MINUTES

**Mountrail County Planning & Zoning Commission**

**June 28, 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, and Arlo Borud 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, Thomas Bieri, and Zachary Gaaskjolen.

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

1. **8:35 a.m. Alice M. Lizotte-Lease Holder/Applicant (PZ-2021-0114) Variance**

Variance Application request for the following described property: a tract of land described as Lot 7, Block 3, Olsen’s Second Addition to the Village of Van Hook, also known as Leased Lot 5, Block 3 of Traynor Park in the SW1/4 of Section 29, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450014101)

The applicant (represented by AJ Lizotte) is seeking a variance to place a 1996 mobile home which is older than the 8 years allowable by ordinance along with addressing the alleyway located on the north side of the lot line. Discussion was had on the alley not being utilized and that it is not part of the official recorded plat but was drawn in on the unofficial plat of Traynor Park. Commissioner Ruland noted that they would have to follow the current setbacks until the Park Board makes a decision regarding re-platting Traynor Park and possibly vacating the alleyway in question. 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 Alice M. Lizotte, lease holder for a variance request to place a 1996 mobile home which is older than the 8 years allowable by ordinance on a tract of land described as Lot 7, Block 3, Olsen’s Second Addition to the Village of Van Hook, also known as Leased Lot 5, Block 3 of Traynor Park in the SW1/4 of Section 29, Township 152 North, Range 91 West (Van Hook Township) as Alice M. Lizotte has met all criteria as set forth in Article IV, Section V, of the Mountrail County Zoning Ordinance and is further contingent upon Alice M. Lizotte complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:40 a.m. Kelsey Langham-Applicant/Landowner (PZ-2021-0140) Variance**

Variance Application request for the following described property: a tract of land 2.61 acres more or less described as Sublot R of Outlot 1 of the S1/2SE1/4 Section 19, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450010101)

The applicant (represented by Kelsey Langham) is seeking a variance for an RV park that is less than the 5 acres required by ordinance. Applicant has met all requirements of the Planning & Zoning Board contingent upon approval of the amendment to zoning request. Planning & Zoning Administrator Vachal let the board know that the amendment has been approved by the Mountrail County Board of Commissioners.

Moved by Commissioner Hollekim, seconded by Commissioner Ruland to approve the zoning request filed by Kelsey Langham, landowner for a variance request for an RV park that is less than the 5 acres required by ordinance on a tract of land 2.61 acres more or less described as Sublot R of Outlot 1 of the S1/2SE1/4 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 V, of the Mountrail County Zoning Ordinance 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. **8:45 a.m. Quality Water Systems LLC-Applicant; Rebecca Evans, Angela Mahnke-Canovi, and Christopher Mahnke-Landowners (PZ-2021-0123) 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 134.07 acres more or less located in the NW1/4 less outlot 1 of Section 26, Township 156 North, Range 92 West (Ross Township) (Parcel# 190012600)

The applicant (represented by Curt Trulson of Quality Water Systems LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on a tract of land 134.07 acres more or less located in the NW1/4 less outlot 1 of Section 26, Township 156 North, Range 92 West. 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 Quality Water Systems LLC with concurrence from Rebecca Evans, Angela Mahnke-Canovi, and Christopher Mahnke-landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on a tract of land 134.07 acres more or less located in the NW1/4 less outlot 1 of Section 26, Township 156 North, Range 92 West (Ross Township) contingent upon adhering to the ND State Temporary Water Permit ND2020-20255 valid 5-21-21 through 5-20-22 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 Quality Water Systems LLC with concurrence from Rebecca Evans, Angela Mahnke-Canovi, and Christopher Mahnke-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 Quality Water Service LLC with concurrence from Rebecca Evans, Angela Mahnke-Canovi, and Christopher Mahnke-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:50 a.m. Highline Water LLC-Applicant; Fred Sorenson-Landowner (PZ-2021-0130) 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 160.00 acres more or less located in the NW1/4 (AKA Government Lots 3 & 4 and the S1/2NW1/4) of Section 3, Township 154 North, Range 94 West (Unorganized Township) (Parcel# 350001500)

The applicant (represented by Landon Askew of Highline Water LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on the above described property. Commissioner Hollekim asked for clarification on the legal description that should be used based on a discrepancy between what the application says and what the agenda says. The decision was made to change the description on the permit to the NW1/4 based on what the application says. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Hollekim to approve the zoning request filed by Highline Water LLC with concurrence from Fred Sorenson-landowner, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on a tract of land 160.00 acres more or less located in the NW1/4 (AKA Government Lots 3 & 4 and the S1/2NW1/4) of Section 3, Township 154 North, Range 94 West (Unorganized Township) contingent upon adhering to the ND State Temporary Water Permit ND2021-20610 valid 6-1-21 through 9-17-21 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 Highline Water LLC with concurrence from Fred 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 Highline Water LLC with concurrence from Fred Sorenson-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:55 a.m. Central Specialties Inc.-Applicant; Curtis Footh-Landowner (PZ-2021-0132) 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 95.66 acres more or less in the NE1/4SE1/4 of Section 27, Township 158 North, Range 91 West (Lostwood Township) (Parcel# 040010200)

The applicant (represented by Shane Carlberg of Central Specialties Inc.) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to haul water by truck for dust control while working on County Road Project ID 04(07)13, County Road 4 on the above described property. Commissioner Hollekim made note of an error in the acreage on the application because the description given is only 40 acres. Neil Biwer was present to discuss Lostwood Township’s concerns about the township’s liability concerning the roads. The township is in favor of the project but they want a liability release. Shane Carlberg with Central Specialties Inc. stated they would be willing to sign a liability release and will speak with the township at a later time. Mr. Biwer with Lostwood Township stated they could even close off township road 73 ½ if needed for Central Specialties Inc. Applicant has met all requirements of the Planning & Zoning Board pending the agreement with the township.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to approve the zoning request filed by Central Specialties Inc. with concurrence from Curtis Footh-landowner, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to haul water by truck for dust control while working on County Road Project ID 04(07)13, County Road 4 on a tract of land 40 acres more or less in the NE1/4SE1/4 of Section 27, Township 158 North, Range 91 West (Lostwood Township) pending signing a liability release with Lostwood Township and contingent upon adhering to the ND State Temporary Water Permit ND2021-20592 valid 5-5-21 through 12-31-21 and adhering to Mountrail County Road & Bridge/Township(s) temporary ROW use requirements when applicable as Central Specialties, Inc. with concurrence from Curtis Footh-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 Central Specialties, Inc. with concurrence from Curtis Footh-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:00 a.m. Bakken Water Transfer Services LLC-Applicant; Derrick Erie and Payton Erie, Co-Personal Representatives-Landowners (PZ-2021-0142) 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 SE1/4 of Section 2, Township 157 North, Range 93 West (Sorkness Township) (Parcel# 130000800)

The applicant (represented by Mike Childs of Bakken Water Transfer Services LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on the above described property. Mountrail County Tax Director Hanson asked for clarification on the legal description with the point of diversion since the application states 40 acres. After discussion, the permit will be changed to state SW1/4SE1/4 instead of SE1/4. 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 Bakken Water Transfer Services LLC with concurrence from Derrick Erie and Payton Erie, Co-Personal Representatives-landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on a tract of land 40 acres more or less in the SW1/4SE1/4 of Section 2, Township 157 North, Range 93 West (Sorkness Township) contingent upon adhering to the ND State Temporary Water Permit ND2021-20587 valid 5-15-21 through 5-14-22 using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge/Township(s) temporary ROW use requirements when applicable as Bakken Water Transfer Services LLC with concurrence from Derrick Erie and Payton Erie, Co-Personal Representatives-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 Bakken Water Transfer Services LLC with concurrence from Derrick Erie and Payton Erie, Co-Personal Representatives-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. H2O Connections LLC-Applicant; Lloyd Sorenson-Landowner (PZ-2021-0134) 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 acres more or less in the E1/2SE1/4 of Section 20, Township 155 North, Range 92 West (Alger Township) (Parcel# 260009600)

The applicant (represented by Jared Wirtz of H2O Connections LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on the above described property. Jack Cvancara was present to express his concern about the location of the point of diversion in relation to the location of where the water is supposed to be as there isn’t any water there right now and the slough is currently dry. Mr. Cvancara also pointed out that this would be the second oil company with a water permit in the same area. Commissioner Ruland pointed out that the permit is for this specific area only and if there is no water, the permit is basically meaningless. Mr. Wirtz stated whether there is water there or not is not what this application and decision is about and that they already have an approved permit from the state for this. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Weisenberger, seconded by Commissioner Hovda to approve the zoning request filed by H2O Connections LLC with concurrence from Lloyd Sorenson-landowner, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on a tract of land 80 acres more or less in the E1/2SE1/4 of Section 20, Township 155 North, Range 92 West (Alger Township) contingent upon adhering to the ND State Temporary Water Permit ND2021-20625 valid 6-4-21 through 6-3-22 using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge/Township(s) temporary ROW use requirements when applicable as H2O Connections LLC with concurrence from Lloyd 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 H2O Connections LLC with concurrence from Lloyd Sorenson-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. Upon roll call, Commissioners Ruland, Weisenberger, Hovda, and Borud voted yes, Commissioner Hollekim voted no. Motion carried.

1. **9:10 a.m. Purity Oilfield Services LLC-Applicant; Richard Jorgenson-Landowner (PZ-2021-0135) 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 acres more or less in the W1/2NE1/4, E1/2NW1/4 of Section 18, Township 158 North, Range 93 West (Powers Lake Township) (Parcel# 060008000)

The applicant (represented by Mike Childs with Purity Oilfield Services LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on the above described property. Commissioner Hollekim noted that the map from the applicant should be drawn in differently based on the legal description. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Hollekim to approve the zoning request filed by Purity Oilfield Services LLC with concurrence from Richard Jorgenson-landowner, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on a tract of land in the W1/2NE1/4, E1/2NW1/4 of Section 18, Township 158 North, Range 93 West (Powers Lake Township) contingent upon adhering to the ND State Temporary Water Permit ND2021-20530 valid 5-5-21 through 9-30-21 using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge/Township(s) temporary ROW use requirements when applicable as Purity Oilfield Services LLC with concurrence from Richard Jorgenson-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 Purity Oilfield Services LLC with concurrence from Richard Jorgenson-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:15 a.m. West Dakota Water LLC-Applicant; Pronghorn LLC-Landowner (PZ-2021-0137) 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 acres more or less in the SE1/4 of Section 13, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450007200)

The applicant (represented by Toby Huber of West Dakota Water LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on the above described property. Commissioner Borud asked about the expiration date and Commissioner Ruland stated they will have to reapply after July 31st, 2021. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Weisenberger to approve the zoning request filed by West Dakota Water LLC with concurrence from Pronghorn LLC-landowner, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on a tract of land in the SE1/4 of Section 13, Township 152 North, Range 91 West (Van Hook Township) contingent upon adhering to the ND State Temporary Water Permit ND2021-20470 valid 3-10-21 through 7-31-21 using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge/Township(s) temporary ROW use requirements when applicable as West Dakota Water LLC with concurrence from Pronghorn LLC-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 Pronghorn LLC-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:20 a.m. West Dakota Water LLC-Applicant; Storms Construction-Landowner (PZ-2021-0138) 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 56.89 acres more or less described as Outlot 2 of the N1/2NE1/4 of Section 32, Township 152 North, Range 90 West (Parshall Township) (Parcel# 440014705)

The applicant (represented by Toby Huber of West Dakota Water LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on the above described property. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Borud to approve the zoning request filed by West Dakota Water LLC with concurrence from Storms Construction-landowner, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on a tract of land 56.89 acres more or less described as Outlot 2 of the N1/2NE1/4 of Section 32, Township 152 North, Range 90 West (Parshall Township) contingent upon adhering to the ND State Temporary Water Permit ND2021-20539 valid 4-9-21 through 11-30-21 using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge/Township(s) temporary ROW use requirements when applicable as West Dakota Water LLC with concurrence from Storms Construction-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 Storms Construction-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:25 a.m. West Dakota Water LLC-Applicant; Roger K. and Darlene J. Vesey-Landowners (PZ-2021-0139) 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 97.42 acres more or less in the SW1/4 consisting of Government Lots 6, 8, and 9 of Section 18 Township 155 North, Range 89 West (McAlmond Township) (Parcel# 230008200)

The applicant (represented by Toby Huber of West Dakota Water LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on the above described property. Commissioner Hollekim asked for clarification on the point of diversion being only Government Lot 9 per the application and after discussion, the board will limit the permit to Government Lot 9 only. 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 West Dakota Water LLC with concurrence from Roger K. and Darlene J. Vesey-landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose on a tract of land located in Government Lot 9 of the SW1/4 Section 18, Township 155 North, Range 89 West (McAlmond Township) contingent upon adhering to the ND State Temporary Water Permit ND2021-20353 valid 1-1-21 through 12-31-21 using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge/Township(s) temporary ROW use requirements when applicable as West Dakota Water LLC with concurrence from Roger K. and Darlene J. Vesey-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 Roger K. and Darlene J. Vesey-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:30 a.m. Alan Tollefson/Cliff Tollefson-Applicant; Tollefson Properties LLLP-Landowner (PZ-2021-0133) Subdivision Plat Review**

Subdivision Plat Review Application for the following described property: a tract of land to be known as Tollefson’s Second Addition, Lots 1 and 2 consisting of Lot 1, Block 1 of Tollefson’s First Addition and un-platted portion of the SE1/4 of Section 17, Township 152 North, Range 91 West (Van Hook Township) (Parcel# 450008900)

The applicant (represented by Cliff Tollefson) is seeking to replat a portion of the platted area and add an additional un-platted portion for a treated effluent pond on the above described property. Commissioner Hollekim asked why they are platting something that’s already been platted into another subdivision. Mr. Tollefson stated that where the sewer was put was partially in land owned by Sandstone Acres and partially into land owned by Tollefson Properties and they’re trying to get it into one area. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Ruland to approve the zoning request of replatting a subdivision as filed by Alan Tollefson/Cliff Tollefson with concurrence from Tollefson Properties LLLP, landowner for a tract of land to be known as Tollefson’s Second Addition, Lots 1 and 2 consisting of Lot 1, Block 1 of Tollefson’s First Addition and un-platted portion of the SE1/4 of Section 17, Township 152 North, Range 91 West (Van Hook Township) as Alan Tollefson/Cliff Tollefson with concurrence from Tollefson Properties LLLP, landowner have met all criteria as set forth in Mountrail County Subdivision Resolution. All present voted yes. Motion carried.

1. **9:35 a.m. Farden Construction Inc.-Applicant; Michael and Brenda Kok-Landowners (PZ-2021-0136) Conditional Use-Gravel**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 80 acres more or less in the E1/2NE1/4 of Section 12, Township 153 North, Range 91 West (Crane Creek Township) (Parcel# 390005500)

The applicant (represented by Tom Farden of Farden Construction Inc.) is seeking a Conditional Use Permit to use agricultural land for the purpose of mining gravel for the reconstruction of Mountrail County Road 3. Commissioners Hollekim and Ruland would like the letter of credit amended to include reclamation of the land. Applicant has met all other requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Ruland to approve the zoning request filed by Farden Construction Inc. with concurrence from Michael and Brenda Kok-landowners, for a Conditional Use Permit to use agricultural land for the purpose of mining gravel for the reconstruction of Mountrail County Road 3 on a tract of land 80 acres more or less in the E1/2NE1/4 of Section 12, Township 153 North, Range 91 West (Crane Creek Township) for a period of 5 years contingent upon a $125,000.00 letter of credit to Mountrail County with reclamation added into the terms and renewed yearly for the 5 year period as well as a road haul agreement with Crane Creek Township. Farden Construction Inc. with concurrence from Michael and Brenda Kok-landowners, has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Farden Construction Inc. with concurrence from Michael and Brenda Kok-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:40 a.m. Central Specialties Inc.-Applicant; Lorin and Devin Johnson-Landowners (PZ-2021-0119) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 10 acres more or less in the SE1/4SE1/4 of Section 22, Township 158 North, Range 92 West (Powers Township) (Parcel# 050011100)

The applicant (represented by Shane Carlberg of Central Specialties Inc.) is seeking a Conditional Use Permit to use land zoned agricultural for temporary workforce housing while working on County Road Project ID 04(07)13, County Road 4 on the above described property. States Attorney Enget stated he received a phone call from the Powers Lake Ambulance concerning the road and having enough room to get through should there be an emergency in that area. Shane assured the board they have been in this situation before and they have always made sure there is enough room for emergency vehicles or anyone else to get through the road they’re using. Mr. Carlberg stated he received a call concerning how many people will be at this campground. Mr. Carlberg stated they will want 30 spots but will probably only have 15 campers at one time. Commissioner Hollekim asked if they need a permit from the State of North Dakota and Mr. Carlberg says he was told by the state that they wouldn’t need one on someone else’s property. Administrator Vachal informed him of the century code section that states he will need a permit from the state for this. Commissioner Borud brought up a letter sent to the board from Twyla Thorlaksen of Stone House RV Park in Stanley and states she is concerned about her loss of revenue if this is allowed because some of these workers had been living in her RV park. Mr. Carlberg stated that while he understands her position, this will cause a hardship for their company if they have to pay for spots elsewhere and a hardship for their employees if they have to drive a longer distance to their campground after working a full day. Commissioner Hollekim suggested limiting them to 15 spots. States Attorney Enget brought up the permit issue with the state again and stated that Central Specialties will have to follow any state licensing requirements regarding campgrounds. Applicant has met all other requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Ruland to approve the zoning request filed by Central Specialties Inc. with concurrence from Lorin and Devin Johnson-landowners, for a Conditional Use Permit to use land zoned agricultural for temporary workforce housing while working on County Road Project ID 04(07)13, County Road 4 on a tract of land 10 acres more or less in the SE1/4SE1/4 of Section 22, Township 158 North, Range 92 West (Powers Township) for no more than 15 campers as Central Specialties Inc. with concurrence from Lorin and Devin Johnson-landowners, has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance pending any required documentation from the State of North Dakota and is further contingent Central Specialties Inc. with concurrence from Lorin and Devin Johnson-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:45 a.m. Pronghorn LLC-Applicant/Landowner (PZ-2021-0068) Conditional Use**

Zoning Request/Conditional Use Permit for the construction of two storage fresh water ponds the following described property: A tract of land 160 acres more or less 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 May 24, 2021 meeting. Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to un-table the zoning request for discussion. All present voted yes. Motion carried.

The applicant (represented by Ryan Waters of 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. Administrator Vachal stated that the amendment request has gone in front of the Mountrail County Board of Commissioners and has been approved but is being held by P&Z Administration until this zoning request has been approved. Commissioner Ruland stated she has been able to find out the new plans have been submitted to the NW Water Resource District but that they don’t meet until July. Mr. Waters stated he submitted the new plans to the county but Administrator Vachal and Commissioner Ruland both stated they haven’t received those. Commissioner Ruland is concerned about the design of the 2 ponds if they were to lose the integrity of one or the other. Mr. Waters stated they have separated the ponds so they no longer share a wall. Mr. Waters stated they have submitted their application to the water district but they don’t meet until July 14th and so he is asking the board to approve this pending the approval from the water district. Mr. Waters stated to the board that these ponds will be fenced around to keep animals and anything else out.

Moved by Commissioner Hovda, seconded by Commissioner Weisenberger to approve the zoning request filed by Pronghorn LLC landowner a Conditional Use Permit to industrial land to construct two 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 and pending the approval of the NW Water Resource District on a tract of land 160 acres more or less in the SE1/4 of Section 13, Township 152 North, Range 91 West (Van Hook Township) as Pronghorn LLC, landowner has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Pronghorn LLC, landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

**Brandon Buoye, BWB Honey Company in regards to the Bee Company located in McGahan Township**

Administrator Vachal began discussion letting the board know that Brandon Buoye is just here to let the board know what his plans for the yard are and their temporary housing situation as he missed the application deadline. Brandon stated to the board that their plan is to have 8 units for their employees that come up during the summer to work. He stated that the buildings have 4-9 rooms in them but they will be remodeling some for storage and using the rest for living quarters. Chairman Sorenson asked if the issue is that the land is not zoned as Agricultural and Administrator Vachal confirmed that it is zoned Industrial right now. Brandon stated he would like to leave it zoned as Industrial. Administrator Vachal stated they don’t need to change the zoning to allow the temporary housing. Commissioner Borud asked if they had people living there now and Brandon stated there is no one there now because they were waiting to see what happened with the board. Chairman Sorenson asked if he is aware of what they need to do for temporary housing and Brandon stated he was given a checklist and they have been working on it. Commissioner Borud asked if they will be able to get everything done before the next deadline and Brandon stated they believe they will be able to do that by August meeting.

**White Earth Cottage Site Residents**

Discussion was held on nonconforming uses at White Earth Bay Cottage Site. The Board listened to comments from owners and residents at the Cottage Site and from members of the Planning & Zoning Board. Planning & Zoning members’ opinions differed as to whether the nonconforming uses are considered “grandfathered-in” or whether these nonconforming uses can be enforced. The Planning & Zoning Board determined that Mountrail County Planning & Zoning has had full zoning all along in the White Earth Bay Cottage Site and will be needing to be followed moving forward. The Planning & Zoning Board took no action concerning the nonconforming uses at this time. All parties involved would work together to come to an acceptable resolution regarding this issue.

**Minutes**

Moved by Commissioner Hovda, seconded by Commissioner Borud to approve the Planning and Zoning Commission minutes of the May 24, 2021 meeting as corrected. All present voted yes. Motion carried.

**Temporary Water Permit – Non-Transferable Renewals**

H2O Connections LLC – Permit Number – ND2021-20540/PZ-2021-0073

Pumping of industrial water by lay flat hose; H2O Connections LLC- Applicant. Curt and Summer Meyer-Landowners. SE1/4 Section 27, Township 155 North, Range 94 West (Unorganized Township) Period of authorized usage: 4/1/21 through 8/31/21

Parcel #: 28-0012200

H2O Connections LLC – Permit Number – ND2021-20611/PZ-2021-0124

Pumping of industrial water by lay flat hose; H2O Connections LLC-Applicant. Curt and Summer Meyer-Landowners. NE1/4 Section 21, Township 155 North, Range 94 West (Unorganized Township) Period of authorized usage: 5/24/21 through 10/24/21.

Parcel #: 28-0009500

**Building Permits 2177 - 2185**

2177 – PZ-2021-0113 – Alice M. Lizotte – Lease Holder/Applicant. Van Hook/Traynor Park. Lot 7, Block 3 Olsen’s Second Addition to the Village of Van Hook, also known as Leased Lot 5, Block 3 of Traynor Park in the SW1/4 of Section 29, Township 152 North, Range 91 West (Van Hook Township) 16’ x 76’ Mobile Home.

2178 – PZ-2021-0120 – James Enge, Applicant/Landowner. Parcel #25-0011400 – NW1/4 Section 25, Township 155 North, Range 91 West (Purcell Township) 45’ x 70’ House.

2179 – PZ-2021-0121 – Bert Hauge, Applicant/Landowner. Parcel #38-0011600

Land zoned ag. Outlot 1 in the SE1/4 Section 28, Township 153 North, Range 90 West (Wayzetta Township) 16’ x 70’ Mobile Home.

2180 – PZ-2021-0122 – Brad and Andrea Abel, Applicant/Landowner. Parcel #50-001101 – Sublot A of Outlot 1 of N1/2 Section 3, Township 151 North, Range 90 West (Fertile Township) 40’ x 66’ x 8’ House.

2181 – PZ-2021-0126 - David Debertin, Applicant/Landowner. Parcel #44-0009800 – NE1/4 Section 20, Township 152 North, Range 90 West (Parshall Township) 40’ x 60’ Machine Shed.

2182 – PZ-2021-0131 - Ronald Feehan, Applicant/Landowner. Parcel #40-0004705 – S1/2NW1/4 Section 9, Township 153 North, Range 92 West (Knife River Township) 60’ x 80’ Pole Building.

2183 – PZ-2021-0143 – Randy and Joy Lalim, Applicant/Landowner. Parcel #35-0011600 – Lot 1, White Earth Bay Cottage Site, Part of S1/2SW1/4 Section 26, Township 154 North, Range 94 West (Unorganized Township) 18’ x 36’ Addition to lake cabin.

2184 – PZ-2021-0145 – Julie L. Vachal-Okeson, Applicant/Landowner. Parcel #35-0015800 – Lots 44 and 45, White Earth Bay Cottage Site, Part of SE1/4SW1/4 Section 26, Township 154 North, Range 94 West (Unorganized Township) 42’ x 100’ garage.

2185 – PZ-2021-0146 – Richard and Helen Lehmann, Applicant/Lease Holder. Parcel #51-0000801 – Lot 802, Brendle’s Bay Resort, a tract of land described as Outlot 1 of NW1/4 Section 11, Township 151 North, Range 91 West (Liberty Township) 10’ x 16’ Garden Shed.

Moved by Commissioner Hollekim, seconded by Commissioner Borud to approve building permits 2177 through 2185. All present voted yes. Motion carried.

**Staff Updates**

* Informational Complaint regarding Ann Nelson Site in White Earth (Poncho’s)
  + Administrator Vachal informed the board that this has been discussed previously in front of the board and with States Attorney Enget and the complainants were told that Planning & Zoning does not handle the cleanup of garbage and litter and that they would have to contact the ND Heath Department.
* Kulczyk file
  + Commissioner Ruland wants the dam looked into because the cease and desist that was sent informed them that they were supposed to remove it and clean it up.
* Holding ponds and lay flat hoses on well sites
  + Administrator Vachal would like to know if oil companies need a permit for the lay flat hose coming from their holding ponds or holding tanks on well sites. The board feels they will need a Conditional Use Permit if they’re crossing the road in any way.
* Lakeview Subdivision
  + There is a lot that has a garage, house, and fairly new looking deck on it but Planning & Zoning staff was only able to find a building permit filed for the garage. Administrator Vachal would like to know how to handle a situation where the structures are already built and there weren’t any building permits filed. Commissioner Hollekim suggested sending a letter letting them know they aren’t in compliance.
* Green Acres Subdivision
  + Came into the office not wanting the full letter of credit amount. It was stated to them that the letter of credit amount has been determined to stay the same as the beginning of the project.
* Update on June 25, 2021 Steering Committee meeting

**Board Concerns**

Chairman Sorenson would like GoToMeeting changed to invite only so that people don’t randomly call in. Commissioner Ruland stated that it is a way for people that can’t physically attend though and asked if Administrator Vachal can manage it somehow and have everyone muted at the start and instruct people to message if they would like to speak. Chairman Sorenson feels that it is too difficult especially when there is a delay and someone ends up missing their chance to speak because of it.

The board as a whole is concerned about Thomas Nash and Thomas Bieri not showing up to meetings and feels they should be present in person or via GoToMeeting.

**Ongoing Business**

* Gravel Pits
* White Earth Bay
* Green Acres Subdivision
* Stanley Blaisdell RV Park

Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday July 26, 2021** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

Accepted and approved this 26th day of July, 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\***