

**Planning & Zoning Commission Proceedings**  
**Monday, June 20, 2022**

Chairperson Richard Hultberg opened the meeting at 1:30 p.m. Present were Commissioners Hultberg, Don Simon, Donald Flinn, and John Matthews. Also present were Land Use Administrator Todd Schreiner; Property Assessor Elizabeth Patterson; Deputy Auditor Diane L. Blumhagen; Gene and Sharon Larson; Gary and Laurie Larson; Sue and Al Schock; Bill Pedersen; Jerry Traub; Dan and Lindsay Hoff; Aaron and Shelly Fuller; DuWayne Heid; Chris Heid; Jason Petryszyn; Landon Niemiller; DeeAnn Lowry; and Denise and Jerry Hauff. Absent was Darwin Saari and County Commissioner Steve Cottingham.

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

Patterson presented an application submitted by DeeAnn M. Lowry, of Garrison, ND, requesting approval of a Conditional Use Permit involving land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 16, Township 148 North, Range 86 West, more specifically identified as Outlot B (1.58 acres). The above-named applicant seeks approval of a conditional use permit to construct a non-farm structure on agricultural land.

DeeAnn explained that she wants to build a house on the property utilizing the existing approaches and roads. Discussion followed.

Commissioner Darwin Saari joined the meeting.

Moved by Matthews, seconded by Simon, to recommend approval to the Board of County Commissioners the request submitted by DeeAnn M. Lowry, of Garrison, ND, requesting approval of a Conditional Use Permit involving land located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 16, Township 148 North, Range 86 West, more specifically identified as Outlot B (1.58 acres). Roll Call Vote: Aye: Simon, Flinn, Saari, Matthews, and Hultberg. Nay: None. Absent and not voting: Cottingham. Motion carried.

Patterson presented an application submitted by Daniel and Lindsay Hoff, of Washburn, ND, requesting approval of a Conditional Use Permit involving land located in Government Lot 5 of Section 6, Township 144 North, Range 81 West, more specifically identified as Outlot A (3.64 acres). The above-named applicant seeks approval of a conditional use permit to construct a non-farm structure on agricultural land.

Dan explained that a single family house with attached garage will be constructed, and an approach will need to be completed. Schreiner explained that the Highway Department will need to approve the approach when completed. Discussion followed.

Moved by Flinn, seconded by Simon, to recommend approval to the Board of County Commissioners the request submitted by Daniel and Lindsay Hoff, of Washburn, ND, requesting approval of a Conditional Use Permit involving land located in Government Lot 5 of Section 6, Township 144 North, Range 81 West, more specifically identified as Outlot A (3.64 acres). Roll Call Vote: Aye: Simon, Flinn, Saari, Matthews, and Hultberg. Nay: None. Absent and not voting: Cottingham. Motion carried.

Patterson presented a variance request submitted by Gene and Sharon Larson, whose post office address is York, ND, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located on Lot 4 of Lee's Point 2<sup>nd</sup> 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 lines, 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.

Gene explained that a pole shed building will be constructed for storage. Patterson stated that a letter has been sent to Wise Township, and letters of approval have been received by lot owners on each side of the Larson lot. Discussion followed.

Moved by Simon, seconded by Matthews, to recommend approval to the Board of County Commissioners the request submitted by Gene and Sharon Larson, whose post office address is York, ND, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located on Lot 4 of Lee's Point 2<sup>nd</sup> Subdivision (Wise Township). Roll Call Vote: Aye: Simon, Flinn, Saari, Matthews, and Hultberg. Nay: None. Absent and not voting: Cottingham. Motion carried.

Patterson presented a request for zoning change submitted by Discovery Wind, LLC, whose post office address is Charlottesville, VA, involving land described as the NW portion of the NW $\frac{1}{4}$  of Section 33, Township 145 North, Range 80 West, of McLean County. 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, 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.

Bill Pedersen from Apex Clean Energy discussed the operation briefly stating that installation will take less than a day as the structure is temporary and will be held in place by guidewires.

Moved by Simon, seconded by Matthews, to recommend approval to the Board of County Commissioners the request submitted by Discovery Wind, LLC, whose post office address is Charlottesville, VA, involving land described as the NW portion of the NW $\frac{1}{4}$  of Section 33, Township 145 North, Range 80 West, of McLean County. Roll Call Vote: Aye: Simon, Flinn, Saari, Matthews, and Hultberg. Nay: None. Absent and not voting: Cottingham. Motion carried.

Patterson presented a request for zoning change submitted by Discovery Wind, LLC, whose post office address is Charlottesville, VA, involving land described as the NE portion of the SE $\frac{1}{4}$  of Section 9, Township 143 North, Range 80 West, of McLean County. 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, 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.

Moved by Matthews, seconded by Simon, to recommend approval to the Board of County Commissioners the request submitted by Discovery Wind, LLC, whose post office address is Charlottesville, VA, involving land described as the NE portion of the SE $\frac{1}{4}$  of Section 9, Township 143 North, Range 80 West, of McLean County. Roll Call Vote: Aye: Simon, Flinn, Saari, Matthews, and Hultberg. Nay: None. Absent and not voting: Cottingham. Motion carried.

Patterson presented an application submitted by the Louise M. Markert Trust, whose post office address is Shoreline, WA, requesting approval of a subdivision plat involving land located in the NE $\frac{1}{4}$  of Section 36, St. Mary Township, of McLean County. The

above-named applicant seeks approval of a subdivision plat to develop a 21-lot rural residential subdivision to be known as Pleasant Point Subdivision.

DuWayne Heid explained that the subdivision will contain two-acre lots for residential or seasonal homes. The existing property contains 40 acres of crop land and 40 acres of grassland. Heid explained that the cropland has been planted this year, but next year it will be seeded with rye and grass seed mix to minimize the weed control. Heid explained that this is the first of two phases, with the second phase consisting of 11 lots. Schreiner explained that all utilities will be provided to the subdivision and street signs will be paid for by the developers. Schreiner explained that once roads are constructed, the Highway Department will need to approve. Schreiner also stated that St. Mary Township and the current owner of the land have been contacted. The Water Resource Board also has visited the site.

Cabin owners from neighboring developments addressed the commissioners regarding their concerns of the roads. Discussion followed.

Moved by Matthews, seconded by Flinn, to recommend approval to the Board of County Commissioners the request submitted by the Louise M. Markert Trust, whose post office address is Shoreline, WA, requesting approval of a subdivision plat involving land located in the NE¼ of Section 36, St. Mary Township, of McLean County. Roll Call Vote: Aye: Simon, Flinn, Saari, Matthews, and Hultberg. Nay: None. Absent and not voting: Cottingham. Motion carried.

Patterson presented an application submitted by Aaron Fuller, whose post office address is Garrison, ND, requesting approval of a subdivision plat involving land located in the NE¼NW¼ of Section 29, Township 148 North, Range 84 West, of McLean County. The above-named applicant seeks approval of a subdivision plat to develop a 21-lot rural residential subdivision to be known as De Trobriand Bay Estates.

Aaron explained that the subdivision will consist of lots ranging from one and a half acres to three acres. All utilities will be provided and the land currently consists of grass and trees. He said that Nygard Construction will construct the road. Schreiner explained that the Highway Department will need to approve the road once constructed. The Water Resource Board has reviewed the area and the roads will be the responsibility of the home owners association. Discussion followed.

Moved by Simon, seconded by Saari, to recommend approval to the Board of County Commissioners the request submitted by Aaron Fuller, whose post office address is Garrison, ND, requesting approval of a subdivision plat involving land located in the NE¼NW¼ of Section 29, Township 148 North, Range 84 West, of McLean County. Roll Call Vote: Aye: Simon, Flinn, Saari, Matthews, and Hultberg. Nay: None. Absent and not voting: Cottingham. Motion carried.

There being no further business, the chairperson declared the meeting adjourned at 2:29 p.m.

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Richard Hultberg, Chairperson

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Diane L. Blumhagen, Deputy Auditor