

PROCEEDINGS OF THE MOUNTRAIL COUNTY
PLANNING & ZONING COMMISSION
Monday, June 27th 2016

The Mountrail County Planning & Zoning Commission met on Monday, June 27th 2016 at the Mountrail County South Complex with the following voting members present: Roger Hovda, Charlie Sorenson, Arlo Borud, Gary Weisenberger, Linda Wienbar, Trudy Ruland, and Thomas Bieri. Absent were Chase Lindberg and Bill Klug. Also present were Wade Enget, Mountrail County States Attorney, Lori Hanson, Mountrail County Tax Director, Heather Greenlee, Mountrail County Auditor's Office, Don Longmuir, Planning & Zoning Administrator, Lisa Lee, Assistant Planning & Zoning Administrator and Liz Hollowell, Planning & Zoning Administrative Assistant. Absent was Teresa Captain, Mountrail County Deputy Tax Director.

Chairman Hovda called the Planning and Zoning meeting to order at 8:30 a.m.

Chairman Hovda requested a motion to review and approve the current meeting agenda. Moved by Commissioner Wienbar, seconded by Commissioner Sorenson to approve the agenda as is with no changes. Upon roll call, all present voted yes, motion carried.

Chairman Hovda called the 8:33 a.m. public hearing to order regarding the zoning request filed by Aaron Olson, in concurrence with David Debertin, landowner, for an amendment to change land zoned agricultural to industrial for the purpose of storing generators on a 4.454 acre, more or less, tract of land described as Outlot 2 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 152 North, Range 90 West (**Parshall Township**). Planning & Zoning Administrator Longmuir stated that Mr. Olson had requested this hearing to be tabled until July due to not mailing the notifications.

Moved by Commissioner Ruland, seconded by Commissioner Bieri to table the zoning request filed by Aaron Olson, in concurrence with David Debertin, landowner, for an amendment to change land zoned agricultural to industrial for the purpose of storing generators on a 4.454 acre, more or less, tract of land described as Outlot 2 in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, Township 152 North, Range 90 West (**Parshall Township**) due to the mailings not being done. Upon roll call, all present voted yes. Motion carried.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to approve the minutes from the May 23rd 2016 Planning and Zoning Meeting with corrections. Upon roll call, all present voted yes, motion carried.

Minutes were signed by Chairman Hovda and, Planning & Zoning Administrative Assistant, Liz Hollowell and given to Lori Hanson, Mountrail County Tax Director to deliver to Heather Greenlee, Mountrail County Auditor's Office for recording.

Chairman Hovda called the 8:36 a.m. public hearing to order regarding a subdivision review request filed by Abi Vachal in concurrence with Leroy Andersen, landowner, for a 10 acre, more or less, tract of land to be known as Outlot 1 in the S½NW¼ of Section 35, Township 157 North, Range 89 West (**Redmond Township**). One certified return receipt received and no other comments.

Present for the hearing was Abi Vachal. She stated her father, Leroy Andersen, was gifting her the land. Administrator Longmuir stated the issue with the plat was the easement. Mountrail County States Attorney Enget stated no platted easement was necessary as the easement is by prescription meaning it has been a continuous road for over 20 years. Commissioner Ruland asked if the road was on the Township road plan. Chairman Hovda stated if it's a township road, then there are right of ways. Administrator Longmuir stated a request to reduce the fee to \$100 as this is family to family and the zoning does not change.

Moved by Commissioner Borud, seconded by Commissioner Bieri to approve the subdivision review request filed by Abi Vachal in concurrence with Leroy Andersen, landowner, for a 10 acre, more or less, tract of land to be known as Outlot 1 in the S½NW¼ of Section 35, Township 157 North, Range 89 West (**Redmond Township**) with the reduced fee of \$100.00 as all criteria as set forth in Article IV, Section V in the Mountrail County Zoning Ordinance have been met and is contingent upon Abi Vachal complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Abi Vachal brought in the final plat for Chairman Hovda's signature. The plat was signed and given back to Mrs. Vachal to take to the courthouse to be recorded.

Chairman Hovda called the 8:39 a.m. public hearing to order regarding a zoning request filed by Western Area Water Supply Association, in concurrence with Kevin D. and Sharon C. Mell, landowners, for an amendment to change land zoned agricultural to industrial for the placement of a 1,000,000 gallon water storage tank and pump station to serve rural water customers on a 1 acre, more or less, tract of land to be known as Outlot 2 in the S½SW¼ of Section 21, Township 156 North, Range 93 West (**Manitou Township**). No one was present for this hearing and no certified receipts were received.

Chairman Hovda asked why the fees were waived. Administrator Longmuir stated the fees were waived because it was a municipality. States Attorney Enget asked if this was the existing structure. Administrator Longmuir stated this was an Outlot that didn't get recorded and explained the zoning requirements that pertain to this project.

Moved by Commissioner Sorenson, seconded by Commissioner Wienbar to table the zoning request filed by Western Area Water Supply Association, in concurrence with Kevin D. and Sharon C. Mell, landowners, for an amendment to change land zoned agricultural to industrial for the placement of a 1,000,000 gallon water storage tank and pump station to serve rural water customers on a 1 acre, more or less, tract of land to be known as Outlot 2 in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, Township 156 North, Range 93 West (**Manitou Township**) as no one was present for this hearing and no certified receipts were received.

Chairman Hovda called the 8:42 a.m. public hearing to order regarding a zoning request filed by Western Area Water Supply Association, in concurrence with Kevin D. and Sharon C. Mell, landowners, for a conditional use permit for the placement of a 1,000,000 gallon water storage tank and pump station to serve rural water customers on a 1 acre, more or less, tract of land to be known as Outlot 2 in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, Township 156 North, Range 93 West (**Manitou Township**). No one was present for this hearing and no certified receipts were received.

Moved by Commissioner Wienbar, seconded by Commissioner Ruland to table the zoning request filed by Western Area Water Supply Association, in concurrence with Kevin D. and Sharon C. Mell, landowners, for a conditional use permit for the placement of a 1,000,000 gallon water storage tank and pump station to serve rural water customers on a 1 acre, more or less, tract of land to be known as Outlot 2 in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, Township 156 North, Range 93 West (**Manitou Township**) as no one was present for this hearing and no certified receipts were received.

Chairman Hovda called the 8:45 a.m. public hearing to order regarding a zoning request filed by Western Area Water Supply Association t filed by Western Area Water Supply Association, in concurrence with Kevin D. and Sharon C. Mell, landowners, for a variance permit for the placement of a 1,000,000 gallon water storage tank and pump station 200 feet from the center line of Highway 2 on a 1 acre, more or less, tract of land to be known as Outlot 2 in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, Township 156 North, Range 93 West (**Manitou Township**). No one was present for this hearing and no certified receipts were received.

Moved by Commissioner Borud, seconded by Commissioner Wienbar to table the zoning request filed by Western Area Water Supply Association, in concurrence with Kevin D.

and Sharon C. Mell, landowners, for a variance permit for the placement of a 1,000,000 gallon water storage tank and pump station 200 feet from the center line of Highway 2 on a 1 acre, more or less, tract of land to be known as Outlot 2 in the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 21, Township 156 North, Range 93 West (**Manitou Township**) as no one was present for this hearing and no certified receipts were received.

Chairman Hovda called the 8:48 a.m. public hearing to order regarding a zoning request filed by Municipal Communications, in concurrence with Jeffrey Nelson, landowner, for a conditional use permit for the placement of a 400 ft. guyed telecommunications tower on a 0.23 acre more or less tract of land described as the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 156 North, Range 94 West (**White Earth Township**). Three certified mail receipts have been received with no other comments on the project.

Present via phone for this discussion was John Throckmorton. Chairman Hovda asked about the guyed wire area on the plan. Mr. Throckmorton stated the size of the project includes the guyed wire and they have the easements for those wires.

Moved by Commissioner Borud, seconded by Commissioner Weisenberger to approve a zoning request filed by Municipal Communications, in concurrence with Jeffrey Nelson, landowner, for a conditional use permit for the placement of a 400 ft. guyed telecommunications tower on a 0.23 acre more or less tract of land described as the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 156 North, Range 94 West (**White Earth Township**) as all criteria as set forth in Article IV, Section V in the Mountrail County Zoning Ordinance have been met and is contingent upon Municipal Communications complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 8:51 a.m. public hearing to order regarding a zoning request filed by Municipal Communications, in concurrence with Jeffrey Nelson, landowner, for a variance permit for the placement of a 400 ft. guyed telecommunications tower, which exceeds the maximum height allowable on a tract of land described as the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 156 North, Range 94 West (**White Earth Township**). Three certified mail receipts have been received with no other comments on the project. This permit is to allow for the tower height. John Throckmorton was present on the phone.

Moved by Commissioner Ruland, seconded by Commissioner Wienbar to approve a zoning request filed by Municipal Communications, in concurrence with Jeffrey Nelson, landowner, for a variance permit for the placement of a 400 ft. guyed telecommunications tower, which exceeds the maximum height allowable on a tract of land described as the

NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 19, Township 156 North, Range 94 West (**White Earth Township**) as all criteria as set forth in Article IV, Section V in the Mountrail County Zoning Ordinance have been met and is contingent upon Municipal Communications complying with all other regulations as set forth in the Mountrail County Zoning Ordinance. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 8:54 a.m. public hearing to order regarding a subdivision review request filed by Jaycey Bangen, in concurrence with DelRay, Monica & Sharon Bangen, landowners, for a 14.33 acre, more or less, tract of land to be known as an Outlot in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 154 North, Range 89 West (**Oakland Township**). Three certified return receipt cards from adjacent landowners were received and no other written comments were received.

Present for the discussion was Jaycey Bangen. Miss Bangen stated going to put a trailer house on the land.

Moved by Commissioner Sorenson, seconded by Commissioner Ruland to approve a subdivision review request filed by Jaycey Bangen, in concurrence with DelRay, Monica & Sharon Bangen, landowners, for a 14.33 acre, more or less, tract of land to be known as Outlot1 in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, Township 154 North, Range 89 West (**Oakland Township**) as all the criteria as set forth in Article IV, Section V in the Mountrail County Zoning Ordinance has been met and is contingent upon Jaycey Bangen complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Jaycey Bangen brought in the final plat for Chairman Hovda's signature. The plat was signed and given back to Miss Bangen to take to the courthouse to be recorded.

Chairman Hovda called the 8:57 a.m. public hearing to order regarding a zoning request filed by Alan Tillinghast, landowner, for a variance permit for the placement of a trailer home which exceeds the eight year age requirement on a residential tract of land described as Outlot 1&2 of the SE $\frac{1}{4}$ of Section 14, Township 156 North, Range 89 West (**McGahan Township**) otherwise known as Blaisdell. Five certified mail receipts have been received. Chairman Hovda read comments from McGahan Township chairman approving the request. Administrator Longmuir advised the Board of the ordinance regarding trailer/mobile homes.

Present for this hearing was Alan Tillinghast. Mr. Tillinghast stated he would like to move a trailer and provided exterior photos of the trailer where it previously located. Mr.

Tillinghast is going to be residing the trailer with vinyl siding to match the garage and putting an A-frame roof as well. He stated his children will be living in the trailer. Commissioner Sorenson shared a similar example of what Ward County did regarding an older trailer and stated other counties hold fast to the ordinance and Mountrail should as well. Chairman Hovda asked if the unit would ever become a rental. Mr. Tillinghast stated no. If the children were to move out, they would take the trailer out. Chairman Hovda stated if Mr. Tillinghast is going to side it and fix it, then he doesn't see a problem with its age. Mr. Tillinghast stated he has a nice yard and would not let that trailer sit there like it is. Commissioner Bieri stated Mr. Tillinghast has the nicest place in Blaisdell. Administrator Longmuir asked States Attorney Enget if it could be written in the variance the requirements to upgrade the trailer and upgrades to be completed by a certain date. Mr. Tillinghast stated plans to have the upgrades done by September 1, 2016. Administrator Longmuir stated didn't want to set precedence by allowing this without certain requirements. Mr. Tillinghast stated he will come to another meeting with pictures showing the upgrades. Assistant Planning & Zoning administrator Lee stated Mr. Tillinghast can email the pictures to her and she will share them with the Board.

Moved by Commissioner Bieri, seconded by Commissioner Borud to approve the a zoning request filed by Alan Tillinghast, landowner, for a variance permit for the placement of a trailer home which exceeds the eight year age requirement on a residential tract of land described as Outlot 1&2 of the SE¼ of Section 14, Township 156 North, Range 89 West (**McGahan Township**) otherwise known as Blaisdell contingent upon Alan Tillinghast upgrading the trailer home by re-siding it and adding a new roof by November 1, 2016 and complying with all other regulations as set forth in the Mountrail County Zoning Ordinances. Upon roll call, all present voted yes. Motion carried.

Dave Brower with Western Area Water Supply Authority arrived late for the 8:39 public hearing. Chairman Hovda asked for a motion to un-table the 8:39 hearing. Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to un-table. Upon roll call, all present voted yes. Motion carried.

Administrator Longmuir asked for the 4 certified return receipts from notification of adjacent landowners. Mr. Brower did not have them. Commissioner Borud stated must have those to act on the hearing.

Moved by Commissioner Ruland, seconded by Commissioner Weisenberger to re-table the zoning request filed by Western Area Water Supply Association, in concurrence with Kevin D. and Sharon C. Mell, landowners, for an amendment to change land zoned

agricultural to industrial for the placement of a 1,000,000 gallon water storage tank and pump station to serve rural water customers on a 1 acre, more or less, tract of land to be known as an Outlot in the S½SW¼ of Section 21, Township 156 North, Range 93 West (**Manitou Township**) as no certified receipts were received. Upon roll call, all present voted yes. Motion carried.

Chairman Hovda called the 9:00 a.m. public hearing to order regarding making a recommendation to the Mountrail County Commissioners to approve the amendment to the Zoning Ordinance and Subdivision Resolution.

States Attorney Enget stated received no comments on the Zoning Ordinances or the Subdivision Resolution. Zoning Administrator Longmuir stated he received a verbal comment from Max Schriock with Aggregate Construction about letter of credit and signage. Mr. Schriock had hoped to attend the meeting but was not there and no written comments were received. Chairman Hovda stated signs on pits are a good idea to help with any 911 needs. Discussion was held on bonds and letter of credit differences. No comments were received on the new fence or sign ordinance. Commissioner Sorenson asked if a variance can be granted for the size of a sign. States Attorney Enget stated a person could. No comments have been received on temporary housing ordinance changes. Administrator Longmuir gave brief updates/comments on MBI, Fladeland, and Stanley Blaisdell RV Park camps. State Attorney Enget reminded the Board that this motion would just be a recommendation to the Mountrail County Commissioners.

Moved by Commissioner Borud, seconded by Commissioner Sorenson to recommend approval to the Mountrail County Commissioners for the Zoning Ordinances updates as proposed. Upon roll call, all present voted yes. Motion carried.

State Attorney Enget discussed the proposed Subdivision Resolution. This resolution was to help clarify the “family exception”. Stated the plat with review will still need to be done and this resolution helps clear up the questions. This would change the fee to \$100.00. State’s Attorney Enget stated it’s a classification issue. This is for family exception with no changing in zoning. Commissioner Ruland clarified this resolution must be heard by the Mountrail County Commission and this is just a recommendation so if there are additional questions, it is not too late to address them.

Moved by Commissioner Ruland, seconded by Commissioner Sorenson to recommend approval to the Mountrail County Commissioners for the Subdivision Resolutions updates as proposed. Upon roll call, all present voted yes. Motion carried.

Moved by Commissioner Borud, seconded by Commissioner Ruland to approve the building permit #1932 - 1940. Upon roll call, all present voted yes. Motion carried.

Revocation/Termination of Amendments

Administrator Longmuir stated that on October 22, 2012 and November 26, 2012 an Amendment filed by King Oil Field Services, with concurrence from Gary & Caroline Sue Satterthwaite and Barbara Satterthwaite, landowners, to rezone a 1.16 acre, more or less, tract of land described as Outlot 2 of Government Lot 4 of the NW¼ Section 2, Township 153 North, Range 93 West (Unorganized Township) from agricultural to commercial for future commercial development was applied for and heard by Mountrail County Planning and Zoning. No other action has been taken.

Moved by Commissioner Sorenson, second by Commissioner Bieri to recommend to revoke the Amendment filed by King Oil Field Services, with concurrence from Gary & Caroline Sue Satterthwaite and Barbara Satterthwaite, landowners, to rezone a 1.16 acre, more or less, tract of land described as Outlot 2 of Government Lot 4 of the NW¼ Section 2, Township 153 North, Range 93 West (Unorganized Township) from agricultural to commercial for future commercial development as the permits was never finalized. Upon roll call, all present voted yes. Motion carried.

Board Concerns –

Commissioner Ruland asked if King Oil has cleared the section line. State's Attorney Enget that is part of what they're doing with revoking this amendment to clear things up to be able to address the section line violation.

Commissioner Wienbar asked about the Parmeter zoning case and how that was going. State's Attorney Enget stated working on that.

Commissioner Wienbar also asked about Egan Crest as she saw vehicles there and thought there wasn't supposed to be anyone there. Administrator Longmuir stated he hasn't heard from them since the first time they came in earlier this year and their current permit is valid until August 2016.

Chairman Hovda stated there was an issue with Pecan Pipeline/Bridger Oil in their township (Parshall Township) blocking a section line but he called the right people in Denver and it is now getting moved.

Staff Concerns:

Administrator Longmuir addressed a letter in the zoning packet from Mike Childs, Dakota Energy Resource Corporation. Commissioners Ruland stated since a State Water Permit must be applied for when the previous one expires, a new variance should be applied for. Administrator Longmuir advised the Board, Planning & Zoning does not accept variance applications for water permit without the State Water Permit. It was agreed since State Water Permits do not renew, neither do variance permits.

State Attorney Enget advised the Board of changes that will require property must be platted to be sold taking effect July 1, 2016. He advised the Board might receive some comments on this change. Administrator Longmuir stated this is a good idea as it will help make property lines clearer.

Administrator Longmuir introduced the Board to the Mountrail County portal. Each Board member received their user ID and password. Administrative Assistant Hollowell brought the portal up on the screen and demonstrated the steps to get logged on. Chairman Hovda asked if there will be historical data. Assistant Administrator Lee stated past months will be loaded. Administrator Longmuir stated this portal can be accessed anywhere there is internet access and can be viewed on any device that has internet capabilities.

Chairman Hovda adjourned the meeting.

The next regular meeting of the Mountrail County Planning & Zoning Board is Monday, July 25th 2016 at 8:30 am at the Mountrail County South Complex, 8103 61st St. NW Stanley, ND 58784.

Accepted and approved this 25th day of July 2016.

Roger Hovda, Chairman
Mountrail County
Planning & Zoning Commission

Liz Hollowell
Administrative Assistant
Planning & Zoning