MiNUTES

**Mountrail County Planning & Zoning Commission**

**September 28, 2020**

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| **Mountrail County Courthouse, 101 North Main Street, Stanley, ND 58784** |

*Chairman Sorenson called the meeting to order at 8:30 a.m.*

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| **In Attendance** |

**Board members present**: Charlie Sorenson, Trudy Ruland, Gary (Fritz) Weisenberger, Roger Hovda, Joan Hollekim and Arlo Borud.

**Also present:** Lori Hanson, Mountrail County Tax Director, Stephanie Pappa, Mountrail County Auditor, and Melissa Vachal, Recorder/Planning & Zoning Administrator, Linda Wienbar, Planning & Zoning Assistant, Jana Hennessy, Mountrail County Road & Bridge, and Wade Enget, Mountrail County States Attorney,

**Absent:** Board members, Tom Bieri and Thomas Nash

**Public attending:** Robby Edwards

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| **Approval of Agenda** |

Moved by Commissioner Hollekim, seconded by Commissioner Weisenberger, to approve the agenda. Upon roll call, all present voted yes. Motion carried.

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| 8:33 a.m.  *Variance* | David Peterson, Landowner |

**Motion:**  Chairman Sorenson Un-tabled the building permit that was presented at the August 24, 2020 meeting

**Location:** Lot 16 Brendle’s 2nd Subdivision Section 10 Township 151 North, Range 91 West (Liberty Township)

**Number of Certified mailing receipts provided:** 7 Certified Receipts Received

**Purpose**: Request for a 10’ setback rather than the required 30’ setback for a construction of a deck and to allow the setback for an existing garage.

**Discussion:** The Planning and Zoning Department received a letter from Larry Gullickson in favor for Mr. Pederson to be permitted to having a 10’ setback. Mr. Gullickson asked that the commission please reconsider the 30’ setback for all of these lots as there is no alley or a place for a service vehicle to drive down. He also stated in his letter that only WIFI & cable are in the 60’ East/West easement and all electrical power runs North/South straight down the property lines. Commissioner Hovda stated that he went out and visited Mr. Peterson and that he’s asking for a 10’ setback. Commissioner Hovda could see why Mr. Peterson is asking for this as there is only electrical cables. With this he stated that they are losing over 12,000 sq feet on a 1 acre lot of useable space out of about 43,000. Commissioner Hollekim stated she could see the setback with a road there but beings there is no alleyway on the back side of the lot that this setback doesn’t make sense either. She feels there should be a setback but agrees with why Mr. Peterson is asking for the 10’ setback.

**Motion:** Moved by Commissioner Borud, seconded by Commissioner Hovda, to approve the zoning request filed by David Peterson for a variance request for a 10’ rear setback rather than the required 30’ rear setback for the building of a deck and for the existing garage. Due to the unique nature of the subdivision with no alleyway the board will remain with variance requests for setbacks. Stephanie Pappa, Mountrail County Auditor stated that she waived the variance fee due to an office error by Heidi Kory approving the building permit without looking at all of the setbacks. Commissioner Hovda stated that there are several violations on these lots but the subdivision is looking very nice. Upon roll call, all present voted yes. Motion carried.

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| 8:35 a.m. Robby Edwards  Discussion regarding Letter of Credit |

**Discussion**: Mr. Edwards appeared in front of the Planning & Zoning board regarding a gravel pit owned by Moen Family LLLP. Location of the gravel pit is Section 2 and 11 of Township 154 N Range 89W. (Oakland Township) Mr. Edwards explained to the board that he’s been able to purchase the standing piles of gravel on this gravel pit but is concerned about the $125,000.00 line of credit that would be needed to remove the gravel that’s required in the Planning & Zoning ordinance. He was able to bid on the stockpiles of gravel and if he were to need to have the letter of credit to remove the stockpiles he would have to pass. Chairman Sorenson explained to the board that letters were sent out on several pits that Pinky’s had and that these letters explained that the pits would be up for auction to remove the gravel without reclamation. The purpose for the letter of credit is for reclamation. Mr. Edwards explained that he would be buying from the Bank of Velva and doesn’t feel that Mr. Moen wants this gravel pit reclaimed at this time. What was in question was what the $125,000.00 letter of credit is used for? If the landowner doesn’t want to reclaim the pit, the letter of credit is released. The County’s zoning ordinance doesn’t clarify. Commissioner Hollekim believes some of the past letters of credits had specified roads not just reclamation. Chairman Sorenson states that our goal is reclamation. Commissioner Hollekim states that if the land owner doesn’t want it reclaimed then maybe it’s up to the landowner if they are wanting it reclaimed then the letter of credit needs to be there and if not it should be in their agreement. Commissioner Ruland stated she’s aware of a pit that didn’t have the letter of credit and now it’s a mess and they don’t have the money to reclaim it. The ordinance needs to better define what the letter of credit is going to be used for and that the stockpile is part of the mining operation. It’s still being utilized as gravel production. The letter of credit is to protect the land owner as well for the reclaiming of the pit once it’s out of production. Chairman Sorenson stated that our goal is to follow the comprehensive plan and the residents of Mountrail County, want the gravel pits reclaimed. We need to foster an environment of reclamation. The tools that Planning and Zoning are currently using are not working but it needs to be our goal to having these gravel sites reclaimed. Currently this pit is already there and Mr. Edwards wants to purchase the stockpiles through a clearing house. Mr. Edwards will need a road haul agreement with the township. Commissioner Ruland states we need to look at this still being part of the mining operation. Commissioner Hollekim stated that there is a difference in mining and stockpiling when it comes to gravel operations. Chairman Sorenson wants a road agreement with the Township for the use of the road. It was decided upon that a new conditional use application by the landowner would need to be filled out due to the expired conditional use for the gravel pit itself. It will then be decided by the board to allow the Letter of Credit to be waived at that time.

**Approval of Minutes of the August 24, 2020 Meeting**

Moved by Commissioner Borud, seconded by Commissioner Hovda, to approve the Minutes of the August 24, 2020 meeting as corrected. Upon roll call, all present voted yes. Motion carried.

**Building Permits**

**2135**-David Pederson, Landowner-Parcel#51-0000635-Lot 16, Brendles 2nd Subdivision, Section 10, Township 151 North, Range 91 West (Liberty Township) Deck 2. **Motion:** Moved by Commissioner Hovda, seconded by Commissioner Hollekim to approve building permit 2135. Upon roll call, all present voted yes. Motion Carried.

**2143**-Rocky and Adriana Fladeland, Applicant/Landowner-Parcel#20-0012901 – Outlot 1 of SW ¼, Section 24, Township 156 North Range 93 West (Manitou) – 64’ x 60’ Stick Built House and Garage. **Motion:** Moved by Commissioner Hollekim, seconded by Commissioner Borud, to approve building permit 2143 pending on variance being approved at the next meeting for the setback off of US Highway. Upon roll call, all present voted yes. Motion Carried.

**2141**-Gary Swensrud, Landowner-Parcel#23-0001400- SE ¼ of Section 03, Township 155 North, Range 89 West (McAlmond) – 40’ x 60’ Pole Barn

**2142**-Nicholas M. Schumacher, Applicant - Parcel#470027511 Riverview Estates, Section 12, Township 152 North, Range 93 West (Sanish) Lot 9 Block 2 - 28 x 56 Garage

**2144**- Jason Barstad, Applicant/Landowner – S ½ SW ¼ NW ¼ NW ¼ of Section 25, Township 156N, Range 93W (Manitou) – 16 x 80 Mobile Home

**2145** – Loren ‘Andy’ Anderson, Applicant/Landowner – Lot 27 White Earth Bay Cottage Site, S ½ of Section 26, Township 154 North, Range 94 West (Unorganized) – 40 x 64 Pole Barn

**Motion:** Moved by Commissioner Hollekim, seconded by Commissioner Hovda to approve building permits 2141, 2142, 2144, and 2145. Upon roll call, all present voted yes. Motion Carried.

**ONGOING BUSINESS:**

Stanley RV: was visited due to a fire that was on the property. Apparently there are still people living in the RV Park. Actions will be made to move forward with issuing a Zoning Violation letter.

Gravel Pits: will remain on

Sylvia Fladeland: will need to have a drive through done to make sure all units have been removed.

J & J Oilfield: Steph stated they sent correspondence to Minnesota address but has had no response. We have no contact information other than the address.

Terry Jones: Before Heidi left a letter was being written to Will Kulczyk will need to review file and see next step.

White Earth Bay: ongoing law suit.

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| **Staff Concerns** |

**Discussion:** Melissa discussed the White Earth Bay zoning. She stated that a letter of complaint was received regarding several lots having multiple campers on each lot. Melissa and her assistant Linda Wienbar will move forward with sending out letters to each lot owner regarding the zoning being residential and that this is not allowed. A copy of the first deed from the Corps of Engineers to each resident holder stating that this is to be residential use only with one single family unit. The Planning and Zoning Commission doesn’t enforce the covenants of the deed, but does need to make sure County ordinances are followed. Residents of this area are wanting to keep this area looking nice. It’s not meant to be used as a camping ground. If they are wanting to camp down there they are welcome to rent a camping area from the park board area.

The Planning and Zoning Department had a complaint regarding Green Acres Subdivision. The Planning and Zoning department was visited by the developer on Friday afternoon with not much notice. Jana Hennessy with Mountrail County Road & Bridge has gone out there due to the complaint and has stated that there has not been any corrections done on the site inspection from 2018 site inspection. Planning and Zoning office will be setting up a meeting to go over the issues. They are not in compliance as of date due to the letter of credit not being reinstated. Their project will be placed on hold until a letter of credit is issues.

Office update: Melissa Vachal, Planning & Zoning Administrator has hired Linda Wienbar as assistant for the office. New board member will be appointed by the County Commission on October 6th, 2020 meeting. The Planning and Zoning department was contacted by City of Stanley and they have appointed Zachary Gaaskjolen to fill Linda Wienbar’s unexpired term of 12-31-2022.

**BOARD CONCERNS:**

Commissioner Ruland brought up needing to define mining and stockpiling. She also stated that there is a county border sign that isn’t placed in the correct area on County Road 21. Jana Hennessy with Mountrail County Road and Bridge stated she would look into it and remove it. The County isn’t the one that placed the sign in the area.

Commissioner Weisenberger and Commissioner Borud, want to see the reclamation letter line item for the Letter of Credit to help the landowner. These gravel pits have really become eye sores in our County in areas.

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| **Next Meeting** |

Next regular meeting of the Mountrail County Planning & Zoning Board is ***Monday October 26, 2020*** at 8:30 am over via GOTOMEETING or in the Commissioners room at the courthouse.

Meeting adjourned at 9:30 a.m.

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| **Approval** |

Accepted and approved this 26th day of October 2020.

Charlie Sorenson, Chairman Melissa Vachal, Administrator

Mountrail County Mountrail County

Planning & Zoning Commission Planning & Zoning