

McLean County Planning & Zoning and McLean County Commission Proceedings – Joint Special Meeting
Tuesday, April 18, 2022
Underwood City Hall

The joint special meeting of the Planning & Zoning Commission and the County Commission was called to order at 7:00 p.m. by Planning & Zoning Chairperson Richard Hultberg and County Commission Chairperson Steve Lee. Present were Planning & Zoning (P & Z) Commissioners Hultberg, Glenn Earl, Don Flinn, Don Simon, Darwin Saari, County Commissioner Steve Cottingham; and County Commissioners Lee, Cottingham, and Barry Suydam. Also present were State's Attorney Ladd Erickson; Auditor Beth A. Knutson; Tax Director Todd Schreiner; Property Appraiser Elizabeth Patterson; Deputy Auditor Diane L. Blumhagen; McLean County Water Board Member Lynn Oberg; Mercer County Commissioner Marvin Schwehr; Chad Gravseth of Ottertail Power Company; Danna Bossert; Robert Bossert III; Apex Clean Energy representatives Bill Pedersen, Drew Christensen, and Sean Stocker; Gene Wirtz; George Sheldon; Robert Tweeten; Chad Tweeten; Dan Gefroh; Wesley Neumiller; Rick Neumiller; John Phillips; Kevin Patrick; Marvin Neumiller; Cory Neumiller; Petrus Van Rooyen; Bill Kuehn; Laurie Kuehn; M. Herdt; Art Ziemann; D. Gradin; John Franssen; Don Streifel; David Straley; Rachel Retterath; Mike Heger; Jeremy Wirtz; Tim Saylor; Steven Heger; Ben Heger; Cody Lorentzen; Joel Neumiller; Clinton Tweeten; Karen Hanson; Richard Hanson; Todd Goven; and Ben Goven. Absent was P & Z Commissioner John Matthews.

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

Patterson presented an application submitted by Danna and Robert Bossert III, of Minot, ND, requesting approval of a variance of the setback requirements involving land described at Lot 4B, Crooked Lake Subdivision, Township 148, Range 80. The above-named applicant seeks a variance to allow the construction of a structure closer than the required 25 feet from the front lot line.

Robert Bossert III stated the lot is wider in the back of the lot and narrows to the front of the lot line. He further stated there would not be any drainage issues and that the residence will mainly be used in the summer months. Letters of approval have been received by lot owners on each side of the Bossert lot.

Moved by Flinn, seconded by Simon, to recommend approval to the Board of County Commissioners the request submitted by Danna and Robert Bossert III, of Minot, ND, requesting approval of a variance of the setback requirements involving land described as Lot 4B, Crooked Lake Subdivision, Township 148, Range 80. Roll Call Vote: Aye: Earl, Flinn, Simon, Saari, Cottingham, and Hultberg. Nay: None. Absent and not voting: Matthews. Motion carried.

Patterson presented an application submitted by Otter Tail Power Company, of Devils Lake, ND, requesting approval of a zoning change involving land described as Lot 1 of Outlot B in SE¼ of Section 22, Township 145 North, Range 82 West, of McLean County, consisting of 0.997 acres. The above-named applicant seeks a zoning change to allow the construction of a new electrical substation to serve the area.

Gravseth stated existing roads would be utilized and the area around the substation would be fenced.

Cammie Wright of NorDak North Publishing joined the meeting.

Moved by Saari, seconded by Simon, to recommend approval to the Board of County Commissioners the request submitted by Otter Tail Power Company, of Devils Lake, ND, requesting approval of a zoning change involving land described as Lot 1 of Outlot B in SE¼ of Section 22, Township 145 North, Range 82 West, of McLean County, consisting of 0.997 acres. Roll Call Vote: Earl, Flinn, Simon, Saari, Cottingham, and Hultberg. Nay: None. Absent and not voting: Matthews. Motion carried.

The purpose of this evening's joint board meeting is to review the proposed revisions to the McLean County Zoning Ordinance with a possible recommendation from the County P & Z Board to the County Commission. Additionally the County Commission may take action on any recommendations received from the County P & Z Board.

Schreiner introduced McLean County State's Attorney Ladd Erickson and asked him to present the proposed zoning amendments. Erickson explained that it is better to conduct a joint meeting when there is a lot of public interest in a particular subject so the people that are interested in testifying don't have to testify twice. Erickson thanked those that assisted him in compiling the verbiage of the proposed amendments.

Erickson discussed the first proposed change regarding Section 2.3 General Subdivision information, and requested support of the provisions as written for Subdivision Zoning rules, to help utility companies plan for bringing utilities to the area affected.

Erickson discussed the next proposed change regarding Section 2.4.1 Topographic Data. This section consisted of verbiage updates.

Erickson discussed the next proposed change regarding Section 6.5.1 Electrical Power Transmission Lines and Moratorium Rights, with the amendments that he suggested the commission adopts.

Erickson went on to discuss the next proposed change regarding Section 6.5.3 Chemical Fertilizer Plants, Coal Gasification Plants, Electrical Power Generating Plants, (Except Wind or Solar Generators), Refineries and Petrochemical Plants. This section consisted of updates to the verbiage that wasn't necessary.

Erickson then discussed the last proposed change regarding Section 6.5.11 Wind and Solar Energy Facilities. This section consisted of verbiage updates.

Erickson stated that he would take any questions and with none being heard he turned the meeting back to the Commissions. P & Z Chairperson Hultberg opened the discussion to the crowd. Gene Wirtz, of Underwood, ND, addressed the commission with his concerns regarding Section 6.5.11 Wind and Solar Energy Facilities. Erickson addressed the questions from Wirtz.

Bill Pedersen from Apex Clean Energy addressed the room regarding the proposed verbiage in 6.5.11 Wind and Solar Energy Facilities. Explaining the revenue potential that could possibly be given to individual school districts, individual ambulance and fire districts, and potential direct land owner payments.

Moved by Simon, seconded by Flinn, to recommend acceptance of the proposed changes to the McLean County Zoning Ordinance to the Board of County Commissioners. Roll Call Vote: Aye: Earl, Flinn, Simon, Saari, Cottingham, and Hultberg. Nay: None. Absent and not voting: Matthews. Motion carried.

Schreiner requested the Board of County Commission approve the first portion regarding Section 2.3 General Subdivision Information, and anything regarding Electrical and Wind be tabled due to revisions being made on those verbiages. Erickson requested tabling action on all of the amendments and presenting all sections to the Board of County Commission when the proposed revisions have been made. County Commission Chairperson Lee requested keeping all of the proposed provision together.

Moved by Suydam, seconded by Cottingham, to table action on the proposed revision changes to the McLean County Zoning Ordinance until May 3, 2022, at 9:30 a.m. Discussion followed. Roll Call Vote: Aye: Cottingham, Suydam, and Lee. Nay: None. Motion carried.

There being no further business, the County Commission Chairperson Lee declared the joint meeting adjourned at 8:19 p.m. until the next regularly scheduled meeting on Tuesday, April 19, 2022. The commission minutes and agenda can be found on the county website at <http://www.mcleancountynd.gov>.

Steve Lee, County Commission Chairperson

Diane L. Blumhagen, Deputy Auditor

Richard Hultberg, P & Z Chairperson