

Planning & Zoning Commission Proceedings
Tuesday, March 20, 2018

Chairperson Richard Hultberg opened the meeting at 1:30 p.m. Present were Commissioners Hultberg, Don Flinn, Darwin Saari, John Matthews, and Doug Krebsbach. Also present were Mike Matteson, Garrison; Jeff Carlson, Dustin Carlson, and Douglas Doerr of Bismarck; Perry Hesch of JMAC Resources of Bismarck; Kelly Giffey and Mike Matteson of Garrison; Marvin Neumiller, Valeree Winn, Mark Winn, Todd DeMontigny, and Mike Kidd of Washburn; McLean County Water Board member Lynn Oberg; States Attorney Ladd Erickson; Land Use Assistant Cassie Goetz; County Assessor Ryan Oberg; Highway Superintendent Jim Grey; and Secretary Nancy Leidholm. Absent were Commissioners Noelle Kroll and Roger Britton.

Moved by Krebsbach, seconded by Matthews, to approve the minutes from the previous meeting as submitted. Roll Call Vote: Aye: Flinn, Saari, Krebsbach, Matthews, and Hultberg. Nay: None. Absent and not voting: Kroll and Britton. Motion carried.

Douglas Doerr of Bismarck was present to request a variance of the setback requirements of the McLean County Zoning Ordinance for land described as Lot 12, Iglehart Homes Deluxe Site, located in Township 148 North, Range 86 West, to construct a structure closer than the required 15 foot setback from the side lot line as proclaimed in subsection 4 of section 5.2.4 of the revised McLean County Ordinance as adopted on September 1, 1982, and as amended on March 5, 2013. Doerr informed the commission that the proposed garage would be six feet from the property line. The lot size is 100' x 150'. Doerr has been in contact with his surrounding neighbors and they are in support of the variance.

Moved by Krebsbach, seconded by Saari, to recommend approval to the Board of County Commissioners the request from Douglas Doerr of Bismarck for a variance of the setback requirements of the McLean County Zoning Ordinance for land described as Lot 12, Iglehart Homes Deluxe Site, located in Township 148 North, Range 86 West, to construct a structure closer than the required 15 foot setback from the side lot line. Roll Call Vote: Aye: Flinn, Saari, Krebsbach, Matthews, and Hultberg. Nay: None. Absent and not voting: Kroll and Britton. Motion carried.

Kyle Giffey and Mike Matteson of Garrison were present to request approval of a subdivision plat for land described as a portion of the SE¼ of Section 23, Township 148 North, Range 86 West, to develop a ten lot rural residential subdivision to be known as Double Tree Estates Fifth Addition. Krebsbach presented a letter signed by land owners in the neighboring vicinity of the property in opposition of the proposed subdivision due to ongoing camper issues, road conditions, and zoning ordinances not being enforced. Discussion followed regarding these issues as well as the responsibility of enforcing covenants in the various subdivisions. Krebsbach suggested a possible public meeting addressing the new subdivision.

Moved by Krebsbach, seconded by Flinn, to table the request to approve the subdivision plat for Double Tree Estates Fifth Addition until the next scheduled Planning & Zoning Commission meeting on April 16, 2018. Krebsbach would like to give the snow a chance to melt so he and fellow commissioners can take a first-hand look at the proposed property. Roll Call Vote: Aye: Flinn, Saari, Krebsbach, Matthews, and Hultberg. Nay: None. Absent and not voting: Kroll and Britton. Motion carried.

Perry Hesch of JMAC Resources, Bismarck, was present along with land owner Jeff Carlson, to request approval of a conditional use permit for land located in the E½ of Section 13, Township 144 North, Range 81 West, to include 19 acres, to operate a sand and gravel pit for mining, processing, and selling of sand and gravel products. Hesch explained that the request for this pit project is specific contingent on JMAC Resources getting the bid for an upcoming project on County Road 22. He went on to say that if they do not get the bid this request goes away. Hesch stated that if they do get the project their plan is to set up one time and crush out the pit to use for the road project and in addition to the project, would like to have the ability to market the remaining material out. They have a two year limit at the end of the project to do that. Marvin Neumiller, Mike Kidd, Mark Winn, and Todd DeMontigny all spoke in favor of the gravel pit but shared concerns regarding dust control and the safety of the planned route to haul the material. Winn suggested using a flagman when hauling; Hesch agreed stating the county can make this a requirement as well as signage at the time of bidding for the project. Highway Superintendent Jim Grey agreed as well stating that it all can be included in the haul road agreement. Krebsbach suggested going east on 8th St. SW, south on 18th Ave. SW, then west on 10th St. SW, coming out onto County Road 27; put up signs and get law enforcement out there if we have to.

Moved by Flinn, seconded by Matthews, to recommend approval of the conditional use permit request from Perry Hesch of JMAC Resources, Bismarck, for land described as the E½ of Section 13, Township 144 North, Range 81 West, including 19 acres, to operate a sand and gravel pit for mining, processing, and selling of sand and gravel products, using the route suggested by Krebsbach; including signage and flagman when hauling; whether during the road project or after. Roll Call Vote: Aye: Flinn, Saari, Krebsbach, Matthews, and Hultberg. Nay: None. Absent and not voting: Kroll and Britton. Motion carried.

There being no further business, the chairperson declared the meeting adjourned at 2:48 p.m.

Chairperson, Richard Hultberg

Secretary, Nancy Leidholm