MINUTES

**Mountrail County Planning & Zoning Commission**

**July 24, 2023**

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, Joan Hollekim, Trudy Ruland, Cameron Tomjack, Zack Gaaskjolen, Lauren Frost, and Arlo Borud present. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County Property Assessor Kim Savage, and Mountrail County State’s Attorney Wade Enget. Commissioner Doug Bratvold was absent at roll call but joined the meeting at 8:39 a.m.

**APPROVAL OF AGENDA**

Moved by Commissioner Borud, seconded by Commissioner Hollekim, to approve the Planning and Zoning Commission agenda as amended. All present voted yes. Motion carried.

**APPROVAL OF MINUTES**

Moved by Commissioner Hollekim, seconded by Commissioner Borud, to approve the Planning and Zoning Commission minutes of the June 26, 2023 meeting as corrected. All present voted yes. Motion carried.

1. **8:35 a.m. Jacob Estvold-Applicant/Landowner (PZ-2023-0209) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 160.00 acres more or less, located in the SW1/4 of Section 25, Township 153 North, Range 92 West (Knife River Township) (Parcel# 40-0011500)

The applicant (represented by Travis Sauber) is seeking an Amendment to Zoning to re-zone a tract of land from Agricultural to Industrial for the purpose of building a water depot to supply fresh water to the oil & gas industry. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Frost, seconded by Commissioner Tomjack, to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Jacob Estvold for an amendment to change land zoned Agricultural to Industrial for the purpose of building a water depot to supply fresh water to the oil & gas industry on a tract of land 160.00 acres more or less, located in the SW1/4 of Section 25, Township 153 North, Range 92 West (Knife River Township) contingent upon the applicant receiving the proper permits from the Mountrail County Water Resource Board as Jacob Estvold has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Jacob Estvold complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:38 a.m. Logan Kress-Applicant; David & Stephanie King-Landowners (PZ-2023-0212) Variance**

Variance Application request for the following described property: a tract of land described by metes and bounds located in the NW1/4NW1/4 (Gov’t Lot 4) to be known as Outlot 3 of Gov’t Lot 4 of Section 2, Township 154 North, Range 88 West (Lowland Township) (Parcel# 01-0000800)

The applicant (represented by Perry Kress) is seeking a variance for a 15’ setback off Lincoln Ave and a 100’ setback off 62nd Ave NW rather than the setbacks of 25’ for Lincoln Ave and 150’ from the center of 62nd Ave NW as required by the Mountrail County Land Development Code for the purpose of building a house and a future barn. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Frost, to approve the zoning request filed by Logan Kress, with concurrence from David & Stephanie King-landowners, for a Variance for a 15’ setback off Lincoln Ave and a 100’ setback off 62nd Ave NW rather than the setbacks of 25’ for Lincoln Ave and 150’ from the center of 62nd Ave NW as required by the Mountrail County Land Development Code for the purpose of building a house and a future barn on a tract of land described by metes and bounds located in the NW1/4NW1/4 (Gov’t Lot 4) to be known as Outlot 3 of Gov’t Lot 4 of Section 2, Township 154 North, Range 88 West (Lowland Township) as Logan Kress, with concurrence from David & Stephanie King-landowners, has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Logan Kress, with concurrence from David & Stephanie King-landowners, complying with all other terms and conditions of the Mountrail County Land Development Code.

Prior to voting, further discussion was had on the setbacks as Commissioners Hollekim and Ruland had concerns about the need to stay as far back from the road as possible. Mr. Kress feels he would be able to stay further away from 62nd Ave NW if he is able to build closer to Lincoln Ave. After some discussion, it was agreed upon by the Commission that they could grant the applicant a 7’ setback from Lincoln Ave and a 125’ setback from 62nd Ave NW to accommodate his needs as well as the concerns of the board about possible future improvements to 62nd Ave NW. Commissioner Borud agreed to amend his motion.

Moved by Commissioner Borud, seconded by Commissioner Frost, to approve the zoning request filed by Logan Kress, with concurrence from David & Stephanie King-landowners, for a Variance for a 7’ setback off Lincoln Ave and a 125’ setback off 62nd Ave NW rather than the setbacks of 25’ for Lincoln Ave and 150’ from the center of 62nd Ave NW as required by the Mountrail County Land Development Code for the purpose of building a house and a future barn on a tract of land described by metes and bounds located in the NW1/4NW1/4 (Gov’t Lot 4) to be known as Outlot 3 of Gov’t Lot 4 of Section 2, Township 154 North, Range 88 West (Lowland Township) as Logan Kress, with concurrence from David & Stephanie King-landowners, has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Logan Kress, with concurrence from David & Stephanie King-landowners, complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:41 a.m. Brenda & Dennis Nielsen-Applicant/Landowners (PZ-2023-0215) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 1.96 acres more or less, described as Lot 2 of Schmidt’s Country Estates First Addition located in the E1/2NE1/4 of Section 9, Township 156, Range 91 West (Idaho Township) (Parcel# 18-0004238)

The applicant (represented by Brenda Nielsen) is seeking a Conditional Use Permit for the purpose of placing a mobile home on land zoned Residential. Applicant has met all other requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Frost, to approve the zoning request filed by Brenda & Dennis Nielsen for a Conditional Use Permit for the purpose of placing a mobile home on land zoned Residential on a tract of land 1.96 acres more or less, described as Lot 2 of Schmidt’s Country Estates First Addition located in the E1/2NE1/4 of Section 9, Township 156, Range 91 West (Idaho Township) as Brenda & Dennis Nielsen have met all other criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Brenda & Dennis Nielsen complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

1. **8:44 a.m. Julie Okeson-Applicant/Landowner (PZ-2023-0185) Variance**

Variance Application request for the following described property: a tract of land described as Lots 43, 44 & 45 of the White Earth Cottage Site located in the S1/2 of Section 26 and N1/2 of Section 35, Township 154 North, Range 94 West (Unorganized Township) (Parcel# 35-0015800)

The applicant (represented by Julie Okeson) is seeking a variance for a 1’ setback off the back property line and a 1’ setback off the east property line rather than the setbacks of 10’ for the back property line and 7’ for the east property line as required by the Mountrail County Land Development Code for the purpose of constructing a fence. The applicant mailed the two public notices that were returned to her prior to the previous hearing in June and this matter is being brought back to the commission following an email from Kim Sorenson opposing the proposed setback. Ms. Okeson was contacted to halt her plans and she was informed that a new hearing would be held so that landowner concerns could be heard. After some discussion, Ms. Okeson and the board were able to come to an agreement on a 2’ setback. Commissioner Frost had some concerns about making Ms. Okeson move her fence even further in because it’s limiting the full use of her property and because of the barbed wire fence that is already on the property line. Commissioner Hollekim felt that 2’ still isn’t enough room to be able to maintain the outside of the fence without trespassing on the neighbor’s property. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Frost, seconded by Commissioner Tomjack, to approve the zoning request filed by Julie Okeson for a Variance for a 2.5’ setback off the back property line and a 2.5’ setback off the east property line rather than the setbacks of 10’ for the back property line and 7’ for the east property line as required by the Mountrail County Land Development Code for the purpose of constructing a fence on a tract of land described as Lots 43, 44 & 45 of the White Earth Cottage Site located in the S1/2 of Section 26 and N1/2 of Section 35, Township 154 North, Range 94 West (Unorganized Township) as Julie Okeson has met all criteria as set forth in the Mountrail County Land Development Code and is further contingent upon Julie Okeson complying with all other terms and conditions of the Mountrail County Land Development Code. All present voted yes. Motion carried.

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

PZ-2023-0198 – Quality Water Systems – Applicant. Anna Lee Ahmann Revocable Living Trust & Mary McNally – Landowners. State Water Permit #ND2023-21730. Period of Authorized usage: 5/31/2023 through 2/10/2024. Parcel #13-0006100. Pump placement on a tract of land 80.00 acres more or less located in the W1/2NE1/4 of Section 11, Township 157 North, Range 93 West (Sorkness Township) (11 out of 11) CERTIFIED RECEIPTS RECEIVED Approved by P&Z Administrator on 6/23/2023

PZ-2023-0221 – Butch & Sundance LLC – Applicant. Terry Anderson – Landowner. State Water Permit #ND2022-21635. Period of Authorized usage: 5/24/2023 through 5/23/2024. Parcel #34-0004600. Pump placement on a tract of land 50.00 acres more or less located in the NE1/4 of Section 9, Township 154 North, Range 93 West (Rat Lake Township) (10 out of 10) CERTIFIED RECEIPTS RECEIVED Approved by P&Z Administrator on 7/14/2023

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

Quality Water Systems LLC – State Water Permit #ND2023-21782 / PZ-2023-220. Quality Water Systems LLC – Applicant. Stanley Community Hospital Association – Landowner. S1/2SE1/4 of Section 28, Township 156 North, Range 92 West (Ross Township). Period of Authorized usage: 7/31/2023 through 7/30/2024. Parcel #19-0013700. Approved by P&Z Administrator.

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

Select Energy Services – Permit Number – State Water Permit #ND2023-21689 / PZ-2023-0216. Pumping of industrial water by lay flat hose: Select Energy Services LLC-Applicant. Thomas & Jackie Heinle-Landowner. S1/2SE1/4 of Section 15, Township 156 North, Range 94 West (Myrtle Township) ending in the SW1/4 of Section 11, Township 156 North, Range 94 West (Myrtle Township). Period of Authorized usage: 6/24/2023 through 9/30/2023. Approved by P&Z Administrator

ASWS LLC dba Hamlin Water – State Water Permit #ND2022-21334 / PZ-2023-0217. Pumping of industrial water by lay flat hose: ASWS LLC dba Hamlin Water – Applicant. Donald & Theresa Heinle-Landowner. S1/2SW1/4 of Section 15, Township 156 North, Range 94 West (Myrtle Township) ending at SE1/4 of Section 32, Township 156 North, Range 94 West (Myrtle Township). Period of Authorized usage: 6/25/2023 through 7/30/2023. Approved by P&Z Administrator.

ASWS LLC dba Hamlin Water – State Water Permit #ND2022-21333 / PZ-2023-0218. Pumping of industrial water by lay flat hose: ASWS LLC dba Hamlin Water – Applicant. Donald & Theresa Heinle-Landowner. N1/2SW1/4 of Section 22, Township 156 North, Range 94 West (Myrtle Township) ending at SE1/4 of Section 32, Township 156 North, Range 94 West (Myrtle Township). Period of Authorized usage: 6/29/2023 through 8/15/2023. Approved by P&Z Administrator.

ASWS LLC dba Hamlin Water – State Water Permit #6459 / PZ-2023-0219. Pumping of industrial water by lay flat hose: ASWS LLC dba Hamlin Water – Applicant. Point of beginning is Williams County Section 11 and Section 13, Township 154 North, Range 96 West ending at NE1/4NW1/4 (Gov’t Lot 3) & NW1/4NE1/4 (Gov’t Lot 2) of Section 5, Township 155 North, Range 94 West (Unorganized Township). Period of Authorized usage: 6/29/2023 through 8/30/2023. Approved by P&Z Administrator.

Select Energy Services LLC – State Water Permit #ND2022-21216 & ND2023-21782 / PZ-2023-0231. Pumping of industrial water by lay flat hose: Select Energy Services LLC – Applicant. Stanley Community Hospital Association – Landowner. S1/2SE1/4 of Section 28, Township 156 North, Range 92 West (Ross Township) ending at SE1/4 of Section 31, Township 156 North, Range 92 West (Ross Township). Period of Authorized usage: 7/07/2023 through 7/30/2024. Approved by P&Z Administrator.

Streamline Water Service LLC – State Water Permit #ND2022-21339 / PZ-2023-0237. Pumping of industrial water by lay flat hose: Streamline Water Service LLC – Applicant. Nelson Hubbard Properties LLP & Carolle J Grisham Trust – Landowner. SE1/4 of Section 33, Township 156 North, Range 91 West (Idaho Township) ending at SE1/4 of Section 16, Township 155 North, Range 91 West (Purcell Township). Period of Authorized usage: 7/13/2023 through 9/13/2023. Approved by P&Z Administrator.

Streamline Water Service LLC – State Water Permit #ND2022-21287 / PZ-2023-0238. Pumping of industrial water by lay flat hose: Streamline Water Service LLC – Applicant. James Enge – Landowner. NW1/4 of Section 12, Township 155 North, Range 91 West (Purcell Township) ending at SE1/4 of Section 16, Township 155 North, Range 91 West (Purcell Township). Period of Authorized usage: 7/13/2023 through 9/13/2023. Approved by P&Z Administrator.

**Building Permits 2320 & 2324-2330**

2320 – PZ-2023-0189 – Julie L Okeson – Applicant/Landowner. Parcel #35-0015800. Lot 45, 44, 43 White Earth Cottage Site located in the S1/2 of Section 26 & N1/2 of Section 35, Township 154 North, Range 94 West (Unorganized Township) Fence and deck. Pending Variance approval for fence setbacks. (back on agenda because variance was brought back to the commission following a landowner concern)

2324 – PZ-2023-0210 – Rodney Johnson – Applicant. Rodney G Johnson Living Trust – Landowner. Parcel #51-0000633. Lot 14 of Brendle’s Second Subdivision located in the S1/2NE1/4 of Section 10, Township 151 North, Range 91 West (Liberty Township) 32’x52’x10’ lean to storage.

2325 – PZ-2023-0211 – Allen Fenstermacker – Applicant/Landowner. Outlot 1 of the E1/2 of Section 24, Township 156 North, Range 91 West (Idaho Township) Parcel #18-0013500. 32’x60’ garage. (Renewal of permit #PZ-2021-0261) \*renewal

2326 – PZ-2023-0214 – Ronald & Yvonne Gunderson – Applicant/Landowner. Parcel #35-0014700. Lot 32 of White Earth Cottage Site located in the S1/2 of Section 26 & N1/2 of Section 35, Township 154 North, Range 94 West (Unorganized Township) 26’x54’ mobile home with 26’x54’ shop and 20’x60’ addition.

2327 – PZ-2023-0200 – Dennis & Brenda Nielsen – Applicant/Landowner. Parcel #18-0004238. Lot 2 of Schmidt’s Country Estates First Addition located in the E1/2NE1/4 of Section 9, Township 156 North, Range 91 West (Idaho Township) 32’x76’mobile home with 50’x40’ attached garage. \*Pending CUP

2328 – PZ-2023-0233 – Tom & Lisa Schenfisch – Applicant/Landowner. Parcel 51-0000662. Lot 23 of Brendle’s Third Subdivision located in the S1/2NE1/4 of Section 10, Township 151 North, Range 91 West (Liberty Township) 40’x60’house with 50’x60’ garage. \*Requesting for a 2nd year camper use

2329 – PZ-2023-0232 – Dylan Enger, Jim Enge & Carson Enger – Applicant. Jim Enge – Landowner. Parcel #22-0011100. NW1/4 of Section 24, Township 155 North, Range 91 West (Purcell Township) 52’x96’ livestock handling barn.

2330 – PZ-2023-0235 – Clayton Investments LLC – Applicant/Landowner. Parcel #32-0013600. Outlot 1 of the NW1/4 of Section 23, Township 154 North, Range 91 West (Sikes Township) 260 sq. ft deck.

Moved by Commissioner Borud, seconded by Commissioner Gaaskjolen, to approve building permits 2320 & 2324-2330 with a sunset clause on permit 2328. 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-no activity happening

Subdivision Letter of Credit

**STAFF UPDATES**

None.

**BOARD CONCERNS**

* Commissioner Ruland had a question pertaining to noise ordinances and the Belden store. There have been some complaints about noise coming from there now that there’s been a patio built. States Attorney Enget stated there are no noise ordinances in the Mountrail County Land Development Code along with how any restrictions concerning noise would be enforceable by Planning & Zoning.
* Commissioner Hollekim asked about the Planning & Zoning fees and when those will be brought back to the Board of Commissioners. Administrator Vachal stated that will be brought back to them in August and taken to the Commissioners in September for approval.
* Commissioner Borud informed the board he has had some people express concerns over the amount of gravel pits in the county and the reclamation being done with them. Some people have mentioned they feel there shouldn’t be anymore new pits within the county.
* States Attorney Enget informed the board that the HRAC is amending their policies to include board members and their years of service for recognition as county employees.

The Board adjourned at 9:51 a.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, August 28th, 2023,** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

Accepted and approved this 28th day of August, 2023.

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\***