

Planning & Zoning Commission Proceedings

Monday, August 19, 2024

Chairperson Richard Hultberg opened the meeting at 1:30 p.m. Present were Commissioners Hultberg, Don Simon, John Matthews, Darwin Saari, and County Commissioner Steve Cottingham. Also present were Land Use Administrator Todd Schreiner; Assistant Director of Tax Equalization Elizabeth Patterson; Administrative Assistant Lynda Snyder; Jami DeCent; Doug Naze; Michael Estvold; Troy Matthiason; Jesse Johansen; Pat Brunelle; Jenny Rubert; Jerry Leim; James Schumann, Larry Gessele; Kathy Gessele; Ann Middleider; and John Middleider. Absent were Commissioners Don Flinn and Courtney Adams.

Moved by Matthews, seconded by Simon, to approve the minutes from June 17, 2024 and July 15, 2024. Roll Call Vote: Aye: Simon, Matthews, Cottingham, Saari, and Hultberg. Nay: None. Absent and not voting: Flinn and Adams. Motion carried.

Glenn Schlichting, son of George and Bernice Schlichting, joined via telephone.

Patterson presented a modification of the approved subdivision plat known as Schlichting's Third Subdivision located in parts of the $W\frac{1}{2}W\frac{1}{2}$ of the $SE\frac{1}{4}$, the $W\frac{1}{2}E\frac{1}{2}W\frac{1}{2}$ of the $SE\frac{1}{4}$, and part of Government Lot 3, of Section 32, St. Mary Township. The request for modification, submitted by George and Bernice Schlichting, whose post office address is Garrison, ND, seeks to change the original 22-lot rural residential subdivision plat to a 7-lot subdivision to be known as Block 1 of Schlichting's Third Subdivision.

Glenn stated that issues with rural water have prompted this modification reducing the number of lots from 22 to 7. Discussion followed. Schreiner stated the covenants will need to be changed. Once completed by David Lindell's office, the modifications will be compared to the original and will be brought to the board for approval, if deemed necessary. Hultberg inquired about lot sizes and location of the remaining lots. Schlichting stated that the lots will be the same size and continuous, not spread out. Discussion followed.

Moved by Matthews, seconded by Simon, to recommend approval to the Board of County Commissioners the request submitted by George and Bernice Schlichting to modify the approved subdivision plat known as Schlichting's Third Subdivision located in parts of the $W\frac{1}{2}W\frac{1}{2}$ of the $SE\frac{1}{4}$, the $W\frac{1}{2}E\frac{1}{2}W\frac{1}{2}$ of the $SE\frac{1}{4}$, and part of Government Lot 3, of Section 32, St. Mary Township to Block 1 of Schlichting's Third subdivision. Roll Call Vote: Aye: Simon, Matthews, Cottingham, Saari, and Hultberg. Nay: None. Absent and not voting: Flinn and Adams. Motion carried.

Patterson presented an application submitted by Douglas and Lori Naze of Surrey, ND, on behalf of landowners Kenneth and Patricia Saylor, requesting approval of a Conditional Use Permit involving land located in Outlot B in $SE\frac{1}{4}SE\frac{1}{4}$ of Section 30, Township 149 North, Range 84 West. The above-named applicants seek approval of a Conditional Use Permit to construct a non-farm structure on agricultural land.

Naze stated his intent to build a single-family dwelling. The approach has been approved by McGinnis Township. Lot lines have been surveyed and the outlot has been recorded. Discussion followed. Hultberg mentioned contacting First District Health. Schreiner stated that the procedure has changed and the Tax Director's office should be contacted and they will reach out to First District Health on behalf of the applicant. Naze was not aware of the change in procedure and had already contacted First District Health for this application. Discussion followed.

Moved by Simon, seconded by Saari, to recommend approval to the Board of County Commissioners the request submitted by Douglas and Lori Naze of Surrey, North Dakota, requesting approval of a Conditional Use Permit involving land located in Outlot B in $SE\frac{1}{4}SE\frac{1}{4}$ of Section 30, Township 149 North, Range 84 West. Roll Call Vote: Aye: Simon, Matthews, Cottingham, Saari, and Hultberg. Nay: None. Absent and not voting: Flinn and Adams. Motion carried.

Patterson presented an application submitted by Patrick and Dawn Brunelle, whose post office address is Bismarck, North Dakota, requesting approval of a variance involving land located in Lot 21, Crooked Lake Subdivision, Township 148 North, Range 80 West. 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 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on May 24, 2022.

Brunelle stated that the existing mobile home is being replaced with a new double wide and that his neighbor signed off on variance. Discussion followed. Brunelle also was not aware of the change to procedure and had contacted First District Health for this application.

Moved by Matthew, seconded by Simon, to recommend to the Board of County Commissioners the request submitted by Patrick and Dawn Brunelle, whose post office address is Bismarck, ND, requesting approval of a variance involving land located in Lot 21, Crooked Lake Subdivision, Township 148 North, Range 80 West. Roll Call Vote: Aye: Simon, Matthews, Cottingham, Saari, and Hultberg. Nay: None. Absent and not voting: Flinn and Adams. Motion carried. Discussion followed.

Water Board members Lynn Oberg and Shannon Jeffers joined meeting.

Patterson presented an application submitted by Jami DeCent, whose post office address is Minot ND, requesting approval of a variance involving land located in Lot 7, Berget Subdivision, Township 148 North, Range 80 West. The above-named applicant seeks a variance to allow the construction of a structure closer than 15 feet from the side lot line, as proclaimed in Subsection 6 of 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on May 24, 2022.

DeCent stated that he planned to construct a garage within 5 feet of the side lot line. The neighbor signed off on the variance.

Moved by Simon, seconded by Matthews, to recommend approval to the Board of County Commissioners the request submitted by Jami DeCent, whose post office address is Minot, ND, requesting approval of a variance involving land located in Lot 7, Berget Subdivision, Township 148 North, Range 80 West. Roll Call Vote: Aye: Simon, Flinn, Matthews, Cottingham, Saari, and Hultberg. Nay: None. Absent and not voting: Flinn and Adams. Motion carried.

Patterson presented an application submitted by Estvold Properties, LLLP, whose post office address is Parshall, North Dakota, requesting approval of a variance involving land located in Lot 3, Deepwater Creek Cabin Site, Township 149 North, Range 90 West. 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 Subsections 6 and 7 of 5.2.4 of the revised McLean County Zoning Ordinance as adopted on September 1, 1982 and as amended on May 24, 2022.

Estvold stated that they will be replacing an existing stick-built structure with a manufactured home. Estvold has received approval of the Corps of Engineers and the neighbors. The existing septic system will be used. Discussion followed.

Moved by Simon, seconded by Saari, to recommend approval to the Board of County Commissioners the request submitted by Estvold Properties, LLLP, whose post office address is Parshall, ND, requesting approval of a variance involving land located in Lot 3, Deepwater Creek Cabin Site, Township 149 North, Range 90 West. Roll Call Vote: Aye: Simon, Matthews, Cottingham, Saari, and Hultberg. Nay: None. Absent and not voting: Flinn and Adams. Motion carried.

Patterson presented an application submitted by Strata Corporation, Grand Forks, North Dakota, on behalf of landowners Gerald and Charlene Lelm, requesting approval of a Conditional Use Permit involving land located in the S½NE¼ less Outlots A & B and the N½SW¼ of Section 14, Township 145 North, Range 79 West, containing 79 Acres. The above-named applicant seeks approval of a Conditional Use Permit to operate a sand and gravel pit for mining, processing and selling of sand and gravel products.

Jesse Johansen, representative of Strata, stated that two mining areas are being proposed to produce sand, rock and gravel products for local markets. One area will be mined at a time. Once exhausted, this area will be reclaimed before moving on to the second mining area. Johansen also pointed out their intention to construct a private haul road from Highway 41 to the site. This road will be approximately a half mile and straight out to the highway. Johansen answered questions about dust control and stated that, in most instances, Calcium Chloride will be used. He went on to explain that United States Fish and Wildlife have identified protected wetlands to be avoided and vegetative grass areas have been established between the site and the protected wetlands. Discussion followed.

Ann Mittleider spoke on behalf of her family expressing concerns against this gravel pit and its operation. She stated the noise and dust issues of having this site ¼ mile from their home and the adverse effect on her family, is their biggest concern. She went on to discuss the already excessive truck traffic with the current gravel pits already in operation. Discussion followed.

Moved by Simon, seconded by Matthews, to recommend approval to the Board of County Commissioners the application submitted by Strata Corporation, Grand Forks, North Dakota, on behalf of landowners Gerald and Charlene Lelm, requesting approval of a Conditional Use Permit involving land located in the S½NE¼ less Outlots A & B and the N½SW¼ of Section 14, Township 145 North, Range 79 West, containing 79 Acres. Roll Call Vote: Aye: Simon, Matthews, Cottingham, Saari, and Hultberg. Nay: None. Absent and not voting: Flinn and Adams. Motion carried.

There being no further business, the chairperson declared the meeting adjourned at 2:36 p.m.

Richard Hultberg, Chairperson

Diane L. Blumhagen, Deputy Auditor