MINUTES

**Mountrail County Planning & Zoning Commission**

**September 23, 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 Arlo Borud, Cameron Tomjack, Jesse Weyrauch and Joan Hollekim present. Commissioner Trudy Ruland joined the meeting at 8:52 a.m. 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 were Commissioners Kirk Johnson, Megan Fritel and Doug Bratvold.

**APPROVAL OF AGENDA**

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

**APPROVAL OF MINUTES**

Moved by Commissioner Tomjack, seconded by Commissioner Ruland, to approve the Planning & Zoning Commission minutes of the August 27, 2024 meeting as corrected. All present voted yes. Motion carried.

1. **8:35 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 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)

Chairman Sorenson un-tabled this discussion.

The applicant (represented by Gary Emineth with Enerfore Digital Plaza LLC) is seeking an Amendment to Zoning re-zone a tract of land from Agricultural to Industrial for the purpose of building a data center. Mr. Emineth asked for clarification on the checklist requirements that have been imposed upon this application process by the subcommittee. Mr. Emineth also presented information to the board on what Williams County is allowing concerning data centers and information from a meeting he had with the City of Plaza. The applicant has chosen to withdraw this application and the corresponding Conditional Use Permit application.

1. **8:38 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 Gary Emineth with Enerfore Digital Plaza LLC) is seeking a Conditional Use Permit to use land zoned Industrial for the purpose of building data center. The applicant has chosen to withdraw this application.

1. **8:41 a.m. Public Hearing regarding Moratorium on Data Centers and Battery Storage Facilities**

Chairman Sorenson stated moratorium may be necessary for the board to be able to take the time to properly study the effects of data centers and battery storage facilities on our communities and to develop a proper policy for permitting them. State’s Attorney Enget mentioned that this board has previously put a moratorium on for similar reasons concerning special use landfills. Chairman Sorenson suggested hiring SRF Consulting to help write the policy. Commissioners Hollekim, Borud and Ruland agreed that hiring a professional would be beneficial. Jesse Fredericks with Fredericks Custom Solutions voiced his support for the construction of data centers. Hunter Andes voiced his opposition to the data centers.

Moved by Commissioner Borud, seconded by Commissioner Hollekim, to approve the moratorium on data centers and battery storage facilities until a policy regarding them can be adopted. All present voted yes. Motion carried.

After voting on the moratorium, Commissioner Hollekim informed Chairman Sorenson that hiring SRF may go above the budget that Planning & Zoning has already had approved and a motion to make recommendation to the Mountrail County Commissioners to amend the budget may be necessary.

Moved by Commissioner Hollekim, seconded by Commissioner Ruland, to hire SRF Consulting to assist in adopting a code concerning data centers and battery storage facilities and to make recommendation to the Mountrail County Commissioners to amend the Planning & Zoning budget if necessary to accommodate hiring SRF. All present voted yes. Motion carried.

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

PZ-2024-0305 – Waypoint Water Solutions LLC – Applicant. Gerald Neset – Landowner. State Water Permit #ND2024-22544. Period of Authorized usage: 9/03/2024 through 3/01/2025. Pump placement on a tract of land 40.00 acres more or less located in SE1/4NE1/4 of Section 15, Township 155 North, Range 94 West (Unorganized Township) (7) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0313 – Quality Water Systems LLC – Applicant. Kristen Peterson – Landowner. State Water Permit #ND2024-22584. Period of Authorized usage: 9/09/2024 through 12/31/2024. Pump placement on a tract of land 40.00 acres more or less located in SW1/4NW1/4) of Section 34, Township 155 North, Range 94 West (Unorganized Township) (4) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0319 – H2O Connections LLC – Applicant. Ryan Wilhelmi Living Trust – Landowner. State Water Permit #ND2024-22124. Period of Authorized usage: 9/18/2024 through 12/31/2024. Pump placement on a tract of land 40.00 acres more or less located in the Gov’t Lot 2 (NE1/4NW1/4) of Section 16, Township 156 North, Range 90 West (Palermo Township) (25) CERTIFIED RECEIPTS RECEIVED. Approved by P&Z Administrator.

PZ-2024-0320 – ASWS LLC – Applicant. JamJam Blessings LLP – Landowner. State Water Permit #ND2024-22179. Period of Authorized usage: 9/21/2024 through 3/31/2025. Pump placement on a tract of land 31.74 acres more or less located in the SW1/4SE1/4 (South side of RR tracks) of Section 2, Township 156 North, Range 94 West (Myrtle Township) (7) 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 ND2024-22608/PZ-2024-0314. Pumping of industrial water by lay flat hose: Quality Water Systems LLC–Applicant. Michael Sorenson–Landowner. SE1/4NE1/4 of Section 4, Township 154 North, Range 94 West (Unorganized Township) Period of Authorized usage: 9/3/2024 through 11/25/2024. Parcel #35-0001900 (Ref# PZ-2024-0220)

Highline Water LLC – Permit Number – State Water Permit ND2024-22520 /PZ-2024-0318. Pumping of industrial water by lay flat hose: Highline Water LLC–Applicant. Catherine Wangsness–Landowner. Gov’t Lot 3 (SW1/4NE1/4) of Section 17, Township 157 North, Range 92 West (Cottonwood Township) Period of Authorized usage: 9/03/2024 through 7/31/2025. Parcel #12-0007400 (Ref# PZ-2023-0418)

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

West Dakota Water – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22457/PZ-2024-0301. Pumping of industrial water by lay flat hose: West Dakota Water – Applicant. Clarence & E Mae Helling Trust – Landowner. SE1/4NE1/4 of Section 15, Township 154 North, Range 94 West (Unorganized Township) ending in NW1/4NW1/4 of Section 27, Township 154 North, Range 94 (Unorganized Township).

West Dakota Water – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22457/PZ-2024-0302. Pumping of industrial water by lay flat hose: West Dakota Water – Applicant. Clarence & E Mae Helling Trust – Landowner. NW1/4NW1/4 of Section 27, Township 154 North, Range 94 West (Unorganized Township) ending in S1/2S1/2 of Section 22, Township 154 North, Range 94 (Unorganized Township). Ties into previous hose.

West Dakota Water – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22457/PZ-2024-0303. Pumping of industrial water by lay flat hose: West Dakota Water – Applicant. Clarence & E Mae Helling Trust – Landowner. NW1/4NW1/4 of Section 27, Township 154 North, Range 94 West (Unorganized Township) ending in S1/2S1/2 of Section 22, Township 154 North, Range 94 (Unorganized Township). Ties in PZ-2024-0301 and runs along with PZ-2024-0302.

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2023-21911/PZ-2024-0306. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Michael Sorenson – Landowner. Gov’t Lot 3 (NE1/4NW1/4) of Section 3, Township 154 North, Range 94 West (Unorganized Township) ending in the NE1/4NE1/4 of Section 17, Township 154 North, Range 93 (Rat Lake Township).

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2023-21917/PZ-2024-0321. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Jeffrey Ranch Trust – Landowner. W1/2W1/2 of Section 22, Township 155 North, Range 94 West (Unorganized Township) ending in the E1/2NE1/4 of Section 21, Township 155 North, Range 94 (Unorganized Township).

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22499/PZ-2024-0322. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Curt & Summer Meyers – Landowners. NE1/4 of Section 21, Township 155 North, Range 94 West (Unorganized Township) ending in the SE1/4 of Section 19, Township 155 North, Range 94 (Unorganized Township).

Select Water Solutions LLC – Lay Flat Hose Permit only – Permit Number – State Water Permit #ND2024-22495/PZ-2024-0323. Pumping of industrial water by lay flat hose: Select Water Solutions LLC – Applicant. Danielle Nelson – Landowner. SE1/4NE1/4 of Section 33, Township 155 North, Range 94 West (Unorganized Township) ending in the S1/2SE1/4 of Section 19, Township 155 North, Range 94 (Unorganized Township).

**Building Permits 2385-2394**

2385 – PZ-2024-0298 – CRS Construction – Applicant. Robert Heninger – Landowner. Parcel #51-0000617. Lot 17 of Brendle’s Subdivision located in the S1/2NE1/4 of Section 10, Township 151 North, Range 91 West. (Liberty Township) 20’x50’ garage.

2386 – PZ-2024-0304 – Julie Vachal-Okeson – Applicant/Landowner. Parcel #35-0015800. Lots 43, 44 & 45 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) 16’ Gazebo.

2387 – PZ-2024-0307 – Derek Johnson – Applicant/Landowner. Parcel #13-0000900. Gov’t Lot 4 (NW1/4NW1/4) of Section 2, Township 157 North, Range 93 West. (Sorkness Township) 30’x 40’ storage building.

2388 – PZ-2024-0308 (Renewal of PZ-2020-0447)– Dan Jost – Applicant. Daniel & Kristine Jost – landowners. Parcel #51-0000647. Lot 8 of Brendle’s Third Subdivision located in the S1/2NE1/4 of Section 10, Township 151 North, Range 91 West. (Liberty Township) 2,276 sq ft home.

2389 – PZ-2024-0307 – Lorna & Joel Hansen – Applicant. Mountrail County Park Commission – Landowner. Parcel #45-0014101. W1/2 of Lots 9 & 10, Block 3 of Hodges First Addition to Van Hook aka Lease Lot 8, Block 18 of Traynor Park located in the NW/14NE1/4 of Section 32, Township 152 North, Range 91 West. (Van Hook Township) 56’x28’ modular home with 12’x30’ deck & 30’x36’ garage.

2390 – PZ-2024-0310 (Renewal of PZ-2020-0463)– Malinda Gunderson – Applicant. Malinda Gunderson & Melvin Gunderson – Landowners. Parcel #04-0014000. Outlot 1 of SE1/4 of Section 34, Township 158 North, Range 91 West. (Lostwood Township) 12’x12’ shed, 16’x20’ deck & 8’x10’ deck.

2391 – PZ-2024-0311 (Renewal of 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’ home & shop.

2392 – PZ-2024-00312 – Casey Fladeland – Applicant. Casey & Frances Fladeland – Landowner. Parcel #32-0001430. Outlot 9 of Gov’t Lot 2 (NW1/4NE1/4) of Section 3, Township 154 North, Range 91 West. (Sikes Township) 60’x80’ barn. For Ag use, No Charge.

2393 – PZ-2024-0315 – Ready Builders II Inc – Applicant. David & Angella Wald – Leaseholders. Mountrail County Park Commission – Landowner. Parcel #45-0014101. Lot 6, Block 3 of Traynor Park located in the NW1/4ND1/4 of Section 32, township 152 North, Range 91 West. (Van Hook Township) 35’x40’ home with 60’x35’ attached garage.

2394 – PZ-2024-0339 – Jacee & Casey Papenfuss – Applicant/Landowner. Parcel #18-0004237. Lot 1 of Schmidt’s Country Estates First Addition located in the E1/2NE1/4 of Section 9, Township 156 North, Range 91 West. (Idaho Township) 4’x4’ deck.

Moved by Commissioner Hollekim, seconded by Commissioner Weyrauch, to approve building permits 2385-2394. All present voted yes. Motion carried.

**ONGOING BUSINESS**

* Gravel Pits-remains ongoing Administration working on report
* Green Acres Subdivision-no new activity; no new Letter of Credit; no activity regarding plan of action
* Subdivision Letter of Credit
* Data Centers & Battery Storage Facilities

**STAFF UPDATES**

* + Administration recently became aware of a situation with Select Water and ASWS, LLC via Road and Bridge of a temporary holding tank that was not set back enough from the right-of-way. Administration found that the operator has a temporary hose permit application but they were using two points of diversion leading to this tank and then had a hose running from the tank to the well pad for fracking. Administrator Vachal would like to know if the board would like to handle this with a 30-day temporary permit that is handled administratively or a 180-day temporary permit that would need to go in front of the board. Chairman Sorenson and Commissioner Ruland feel the temporary tanks are better than more permanent pits and the bigger issue is knowing where they are and keeping them out of the right-of-way. Commissioner Ruland suggested that Administration have the applicants make note of the location of these tanks on the maps for their lay-flat hose applications. State’s Attorney Enget suggested making a note on the permit applications that temporary structures must be kept out of the right of way.
	+ The Planning & Zoning fee schedule is due to be brought in front of this board in October. Administrator Vachal feels an area that needs attention is the Industrial/Commercial building permits because the current fee of $350 seems disproportionate to the scope of these projects. Chairman Sorenson stated this issue can be reviewed when the board meets with SRF concerning the policy for data centers and battery storage facilities.

**BOARD CONCERNS**

* + Commissioner Hollekim mentioned some small fixes that Administration has found in the Land Development Code and that those should be presented to SRF to amend when the board hires them to adopt the data center policies.
	+ Commissioner Borud suggested that the subcommittee that worked on the checklist for the data centers should also be involved with the process with SRF to amend the Land Development Code.

The Board adjourned at 12:11 p.m. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, October 28, 2024,** at 8:30 am via GOTOMEETING or in the Commissioners Room at the Mountrail County Courthouse.

Accepted and approved this 28th day of October, 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\***