

**Planning & Zoning Commission Proceedings**  
**Monday, May 20, 2024**

Chairperson Richard Hultberg opened the meeting at 1:35 p.m. Present were Commissioners Hultberg, Don Simon, Donald Flinn, Darwin Saari, Steve Cottingham and John Matthews. Also present were Land Use Administrator Todd Schreiner; Deputy Auditor Diane L. Blumhagen; Glenn and Judy Boyko; Dave Abel; Erik Wagner; Marcus Matthews; Jon Price; and Joey Harris.

Schreiner presented an application submitted by Sundre Sand & Gravel, Inc, Minot, ND, on behalf of landowners Glenn G. and Judy S. Boyko, requesting approval of a Conditional Use Permit involving land located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 16, Horseshoe Valley Township. The above-named applicant seeks approval of a Conditional Use Permit to expand the existing sand and gravel pit for mining, processing, and selling of sand and gravel products.

Sundre Sand & Gravel representative Dave Abel discussed taking over the existing pit. He stated an archeological study has been completed and a road haul agreement is in place with the Highway Department. Schreiner stated that a letter had been sent to Horseshoe Valley Township with no response back. Abel also stated that hauling will only be during summer months and existing roads and approaches will be utilized. A license bond is in place issued from Great American Insurance Company for Land Reclamation on the property in the amount of \$100,000.00.

Moved by Matthews, seconded by Simon, to recommend approval to the Board of County Commissioners the request submitted by Sundre Sand & Gravel, Inc, Minot, ND, on behalf of landowners Glenn G. and Judy S. Boyko, requesting approval of a Conditional Use Permit involving land located in the W $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 16, Horseshoe Valley Township. Roll Call Vote: Aye: Simon, Saari, Flinn, Matthews, Cottingham and Hultberg. Nay: None. Motion carried.

State's Attorney Ladd Erickson joined the meeting.

Mitchell R. Torgeson joined via telephone.

Schreiner presented an application submitted by Mitchell R. Torgeson, of Bismarck, ND, requesting approval of a variance involving land located in Lot 24, Larson's Subdivision, Wise Township. The above-named applicant seeks a variance to allow the construction of a structure closer than the required 15 feet from the side lot line, as proclaimed in Subsection 6 of Section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and amended on May 24, 2022.

Schreiner stated that a letter had been sent to Wise Township with no response back and signatures had been received from the surrounding neighbors. Torgeson stated that he will be building a storage unit with living quarters. Torgeson also stated the existing approach will be utilized and the current septic system was being assessed by First District to determine if a new one is necessary.

Moved by Flinn, seconded by Simon, to recommend approval to the Board of County Commissioners the request submitted by Mitchell R. Torgeson, of Bismarck, ND, requesting approval of a variance involving land located in Lot 24, Larson's Subdivision, Wise Township. Roll Call Vote: Aye: Simon, Saari, Flinn, Matthews, Cottingham and Hultberg. Nay: None. Motion carried.

Schreiner presented an application submitted by Marcus Matthews, whose post office address is Garrison, ND, requesting approval of a variance involving land located in Lot 26 Replat, Totten Trail Cottage Site, Snow Township. The above-named applicant seeks a variance to allow the construction of a structure closer than the required 15 feet from the side lot line, as proclaimed in Subsection 6 of section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and amended on May 24, 2022.

Marcus Matthews stated he would like to build a garage in the backyard utilizing the existing approach. Schreiner stated that a letter was sent to Snow Township and signatures have been received from the surrounding neighbors.

Moved by Flinn, seconded by Simon to recommend approval to the Board of County Commissioners the request submitted by Marcus Matthews, whose post office address is Garrison, ND, requesting approval of a variance involving land located in Lot 26 Replat, Totten Trail Cottage Site, Snow Township. Roll Call Vote: Aye: Simon, Saari, Flinn, Cottingham and Hultberg. Abstained: Matthews. Nay: None. Motion carried.

Schreiner presented a request for a zoning change submitted by Rainbow Energy Center, LLC, whose post office address is Bismarck, ND, involving land described as S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ , and N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 18, Township 145 North, Range 82 West, containing 50 acres. The above-named applicant seeks a zoning change to allow for continued use of generation in McLean County. This would consist of a return transmission line for wind/renewable infrastructure, as well as growth of the data footprint of the facility utilizing partners that have an interest in AI, cloud computing, and other computing purposes.

Rainbow Energy representative Jon Price stated the request is to prepare additional infrastructure to expand operations in addition to power management. Dirt is being brought in to build up the approach and the site will be secured with a fence and badge access. All adjoining neighbors have been contacted to ensure that agricultural land is protected as the parcel was designed to do. Schreiner stated that the land is currently zoned as agriculture and would stay as such until rezoned to commercial next February. Schreiner stated that the Water Board has not addressed any problems with the project.

Moved by Matthews, seconded by Simon, to recommend approval to the Board of County Commissioners the request for a zoning change submitted by Rainbow Energy Center, LLC, whose post office address is Bismarck, ND, involving land described as the S $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ , and N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 18, Township 145 North, Range 82 West, containing 50 acres. Roll Call Vote: Aye: Simon, Saari, Flinn, Matthews, Cottingham and Hultberg. Nay: None. Motion carried.

There being no further business, the chairperson declared the meeting adjourned at 2:04 p.m.

\_\_\_\_\_  
Richard Hultberg, Chairperson

\_\_\_\_\_  
Diane L. Blumhagen, Deputy Auditor