

Planning & Zoning Commission Proceedings
Monday, March 14, 2022

Chairperson Richard Hultberg opened the meeting at 1:30 p.m. Present were Commissioners Hultberg, Don Simon, Darwin Saari, Don Flinn, John Matthews and County Commissioner Steve Cottingham. Also present were Land Use Administrator Todd Schreiner, Property Appraiser Elizabeth Patterson, Deputy Auditor Diane L. Blumhagen, and Ralph Mancini of NorDak North Publishing. Absent was Glenn Earl.

Moved by Matthews, seconded by Simon, to approve minutes from the previous meeting as submitted. Roll Call Vote: Aye: Simon, Saari, Flinn, Matthews, Cottingham, and Hultberg. Absent and not voting: Earl. Motion carried.

Patterson presented an application submitted by Falkirk Mining Company, of Underwood, ND, requesting approval of a Conditional Use Permit involving land located in portions of Sections 1, 2, 3, and 5, Township 146 North, Range 82 West, and portions of Sections 33 and 34, and all of Sections 35 and 36, Township 147 North, Range 82 West, known as 8th Addition to Permit NAFK-8405 containing 3,359.7 acres, more or less. The above-named applicant seeks approval of a Conditional Use Permit to continue surface coal mining operations.

Cottingham discussed the timing of when sections would be mined while also explaining that the application has been submitted to Public Service Commission (PSC) for approval. Discussion followed.

Moved by Saari, seconded by Simon, to recommend approval to the Board of County Commissioners the request submitted by Falkirk Mining Company, of Underwood, ND, requesting approval of a Conditional Use Permit involving land located in portions of Sections 1, 2, 3, and 5, Township 146 North, Range 82 West, and portions of Sections 33 and 34, and all of Sections 35 and 36, Township 147 North, Range 82 West, known as 8th Addition to Permit NAFK-8405 containing 3,359.7 acres, more or less pending PSC approval. Roll Call Vote: Aye: Simon, Flinn, Saari, Matthews, and Hultberg. Nay: None. Absent and not voting: Earl. Abstaining from voting: Cottingham. Motion carried.

Wade and Amanda Haseleu, of Underwood, joined the meeting to discuss access to their property on County Road 12 (CR 12) from Highway 83. They were concerned whether CR 12 would be closed and also stated that the publication in the newspaper didn't show their property grayed out as it shows on the Falkirk Mining map. The Haseleus were advised to attend the Board of Commissioners meeting tomorrow, March 15, 2022, at 9:00 a.m., to discuss their concerns with that board.

Bill Pedersen from Apex Clean Energy joined the meeting.

Patterson presented an application submitted by Discovery Wind LLC, of Charlottesville, VA, requesting a zoning change involving land described as the SE portion of the NW $\frac{1}{4}$ of Section 24, Township 146 North, Range 83 West, formally known as Longfellow Township. The above-named applicant seeks a zoning change to allow the construction of a 197' meteorological tower to measure the wind resource in the area.

Pedersen explained that the landowners have been contacted and have given approval for the construction of the tower on their land. Discussion followed.

Moved by Simon, seconded by Matthews, to recommend approval to the Board of County Commissioners the request submitted by submitted by Discovery Wind LLC, of Charlottesville, VA, requesting a zoning change involving land described as the SE portion of the NW $\frac{1}{4}$ of Section 24, Township 146 North, Range 83 West, formally known as Longfellow Township. Discussion followed. Roll Call Vote: Aye: Simon, Flinn, Cottingham, Saari, Matthews, and Hultberg. Nay: None. Absent and not voting: Earl. Motion carried.

Patterson presented an application submitted by Discovery Wind LLC, of Charlottesville, VA, requesting a zoning change involving land described as the NE portion of the SW $\frac{1}{4}$ of Section 21, Township 146 North, Range 81 West. The above-named applicant seeks a zoning change to allow the construction of a 197' meteorological tower to measure the wind resource in the area.

Moved by Matthews, seconded by Simon, to recommend approval to the Board of County Commissioners the request submitted by Discovery Wind LLC, of Charlottesville, VA, requesting a zoning change involving land described as the NE portion of the SW $\frac{1}{4}$ of Section 21, Township 146 North, Range 81 West. Roll Call Vote: Aye: Simon, Flinn, Cottingham, Saari, Matthews, and Hultberg. Nay: None. Absent and not voting: Earl. Motion carried.

Schreiner presented proposed changes to Sections 6.5.1 Electrical Power Transmission Lines, 6.5.2 Residential Occupancy in Commercial Districts, and 7.3.4 Subdivisions of the McLean County Zoning Ordinance as drafted by States Attorney Ladd Erickson. Schreiner requested approval to publish notification of a public hearing for comment on the changes in the newspaper.

Moved by Saari, seconded by Simon, to approve publishing a public notice for the public hearing for proposed changes to the McLean County Zoning Ordinance. Discussion followed. Roll Call Vote: Aye: Simon, Flinn, Cottingham, Saari, Matthews, and Hultberg. Nay: None. Absent and not voting: Earl. Motion carried.

There being no further business, the chairperson declared the meeting adjourned at 2:25 p.m.

Richard Hultberg, Chairperson

Diane L. Blumhagen, Deputy Auditor