MINUTES

**Mountrail County Planning & Zoning Commission**

**August 23, 2021**

The meeting of the Mountrail County Planning & Zoning Commission was called to order at 8:30 a.m. by Chairman Charlie Sorenson with Commissioners Trudy Ruland, Gary (Fritz) Weisenberger, Roger Hovda, Joan Hollekim, Arlo Borud, and Zachary Gaaskjolen present. Also present were Planning & Zoning Administrator Melissa Vachal, Mountrail County Tax Equalization Director Lori Hanson, Mountrail County States Attorney Wade Enget, and Mountrail County Auditor Stephanie Pappa. Absent were Commissioners Thomas Bieri and Thomas Nash.

**Approval of Agenda**

P&Z Administrator Vachal had some changes to make to the agenda. The first was the removal of the 9:15 a.m. hearing as Josh Moe withdrew his application for an amendment to zoning. The second change was adding an item to the staff updates in regards to a shooting range. Moved by Commissioner Borud, seconded by Commissioner Hovda, to approve the agenda as amended. All present voted yes. Motion carried.

**Approval of Minutes**

Moved by Commissioner Hovda, seconded by Commissioner Hollekim to approve the Planning and Zoning Commission minutes of the July 26, 2021 meeting as corrected. All present voted yes. Motion carried.

1. **8:35 a.m. BWB Honey Company-Applicant; Mike & Linda Palmer-Landowners (PZ-2021-0164) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 40 acres, more or less, in the NW1/4NE1/4 of Section 20, Township 156 North, Range 89 West. (McGahan Township) (Parcel# 160010100)

The applicant (represented by Branden Buoye of BWB Honey Company & Linda Palmer) is seeking a Conditional Use Permit to use land zoned industrial for temporary workforce housing for seasonal workers. Applicant still needs to present a letter of credit and an approval of the sewer from Upper Missouri District Health Unit to the Planning & Zoning Office. Discussion was held on the sewer situation, the letter of credit, and public concerns about trash in the area. Applicant also needs to pay the housing fee that is to be determined by the board. This will be tabled to the call of the chair.

Moved by Commissioner Hovda, seconded by Commissioner Ruland to table to the call of the chair the zoning request filed by BWB Honey Company with concurrence from Mike & Linda Palmer, landowners for a Conditional Use Permit to use land zoned industrial for temporary workforce housing for seasonal workers on a tract of land 40 acres, more or less, in the NW1/4NE1/4 of Section 20, Township 156 North, Range 89 West (McGahan Township). All present voted yes. Motion carried.

1. **8:40 a.m. BWB Honey Company-Applicant; Mike & Linda Palmer-Landowners (PZ-2021-0190) Variance**

Variance Application request for the following described property: a tract of land 40 acres, more or less, in the NW1/4NE1/4 of Section 20, Township 156, Range 89 West. (McGahan Township) (Parcel# 160010100)

The applicant (represented by Branden Buoye of BWB Honey Company & Linda Palmer) is seeking a variance to place a 2011 FEMA trailer which is older than the 8 years allowable by ordinance on land zoned industrial for temporary workforce housing for seasonal workers. The board did not act on this request as land zoned industrial doesn’t have an age requirement for trailers under Mountrail County Zoning Ordinances and a Variance Permit is not necessary. Applicant will be refunded their fees for this application.

1. **8:45 a.m. Northwest Water Transfer-Applicant; Shayne & Shannon Mollet-Landowners (PZ-2021-0187) 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 and 35.53 acres, more or less, in the SE1/4SW1/4 of Section 19, Township 158 North, Range 93 West. (Powers Lake Township) (Parcel# 060008601)

The applicant (represented by Molly Reinhardt of Northwest Water Transfer) is seeking a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose for fracking purposes. 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 Northwest Water Transfer with concurrence from Shayne & Shannon Mollet -landowners, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose for fracking purposes on a tract of land 35.53 acres more or less in the SE1/4SW1/4 of Section 19, Township 158 North, Range 93 West. (Powers Lake Township) contingent upon adhering to the ND State Temporary Water Permit ND2020-20682 valid 7/15/21 through 11/30/21 using lay flat hose, all landowners being contacted regarding any hose placement and adhering to Mountrail County Road & Bridge/township(s) temporary ROW use requirements when applicable as Northwest Water Transfer with concurrence from Shayne & Shannon Mollet -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 Northwest Water Transfer with concurrence from Shayne & Shannon Mollet -landowners, complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **8:50 a.m. Savage Water Solutions-Applicant; Don & Tressy Heinle-Landowners (PZ-2021-0188) 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 56 acres, more or less, in the N1/2SW1/4 less Highway ROW of Section 22, Township 156 North, Range 94 West (Myrtle Township) (Parcel# 210011900)

No one was present for the hearing. This will be tabled to the call of the chair.

Moved by Commissioner Hovda, seconded by Commissioner Borud to table to the call of the chair the zoning request filed by Savage Water Solutions with concurrence from Don & Tressy Heinle, for a temporary conditional use permit for a Temporary Fresh Water Industrial Use Point of Diversion to pump fresh water via lay flat hose for fracking purposes on a tract of land 56 acres, more or less, in the N1/2SW1/4 less Highway ROW of Section 22, Township 156 North, Range 94 West (Myrtle Township). All present voted yes. Motion carried.

1. **8:55 a.m. Schenk LLC-Applicant; Bartelson Investments LLLP-Landowner (PZ-2021-0198) Amendment**

Amendment to Zoning request to rezone land from Agricultural to Industrial for the following described property: a tract of land 160 acres, more or less, in the SW1/4 of Section 4, Township 152 North, Range 90 West (Parshall Township) (Parcel# 440001600)

The applicant (represented by Ron Schenk of Schenk LLC) is seeking an Amendment to Zoning to re-zone a tract of land from Agricultural to Industrial for the purpose of using a ground water source for industrial use. Discussion was held on restricting the location to just the SW1/4SW1/4 but the board agreed to follow the description on the State Water Permit. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hovda, seconded by Commissioner Borud to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by Schenk LLC with concurrence from Bartelson Investments LLLP, landowner for an amendment to change land zoned Agricultural to Industrial for the sole purpose of using ground water source for industrial use on a tract of land 160 acres, more or less, in the SW1/4 of Section 4, Township 152 North, Range 90 West (Parshall Township) as Schenk LLC with concurrence from Bartelson Investments LLLP, landowner has met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance 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 Zoning Ordinance. All present voted yes. Motion carried.

1. **9:00 a.m. Schenk LLC-Applicant; Bartelson Investments LLLP-Landowner (PZ-2021-0199) Variance**

Variance Application request for the following described property: a tract of land 160 acres, more or less, in the SW1/4 of Section 4, Township 152 North, Range 90 West (Parshall Township) (Parcel# 440001600)

The applicant (represented by Ron Schenk of Schenk LLC) is seeking a Variance Permit to use a ground water source for industrial use using a lay flat hose contingent upon the approval of the Amendment to Zoning by the Mountrail County Commissioners. Discussion was held on why they are doing an application for a variance and it was stated it was per recommendation by the Mountrail County State’s Attorney, Wade Enget as the industrial location is not adjacent to a paved highway. Applicant has met all requirements of the Planning & Zoning Board pending the approval of the Amendment to Zoning request.

Moved by Commissioner Weisenberger, seconded by Commissioner Hollekim to approve the zoning request filed by Schenk LLC with concurrence from Bartelson Investments LLLP, landowner for a Variance Permit to use a ground water source at a location that is not next to a highway or railroad for industrial use using lay flat hose contingent upon the approval by the Mountrail County Commissioners of the amendment to zoning request on a tract of land 160 acres, more or less, in the SW1/4 of Section 4, Township 152 North, Range 90 West (Parshall Township), as Schenk LLC with concurrence from Bartelson Investments LLLP, landowner has met all criteria as set forth in Article IV, Section V of the Mountrail County Zoning Ordinance and Schenk LLC with concurrence from Bartelson Investments LLLP, landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:05 a.m. Schenk LLC-Applicant; Bartelson Investments LLLP-Landowner (PZ-2021-0191) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 160 acres, more or less, in the SW1/4 of Section 4, Township 152 North, Range 90 West (Parshall Township) (Parcel# 440001600)

The applicant (represented by Ron Schenk of Schenk LLC) is seeking a Conditional Use Permit to use a ground water source for industrial use using a lay flat hose. Discussion was held on whether this needs an expiration date based on the water permit. The water permit doesn’t have an expiration date though, they just have to show beneficial use by a specific date so that the State of North Dakota doesn’t pull the permit. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Hovda to approve the zoning request filed by Schenk LLC with concurrence from Bartelson Investments LLLP, landowner for a Conditional Use Permit contingent on adhering to the ND State Conditional Water Permit No.7015 to use as a sole ground water source for industrial use using only lay flat hose and contingent upon the approval by the Mountrail County Commissioners of the amendment to zoning request on a tract of land 160 acres, more or less, in the SW1/4 of Section 4, Township 152 North, Range 90 West (Parshall Township), as Schenk LLC with concurrence from Bartelson Investments LLLP, landowner has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and Schenk LLC with concurrence from Bartelson Investments LLLP, landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:10 a.m. Josh Moe-Applicant; Lynn Clark-Landowner (PZ-2021-0195) Outlot Plat**

Outlot Plat Review Application for the following described property: a tract of land 39.66 acres, more or less, to be known as Outlot 2 of the SW1/4 of Section 15, Township 158 North, Range 92 West (Powers Township) (Parcel# 050008300)

The applicant (represented by Josh Moe) is seeking an outlot plat for an irregular tract of land. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Hollekim, seconded by Commissioner Weisenberger to approve the zoning request platting an outlot of land over 35.01 acres filed by Josh Moe with concurrence from Lynn Clark, landowner for a tract of land 39.66 acres, more or less, to be known as Outlot 2 of the SW1/4 of Section 15, Township 158 North, Range 92 West (Powers Township). Josh Moe has met all criteria as set forth in Mountrail County Subdivision Resolution. All present voted yes. Motion carried.

1. **9:15 a.m. Josh Moe-Applicant; Lynn Clark-Landowner (PZ-2021-0196) Amendment**

Amendment to Zoning request for the following described property: a tract of land 39.66 acres, more or less, to be known as Outlot 2 of the SW1/4 of Section 15, Township 158 North, Range 92 West (Powers Township) (Parcel# 050008300)

This application was withdrawn by the applicant prior to the meeting. No action needed.

1. **9:20 a.m. OE2 NORTH LLC-Applicant; Mercedes Carkuff-Landowner (PZ-2021-0193) Amendment**

Amendment to Zoning request to rezone land from Agricultural to Industrial for the following described property: a tract of land 10 acres, more or less, to be known as Outlot 2 of the NE1/4NE1/4NW1/4 of Section 12, Township 154 North, Range 92 West (Brookbank Township) (Parcel# 330005300)

The applicant (represented by Trent Taylor for OE2 North LLC) is seeking an Amendment to Zoning to re-zone a tract of land from Agricultural to Industrial for the purpose of building a gas compressor station. Discussion was held on the timeframe to complete the project and the applicant is hoping for 12 months or less. Applicant has met all requirements of the Planning & Zoning Board.

Moved by Commissioner Borud, seconded by Commissioner Hovda to make recommendation to the Mountrail County Commissioners to approve the zoning request filed by OE2 NORTH LLC with concurrence from Mercedes Carkuff, landowner for an amendment to change land zoned Agricultural to Industrial for the purpose of building a gas compressor station for industrial use on a tract of land 10 acres, more or less, to be known as Outlot 2 of the NE1/4NE1/4NW1/4 of Section 12, Township 154 North, Range 92 West (Brookbank Township) as OE2 NORTH LLC with concurrence from Mercedes Carkuff, landowner has met all criteria as set forth in Article IV, Section III of the Mountrail County Zoning Ordinance and is further contingent upon OE2 NORTH LLC with concurrence from Mercedes Carkuff, landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

1. **9:25 a.m. OE2 NORTH LLC-Applicant; Mercedes Carkuff-Landowner (PZ-2021-0194) Conditional Use**

Zoning Request/Conditional Use Permit for the following described property: a tract of land 10 acres, more or less, to be known as Outlot 2 of the NE1/4NE1/4NW1/4 of Section 12, Township 154 North, Range 92 West (Brookbank Township) (Parcel# 330005300)

The applicant (represented by Trent Taylor for OE2 North LLC) is seeking a Conditional Use Permit to use land zoned industrial contingent upon the approval of the Amendment to Zoning by the Mountrail County Commissioners for the purpose of building a gas compressor station. Discussion was had on how many decibels this would be emitting. The applicant will have to get that information but will be similar to or quieter than nearby sites and their equipment. Chairman Sorenson asked if they had an approach permit and applicant states there is an existing approach they will use as long as Road & Bridge is okay with it. Chairman Sorenson also asked if they are leaving enough room for adjacent landowners to be able to access their fields. All property around the proposed facility will be accessible. Applicant has met all requirements of the Planning & Zoning Board pending the approval of the Amendment to Zoning request.

Moved by Commissioner Hollekim, seconded by Commissioner Borud to approve the zoning request filed by OE2 NORTH LLC with concurrence from Mercedes Carkuff, landowner for a Conditional Use Permit to use land zoned industrial contingent upon the approval by the Mountrail County Commissioners of the amendment to zoning request for the purpose of building a gas compressor station on a tract of land 10 acres, more or less, to be known as Outlot 2 of the NE1/4NE1/4NW1/4 of Section 12, Township 154 North, Range 92 West (Brookbank Township), as OE2 NORTH LLC with concurrence from Mercedes Carkuff, landowner has met all criteria as set forth in Article IV, Section IV of the Mountrail County Zoning Ordinance and OE2 NORTH LLC with concurrence from Mercedes Carkuff, landowner complying with all other terms and conditions of the Mountrail County Zoning Ordinance. All present voted yes. Motion carried.

**Building Permits**

2192 – PZ-2021-0186 – Kyle McIntyre – Applicant/Landowner. Outlot 3 of the E1/2SW1/4 of Section 7, Township 157 North, Range 94 West (White Earth Township) 38’ x 40’ house and 46’ x 60’ shop.

2193 – PZ-2021-0180 – Truck West LLC – Applicant/Landowner. Lot 2 of Evensvold Subdivision of Section 22, Township 157 North, Range 91 West (James Hill Township) 14’ x 60’ skid shack (storage). (No Conditional Use Permit Required per Wade)

2194 – PZ-2021-0165 – BWB Honey Company/Brandon Buoye – Applicant in concurrence with Mike and Linda Palmer – Landowners. NW1/4NE1/4 of Section 20, Township 156 North, Range 89 West (McGahan Township) 8 total-14’ x 60’ skid shacks along with 1 – 14’ x 60’ FEMA trailer (variance not needed on FEMA trailer per P&Z Board)

2195 – PZ-2021-0209 – Cameron and Tracy Tomjack – Applicants/Landowners. Outlot 1 of SE1/4 Section 7, Township 151 North, Range 90 West (Fertile Township) 5,500 Sq. Ft. House with Attached Garage

2196 – PZ-2021-0210 – Bonnie and Monte Billadeau – Applicants/Landowners. Lot 16 Block 2 Lakeview Subdivision. Section 12, Township 151 North, Range 91 West (Liberty Township) 2021 – 26’ x 56’ Mobile Home

Moved by Commissioner Hovda, seconded by Commissioner Weisenberger to approve building permits 2192 through 2196. All present voted yes. Motion carried.

**ONGOING BUSINESS:**

Gravel Pits-Expiration Dates and excel sheet with active gravel pits

White Earth Bay- States Attorney still looking into what the board has requested

Green Acres Subdivision

Stanley Blaisdell RV Park

**STAFF CONCERNS**

* Todd LeRohl has approached P&Z about turning an old gravel pit into a shooting range open either to the public or club members only depending on his insurance and zoning restrictions. There is a lake nearby as well as some houses. P&Z has put in a phone call to ND Game & Fish and is currently waiting for a return call. Discussion was held on whether Mr. LeRohl should submit an Amendment to Zoning and a Conditional Use request and present to the board. The board feels they need to be very careful moving forward if an application is filed as they could be liable for issues just because they approved it. The Planning & Zoning Board agreed the applicant should notify people further out than what is required for a Conditional Use and to go at least 1.5 miles to 2 miles out for public notices.
* State of ND has cancelled the water permits for H2O Connections LLC (Permit #’s ND2021-20540 & ND2021-20611). P&Z has sent a letter to Jared Wirtz that he is not to be pulling water anymore.
* Discussion was held on releasing the Letter of Credit to Fisher Sand and Gravel. Their Conditional Use Permit expired on 11/30/2017 and the pit was to be reclaimed as part of that permit. It has since been sold to Pronghorn LLC on 10/20/20 and is currently just a large pile of gravel. JMAC (Robert Fogarty), which is a sister company to Pronghorn, contacted P&Z about this and they were advised this pit needs a Conditional Use Permit or it will need to be reclaimed. The board feels they should hold the letter of credit until Pronghorn obtains a conditional use permit.

**BOARD CONCERNS**

None.

Next regular meeting of the Mountrail County Planning & Zoning Commission is **Monday September 27, 2021** at 8:30 am via GOTOMEETING or in the Commissioners room at the courthouse.

Accepted and approved this 27th day of September 2021.

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\***