MINUTES

**Mountrail County Planning & Zoning Commission**

**September 26, 2022**

The meeting of the Mountrail County Planning & Zoning Commission was called to order at 8:30a.m. by Chairman Charlie Sorenson with Commissioners Joan Hollekim, Arlo Borud, Roger Hovda, Gary (Fritz) Weisenberger, Trudy Ruland, Zachary Gaaskjolen, Douglas Bratvold and Megan Fritel present. Also present were Planning & Zoning Administrator Melissa Vachal, Planning & Zoning Assistant Malinda Gunderson, Mountrail County States Attorney Wade Enget, Mountrail County Tax Equalization Director Lori Hanson, and Mountrail County Engineer Jana Hennessy.

**APPROVAL OF AGENDA**

Administrator Vachal added two items to staff updates to address the signing of the Land Development Code as well as some letters of concern from landowners.

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

**APPROVAL OF MINUTES**

Moved by Commissioner Hollekim, seconded by Commissioner Ruland to approve the Planning and Zoning Commission minutes of the August 22, 2022 meeting as corrected. All present voted yes. Motion carried.

1. **8:35 a.m. Quality Water Systems LLC-Applicant; Stanley Community Hospital Association-Landowner (PZ-2022-0201) Temporary Fresh Water Industrial Use Point of Diversion**

Zoning Request/Temporary Fresh Water Industrial Use Point of Diversion for the following described property: a tract of land 80.00 acres more or less located in the S1/2SE1/4 of Section 28, Township 156 North, Range 92 West (Ross Township) (Parcel# 19-0013700)

The applicant (not present at this hearing) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose for industrial use. 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 Quality Water Systems LLC with concurrence from Stanley Community Hospital Association-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 80.00 acres more or less located in the S1/2SE1/4 of Section 28, Township 156 North, Range 92 West (Ross Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-21216 valid 8/15/22 through 7/30/23, using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge and/or township(s) temporary ROW use requirements as Quality Water Systems LLC with concurrence from Stanley Community Hospital Association-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 Quality Water Systems LLC with concurrence from Stanley Community Hospital Association-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:38 a.m. Joe & Janell Bear-Applicant/Landowners (PZ-2022-0204) Amendment**

Amendment to Zoning Request for the following described property: a tract of land 3.10 acres more or less, known as Outlot 2 located in the NE1/4NE1/4 of Section 36, Township 153 North, Range 91 West (Crane Creek Township) (Parcel# 39-0017110)

The applicant (not present at this hearing) is seeking an Amendment to Zoning to re-zone a tract of land from Agricultural to Commercial for the purpose of operating a construction company. Administrator Vachal addressed the board concerning this application to clarify that the P&Z office has asked the applicant to submit this zoning request. It was discovered by Administration that Mr. Bear was already operating a commercial business on this property and so he was contacted to re-zone the property to be in compliance with ordinances. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Weisenberger to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Joe & Janell Bear for an amendment to change land zoned Agricultural to Commercial for the purpose of operating a construction company on a tract of land 3.10 acres more or less, known as Outlot 2 located in the NE1/4NE1/4 of Section 36, Township 153 North, Range 91 West (Crane Creek Township) as Joe & Janell Bear have met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon Joe & Janell Bear complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:41 a.m.** **Joe & Janell Bear-Applicant/Landowner (PZ-2022-0205) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 3.10 acres more or less, known as Outlot 2 located in the NE1/4NE1/4 of Section 36, Township 153 North, Range 91 West (Crane Creek Township) (Parcel# 39-0017110)

The applicant (not present at this hearing) is seeking a Conditional Use Permit for the purpose of operating a construction company. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Bratvold to approve the zoning request filed by Joe & Janell Bear for a Permanent Conditional Use Permit for the purpose of operating a construction company on a tract of land 3.10 acres more or less, known as Outlot 2 located in the NE1/4NE1/4 of Section 36, Township 153 North, Range 91 West (Crane Creek Township) contingent upon the passage of the Amendment to Zoning request by the Mountrail County Commissioners as Joe & Janell Bear have met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Joe & Janell Bear complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:44 a.m. Maverick Water Resources LLC-Applicant; John W. Schmitz by David Schmitz POA-Landowner (PZ-2022-0209) Temporary Fresh Water Industrial Use Point of Diversion**

Zoning Request/Temporary Fresh Water Industrial Use Point of Diversion for the following described property: a tract of land 80.00 acres more or less located in the N1/2SW1/4 of Section 2, Township 155 North, Range 91 West (Purcell Township) (Parcel# 25-0000700)

The applicant (represented by John Walsh with Maverick Water Resources 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. 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 Maverick Water Resources LLC with concurrence from John W. Schmitz by David Schmitz POA-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 80.00 acres more or less located in the N1/2SW1/4 of Section 2, Township 155 North, Range 91 West (Purcell Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-21213 valid 8/25/22 through 8/19/23, using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge and/or township(s) temporary ROW use requirements as Maverick Water Resources LLC with concurrence from John W. Schmitz by David Schmitz POA-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 Maverick Water Resources LLC with concurrence from John W. Schmitz by David Schmitz POA-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:47 a.m. Maverick Water Resources LLC-Applicant; John W. Schmitz by David Schmitz POA-Landowner (PZ-2022-0210) Temporary Fresh Water Industrial Use Point of Diversion**

Zoning Request/Temporary Fresh Water Industrial Use Point of Diversion for the following described property: a tract of land 40.00 acres more or less located in the NE1/4SW1/4 of Section 2, Township 155 North, Range 91 West (Purcell Township) (Parcel# 25-0000700)

The applicant (represented by John Walsh with Maverick Water Resources 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. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Weisenberger, to approve the zoning request filed by Maverick Water Resources LLC with concurrence from John W. Schmitz by David Schmitz POA-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 40.00 acres more or less located in the NE1/4SW1/4 of Section 2, Township 155 North, Range 91 West (Purcell Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-21207 valid 8/18/22 through 8/17/23, using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge and/or township(s) temporary ROW use requirements as Maverick Water Resources LLC with concurrence from John W. Schmitz by David Schmitz POA-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 Maverick Water Resources LLC with concurrence from John W. Schmitz by David Schmitz POA-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:50 a.m. Michael Holm-Applicant; Michael Holm & Warren Holm-Landowners (PZ-2022-0212) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 2.90 acres more or less, known as Sublot A of Outlot 1 located in the SW1/4NE1/4 of Section 3, Township 156 North, Range 91 West (Idaho Township) (Parcel# 18-0001502)

The applicant (represented by Michael Holm) is seeking a Conditional Use Permit for the purpose of placing a 2007 skid shack to be used as housing on a tract of land zoned Residential. The structure will not be attached to the current house and will be used as extra living quarters for family members. Commissioner Hollekim asked for clarification on whether the structure will be permanent or not. Mr. Holm informed the board it will be on a temporary foundation and only used as long as he needs it until the children grow up and move out. Mr. Holm is estimating he will need it for roughly 10-15 years. The board will restrict this permit to 15 years and for use by immediate family only. 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 Michael Holm with concurrence from Michael Holm & Warren Holm-landowners, for a Conditional Use Permit for the purpose of placing a 2007 skid shack to be used as housing on a tract of land zoned Residential 2.90 acres more or less, known as Sublot A of Outlot 1 located in the SW1/4NE1/4 of Section 3, Township 156 North, Range 91 West (Idaho Township) for a period of 15 years expiring on 9/25/2037 for use by immediate family only as Michael Holm with concurrence from Michael Holm & Warren Holm-landowners, has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and is further contingent upon Michael Holm with concurrence from Michael Holm & Warren Holm-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:53 a.m. Michael Holm-Applicant; Michael Holm & Warren Holm-Landowners (PZ-2022-0198) Variance**

Variance Application request for the following described property: a tract of land 2.90 acres more or less, known as Sublot A of Outlot 1 located in the SW1/4NE1/4 of Section 3, Township 156 North, Range 91 West (Idaho Township) (Parcel# 18-0001502)

The applicant (represented by Michael Holm) is seeking a variance to place a 2007 skid shack which is older than the 8 years allowed by ordinance to be used as housing on a tract of land zoned Residential. Mr. Holm stated he plans on updating the exterior to make it look better than it currently does. The board will also restrict this permit to 15 years and for use by immediate family only. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Weisenberger to approve the zoning request filed by Michael Holm with concurrence from Michael Holm & Warren Holm-landowners, for a Variance to place a 2007 skid shack to be used as housing which is older than the 8 years allowed by ordinance on a tract of land zoned Residential 2.90 acres more or less, known as Sublot A of Outlot 1 located in the SW1/4NE1/4 of Section 3, Township 156 North, Range 91 West (Idaho Township) for a period of 15 years expiring on 9/25/2037 for use by immediate family only as Michael Holm with concurrence from Michael Holm & Warren Holm-landowners, has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and is further contingent upon Michael Holm with concurrence from Michael Holm & Warren Holm-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:56 a.m. H2O Connections LLC-Applicant; Gravel Products Inc.-Landowner (PZ-2022-0213) 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 of Section 29, Township 156 North, Range 90 West (Palermo Township) (Parcel# 17-0014400)

The applicant (represented by Jaret Wirtz with H2O Connections 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. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Ruland, to approve the zoning request filed by H2O Connections LLC with concurrence from Gravel Products Inc.-landowner, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water via lay flat hose for industrial use on a tract of land 160.00 acres more or less located in the NW1/4 of Section 29, Township 156 North, Range 90 West (Palermo Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-21125 valid 6/30/22 through 6/10/23, using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge and/or township(s) temporary ROW use requirements as H2O Connections LLC with concurrence from Gravel Products Inc.-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 Gravel Products Inc.-landowner, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:59 a.m. Quality Water Systems LLC-Applicant; Jerome & Peggy Anderson-Landowners (PZ-2022-0215) Temporary Fresh Water Industrial Use Point of Diversion**

Zoning Request/Temporary Fresh Water Industrial Use Point of Diversion for the following described property: a tract of land 80.00 acres more or less located in the E1/2SE1/4 of Section 32, Township 156 North, Range 92 West (Ross Township) (Parcel# 19-0015700)

The applicant (not present at this hearing) is seeking a Temporary Fresh Water Industrial Use Point of Diversion for the purpose of pumping water via lay flat hose for industrial use. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Weisenberger, seconded by Commissioner Ruland, to approve the zoning request filed by Quality Water Systems LLC with concurrence from Jerome & Peggy Anderson-landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump water via lay flat hose for industrial use on a tract of land 80.00 acres more or less located in the E1/2SE1/4 of Section 32, Township 156 North, Range 92 West (Ross Township) contingent upon adhering to the ND State Temporary Water Permit ND2022-21239 valid 9/1/22 through 8/31/23, using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge and/or township(s) temporary ROW use requirements as Quality Water Systems LLC with concurrence from Jerome & Peggy Anderson-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 Systems LLC with concurrence from Jerome & Peggy Anderson-landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

**BUILDING PERMITS 2261-2268**

2261 – PZ-2022-0197 – Michael Holm – Applicant. Michael Holm & Warren Holm - Landowners. Parcel #18-0001502 – Sublot A of Outlot 1 located in the SW1/4NE1/4 of Section 3, Township 156 North, Range 91 West (Idaho Township). 2007 28’x60’ Skid Shack for family housing.

2262 – PZ-2022-0202 – Trudy Ruland – Applicant/Landowner. Parcel #53-0005000 – NW/14 of Section 16, Township 151 North, Range 93 West (Big Bend Township) 42’x30’ Garage.

2263 – PZ-2022-0203 – Garland & Debra Braaten – Applicant/Landowners. Parcel #06-0000105 – Outlot 4 located in Lot 1 & the SW1/4NW1/4 of Section 1, Township 158 North, Range 93 West (Powers Lake Township) 14’x60’ Mobile Home with 2 decks.

2264 – PZ-2022-0206 – Ada Arneson – Applicant/Landowner. Parcel #11-0004700 – BEGINNING 1809.5'N & 75'E OF SW CORNER E395', N451', W395', S451' TO POINT OF BEGINNING located in the NW1/4SW1/4 of Section 11, Township 157 North, Range 91 West (James Hill Township) 1549 sq. ft Home with 2 Landings & a Deck.

2265 – PZ-2022-0212 – CRS Construction – Applicant. Mickey Krefting – Landowner. Parcel #51-0000621 – Lot 2 of Brendle’s Second Subdivision located in the S1/2NE1/4 of Section 10, Township 151 North, Range 91 West (Liberty Township) 22’x50’ Garage.

2266 – PZ-2022-0214 – Cameron & Tracy Tomjack – Applicant/Landowner. Parcel #50-0003105 – Outlot 1 located in the SE1/4 of Section 7, Township 151 North, Range 90 West (Fertile Township) 5500 sq. ft. home (Ref: PZ-2021-0209, reapplying due to expired permit).

2267 – PZ-2022-0216 – Stephen Babbitt – Applicant. Stephen & Karen Babbitt – Landowners. Parcel #17-0007001 – Outlot 1 of the NE1/4NE1/4 of Section 14, Township 156 North, Range 90 West (Palermo Township) 36’x48 Barn Addition and 16’x32’ Garage.

2268 – PZ-2022-0217 – AuxSable Midstream – Applicant/ Landowner. Parcel #17-0013101 – SW1/4SW1/4 & W1/2W1/2SE1/4SW1/4 of Section 26, Township 156 North, Range 90 West (Palermo Township) 30’x40’ Storage Building for Gas Plant.

Discussion was had on building permit 2266 as the landowners are still in the process of building the structure. Commissioner Hollekim feels that their existing permit could be extended or have their fee waived this one time as the structure looks to be roughly 75-80% finished and it’s possible they’re facing some delays in construction.

Moved by Commissioner Hollekim, seconded by Commissioner Weisenberger to waive the application fee for building permit 2266. All present voted yes. Motion carried.

Moved by Commissioner Hovda, seconded by Commissioner Hollekim to approve building permits 2261-2268. All present voted yes. Motion carried.

**ONGOING BUSINESS**

Gravel Pits- Remains ongoing Administration working on Report

White Earth Bay- Waiting for State’s Attorney Enget’s report for Court Cases

Green Acres Subdivision – No new activity; still no Letter of Credit

**STAFF UPDATES**

* Land Development Code was approved by Mountrail County Board of Commissioners at the September 20, 2022 meeting and the resolution will need to be signed by the chairman of both boards. Administrator Vachal will be going to the Board of Commissioners at the next meeting to have the fees approved which will be done on a yearly basis.
* Administration has received letters of concern from landowners (Ken & Cleo Bykonen and Linda Walsh) concerning some issues at White Earth Cottage Sites. Gerald Zunich has constructed a fence which is encroaching approximately 10 feet into the right of way and has also put an ice house on the corner of his lot which is causing some issues for Ms. Walsh when she is trying to see to be able to pull out of her driveway. Mountrail County Engineer Jana Hennessy addressed the board stating that her office has pictures of Mr. Zunich’s fence and ice house and both structures are encroaching into the right of way and she is working on preparing encroachment letters and will be presenting those to the Mountrail County Board of Commissioners in October. The right of way markers that were placed by HDR Engineering and Sauber Engineering are clearly visible in the pictures that Mountrail County Road & Bridge has of Mr. Zunich’s property and it is clear his structures are encroaching. P&Z staff will work with Engineer Hennessy on letters to send to Mr. Zunich. P&Z staff will send a letter to Bykonen and Walsh informing them that administration is enforcing the rules as of July 2021.

**BOARD CONCERNS**

* Commissioner Weisenberger questioned if Mr. Zunich should have had a consent form for his fence. Administrator Vachal will include one with the letter the office sends him.

The Board adjourned at 9:34am. Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday, October 24th, 2022,** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

Accepted and approved this 24th day of October, 2022.

Charlie Sorenson, Chairman Melissa Vachal, Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning

**\*Electronic recordings of full meetings are kept in the office per NDCC 44-04\***