MINUTES

**Mountrail County Planning & Zoning Commission**

**July 22, 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, Jesse Weyrauch, Arlo Borud and Kirk Johnson present. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County Tax Equalization Director Lori Hanson, Mountrail County Property Assessor Kim Savage, Mountrail County State’s Attorney Wade Enget and Mountrail County Auditor Stephanie Pappa. Absent was Commissioner Doug Bratvold.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Moved by Commissioner Hollekim, seconded by Commissioner Tomjack, to approve the Planning & Zoning Commission minutes of the June 24, 2024 meeting as corrected. All present voted yes. Motion carried.

1. **8:33 a.m. Schenk LLC-Applicant; Bartelson Investments LLLP-Landowner (PZ-2024-0219) 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, via lay flat hose located in the SW1/4 of Section 4, Township 152 North, Range 90 West (Parshall Township) (Parcel# 44-0001600)

The applicant (represented by Ron Schenk with Schenk LLC) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose for industrial use. This application is being brought in front of the board due to the project being located along Shell Creek. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Weyrauch, to approve the zoning request filed by Schenk LLC with concurrence from Bartelson Investments LLLP-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, via lay flat hose located in the SW1/4 of Section 4, Township 152 North, Range 90 West (Parshall Township) contingent upon adhering to the ND State Temporary Water Permit ND2024-22308 valid 8/1/24 through 7/31/25, applying for a lay flat hose permit once route is known with all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge and/or township(s) temporary ROW use requirements as Schenk LLC with concurrence from Bartelson Investments LLLP-landowner, has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Schenk LLC with concurrence from Bartelson Investments LLLP-landowner, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:36 a.m. Brandon Bouye-Applicant; Michael & Linda Palmer-Landowners; Public hearing regarding expired Conditional Use Permit (PZ-2023-0011)**

Public hearing to discuss a conditional use request that was filed by BWB Honey in 2023 for the following described property: a tract of land 3.00 acres more or less, located in the NW1/4NE1/4 of Section 20, Township 156 North, Range 89 (McGahan Township) (Parcel# 16-0010100)

This public hearing is to discuss a Conditional Use request that was filed in 2023 by BWB Honey for temporary workforce housing on land zoned Agricultural which has since expired. The finalized paperwork required for the 2023 application was never received because the property is currently in litigation in California which is why this matter is being brought to the board.

Neither Brandon Bouye or any other representative for BWB Honey were present for this hearing during the scheduled time, however, Brian Bouye joined the meeting during the 8:48 a.m. hearing so this matter was reopened for discussion upon the completion of that hearing. Mr. Bouye informed the board that they are unable to do anything with the property while it’s in litigation and is asking the board for some grace with the expiration period on this Conditional Use because they are unable to obtain signatures for a new application while the litigation is ongoing. Chairman Sorenson informed Mr. Bouye that the board has already denied this request and that submitting the litigation paperwork isn’t enough to renew the Conditional Use Permit because it has already expired and the board has to require the signature of the landowner.

Moved by Commissioner Borud, seconded by Commissioner Ruland, to deny the zoning request filed by Brandon Bouye with concurrence from Michael & Linda Palmer-landowners, for a Conditional Use Permit for temporary workforce housing on land zoned Agricultural on a tract of land 3.00 acres more or less, located in the NW1/4NE1/4 of Section 20, Township 156 North, Range 89 (McGahan Township) as Brandon Bouye with concurrence from Michael & Linda Palmer-landowners, has not met all criteria as set forth in the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:39 a.m. Fritel Construction Company Inc.-Applicant; Timothy J & Rhonda M Vaagenes-Landowners (PZ-2024-0223) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 26.00 acres more or less, described as the W1/2NW1/4 of Section 25, Township 156 North, Range 89 West (McGahan Township) (Parcel# 16-0012500)

The applicant (represented by Megan Fritel with Fritel Construction Company Inc.) is seeking a Conditional Use Permit (CUP) for the purpose of using land zoned agricultural to mine gravel. The applicant is intending to take over a portion of the pit previously mined by Aggregate Construction to remove the current stockpiles of gravel. Aggregate Construction will be working on reclaiming the rest of the pit. Fritel Construction has signed a new lease with the landowners and is requesting this to be a new CUP rather than an assignment of the existing CUP that Aggregate Construction holds. State’s Attorney Enget would like Aggregate Construction to provide Administration with a letter stating they want their CUP for this tract released so that there isn’t two active CUPs on the same acreage. Due to her representing Fritel Construction in this matter, Commissioner Fritel did not take part in this discussion as part of the Planning & Zoning Board and did not take part in voting. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Tomjack, to approve the zoning request filed by Fritel Construction Company Inc. with concurrence from Timothy J & Rhonda M Vaagenes-landowners, for a Conditional Use Permit for the purpose of gravel removal on land zoned Agricultural on a tract of land 26.00 acres more or less, described as the W1/2NW1/4 of Section 25, Township 156 North, Range 89 West (McGahan Township) for a period of 5 years, expiring on 6-3-2029, contingent upon Aggregate Construction providing Administration with a letter to release their Conditional Use Permit on this tract of land as Fritel Construction Company Inc. with concurrence from Timothy J & Rhonda M Vaagenes-landowners, has met all other criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Fritel Construction Company Inc. with concurrence from Timothy J & Rhonda M Vaagenes-landowners, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:42 a.m. Fritel Construction Company Inc.-Applicant; S-Bar Ranch Declaration of Trust & Mutual Agreement-Landowner (PZ-2024-0224) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 26.00 acres more or less, tract of land described as the E1/2NE1/4 & E1/2SE1/4 of Section 18, Township 153 North, Range 92 West (Knife River Township) (Parcel# 40-0008100)

The applicant (represented by represented by Megan Fritel with Fritel Construction Company Inc.) is seeking a Conditional Use Permit for the purpose of using land zoned agricultural to mine gravel. Applicant is seeking to reopen the abandoned pit on this tract of land. Due to her representing Fritel Construction in this matter, Commissioner Fritel did not take part in this discussion as part of the Planning & Zoning Board and did not take part in voting. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Tomjack, to approve the zoning request filed by Fritel Construction Company Inc. with concurrence from S-Bar Ranch Declaration of Trust & Mutual Agreement-landowner, for a Conditional Use Permit for the purpose of mining gravel on land zoned Agricultural on a tract of land 26.00 acres more or less, tract of land described as the E1/2NE1/4 & E1/2SE1/4 of Section 18, Township 153 North, Range 92 West (Knife River Township) for a period of 5 years, expiring on 7-22-2029, as Fritel Construction Company Inc. with concurrence from S-Bar Ranch Declaration of Trust & Mutual Agreement-landowner, has met all other criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Fritel Construction Company Inc. with concurrence from S-Bar Ranch Declaration of Trust & Mutual Agreement-landowner, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:45 a.m.** **Mountrail County Road & Bridge Department-Applicant; Kevin Lapica-Landowner (PZ-2024-0225) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 80.00 acres more or less, described as the SW1/4NE1/4 & NW1/4SE1/4 of Section 5, Township 154 North, Range 93 West (Rat Lake Township) (Parcel# 34-0002100)

The applicant (represented by Jana Hennessy with Mountrail County Road & Bridge Department) is seeking a renewal of their Conditional Use Permit for the purpose of using land zoned agricultural to mine gravel for county and township road use. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Tomjack, seconded by Commissioner Weyrauch, to approve the zoning request filed by Mountrail County Road & Bridge Department with concurrence from Kevin Lapica-landowner, for a Conditional Use Permit for the purpose of mining gravel for county and township road use on land zoned Agricultural on a tract of land 80.00 acres more or less, tract of land described as the SW1/4NE1/4 & NW1/4SE1/4 of Section 5, Township 154 North, Range 93 West (Rat Lake Township) for a period of 5 years, expiring on 7-22-2029, as Mountrail County Road & Bridge Department with concurrence from Kevin Lapica-landowner, has met all other criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Mountrail County Road & Bridge Department with concurrence from Kevin Lapica-landowner, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:48 a.m. Teresa Miller-Applicant/Landowner (PZ-2024-0227) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 6.63 acres more or less, located in the NE1/4SE1/4 of Section 30, Township 156 North, Range 94 West, to be known as Outlot 2 of the NE1/4SE1/4 of Section 30, Township 156 North, Range 94 West (Myrtle Township) (Parcel# 21-0015600)

The applicant (represented by Brent Boeddeker with Ohnstad Twichell Law in West Fargo) is seeking an Amendment to Zoning to re-zone a tract of land from Agricultural to Rural Residential for the purpose of selling the property. State’s Attorney Enget pointed out the Land Development Code requires an Agricultural Easement when changing the zoning to Rural Residential so the applicant will need to obtain that to complete the application to be able to protect the neighboring property and their right to practice normal agricultural activities. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Ruland, seconded by Commissioner Borud, to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Teresa Miller for an amendment to change land zoned Agricultural to Rural Residential for the purpose of selling the property on a tract of land 6.63 acres more or less, located in the NE1/4SE1/4 of Section 30, Township 156 North, Range 94 West, to be known as Outlot 2 of the NE1/4SE1/4 of Section 30, Township 156 North, Range 94 West (Myrtle Township) contingent upon the completion of the required Agricultural Easement as Teresa Miller has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Teresa Miller complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:51 a.m. Justin & Sheila Johnson-Applicant/Landowners (PZ-2024-0229) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 40.00 acres more or less, located in the NE1/4NE1/4 of Section 13, Township 157 North, Range 90 West (Clearwater Township) (Parcel# 10-0006710)

The applicant (represented by Justin Johnson) is seeking a Conditional Use Permit to place a mobile home on land zoned Agricultural. 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 Justin & Sheila Johnson, for a Conditional Use Permit to place a mobile home on land zoned Agricultural on a tract of land 40.00 acres more or less, located in the NE1/4NE1/4 of Section 13, Township 157 North, Range 90 West (Clearwater Township) as Justin & Sheila Johnson have met all other criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Justin & Sheila Johnson 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. 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)

Chairman Sorenson un-tabled this discussion. The applicant (represented by Travis Sauber with JDE Holdings LLC) 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. Applicant is currently working on the checklist for the Conditional Use that will go with this project but is looking to get the Amendment to Zoning approved today. Mr. Sauber states that they will re-zone the parcel back to Agricultural in the event that the Conditional Use is not approved by the board at a later date. Commissioner Hollekim feels that the board should wait to make recommendation to re-zone this parcel until the Conditional Use is approved, which Commissioner Ruland agrees with so that there isn’t a parcel zoned Industrial that isn’t being used for that purpose in the unlikely event that the Conditional Use doesn’t pass.

Moved by Commissioner Ruland, seconded by Commissioner Hollekim to table to the call of the chair the zoning request filed by JDE Holdings LLC with concurrence from Myron & Della Mader-landowners, for an amendment to re-zone a tract of land zoned Agricultural to Industrial for the purpose of building a data center on 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) until the applicant has the required checklist completed for the Conditional Use application that goes with this amendment request. All present voted yes. Motion carried.

1. **8:57 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)

This matter will remain tabled until the applicant has the required checklist completed. The applicant (represented by Travis Sauber with JDE Holdings) is seeking a Conditional Use Permit for the purpose of using land zoned Industrial to construct a data center. Mr. Sauber asked to discuss this without un-tabling it just to get clarification on some of the checklist items that the subcommittee came up with.

1. **9:00 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)

Chairman Sorenson un-tabled this discussion. The applicant (represented by Travis Sauber with JDE Holdings LLC) 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. Mr. Sauber states the checklist for the Conditional Use that goes with this Amendment will be completed before the next meeting of the Mountrail County Commissioners. Since the next meeting of the Commissioners is prior to the next meeting of the Planning & Zoning Board, Administration suggested that the board make their recommendation include the stipulation that it be done at the September 3, 2024 meeting of the Commissioners so that the Conditional Use application will have a chance to come before the Planning & Zoning Board before the Commissioners make a decision about the Amendment.

Moved by Commissioner Hollekim, seconded by Commissioner Weyrauch to make recommendation to the Mountrail County Commissioners to move forward with the public hearing on the zoning request filed by JDE Holdings LLC with concurrence from Curtis Frey, et. al.-landowners, at the September 3, 2024 meeting, for an amendment to re-zone a tract of land zoned Agricultural to Industrial for the purpose of building a data center on 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) so that the applicant has time to complete the Conditional Use checklist that coincides with this application as JDE Holdings LLC with concurrence from Curtis Frey, et. al.-landowners, has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon JDE Holdings LLC with concurrence from Curtis Frey, et. al.-landowners, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried. All present voted yes. Motion carried.

1. **9:03 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)

This matter will remain tabled until the applicant has the required checklist completed.

1. **9:06 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)

This matter will remain tabled until the applicant has the required checklist completed.

1. **9:09 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)

This matter will remain tabled until the applicant has the required checklist completed.

1. **9:12 a.m. Enerfore Digital Plaza LLC-Applicant; Timothy & Annette Kreft et al-Landowners (PZ-2024-0199) Amendment**

Amendment to Zoning Request for the following described property: a tract of 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)

Chairman Sorenson un-tabled this discussion. The applicant (represented by Harvey Fitzgerald with Interstate Engineering) 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. Hunter Andes addressed the board with his opposition of this project as well as a letter written by Shelly Ventsch, a petition signed by residents of Plaza Township, and a letter written by Friends of Wabek School, all of which were also in opposition of this project. Jeff and Ruth Gesselman of Wabek expressed their concerns as they would be building a dwelling at Wabek. Tim Gray, Plaza Township Chairman, addressed the board with the opposition of the township board. John Andes stated his concerns to the board regarding the noise level of the data center. Hayden Andes addressed the board concerning the noise levels as well. Mr. Fitzgerald addressed the concerns about the noise and the electricity usage by the data centers. Chairman Sorenson stated that if Mr. Fitzgerald and his company could go zero noise emissions then most, if not all, of the land owner and township complaints would be solved. This discussion will be tabled pending the completion of the checklist for the Conditional Use.

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 the completion of the checklist for the Conditional Use. All present voted yes. Motion carried.

1. **9:15 a.m.** **Enerfore Digital Plaza LLC-Applicant; Timothy & Annette Kreft et al-Landowners (PZ-2024-0232) Conditional Use**

Zoning Request/Conditional Use Permit 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 with Interstate Engineering) is seeking a Conditional Use Permit to use land zoned Industrial to construct a data center. This discussion will be tabled to the call of the chair pending the completion of the required checklist.

Moved by Commissioner Borud, seconded by Commissioner Weyrauch 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 Conditional Use Permit for the purpose of using land zoned Industrial to construct a data center 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) pending the completion of the required checklist. All present voted yes. Motion carried.

1. **9:18 a.m. Hyrum Zitting-Discussion on Green Acres Subdivision (Parcel #’s 14-0011600 through 14-0011611)**

Mr. Zitting is trying to purchase Green Acres Subdivision from the existing owners and is seeking the guidance of the Planning & Zoning board so that he knows what needs to be done to bring the property into compliance. State’s Attorney Enget lead the discussion with Mr. Zitting regarding his plans to keep the existing plat or not, the issues found about three years ago by Mountrail County Road & Bridge concerning the drainage, and the letter of credit requirement. Mr. Zitting is aware of the drainage issues and plans to correct them. Chairman Sorenson would like to see the old trailer removed from the property finally and then a written plan to get the rest of the issues corrected and to get the rest of the property cleaned up. Mr. Zitting asked what the amount of the letter of credit would be which State’s Attorney Enget said they wouldn’t know that until he submits some kind of plan.

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

PZ-2024-0220 – Quality Water Systems LLC – Applicant. Michael Sorenson – Landowner. State Water Permit #ND2024-22464. Period of Authorized usage: 6/20/2024 through 8/01/2024. Pump placement on a tract of land 40.00 acres more or less, located in the SE1/4NE1/4 of Section 4, Township 154 North, Range 94 West (Unorganized Township) (6) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0228 – Select Water Solutions LLC – Applicant. Terry Anderson – Landowner. State Water Permit #ND2024-22371. Period of Authorized usage: 6/28/2024 through 5/23/2025. Pump placement on a tract of land 40.00 acres more or less, located in the SE1/4NE1/4 of Section 9, Township 154 North, Range 93 West (Rat Lake Township) (10) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

**Temporary Water Permits – Non-Transferable Renewals – For Board Information Only**

Quality Water Systems LLC – Permit Number – State Water Permit ND2024-22492 / PZ-2024-0223. Pumping of industrial water by lay flat hose: Quality Water Systems LLC-Applicant. Rice Ranch LLLP-Landowner. NW1/4NW1/4 of Section 2, Township 155 North, Range 94 West (Unorganized Township) Period of Authorized usage: 6/28/2024 through 8/1/2024. Parcel #28-0000900 (Ref# PZ-2023-0029)

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

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22421 / PZ-2024-0218. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Dennis W & Rebecca E Edwards Living Trust – Landowner. SE1/4NW1/4 of Section 27, Township 156 North, Range 93 West (Manitou Township) ending in the W1/2NE1/4 of Section 25, Township 156 North, Range 94 (Myrtle Township).

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22320 / PZ-2024-0230. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Beverly Fretheim Trust – Landowner. NW1/4 of Section 3, Township 154 North, Range 93 West (Rat Lake Township) ending in the SW1/4SE1/4 of Section 11, Township 154 North, Range 93 West (Rat Lake Township).

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2023-22320 / PZ-2024-0231. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Beverly Fretheim Trust – Landowner. NW1/4 of Section 3, Township 154 North, Range 93 West (Rat Lake Township) ending in the SW1/4SE1/4 of Section 11, Township 154 North, Range 93 West (Rat Lake Township).

**Building Permits 2374-2375**

2374 – PZ-2024-0221 – Tim & Sue Thoreson – Applicant/Landowner. Parcel #51-0000656. Lot 17 of Brendle’s Third Subdivision located in the S1/2NE1/4 of Section 10, Township 151 North, Range 91 West. (Liberty Township) 30’x40’ storage building.

2375 – PZ-2024-0222 – John Hebert – Applicant. Mountrail County Park Commission – Landowner. Parcel #45-0014101. Lot 6, Block 2 of Original Townsite of Van Hook aka Lot 8, Block 7 of Traynor Park located in the NW1/4 of Section 32, Township 152 North, Range 91 West. (Van Hook Township) 32’x32’ storage building.

Moved by Commissioner Ruland, seconded by Commissioner Weyrauch, to approve building permits 2374-2375. 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
* Dan & Lenore Pausig

**STAFF UPDATES**

* + Administrator Vachal provided the board with a recap of the Vision West meeting in Dickinson.
  + Administrator Vachal presented some research regarding the noise levels of data centers and the way the decibel level can be calculated based on how it carries.

**BOARD CONCERNS**

* + Commissioner Hollekim suggested maybe notification of businesses near the data center projects should be notified as well such as livestock operations because of the noise. Commissioner Ruland also mentioned that if a planned one gets close to a place like Van Hook Resort, that maybe they should be notified too. Chairman Sorenson suggested that maybe they should just notify all landowners not just those that have a dwelling near the proposed site. Administrator Vachal will make that change to the Conditional Use Permit checklist for data centers.

The Board adjourned at 10:55 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Tuesday, August 27, 2024,** at 8:30 am via GOTOMEETING or in the Commissioners Room at the Mountrail County Courthouse.

Accepted and approved this 27th day of August, 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\***