

Planning & Zoning Commission Proceedings
Monday, June 19, 2017

Chairman Richard Hultberg opened the meeting at 1:31 p.m. Present were Commissioners Hultberg, Darwin Saari, John Matthews, Don Flinn, Noelle Kroll, Roger Britton and Doug Krebsbach. Also present were States Attorney Ladd Erickson, County Assessor Ryan Oberg, Land Use Administrator Todd Schreiner, his assistant Cassie Goetz, and Secretary Nancy Leidholm.

Moved by Krebsbach, seconded by Matthews, to approve the minutes from the previous meeting as submitted. Roll Call Vote: Aye: Krebsbach, Saari, Matthews, Kroll, Flinn, Britton, and Hultberg. Nay: None. Motion carried.

Kent Orvin and Tammy Iglehart of RBT Holding, L.L.C. were present to request approval of a subdivision plat involving land located in a portion of the NW¼ of Section 26, Township 148 North, Range 86 West, to develop an 18 lot rural residential subdivision for be known as Buck Run Subdivision.

Iglehart explained that the long term plan is to develop the whole quarter with larger lots and homes creating an upscale community. Rural water is assessable. Hultberg stated that the covenants need to be clarified regarding the planting of trees and the setback to the county road. Krebsbach suggested building a road at the back of the subdivision rather than adding another nine or ten approaches to the existing county road as McLean County would be liable for any accidents coming off those approaches. He stated the commission wants to promote development to provide revenue for the county but it's about safety. Hultberg stated that 60 – 70 cabin owners travel that road on any given day and the dust creates a visibility problem. Iglehart stated that having to build a road and redo the plat would be a big expense. Krebsbach added that building the road in the back will result in the road being available to the upcoming subdivisions. Discussion followed about concern from current residents regarding the additional use of the boat ramp and the damage the additional use will have on the private road to the ramp.

Moved by Flinn, seconded by Saari, to table the request from Kent Orvin and Tammy Iglehart of RBT Holdings, L.L.C. until the July 17, 2017 Planning and Zoning Commission meeting. Roll Call Vote: Aye: Krebsbach, Saari, Matthews, Kroll, Flinn, Britton, and Hultberg. Nay: None. Motion carried.

Jonathan Fischer, Bismarck, was present to request a variance to allow the construction of a structure closer than the required 25 foot setback from the front lot line; closer than 15 feet from the side lot line; and closer than the required 30 feet from the rear lot line. Fischer told the commission that he wants to build a 26 x 32 detached garage and his neighbors have signed off on it.

Moved by Krebsbach, seconded by Matthews, to recommend to the Board of County Commissioners approval of the variance request from Jonathan Fischer, Bismarck, to allow the construction of a structure closer than the required 25 foot setback from the front lot line; closer than 15 feet from the side lot line; and closer than the required 30 feet from the rear lot line. Roll Call Vote: Aye: Krebsbach, Saari, Matthews, Kroll, Flinn, Britton, and Hultberg. Nay: None. Motion carried.

Neil and Clarice Miller, Washburn, were present to request approval of a subdivision plat involving land located in a portion of the NW¼ of Section 24, Township 143 North, Range 81 West, to develop a 5 lot rural residential subdivision to be known as Amry 2nd Subdivision. Miller told the commission that water and electricity are available. Hultberg informed the Millers of their responsibility regarding signage in the subdivision and Schreiner reminded them that the road has to be built according to county specs before the plat can be recorded.

Moved by Saari, seconded by Britton, to recommend to the Board of County Commissioners approval of the subdivision plat request from Neil and Clarice Miller, Washburn, for land described as a portion of the NW¼ of Section 24, Township 143 North, Range 81 West, to develop a 5 lot rural residential subdivision to be known as Amry 2nd Subdivision. Roll Call Vote: Aye: Krebsbach, Saari, Matthews, Kroll, Flinn, Britton, and Hultberg. Nay: None. Motion carried.

Lakeview Properties, L.L.C., Tim Eslinger, developer, and Jerry Traub, owner, Garrison, were present to request approval of a subdivision plat for land described as the W½NW¼ of Section 13, Township 148 North, Range 84 West, to develop an 11 lot rural residential subdivision to be known as Traub Subdivision. Eslinger explained that because of a dispute with the water district regarding easements they had to add another approach and got the o.k. from Highway Superintendent Jim Grey. Duane Hummel of Garrison is worried about four approaches in a half mile stretch being a safety concern. Discussion followed.

Moved by Saari, seconded by Matthews to table the request from Lakeview Properties, L.L.C., Tim Eslinger, developer, and Jerry Traub, owner, Garrison, until the July 17, 2017 Planning and Zoning meeting when they return with the recommended changes. Eslinger stated that rural water and electric are available. Hultberg explained that the Homeowners Association will be responsible for the maintenance on the subdivision roads and the developer is responsible for signage on those roads. Roll Call Vote: Aye: Krebsbach, Saari, Matthews, Kroll, Flinn, Britton, and Hultberg. Nay: None. Motion carried.

Max Schriock of Aggregate Construction, Inc. (Michael and Marcia Zimmerman owners) was present to request approval of a conditional use permit for land described as the W½SE¼ of Section 32, Township 147 North, Range 84 West, containing 20 acres, to operate a sand and gravel pit for mining, processing, and selling of sand and gravel products. When questioned about the amount of gravel available Schriock stated about 50,000 tons.

Moved by Krebsbach, seconded by Saari, to recommend to the Board of County Commissioners approve of the conditional use permit request from Max Schriock of Aggregate Construction, Inc. (Michael and Marcia Zimmerman, owners) for land described as the W½SE¼ of Section 32, Township 147 North, Range 84 West, containing 20 acres, to operate a sand and gravel pit for mining, processing, and selling of sand and gravel products. Roll Call Vote: Aye: Krebsbach, Saari, Matthews, Kroll, Flinn, Britton, and Hultberg. Nay: None. Motion carried.

Douglas Schelhaas, Bismarck, were present to request a variance of the setback requirements of the McLean County Zoning Ordinance for land described as Lot 3, Stute's Brush Lake First Addition, to allow the construction of a structure closer than the required 25 foot setback from the front lot line. Schelhaas informed the commission that he plans to put up a 20 x 26 garage and presented signature of neighbors in support of the variance.

Moved by Matthews, seconded by Britton, to recommend to the Board of County Commissioners approve of the variance request from Douglas Schelhaas, Bismarck, for land described as Lot 3, Stute's Brush Lake First Addition, to allow the construction of a structure closer than the required 25 foot setback from the front lot line. Schelhaas told the commission that the garage would be stick built with a full cement floor. Roll Call Vote: Aye: Krebsbach, Saari, Matthews, Kroll, Flinn, Britton, and Hultberg. Nay: None. Motion carried.

Steve and Wendy Feeney, Bismarck, were present to request a variance of the setback requirements of the McLean County Zoning Ordinance involving land described as Lot 12, Crooked Lake Subdivision, to allow construction of a structure closer than the required 125 foot setback from the center of the gravel County Road 8. Steve Feeney explained that they plan to remove the existing building and that he'd spoken with Highway Superintendent Jim Grey who was o.k. with the variance request.

Moved by Krebsbach, seconded by Saari, to recommend to the Board of County Commissioners approval of the variance request from Steve and Wendy Feeney, Bismarck, for land described as Lot 12, Crooked Lake Subdivision, to allow construction of a structure closer than the required 125 foot setback from the center of the gravel County Road 8. Roll Call Vote: Aye: Krebsbach, Saari, Matthews, Kroll, Flinn, Britton, and Hultberg. Nay: None. Motion carried.

Gary Lind, Bismarck, was present to request approval of a subdivision plat involving land located in a portion of the SE¼. Section 25, Township 148 North, Range 85 West, to develop a 16 lot rural residential subdivision to be known as Friese Subdivision. Lind told the commission that rural water and electric are available.

Moved by Krebsbach, seconded by Matthews, to recommend to the Board of County Commissioners approval of the subdivision plat request from Gary Lind, Bismarck, for land described as the SE¼. Section 25, Township 148 North, Range 85 West, to develop a 16 lot rural residential subdivision to be known as Friese Subdivision. Hultberg

informed Lind that the developer is responsible for signage. Roll Call Vote: Aye: Krebsbach, Saari, Matthews, Kroll, Flinn, Britton, and Hultberg. Nay: None. Motion carried.

Steve Cates of Cates Earth Science Technologies, Inc. was present to request approval of a zoning change from Ag Land to Commercial involving land located in the W½NW¼, Section 6, Township 150 North, Range 91 West, containing 4.24 acres, for the construction of a point-of-sale industrial water facility. Schreiner stated that this is just an informational meeting as Mountrail County hasn't approved things on their end yet. Cates informed the commission that the site would have two water wells, two small sheds and a booster pump. Water will be moved by pipeline one mile west the WPX facility to be used for fracking. States Attorney Ladd Erickson recommends approving this request so Cates can get his business moving once approve by Mountrail County. Schreiner would like to see things approved in Mountrail County before proceeding.

Moved by Krebsbach, seconded by Flinn, to recommend to the Board of County Commissioners approval of the zoning change request from Steve Cates of Cates Earth Science Technologies, Inc. to change Ag Land to Commercial for land described as the W½NW¼ of Section 6, Township 150 North, Range 91 West, containing 4.2 acres, for the construction of a point-of-sale industrial water facility, contingent on approval of a road way plan and other regulations from Mountrail County. Roll Call Vote: Aye: Krebsbach, Saari, Matthews, Kroll, Flinn, Britton, and Hultberg. Nay: None. Motion carried.

Erickson suggested to the commission to update the McLean County Planning & Zoning Ordinances.

There being no other business, the chairperson declared the meeting adjourned at 3:28 p.m.

Richard Hultberg, Chairperson

Nancy Leidholm, Secretary