Vachal and State’s Attorney Enget are able to finalize the checklist items for the Conditional Use Permit application regarding data centers.

1. **8:48 a.m. JDE Holdings LLC-Applicant; Nevets & Michelle Hoff-Landowners (PZ-2024-0149) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land of 3.00 acres more or less located in the SE1/4 less Outlots 2 & 3 & tract of land in the SE1/4SE1/4 of Section 14, Township 152 North, Range 90 (Parshall Township) (Parcel# 44-0007400)

The Planning & Zoning Board chose not to untable this discussion until Administrator Vachal and State’s Attorney Enget are able to finalize the checklist items for the Conditional Use Permit application regarding data centers.

1. **8:51 a.m. Jacee & Casey Papenfuss-Applicant/Landowners (PZ-2024-0196) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 1.95 acres more or less described as Lot 1 of Schmidt’s Country Estates First Addition located in the E1/2NE1/4 of Section 9, Township 156 North, Range 91 (Idaho Township) (Parcel# 18-0004237)

The applicant (represented by Jacee Papenfuss) is seeking a Conditional Use Permit for the purpose of placing a manufactured home on land zoned Residential. 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 Jacee & Casey Papenfuss for a Conditional Use Permit for the purpose of placing a manufactured home on land zoned Residential on a tract of land 1.95 acres, more or less, described as Lot 1 of Schmidt’s Country Estates First Addition located in the E1/2NE1/4 of Section 9, Township 156 North, Range 91 (Idaho Township), as Jacee & Casey Papenfuss have met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Jacee & Casey Papenfuss complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:54 a.m. Hyrum Zetting-Public hearing to discuss next steps for Green Acres Subdivision**

Mr. Zetting was not present for this hearing. Chairman Sorenson stated he would like to see trailer house removed from the previous project before moving forward with anything else on this property.

1. **8:57 a.m. Enerfore Digital Plaza LLC-Applicant; Timothy & Annette Kreft et al-Landowners (PZ-2024-0198) Outlot Plat**

Outlot Plat Review Application for the following described property: a tract of land 16.00 acres more or less located in the NW1/4 of Section 21, Township 152 North, Range 88 West to be known as Outlot 2 of the NW1/4 of Section 21, Township 152 North, Range 88 West (Plaza Township) (Parcel# 42-0009500)

The applicant (represented by Harvey Fitzgerald of Interstate Engineering) is seeking an outlot plat for an irregular tract of land. Administrator Vachal informed the board that the surveyor discovered that they may need to shift the boundary of the outlot further south to accommodate their future plans for the property because of an easement the Air Force has on the north side of the proposed outlot. Mr. Fitzgerald states they will need to shift the south boundary 20-30’ south. The outlot plat will have to go through the plat review committee once the changes are made and they will check that it hasn’t been moved more than 30’ south. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Ruland to approve the zoning request of platting an outlot of land 35 acres or less filed by Enerfore Digital Plaza LLC with concurrence from Timothy & Annette Kreft et al-landowners, for a tract of land 16.00 acres more or less located in the NW1/4 of Section 21, Township 152 North, Range 88 West to be known as Outlot 2 of the NW1/4 of Section 21, Township 152 North, Range 88 West (Plaza Township) and allowing the applicant to shift the south boundary of the proposed outlot no more than 30’ south as Enerfore Digital Plaza LLC with concurrence from Timothy & Annette Kreft et al-landowners, has met all criteria as set forth in Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **9:00 a.m. Enerfore Digital Plaza LLC-Applicant; Timothy & Annette Kreft et al-Landowners (PZ-2024-0198) Amendment**

Amendment to Zoning Request for the following described property: on a tract of land 16.00 acres more or less located in the NW1/4 of Section 21, Township 152 North, Range 88 West to be known as Outlot 2 of the NW1/4 of Section 21, Township 152 North, Range 88 West (**Plaza Township**) (Parcel# 42-0009500)

The applicant is seeking an Amendment to Zoning to re-zone a tract of land zoned Agricultural to Industrial for the purpose of building a data center. This discussion will be tabled pending a Conditional Use Permit application being completed.

Moved by Commissioner Ruland, seconded by Commissioner Borud to table to the call of the chair the zoning request filed by Enerfore Digital Plaza LLC with concurrence from Timothy & Annette Kreft et al-landowners, for a tract of land 16.00 acres more or less located in the NW1/4 of Section 21, Township 152 North, Range 88 West to be known as Outlot 2 of the NW1/4 of Section 21, Township 152 North, Range 88 West (Plaza Township) pending a Conditional Use Permit application being completed. All present voted yes. Motion carried.

**Temporary Water Permits – New – For Board Information Only**

PZ-2024-0190 – Mwiley Resources Inc – Applicant. Ronald Rugland – Landowner. State Water Permit #ND2024-22033. Period of Authorized usage: 6/07/2024 through 2/28/2025. Pump placement on a tract of land 24.30 acres more or less located in the NW1/4NE1/4 (Gov’t Lot 2) of Section 32, Township 157 North, Range 89 West (Redmond Township) (11) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0195 – West Dakota Water LLC – Applicant. Scott C & Nancy L Meiers Living Trust – Landowner. State Water Permit #ND2024-22403. Period of Authorized usage: 6/11/2024 through 8/01/2024. Pump placement on a tract of land 40.00 acres more or less located in the NE1/4SW1/4 of Section 28, Township 156 North, Range 92 West (Ross Township) (8) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0207 – Select Water Solutions LLC – Applicant. Dennis W & Rebecca E Edwards Living Trust – Landowner. State Water Permit #ND2024-22421. Period of Authorized usage: 6/20/2024 through 6/04/2025. Pump placement on a tract of land 40.00 acres more or less located in the SE1/4NW1/4 of Section 27, Township 156 North, Range 93 West (Manitou Township) (9) CERTIFIED RECEIPTS RECEIVED. Pending approval on 6/20/2024 by P&Z Administrator.

**Lay Flat Hose Permits – For Board Information Only**

EOG Resources Inc – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22271 / PZ-2024-00150. Pumping of industrial water by lay flat hose: EOG Resources Inc – Applicant. Roger & Darlene Vesey – Landowner. NW1/4 of Section 35, Township 155 North, Range 90 West (Burke Township) ending in the SE1/4SE1/4 of Section 29, Township 155 North, Range 90 (Burke Township).

EOG Resources Inc – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2023-21955 / PZ-2024-0151. Pumping of industrial water by lay flat hose: EOG Resources Inc – Applicant. Roger & Michelle Harstad – Landowner. W1/2SW1/4 of Section 29, Township 155 North, Range 90 West (Burke Township) ending in the S1/2SW1/4 of Section 29, Township 155 North, Range 90 West (Burke Township).

EOG Resources Inc – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2023-21956 / PZ-2024-0152. Pumping of industrial water by lay flat hose: EOG Resources Inc – Applicant. Roger & Michelle Harstad – Landowner. E1/2SE1/4 of Section 29, Township 155 North, Range 90 West (Burke Township) ending in the SE1/4SW1/4 of Section 29, Township 155 North, Range 90 West (Burke Township).

West Dakota Water – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22184 / PZ-2024-0181. Pumping of industrial water by lay flat hose: West Dakota Water – Applicant. Robert & Connie Tosdale et al – Landowners. S1/2SE1/4 of Section 31, Township 157 North, Range 92 West (Cottonwood Township) ending in the SW1/4SE1/4 of Section 36, Township 157 North, Range 93 West (Sorkness Township).

West Dakota Water – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22184 / PZ-2024-0182. Pumping of industrial water by lay flat hose: West Dakota Water – Applicant. Robert & Connie Tosdale et al – Landowners. S1/2SE1/4 of Section 31, Township 157 North, Range 92 West (Cottonwood Township) ending in the SW1/4SE1/4 of Section 36, Township 157 North, Range 93 West (Sorkness Township).

Northwest Water Transfer – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2023-21861 / PZ-2024-0184. Pumping of industrial water by lay flat hose: Northwest Water Transfer – Applicant. Claude & Patricia Sem – Landowner. NE1/4 of Section 7, Township 158 North, Range 92 West (Powers Township) ending in the NE1/4NW1/4 of Section 17, Township 158 North, Range 93 West (Powers Lake Township).

Streamline Water Services – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2023-22092 / PZ-2024-0185. Pumping of industrial water by lay flat hose: Streamline Water Services – Applicant. Curt & Summer Meyer – Landowner. NE1/4SW1/4 of Section 19, Township 155 North, Range 89 West (McAlmond Township) ending in the SE1/4 of Section 31, Township 154 North, Range 89 West (Oakland Township).

EOG Resources Inc – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2023-21864 / PZ-2024-0180. Pumping of industrial water by lay flat hose: EOG Resources Inc – Applicant. Brent & Kayla Wollschlager – Landowner. Outlot 1 of the SE1/4 of Section 34, Township 154 North, Range 90 West (Austin Township) ending in the SW1/4NW1/4 of Section 3, Township 153 North, Range 90 West (Wayzetta Township).

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22234 / PZ-2024-0191. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. D&R Lalim LLLP – Landowner. SW1/4SE1/4 of Section 23, Township 156 North, Range 94 West (Myrtle Township) ending in the SW1/4NE1/4 of Section 25, Township 156 North, Range 94 West (Myrtle Lake Township).

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22121 / PZ-2024-0192. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Rice Ranch LLLP – Landowner. NW1/4SE1/4 of Section 34, Township 156 North, Range 94 West (Myrtle Township) ending in the NW1/4NE1/4 of Section 25, Township 156 North, Range 94 West (Myrtle Township).

Streamline Water Services – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22092 / PZ-2024-0193. Pumping of industrial water by lay flat hose: Streamline Water Services – Applicant. Curt & Summer Meyer – Landowner. NE1/4 of Section 31, Township 154 North, Range 89 West (Oakland Township) ending in the NW1/4 of Section 31, Township 154 North, Range 89 West (Oakland Township).

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22234 / PZ-2024-0194. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. D&R Lalim LLLP – Landowner. SW1/4NE1/4 of Section 25, Township 156 North, Range 94 West (Myrtle Township) ending in the NW1/4NE1/4 of Section 25, Township 156 North, Range 94 West (Myrtle Township).

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22209 / PZ-2024-0208. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Thomas C & Jackie Heinle – Landowner. S1/2SE1/4 of Section 15, Township 156 North, Range 94 West (Myrtle Township) ending in the NW1/4 of Section 13, Township 156 North, Range 94 West (Myrtle Township).

ASWS LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #6923 / PZ-2024-0212. Pumping of industrial water by lay flat hose: ASWS LLC – Applicant. Scott & Trudy Ruland – Landowner. SE1/4NW1/4 of Section 16, Township 151 North, Range 93 West (Big Bend Township) ending in the S1/2SW1/4 of Section 33, Township 152 North, Range 93 West (Unorganized Township).

Streamline Water Services – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2023-21858 / PZ-2024-0217. Pumping of industrial water by lay flat hose: Streamline Water Services – Applicant. James Enge – Landowner. NW1/4NW1/4 of Section 12, Township 155 North, Range 91 West (Purcell Township) ending in the SE1/4SW1/4 of Section 11, Township 155 North, Range 91 West (Purcell Township). Period of Authorized usage: 6/13/2024 through 8/15/2024. Approved by P&Z Administrator.

**Building Permits 2361-2373**

2361 – PZ-2024-0157 – Tony Grabow – Applicant. Mountrail County Park Commission - Landowner. Parcel #45-0014101. Lot 4, Block 4 of Olson’s Second Addition to the Original Townsite of Van Hook aka Lot 16, Block 4 of Trayner Park located in the NW1/4 of Section 29, Township 152 North, Range 91 West. (Van Hook Township) 40’x28’ storage shed.

2362 – PZ-2024-0165 – Zach Zaun – Applicant/Landowner. Parcel #45-0008010. Sublot A of Outlot 1 of E1/2SE1/4 of Section 15, Township 152 North, Range 91 West. (Van Hook Township) 26’x32’ attached garage.

2363 – PZ-2024-0166 – Justin H Johnson – Applicant/Landowner. Parcel #10-0006710. NE1/4 of Section 13, Township 157 North, Range 90 West. (Clearwater Township) 27’x42’ mobile home & garage.

2364 – PZ-2024-0183 – Chad Johnson – Applicant/Landowner. Parcel #45-0014006. Lot 3 of Varloe Subdivision located in the NE1/4 of Section 30, Township 152 North, Range 91 West. (Van Hook Township) 40’x60’ garage.

2365 – PZ-2024-0189 – Roger Fyllesvold – Applicant. Mountrail County Park Commission – Landowner. Parcel #45-0014101. Lot 2, Block 2 of Olson’s Second Addition aka Lot 11, Block 2 of Traynor Park located in the SW of Section 29, Township 152 North, Range 91 West. (Van Hook Township) 30’x45’ garage with open patio.

2366 – PZ-2024-0197 – Jacee & Casey Papenfuss – Applicant/Landowner. Parcel #18-0004237. Lot 1 of Schmidt’s Country Estates First Addition located in the E1/2NE1/4 of Section 9, Township 156 North, Range 91 West. (Idaho Township) 28’x67’ modular home.

2367 – PZ-2024-0202 – Michael & Stacey Gietzen – Applicant/Landowner. Parcel #51-0000608. Lot 8 of Brendle’s Subdivision located in the S1/2NE1/4 of Section 10, Township 151 North, Range 91 West. (Liberty Township) 40’x40’ garage.

2368 – PZ-2024-0203 – Ryan & Kara Dosch – Applicant/Landowner. Parcel #51-0000607. Lot 7 of Brendle’s Subdivision located in the S1/2NE1/4 of Section 10, Township 151 North, Range 91 West. (Liberty Township) 40’x40’ garage.

2369 – PZ-2024-0204 – Ron & Sue Nichols – Applicant/Landowner. Parcel #24-0005000. S1/2NE1/4 of Section 11, Township 155 North, Range 90 West. (Burke Township) 14’x50’ manufactured home.

2370 – PZ-2024-0206 – Kyle & Tessa Helstad – Applicant/Landowner. Parcel #47-0023500. Lot 11, Block 2 of Bridge View Subdivision located in the SE1/4 of Section 11 and the SW1/4 of Section 12, Township 152 North, Range 93 West. (Unorganized Township) 72’x50’ home.

2371 – PZ-2024-0213 – Verna Fretheim – Applicant/Landowner. Parcel #35-0015400. Lot 39 of White Earth Cottage Site located in the N1/2N1/2 of Section 35 and the S1/2 of Section 26, Township 154 North, Range 94 West. (Unorganized Township) 10’x38’, 10’x33’ deck with garage & patio.

2372 – PZ-2024-0214 – Shawn Kluver & Heather Schoenborn– Applicant/Landowner. Parcel #51-0000641. Lot 2 of Brendle’s Third Subdivision located in the S1/4NE1/4 of Section 10, Township 151 North, Range 91 West. (Liberty Township) 60’x120’ home.

2373 – PZ-2024-0215 – Tooz Construction – Applicant. Dale & Holly Estvold– Landowner. Parcel #45-0003700. Gov’t Lot 8 (NE1/4SW1/4) of Section 7, Township 152 North, Range 91 West. (Van Hook Township) 60’x120’garage.

Moved by Commissioner Borud, seconded by Commissioner Tomjack, to approve building permit 2372 with permission to have a camper on the property during the year that the building permit is valid. All present voted yes. Motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Hollekim, to approve building permits 2361-2371 and 2373. All present voted yes. Motion carried.

**ONGOING BUSINESS**

* Gravel Pits- Remains ongoing Administration working on Report
* Green Acres Subdivision – No new activity; still no Letter of Credit
* Subdivision Letter of Credit
* Data Center Committee-met on 6-17-2024 @ 10:00 a.m.

**STAFF UPDATES**

* Administration sent out letters to all lot owners in Brendle’s Subdivision informing them that campers are only allowed with board approval on lots with an active building permit. The letters were sent out following a drive through by Administration which found several lots with campers being used. Following the drive through, Administration has received building permits from some that were non-compliant which have been pre-approved. Administration will continue monitoring for compliance.
* Administration is still experiencing an issue with Lenore and Dan Pausig regarding their property. The development still needs to be platted and the camper usage is still an issue. In addition to this, Mr. and Mrs. Pausig now want to move a house on the property for Dan Pausig Sr. to reside in. Administrator Vachal has told them the office wouldn’t approve a building permit and Conditional Use Permit right now due to the ongoing non-compliance issues and that they need to subdivide this area and rezone it. Administration has given Pausig’s many opportunities and gone above and beyond to assist them in bringing the property into compliance and have not been able to make any progress with them. Administrator Vachal had given Pausig’s a deadline of Spring 2024 to at least submit paperwork to start the process of bringing the property into compliance, which Mrs. Pausig pointed out in an e-mail the date of that would be June 20, 2024. Administration will be filing paperwork with the Mountrail County State’s Attorney since this date has come and gone without any progress.
* Souris Basin Planning Council Rural Development Site Analysis Kickoff Meeting on Animal Feeding Operations was held in Minot on May 28, 2024 with a great attendance from Mountrail County. Administration has been in contact with Mountrail County Property Assessor/GIS Rory Porth regarding the county’s GIS information and have forwarded on the information to Mountrail County Sheriff Corey Bristol for 911 address points.

**BOARD CONCERNS**

* The board would like to thank the committee that worked on developing the checklist for the Conditional Use Permits for the data centers.

The Board adjourned at 9:59 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, July 22nd, 2024,** at 8:30 am via GOTOMEETING or in the Commissioners Room at the Mountrail County Courthouse.

Accepted and approved this 22nd day of July, 2024.

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\***