

Burleigh County Planning and Zoning Meeting Minutes

February 11, 2026

PRESENT: Vice Chairman Patrick, Commissioners Brian Bitner, Mike Connelly, Alvie Jarratt, Wayne Munson, John Risch, Jim Small, Bea Streifel, Chairman Dennis Agnew attend virtually

OTHERS: Dan Schriock, County Engineer, Casey Einrem, County Engineering, Mitch Flanagan and Marla McMonagle, County Planning Department and Members of the Public (see sign in sheet)

Vice Chairman Patrick opened the meeting and called for the roll call. There was a quorum present

Vice Chairman Agnew called for a motion to approve the January 14, 2026 minutes. Commissioner Streifel had minor corrections. The minutes were approved with corrections unanimously.

There were no public comments

CONSENT AGENDA

- 4-1 All American Subdivision
- 4-2 Apple Creek Ridge 3rd Subdivision
- 4-3 Aberle Park 5th Subdivision
- 4-4 Riverside Subdivision

All items were approved unanimously for a public hearing.

PUBLIC HEARING AGENDA

5-1 Kummer Ranch Final Subdivision

A one (1) subdivision

Approval of the final plat Give a "Do Pass Recommendation to the Board of Burleigh County Commissioners.

Mitch Flanagan - Director Explained the request for a one (1) lot subdivision containing 5 acres more or less. Apple Creek Township approved the zoning and the subdivision.

Vice Chairman Asked about the SWMP waiver.

Director Stated the waiver will be approved.

Vice Chairman Patrick opened the public hearing

No one approached with comments Vice Chairman Patrick closed the public hearing.

Commissioner Streifel Made a motion to approve the subdivision and give a "Do Pass" recommendation after the SWMP waiver has been approved.

Commissioner Connelly Seconded the motion.

MOTION	RESPONSIBLE PARTY	RESULTS
Approve the Final Plat and give a "Do Pass" recommendation once the SWMP Waiver is approved	1 st Commissioner Streifel 2 nd Commissioner Connelly	Motion Approved 9-0

5-2 Amendments to Zoning Ordinance
(continuation of January 14th meeting)

Continuation of January 14, 2026 meeting Requesting a "Do Pass" recommendation to the BCC.

Director Introduced the ordinances. Explain the breakdown of the differences between the City of Bismarck's Ordinances and Burleigh County Ordinances.

Commissioner Jarrott Asked If these ordinances were ever on the consent agenda. Director Flanagan stated they were not.

Director Explained the number of lots and residences the County will have jurisdiction over starting March 1. Whether the City's ordinances cover the new county residents. He stated the County has the option of adopting a new set of ordinances for this area, adopting the City's ordinances or do nothing

Commissioner Streifel Asked if they could also move the ETA lots into the County Ordinances and grandfather in the non-compliant lots to our ordinances

Director To grandfather these lots we would have 4,500 lots we would have to keep track of.

Commissioner Streifel When we split from the City in 2014 how was that handled? How was the zoning established.

Commissioner Bitner The ETA has always been under the City's Jurisdiction, so they were never under the County. Our ordinances are very similar to the city's ordinances. The ETA has always been under the City, these 4500 lots could have 6 or so different types of residential ordinances. Grandfathering in lot is a moot point because every seems happy with the ordinances.

Commissioner Agnew Do we need to have something in place before March 1st. ?

Director It would be impossible now because of the time restraints

We could have them follow the city ordinances until we have something to go by. Adopt them for the ETA only until we get something new.

Commissioner Bitner I would like to keep things simple

Vice Chairman Patrick Are you considering eliminating the city's additional zoning?

Commissioner Bitner They have several different types of residential zoning. We don't need all those different categories of zoning. We don't need all these ordinances because we have similar ordinances. If you look at our ordinances, we have 3 residential districts while the city has at least 6. We don't need all them.

Vice Chairman Patrick opened the public hearing:

Robert Fields He doesn't think it is right to regulate people when they want to build if they are not disturbing their neighbors. What are good zoning ordinances?

Commissioner Risch We have zoning ordinances to protect your neighbors from what you do on your property - hazardous materials, drainage, combustible things

Robert Fields If you change zoning ordinances, they need to apply to all the county.

Travis Jansen We do not want to follow the city ordinances. We are tired of all these new ordinances. We will just go ahead and build.

Commissioner Bitner This board is trying to make it easier for those in the ETA

Travis Jansen We need more clarification and transparency.

Commissioner Connelly We as a board cannot discuss these matters in private. This is where things are discussed.

Tami Unterseher I have years of experience building my personal homes and there is so much over regulation. And everyone needs to be treated the same.

Commissioner Bitner You were in the ETA when you built. What did the county have to do with your build.

Tami Unterseher It was the County Highway Department who caused concerns

Casey Einrem When they built, they were building across a non-access line, and their driveway went across several lot lines and there were several no access lines.

- Commissioner Bitner I don't understand your concern with the highway department. We tell county staff to be as helpful as possible
- Commissioner Agnew Would you like the commission to adopt the county ordinances?
- Jan Wangler Would like less ordinances. The government oversight is too much. It should not take 9 months to get permission to build I am glad my property was removed from the city ETA. We should be allowed to continue with what we are already doing. Is there a need for additional regulations. We don't want different ordinances because we were former ETA.
- Commissioner Bitner The county is not planning to add additional restrictions. But in some case the County ordinances are tighter than the City ETA
- Commissioner Connelly 95% of the properties outside of the city limits will be under county jurisdiction. 5% stayed under the city's.
- Director
Commissioner Bitner Where Ms. Wangler lives is under Apple Creeks Jurisdiction. Areas from the ETA are transferred to the county jurisdiction, not the townships.
- Wayne Martinson Is my property still in the ETA or did it revert to Burnt Creek township.
- Commissioner Connelly Asked Mr. Martinson needs to talk with the city's planning department and get in contact with him.
- Commissioner Bitner We need to look into this and work with the city on this. His land is in the ETA still.
- Commissioner Munson Mr. Martinson is one of the items in the ETA discussion.
- Lisa Appelt There is a lot of confusion regarding whose land is under the ETA and who is going to be in the County. We do not want to be in the ETA.
- Commissioner Bitner We are trying to make things easier. No permit will take 9 months. The directive for this department is move things along. The quicker the better.
- Director Lisa Appelt's property is not in the transfer area of the ETA.
- Tyson Austin Is concerned that the rules he follows now with the city which allows him to have his work trucks on his property will end now that he is in the ETA.

- Director He would be out of compliance with the county ordinances. We don't allow this type of business.
- Commissioner Connelly We worked with the citizens on this home occupancy ordinance. The city is less stringent on this type of home occupation.
- Tyson Austin I would not like to have less rights now I am in the ETA
- Commissioner Bitner Do you want us to adopt the city ordinances?
The property I bought we were allowed to run my business off this property. Why should I now be told I can't run my business because I have moved into the ETA.
- Tyson Austin There are at least 5 small businesses in my area. We are all against changing the ordinances so we can't run our business. Would like to see less ordinances, but what we have heard, we will have more ordinances.
- Mike Knodel I bought 10 acres. I asked the County about the property, and it was a business on the site. The County said "No, but you need to contact the city for the building permit." I don't want to see me lose my business because the County is going to implement the new ordinances. Me and other businesses don't want to lose the ability to keep our business. He feels we are going backwards with the ordinance changes presented.
- Robert Field The ordinance against home industries. He doesn't believe in an ordinance limiting the home industries ordinances. He would like to see the ordinances be redone.

Vice Chairman closed the public hearing

- Commissioner Agnew The people who move from the ETA to the County would like to get rid of the new suggested changes. Put the ETA people into the county ordinances and work on changes. Suggests we drop the city ordinances.
- Vice Chairman Are you asking us to deny the changes?
- Commissioner Agnew Yes, the city regulations we are trying to add, I would not agree to them.
- Commissioner Connelly The city ordinances are aligning with the county ordinances. Home occupation special use is still available. Can those under home occupation people be grandfathered into the ordinances.
- Commissioner Streifel Would like to see the home occupation properties be grandfathered in so they are protected.

- Commissioner Risch Mitch stated it would be too hard to grandfather these lots in.
- Commissioner Bitner Would like to see these amendments scraped and adopt the county ordinances for the ETA. Then address the issue in the future. He could see changing the county ordinances later. The county is not going to stop any home occupancy that is already established.
- Commissioner Munson If you grandfather everybody that would be hard, but if we take this one at a time and grandfather those that are under the home occupation. Would like to see the county maybe adopt the city's ordinances for home occupation later.
- Director I have put together a chart showing the city's ordinances, They are almost the same as ours, with the exception of the R10 which we don't have.
- Commissioner Bitner We don't want to encourage those R10 and R15 into the ordinances. We are never going to allow that in the county. We don't have the infostructure for this.
- Commissioner Connelly The Accessory Dwelling in the city ordinances were more stringent until we adopted an similar ordinance as the county.
- Director We don't have the definitions the city does. We don't have a child care, chickens or even foster care homes.
- Commissioner Bitner I think we need to look into this more and focus on the items the people expressed tonight.
- Commissioner Agnew There are HOA's in the county which are more stringent than the county.
- Commissioner Streifel If we leave these alone, they can come in front of the Planning and Zoning Commission to settle issues that aren't covered in the ordinances.
- Vice Chairman I am worried about the timeline to get a special use.
- Commissioner Agnew Would like to make a motion to deny the changes.
- Director We do not have any changes tonight.
- Commissioner Streifel But the changes were submitted at a public hearing in January, and the public hearing was continued until tonight.
- Commissioner Agnew Do we even know what we are deciding on tonight.

- Commissioner Streifel Yes, because this is a public hearing.
- Commissioner Bitner If we want to add to the motion, we can add those to the motion.
- Director The city has a major and a minor home occupancy. I can bring allowances to the next meeting.
- Commissioner Bitner I will not include chickens and changes tonight.
- Director We do not have in our ordinance to allow childcare or foster care.
- Staff You can deny the changes that are on the table and then the Planning and Zoning Commission can direct staff to work on changes.

MOTION	RESPONSIBLE PARTY	RESULTS
Deny the ordinance amendments presented on January 14 th	1 st Commissioner Agnew 2 nd Commissioner Streifel	Approved 9 - 0

Commissioner Bitner Now we need to direct staff to looking into those items we discussed. Staff is directed to look into the 3 – 4 issues we discussed tonight.

Staff At the next meeting those changes will be on the consent agenda.

There were no other items on the agenda, the meeting was closed.

Meeting was closed at 7:15pm.



 Dennis Agnew
 Chairman



 Marla McMonagle
 Staff

Burleigh County Planning and Zoning Meeting Minutes

January 14, 2026

PRESENT: Chairman Agnew, Commissioners Mike Connelly, Alvie Jarratt, Dale Patrick, John Risch, Bea Streifel, Jim Small and Brian Bitner. Commissioner Munson was absent.

OTHERS: Casey Einrem, County Engineering, Planning Director Mitch Flanagan and Members of the Public (see sign in sheet)

Planning Director Flanagan opened the meeting and called roll call. The floor was then opened for 2026 election of officers. Nominations began for the Chairman. Commissioner Bitner nominated Dale Patrick for Chair, seconded by Commissioner Connelly, Commissioner Patrick declined the nomination stating he wanted to remain as Vice-Chair. Commissioner Jarratt nominated Commissioner Agnew, seconded by Commissioner Streifel. Roll call was taken- all in favor, the meeting was turned over to Chairman Agnew, who opened the nominations for Vice-Chair, Commissioner Jarret nominated Commissioner Patrick for Vice-Chair, seconded by Commissioner Risch Chair Agnew requested the ballot which was unanimous.

There was a quorum present

Chairman Agnew called for a motion to approve the December 10, 2025, minutes. The minutes were approved unanimously.

Public comments were then made by Mr. Robert Fields regarding the proposed ordinances.

CONSENT AGENDA		
1. Kummer Ranch Subdivision was discussed and recommended for Public Hearing, Motioned to schedule the Public Hearing by Commissioner Bitner, seconded by Commission Connelly. Vote was unanimous.		
PUBLIC HEARING AGENDA		
ITEM 7.1 Amendment 21 – FP Floodplain District (First Hearing)	Staff recommendation: Approval	Approval of Article 21 Give a “Do Pass Recommendation to the Board of Burleigh County Commissioners.
Mitch Flanagan - Director	Gave a summary of the proposed changes to the Commission, stating that this was a directive from ND DWR to add the introduction to Article 21.	
Chairman Agnew re-opened the public hearing		
Commissioner Small	Asked if someone could explain the ordinance change.	

Director	Explained that ND Legislature has delegated responsibility to local jurisdictions to adopt regulations to protect public health.	
Chairman Agnew closed the public hearing.		
Commission Streifel	Made a motion to recommend approval and send to the County Commission	
Commission Risch	Seconded the motion	
Chairman Agnew	Asked Commissioners for a Roll Call Vote.	
MOTION	MOTION	RESULTS
Approve the Ordinance and give a "Do Pass" recommendation	1 st Commissioner Streifel 2 nd Commissioner Risch	Approved 8 - 0
ITEM 7-2 Amendments:	Staff recommends review. Forward to 2 nd Public Hearing	
-Article 3 – Definitions -Article 5 – General Provisions and Guidance Article 7 – Use Groups Article 10 – Automobile Parking Article 13 – RR Residential District – Article 19 – MH – Manufactured Home		
Director Flanagan	Explained the transfer areas of the former ETA and the need for adopting urban development-standard ordinances to match what previously has been in effect.	
Commissioner Bitner	Explained the purpose of the ordinance amendments, to make sure there is no harm to citizens who built to the City standards between new Burleigh County amendments . The amendments should be limited to the ETA transfer area.	
Commissioner Risch	Mentioned the proposed changes that the City is enacting.	
Director Flanagan	City ordinances no longer affect the Former ETA areas.	
Commissioner Bitner	Discussed the differences in the lot coverage for accessory buildings and the possibility of increasing the size of accessory structures in Burleigh County.	
Commissioner Risch	Discussed bike racks	

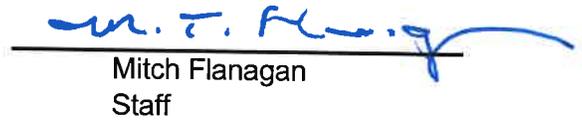
Robert Fields	Made multiple comments on how the proposed amendments should not be made because they are for the entire Burleigh County
Commissioner Bitner	The ordinance changes are not intended for what is existing and are not going to apply for anything that did not apply to before. The residents in the ETA were already under these ordinances
Commissioner Streifel	Stated there should be a group review
Commissioner Bitner	Stated the proposals were too much to consider in one meeting
Commissioner Streifel	Stated the current planning commission is not representing the people who live in the ETA
Chair Agnew	Made motion to continue the hearing to the next meeting
Commissioner Bitner	Discussed not using the proposed ordinances into the rural areas of Burleigh and should be confined the former ETA areas.
Commissioner Patrick	Suggested having a working group to review the ordinances.
Director Flanagan	Stated the transfer area of the ETA will become Burleigh County jurisdiction on March 1 st . The County does not have urban standards in the current ordinances and suggested that the amended ordinance can be adopted in order to give the County time to review and consider any new changes to be made
Chair Agnew	Stated the ETA residents would have additional ordinances from these amendments.
Director Flanagan	Suggested consider the changes to the current ordinances for the ETA transfer area only and adopting them temporarily will allow time for focus groups to consider any new changes
Chair Agnew	Suggested use of new ordinances to create new districts in the ETA for now that would not include Burleigh County's existing ord. Or reverse by including the ETA ordinances in the County.

Commissioner Bitner	Suggested that the City /County staff and Commissioners set up meetings to discuss	
MOTION	RESPONSIBLE PARTY	RESULTS
Motion was made to continue the hearing to the next meeting	1st Commissioner Bitner 2nd Commissioner Risch	Approved 8 - 0
OTHER BUSINESS		
No other items were on the agenda, and the meeting was closed.		

Meeting was adjourned at 6:47pm.



Dennis Agnew
Chairman



Mitch Flanagan
Staff