

## Planning & Zoning Commission Proceedings

Monday, November 21, 2022

Chairperson Richard Hultberg opened the meeting at 1:30 p.m. Present were Commissioners Hultberg, Don Simon, Don Flinn, Darwin Saari, John Matthews, and County Commissioner Steve Cottingham. Also present were Land Use Administrator Todd Schreiner; Property Assessor Elizabeth Patterson; Deputy Auditor Diane L. Blumhagen; Lieutenant Ricky Richard; Al Christianson; Jessica Bell; Alan Wagner; Wesley Neumiller; Parker Scott; Bo Palczewski; Stacy Tschider; Apex Clean Energy representatives Sean Stocker, Drew Christenson, Tameem Jahan, Anna Hays, and Scott Jansen; Jason Naas; Bruce Bergquist; Jeremiah Hruby; Rhett Benning; Michael Houser; Marlin Hruby; Rachel Retterath of Great River Energy; Kevin Patrick; Brett Patrick; Arden Wagner; Brent Basaraba; Josh Basaraba; Beverly Bergquist; and Chris Cleveland.

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

Schreiner stated that the following two items were removed from the agenda based on supply chain issues and weather:

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 NW¼ of Section 24, 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 May 24, 2022; and,

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 NE¼ of Section 35, Township 143 North, Range 81 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 May 24, 2022.

Patterson presented an application submitted by Michael Houser, of Coleharbor, ND, requesting approval of a Conditional Use Permit involving land located in the NW¼ of Section 1, Snow Township, more specifically identified as Outlot C containing 6 acres. The above-named applicant seeks approval of a Conditional Use Permit to construct a non-farm structure on agricultural land.

Houser stated that a house was moved onto a foundation on the property while utilizing the existing approach and road. The property already has all utilities and First District Health Unit has inspected the septic system. Discussion followed.

Moved by Flinn, seconded by Simon, to recommend approval to the Board of County Commissioners the request submitted by Michael Houser, of Coleharbor, ND, requesting approval of a Conditional Use Permit involving land located in the NW¼ of Section 1, Snow Township, more specifically identified as Outlot C containing 6 acres. Roll Call Vote: Aye: Simon, Flinn, Cottingham, Saari, Matthews, and Hultberg. Nay: None. Motion carried.

Patterson presented a request for a variance submitted by Jason D. and Amy J. Naas, whose post office address is Bismarck, ND, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located on Lot 44, Snake Creek Cottage Site, Malcolm Township. The above-named applicants seek a variance to allow the construction of a structure closer than the required 15 feet from the side lot line, 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 May 24, 2022.

Naas stated that he will be removing the two existing sheds on the property and building a garage in the same space. Patterson stated that approval has been received from the neighboring lot owners and a letter has been sent to Malcolm Township. Discussion followed.

Moved by Matthews, seconded by Simon, to recommend approval to the Board of County Commissioners the request submitted by Jason D. and Amy J. Naas, whose post office address is Bismarck, ND, requesting a variance of the setback requirements of the McLean County Zoning Ordinance involving land located on Lot 44, Snake Creek Cottage Site, Malcolm Township. Roll Call Vote: Aye: Simon, Flinn, Cottingham, Saari, Matthews, and Hultberg. Nay: None. Motion carried.

Chairperson Hultberg recessed the meeting at 1:40 p.m.

Chairperson Hultberg reconvened the meeting at 1:55 p.m.

States Attorney Ladd Erickson joined the meeting.

Patterson presented a request for zoning change submitted by Discovery Wind, LLC, whose post office address is Charlottesville, VA, involving land described as the SW portion of the SW¼ of Section 14, Township 144 North, Range 81 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 May 24, 2022.

Stocker stated that the existing road and approaches will be utilized. Hultberg requested that Stocker explain to the land owners in attendance how the meteorological towers are constructed and how the towers are monitored remotely. Stocker stated that the meteorological towers help understand the wind resource across the site.

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 SW portion of the SW¼ of Section 14, Township 144 North, Range 81 West. Discussion followed from Alan Wagner, Kevin Patrick, Marlin Hruby, and

Brent Basaraba. Erickson recommended approving the item as presented to the Planning & Zoning Commission. Roll Call Vote: Aye: Simon, Cottingham, Saari, Matthews, and Hultberg. Nay: Flinn. 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 SW portion of the SW¼ of Section 12, Township 144 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 May 24, 2022.

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 SW portion of the SW¼ of Section 12, Township 144 North, Range 80 West. Discussion followed which resulted in Erickson recommending approval of the item as presented to the Planning & Zoning Commission. Roll Call Vote: Aye: Simon, Cottingham, Saari, Matthews, and Hultberg. Nay: Flinn. Motion carried.

There being no further business, the chairperson declared the meeting adjourned at 2:22 p.m.

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Richard Hultberg, Chairperson

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Diane L. Blumhagen, Deputy Auditor