

**Planning & Zoning Commission Proceedings
Monday, June 16, 2025**

Chairperson Richard Hultberg opened the meeting at 1:30 p.m. Present were Commissioners Hultberg, Don Simon, Don Flinn, John Matthews, Darwin Saari, Courtney Adams; and County Commissioner Curt Olson. Also present were Land Use Administrator Todd Schreiner; Administrative Assistant Lynda Snyder; Diane Matzke; Corwin Aaseth; Les Petersen; Geoff Simon; Austin Magruder; LaRinda Bruhn; Kyle Schmidt; Chris Magruder; Logan Backman; Debra Keller; Jessica Bell; Jonathan Price; Alyson Teigen; Rachel Retterath; Jody Demars; and Tadd Demars.

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

Schreiner presented an application for a variance submitted by Chad M. & Debra L. Keller, whose post office address is Surrey, North Dakota, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located in Lot 54, Garrison Creek Cottage Site, St. Mary Township. The above-named applicants seek a variance to allow the construction of a structure closer than 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 as amended on May 24, 2022.

Keller stated that they are moving in a stick-built home and removing the double wide currently on the property and that the wrap around deck on the home is the reason for the variance request. She also stated that they have rural water and the current septic system will be adequate for the new home. Schreiner stated that a letter was sent to the township with no response back. Discussion followed.

Moved by Simon, seconded by Saari, to recommend approval to the Board of County Commissioners the application submitted by Chad M. & Debra L. Keller, whose post office address is Surrey, North Dakota, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located in Lot 54, Garrison Creek Cottage Site, St. Mary Township. Roll Call Vote: Aye: Simon, Flinn, Matthews, Hultberg, Saari, Olson, and Adams. Nay: None. Motion carried.

Schreiner presented an application submitted by Christopher P. & April L. Magruder, Garrison, North Dakota, requesting approval of a subdivision plat involving land located in a portion of Govt Lot 1 of Section 18, Snow Township. The above-named applicants seek approval of a subdivision plat to develop a 2-lot rural residential subdivision to be known as Lots 1 & 2 Custer Mine Subdivision.

Magruder stated that they are adding the necessary road for access to the subdivision and an eighteen-inch culvert. He also stated that the standard county covenants will be imposed. Schreiner stated that all utilities have been approved and two letters of support were received from Snow Township. Discussion followed.

Moved by Matthews, seconded by Olson, to recommend approval to the Board of County Commissioners the application submitted by Christopher P. & April L. Magruder, Garrison, North Dakota, requesting approval of a subdivision plat involving land located in a portion of Govt Lot 1 of Section 18, Snow Township. The above-named applicants seek approval of a subdivision plat to develop a 2-lot rural residential subdivision to be known as Lots 1 & 2 Custer Mine Subdivision. Roll Call Vote: Aye: Simon, Flinn, Matthews, Hultberg, Saari, Olson, and Adams. Nay: None. Motion carried.

Schreiner presented an application submitted by Corwin L. & Sheena L. Aaseth of Garrison, North Dakota, requesting approval of a conditional use permit involving land located in Outlot A in Govt Lot 2, Section 18, Township 144 North, Range 81 West. The above-named applicants seek approval of a conditional use permit to construct a non-farm structure on agricultural land.

Aaseth stated that a manufactured home will be moved on to the property and a breezeway to the garage will be constructed. He also stated that the existing approach will be utilized. Aaseth stated that the property has access to McLean Sheridan rural water and McLean Electric and First District Health has signed off on it. Discussion followed.

Moved by Simon, seconded by Olson, to recommend approval to the Board of County Commissioners the application submitted by Corwin L. & Sheena L. Aaseth of Garrison, North Dakota, requesting approval of a conditional use permit involving land located in Outlot A in Govt Lot 2, Section 18, Township 144 North, Range 81 West. The above-named applicants seek approval of a conditional use permit to construct a non-farm structure on agricultural land. Roll Call Vote: Aye: Simon, Flinn, Matthews, Hultberg, Saari, Olson, and Adams. Nay: None. Motion carried.

Schreiner presented an application for a variance submitted by Tadd & Jody Demars, whose post office address is Minot, North Dakota, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located in Lot 6, Paradise Retreat, Horseshoe Valley Township. The above-named applicants seek a variance to allow the construction of a structure closer than 15 feet from the side lot lines, as proclaimed in subsection 6 of section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on May 24, 2022.

Demars stated that the existing cabin is being torn down and replaced with a prebuilt home. Schreiner stated that they received no response back from the letters sent to the township and approval was received from property owners on each side. Discussion followed.

Moved by Simon, seconded by Adams, to recommend approval to the Board of County Commissioners the application submitted by Tadd & Jody Demars, whose post office address is Minot, North Dakota, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located in Lot 6, Paradise Retreat, Horseshoe Valley Township. The above-named applicants seek a variance to allow the construction of a structure closer than 15 feet from the side lot lines, as proclaimed in subsection 6 of section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on May 24, 2022. Roll Call Vote: Aye: Simon, Flinn, Matthews, Hultberg, Saari, Olson, and Adams. Nay: None. Motion carried.

Schreiner presented an application for a variance submitted by Kyle Schmidt (Gaylin Schmidt, landowner), whose post office address is Minot, North Dakota, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located in Lot 10R, Slaters Resort Replat, Otis Township. The above-named applicant seeks a variance to allow the construction of a structure closer than 15 feet from the side lot lines, as proclaimed in subsection 6 of section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on May 24, 2022.

Schmidt stated that they are demolishing the current home and moving in a new home the third week in July. He also stated that the property has a septic system and no approach work will be needed. Discussion followed.

Moved by Simon, seconded by Adams, to recommend approval to the Board of County Commissioners the application submitted by Kyle Schmidt (Gaylin Schmidt, landowner), whose post office address is Minot, North Dakota, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located in Lot 10R, Slaters Resort Replat, Otis Township. The above-named applicant seeks a variance to allow the construction of a structure closer than 15 feet from the side lot lines, as proclaimed in subsection 6 of section 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on May 24, 2022. Roll Call Vote: Aye: Simon, Flinn, Matthews, Hultberg, Saari, Olson, and Adams. Nay: None. Motion carried.

Schreiner presented an application for a variance submitted by Leslie Petersen, whose post office address is Minot, North Dakota, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located in Lot 10, Severson Resort, Otis Township. The above-named applicant seeks a variance to allow the construction of a structure closer than 15 feet from the side lot line and 30 feet from the rear 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 as amended on May 24, 2022.

Petersen stated that the current trailers on the property are being removed and a cabin is being built. He also stated that they have holding tanks and will be drilling their own well. He stated that first District has been contacted. Schreiner stated that letters were sent to the township with no response back. Discussion followed.

Moved by Simon, seconded by Olson, to recommend approval to the Board of County Commissioners the application submitted by Leslie Petersen, whose post office address is Minot, North Dakota, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located in Lot 10, Severson Resort, Otis Township. The above-named applicant seeks a variance to allow the construction of a structure closer than 15 feet from the side lot line and 30 feet from the rear 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 as amended on May 24, 2022. Roll Call Vote: Aye: Simon, Flinn, Matthews, Hultberg, Saari, Olson, and Adams. Nay: None. Motion carried.

States Attorney Ladd Erickson joined the meeting.

Erickson presented and discussed the prior commitments the Board of Commissioners agreed to when Rainbow Energy was allowed to construct a new energy park. Discussion followed.

Schreiner presented an application for a zoning change submitted by Rainbow Energy Center, LLC, whose post office address is Bismarck, North Dakota, involving land described as the N½ of Section 13 Township 145 North, Range 83 West and the N½ of Section 18, and SW¼ of Section 18, Township 145 North, Range 82 West (800 acres). The above-named applicant seeks a zoning change from an agricultural land classification to commercial to allow for the continued use of generation in McLean County. This land will provide a commercial zone to be divided into outlots for data centers or other commercial business that will be constructed after obtaining any required building permits from the County. McLean County reserves the right to deny commercial activity on this land if adequate fire

protection or suppression for the activity cannot be provided, and the County may prohibit any on-site waste storage or disposal that requires Department of Environmental Quality permitting.

Price stated that Rainbow Energy Center intends to use as many of the 800 acres as possible with up to 200 megawatts of power used from the substation. It is not known whether the power will be transmitted overhead or underground. He also stated that the land is unmined and there will be no wetland impacts. Discussion followed.

Moved by Simon, seconded by Adams, to recommend approval to the Board of County Commissioners the application submitted by Rainbow Energy Center, LLC, whose post office address is Bismarck, North Dakota, involving land described as the N½ of Section 13 Township 145 North, Range 83 West and the N½ of Section 18, and SW¼ of Section 18, Township 145 North, Range 82 West (800 acres). The above-named applicant seeks a zoning change from an agricultural land classification to commercial to allow for the continued use of generation in McLean County. This land will provide a commercial zone to be divided into outlots for data centers or other commercial business that will be constructed after obtaining any required building permits from the County. McLean County reserves the right to deny commercial activity on this land if adequate fire protection or suppression for the activity cannot be provided, and the County may prohibit any on-site waste storage or disposal that requires Department of Environmental Quality permitting. Roll Call Vote: Aye: Simon, Flinn, Matthews, Hultberg, Saari, Olson, and Adams. Nay: None. Motion carried.

There being no further business, the chairperson declared the meeting adjourned at 2:35 p.m.

Richard Hultberg, Chairperson

Lynda Snyder, Administrative Assistant