

Planning and Zoning Commission Minutes

November 7, 2022

Meeting was held at the McKenzie County Courthouse Commissioner Room in Watford City, ND and called to order at approximately 5:00 pm.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Members Present: Butch Fleck, Eva Hepper, Tim Transtrom, Cody Knetzger, Craig Hystad

Members Remote: John Irwin

Members Absent: Kathy Skarda, Lance Renville, Matt Beard

Staff Present: Planning and Zoning Director Sandee Kimpel, Planner Candy Lundgren, Code Enforcement Officer Andrew Steck, Administrative Assistant Cindy Jensen

Others see sign in sheet at end of minutes.

APPROVE AGENDA

Motion to Approve Agenda as Presented; Motion by Craig Hystad; Second by Tim Transtrom; Voice Votes: All Ayes

Motion to Approve Agenda as Presented Passes

APPROVE PREVIOUS MEETING MINUTES

Motion to Approve October 10, 2022 Meeting Minutes as Presented; Motion by Tim Transtrom; Second by Eva Hepper; Voice Votes: All Ayes.

Motion to Approve October 10, 2022 Meeting Minutes as Presented Passes.

CODE ENFORCEMENT

Andrew Steck stated as previous months, we've done some inspections and filled in some [information] on the Bond Spreadsheet.

UNFINISHED BUSINESS

#08-22CUP Edmondson Pond – #08-22 Conditional Use Permit – Todd and Nanette Edmondson (Todd Company Welding) Pond; NW ¼ of T145N, R98W, S12, PID 180002800;

Butch Fleck stated he recused himself from voting on this in 2015 and was again recusing himself from voting because he has relatives on both sides of this pond issue, so he didn't think it would be right for him to vote. This is different than in 2015 as they're not trying to damn up the Creek at this time. They're putting a pond up in the field and going to pump it when the water is high.

BOARD COMMENTS

Craig Hystad stated all we are voting on here is to let Edmondson's build a pond, a place to hold water or not. They have right to pump that water whether they get the pond or not. They got the Permit from the State. It's not about the water downstream going downstream or any of that.

Eva Hepper asked why wouldn't we let them build it? We've got several of them.

Craig Hystad stated we did it with many others as long as they get the bond. The only thing I didn't see was the fencing diagram of how the pond is going to be fenced prior to building. One of our stipulations we were always fighting over how a pond was going to be fenced, so we added a stipulation to include a fence diagram to show how the pond was going to be fenced.

Eva Hepper asked how far is it off the road? Don't we have some sort of rule that so far off the road, they can have a border fence? **Butch Fleck** stated it's by the State Road. If the pond is close to the road, it has to have a fence.

Todd Edmondson stated we rent that property to people to run cows there. Once you put a \$100,000 liner on it, we definitely are going to fence it. **Craig Hystad** stated if you could show us and draw out a map showing the location and distance of the fence form the pond and send it to [Planning & Zoning] to put in the files.

Edmondson stated that would be no problem. **Director Kimpel** stated what he's asking, is how close in relation to your pond is the fence going to be? You're not going to fence the property. You're going to fence the pond, correct? **Edmondson** stated yes. **Director Kimpel** stated he's asking, at the bottom of the berm?

Edmondson stated we are just going to fence the pond at the bottom of the berm because we will be trying to grow grass on new topsoil at the bottom of the berm. We want it to look nice too on that side of our property. Keep the cows off of it while we are trying to get grass growing on it. **Director Kimpel** stated I can make sure that we have that in the file. **Hystad** stated even if it's 50 feet we don't care. We just want to see [where it's going to be fenced] because we've had some [people] put [the fence] at the section line, but then the pond is but also isn't fenced.

Cody Knetzger asked if there's a timeline on [the fence diagram]? **Director Kimpel** stated it's before the water is put into the pond. **Todd Edmondson** stated they would like to build it this fall if possible, and are going to want to put in a fence. **Craig Hystad** stated one of our stipulations is [the pond] has to be fenced prior to use.

John Irwin stated as long as the Fencing Agreements are met and other people aren't denied water, I think they're good to go.

PUBLIC COMMENT

Garret Lind, representing the Lind Family Ranch and Lind Family, stated we are downstream of Todd Edmondson, are adjacent land owners and have had land down there for 40 years. I've studied this water thing extensively and I believe if they follow the rules of the State Water Commission, I won't be cut off from water. One of the rules is that as land owners downstream we are entitled to a stream flow, but we are not entitled to use all the water. I'm here to support the production or the retention of water in the area, or development of water. I want to see more water development and that's a really important vital resource for us. What they're creating is a long-term source of water. I watch Charlie Bob Creek do 300 barrels a minute every spring for a month solid and a lot of water disposal in the Missouri. These guys want to be able to pull a small amount of that. I think that's OK and I am perfectly fine. I'm here to support them in developing their property.

Motion to Approve Edmonson Pond #08-22CUP Edmondson Pond – #08-22 Conditional Use Permit – Todd and Nanette Edmondson (Todd Company Welding) Pond; NW ¼ of T145N, R98W, S12, PID 180002800;

Motion by Craig Hystad; Second by Eva Hepper; Voice Votes: All Ayes

Motion to Approve Passes

#04-22CUP Wochos – WITHDRAWN BY APPLICANT

#007-22ZC Sandton Fund Holdings VII LLC - #007-22 Zone Change Sandton Fund Holdings VII LLC – T149N, R99W, S12 SE ¼ of the SE ¼; PID #650006735; 12621 22nd ST NW, Watford City, ND 58864

Craig Hystad stated when this came to the Commissioners, and Kathy asked to pull a hydrology study, I agreed with her because I had seen some other things that said it had to have a Watershed hydrology study. I found out that we can't implement that on a Zone Change, so this should have been done already approved. I know people are against it, but what they are against is the business on there, not what is there. If we allow this [Zone Change], we can regulate it better with Light Industrial but right now we can't because it's grandfathered in. If we give them the Light Industrial and then they want to build something, that is the only way we specify stipulations. Right now they can do what they want, but it's still Agriculture. But if we put it to Light Industrial, then it'll go into Zoning. Right now we have no say over it because it's grandfathered.

Director Kimpel stated that is correct. A Zone Change is basically changing the color of the map. We cannot put conditions on a Zone Change, but if the Zone Change happens and it goes to Light Industrial that opens us up to have people have to come in more for Conditional Use Permits which then, like you saw for the pond, we can add all those conditions to it so we have more control over the property and what happens on it going forward.

Denise Matson stated when we moved there, we were zoned Agricultural and basically promised we would stay that way. She stated her concerns with the view of Sandton's business property; current use of the property and trucks using the residential road.

A discussion was held regarding past and present businesses, use and operation on this property, location of the property, and that the building was constructed in 2011, prior to Planning & Zoning, which didn't start until August 2013.

A discussion was held regarding neighborhood residents' concerns on what other businesses might come in there if the Zone Change for Agriculture to Light Industrial is approved and if the County will continually allow businesses to move in to that neighborhood.

Eric Peterson, Proven Realty on behalf of the applicant, represented another company previously, that was a Roustabout Company who applied for a Zone Change in the same area and was denied. He suggested forming an Ad Hoc Committee to help with consistency in Zoning.

Craig Hystad stated immediately after the Commission meeting, I found out that restriction cannot be put on a Zone Change, like requiring them do a hydrology study. We can put that restriction on if they ever want to build anything there, then we require a hydrology study. **Peterson** stated a hydrology study is only required for

a new building. If a hydrology study was done last week, and now the highway is expanded to four lanes, there goes your Hydrology study. It changes the entire thing.

Motion to Approve #007-22ZC Sandton Fund Holdings VII LLC - #007-22 Zone Change Sandton Fund Holdings VII LLC – T149N, R99W, S12 SE ¼ of the SE ¼; PID #650006735; 12621 22nd ST NW, Watford City, ND 58864

Motion by Craig Hystad; Second by Tim Transtrom; Voice Votes: All Ayes

Motion to Approve Passes

DISCUSSION ITEMS

Administrative Permits

A discussion was held regarding permits that were Administratively Approved.

A discussion was held regarding the number of times and length of time an application can be postponed or tabled.

ADJOURNMENT

Motion to Adjourn by Craig Hystad; Second by Eva; Voice Votes: All Ayes

Motion to Adjourn Passes.

The Meeting Adjourned at 5:45 PM.

The next meeting of the McKenzie County Planning and Zoning Board will be held on Monday, December 12, 2022, at the McKenzie County Courthouse, 201 5th Street NW, County Commission Boardroom at 5:00 PM.

