MINUTES

**Mountrail County Planning & Zoning Commission**

**June 27, 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, Zachary Gaaskjolen, 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, Mountrail County Weed Control Officer Jim Hennessy, and Mountrail County Engineer Jana Hennessy. Absent was Commissioner Thomas Nash.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Moved by Commissioner Hovda, seconded by Commissioner Borud to approve the Planning and Zoning Commission minutes of the May 24, 2022 meeting as corrected. All present voted yes. Motion carried.

1. **8:35 a.m. Claude & Patricia Sem-Applicant/Landowners (PZ-2022-0105) 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 47.70 acres more or less located in Gov’t Lots 1 & 4 of the NE1/4 of Section 7, Township 158 North, Range 92 West (Powers Township) (Parcel# 050004100)

The applicant (represented by Claude & Patricia Sem) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Weisenberger, seconded by Commissioner Borud, to approve the zoning request filed by Claude & Patricia Sem for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water via lay flat hose on a tract of 47.70 acres more or less located in Gov’t Lots 1 & 4 of the NE1/4 of Section 7, Township 158 North, Range 92 West (Powers Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-20863 valid 5/15/22 through 11/15/22, 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 Claude & Patricia Sem have 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 Claude & Patricia Sem complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:38 a.m. West Dakota Water LLC-Applicant; Double Eagle LLP-Landowner (PZ-2022-0106) 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 40.00 acres more or less located in the SE1/4NW1/4 of Section 33, Township 154 North, Range 92 West (Brookbank Township) (Parcel# 330014800)

The applicant (not represented at this hearing) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board. This application was approved without a representative of West Dakota Water LLC present because Fred Evans of Double Eagle LLP had already come forward to the board at the May 24, 2022 meeting to express his thoughts on this.

Moved by Commissioner Hollekim, seconded by Commissioner Fritel, to approve the zoning request filed by West Dakota Water LLC with concurrence from Double Eagle LLP-landowner, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water via lay flat hose on a tract of land 40.00 acres more or less located in the SE1/4NW1/4 of Section 33, Township 154 North, Range 92 West (Brookbank Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-21011 valid 5/6/22 through 6/30/22, 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 West Dakota Water LLC with concurrence from Double Eagle LLP-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 West Dakota Water LLC with concurrence from Double Eagle LLP-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:41 a.m.** **West Dakota Water LLC-Applicant; Evans TTT Ranch Family Trust-Landowner (PZ-2022-0107) 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 160.00 acres more or less located the NE1/4 of Section 26, Township 154 North, Range 92 West (Brookbank Township) (Parcel# 330011400)

The applicant (not represented at this hearing) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose. Commissioner Hollekim brought to Administration’s attention that the land owner name needs to be corrected. Applicant has met all requirements of the Planning & Zoning Board. This application was approved without a representative of West Dakota Water LLC present because Fred Evans, Trustee of Evans TTT Ranch Family Trust had already come forward to the board at the May 24, 2022 meeting to express his thoughts on this.

Moved by Commissioner Borud, seconded by Commissioner Hovda, to approve the zoning request filed by West Dakota Water LLC with concurrence from Evans TTT Ranch Family 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 on a tract of land 160.00 acres more or less located the NE1/4 of Section 26, Township 154 North, Range 92 West (Brookbank Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-21013 valid 5/2/22 through 6/30/22, 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 West Dakota Water LLC with concurrence from Evans TTT Ranch Family 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 West Dakota Water LLC with concurrence from Evans TTT Ranch Family Trust-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:44 a.m. Highline Water LLC-Applicant; Derrick & Shayla Erie-Landowners (PZ-2022-0113) 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 26.80 acres more or less located in Gov’t 8 of Section 7, Township 157 North, Range 92 West (Cottonwood Township) (Parcel# 120003500)

The applicant (represented by Landon Eskew with Highline Water LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose. 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 Highline Water LLC with concurrence from Derrick & Shayla Erie-landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water via lay flat hose on a tract of land 26.80 acres more or less located in Gov’t 8 of Section 7, Township 157 North, Range 92 West (Cottonwood Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-21067 valid 5/23/22 through 4/30/23, 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 Derrick & Shayla Erie-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 Highline Water LLC with concurrence from Derrick & Shayla Erie-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:47 a.m. Derek Bischof-Applicant; Mountrail County Park Board-Landowner (PZ-2022-0114) Variance**

Variance Application request for the following described property: a tract of land described as Lease Lot 14, Block 17 of Traynor Park also known as Lot 14, Block 14 of the Original Townsite of Van Hook in the NW1/4 of Section 32, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450014101)

The applicant (represented by Derek Bischof) is seeking a variance to place a 2022 16’x76’ mobile home with a 0’ setback from the west lot line rather than the 25’ setback required by ordinance. 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 Derek Bischof with concurrence from Mountrail County Park Board-landowner, for a Variance to place a 2022 16’x76’ mobile home with a 0’ setback from the west lot line rather than the 25’ setback required by ordinance on a tract of land described as Lease Lot 14, Block 17 of Traynor Park also known as Lot 14, Block 14 of the Original Townsite of Van Hook in the NW1/4 of Section 32, Township 152 North, Range 91 West (Van Hook Township) as Derek Bischof with concurrence from Mountrail County Park Board-landowner, has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Derek Bischof with concurrence from Mountrail County Park Board-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. The 0’ setback was allowed as the side street is 80’ in width. All present voted yes. Motion carried.

1. **8:50 a.m. West Dakota Water LLC-Applicant; Michael & Brenda Kok-Landowners (PZ-2022-0117) 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 160.00 acres more or less located in the SW1/4 of Section 1, Township 153 North, Range 91 West (Crane Creek Township) (Parcel# 390000400)

A representative from West Dakota Water LLC was not present at the scheduled hearing time. Moved by Commissioner Hovda, seconded by Commissioner Ruland to table to the call of the chair. All present voted yes. Motion carried.

At 9:42 a.m. Chairman Sorenson untabled this discussion as a representative for West Dakota Water LLC was then present.

The applicant (represented by Ryan Waters with West Dakota Water LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Weisenberger, seconded by Commissioner Gaaskjolen, to approve the zoning request filed by West Dakota Water LLC with concurrence from Michael & Brenda Kok-landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water via lay flat hose on a tract of land 160.00 acres more or less located in the SW1/4 of Section 1, Township 153 North, Range 91 West (Crane Creek Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-21012 valid 5/9/22 through 5/10/23, 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 West Dakota Water LLC with concurrence from Michael & Brenda Kok-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 West Dakota Water LLC with concurrence from Michael & Brenda Kok-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:53 a.m. West Dakota Water LLC-Applicant; Michael Sorenson-Landowner (PZ-2022-0118) 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 80.00 acres more or less located in the S1/2NW1/4 of Section 24, Township 155 North, Range 93 West (Debing Township) (Parcel# 270010800)

A representative from West Dakota Water LLC was not present at the scheduled hearing time. Moved by Commissioner Hovda, seconded by Commissioner Ruland to table to the call of the chair. All present voted yes. Motion carried.

At 9:44 a.m. Chairman Sorenson untabled this discussion as a representative for West Dakota Water LLC was then present.

The applicant (represented by Ryan Waters with West Dakota Water LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Fritel, to approve the zoning request filed by West Dakota Water LLC with concurrence from Michael Sorenson-landowner, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water via lay flat hose on a tract of land 80.00 acres more or less located in the S1/2NW1/4 of Section 24, Township 155 North, Range 93 West (Debing Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-21008 valid 5/6/22 through 5/5/23, 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 West Dakota Water LLC with concurrence from Michael Sorenson-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 West Dakota Water LLC with concurrence from Michael Sorenson-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:56 a.m. West Dakota Water LLC-Applicant; Michael Sorenson-Landowner (PZ-2022-0119) 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 160.00 acres more or less located in the NE1/4 of Section 12, Township 155 North, Range 93 West (Debing Township) (Parcel# 270005100)

A representative from West Dakota Water LLC was not present at the scheduled hearing time. Moved by Commissioner Borud, seconded by Commissioner Fritel to table to the call of the chair. All present voted yes. Motion carried.

At 9:46 a.m. Chairman Sorenson untabled this discussion as a representative for West Dakota Water LLC was then present.

The applicant (represented by Ryan Waters with West Dakota Water LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Weisenberger, seconded by Commissioner Hollekim, to approve the zoning request filed by West Dakota Water LLC with concurrence from Michael Sorenson-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 industrial use on a tract of land 160.00 acres more or less located in the NE1/4 of Section 12, Township 155 North, Range 93 West (Debing Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-21007 valid 5/11/22 through 5/10/23, 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 West Dakota Water LLC with concurrence from Michael Sorenson-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 West Dakota Water LLC with concurrence from Michael Sorenson-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:59 a.m. Jordan Wald-Applicant; Mountrail County Park Board-Landowner (PZ-2022-0120) Variance**

Variance Application request for the following described property: a tract of land described as Lease Lot 5, Block 8 of Traynor Park also known as Lot 3, Block 1 of the Original Townsite of Van Hook in the NW1/4 of Section 32, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450014101)

The applicant (represented by Jordan Wald) is seeking a variance to place a 1977 mobile home which is older than the 8 years allowed by ordinance on a lot zoned as Rural Recreational. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Weisenberger to approve the zoning request filed by Jordan Wald with concurrence from Mountrail County Park Board-landowner, for a Variance to place a 1977 mobile home which is older than the 8 years allowed by ordinance on a lot zoned as Rural Recreational described as Lease Lot 5, Block 8 of Traynor Park also known as Lot 3, Block 1 of the Original Townsite of Van Hook in the NW1/4 of Section 32, Township 152 North, Range 91 West (Van Hook Township) as Jordan Wald with concurrence from Mountrail County Park Board-landowner, have met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Jordan Wald with concurrence from Mountrail County Park Board-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:02 a.m. Sundre Sand & Gravel Inc.-Applicant; Jonathan & Elizabeth Enget-Landowners (PZ-2022-0122) 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 21.00 acres more or less located in the NW1/4SE1/4 of Section 8, Township 158 North, Range 92 West (Powers Township) (Parcel# 050004400)

The applicant (represented by David 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 the Mountrail County Road 7 Project. 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 Sundre Sand & Gravel Inc. with concurrence from Jonathan & Elizabeth Enget-landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water via lay flat hose for the Mountrail County Road 7 Project on a tract of land 21.00 acres more or less located in the NW1/4SE1/4 of Section 8, Township 158 North, Range 92 West (Powers Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-21095 valid 6/30/22 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 Sundre Sand & Gravel Inc. with concurrence from Jonathan & Elizabeth Enget-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 Jonathan & Elizabeth Enget-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:05 a.m. West Dakota Water LLC-Applicant; Scott C. Meiers & Nancy L. Meiers Living Trust-Landowners (PZ-2022-0123) 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 160.00 acres more or less located in the SW1/4 of Section 28, Township 156 North, Range 92 West (Ross Township) (Parcel# 190013500)

The applicant (represented by Ryan Waters with West Dakota Water LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Weisenberger, seconded by Commissioner Fritel, to approve the zoning request filed by West Dakota Water LLC with concurrence from Scott C. Meiers & Nancy L. Meiers Living Trust-landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water via lay flat hose for industrial use on a tract of land 160.00 acres more or less located in the SW1/4 of Section 28, Township 156 North, Range 92 West (Ross Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-20997 valid 5/5/22 through 12/31/22, 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 West Dakota Water LLC with concurrence from Scott C. Meiers & Nancy L. Meiers Living Trust-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 West Dakota Water LLC with concurrence from Scott C. Meiers & Nancy L. Meiers Living Trust-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:08 a.m. Earl R. & Janet A. Jensen Family Trust-Applicant/Landowner (PZ-2022-0124) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 7.00 acres more or less located in a portion of Gov’t Lot 4 of Section 22, Township 157 North, Range 90 West to be known as Outlot 5 of Gov’t Lot 4 of Section 22, Township 157 North, Range 90 West (Clearwater Township) (Parcel# 100009900)

The applicant (represented by Jeff Jensen) is seeking an Amendment to Zoning to re-zone a tract of land from Agricultural to Rural Recreational for the purpose of bringing an existing campground into compliance with Planning & Zoning regulations. 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 Earl R. & Janet A. Jensen Family Trust for an amendment to change land zoned Agricultural to Rural Recreational for the purpose of bringing an existing campground into compliance with Planning & Zoning regulations on a tract of land 7.00 acres more or less located in a portion of Gov’t Lot 4 of Section 22, Township 157 North, Range 90 West to be known as Outlot 5 of Gov’t Lot 4 of Section 22, Township 157 North, Range 90 West (Clearwater Township) as Earl R. & Janet A. Jensen Family Trust have met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Earl R. & Janet A. Jensen Family Trust complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:11 a.m. Earl R. & Janet A. Jensen Family Trust-Applicant/Landowner (PZ-2022-0125) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 7.00 acres more or less located in a portion of Gov’t Lot 4 of Section 22, Township 157 North, Range 90 West to be known as Outlot 5 of Gov’t Lot 4 of Section 22, Township 157 North, Range 90 West (Clearwater Township) (Parcel# 100009900)

The applicant (represented by Jeff Jensen) is seeking a Conditional Use Permit for the purpose of operating a campground. 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 Ruland to approve the zoning request filed by Earl R. & Janet A. Jensen Family Trust for a Permanent Conditional Use Permit for the purpose of operating a 16 space campground on a tract of land 7.00 acres more or less located in a portion of Gov’t Lot 4 of Section 22, Township 157 North, Range 90 West to be known as Outlot 5 of Gov’t Lot 4 of Section 22, Township 157 North, Range 90 West (Clearwater Township) contingent upon the passage of the Amendment to Zoning request by the Mountrail County Commissioners as Earl R. & Janet A. Jensen Family Trust has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and Earl R. & Janet A. Jensen Family Trust complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:14 a.m. Earl R. & Janet A. Jensen Family Trust-Applicant/Landowner (PZ-2022-0126) Variance**

Zoning Request/Temporary Fresh Water Industrial Use Point of Diversion for the following described property: a tract of land 7.00 acres more or less located in a portion of Gov’t Lot 4 of Section 22, Township 157 North, Range 90 West to be known as Outlot 5 of Gov’t Lot 4 of Section 22, Township 157 North, Range 90 West (Clearwater Township) (Parcel# 100009900)

The applicant (represented by Jeff Jensen) is seeking a variance from the lot sizes currently required by ordinance. The Planning & Zoning Board will waive the fee for this application. This permit will only be for the existing 16 lots. Discussion was held on the three mobile homes that currently exist as campgrounds allow for tents and recreational vehicles. State’s Attorney Enget stated a variance would be needed for the sites that have mobile homes. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Ruland to approve the zoning request filed by Earl R. & Janet A. Jensen Family Trust for a Variance from the lot sizes currently required by ordinance for the existing 16 campground spaces on a tract of land 7.00 acres more or less located in a portion of Gov’t Lot 4 of Section 22, Township 157 North, Range 90 West to be known as Outlot 5 of Gov’t Lot 4 of Section 22, Township 157 North, Range 90 West (Clearwater Township) as Earl R. & Janet A. Jensen Family Trust has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Earl R. & Janet A. Jensen Family Trust complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:17 a.m. Butch & Sundance LLC-Applicant; Terry D. Anderson-Landowner (PZ-2022-0129) 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 50.00 acres more or less in the NE1/4 of Section 9, Township 154 North, Range 93 West (Rat Lake Township) (Parcel# 340004600)

The applicant (represented by Ardel Deaver with Butch & Sundance LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Fritel, to approve the zoning request filed by Butch & Sundance LLC with concurrence from Terry D. Anderson-landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water via lay flat hose for industrial use on a tract of land 50.00 acres more or less in the NE1/4 of Section 9, Township 154 North, Range 93 West (Rat Lake Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-20937 valid 5/24/22 through 5/23/23, 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 Butch & Sundance LLC with concurrence from Terry D. Anderson, 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 Butch & Sundance LLC with concurrence from Terry D. Anderson, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:20 a.m. JK Water Services LLC-Applicant; Manitou Township-Landowner (PZ-2022-0130) 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 3.00 acres more or less in the SW1/4SE1/4 of Section 10, Township 156 North, Range 93 West (Manitou Township) (Parcel# 200005501)

The applicant (represented by Joe Meyers with JK Water Services LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Weisenberger, to approve the zoning request filed by JK Water Services LLC with concurrence from Manitou Township-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 industrial use on a tract of land 3.00 acres more or less in the SW1/4SE1/4 of Section 10, Township 156 North, Range 93 West (Manitou Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-21031 valid 5/15/22 through 5/14/23, 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 JK Water Services LLC with concurrence from Manitou Township-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 JK Water Services LLC with concurrence from Manitou Township-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

Dorothy and Marvin Hegstad attended the meeting with concerns regarding the Powers Lake Sportmans Club and their design of their shooting range that is being proposed to the Planning and Zoning Board. They are not comfortable with having the shooting range that close to their home residence and are not in favor of a shooting range to be constructed in this area.

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

**Beverly Fretheim Trust-**Permit Number-State Water Permit ND2022-21010/PZ-2022-0108

Pumping of industrial water by lay flat hose: Beverly Fretheim Trust by Beverly Fretheim Trustee-Applicant/Landowner. NW1/4 Section 3, Township 154 North, Range 93 West (Rat Lake Township) Period of Authorized usage: 05/26/2022 through 05/23/2023. Parcel# 34-00001000 (Ref# PZ-2021-0118)

**H2O Connections LLC-**Permit Number-State Water Permit ND 2022-21101/PZ-2022-0133

Pumping of Industrial Water by lay flat hose: H2O Connections LLC-Applicant. Lloyd & Wendy Sorenson-Landowners. E1/2SE1/4 Section 20, Township 155 North, Range 92 West (Alger Township) Period of Authorized usage: 06/06/2022 through 06/05/2023. Parcel# 26-0009600. (Ref# PZ-2021-0134 & PZ-2022-0058)

**BUILDING PERMITS 2232 & 2234-2243**

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

2234--PZ-2022-0109--Jesse Spore-Applicant/Landowner. Parcel# 51-0000646--Lot 7 of Brendle’s Third Subdivision located in the S1/2NE1/4 of Section 10, Township 151 North, Range 91 West (Liberty Township) 40’x60’ Shop with Living Area.

2235--PZ-2022-0110--Darold & Alyce Halvorson-Applicant/Landowners. Parcel# 47-0025000--Lot 4, Block 1 of Arrowhead Point Subdivision, Replat of Block 1 located in the SE1/4 of Section 11, Township 152 North, Range 93 West (Unorganized Township) 30’x40’ Garage

2236--PZ-2022-0111--Shawn Kluver-Applicant/Landowner. Parcel# 51-0000641--Lot 2 of Brendle’s Third Subdivision located in the S1/2NE1/4 of Section 10, Township 151 North, Range 91 West (Liberty Township) 60’x120’ Home.

2237--PZ-2022-0112--Storms Construction Inc-Applicant/Landowner. Parcel# 44-0013705. Outlot 1 of the S1/2SE1/4 of Section 29, Township 152 North, Range 90 West (Parshall Township) 30’x32’ Garage.

2238--PZ-2022-0115--Derek Bischof-Applicant. Mountrail County Park Board--Landowner. Parcel# 45-0014101. Lease Lot 14, Block 17 of Traynor Park also known as Lot 14, Block 14 of the Original Townsite of Van Hook located in the NW1/4 of Section 31, Township 152 North, Range 91 West (Van Hook Township) 16’x76’ Home with 14’x35’ Deck.

2239--PZ-2022-0116--Nicholas M Schumacher-Applicant/Landowner. Parcel# 47-0027511. Lot 2, Block 9 of Riverview Estates Subdivision located in the E1/2 of Section 11 & the W1/2 of Section 12, Township 152 North, Range 93 West (Unorganized Township) 40’x80’ Garage and 14’x40’ Deck on House. Renewal of Building Permits #2142 & 2130.

2240--PZ-2022-0121--Jordan & Lindsey Wald-Applicant. Mountrail County Park Board--Landowner. Parcel# 45-0014101. Lease Lot 5 Block 8 Traynor Park also known as Lot 3, Block 1 of the Original Townsite of Van Hook located in the NW1/4 of Section 31, Township 152 North, Range 91 West (Van Hook Township) 14’x70’ Mobile Home with 28’x11’ Deck.

2241--PZ-2022-0128--Nathan & Courtney Sem-Applicants. Claude Sem & Scott Sem-Landowners. Parcel# 06-0005605. Outlot 1 of NE1/4 of Section 12, Township 158 North, Range 93 West (Powers Lake Township) 76’x28’ Home.

2242--PZ-2022-0131--Dylan Enger-Applicant. Jim Enge-Landowner. Parcel# 25-0011100. N1/2NW1/4 of Section 24, Township 155 North, Range 91 West (Purcell Township) 60’x80’ Cold Storage.

2243--PZ-5022-0132--James Hedwall-Applicant/Landowner. Parcel# 26-0000301. Lot 1 of Knife River Valley Estates located in Outlot 2 of Gov’t lot 1 and the SE1/4NE1/4 of Section 1, Township 155 North, Range 92 West (Alger Township) 12’x22’ Lean To addition to existing Quonset.

Moved by Commissioner Hovda, seconded by Commissioner Borud to approve building permits 2232 & 2234-2243. Along with allowing building permit number 2236 authorization to have a camper onto their lot in the construction period of this building permit. 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

**STAFF UPDATES**

* Jim Hennessey Mountrail County Weed Control Officer and Melissa Vachal Planning & Zoning Administrator have worked together to getting a weed management plan to be attached to all new Conditional Use Permits for Gravel Pits. Mountrail County Weed Control Officer Jim Hennessey expressed his needs for this weed management plan and felt that this would be a great start on getting the gravel pits into compliance with the weed control in Mountrail County. Administrator Vachal also stated to the Planning & Zoning Board that McKenzie County also uses a weed management plan and attaches it to all conditional use permits so that everyone is managing their weeds. The Planning and Zoning Board was in consensus to have all Conditional Uses to have these attached to them. The weed management plan will be a requirement for all to visit with Mountrail County Weed Control Officer Jim Hennessey as part of the Conditional Use process.
* Administration caught a correction after the minutes were published with the 8:56 a.m. hearing on the April 25, 2022 meeting regarding the motion which should have stated it is for a wash plant not for fracking purposes. Moved by Commissioner Hollekim, seconded by Commissioner Hovda to reconsider the motion for the 8:56 a.m. hearing in the minutes of the April 25, 2022 meeting to reflect the correct use of the Temporary Fresh Water Industrial Use Point of Diversion as being a wash plant not for fracking purposes. Moved by Commissioner Ruland, seconded by Commissioner Hollekim to accept all changes for the 8:56 a.m. hearing. All present voted yes. Motion carried.
* Regarding Non-Transferable permits, Administration had a question regarding what exactly constitutes “non-transferable” in the case of one party holding the permit but another party is pulling water from the point of diversion. Is this considered transferring the permit? After discussion, the board decided that the party who obtained the permit is considered responsible for the point of diversion regardless of who they are allowing to pull water from it. The responsible party allowing someone else to get water from their point of diversion does not constitute transferring of the permit.
* Update on the second reading of the Land Development Code hearing that took place at the 6-21-22 County commissioner meeting. The Board of Commissioners made motion to send the LDC back to the Planning & Zoning Board for review of sections 5.6 and 5.9. Austin Collins with Enel brought back their concerns regarding the setbacks as listed. Planning & Zoning Board reviewed the setbacks and agreed that the board needed to take a little more time on the setbacks and come forward with any requirements that are proposed by pipelines, aerial spraying and Mountrail Williams Electric. Administrator Vachal will do a little more research and see what can be given by these areas of needs. The board will discuss the Land Development Code for these two sections along with SRF to be there for the changes.

**BOARD CONCERNS**

None.

The Board adjourned at 11:06am. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, July 25, 2022,** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

Accepted and approved this 25th day of July 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\*\*No audio recording is available for this meeting due to unknown technical difficulties which caused a blank or corrupted file.**