

Planning & Zoning Commission Proceedings
Monday, July 20, 2020

Chairperson Richard Hultberg opened the meeting at 1:30 p.m. Present were Commissioners Hultberg, Don Flinn, John Matthews, Roger Britton, Darwin Saari, and Steve Cottingham. Also present were Land Use Administrator Todd Schreiner, Assistant Cassie Goetz, and Secretary Nancy Leidholm.

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

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

Martin and Ann Green of Bismarck were present to request a variance of the setback requirements of the McLean County Zoning Ordinance for land described as Lot 8A, Brush Lake Community Resort 2nd Addition, located in Wise Township, to allow the construction of a structure closer than the required 15-foot setback from the side lots lines, and 30-feet from the rear lot line, as proclaimed in subsection 4 of section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982, and as amended on March 26, 2020. Schreiner stated that the Wise Township Board was notified by letter with no response. The Greens submitted signatures from neighbors in support of the variance and explained that the existing septic system would be used as well as the existing rural water line. Schreiner stated that the structure will be far enough from the road so as not to cause any blockage in snowy conditions.

Moved by Saari, seconded by Matthews, to recommend approval of the variance to the Board of County Commissioners requested by Martin and Ann Green to allow the construction of a structure closer than the required 15-foot setback from the side lots lines, and 30-feet from the rear lot line, for land described as Lot 8A, Brush Lake Community Resort 2nd Addition. Roll Call Vote: Aye: Flinn, Matthews, Britton, Saari, Cottingham, and Hultberg. Nay: None. Motion carried.

Dustin Maier of Bismarck was present to request a variance of the setback requirements of the McLean County Zoning Ordinance for land described as Lot 10, Brush Lake Community Resort, and Lot 10A, Brush Lake Community Resort 2nd Addition, located in Wise Township, to allow construction of a structure closer than the required 15-foot setback from the side lots lines, closer than 100 feet from the high water mark, and 125 feet from the rural road, as proclaimed in subsection 4 of section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982, and as amended on March 26, 2020. Schreiner reported that Wise Township Chairman Byron Fiedler had visited the site and signed off on it. Maier explained that he would utilize the existing septic holding tank along with the existing rural water line.

Moved by Matthews, seconded by Flinn, to recommend approval of the variance to the Board of County Commissioners requested by Dustin Maier to allow the construction of a structure closer than the required 15-foot setback from the side lots lines, closer than 100 feet from the high water mark, and 125 feet from the rural road, for land described as Lot 10, Brush Lake Community Resort, and Lot 10A, Brush Lake Community Resort 2nd Addition. Roll Call Vote: Aye: Flinn, Matthews, Britton, Saari, Cottingham, and Hultberg. Nay: None. Motion carried.

Tyler and Scarlett Presser of Mercer were present to request approval of a conditional use permit for land described as Outlot A in the NW¼ of Section 11, Township 148 North, Range 79 West, located in Medicine Hill Township and containing 4.62 acres, to construct a non-farm structure on agricultural land. Schreiner stated that he had heard no response from the township. Tyler Presser explained that they would use an existing road and approach to access the property and that First District Health Unit has been contacted in regard to a septic system. Schreiner requested a site plan showing where the house will sit in relation to the road along with a document from Medicine Hill Township showing their setback requirements.

Moved by Cottingham, seconded by Britton, to recommend approval of the conditional use permit to the Board of County Commissioners requested by Tyler and Scarlett Presser for land described as Outlot A in the NW¼ of Section 11, Township 148 North, Range 79 West, to construct a non-farm structure on agricultural land. Roll Call Vote: Aye: Flinn, Matthews, Britton, Saari, Cottingham, and Hultberg. Nay: None. Motion carried.

Levi Jacobson of Bismarck was present to request a variance of the setback requirements of the McLean County Zoning Ordinance for land described as Lot 56, Garrison Creek Cottage, located in St. Mary Township, to allow the construction of 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 Zoning Ordinance as adopted on September 1, 1982, and as amended on March 26, 2020. Schreiner stated that he'd received no response from the township. Jacobson presented signatures from neighbors in support of the variance and explained that he'd be adding on an existing cabin.

Moved by Flinn, seconded by Matthews, to recommend approval of the variance to the Board of County Commissioners requested by Levi Jacobson to allow construction of a structure closer than the required 15-foot setback from the side lots lines for land described as Lot 56, Garrison Creek Cottage. Roll Call Vote: Aye: Flinn, Matthews, Britton, Saari, Cottingham, and Hultberg. Nay: None. Motion carried.

Eric Poppinga of Minot, representing Central Power Electric Cooperative, Inc., was present to request a zoning change from Agricultural to Commercial, to allow construction of a new distribution substation to serve the area, on land described as Oulot A lying in a portion of Government Lot 1 in the NE¼ of Section 5, Township 148 North, Range 84 West, containing 6.84 acres. Poppinga explained that an existing approach on the north side of the property will be used. The substation will be built as a replacement for the existing substation with plenty of room for further expansion, if needed. Poppinga stated that a chain link fence will be placed around the property for security.

Moved by Matthews, seconded by Flinn, to recommend approval of the zoning change from Agricultural to Commercial to the Board of County Commissioners requested by Eric Poppinga, representing Central Power Electric Cooperative, Inc., to construct a new distribution substation to serve the area, on land described as Oulot A lying in a portion of Government Lot 1 in the NE¼ of

Section 5, Township 148 North, Range 84 West. Roll Call Vote: Aye: Flinn, Matthews, Britton, Saari, Cottingham, and Hultberg. Nay: None. Motion carried.

Don Streifel of Washburn; Water Board representative Lynn Oberg; Tami Norgard of Vogel Law Firm, Fargo; Kip Kovar of Garrison Diversion Conservancy District (GDCD), Carrington; and Cory Chorne and Todd Norton of AE2S, Bismarck; joined the meeting.

GDCD District Engineer, Kip Kovar, was present on behalf of GDCD to request a zoning change from Agricultural to Commercial, to allow construction of a new raw water intake caisson and pump station and appurtenances for the Red River Valley Water Supply Project, on land described as Outlot B, lying in the SW¼NW¼ of Section 5, Township 143 North, Range 81 West, owned by D&L Streifel Homesteads, LLLP. Kovar explained that the project is to provide water to the Red River Valley as well as central North Dakota, adding that 49% of North Dakota's population lives in the service area. Cory Chorne of AE2S provided drawings illustrating the site location north of Painted Woods Creek as well as the specs for the project. Kovar stated that the project will likely begin in the spring of 2021 with a completion date 10 to 12 years down the road. Discussion followed regarding the minimum maintenance road to the property.

Moved by Flinn, seconded by Matthews, to recommend approval of the zoning change from Agricultural to Commercial to the Board of Commissioners requested by Kip Kovar of GDCD to allow construction of a new raw water intake caisson and pump station and appurtenances for the Red River Valley Water Supply Project, on land described as Outlot B, lying in the SW¼NW¼ of Section 5, Township 143 North, Range 81 West. Roll Call Vote: Aye: Flinn, Matthews, Britton, Saari, Cottingham, and Hultberg. Nay: None. Motion carried.

There being no further business the Chairperson declared the meeting adjourned at 2:30 p.m.

Richard Hultberg, Chairperson

Nancy Leidholm, Secretary